

Local Law Review

JULY 2020

Fred Schultz requests an opportunity to speak to council at the relevant meeting.

Phone:

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A : Submission Summary

RE: Section 13 - Camping on Private Property

Mount Alexander Shire Council has the opportunity to follow its own guiding principle to, "*Be progressive and innovative*" (Mount Alexander Shire Council, 2017:page 5) towards its stated strategic objective, "*A welcoming place for all*" and employ by following its own strategy, to "*Encourage and supporting innovative housing solutions that meet the needs of our community*" (Mount Alexander Shire Council, 2017:page 17).

However the Shire's proposed changes to the local laws Section 13 - Camping on Private Property negate its own guiding principles and stated strategic objective. (Mount Alexander Shire Council, 2017:pages 5 and 17).

The proposed changes to local laws **reduces the legal number of days** that anyone can occupy a caravan or tiny house on wheels on private property from 6 weeks down to 3 weeks and **creates 11 new, impossibly subjective criteria** (13.1.5a-k) for council to consider when granting a permit to live in a tiny house on wheels or caravan on private property for longer than 3 weeks (see C : Proposed Local Law).

This local law in all practical senses removes the possibility of a member of the Shire community from a self-funded housing option that provides independence, security and dignity in economically challenging times.

To remedy this, the Shire can permit camping on private property in caravans and tiny houses on wheels (THOW) for a renewable two year period so that any member of the community can independently fund their own housing in times of crisis. See below: "**A Suggested Alternative Local Law (Section 13 - Camping on Private Property) that is an innovative housing solutions meeting the need of the local community**".

With this suggested alternative, tiny houses on wheels (THOW) or caravans represent:

- a solution to our known housing affordability problem,
- a solution that meets the housing flexibility needs of our community,
- allows people to live within their community and on private property, *so long as the tiny house on wheels or caravan conforms to basic, achievable council needs for amenity and consideration to neighbours.*

Failing this, the Shire is forced to provide adequate and accessible low-cost housing options in the only remaining way which is to sell off council land for housing development. (Mount Alexander Shire Council, 2017:page 17). This will have to be sufficient to provide housing options to all members of our community whose housing options are negatively affected by complex and evolving crises such as:

- the long-term economic downturn and public health crisis caused by Covid-19,
- the high cost of housing,
- the housing shortages that directly impact victims of family violence and
- the risk of bushfire attack.

B : Current Local Law

7. Camping on Council land, public land and private land

- (1) No person shall camp on Council land, in a public place or on private land without a permit unless the land or place is designated as a camping area.
- (2) The requirement to obtain a permit to camp, whether in a tent, or a caravan on private land, does not apply where a tent or caravan is:
 - (a) placed on private land to be used by the owner; or
 - (b) where the owner gives his or her consent

provided the period of the use does not exceed 6 weeks in any twelve month period.

PENALTY: 5 PENALTY UNITS

- (3) The Council may grant an exemption from the requirements to obtain a permit to camp on Council land, in a public place or on private land if the applicant demonstrates to the satisfaction of the Council that special circumstances exist for doing so.

C : Proposed Local Law

13. Camping on private property

- (1) A **person** must not **camp** on the **property** for a period of more than a total of 21 days in any calendar year without a **permit**.
- (2) Unless allowed by **the Scheme** a **person** cannot accept payment from **persons camping** on the **property**.
Max penalty: 10 **Penalty Units**
- (3) Subclause (1) does not apply if the **property** is within an area licensed as a caravan park under the *Residential Tenancies Act 1997*.
- (4) A **permit** under subclause (1) shall not be granted for a period greater than six months unless special circumstances apply.
- (5) When considering an application for a **permit** under subclause (1), **Council** must consider all of the following:
 - (a) the location of the **property**;
 - (b) the method of disposing of **waste**;
 - (c) the location or proposed location of the **vehicle**, boat, tent or portable or other structure in relation to surrounding **dwellings**;
 - (d) the adequacy of the **vehicle**, boat, tent or portable or other structure for habitation;

