

MURRAY RIVER COUNCIL
COUNCIL POLICY

**FLOOD
RECOVERY
MANAGEMENT
(Flood
Affected
Caravan &
Holiday
Parks)
POLICY**

(Relates to moveable dwellings, relocatable homes & their ancillary structures only)

POL-408 V#1



murray river
council

1. INTRODUCTION

This Policy demonstrates that Council has a systematic and documented approach for assisting flood affected communities to rebuild and recover effectively and without delay post flood event. This, in turn, reducing Council's exposure to liabilities associated with the maintenance and repair of buildings.

2. OBJECTIVES

The objectives of the Policy are:

- ▶ To assist flood affected caravan parks and holiday parks to repair and replace flood affected buildings without delay but ensuring the safety and integrity of the structure and the overall site remains.
- ▶ To establish reasonably practicable response times, in which to effect repairs can be made to flood affected buildings.

3. SCOPE

This Policy **APPLIES** to moveable dwellings and relocatable homes and their ancillary structures (referred to as 'structures' throughout this document) as defined in the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021 that:

- ▶ Have a current council approval (a current Approval to Operate is in place), within a caravan park or camping ground;
- ▶ Caravan parks and holiday parks that have experienced flood damage as a result of the October 2022 flood event and have been subject to a Rapid Damage Assessment by the NSW State Emergency Services (NSW SES). Evidence of such an assessment may be required by Council where this Policy is used.

This policy **DOES NOT** apply to:

- ▶ sites that do not have a current Council issued Approval To Operate in accordance with the Local Government Act 1993.
- ▶ community and commercial facilities and other buildings and structures subject to approval under the Environmental Planning & Assessment Act 1979 (outside of Caravan Parks and Holiday Parks).
- ▶ any sites and structures affected by Asbestos. Upon identifying asbestos, any works must immediately cease and notification must be made to Council and as per the requirements of SafeWork NSW.
- ▶ structures that will be unable to meet the required fire separation distances as per the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021 (NSW) as a result of repair or replacement.

4. LEGISLATION

- ▶ Environmental Planning & Assessment Act 1979 (NSW)
- ▶ Home Building Act 1989 (NSW)
- ▶ Local Government Act 1993 (NSW);
- ▶ Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021 (NSW); and
- ▶ State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (NSW);
- ▶ Building Code of Australia 2019.

5. POLICY STATEMENT

OVERVIEW

- 5.1 Murray River Council appreciates that approvals and the approval processes associated with the repair of flood damaged structures can create additional stress and delays to an already challenging situation. This Policy aims to assist individuals and communities to carry out both repairs to and replacement of structures within the scope by removing delays associated with Section 68 approvals whilst ensuring and maintaining a compliant built environment as well as providing for public safety.
- 5.2 This Policy aims to ensure that repairs to and replacements of flood affected structures as defined in the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021 are carried out in accordance with the relevant standards and safety requirements and within the requirement of the associated Approval to Operate. Structures must achieve compliance with the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021 as a result of their repairs or replacement.
- 5.3 Site owners, site managers and individuals involved in the repair and replacement of structures must ensure compliance with these requirements to ensure the safety of the occupants, site patrons and the general public who use the site. Safety is a priority, and all efforts must be made to ensure public safety practices and procedures are adhered too during construction and installation works.

EXEMPTIONS

- 5.4 All repair work and full replacements of moveable dwellings and relocatable homes and their ancillary structures (referred to as structures throughout this document), typically subject to a Section 68 approval, carried out as a result of flood damage.
- 5.5 Repairs and partial or full replacements to on-site plumbing, drainage and stormwater services associated with the repair/replacement works of existing structures.
- 5.6 Repair works to moveable dwellings and relocatable homes and their ancillary structures must **NOT** result in:
 - (1) An increase of floor area (including ancillary structures such as annex, verandas, pergolas decks or the like) to the footprint of the original structure.
 - (2) Encroaching on the fire separation requirements between neighbouring structures in accordance with the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021.
 - (3) The structure being moved or relocated from one part of the site to another or any change on the original footprint of the original approved structure.
 - (4) A change of height or configuration of the original structure and that is outside the scope of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (NSW) and would result in non-compliance with the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021 and the Approval to Operate relevant to the Park.
 - (5) Any deviation from the original approval issued for the structure unless those changes are otherwise exempt under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (NSW).
 - (6) Any other works occurring at the site that is not related to the flood affected structure.
 - (7) Construction of additional ancillary structures being added to the original building, such as verandas, pergolas and similar structures which were not part of the original footprint of the original structure.

