



Consultation Paper Feedback Form

Proposal for Caravan Parks and Camping Grounds Legislation

This form is part of an invitation for public comment on Consultation Paper 'Proposal for Caravan Parks and Camping Grounds Legislation' which can be found on the Department of Local Government and Communities' website here:

www.dlgc.wa.gov.au/CPCG-Consultation-Paper

The consultation paper is an initiative of the Western Australia Caravan and Camping Action Plan, which is supported by the State Government's Royalties for Regions program to improve caravan park and camping experiences.

This form has been developed to assist you in preparing your submission. It contains all the proposals and guidance questions from the consultation paper. Please enter your comments in the boxes provided. It is not expected that all questions are answered.

Comments on all or part of the consultation paper are appreciated.

Submissions

Comments, queries and submissions should be forwarded no later than **1 September 2014**. Please direct all comments and submissions:

By email to: caravan@dlgc.wa.gov.au
noting 'Caravans and Camping Review' in the subject line.

By post to: Principal Policy Officer – Caravans and Camping Review
Department of Local Government and Communities
GPO Box R1250, Perth WA 6844

All responses to the consultation paper may be made publicly available on the Department's website. If you would prefer your name to remain confidential, please indicate this in your submission. If you would like the entire submission to remain confidential, please mark it "**Private and Confidential**".

More information

If you have any queries in relation to the consultation paper and this form, please contact:

Principal Policy Officer – Caravans and Camping Review

Email: caravan@dlgc.wa.gov.au

Telephone: (08) 6551 8700

Freecall (country only): 1800 620 511

Fax: (08) 6552 1555

For a Translating and Interpreting Service (TIS) telephone 13 14 50.

About You

Title:	Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Ms <input type="checkbox"/>	Miss <input type="checkbox"/>	Other <input type="checkbox"/>
	If other, please specify:				
Given names:					
Surname:					
*Street or postal address:					
*Telephone:	Home			Mobile	
	Business				
*Email address:					
Which best describes you? (You can select more than one.)	A Camper	<input type="checkbox"/>	A Caravan User	<input type="checkbox"/>	
	A Recreational Vehicle Owner	<input type="checkbox"/>	A Long-Stay Tennant	<input type="checkbox"/>	
	A Camping Ground Operator	<input type="checkbox"/>	A Caravan Park Operator	<input type="checkbox"/>	
	A Local Government	<input type="checkbox"/>	A State Government Agency	<input type="checkbox"/>	
	An Organisation	<input type="checkbox"/>	Other	<input type="checkbox"/>	
	If Other, please state:				
If you are representing a local government, organisation or business, please state your job title:					
Privacy and permissions. Submissions may be made public and published on the Department's website. Would you like to:					
Allow your submission to be published – without your name and *personal contact details.					<input type="checkbox"/>
Keep your submission Private and Confidential – do not publish anything.					<input type="checkbox"/>
I agree to all of my submission being published, including my name, except for my *personal contact details. (Your personal contact details will not be published.)					<input type="checkbox"/>

Your Caravan and Camping Experiences (as an individual)

A. How often do you stay at caravan parks?							
B. When was the last time you stayed in a caravan park?							
C. What region of Western Australia was the caravan park in (if known)?							
D. How would you rate your last stay in a caravan park?							
Poor	<input type="checkbox"/>	Average	<input type="checkbox"/>	Good	<input type="checkbox"/>	Excellent	<input type="checkbox"/>
E. What were the best things about the caravan park?							
F. What could be improved at the caravan park?							

G. How often do you stay at camping grounds?							
H. When was the last time you stayed at a camping ground?							
I. What region of Western Australia was the camping ground in (if known)?							
J. How would you rate your last stay at a camping ground?							
Poor	<input type="checkbox"/>	Average	<input type="checkbox"/>	Good	<input type="checkbox"/>	Excellent	<input type="checkbox"/>
K. What were the best things about the camping ground?							
L. What could be improved at the camping ground?							
M. How often do you stay or camp at place outside of a camping ground or caravan park?							