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- (e) the adequacy of facilities for cooking, cleaning and person hygiene;
- (f) the likely impact on the amenity of the area;
- (g) the likelihood of causing a **nuisance**;
- (h) any relevant **Government Act, regulation or policy**;
- (i) **the Scheme**;
- (j) any relevant **Council policy**;
- (k) any other relevant matter.
- (6) An **owner** of **property** wishing to obtain a **permit** under subclause (1) to occupy a **caravan** upon **property** where that **person** intends to build a dwelling must satisfy the following criteria:
 - (a) have a current valid building permit for the dwelling,
 - (b) provide information on what sanitation facilities are available and how wastewater and sewerage are to be managed on the **property**.
 - (c) that all domestic refuse will be adequately disposed of;
 - (d) must in writing give appropriate details of the proposed living arrangements while the dwelling is being constructed.
- (7) A **permit** issued under subclause (6) shall not be granted for a period greater than six months but is renewable subject to **Council** being satisfied as to the progress of the construction of the dwelling.

D : On what basis have these local law changes been made?

What problem is the introduction of Section 13 trying to solve? Is there any hard data to suggest there is a problem?

The peer reviewed research from peak housing bodies in Victoria (as referenced in this submission) suggest that the proposed local laws go against not only the strategic aims of the Mount Alexander Shire but they exacerbate known existing problems of housing security and affordability in times of unprecedented economic instability.

E : Dissent

We urge the council members to dissent to the proposed changes to the local law that limit housing options for members of the Mount Alexander Shire community and to use the opportunity to make progressive change:

Generate a permitting process for the legal occupancy of caravans and tiny houses on wheels on private property for a renewable 2 year period (See J : A Suggested Alternative Local Law). This would make the Mount Alexander Shire a leader in supporting the innovative housing solutions that come from the community and meet the needs of the community.

Camping on private property is the one avenue that we have control over in our local laws to allow for our friends and family to be temporarily housed in dignity, close to family and safe. Do not take that away by approving these changes.

Create a permit system that increases housing security and dignity in our community now, when we need it more than ever.

The only other avenue for low cost housing according to the Council Plan 2017-2021 is selling council-owned land for low income housing developments which to this reader does not seem either progressive, nor innovative. Where as harnessing the power of ecologically sound tiny house developments is both progressive and innovative.

F : Mount Alexander Shire's Guiding Principles, Strategic Objectives and Strategies as outlined in Council Plan 2017- 2021:

We urge you to make compassionate responsible local laws that follow the guiding principles and strategic objectives of the Council Plan 2017-2021, as visible below:



4 Mount Alexander Shire Council Council Plan 2017-2021

Great Guiding Principles!

VISION, PRINCIPLES AND PILLARS

Our vision
**Mount Alexander:
 innovative, creative, connected.**

Our guiding principles

- Listen to our communities, respect their views and respond openly and responsibly
- Insist on integrity, equity, and fairness in delivering services and facilities
- Be progressive and innovative**
- Advocate for our shire and collaborate with others for the benefit of our region

16 Mount Alexander Shire Council Council Plan 2017-2021

Great Strategic Objective!

But selling public land to fund low income housing is neither progressive nor innovative.

OUR PEOPLE (cont.)

Strategic objective: A welcoming place for all

Strategies	What we plan to do	Measure of success
Encourage and support innovative housing solutions that meet the needs of our community.	Participate in the Australian Research Council Linkage Project – which investigates the role of Local Government in housing Australians in the 21st Century.	Implementation of recommendations from the Australian Research Council Linkage Project. Commencement of a low income housing project in the shire.
	Advocate that government sales of appropriate surplus land facilitates the development of housing for people of low income.	
	Pursue the development of a retirement village in the shire.	
	Support innovative community solutions through planning, support and advocacy.	

Whereas harnessing the power of ecologically sound tiny house development is progressive & innovative !

G : Tiny Houses on Wheels and Caravans

Tiny houses on wheels (THOW) and caravans represent an **innovative community solution** that is a self-funded independent housing option for people who have a low income or who face a housing crisis, that the Shire can **support** by creating a permit for camping on private property for a renewable two-year time frame, not the proposed 21 days or 6 months with a permit.

