



Submission

Caravan Industry Association Western Australia (Inc)

Provides the following information as a submission to the
Department of Local Government and Communities;

Consultation Paper – Proposal for Caravan Parks and Camping Grounds Legislation



August 2014

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Introduction

The Caravan Industry Association Western Australia (CIAWA) hereby submits its response to the Department of Local Government and Communities (DOLGC) “Consultation Paper – Proposal for Caravan Parks and Camping Grounds Legislation” (Consultation Paper) released May 2014 for public comment. As the peak industry body for the caravan and camping industry in WA, CIAWA represent caravan park owners and operators as well as caravan and camping trade businesses.

Caravan Industry Association Western Australia (Inc) overview

CIAWA aims are to;

- Promote the caravan and camping lifestyle
- Preserve its affordability for all West Australians
- Advocate on behalf of members at Government level
- Form links with industry bodies

CIAWA has 240 members throughout Western Australia. Our membership is comprised of;

- 140 caravan park members spread across every region of WA - from Kununurra to Esperance to Laverton. Of these, 112 are mixed use parks (combining short and long stay), 14 are short stay only and 14 are long stay only (residential parks / lifestyle villages). Our membership includes six caravan park ownership and marketing groups (eg Aspen, BIG4 etc).
- Over 100 trade members – manufacturing and retail business associated with the caravan and camping industry (eg suppliers and manufacturers of caravans, campervans, camper trailers, RV’s and associated equipment).
- In addition, we have a database of 50,000 qualified caravan/camping consumers, collected at Caravan and Camping Shows run by CIAWA in Perth (annually) and regional WA (biannually).

CIAWA is proactive in representing Members and the industry in general, is represented on Government review bodies and is regularly consulted by Government and industry stakeholders. Core to our advocacy role is providing an industry perspective to Government and where required engaging legal advice and undertaking research and consultant reports to support the industry position.

Submission consultation and industry research

This response is submitted by CIAWA’s Board and Parks Committee following surveys and interviews with members and with the assistance of consultant Edge Tourism and Marketing.

CIAWA Board members;

Craig Kenyon, Chair	Fleetwood Lifestyle Products Pty Ltd
Jacob Chacko	Acclaim Holiday Parks (operating eight caravan parks around WA)
Frank Delanotte	Merredin Tourist Park and Forrestfield Lifestyle Village
Andrew Fardon	Off Road Equipment / Cub Campers
John Layman	Summerstar P/L (operating four caravan parks around WA)
Stephen May	Johnno's Camper Trailers
Richard Raven	Fleetwood RV
Craig Robins	BIG4 Peppermint Park, Busselton
Chris Sialtsis	Central and Wanneroo Caravan Parks
Brett Workman	Dometic
George Williams	Parkland RV

CIAWA Parks Committee members;

Jacob Chacko, Chair	Acclaim Holiday Parks (operating eight caravan parks around WA)
Laura Cocking	Mandurah Caravan Park
Frank Delanotte	Merredin Tourist Park and Forrestfield Lifestyle Village
Mick Kennedy	Fremantle Village
Stewart Kirkup	Discovery Holiday Parks
John Layman	Summerstar P/L
Dean Massie	Aspen Parks
Craig Robins	BIG4 Peppermint Park, Busselton
John Wood	National Lifestyle Villages
Chris Sialtsis	Central and Wanneroo Caravan Parks
Brett Workman	Dometic

CIAWA members were consulted via a web survey sent to 140 licensed caravan park owners/operators with a response rate of 41% (58 parks represented by 46 responses). The summary of responses to the survey can be found in **Appendix 1**. Survey results are incorporated throughout this report in relevant sections. In addition, 14 licensed caravan park/camping ground owners and operators (CIAWA members) were interviewed to obtain owner/operator input.

A number of reports and studies on the caravan and camping industry were referred to in compiling this response to the Consultation Paper. A list of referenced reports and studies can be found in the bibliography at the back of this report.

Caravan Park industry overview

Caravan Parks are an important component of Western Australia's tourism industry, providing a range of accommodation types and other services to meet the needs of a wide cross section of visitors.

Tourism WA's research summary indicates that in 2010, an estimated 506,600 people stayed in a caravan park in Western Australia, equating to approximately 4,209,100 visitor nights with an average length of stay of 8.3 nights. This represented around 9 per cent of the total number of tourists to the State.

The retention of a sustainable caravan industry in Western Australia is under threat from many angles. This includes the proposal to implement inequitable standards for the provision of caravan and camping sites as presented by DOLGC in the draft Nature-Based Parks guidelines, the provision of RV Friendly facilities by Local Government Authorities, and low cost facilities provided by sporting clubs.

Value of the caravan and camping industry, State and local levels

The current value of the caravan and camping sector in WA is estimated to be around \$300 million annually. This is comprised of;

- Approximately \$190 million of direct tourism expenditure by visitors to caravan parks (based on an estimated extrapolation of the 2010 National Visitor Survey figure of \$178 million) plus
- Approximately \$110 million by permanent or long stay residents in WA.

In Western Australia caravanning and camping is predominantly a regional industry – three quarters of licensed parks are located outside the Experience Perth tourism region, spreading the benefits of the sector throughout the State.

Caravan parks are important economic drivers in local communities. The 2012 study into the economic contribution of caravan parks in Australia '*Caravan, RV & Accommodation Industry of Australia Economic Benefit Report – Commercial Caravan Park to a Local Community*' measured the total expenditure by a commercial caravan park in a local community.

This study found that a commercial caravan park makes a significant economic contribution to local government area in which they operate - for every \$1 of commercial caravan park turnover, \$1.38 of local economic activity is generated by the individual park to the local area.¹

If this multiplier is applied to the total direct expenditure by tourist users of caravan parks and camping grounds, it translates to over **\$414 million of economic benefit** to the State.

¹ Caravan, RV & Accommodation Industry of Australia Economic Benefit Report – Commercial Caravan Park to a Local Community, BDO, 2012, page 28

The DOLGC industry consultation process

CIAWA strongly objected to the process of how options in the Regulatory Impact Statement was drafted.

DOLGC ran a series of five workshops prior to the release of this Consultation Paper. All workshops were held in Perth and at short notice during December 2013 and January 2014 - two of the busiest months of the year for caravan parks in the south of the State.

Attendees were representatives from various government authorities and departments plus selected industry and consumer groups, by invitation only. Consequently there was very little attendance or input by either park owners and operators or consumer representative groups.

CIAWA objected to the short notice periods and timing of the workshops (see table below), and lack of State-wide consultation.

DOLGC Workshop schedule, CPCG Act review Consultation Paper input

Workshop topic	Date of meeting	Date of notice / invitation to attend
The regulation of lifestyle villages and park home estates and issues involved with permanent caravan living	4 December 2013	15 November 2013
Minimum standards	6 December 2013	15 November 2013
Catering for the Different User Groups in the CPCG Act	10 December 2013	15 November 2013
The role of local and state government as operators	17 January 2014	19 December 2013
The supply and management of roadside rest areas	22 January 2014	20 December 2013

Apart from government representatives, only CIAWA and the Caravan and Motorhome Club of Australia (CMCA) attended every workshop. The only other community / consumer representatives to attend were the Caravan Club (attended one workshop) and the Park Home Owners Association (attended one workshop).

CIAWA submits these workshops should not be assumed to adequately represent genuine stakeholder input to the Consultation Paper. Amongst many others, caravan park owners and operators as key stakeholders had very limited opportunity for input.

It is likewise of concern that the intended timeframe for the review process indicates that before the current Phase 1 consultation is complete, the preparation of the (Phase 2) CPCG Regulations Consultation Paper is already underway (Consultation Paper p 12, 13).

CIAWA believes the consultation process has inadequately canvassed or expressed the views of the industry or broader consumer / community groups.

