

**Murray Shire Council submission in relation to the discussion paper  
“IMPROVING THE REGULATION OF MANUFACTURED HOMES, CARAVAN  
PARKS, MANUFACTURED HOME ESTATES & CAMPING GROUNDS”**

Dated 14 December 2015

**1.0 Introduction:**

Council is in agreeance that the current framework / legislation that govern caravan parks, camping grounds and manufactured home estates is complicated and difficult to interpret. The legislation requires comprehensive reform.

**Part B:**

**Q1: Do you agree with proposed changes to the definition.**

*Residential Park* – A place that primarily provides accommodation for permanent residents on which moveable dwellings are installed, manufactured homes are installed and which may or may not include communal facilities and administration buildings.

Comment: A Residential Park (i.e. Manufactured home estate) would maintain a better character if moveable dwellings are excluded from being installed within these parks. Moveable dwellings (e.g. caravan) are better suited for permanent residents (long term sites) located in tourist parks.

**Q2: Should a threshold for permanent residents be set for Residential Parks?  
If so, do you agree with a 75% threshold?**

Comment: A threshold of 75% is reasonable (provides more flexibility) however, it is likely to be difficult to monitor / enforce.

**Q3: Would a zoning approach be appropriate for Residential and Tourist Parks?**

Comment: Zoning approach is considered appropriate.



**Q4: Should the permissibility of residential or Tourist Parks be mandated in certain zones (Option 1) or should a council determine this based on their local strategic planning (Option 2)? If Option 1, what zones are appropriate?**

Comment: Council would prefer option 2.

**Q5: Would these proposed changes make the permissibility of manufactured homes clearer and contribute to a simpler approvals process?**

Comment: Council agrees with including manufactured homes in the definition of a building. This will solve a number of issues including the current inability to approve a manufactured home as a dwelling house on land other than in a caravan park, camping ground or MHE. The exempt provision under the Codes SEPP would need to be amended to include installation of MH in residential parks without approval (to match current LG Regulation provisions). A CDC or DA and CC could be required for MH more than one storey or on flood prone land. Having one approval system would make it a simpler process but only if the legislation is framed correctly. For example, CDC under the Codes SEPP can be extremely difficult to understand and interpret. If a MH can be approved as a CDC, the legislation will need to be robust enough to cover current provisions but not so complicated that private certifiers will get it wrong.

**Q6: How long should caravans, campervans or tents be permitted to be used on land outside of parks and camping grounds without the need for council approval?**

Comment: Duration of a long weekend (i.e. 96 hours). This area has traditionally been a compliance enforcement issue for Council.

**Q7: How should the new framework facilitate the use of self-contained caravans and campervans?**

Comment: No comment.

**Q8: What provisions from SEPP 21 or SEPP 36 should be retained under the new framework?**

Comment: For SEPP 21, provision for subdivision for lease should be rolled over as well as a re-worded “matters for consideration”. For SEPP 36 provision for subdivision should be rolled over as well as a reworks “matters for consideration”.



Provision of Schedule 2 should be also incorporated (i.e. new residential parks should not be approved on flood prone land)

**Q9: Are there additional controls that should be included in the new framework to facilitate the development of new Tourist Parks or Residential Parks?**

Comment: None identified.

**Q10: Should new caravan parks, camping grounds and manufactured home estates be subject to a one-off development consent rather than the existing approval to operate provisions?**

Comment: Council supports moving to one-off development consent and abolishing approval to operate. However, there needs to be a framework to ensuring compliance of these facilities on an on-going basis especially to cater for exempt and complying development installations within these parks. Key issues are around fire separation and essential fire safety measures (e.g. hydrants, hose reels). Council should not have to wear a cost burden for auditing parks and there should be provisions for cost recovery.

**Q11: What other matters should be considered in camping grounds and primitive camping grounds approvals? Should 'primitive camping grounds' be defined?**

Comment: All four types of parks should be defined as separate land uses in S.I.– primitive camping ground, camping ground, tourist park and residential park. Currently a development application for a primitive camping ground can only be approved under a camping ground land use. Separately defining primitive camping ground and camping ground will give flexibility in the SI for better defining the appropriate permissible locations of these two types of camping grounds within a government area.

Under the current framework:

Standard instrument defines:

***camping ground*** means an area of land that has access to communal amenities and on which campervans or tents, annexes or other similar portable and lightweight temporary shelters are, or are to be, installed, erected or placed for short term use, but does not include a caravan park.