Use the space below for general comments about the consultation paper and/or caravan parks and camping grounds:

Guidance Questions from the Consultation Paper

This section contains all the proposals and guidance questions from Consultation Paper 'Proposal for Caravan Parks and Camping Grounds Legislation', which can be found online at: www.dlqc.wa.gov.au/CPCG-Consultation-Paper

It is recommended that you read the relevant section of the consultation paper before answering a question. Please note: it is not expected that all questions are answered. Comments on all or only part of the consultation paper are appreciated.

If you require more space for an answer, you can attach a separate page or pages as part of your submission.

1. Definitions

Question 1: Are there any issues with these proposed definitions in *Table 3: Proposed Definition in new legislation* of this consultation paper? Please explain.

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Question 2: Are there other significant term that requires definition? If so, what is/are the term(s) and your proposed definition(s)?

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Question 3: Can you identify any particular cost impacts or benefits that may result from the implementation of these proposed definitions? Please provide details

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2. Holiday parks

Proposal 1: The principal focus of the new legislation is on holiday parks and relevant holiday accommodation.

Proposal 2: Caravan parks and camping grounds are referred to as holiday parks in the new legislation.

Proposal 3: The new legislation no longer covers long-stay residential parks which will be treated like any other residential village.

Proposal 4: The development of holiday parks has to comply with the *Planning and Development Act 2005* and associated legislation.

Question 4: Do you support the change in terminology from 'caravan parks and camping grounds' to 'holiday parks'? If yes, why? If no, why?

Question 5: Should the new legislation contain a provision that before granting a licence for a holiday park, relevant provisions of planning legislation must be complied with? Please explain.

Question 6: What impacts will the distinction between long-stay residential parks and holiday parks have on users, developers and administrators?

Question 7: What are the impacts if long-stay residential parks are removed from the new legislation and treated as residential developments?

Question 8: Should there be a transitional clause to exclude long-stay residential parks from the new legislation? If so, what do you suggest as a transitional clause?

Question 9: Can you identify any particular cost impacts or benefits that may result from removing long-stay residential parks from the new legislation? Please provide details.

3. The objects of the new Act

Proposal 5: The following are the proposed objects of the new CPCG Act:

An Act to –

- (a) minimise the health and safety risks to the users of holiday parks;
 - (b) provide for the licensing and regulation of accommodation located in holiday parks;
- and for other related matters.

Question 10: Are these proposed objects sufficient? Please explain.

4. Building standards

Proposal 6: Park homes are treated as buildings under the Building Act in the same way as other transportable buildings.

Proposal 7: Rigid annexes are treated as structures under the Building Act.

Question 11: What are the likely impacts if the approval process of park homes and rigid annexes fall under the Building Act?

Question 12: Can you identify any particular cost impacts or benefits that may result from treating park homes as buildings and rigid annexes as structures under the Building Act? Please provide details.

5. Buildings allowed

Proposal 8: Land zoning, local government planning schemes and other planning instruments determine the type of accommodation allowed on a holiday park, with the mix of accommodation types forming part of the approved management plan.

Proposal 9: Any building and associated structure, apart from any manager's residence, which a long-stay occupier occupies, must be transportable.

Question 13: Should (residential) buildings be allowed to be constructed or placed on holiday parks? Why or why not?

Question 14: Do you support all forms of accommodation occupied by long-stay tenants being transportable? Why?

Question 15: Is a requirement that a transportable building or vehicle be able to be removed in 24 hours reasonable? Why or why not?

Question 16: What non-residential buildings should be allowed to be constructed – or required – on a holiday park and for what purposes?

Question 17: Can you identify any particular cost impacts or benefits from requiring all buildings and associated structures to be transportable (apart from any manager's residence)? Please provide details.