Tiny Houses on Wheels and Caravans:

- Are low-cost to buy new or build (between \$40,000 and \$90,000) and many families already own one;
- Are self-funded, therefore not relying on local, state or federal funding to provide low-cost housing or sell our public assets;
- Provide independent living quarters on private property, usually in the back garden of a family member or close friend;
- Allow people to live within their established community and access known community services and informal care options for those who need it;
- Provide the benefits that come from independence, self sufficiency and social connectedness, including higher mental health outcomes and a lower reliance on council-run services.

H : Extra housing challenges we face

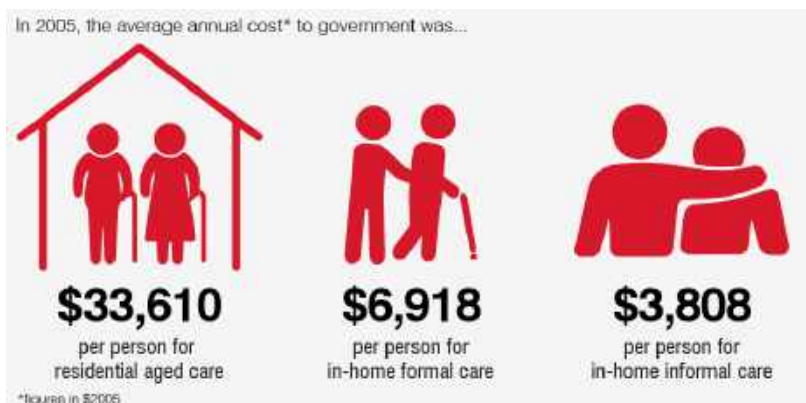
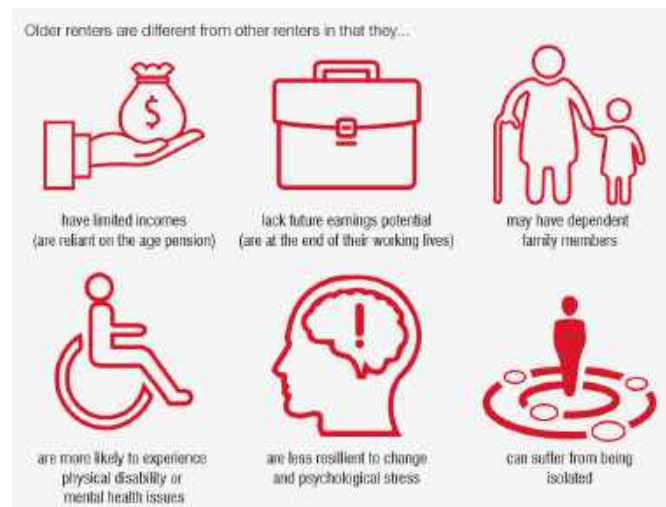
Covid-19 :

- Economic downturn leading to more people looking for work or under-employed across many industries. This increases the possibility of people losing their rental tenancy or defaulting on a mortgage and having to come up with alternative accommodation solutions while recovering financially.
- The need for increased hygiene vigilance to reduce virus spread among co-habitants. Independent living arrangements are supportive of containing outbreaks and keeping more vulnerable members of the household safe from the virus.
- Young people will be greatly affected in the next five years from loss of job opportunities leading to lower incomes and greater difficulty in accessing secure housing. The reality is that the disruption to our economy and the long terms impacts of this on younger people in Mount Alexander Shire is unknown at this point, however we can see that the pandemic is not going away, will probably have impacts that last at least five years and we therefore need to increase housing options, not decrease them.

Ageing population:

According to the Mount Alexander Shire Council Plan 2017-2022, more than 1 in 5 people in Mount Alexander Shire Council are over the age of 64, putting them in the highest risk demographic for homelessness. These members of our community need secure housing options that are affordable so that they can age in place and stay connected to informal in-home support to maintain their independence, mental health and reduce social isolation in the long term. 'Supporting older lower income tenants in the private rental sector' is an

article that speaks to these specific facts and includes these infographics (below) on the issue:



Bushfires:

We have seen how bushfires can utterly destroy properties, and in such cases residents rely on camping on their own property to rebuild and recover their lives and homes. This process takes years and is simply not possible to achieve if they are displaced and having to rent a house far away from their home property.

