



Council of Social Service of New South Wales

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Mr John Mason
Acting Director
Homelessness Unit
Department of Housing
Locked Bag 4001
Ashfield BC NSW 1800

Dear Mr Mason

Thank you for the opportunity to comment on the February 2007 revised consultation draft of the *Assistance Protocol for Residential Park Closures* (the Protocol).

At the outset I would note that in March 2005 NCOSS made detailed comments on an earlier draft of the Protocol, dated November 2004. Many of the issues raised in our earlier submission still apply.

Importance of residential parks

Residential parks provide long term accommodation to substantial numbers of low to moderate income households in NSW. While there are observed differences between inland and coastal parks, park residents include many vulnerable people who have limited or no other housing options. The continuing trend of park closures is resulting in reduced affordable housing in key areas, with substantial adverse social and economic impacts on park residents¹. This trend is exacerbating the wider housing affordability crisis facing low to moderate income households, with over 300,000 low income households in NSW estimating to be spending more than 30% of their income on housing costs².

Given this, NCOSS supports efforts to prevent the closure or reduction in capacity of residential parks and, where this is not possible, to provide coordinated assistance to displaced residents, with a particular emphasis on those who are at risk of homelessness or have other unmet support needs. It was in response to widespread concern about these matters that the then Deputy Premier convened a round table on park closures in November 2002, which eventually resulted in the development of the draft Protocol.

Subsequently in 2004 the Office of Fair Trading conducted a review of the Residential Parks Act 1998, to which NCOSS contributed. Following this review, the Minister for Fair Trading issued a statement in September 2005 reaffirming the Government's commitment to the

¹ See for example Stubbs, Judy: *Social Impact Assessment: Proposed redevelopment of Casa Paloma Caravan Park, Leppington NSW*, Statement of evidence to the Land and Environment Court, Judith Stubbs and Associates, July 2006.

² Yates, Judith and Gabriel, Michelle: *Housing affordability in Australia*, AHURI Background report February 2006, p. viii.

sustainability and growth of residential parks and announcing the implementation of measures to increase the protections available to residents when a park is sold or redeveloped. NCOSS warmly welcomed the Minister's statement at the time and we note that the implementation of the increased protections has led to the current review of the draft Protocol.

Relationship with the broader Partnership Against Homelessness

NCOSS notes that the Protocol is one element of the State Government's broader Partnership Against Homelessness. The Protocol is overseen by the Park Closure Taskforce, which reports to the Partnership Against Homelessness Sub-committee, which in turn reports to the Housing and Human Services Senior Officers Group, which then reports to the Human Services CEOs Forum.

NCOSS believes that these reporting and decision making arrangements are unnecessarily cumbersome and generate frustration and unnecessary delays. The Department would be aware that we have proposed, in conjunction with the three SAAP peaks, that the Government should replace the Partnership Against Homelessness with an integrated ten year NSW Homelessness Strategy, which should be developed by the Premier's Department in partnership with the NGO sector. We expect the Government to give further consideration to this matter when the current performance audit of services for the homeless has been completed.

In the meantime NCOSS has agreed to co-chair the recently established Partnership Action Resource Group (PARG) which has been established to improve communication between key NGO peaks and government agencies who are members of the Partnership Against Homeless. As we mentioned at the consultation forum on 12 March, NCOSS believes that the Park Closure Taskforce should report periodically to the PARG on its work and on progress with the development and implementation of the Protocol. We believe that it would also be appropriate to involve the Parks and Village Service (PAVS) in any PARG meetings which consider issues to do with residential parks.

We stress that this proposal is simply designed to strengthen the consultative arrangements with the sector on the broader Partnership Against Homelessness, and is not designed to replace existing mechanisms for consultation between the Department and NGOs working on residential park issues.