- (8) Any non-compliance with the design provisions of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021 and the Building Code of Australia.
 - (9) Any contravention of the conditions and requirements of the existing Approval to Operate for the park or relevant development application that applies to the land.
- 5.7 The removal and replacement of a flood damaged moveable dwellings and relocatable homes and their ancillary structures must NOT result in:
- (1) A change in the original footprint or location of the original structure to be replaced. A variation of 10% of the total floor area of the footprint is allowable where separation distances are complied with in accordance with the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021.
 - (2) Additional fill being placed at the site more than 600mm below or above ground level (existing), that is within 40m from a waterbody (natural) and that will result in the redirection of the flow of any surface water or ground water or cause sediment to be transported onto an adjoining property, and other requirements as specified in the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (NSW)
 - (3) Any non-compliance with the design provisions of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021 and the Building Code of Australia.
 - (4) Any contravention of the conditions and requirements of the existing Approval to Operate for the park or relevant development application that applies to the land.
 - (5) Any other works occurring at the site that is not related to the flood affected structure.
- 5.8 Any works proposed outside the scope of this policy are required to have Section 68 Approval prior to the commencement of those works.
- 5.9 All of moveable dwellings and relocatable homes and their ancillary structures (referred to as structures throughout this document) must be adequately connected to essential services prior to occupation and use.

RELATIONSHIP OF THIS POLICY WITH APPROVALS TO OPERATE ISSUED BY COUNCIL AND THE LOCAL GOVERNMENT ACT 1993 (NSW)

- 5.10 It is the responsibility of the site owner and park owner and/or manager to ensure that works carried out on-site in accordance with this policy do not contravene the conditions of the Approval to Operate (ATO) issued for the park site. The site owner and park manager/owner must report any contraventions to this Policy and the regulation to Council. Any contravention of the ATO or the regulation must be reported to the Council as soon as practicable.
- 5.11 The purpose of this policy is for the repair and replacement of existing structures on existing sites only. No additional sites or structures are to be created or installed as a result of using this policy. Any proposal to create new sites or install additional structures to any site must have formal approval of Council.
- 5.12 It is the responsibility of the site owner and park owner/manager to ensure that structures are fit for purpose prior to occupation and use. This includes ensuring safe and adequate connection to services, ensuring the provision of adequate and safe access into each structure and the provision of fire and smoke alarms as per the requirements of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021 and the Building Code of Australia.

PROVISIONS RELATED TO WORK CARRIED OUT AS PART OF THIS POLICY

5.13 All works must be carried out by suitably qualified tradespeople and in accordance with the requirements of Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021.

COUNCIL'S RIGHT TO CARRY OUT ENFORCEMENT AS A RESULT OF NON-COMPLIANCE WITH THIS POLICY AND THE REGULATIONS

5.14 Council's Authorised Officers may exercise its authority to proceed with any enforcement action as a result of any work which is in contravention of this Policy, the relevant Approval to Operate applicable to the site and the applicable legislation. Such enforcement may include the requirement to remove any unauthorised works and the potential for an Approval to Operate (ATO) for the affected park to be revoked.

INSURANCE AND LICENSING REQUIREMENTS

5.15 All works must be carried out by suitably qualified tradespeople as per the requirements of NSW Fair Trading and the Home Building Act 1989.

COUNCIL'S RIGHT TO CARRY OUT ENFORCEMENT AS A RESULT OF NON-COMPLIANCE WITH THIS POLICY

5.16 Council's Authorised Officers may exercise its authority to proceed with any enforcement action as a result of structures which are in contravention of this Policy and the legislation.

6. RESPONSIBILITIES

Position	Responsibility
Mayor	To lead Councillors in their understanding of, and compliance.
Chief Executive Officer (CEO)	To lead staff (either directly or through delegated authority) in their understanding of, and compliance with, this policy and related Procedures.
Directors, Managers and Supervisors	To communicate, implement and comply with this policy and related Procedures.
Council Employees	To be aware of and ensure compliance with this Policy.
Council Committees	To be aware of and adhere to this Policy.

7. EVALUATION AND REVIEW

It is the responsibility of the Manager Development Services, to monitor the adequacy of this Policy and recommend appropriate changes.

This Policy will operate until the 31 January 2025 at which time it will expire and be removed from Council's Policy Register.

8. ASSOCIATED DOCUMENTS, DEFINITIONS & ACRONYMS

Definitions:

Term	Definition
Structures	Any structure, moveable dwelling or manufactured home as defined in the <u>Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021</u>
Approval to Operate	A conditional approval issue under the <u>Local Government Act 1993</u> to the owner/manager of a park site that sets out: <ul style="list-style-type: none"> ▸ You will operate in a way that will not cause nuisance, inconvenience or annoyance to the occupiers of adjoining land or cause environmental harm ▸ all facilities will be at an acceptable standard for use by residents ▸ you have taken out public liability insurance ▸ the operation and management of the caravan park / camping ground will comply with local laws. ▸ Any other condition specific to the site
Section 68 Approval	Section 68 of the <u>Local Government Act 1993</u> specifies a range of activities where approvals are required to be obtained from the local council. These are often in addition to standard development application (DA) requirements and are known as Section 68 approvals’.

9. DOCUMENT CONTROL

Version No.	Details	Dates	CM9 Reference	Resolution No.
1	Initial Issue	28 Feb 2023 to 31 Jan 2025	VF/22/307	

Council reserves the right to review, vary or revoke this policy at any time
This Policy will expire on 31st January 2025.

NOTE:

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DISCLAIMER:

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