Executive Summary

Caravan parks in Western Australia have developed as unique tourist and resident facilities over many decades. They are spread throughout the State and have evolved in many different forms in order to survive.

The majority of caravan parks provide a mix of tourist and permanent resident sites. The 2012 Tourism WA report '*A Strategic Approach to Caravan and Camping Tourism in Western Australia*' indicates around one quarter of caravan parks cater solely for either the short stay tourist market (sites and on-site accommodation), or for long stay or permanent residents (park homes and caravans). The large majority - around three quarters of parks - are mixed use parks, catering for a mix of tourists as well as short term transient workers, those seeking a communal lifestyle experience and those simply needing affordable accommodation.

Caravan parks are currently receiving an unprecedented amount of Government and public attention. There is a sense by those that operate caravan parks of being overly scrutinised and regulated in an anti-competitive environment. The business reality for caravan parks is they listen and respond to market conditions and consumers or go out of business. Likewise, regulatory authorities need to listen to commercial caravan park operators or face losing these important facilities and economic drivers in local communities.

The current Government agenda is to open up additional caravan and camping facilities around WA while at the same time vacancy rates - even in peak seasons - indicate there is existing capacity in caravan parks. The current cost of developing a new caravan park of minimum viable size (80 to 100 sites) is currently between \$50,000 and \$60,000 per site resulting in a total development cost of between \$4 and \$6 million. New parks in current market circumstances are unlikely to be viable given occupancies and industry trends.

Feedback from operators suggests the existing Act and Regulations have provided a fundamentally reasonable platform for responsive and adaptable caravan parks. Current problems include the increasing cost of business (employment and operating costs), the increasingly non-level playing field and increasing rates of overseas travel. With some notable exceptions, there is a widespread lack of understanding and disparity of interpretation of the Act and Regulations by local authorities. There are many reasons to review and change the licensing regime.

The objects of the Act as stated in the Consultation Paper are supported. It is agreed that a focus on the health and safety of consumers and a clear understanding of the obligations of the licensed operator should be the primary reason for regulating caravan parks. It is therefore somewhat perplexing as to why focus of the various proposals within this Consultation Paper appear to be focused on issues such as planning controls, the licensing regime and new building standards.

The Consultation Paper released by DOLGC is flawed by a consultation process that has had little real industry or consumer input. The concurrent reviews of the Nature-Based Parks Guidelines for Developers and Local Government, the Residential Parks (Long Stay Tenant) Act and the Caravan Parks and Camping Grounds Act all deliver contradictory messages for operators. It is therefore not surprising that caravan park owners and operators have a widespread belief that Government has a preconceived bias and agenda, be this real or implied.

Commercial Caravan Park operators have major concerns with how State and Local Government regulate industry, which CIAWA raise on their behalf;

- Licence Requirement and Conditions – Equality should apply. Industry believes anyone providing a caravan/camp site should operate under the same rules and compliance.
- Licensing Authority – Industry supports a single State-wide body that manages and oversees all implementation requirements for providers of caravan and camping sites with the same standards applied to all providers.
- Health and Safety – industry supports the adoption of one minimum standard, applied to any provider of a caravan or camping site, including State or Local Government providers and free or low cost facilities.
- Management Plans – whilst the development of a management plan is supported as a business tool, it should not be an onerous requirement on the industry. Most caravan parks are still family run businesses and operate with the ability to respond to current and future market circumstances, quickly and based on operator awareness of their clients. There are concerns regarding a number of proposals raised in the Consultation Paper, such as retrospectivity, definition of ‘substantially redeveloped’ and fear the Local Government authorities with no understanding of the business parameters and imperatives of caravan parks being in control of this system and the inconsistencies experience says it will bring.
- Review of the RPLT Act – With the Department of Commerce managing the review of this Act and DOLGC the CPCG Act, conflicting positions have been taken. One Department is clearly seeking to tighten the conditions operators must provide for permanent resident accommodation – a source of essential affordable accommodation option for over 28,000 West Australians. The other Department appears to be seeking to make “Holiday Parks” only or largely provide accommodation for tourists.
- Buildings – The aim of the Act should be to retain structures that are unique to caravan parks. This is what has essentially resulted in affordable, transportable accommodation – for tourists and permanent residents alike. For the (vast majority) of mixed use parks, long stay accommodation pays fixed costs, and enables caravan parks to deliver tourist sites for highly seasonal demand experienced in all non-metro areas of WA. Unique forms of caravan park on-site accommodation results in infrastructure with a level of investment that enables renewal and change over time to reflect market conditions. The proposal to remove Park homes from CPCG Act and regulations in favour of Building Code of Australia compliance will result in an estimated \$20,000 increase in construction cost per dwelling. These are costs that would be passed on to the consumer – be they tourists or permanents.

Caravan parks are a special part of the tourist and affordable accommodation industries, which are highly price sensitive. The current Act and unique regulations have acknowledged this through allowing flexible, low cost solutions to holiday accommodation and the provision of periodic or permanent residency as determined by local circumstances. Caravan parks should continue to be allowed to adapt over time with unique structures and site flexibility for both short and long stay uses.

In summary, this Act review creates an opportunity to;

- Raise standards and consistency across all providers of caravan parks and camping grounds.
- Bringing all providers of a caravan or camping site (eg private sector, Local Government, State Government, National Parks, Nature-based parks and pastoral stations) into line with agreed minimum health and safety standards.
- Deliver consumers an experience of consistent standards regardless of where they are staying.
- Deliver caravan park owners and operators the right to operate under the same standards and conditions on a level playing field.

Objectives of legislation review

The Department of Local Government and Communities 'Consultation Paper – Proposal for Caravan Parks and Camping Grounds Legislation' (the Consultation Paper) (p6) states;

"The overarching objective of the review is to provide a legislative framework which meets the needs of consumers, operators and regulating authorities, reduces red tape and safeguards the health and safety of users.

The anticipated outcome from the development of new legislation is an improvement in:

- *Clarity in the interpretation of the legislation;*
- *Consistency of application of the legislation by local governments;*
- *Consistency of application of the legislation by State agencies; and*
- *Flexibility of the prescribed requirements under the legislation for existing and new developments.*

.....In particular, the new legislation will focus on the health and safety standards of sites designated for the use of a caravan, campervan or tent."

Further, the Consultation Paper (p10) states there are:

"....four key principles that have guided the approach to the review and development of the new regulatory framework are:

- 1) Minimalist in its regulatory approach / to reduce the red tape while managing the risks associated with the operation of holiday parks.*
- 2) Where appropriate, to allow for a sustainable market driven approach to product and park design.*
- 3) To provide a flexible operating environment to meet the changing needs and expectations of holiday park users.*
- 4) To promote consistency in approach to administration of the new regulatory framework."*

While CIAWA supports the stated Objectives and Key Principles, the table below groups Outcomes and Key Principles and provides a summary of why CIAWA believes many of the 34 proposals contained within the consultation paper either;

- Inadequately address or support many of the stated Objectives or Key Principles or
- In some cases actively hinder or contradict the stated Objectives or Key Principles.