Links with broader planning and housing strategies

NCOSS believes that the future of residential parks is not receiving adequate attention in wider Government deliberations about housing and planning issues. For example all of the regional strategies for coastal NSW developed by the Department of Planning contain general commitments on the issue of affordable housing but none contain specific targets or detail the precise means by which this is to occur. Individual councils are to be required to review their planning strategies in order to meet the dwelling and jobs targets outlined in the regional strategies. NCOSS believes that the Park Closure Taskforce, on which the Department of Planning is represented, should seek to ensure that the continuing availability of affordable housing in residential parks is explicitly addressed as part of this process. Residential parks should also be considered in the forthcoming Sub-Regional plans for metropolitan Sydney.

It is also apparent that there is currently no comprehensive database on residential parks in NSW. In part this reflects the fact that no one government agency has policy responsibility for parks, with the Departments of Housing, Planning and Commerce (Office for Fair Trading) having responsibility for specific issues. NCOSS believes that a comprehensive cross-agency database needs to be developed, recording details of all known residential parks, their capacity, and the market segments they serve. This database needs to be updated on a regular basis.

Specific provisions of the Protocol

In responding to the text of the revised draft Protocol, NCOSS wishes to concentrate on a small number of strategic issues. We do so in the understanding that PAVS, Shelter NSW and the Tenants' Union are providing more detailed submissions.

The Protocol operates in the context of the *Residential Parks Act 1998*. Under the Act residents who have a residential site agreement (that is, some 'owner renters') have different rights and responsibilities to residents who have a residential tenancy agreement (that is, 'renter renters' and 'owner renters' who do not have a site agreement). In particular it needs to be understood that the requirement to obtain development approval before issuing a notice to vacate only applies to residents who have a residential site agreement.

NCOSS believes that the current wording of the Protocol needs to be reviewed to ensure that separate legal position of these two groups is explicitly acknowledged. It would improve understanding if the Protocol included separate summaries of the rights of each group of residents and how this impacts on the processes of the Protocol. It is particularly important to note that residents without a residential site agreement need only be given 30 or 60 days notice to leave, whereas 12 months notice must be given to those with a residential site agreement. The procedures applying under the Protocol should reflect this and measures taken to ensure that prompt assistance can be given to the former group. The Protocol should also make clear that residents who have a residential site agreement are not restricted to owners of manufactured homes.

NCOSS is also concerned about the underlying assumptions regarding eligibility for assistance and the circumstance in which the Protocol is triggered. In section 1.1 reference is made to the Protocol setting out "*the principles to be applied by the Protocol partners in assisting park residents who are in need of assistance and eligible for the standard services provided by the participating agencies*". This reflects a clear tension between resident needs on the one hand and eligibility for 'standard services' on the other, given that government agencies have not been provided with additional resources to implement the Protocol.

On occasions the Protocol refers to each resident who requires assistance, while on other occasions this is qualified by reference to residents who are eligible for assistance. It will not always be immediately apparent who is and who is not eligible for certain forms of assistance. In any event NCOSS believes that the Park Closure Taskforce has a role to play in encouraging government agencies to review the detailed requirements of assistance programs where these present an unnecessary obstacle to the provision of assistance to park residents in need. As canvassed at the consultation forum on 12 March, the rules governing Rent Start are a case in point.

There is the related question of at risk residents who are found to be eligible for assistance with their housing or support needs but that assistance is not currently available (because, for example, there is no current vacancy or program place). The Protocol provides that

people in this situation may be provided with temporary accommodation or other short term assistance, while waiting for a more appropriate long term solution. It is important that the Park Closure Taskforce closely monitors the follow up of such people to ensure that they do in fact receive adequate assistance.

If you require any further information on the matters raised in this submission please do not hesitate to contact Warren Gardiner, Senior Policy Officer, on 9211 2599 ext 112 or warren@ncoss.org.au

Yours faithfully

A handwritten signature in black ink, appearing to read 'L. Frow', is positioned to the left of a vertical red line.

Linda Frow
Acting Director