I : Further Evidence of Community Need for Low-Cost Housing Options

How long does it take to recover from a housing crisis?

According to the [Victorian Public Tenants Association](#), at the beginning of 2020 there were over 100,000 people on the waiting list for public housing in Victoria. That's before Covid-19 hit. And there simply is not enough public housing to provide an appropriate home for all those Victorians, so the reality is that some people will simply never access public or low cost housing, and never recover from their personal housing crisis.

The proposed local law Section 13 - Camping on Private Property changes allow for each community member to self-fund their recovery from their housing crisis by staying in their own caravan for 21 days, or six months with a permit.

That might work for people who have a spare \$400,000 to buy a house in Castlemaine. But for those who are on a low income; affected by the deep economic downturn caused by Covid-19; affected by domestic violence; for those who are on a pension; new school or university graduates; ageing or single-parenting, that 21 days will not be enough to secure conventional housing.

How long would it take you to re-build your house after a bush fire? Six months? More like 2 years... at best.

The fact is that some people are willing and able to independently fund their own affordable housing solution through the use of a tiny house on wheels or a caravan. By creating a local law that prohibits someone from providing their own form of alternative housing, the council has exacerbated a community-wide problem, not solved it.

Which begs the question - what will the council do to provide appropriate housing options for all the people who need low-cost housing in their community?

We face a question of permits here that can help our community to overcome medium-term (2 year) housing crisis by staying in-place and connected, or to have our community displaced and isolated.

Young people unable to retain home ownership:

This [Australia Housing & Urban Research Insitute \(AHURI\) article](#) shows that before Covid-19 hit, younger home owners were already selling their houses because of mortgage stress:

“Previous AHURI research found that between 2001 and 2010, Australian households sold their home 1.9 million times and then moved into rental housing (some households then re-bought a home, and some even sold that second home during the decade). This was more common for households aged under 50: ‘in fact, 23 per cent of home ownership spells in Australia among the under 50s ended, compared with 16 per cent among those 50 and over’. While 61 per cent of households who sold their home were able to buy another house at some point during the decade, nearly four in ten remained in the rental market.”

So we know that young people have already had to move from home ownership into the rental market and suffer poorer mental health and socio-economic outcomes from losing that home

ownership. It will only get worse over the next five years as the full weight of the economic downturn is felt throughout Victoria.

We now have the opportunity to change our local laws to support our friends, family and neighbours with low-cost housing security, independence and dignity for the realistic time-frame that it takes to get back into a more desirable living arrangement. While caravans and tiny houses are not a perfect solution for all and are not a solution for everyone, we should make it a legal option for those whom it does suit, and those who wish to choose it in Mount Alexander Shire.

J : A Suggested Alternative Local Law Version 2.5 (Section 13 - Camping on Private Property)

An innovative housing solution that meets the needs of the local community:

Section 13 - Camping on Private Property

- (1) A person must obtain a permit to camp or to leave or occupy a caravan or motorhome on private property where there is no dwelling when the period of use exceeds 6 weeks in any twelve month period.
- (2) A person may camp or leave or occupy a caravan or motorhome on property where there is a dwelling provided that:
 - a) adequate sanitary facilities are provided for any occupant;
 - b) wastewater, sewage and domestic refuse can be appropriately managed on the property;
 - c) the occupation does not cause a nuisance;
 - d) all weather access is available to allow the caravan or motorhome to be removed;
- (4) An owner of property wishing to obtain a permit under subclause (1) to occupy a caravan or motorhome upon property where that person intends to build a dwelling must have a current valid building permit for the proposed dwelling.
- (5) A permit under subclause (4) shall not be granted for a period not exceeding six months but is renewable subject to Council being satisfied as to the progress of the construction of the dwelling.
- (6) Any permit issued under subclause (1) or (4) must comply with subclause (2).