6. Licensing regime

6.1 Licence categories

Proposal 10: The licensing categories are simplified to three categories: holiday park licence, transit park licence and nature-based park licence.

Proposal 11: The licensing authority approves the ratio of long and short stay sites in a holiday park when approving the management plan for the holiday park.

Question 18: Should there be separate licence category for nature-based parks? Please provide reasons.

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Question 19: Under what circumstances should a nature-based park licence be issued?

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Question 20: Should there be a separate licence category for transit parks? Please provide reasons.

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Question 21: Under what circumstances should a transit park licence be issued?

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Question 22: In your opinion, is it reasonable that different parts of a holiday park which cater to different market segments have different levels of facilities and different conditions attached to them? Please explain.

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6.2 Management Plan Model

Proposal 12: The use of a management plan forms a model for licensing holiday parks.

Proposal 13: The new legislation provides minimum health and safety standards according to the types of facilities proposed in the management plan.

Question 23: How can the current licensing regime be improved?

Question 24: How can the planning approval and licensing approval process be streamlined? Please provide details.

Question 25: How can the requirements of the planning approval be more aligned with the requirements of the licence approval?

Question 26: What are the issues involved if the management plan model is used for the application for, and the basis of, a licence?

Question 27: Will the use of a management plan that is tailored to the market segment to be served by the holiday park result in a better outcome for users of that park? Please explain.

Question 28: Can you identify any particular cost impacts or benefits with the minimum health and safety standards being determined by the type of facilities in the proposed management plan? Please provide details.

Question 29: Can you identify any particular cost impacts or benefits resulting from a licensing regime based on a management plan model?

6.3 Duration of licence

Proposal 14: The licence period be extended to five years.

Proposal 15: Application is to be made for renewal of licence at least three months prior to the expiry of the licence. The licensing authority has three months to process the application and if no decision is made within the timeframe, there is a presumption that the licence has been renewed unless there is a breach of legislation or licence conditions within the current licence period.

Proposal 16: The licensing authority is to carry out an initial inspection within twelve months of:

- (a) the licence first being issued; or
- (b) any change in operator; or
- (c) any significant redevelopment of the facility.

Proposal 17: The timing of further general inspections will be determined by the results of previous inspections, with the frequency of no more than once a year and no less than once every three years.

Proposal 18: Additional inspections will be allowed in the following circumstances:

- (a) where a complaint has been received or the licensing authority has reason to believe that the conditions of the licence are not being met; or
- (b) to determine that the breach of legislation or licence conditions has been rectified.

Proposal 19: The licensing authority charges the operator of a facility an inspection fee, with the maximum fee prescribed in the new regulations.

Question 30: Is a five year licence reasonable? If not, how long should it be issued for? Why?

Question 31: Should there be a presumption of the extension of a licence if the licensing authority does not process the application within three months? Why or why not?

Question 32: If the licence period is extended to 5 years, assuming fees are calculated based on the types of sites, should licence fees be collected at the beginning of the licence period or annually? Please justify.

Question 33: Can you identify any particular cost impacts or benefits with allowing the licence period to be extended to five years? Please provide details.

Question 34: Is the proposed inspection regime outlined above reasonable and practicable? Why or why not?

Question 35: Do you have any alternative suggestions on how licence and inspection fees can be charged? Please provide details.

Question 36: Should there be a maximum length of time between inspections if the facilities have no compliance issues?

Question 37: Can you identify any particular cost impacts or benefits with extending the time period between inspections based on previous inspection results? Please provide details.

6.4 Renewal of licence

Proposal 20: A new management plan is not required for application to renew a licence.

Proposal 21: A new licence will be required on the basis of an approved revised management plan if the facility is redeveloped or expanded or if there are significant changes to the proposed type of use.

Question 38: When should a new or revised management plan need to be lodged with the licensing authority? Please explain.