<p>OVERARCHING OBJECTIVE of the Caravan Parks and Camping Grounds Act 2015;</p> <p><i>To provide a legislative framework which meets the needs of consumers, operators and regulating authorities, reduces red tape and safeguards the health and safety of users. (p6)</i></p> <p>CIAWA Response</p> <p>It is agreed that a focus on the health and safety of consumers and a clear understanding of the obligations of caravan park and camping ground operators should be the primary focus of the legislation. The Consultation Paper does not in fact provide any proposal as a starting point for discussion on minimum health and safety standards. This should be articulated by DOLGC in the next round of consultation in order to commence a sensible and productive discussion with the broad range of stakeholders on this central issue.</p>	
<p>Consultation Paper Outcomes/Key Principles (Consultation Paper p6, 10)</p>	<p>CIAWA Response</p>
<p>OUTCOME</p> <p><i>Clarity in the interpretation of the legislation</i></p> <p><i>and</i></p> <p>KEY PRINCIPLE 1</p> <p><i>Minimalist in its regulatory approach /to reduce the red tape while managing the risks associated with the operation of holiday parks</i></p>	<p>CIAWA finds this Consultation Paper lacking in clarity in many instances, with Proposals often not adequately summarising the discussion contained within the various sections of the document. It is difficult to determine with any clarity the intent of the new legislation in many instances.</p> <p>In addition to the CPCG Act, several additional Acts are referenced throughout the Consultation Paper. Rather than removing red tape and focusing on health and safety, the scope and range of legislation relating directly to caravan parks will become more complex, bound in layers of sometimes overlapping and conflicting legislation and therefore opening the way to even more subjective interpretation.</p> <p>Coinciding with this CPCG Act review by the DOLGC is a legislative review of the Residential Parks (Long-Stay Tenants) Act 2006 (RPLST Act) by the Department of Commerce. There would appear to be fundamental inconsistencies in the RPLST Act review, which appears to seek to protect the provision of affordable housing in licensed caravan parks and provide security for tenants, versus the CPCG Act review, which appears to want to progressively reduce or remove over time long stay uses, including the removal of residential parks from caravan park licensing altogether. The vast majority of caravan park operators provide a mix of long and short stay accommodation and are therefore greatly affected by both Acts. Operators therefore face a highly confusing situation – dealing with 2 Act reviews simultaneously, and trying to understand and respond to the inconsistent and conflicting aims and proposals being put forward in each as a result.</p> <p>Ref: Proposals 4, 6, 7, 8, 30</p>

<p>OUTCOME</p> <p><i>Consistency of application of the legislation by local governments</i></p> <p><i>and</i></p> <p>KEY PRINCIPLE 4</p> <p><i>To promote consistency in approach to administration of the new regulatory framework</i></p>	<p>CIAWA is not confident of consistent or accountable application of legislation - either existing or new – by local authorities. The Consultation Paper makes no suggestion of how this could be achieved ie through training, monitoring or State-wide audit of local authorities applying caravan park related legislation and licenses.</p> <p>Clearly this remains a major issue of contention amongst caravan park owners and operators. As proposed, the complexity of the new legislation and cross-related Acts, coupled with the phasing in of the new management plans for caravan parks is likely to reduce rather than improve consistent application by over 100 local authorities State-wide that will face an increasingly complex duty when interpreting and applying the relevant planning and legislative requirements. This can only lead to even more disparity in consistency of application of legislation around the State.</p> <p>Ultimately, CIAWA contests through its response to the Consultation Paper that local authorities are not appropriate bodies to apply the relevant legislation.</p> <p>Ref: Section 7 of consultation paper and Proposals 11, 12, 13, 24, 32</p>
<p>OUTCOME</p> <p><i>Consistency of application of the legislation by State agencies</i></p> <p><i>and</i></p> <p>KEY PRINCIPLE 4</p> <p><i>To promote consistency in approach to administration of the new regulatory framework</i></p>	<p>CIAWA fully supports the stated objective that there is consistent application of the legislation by <u>all</u> providers of caravan and camping grounds, be they public or private and regardless of the type of license (eg Caravan Park, Nature Based, Overflow etc).</p> <p>This is currently not the case, and the Consultation Paper proposes to continue this inequity by extending to State bodies the same Ministerial exemption as local authorities – exempting major caravan and camping facility managers such as DPaW from an external licensing / regulatory body and the resulting checks and balances of an independent and accountable process.</p> <p>Based on the industry’s experience of compliance by some local authorities, the industry has little confidence that State agencies would in fact meet their responsibilities under the Act any differently to some local authorities.</p> <p>Ref: Proposals 22, 23</p>
<p>OUTCOME</p> <p><i>Flexibility of the prescribed requirements under the legislation for existing and new developments</i></p> <p><i>and</i></p> <p>KEY PRINCIPLE 2</p>	<p>CIAWA fully supports this Outcome and Key Principles 2 and 3 which suggest a development application and approvals process that is market driven, flexible, and has less prescriptive requirements.</p> <p>There is concern however that management plan as proposed will become an additional layer of complexity rather than simplifying the approvals process. The definition of ‘substantial redevelopment’, retrospectivity of the new legislation and new building and license requirements are highlighted in our response to these issues.</p>

<p><i>Where appropriate, to allow for a sustainable market driven approach to product and park design and</i></p> <p>KEY PRINCIPLE 3</p> <p><i>To provide a flexible operating environment to meet the changing needs and expectations of holiday park users</i></p>	<p>Ref: Proposals 10, 11, 12, 13, 20, 21</p>
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Section 1 – Definitions

The following table summarises CIAWA's position on proposed changes to definitions within the Act.

Term	CIAWA Position
Licensing Authority	<p>CIAWA supports the creation of an independent, central licensing authority separate to local government. We do not support the continuation of local authorities as the licensing body.</p> <p>Refer detailed comments/position Section 6 – Licensing Regime p 20</p>
Caravan park becomes Holiday park	<p>CIAWA does not support changing the term to Holiday park for the following reasons;</p> <ul style="list-style-type: none"> • The term does not adequately describe the configuration and business model of the vast majority of caravan parks in WA which are mixed use caravan parks, not purely for Holiday purposes. • The term caravan park is widely recognised by consumers and is used in marketing and promotion of the sector throughout Australia and overseas. Consumers know what to expect when booking into a caravan park. All other states of Australia use the term Caravan Park. • The term Holiday park implies an erosion over time of long stay uses and therefore poses an unacceptable threat to viability and established business models for the vast majority of caravan parks in WA. <p>Refer detailed comments / position Section 2 – Holiday Parks p 13</p>
Short stay occupier	Supported
Short stay site	Supported
Long stay site	Supported
Long stay occupier	Requires a definition eg 'a person or group of persons who occupies a caravan park for longer than 3 months in a 12 month period'.
Caravan	<p>On behalf of consumers that own caravans located on long stay sites within caravan parks, CIAWA strongly rejects this definition (requiring caravans to be road licensed). Adopting this definition would have severe repercussions for the vast majority of long stay tenants in caravan parks. The current definition should remain.</p> <p>Refer Section 4 p 17 and Section 12.7 p 40 for implications of requiring caravans to be registered / licensed under the Road Traffic Act 1974.</p>

Campervan	Supported
Park home Cabin Chalet	<p>The proposal to change the definition of a Park home to that of a 'building (transportable)' and require BCA compliance is not supported.</p> <p>CIAWA supports retention of the current definition of Park home. Refer Sections 4 and 5, p 17 to 19.</p> <p>For clarity, CIAWA recommends a definition of Cabin and Chalet should also be included and defined similarly to a Park home as a 'vehicle' requiring a wheel assembly.</p>
Camp (noun) becomes Tent	Supported
Camp (verb)	The current definition is adequate, CIAWA sees no need to change and cross-reference another Act.

Section 2 – Holiday Parks

Holiday Parks

Proposal 1

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

CIAWA's members are particularly concerned about statements and positions in the Consultation Paper that in any way imply caravan parks should be predominantly or only for 'holiday' use.

Objective 2 of the Consultation Paper (P10) states that one of the four key principles guiding the new regulatory framework is *"where appropriate, to allow for a sustainable and market driven approach to product mix and park design"*, and this objective is strongly supported by CIAWA. Caravan parks have always operated in this way – evolving over time to respond to the dynamic market conditions largely via the accommodation mix and facilities provided.

The Consultation Paper states the more general term holiday parks will *"recognise the primacy of holiday use...."* (p 18). There is deep suspicion that the intent of the new term holiday parks is to force caravan parks to progressively convert to short stay use. This ignores the most common and financially sustainable business model where a mixed use caravan park provides accommodation to people travelling for both leisure and work (short stay), as well as providing low cost housing options for permanents or residents (long stay). 77% of members surveyed indicate they would not be able to survive if forced to operate as a tourist/short stay park only. Conversely, 83% of members said they would not be able to operate as a permanent residential park only. Clearly the mixed use model is the dominant and market responsive model for caravan park operation.