K : This suggested alternative would accomplish and provide for the following

- **Housing affordability** - a tiny house on wheels as camping on private property is a short term solution for towards a long term housing goal such as saving for a down payment on a mortgage for a house on foundations;
- **A Flexible Housing Option** - a tiny house on wheels as camping on private property provides a flexible housing option in the face of:
 - **Ageing in Place** - a place for aging parents to live independently in a tiny house on wheels on their children's property which has been [shown to be the lowest cost care](#) (AHURI:2018) for seniors with the highest level of social integration.
 - **A sensible expansion of low cost housing options is needed in this time of crisis.** During this emerging health crisis we should be increasing the number of low-cost housing options, not decreasing them.
 - **Covid-19 related job loss & temporarily downsizing your housing related expenses.**
 - **The necessity to self-isolate with Covid-19** (or some other future public health emergency), whilst being in close proximity to your social support, loved ones and neighbours.
 - **A landowner's need to generate an alternative revenue source.** To make provision for a landowner to make money from rental accommodation by having tiny house on wheels on their property.
 - **Teenager's human development needs.** Parents of an adolescent often want to keep their young person close, while the young person wants their independence. These adolescents are simply experiencing a natural human development need for growing independence, yet this is not supported by the current local law Section 13 - Camping on Private Property in its current (Mount Alexander Shire Council: 2010) or proposed draft form (Mount Alexander Shire Council: 2020). The suggested alternative local law (above) supports parents with a safe and flexible housing option for their adolescent that works in concert with and wisely around a natural human development need.
- **Maintain the current 6 week period for camping** in a caravan / tiny house on wheels on you own land, even when there is no dwelling on your property.
- **Allows you to self-fund your own tiny house on wheels (caravan) and live in it on your own land if there is dwelling on the property already.**
- **Assures that a high community standard for safety, amenity and not creating a nuisance are maintained.**
- **Allows you to self-fund your own tiny house on wheels and rent it out to others, because we need a way for land owners and entrepreneurs to create more low cost rental housing for people on low income.**

L : Resources

“Mount Alexander Shire Council: **Council Plan 2017-2021**”; [https://www.mountalexander.vic.gov.au/Files/Council_Plan/Council_Plan_2017 - 2021.pdf](https://www.mountalexander.vic.gov.au/Files/Council_Plan/Council_Plan_2017_-_2021.pdf), (Mount Alexander Shire Council: 2017).

“Mount Alexander Shire Council: **General Local Law 2010 (CURRENT)**”; [https://www.mountalexander.vic.gov.au/files/Local_Laws/Local_Laws_3 - Adopted 23 11 2010.pdf](https://www.mountalexander.vic.gov.au/files/Local_Laws/Local_Laws_3_-_Adopted_23_11_2010.pdf), (Mount Alexander Shire Council: 2010).

“Mount Alexander Shire Council: **General Local Law 2020 (DRAFT)**”; ” https://www.mountalexander.vic.gov.au/files/Local_Laws/Draft_General_Local_Law_2020.pdf, (Mount Alexander Shire Council: 2020).

“**What's Needed to make Ageing in Place Work for Older Australians**”, <https://www.ahuri.edu.au/policy/ahuri-briefs/whats-needed-to-make-ageing-in-place-work-for-older-australians>, (AHURI: 2019).

“**Covid-19 Mortgage Stress Creating Uncertain Housing Futures**” <https://www.ahuri.edu.au/policy/ahuri-briefs/covid-19-mortgage-stress-creating-uncertain-housing-futures>, (AHURI: 2020).

“**100,000 Waiting for a Home in 2020**” <https://vpta.org.au/100000-waiting-for-a-home-in-2020/>, (VPTA: 2019)

“**Supporting Older Lower Income Tenants in the Private Rental Sector**”; <https://www.ahuri.edu.au/policy/policy-analysis/supporting-older-lower-income-tenants-in-the-private-rental-sector>, (AHURI: 2018).