**caravan park** means land (including a camping ground) on which caravans (or caravans and other moveable dwellings) are, or are to be, installed or placed.

The Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 defines:

**camp site** means an area of land within a camping ground on which a campervan or tent may be installed or, in the case of a primitive camping ground, on which a campervan, tent or caravan may be installed, and that is designated as a camp site by the approval for the camping ground.

Thus, as a camping ground currently falls within the definition of a caravan park, it can be argued that a camping ground can be approved to allow caravans. This blurs the difference between a camping ground and a caravan park. The difference between a camping ground and caravan park is further blurred by the fact that the Regulation deal with these in the one section (i.e. controls / operation of camping grounds are in the same part as a caravan park).

**Q12: Do you agree existing parks should no longer be required to obtain 'approval to operate'? Should regular council inspections be required for these parks?**

Comment: Council agrees with the abolishing of approval to operate. All parks should be inspected a minimum of once every 5 years by Council. A fee needs to be in place to recover costs associated with the inspection.

**Q13: What controls should existing parks be exempt from when being considered under the new framework?**

Comment: Nil.

**Q14: Is it appropriate that existing parks are considered under the new framework when lodging a development application for expansion or reconfiguring?**

Comment: Expansion or reconfiguring existing parks should be via a development application.



**Q15: What are your views on the proposed approach for exempt and complying development?**

Comment: Generally support proposed approach for exempt and CDC as long as the development standards are easy to interpret. However, Council does not support the switching between long term and short term sites as exempt development as many of our parks are located on flood prone land and bushfire prone land. Increasing the number of long term residents in a flood prone tourist park will add additional burden on emergency services during a flood event (displacement of permanent residents). Any installation of manufactured homes on flood control lots as CDC must require flood certification and be restricted to low hazard risk.

If the installation of a manufactured home on a flood control lot becomes development under a CDC, there will be issue such as how will the CDC be finalised i.e. occupation certificate. The certifier will need to rely on compliance certificates (who will issue these – e.g. for the frame and waterproofing of the manufactured home) and the critical stage inspections will need to be appropriate.

**Q16: Should anything else be categorised as exempt, complying or development assessment?**

Comment: None identified.

**Q17: Do you agree with the controls proposed for inclusion within a Guideline (as outlined in Appendix B)?**

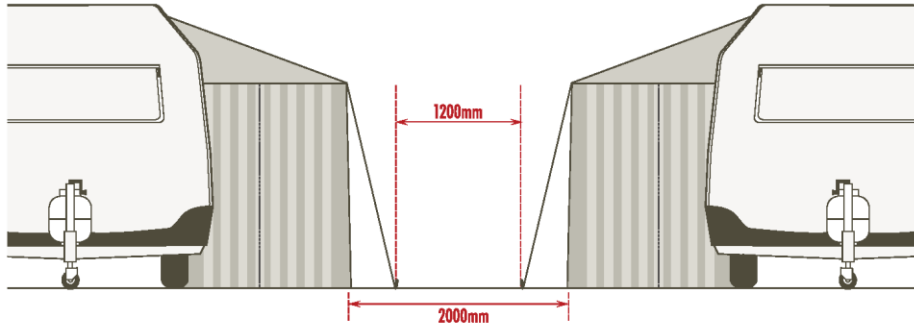
Comment: Yes, however this is a good opportunity to produce a workable and user-friendly set of guidelines which address current deficiencies. In Victoria “Caravan Park Fire Safety” May 2012 by CFA / MFB is a guideline that provided clarity on caravan park requirements.

<http://www.cfa.vic.gov.au/plan-prepare/caravan-park-fire-safety/>

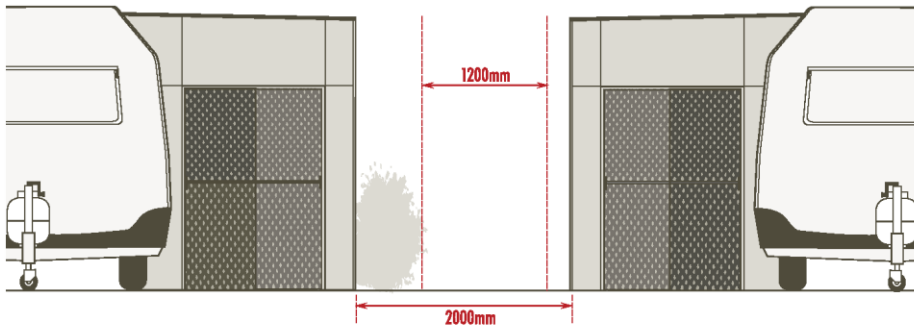
For example, the guidelines provide visual interpretation of compliance requirements such as:



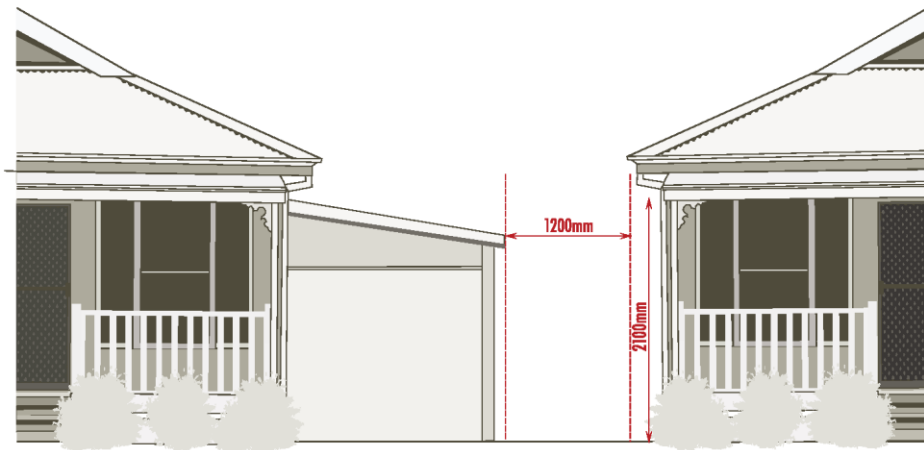
## Prescriptive Provisions



*Figure 8 – Caravan anexe to caravan anexe fire separation*



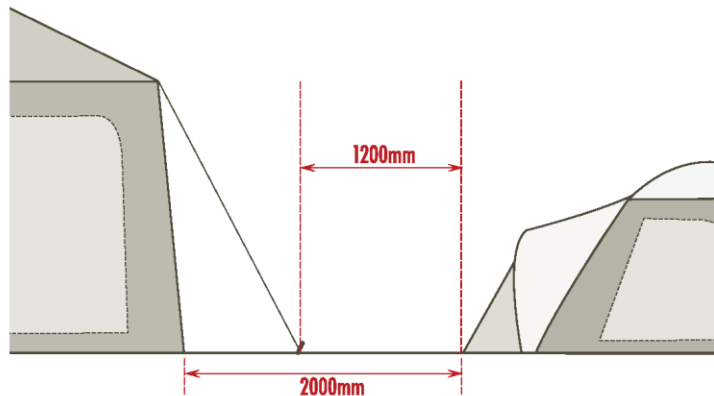
*Figure 9 – Solid fly to solid fly fire separation*