Question 39: Can you identify any particular cost impacts or benefits with requiring a revised management plan if:

(1) the facility is redeveloped or expanded; or

(2) there are significant changes to the proposed type of use? Please provide details.

7. Licensing authority as operators

Independent licensing authority

Question 40: Are there any other advantages and disadvantages in having an independent licensing authority?

Question 41: Do you support the model of having an independent licensing authority separate to the local government? Please provide your reasons.

Question 42: If you are a caravan park or camping ground operator, will the benefits of this model outweigh the costs? Please explain.

8. Application of the Act to public sector body

Proposal 22: All caravan parks and camping grounds in WA are subject to the same health and safety standards regardless of whether they are owned, operated or leased by a public sector body.

Proposal 23: The licensing and enforcement process for caravan parks and camping grounds operated by State agencies remain with the State where there is compliance with the new legislation.

Question 43: What are the consequences if caravan parks and camping grounds operated by a public sector body are bound by the new legislation? Please provide specific examples.

Question 44: If the legislation binds a public sector body, how should the facilities be licensed and enforced?

Question 45: Should there be a difference in regulation between facilities operated by a public sector body and those leased by that agency to private operators? Please explain.

Question 46: Do you have any other comments on proposals 22 and 23?

Question 47: Can you identify any particular cost impacts or benefits of applying the same health and safety standards to all caravan parks and camping grounds in WA, regardless of whether they are operated by a public sector body or not? Please provide details.

9. Enforcement

Proposal 24: The enforcement provisions in the current CPCG Act are retained in the new legislation.

Question 48: Are the enforcement options in the CPCG Act sufficient to ensure compliance with the Act? Please provide reasons.

Question 49: What are the difficulties and issues involved with the current enforcement provisions under the CPCG Act?

Question 50: What are your suggestions for improving the enforcement provisions of the CPCG Act?

Question 51: Is the Minister's direction sufficient to enforce the requirements of the CPCG Act on a local government? If not, please provide alternative suggestions.

Question 52: Can you identify any particular cost impacts or benefits in retaining the current enforcement provisions in the new legislation? Please provide details

10. Amount of penalties

Question 53: Please provide your comments and suggestions on the quantum of penalties (allowable amount) for the offences under the CPCG Act. Please justify your reasons.

11. Regulations

Proposal 25: A regulation-making power will be included in the new legislation.

Question 54: What do you think the minimum health and safety standards of holiday parks should be?

12. Other provisions

12.1 Duties of the licence holder

Table 1: Review of duties of licence holders

Duties of licence holders	Remain in new legislation?	
Duty 1: The licence holder must ensure that a manager or other responsible persons resides in or near the facility and is accessible at all times in case of an emergency. At a caravan park, the manager or other responsible persons must be available at the office during normal office hours.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Duty 2: A register of occupiers is maintained.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Duty 3: Copies of relevant certificates in relation to park home approvals are kept at the facility with the register of occupiers.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Duty 4: Copies of the Act and any subsidiary legislation made under this Act, facility rules and any special conditions imposed on the licence are readily available for inspection by the occupiers of the facility.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Duty 5: Display the following in a prominent position at a camping ground or at the office of a caravan park: <ul style="list-style-type: none">• The licence issued and any special conditions imposed on the licence• A plan of the facility• A copy of the facility rules made by the licence holder• The name, address and telephone number of a person to be contacted in an emergency.	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Question 55: If you have indicated that one or more of the duties listed above should not be retained, please justify.

Question 56: Do you think there should be any additional duties? Please explain.

12.2 Registers

12.2.1 Register of occupiers (section 13)

Question 57: Should a holiday park operator be required to maintain a register of occupiers? Why or why not?

Question 58: Do you think any changes need to be made to the prescribed manner of the register of occupiers? Please provide details.

12.2.2 Local government to keep register of licences (section 14)

Question 59: What details in respect of each licence should be added or removed in the new legislation and why?