Following is a summary of the 2011 profile of caravan parks in WA². This demonstrates the composition of a typical caravan park in terms of short and long stay sites and needs to be acknowledged by legislators and regulators;

- 139 caravan parks in WA with over 40 sites. The average caravan park had 86 powered sites.
- The most common type of caravan park by far is the mixed use park – a combination of short and long stay powered and unpowered sites and various types of onsite accommodation.
- Caravanning in WA is predominantly a regional tourism industry. Of all nights spent in caravan parks, 86% of total domestic visitor nights and 74% of total international visitor nights are spent in regional parks.
- The most desirable tourism locations for caravan parks are typically remote and highly seasonal, including destinations such as Exmouth, Shark Bay, Esperance, Broome and Coral Bay.

Member Survey comment

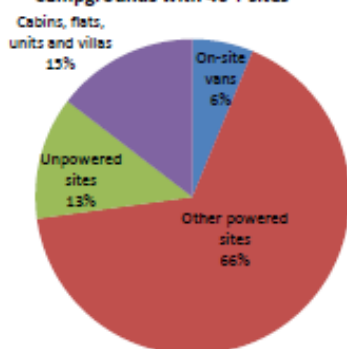
The overall sustainability of our industry and specifically our business relies on the flexibility of our business model. Tourism fluctuates so dramatically in the South West that we would not survive if we could not diversify our model to suit market conditions.

² A Strategic Approach to Caravan and Camping Tourism in Western Australia, Brighthouse / Starfish Solutions, 2012, Pages 11-12.

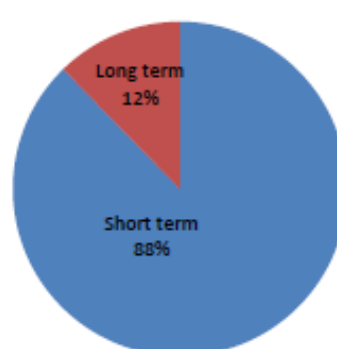
- Powered sites make up 66% of the overall site types for caravan parks.
- Of the remaining 34%, 15% were Cabins, Flats and Villas, 13% were unpowered sites and 6% were onsite vans.
- 12% of all caravan and camping ground capacity is taken up by long term residents.
- 88% of sites are for short stay.

These last three points are represented by the graphs below which demonstrate that any suggestion that long stay use dominates WA's caravan park sector is clearly incorrect;

Site Mix: Western Australia Caravan Parks and Campgrounds with 40 + sites



Capacity: Western Australia Caravan Parks and Campgrounds with 40 + sites



Ref ³

Member Survey comment

There are very few parks that survive as solely tourist accommodation and there is a reason for this.

Proposal 2

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

The proposal to change the term caravan park to Holiday Park is not supported. The term caravan park is well established throughout Australia and overseas and is not considered by the industry to be 'outdated' (Consultation Paper p18). The term holiday park is seen as a cosmetic and unnecessary change that will only misrepresent the broader spectrum of caravan parks and cause consumer confusion. 73% of CIAWA members surveyed believe the term caravan park should be retained.

Consumers are accustomed to the diverse nature of caravan parks – from powered and unpowered site-only caravan parks in small regional communities through to 'destination' parks containing a diverse range of accommodation types and a high standard of shared and recreational facilities.

The proposal to change this definition does not accurately describe the predominant mixed use caravan park that has evolved over many years in response to circumstances such as location,

³ A Strategic Approach to Caravan and Camping Tourism in Western Australia, Brighthouse / Starfish Solutions, 2012, page 11

seasonality, year-round operational viability, increasing land values, shortages in public and private rental housing, and the growing desire for safe, affordable, communal lifestyles.

Use of the term 'holiday parks' will not change the planning policies, zoning or building legislation regulating the mix of short and long stay sites - rather it is seen as a cosmetic and unnecessary change that will only misrepresent the broader spectrum of caravan parks and cause consumer confusion.

Residential parks

Proposal 3

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

The Consultation Paper proposes to remove parks that only cater for long stay tenants to a more appropriate regulatory framework, similar to a typical residential development.

Of relevance is a separate but simultaneous legislative review being conducted by the Department of Commerce Consumer Protection of the Residential Parks (Long-Stay Tenants) Act 2006 (RPLST Act). While CPGA Act review appears to aim towards progressively removing long stay / permanent residents from caravan parks, the RPLST Act review appears to be seeking to retain affordable housing in caravan parks. Clearly there could and should be a greater level of communication between these two State government departments.

57% of respondents to the CIAWA Member survey support retaining residential parks under the Act.

The very nature of the housing product this small and specific industry segment provides means that primacy of use in the future is flexible. Residential parks and lifestyle villages are meeting current market demands but at the end of the accommodation lifecycle, if demand has shifted, the flexible nature of caravan parks will allow these sites to meet changing market conditions such as mixed use or tourist only in 20 to 30 years' time.

Zoning

Proposal 4

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

CIAWA believes adequate planning mechanisms are in place to determine the mix of short and long stay uses within caravan parks, such as zoning and local tourism planning strategies. Caravan parks are already subject to the Planning and Development Act 2005 through these mechanisms and this provides adequate planning controls. A new element proposed is the management plan, and CIAWA's position on the proposal for the management plan to become the main licensing tool is stated in Section 6 p 20.

Section 3 – The objects of the new Act

Proposal 5

The following are the proposed objects of the new CPCG Act;

- (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.

The revised objects of the Act are supported. It is agreed that a focus on the health and safety of consumers and a clear understanding of the obligations of licensed operators should be the primary reason for regulating caravan parks. It is therefore somewhat perplexing as to why focus of the various proposals within this Consultation Paper appear to be focused on issues such as planning controls, the licensing regime and new building standards.

The Consultation Paper does not in fact provide any proposal as a starting point for discussion on what the minimum health and safety standards should be. Asking open-ended questions such as Question 54 of the Consultation Paper Feedback form *‘What do you think the minimum health and safety standards of holiday parks should be?’* is unlikely to initiate a productive response and is an offhand treatment of the stated object of the Act review.

In the context of various planning and review processes currently impacting the caravan park industry, it appears the health and safety standard proposed in the Nature-based Parks guidelines are in fact the ‘new’ minimum standards under consideration. CAWA supported these standards in our response to the Nature-based Parks guidelines on the basis that these standards are applied as the minimum standards for all licensed caravan parks, regardless of license type. Our position is in line with Key Principles stated in the Consultation Paper relating to consistency of application of the Act and Regulations, and the aim of being minimalist in regulatory approach.

CIAWA submits that proposed minimum health and safety standards should be articulated by DOLGC in the next round of consultation in order to commence a sensible and productive discussion with the broad range of stakeholders on this pivotal issue.

Section 4 – Building standards

In this section, the Consultation Paper proposes that long-stay residential parks are excluded from being a licensed caravan park under the new Act and are treated like any residential development and goes on to say *‘However, there are circumstances where individual park homes and other accommodation buildings will be located on a holiday park’*. (p21) Clarification is sought;

- What percentage of long-stay use within a licensed park is proposed to be the definition of a ‘long-stay residential park’ and therefore disqualify a park from a caravan park license?
- What are the circumstances that would permit long stay buildings in a licensed caravan park?

It is difficult to provide feedback on proposals in the section in the absence of clarity on these important issues.