*Figure 10 – Movable dwelling to carport movable dwelling fire separation*

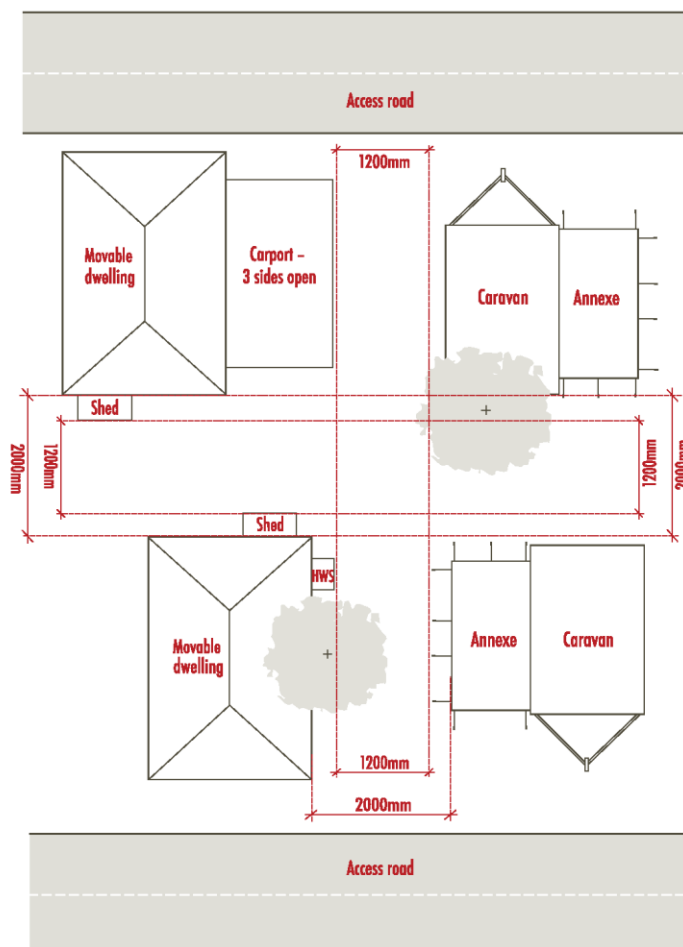


# Prescriptive Provisions



**Figure 11 – Tent to tent fire separation**

**Note:** To meet Prescriptive Provisions, these access and separation distances are required between tent *sites*, not necessarily between individual tents.



**Figure 12 – Plan view of required firefighter access and fire separation distances**



The guideline also provides flexibility and clarity on the fire fighting provision for parks without reticulated water e.g.:

## Prescriptive Provisions

### PP4 Fire authority equipment

If a reticulated fire hydrant system is not provided, a static water supply must be provided to the caravan park:

- a. with a maintained minimum water supply of 45,000 litres exclusively for firefighting use; and
- b. meet the water performance, pipe size, tank construction and fitting requirements of AS 2419.1 as if it was being installed to protect a building, to the satisfaction of Victorian Fire Services; and
- c. located so that every *site* and *structure* is within reach of 60 metres of hose laid from the tank or 120 metres of hose laid from a hydrant on a reticulated system connected to the tank, avoiding all permanent obstructions and anticipated vehicular obstructions; and
- d. with tanks located within 4 metres of hardstand to allow fire vehicles to connect to the static water supply to the satisfaction of fire services.

*(Note: Larger caravan parks may be required to provide multiple static water supply tanks to achieve coverage (refer Figures 22 and 23).*

Not that for caravan parks, clause 128 Fire hydrants

- (1) No part of a dwelling site, camp site or community building within a caravan park or camping ground may be situated more than 90 metres from a fire hydrant.
- (2) Any fire hydrant located within a caravan park or camping ground must:
  - (a) be a double-headed pillar-type fire hydrant, and
  - (b) **be maintained to the standard specified in the approval for the caravan park or camping ground.**

This leaves it up to Council as to whether to enforce full or part compliance with AS 2419.1-2005.

**Q18: Are there any specific controls where a performance-based approach would be better suited than the current prescriptive approach?**

Comment: None identified.

**Q19: Is it appropriate to remove concurrence provisions and manage variations as part of the development application process?**

Comment: Council supports removal of concurrence provisions with a move towards managing variations as a part of a DA process.



**Q20: Do you agree with the proposed approach reducing duplication and providing greater clarity in definitions?**

Comment: There needs to be reform on definitions. Definitions are scattered throughout different legislation and need to be consolidated. Amendments to the proposed definitions are:

Definition of camping ground – do not just retain definition as the current definition refers to caravan parks. Reword to include tourist park.

<b>Standard Instrument LEP</b>	<b>Camping ground</b> means an area of land that has access to communal amenities and on which campervans or tents, annexes or other similar portable and lightweight temporary shelters are, or are to be, installed, erected or placed for short term use, but does not include a <u>caravan park</u>	<b>Retain definition</b>

The proposed new definition of a camp site includes caravans. Thus a camping ground which consists of camp sites will allow caravans. Need to establish clear differences between camping grounds (on which caravans maybe be installed) and tourist parks.

Current:

**Camp site means** an area of land within a camping ground on which a campervan or tent may be installed or, in the case of a primitive camping ground, on which a campervan, tent or caravan may be installed, and that is designated as a camp site by the approval for the camping ground.

Proposed:

**Camp site means** an area of land within a camping ground on which campervans, caravans, tents, annexes or other similar portable and lightweight temporary shelters are, or are to be, installed, erected or placed, and that is designated as a camp site by the approval for the camping ground

The proposed definitions under the frameworks do not include the definition of an associated structure.

