

27 June 2019

Caravan Park Sunset Review Team
Building Division
Department of Environment, Land, Water and Planning

By email: building.policy@delwp.vic.gov.au

Dear Sir/Madam

Caravan Park and Movable Dwellings Sunset Review

The Municipal Association of Victoria (MAV) is pleased to have the opportunity to respond to the consultation paper on Caravan Parks and Movable Dwellings. The MAV is the statutory peak body for local government in Victoria.

Councils have a strong interest in the detail of these regulations, in both their capacity as a regulator registering caravan parks, the economic development and local tourism opportunities which movable dwellings and caravan parks offer to visitors, and as a community advocate with an interest in there being a range of affordable housing options which also meet appropriate levels of public health, amenity and safety for members of their community.

As the MAV has not had the opportunity to consult with councils in detail due to the limited time available, this submission seeks to alert DELWP to a number of overarching state-wide issues we are aware are of concern to local government. These include public health, building and emergency management issues, and are set out below.

Development of more risk-based regulatory mechanisms

We recognise that introducing a hierarchy of categories for caravan parks and movable dwelling provides a sensible way for regulation to better align to the risks posed by different accommodation models. The categories suggested in the consultation paper provide a good starting point for discussion around a more nuanced approach than what is available through the one-size-fits-all framework currently in place.

Due to the increased trend for movable dwellings to becoming a favoured option for long-term residential use, it will be important for the regulations to more clearly distinguish between short-term accommodation, and what are becoming de-facto permanent residential villages. In this regard, we note that if one defined park type is residential, consideration should be given to whether additional amenity should be expected at such a park, compared to a tourist park. This would need to be balanced against affordability requirements, of course. Retirement parks may also warrant special consideration as a subset of residential parks.

An increase in camping outside of traditional caravan parks is also being noted by councils, which is bringing with it issues around disposal of wastewater by increasing numbers of campers. This is increasingly posing new risks for pollution of land and waterways where wastewater disposal is undertaken opportunistically where the camper has stopped (which could be in a variety of locations, either on public or private land) rather than through disposal facilities which are maintained specifically to deal with this sort of waste.

The introduction of new categories of regulation will generate transition costs for implementation which will impact small rural councils in particular. For example, councils will need to commission changes from their IT providers for their database systems. They will also need to undertake communication and engagement activities with local providers which will involve staff time.

Assistance from DELWP to assist councils with transition and implementation of new changes would be appreciated and welcomed.

Registration

The MAV does not support perpetual registration of caravan parks, and queries what public benefit this would generate if it leads to less awareness and potentially less compliance with regulatory requirements over time. For councils, this proposal would bring with it a risk of liability because they would remain the registering agency, but the requirement for proprietors to regularly demonstrate continuing compliance would be removed. This change would also result in the councils having no capacity for cost-recovery for activities they would still need to undertake in future years after the initial registration.

Regular renewals of registration enable councils and proprietors to maintain an ongoing relationship, which strengthens understanding and knowledge of the regulations. It also enables councils to check there have been no changes of use from the original registration. Requiring action by the park owner to renew registration at regular intervals also provides them with a prompt to check their ongoing compliance and awareness of their regulatory obligations.

In the event registration is not completed by the required date, a conditional/temporary registration at the discretion of councils is more appropriate than automatic temporary registration. This would maintain an incentive for park owners to promptly address registration requirements, while allowing for an appropriate response if compliance within the required timeframe were genuinely not possible. Conditional registration may also provide a strong enforcement tool for ensuring that schedules of works are implemented.

We support the provision of guidance material for proprietors to understand their regulatory obligations.

In respect of registration fees, it will be important that these are set at a level that reflects full cost recovery for an appropriate level of enforcement action, rather than just the administering of an initial permit lodgement. Building in increases to accommodate CPI and labour costs will also need to be factored in.

Tiny Houses and Movable Dwellings

We understand from councils that the current regulations can at times provide an opportunity for some practitioners to deliberately avoid requirements that would otherwise apply to the construction and occupation of a dwelling. In many cases a movable dwelling (MD), whether a Registered Movable Dwelling (RMD) or an Unregistrable Movable Dwelling (UMD) is a primary residence. Despite this, they can be constructed, installed, and self-certified without registration or qualifications.

We consider there is a significant piece of work needed regarding the regulatory settings for UMDs and RMDs used as a primary residence in Victoria. This may require legislative change, changes to the Building Act and/or Building Regulations, and planning scheme changes, and thus would be out of scope for this current review.

As part of such a review we believe the following questions should be addressed as a starting point:

- Should MDs be required to be designed, built, and installed by an appropriately registered building practitioner?
- Should a building surveyor be required to certify the construction and/or installation of an MD (noting the already extreme pressure on the availability of building surveyors)?
- Is it useful to apply an overarching term, such as Tiny House, to apply to the performance of both UMDs and RMDs as dwellings when used as a primary residence, separate to their road performance?
- How should Tiny Houses be addressed in the planning scheme?
- Do Tiny Houses outside of registered caravan parks require tenancy protections where the Tiny House is owned by a renter rather than the landowner?
- To what extent would changes affect the viability of movable dwellings as affordable housing?

Emergency Management

We consider it important that the regulations recognise that the responsibility for the development and implementation of an effective emergency management plan (EMP) rests with the caravan park owner. The Victoria State Emergency Service Caravan Park EMP template and guidance manual is available for caravan park owners to use when developing a plan.

Emergency service agencies provide advice and councils check for compliance with the regulations in consultation with the emergency service agencies.

Councils check that EMPs have a risk assessment, preventative measures and emergency procedures in compliance with the regulations. We reiterate MAV's view and advice to councils that they are not responsible for assessing the adequacy of these components and plans. Rather, they check that the proprietor has a plan in place. We strongly request that the regulations be clear about this requirement to enable proprietors to better understand their obligations and responsibilities.

Consultation with local government

As councils will be integral to the successful implementation of any new regulatory approaches being considered, their involvement in the development of such changes will be vital to them being effective. We therefore encourage DELWP to involve councils in the design of the regulations following this consultation period. We will welcome the opportunity to provide more detailed comment on specific proposals as they are developed.

For further information, contact Emlyn Breese via ebreese@mav.asn.au

Yours sincerely



KERRY THOMPSON
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