We therefore submit the following comment on discussion preceding Proposals 6 and 7 of the Consultation paper;

- CIAWA does not see any reason for confusion about a park home and the building compliance and approvals process if the current Act and Regulations are applied as written. A park home is an accommodation option that is uniquely available to caravan parks and should remain so. It can only be located in a licensed park and must be transportable. Park homes allow provision of affordable holidays and affordable, safe, communal living within the highly regulated licensed caravan park environment. There are many social and economic reasons to retain this unique form of residential and tourist accommodation in caravan parks.
- CIAWA rejects any suggestion – real or assumed - that an area allocated to long-stay tenant accommodation within a caravan park could be excluded from the licensed caravan park area, thereby subjecting part of the land to a different planning and approvals processes and/or compliance with new or additional sets of regulations and Act/s.

Park homes

Proposal 6

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

Park Homes are purpose built for use only in a licensed commercial caravan park. Any proposal to capture park homes under the Building Code of Australia category ‘building (transportable)’ fails to recognise the true design nature of park homes.

Under the CPCG Act and regulations, the development application process currently being imposed by many local authorities is neither valid nor necessary. Park homes are designed to be ‘located’ on a powered caravan site using the services provided - no differently than if it was a caravan. CIAWA supports the retention of a wheel assembly to park homes to retain the unique qualities and purpose of this type of accommodation.

The fact that planners, building inspectors and regulators have incorrectly labelled and applied non-applicable standards and planning approval processes to park homes does not mean they should be treated as a building. This review is the time to draw a line under the costly and incorrect planning and building descriptions and requirements for a Park Home.

Annexes

Proposal 7

Rigid annexes are treated as structures under the Building Act.

CIAWA does not support changes to the current provisions of the Act regarding rigid annexes.

Treating rigid annexes as structures will only result additional cost to consumers and park residents.

Section 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.

Caravan parks are already subject to zoning, local government planning schemes and local tourism planning strategies (in local authorities where they exist) when determining the mix of accommodation types. The proposed management plan is discussed in detail in Section 6.2 p 25.

A unique feature of a caravan park is its ability to change over time the mix of accommodation uses in response to market conditions. The park home embodies this uniqueness – its low cost and transportable nature allows for affordable, flexible and relocatable solutions for both long stay residents and the provision of affordable holiday accommodation. The current Act permits a mix of uses through agreed numbers of short and long stay sites, appropriate amenity provision and access, and physical/visual separation between the different types of use areas within a park. Often, access and some amenities, such as pools or recreational facilities, are shared by long and short stay occupiers and cohesive park-wide zonal development leads to optimum outcomes for all users, be they long or short stay occupiers.

Any requirement that the total area of a caravan park should operate under anything but the caravan parks and camping grounds license regime would place undue complexity, compliance requirements and new financial impost on operators and is likely to result in disjointed development and diminished amenity for all users of that park.

Member survey comment

My shire has a policy that no more than 40% of a Park can be used for permanents. What would take precedence, the Management Plan or the Lease conditions?

Proposal 9

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

Confining long stay use to transportable buildings retains tax and rent incentives that largely enable caravan parks to provide much needed low cost/affordable housing, so from this perspective the proposed legislation is supported. However, CIAWA rejects any suggestion (as could potentially be inferred from the commentary preceding Proposal 9) that long-stay use within a caravan park is restricted, dealt with outside the CPCG Act, or reduced over time. The accommodation mix in a caravan park should be determined on a case-by-case basis and with reference to established zoning and planning mechanisms – as per the stated intent of Proposal 8.

Whilst the Consultation paper states that the Department of Human Services does not believe the description of the site in a caravan park will not impact rebates offered to consumers, this is contrary to information operators have been provided and on which their business models are based.

As an example, the Australian Taxation Office has previously changed the GST applicable rate for Park Homes which was only reversed after extensive lobbying from both industry and consumers. The changing of this definition would allow the ATO to again implement a change to the GST rating and this would impact negatively on the consumers who directly benefit from a reduced GST.

Section 6 – Licensing regime

Review of the licensing regime

As a precursor to comment regarding the licensing regime determined by the CPCG Act, CIAWA proposes fundamental change to the licensing regime applicable to every caravan park and camping ground in WA - regardless of whether they are owned, leased or operated by the private sector or local or State government authorities.

Local government has various roles in terms of the current CPCG Act relating to their commercial and regulatory role in the caravan park and camping ground industry in general. Local government roles include;

- Control over local planning schemes and local tourism strategies that shape allowable uses (such as accommodation mix) within their own and private sector caravan parks and camping grounds
- Being the licensing authority for private sector owned caravan parks/camping grounds
- Being a self-regulated operator of (unlicensed) caravan parks/camping grounds
- Acting as the lessor of (unlicensed) caravan parks/camping grounds

The diverse roles of local government in relation to the caravan and camping industry will always be seen as creating perceived and real conflict, inequity, and an anti-competitive business environment by the broader industry.

It is therefore timely to consider the establishment of a State-wide centralised, consistent and equitable licensing regime before yet more public sector bodies are extended the same Ministerial exemptions, as proposed by this CPCG Act review, and the inequities are compounded.

The following table outlines a potential licensing and regulatory regime that involves both a State level body as the licensing authority, with local government retaining responsibility for local compliance inspections.

Central Licensing Body (State agency)	Local Authority
Assessment of management plans; - With reference to zoning of land and local tourism strategy (where there is one) in consultation with local authority - Specialist planning personnel to assess compliance with management plan requirements, apply consistent management plan model State-wide	Comment on management plan based on local town plans / local tourism strategies in place
Issue CPCG licenses, renewal inspections as per management plan regime Mediation/dispute resolution role (precursor to SAT intervention)	Regulatory role - Issue building permits, conduct building compliance inspections

	- conduct inspections to ensure minimum health and safety requirements are met
Training/education provider - For CPCG license applicants (eg preparing management plans) - For local authority personnel (eg local compliance role, local planning policy input)	Receives advice and training from central licensing body
Delegated regulation making power under the Act	No regulation making power
Coordination of CPCG Advisory Committee	Has representation on CPCG Advisory Committee
Collects license fee	Receives a proportion of license fee

The table above acknowledges there remains a regulatory inspection role for local authorities in this licensing regime, but it is the new State licensing body that would have primary responsibility for granting licenses and conducting license renewal inspections.

It is noted that the Department of Commerce (DoC) currently conducts visits to every caravan park in WA that provides long term residential and permanent accommodation as part of its responsibilities to administer the Residential Parks (Long Stay Tenants) Act 2006. A Perth-based DoC inspector visits each of these parks at what is believed to be two yearly intervals. The fact an existing Government Department operates a model in the same manner a centralised licensing authority would, indicates this is not financially unsustainable or difficult to inspect and regulate across the state.

CIAWA believe this visitation model could be either replicated as part of the role of the new State authority responsible for the CPCG Act, or the DoC's inspection regime expanded to include Caravan Park and camping grounds licensing inspections. This specialised State-wide inspection team has much greater potential than individual local authorities to deliver a consistent and best practice inspection regime.

CIAWA and its members acknowledge that the creation of a new licensing body will increase the annual cost of license. Outcomes of our member survey;

- 51% of CIAWA members support the creation of an independent body to provide the licensing function prescribed under the Act.
- 64% of members would support an increase to the annual licence fee of between \$2,000 and \$4,000 if there was a single licensing body.

The 2012 Strategic Approach to Caravan and Camping report⁴ estimates there were approximately 37,369 caravan and camping sites in 769 separate facilities throughout WA in 2011. These were a mix of licensed, unlicensed and non-compliant facilities. While the exact number of licensed versus unlicensed facilities is unknown, possibly only approximately 384 facilities or 50% of all facilities are licensed under the CPCG Act license (refer **Table 1** following).