12.3 Caravan Parks and Camping Grounds Advisory Committee

Proposal 26: A Caravan Parks and Camping Grounds Advisory Committee be replaced by pro-active consultation with relevant stakeholders.

Question 60: Do you support the proposed approach to consultation? Please provide reasons.

Question 61a: What alternative means exist of providing advice and making recommendations? What are the advantages and disadvantages of each of these?

12.4 Local laws

Question 61b: Is a local law making power necessary? If so, what matters should be dealt with in local laws? Please explain.

12.5 Discretion to grant exemption

Proposal 27: Any exemptions under the new legislation will only be able to be granted by the Minister responsible for the legislation.

Question 62: Under what circumstances should an exemption from the legislation be considered?

Question 63: Can you identify any particular cost impacts or benefits by only allowing the Minister responsible for the legislation to grant exemptions? Please provide details

12.6 Transitional provision relating to existing caravan parks and camping grounds

Proposal 28: No significant burden is imposed on existing facilities through the introduction of the new legislation.

Proposal 29: The new legislation will apply to all facilities but Ministerial exemption can be obtained for existing facilities.

Question 64: When should existing caravan parks and camping grounds be required to provide a management plan under the new legislation? Why?

Question 65: What impact will there be if existing caravan parks and camping grounds are required to prepare a management plan at the time of licence renewal?

Question 66: Is it reasonable for all existing licensed facilities to be exempted from any additional requirements in the new legislation? Why or why not? Which requirements?

Question 67: Can you identify any particular cost impacts or benefits on requiring an existing facility to provide a management plan under the new legislation? Please provide details.

12.7 Licensing of caravans

Proposal 30: That all caravans and campervans in holiday parks are licensed at all times.

Question 68: Do you agree that all caravans and campervans in holiday parks must be licensed at all times so they can be driven on the road when required? Why or why not?

Question 69: What are the impacts, including financial costs, if caravans and campervans in holiday parks are required to be licensed at all times?

12.8 Overflow facilities

Proposal 31: The new legislation prescribes minimum health and safety standards for overflow areas regardless of whether they are part of a holiday park or not.

Proposal 32: The determination of whether there is a tourist demand for the establishment of an overflow area and how this should operate is determined at a policy level.

Question 70: What are some of the issues with the planning, provision and management of overflow areas? Should these be dealt with in legislation or through policy? Why?

Question 71: What do you think the new definition of 'overflow areas' should be?

Question 72: What should the minimum health and safety standards be for overflow facilities?

Question 73: Should the new legislation prescribe health and safety standards for all overflow areas regardless of whether they are in a community building (such as schools hall or sports hall) or part of a holiday park?

Question 74: Can you identify any particular cost impacts or benefits by prescribing minimum standards for overflow facilities in the new legislation? Please provide details

12.9 Stopping on the road

Proposal 33: Road side rest areas are dealt with under existing road and parking legislation rather than the new holiday park legislation.

Proposal 34: Parking/stopping is still allowed at road side rest areas for fatigue management for up to 24 hours.

Question 75: If the regulation of parking at road side rest areas and road reserve comes solely under parking related legislation, what are the impacts on users, enforcement agencies and Main Roads WA?

<p>Question 76: Should there be a requirement for users of road side rest areas and road reserves to stay in a vehicle if they are parking there overnight for up to 24 hours? Please explain. How are motorcyclists and cyclists to be catered for?</p>
<p>Question 77: What are the health and safety risks involved with using road side rest areas and road reserves and how can they be resolved?</p>
<p>Question 78: Can you identify any particular cost impacts or benefits by dealing with road side rest areas outside the new legislation? Please provide details (Note: the use of road side rest areas for the purpose of fatigue management will remain)</p>

Thank you for participating in this consultation process. Your comments are important to us and will be considered for the development of the new caravan parks and camping grounds legislation. For enquiries email: caravan@dlgc.wa.gov.au or telephone: (08) 6551 8700 or Freecall (country only): 1800 620 511.