Under the Local Government Act 1993:

*associated structure* means:

- (a) a carport, garage, shed, pergola, verandah or other structure designed to enhance the amenity of a moveable dwelling and attached to or integrated with, or located on the same site as, the dwelling concerned, or



(b) a separating wall between 2 moveable dwellings.

This has been a concern for Council as the Regulations require under clause 91 for moveable dwellings to be 2.5m from another moveable dwelling. A moveable dwelling is a manufactured home. The definition of a manufactured home includes associated structures. Thus all associated structures must be 2.5m from an manufactured home. This conflicts with the carport concession under clause 141.

Suggest that the guidelines mimic the Victorian approach to dealing with associated structure.

Definition of tents and glamping structures need to be inserted to ensure there are appropriate controls in place.

**Q21: Should sites be maintained for tourist uses in a Residential Park and vice versa?**

Comment: Council supports sites for tourist uses in a residential park but not vice versa especially if the tourist park is a flood control lot.

**Q22: If so, should a threshold be set to provide for a mix of uses?**

Comment: Yes.

**Q23: If so, what should the threshold be or should this be set by individual councils?**

Comment: Set by individual Councils under SI clause 5.4.



**Q24: What controls should be in place to manage short-term housing for seasonal or itinerant workers?**

Comment: No comment.

**Q25: Within camping grounds and caravan parks, should long term structures, including glamping, be required to meet different controls to shorter-term structures like tents?**

Comment: In short yes. Some glamping setups can be effectively manufactured homes with canvas walls. Definitions need to be inserted to deal with tents verses glamping structures.

**Q26: How can the new planning framework provide opportunities for emerging forms of development that vary from traditional housing?**

Comment: No comment.

**Q27: Are there any provisions of the BCA that are not appropriate for manufactured homes?**

Comment: One of the biggest challenges for Council under the current framework is that we can approve (via a section 68 approval) manufactured homes of more than one storey (clause 74). However there are no controls on stairs, balustrades, landings, etc. There are some areas of the BCA that will not be appropriate such as:

- a. 3.1.2.3
- b. 3.2 (footings and slabs) – engineer designed (no generic controls)
- c. 3.7.1 fire separation – guide should cove this except for 3.7.1.8,

Issue will be who will certify the construction of a manufactured home especially if constructed in a different state.

Suggest that manufactured homes, etc. are given a separate BCA classification and that the BCA or the guide stipulate what parts of the BCA relate to manufactured homes, etc.



**Q28: Should the process for design certification by a structural engineer continue? Should there be any other requirements?**

Comment: Provisions for a structural engineer should continue.

**Q29: Should manufactured homes be subject to any mandatory inspections during installation?**

Comment: Yes – require footings, slab, frame (ie if more than one storey), final.

**Q30: What fire safety controls should residential and Tourist Parks be required to meet?**

Comment: Should meet the basic current frameworks of separation distances, fire hydrants, hose reels, etc. The guideline should benchmark what other states have done e.g. Victorian Guideline “Caravan Park Fire Safety”. The guideline should specify what standard to be met e.g. AS 2419.1-2005 for hydrants but also give a guide for parks without reticulated water.

**Q31: Would requiring residential and Tourist Parks submit an Annual Fire Safety Statement (AFSS) be an effective way to check essential fire safety measures have been met?**

Comment: All current parks should be required to meet new provisions within 3 years of the commencement. Thus an existing park without hydrants will be required to install provisions to meet the new guideline.

This can then be monitored via an annual fire safety statement. Suggest that an additional requirement be in place for the parks requiring an essential services plan to be submitted with the AFSS.

**Q32: What controls should apply to tourist and Residential Parks located on flood prone or bush fire prone land?**

Comment: Continue with no Residential Parks (i.e. manufactured home estates) to be approved on flood liable land (schedule 2 of SEPP36)



**Q33: What would be the most effective and efficient enforcement approach?**

Comment: Current enforcement provisions poor. Need the ability to issue penalty infringement notices and orders to address compliance issues. The penalty infringement notices need to be of a size to help deter offences.

**Other issues to consider:**

- a. Triggers for long service levy payments
- b. Will the definition of residential building work be changed? Schedule 1(2) of Home Building Act 1989 currently excludes manufactured homes from the definition of residential building work thus no current requirement for licenced builders or owner-builder permit for the installation of manufactured homes.