⁴ A Strategic Approach to Caravan and Camping Tourism in Western Australia, Brighthouse / Starfish Solutions, 2012

Table 1 – Number of Facilities by Type, WA 2011

Type of facility	Estimated total number of facilities (2011)	Estimated number of facilities operating under a CPCG Act license
Aboriginal owned/operated	18	5
Accommodation	7	7
Caravan park or camping ground	345	345
DEC (now DPaW)	71	3
Main Roads rest area	22	0
Nature based park	15	15
Other (Shire / unofficial / unauthorised)	236	0
Overflow	4	4
Roadhouse	21	0
Station	25	5
Transit camp	5	0
TOTAL	769 (100%)	384 (50%)

Ref ⁵**Table 1** demonstrates;

- Only approximately half of WA's 769 caravan and camping facilities are licensed.
- The current licensing system is highly inequitable. The system is clearly biased against private sector owners.
- If minimum health and safety standards applying to all facilities are the Government's main concern through this legislation review, every facility should be licensed.
- If every facility was licensed, the pool of license fees available to implement the legislation and regulations would be approximately doubled.
- The increased pool of licensing fees could fund the costs associated with operating a new State-wide regulating body.

⁵ A Strategic Approach to Caravan and Camping Tourism in Western Australia, Brighthouse / Starfish Solutions, 2012, page 20

Table 2 below provides a range of license fee collection scenarios, based on an annual average license fee of between \$1,000 and \$4,000 per annum. The table highlights the substantially increased revenue to be generated from implementing a fair system under which all facilities are licensed.

Table 2 – License Fee Collection Scenarios – Privately Owned Facilities vs Universal Licensing

Number of facilities in WA	Annual average license fee (scenarios)			
	\$1,000	\$2,000	\$3,000	\$4,000
384 Est number of facilities currently licensed (privately owned facilities only)	\$384,000	\$768,000	\$1,152,000	\$1,536,000
769 Est number of facilities that should be licensed (all facilities)	\$769,000	\$1,538,000	\$2,307,000	\$3,076,000

Ref ⁶

CIAWA strongly disagrees that an independent licensing body would necessarily add *‘significant increased cost to the industry’* or *‘potential increased cost to the users’* (Consultation Paper p31). If all providers of facilities were required to be licensed and pay an annual license fee, the pool of funds available for State-wide regulation (refer **Table 2** above) is greatly increased and allows for consistent State-wide license inspections.

64% of our members indicate they would support the annual licensing fee being increased to between \$2,000 and \$4,000. This is a strong indication of the high proportion of licensed park operators who see the cost benefits of replacing the current regime of delays, inconsistencies and subsequent real costs. It therefore follows that the cost to consumers of moving to a central licensing regime, under fair and universal application, would be nil or negligible.

Local authorities provide 236 or 30% of the State’s the caravan park and camping ground facilities. The Department of Parks and Wildlife (DPaW) provides 71 facilities or nearly 10% of all WA facilities.

Case Study

The cost of dealing with local authorities

A caravan park operator in the Shire of Dandaragan wanted to substantially upgrade Park A and commenced negotiations with the Shire in 2004 to redevelop the Park at a cost of \$10 - \$12 million. After three development applications and accompanying development drawings costing the private operator \$180,000, the operator has been unable to negotiate a satisfactory position with the Shire on the redevelopment plan, despite successive DA’s responding to Shire feedback.

⁶ A Strategic Approach to Caravan and Camping Tourism in Western Australia, Brighthouse / Starfish Solutions, 2012, page 20

Department of Lands (via pastoral leases) contribute another 25 facilities. Consumers can book sites on pastoral stations and can now also book in advance DPaW caravan and camp sites right around the State via DPaW's Park Stay WA website.

CIAWA agrees that facilities owned by local authorities and State bodies provide a significant and important part of the WA caravan and camping experience. Requiring all bodies - public and private – to be licensed by an independent regulatory regime will protect the consumer experience and address blatantly anti-competitive circumstances.

CIAWA submits that a State-wide licensing body is a valid and equitable solution where all facilities regardless of ownership are subjected to compliance with the same legislation and regulations.

CIAWA acknowledges the proposal for the establishment of an independent State licensing body represents a significant amendment to the Act and has far-reaching implications. We would be pleased to offer our support and participation alongside appropriate agencies (eg DOLGC, DPaW, Department of Lands, Department of Commerce Consumer Affairs, consumer groups and others as deemed appropriate) to determine the best way forward in establishing a State-wide licensing regime for all caravan park and camping ground facilities.

6.1 License categories

Proposal 10

The licensing categories be simplified to three categories: holiday park license, transit park license and nature-based park license.

The proposal to reduce license categories to three is supported, subject to;

- The term 'caravan park license' being used (as opposed to 'holiday park license').
- All license types being subject to the same minimum health and safety standards. The CIAWA's submission to the 'Nature-Based Parks – Guidelines for Developers and Local Governments' made in February 2014 should be referenced (**Appendix 2**). CIAWA fully supports the development of new sites in Nature-based parks as long as these parks provide the same level of facility (particularly regarding health and safety) and comply with and operate under the same regulation and license conditions. (A noted exception is facilities providing a maximum of five sites for caravan or camping only which must provide one unisex toilet, shower and hand basin.)

Proposal 11

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

CIAWA supports the adoption of a management plan as a tool to approve the ratio of long and stay sites in a caravan park, provided that;

- The management plan replaces much of the current development approval process rather than duplicates or further complicates the development approval process.
- The management plan system is implemented by a new State-wide licensing authority with consistency and equity of interpretation and assessment.

6.2 Management Plan Model

Proposal 12

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

The 10 matters that an operator will need to address under the new management plan (Consultation Paper p26, 27) are reasonable and appropriate as a means to address the stated licensing regime aims of sustainability, market responsiveness and consumer focus.

Of note however is that several aspects of the management plan would normally be required under existing development application and approval processes. If the management plan is to be the primary licensing and ongoing regulation tool it should replace, not duplicate, aspects of the development application and approval process.

Of particular concern is the up-front cost of the management plan to the average caravan park owner / developer. It should be noted that the majority of caravan parks are still family owned and operated. Planning compliance requirements should be pitched at a realistic level with this in mind, and adequate support provided by the licensing authority to owners to enable compliance without excessive or undue costs. The management plan suggests a high level of documentation which is likely to require specialist consultant skills and will therefore result in significant cost for components such as;

- Site master planning and staging of works
- Traffic management
- Waste management
- Risk / fire management

The cost for preparing a management plan could fall within the range of \$30,000 (for a small to medium sized park) to around \$60,000 (for a medium to large park). Some of these costs are new and additional costs compared to the current DA process, although this is difficult to determine given planning approval processes, requirements and therefore costs applied varies greatly from shire to shire. CIAWA does not believe many of the 139 local authorities throughout WA have the skills required to assess a management plan, or adequately take into consideration business viability considerations. Exceptions exist in some larger, coastal, tourism-oriented areas but the majority of local authorities do not have a tourism focus or planning staff with the experience required to implement the current Act, much less a more sophisticated planning approach as represented by the proposed management plan concept.

It will take the average caravan park many years to fully implement a management plan, and this will largely be dictated by market conditions and financial capacity. Reports for various management plan components (eg traffic management plan, waste management plan etc) should only be required for the particular works required at each stage to avoid reports becoming outdated over the life of the management plan. For example, if a park has a management plan for redevelopment spread over an estimated 15 years and 3 stages, then the relevant reports (eg waste, traffic, risk etc) provided should relate to stage 1 only. This will allow park owners and developers to spread the potentially very high cost of employing a raft of consultants according to stages, and avoid redundancy of expensive reports over time.

CIAWA proposes that if the new management plan system for approvals and regulation is to be enshrined in the revised Act, that the following support is provided at a State government level by a new licensing regime;

- A model management plan is developed, covering all 10 matters to be addressed in the management plan, such that the average family owned caravan park can comply with this process in-house and without excessive costs.
- Comprehensive guidelines are produced for both owners / operators of parks, and for the assessing / licensing body.
- There is an annual or biannual independent auditing process to ensure the licensing regime is being applied consistently and equitably throughout WA.
- Park owners / developers are offered periodic information and training on how to prepare a compliant management plan.

