

**Review of Manufactured Homes Residential Parks Act 2003 (the Act)****16 August 2017****What is a manufactured home – Section (10)**

This is a doozy, the Act has not changed but the industry has in that we now see slab on ground brick veneer double story homes categorised as relocatable. How has this happened? The answer is very interesting. The Government relies upon private enterprise to make land available for the development of residential parks. Private enterprise must of course make a profit and since deregulation, the sky is the limit profit wise. Hence government will not we are told, “Place any legislative obstacles in the paths of park operators and developers because they (park operators and developers) would stop developing these parks”. So naturally, government conveniently looks the other way when park operators breach or test the Act to the limits purely for profit.

It is interesting to note that the case between *Walter Elliot Holdings Pty Ltd v Logan City Council* [2009] in the Brisbane Planning and Environment Court before Judge Alan Wilson used only the Gold Coast Planning Scheme as the deciding factor. According to our reading of the matter, the *Manufactured Homes Residential Parks Act* was never mentioned, thus implying the Gold Coast City Council Planning Scheme was superior to the Act. (Reading of this case is available from ARPQ)

Naturally, the Logan City Council were the vanquished and just after, Judge Alan Wilson became the first president of the newly formed QCAT.

Section 10 reads as such:

A *Manufactured home* is a structure, other than a caravan or tent, - that

- (a) Has the character of a dwelling house; and
- (b) Is deigned to be moved from one position to another; and
- (c) Is not permanently attached to land.

This section of the Act in itself definitely implies a deal of simplicity as far as a dwelling goes. It is true to say no structure that truly resembles a home would be easy to relocate and the word relocate is the operative word and was originally included in the Act, as way out for park operators who wished to use the land for other purposes. This no longer applies, the new so called relocatable homes are slab on ground light brick structures and more permanent in structural development. Any man made structure can be relocated but the actual structure of the building will determine the ease or difficulty of same. In simple terms, this is what section (10) of the Act really means. To confirm this, one need only look at the structure that constituted a relocatable home at that time compared with what is now being built as a relocatable home.

In simple terms, and this is the accepted untried practical perception. These slab on ground light brick structures would involve so much structural damage when being relocated, it would most likely prove cheaper to destroy such a structure and build a new home on a particular site. The whole notion of relocating a modern, so called relocatable home is silly and promoted by equally silly people.

Example, Act to read: *Any home occupying a site in a registered residential park can be a fixed or relocatable structure.*

So that the law makers can actually grasp the whole concept, this does not include a tent or a caravan

Comment: Many home owners having lived in relocatable homes in residential parks, including caravan parks have been ruined financially because of this very objectionable piece of legislation and the government should be prepared to compensate these unfortunate people. This of course would require an element of decency and honesty.

ARPQ Committee