Highly relevant to the issue of management plans is the definition of 'substantial redevelopment' that will trigger the requirement for a management plan. This is discussed in Section 12.6 Proposals 27 and 28 (from p 37) and should be read in conjunction with our response to Section 6.2.

Member survey comment

Would it be the "Owners" (in our case a Council) who develops the management plan or the person leasing the park?

Proposal 13

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

This proposal is supported on the basis that the same minimum health and safety standards apply equally to all providers of caravan and camping grounds – regardless of license type or whether the facility is privately or publicly leased, owned or operated.

Should there be a change to health and safety requirements for any license category (for example, as proposed in the current review of license conditions for Nature-based parks), then these standards should form the new minimum standards for all licenses and management plans.

6.3 Duration of License

Proposal 14

The license period be extended to five years.

More than 94% of members surveyed support a longer licence than currently allowed (assuming an annual licensing fee is paid, and there is ongoing legislative and regulation compliance).

CIAWA supports a longer licensing period and recommends a rolling license being issued based on 5 year increments (eg 5 + 5 + 5 + 5 year renewable licence) unless a park fails to meet the licencing conditions.

A longer license should encourage investor confidence, allow greater security and flexibility for long stay tenants, and reduce administration requirements.

It should also be noted that Proposal 14 is in conflict with certain options contained within the RPLST Act review. The RPLST Act may advocate consumer protection of long stay tenants through lease agreements exceeding 5 years – thereby creating an anomaly with this Proposal.

Proposal 15

Application is to be made for renewal of license at least three months prior to the expiry of the license. 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 license has been renewed unless there is a breach of legislation or license conditions within the current license period.

This proposal is supported.

Proposal 16

The licensing authority is to carry out an initial inspection within 12 months of;

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

This proposal is supported, subject to an accepted definition of ‘significant redevelopment’ (refer 12.6 Proposal 28 p 37).

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.

This proposal is supported subject to frequency of inspections being no less than every five years (to come into line with five year license increments).

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 license are not being met; or**
- (b) to determine that the breach of legislation of license has been rectified.**

This proposal is supported.

Proposal 19

The licensing authority charges the operator of a facility an inspection fee, with the maximum fee prescribed in the new legislation.

This proposal is supported.

6.4 Renewal of License

Proposal 20

A new management plan is not required for application to renew a license.

This proposal is supported.

Proposal 21

A new license 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.

This proposal is supported pending an accepted definition of the term 'significant changes'. Please refer to Section 12.6 Proposals 28 and 29 p 37 as this response should be referenced with regard to this Proposal.

Section 7 – Licensing authority as operators

Formal Proposal not stated

Inferred - local government remain the licensing authority.

Section 7 concerns the proposed continuance of local government as the licensing authority and enforcement body via powers under the Act.

While no formal Proposal is stated, it is reasonably inferred that the position of DOLGC through the Consultation Paper is to retain the current provisions. The imbalance between the advantages presented for an independent licensing authority (two) versus disadvantages (5) supports this interpretation.

The two advantages acknowledged in the Consultation Paper for an independent licensing authority are;

- Removing the issue of perceived conflict of interest, and
- Ensuring that all license approvals in the State are processed consistently.

At DOLGC workshops (December 2013 and January 2014) prior to this Consultation Paper being released, CIAWA put forward additional advantages for an independent licensing authority, including;

- An independent licensing authority is more likely to result in a consistent consumer product across the State.
- The current equivalent of local law making provisions (currently the province of local authorities) should pass to a single State-wide licensing authority. This would allow for flexibility and responsiveness at a State level to respond to changing circumstances, special regional considerations etc as opposed to ad hoc local responses.
- The development of a team of expert planning officers interpreting and implementing legislation is of benefit. The situation commonly encountered by caravan park operators is planning staff with little or no previous experience of the CPCG Act being allocated responsibility for interpretation and approvals, with inconsistent decisions compounded by high turnover of staff. The result is erratic application and changing interpretations of the Act, even within the same local authority. This is the extremely frustrating and costly experience of caravan park developers and operators in many parts of WA.

One of the 4 Key Principles that have guided the approach to the review and development of the new regulatory framework is *“To promote consistency in approach to administration of the new regulatory framework”* (Consultation Paper p10). Given industry concerns about conflict of interest and consistent application of the Act and regulations by the current licensing body are acknowledged, it is surprising that the Consultation Paper does not suggest how the current licensing regime would be required or even encouraged to apply the new regulatory framework in a more consistent manner across the State.

51% of respondents to the CIAWA survey support the creation of an independent licensing regime – a body that could manage the licencing, planning applications, management plans, inspections and leases required under the Act. Our members frequently report vastly different experiences in dealing with local government.

Some examples are positive – dealings with local government are perceived as consistent, timely, fair and reasonable. However in most cases this is not the experience as members compare their experiences throughout WA where anomalies and inequities are evident across and sometimes even within local government boundaries.

The issue of caravan parks being operated or leased out by the local government licensing regime is of course seen as a conflict of interest by the industry. While the Consultation Paper states *‘the issue of cost recovery and competitive neutrality of a licensing authority-operated facility is, however, outside the scope of the Act and proposed new legislation’* (p31), CIAWA submits that competitive neutrality is a ‘whole of government’ issue and cannot be ignored, and particularly when inferring such pivotal powers via State legislation in the body that competes directly with the private sector on an uneven playing field of its own regulation.

The Minister for Local Government and DOLGC are frequently called upon to deal with issues of competitive neutrality, conflict of interest and anti-competitiveness relating to the activities of local government. CIAWA submits this Act review is an opportune time to examine the most appropriate role of local government in terms of the CPCG Act – be it as either an operator of caravan parks or a licensor/regulator of caravan parks. Undertaking both roles will always be seen as creating real and perceived inequity and an anti-competitive business environment by the caravan park industry.

For these reasons CIAWA proposes that a new, State authority-based licensing regime is developed to address these issues, and our position is provided in Section 6 p 20 of this response.

Case Study

Local Authority interpretation and approvals process for caravan park redevelopment

Shire of Dandaragan

A development application is submitted by the park leaseholder for a substantial, staged park upgrade. The local government rejects the DA, stating reasons. The leaseholder amends plans and submits another DA in response to local government comment. This DA refusal process is repeated three times at a cost to the developer of \$180,000 and over a period of 10 years.

There is still no approved DA in place, and each time the local government rejects a DA it is without consultation or discussion with the leaseholder.

City of Greater Geraldton

The same operator submits for planning approval to the local authority to change the mix of short and long stay use within his existing Park. The local authority applies a practical approach, applies the CPCG Act in full and negotiates with the owner to find practical solutions that benefit the operator and the tourism and economic outcomes for the local authority.

Section 8 – Application of the Act to public sector bodies

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 private sector body.

and

Proposal 23

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

Universal application of health and safety standards

CIAWA supports the consistent application of the Act to all operators of caravan parks and camping grounds – be they private owners / operators, public sector bodies or operators that lease Crown land, or local government facilities. This is consistent with the primary aim of the Act being to ensure minimum health and safety standards in all caravan and camping parks throughout WA.

CIAWA's proposal for an independent licensing authority that would issue licenses to all operators of caravan parks and camping grounds is outlined in Section 6 p 20. This should be referred to as a preface for all comment made on Section 8.

State bodies to be self-regulating

The fact that the Act does not apply to local authorities has always been a major issue of contention for private park operators, and it is disappointing to see that no alternative or solution to this overtly inequitable and anti-competitive situation has been canvassed in this Consultation Paper.

Compounding this situation, it is proposed the new legislation allow, through Ministerial exemption, State agencies as well as local authorities to be their own licensing authority '*where a public sector body has a regulatory regime in place that is consistent with standards consistent with the new legislation*' as it is deemed '*inappropriate for a local authority to be a licensing body for a State or Federal agency*'. (Consultation Paper p32). The Consultation Paper's statement that '*the new legislation applies to all facilities, including those owned, operated or leased by a public sector body*' (p32) is clearly misleading, and is continued in the phrasing of Proposals 22 and 23.

If adopted, the outcome of these proposals will be that local authorities and State/Federal agencies;

- Would not pay license or associated fees
- Would not be periodically inspected by an independent body for compliance or made to rectify non-compliance without Ministerial intervention
- Will presumably not have to prepare and negotiate an acceptable management plan as these are proposed to be a key requirement for licensed parks

The level playing field through competitive neutrality

The competitive neutrality issue is of relevance, even though the Consultation paper states *‘The issue of cost recovery and competitive neutrality is, however, outside the scope of the CPCG Act and proposed new legislation’* (Consultation Paper p31).

CIAWA notes the immediate imperative for amending the CPCG Act is to remove Regulation 49 (the 50km radius regulation) as it has been ruled anti-competitive. Therein lies a contradiction – an anti-competitive clause is currently being removed, yet there is no willingness to consider other legislated anti-competitiveness at the same time.

CIAWA submits this review is an opportunity to address the ‘level playing field’ issue by considering the unfair advantages publicly owned facilities receive from being exempt from the same cost and compliance structures facing private operators. Public and private caravan park and camping ground facilities compete in the same market. Operating conditions, including as fixed costs and compliance, should be the same for both. Taxpayers and ratepayers should not be subsidising local, State or Federal government bodies to compete unfairly against the private sector, and therefore realistic variable operating costs should also be included as a real cost of providing these facilities and reflected in tariffs charged.

The cost per site for the development of an 80 to 100 site caravan park is currently \$50,000 to \$60,000 per site (amortised) when considering requirements such as ablutions, lighting, power/water/sewer, roads, recreational areas, camper kitchens, lighting etc. A caravan park developer must therefore invest \$4 to \$6 million to build a facility. The State Government is pursuing strategies to open up new facilities throughout WA on public land, and through the inequitable licensing regime allows around half of all existing facilities to operate without a license (eg DPaW and local government supported facilities). Many local authorities provide low or no cost facilities, provide little or no enforcement of illegal camping practices, and generally show little regard for their rate paying licensed caravan parks. Investment of the scale required by the private sector must provide a return. It is therefore not surprising that little new or substantial redevelopment of parks by the private sector is occurring, and State tendering processes for privately funded facilities on public land has to date attracted little interest.

Our position on this important issue is illustrated in the 2013 report, commissioned by CIAWA, by Haeberlin Consulting ⁷. This report is a benchmarking study on caravan park operating circumstances in WA. Twenty five licensed caravan parks across WA were examined in some detail, including their financial information over the previous five years. Three major industry pressures were assessed – capacity, cost and revenue pressures, and compliance.

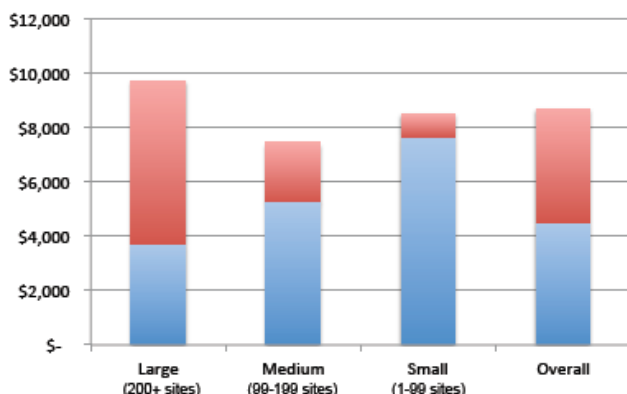
Survey comment

The time has come for the regulations to be enforced for free camping as it is enforced to park owners.

The graph following indicates fixed and variable costs associated with providing a site in a caravan park.

⁷ Summary of Findings Industry Benchmark Research CIAWA, Haeberlin Consulting, 2014

AVERAGE FIXED³ (BLUE) AND VARIABLE (RED) COST PER SITE BY SIZE



Graph notes: Fixed costs include non-consumption utilities, insurance, rates and permanent staff. Variable costs include consumption-based utilities and casual staff.

Reference: Summary of Findings Industry Benchmark Research CIAWA, Haeberlin Consulting, 2014.

Key findings of the benchmarking study were;

- Based on the WA average occupancy rate of 52%, a caravan park must charge \$45 per night to cover fixed costs alone.
- When a caravan park site is occupied, average costs of \$23 per night per site are incurred for providing services required such as power and water consumption (variable costs). Larger parks incur the greatest average variable cost at \$27 per night, small parks incur \$25 per night and medium parks incur \$20 per night.

By comparison, a State Government supplied unpowered site (eg DPaW site) costs from \$7.50 per night per adult. It has been stated by DPaW that full cost recovery is not applied to the cost of providing camping sites and the site fee is based on a 30% cost recovery basis. This creates an unequal playing field in the provision of sites by private operators which is compounded by the State Government committing infrastructure funding without the requirement for at least breaking even on the provision of the infrastructure.

A powered site in a Shire operated caravan park such as Turner Caravan Park in Augusta charges \$35 per night and a standard commercial caravan park in the same locality charges \$45 per night. It is acknowledged by Local Government staff for the need of Shire caravan parks to charge more realistic fees that reflect more closely the true costs (variable and fixed) of operating these facilities but this is often stifled by Council.

It is therefore not surprising that caravan park investment is stifled by high development and operating costs combined with low returns and competition subsidised by Government and rate payers.

Price disparity between privately owned, State and local government facilities indicates competitive neutrality principles are not being applied. Many public bodies are acting un-competitively, their provision of caravan and camping facilities is being subsidised by rate / tax payers.

The provision of free or low cost overnight caravan sites, often accompanied by a free black water disposal facilities (dump point), is becoming increasingly common in regional towns throughout WA. In many instances, these towns already have at least one licensed caravan park. The City of Kalgoorlie-Boulder, for example, provides free overnight camping and waste disposal despite there being several licensed caravan parks with ample capacity on virtually every night of the year. This is largely a result of 'town boycott' threats by representatives of consumer groups such as the Caravan and Motorhome Club of Australia (CMCA) advocating a right to be provided free or low cost camping right across Australia, on the basis that they spend money in local economies.

This supposed economic benefit is disputed, especially for small regional towns. Feedback indicates these ‘shoestring’ travellers hold off fuel and grocery purchasing for larger destinations where they are likely to find cheaper prices. The provision of these facilities by local authorities – with ongoing Shire maintenance and service provision costs paid for by ratepayers - shows a blatant disregard for caravan park operators and the Shire rates and legislation compliance fees they pay. Research shows there are ample sites available in their local caravan park/s.

CIAWA therefore proposes that the new Regulations require State and local government operated facilities to submit proposed tariff schedules and the full fixed and variable costs of providing these facilities to the licencing authority to demonstrate they are not operating in an anticompetitive manner.

Delivering consistent standards to consumers

Clearly, Proposals 22 and 23 would establish a two-tiered system of caravan parks and camping grounds throughout WA – one tier that is highly planned, managed and regulated, and the other with considerable scope to self-manage interpretation and implementation of the legislation under the concession of Ministerial exemption.

CIAWA accepts the benefits of establishing more sites for consumers throughout WA but submits they should be subject to a common set of minimum health and safety standards, and on the basis of full cost recovery of providing these facilities to create a level playing field for all providers in the caravan and camping industry.

When read in total, the practical outcomes of the new legislation as proposed in the Consultation Paper are contrary to the stated intent of Proposals 22 and 23. While CIAWA fully agrees with Proposals 22 and 23 as written, the discussion within the Consultation Paper does not indicate how these proposals will be achieved.

The following points are made;

- There are no checks and balances proposed that would ensure that all facilities will in fact deliver the same health and safety standards. DPaW, Department of Lands and local authorities collectively provide over 40% of facilities in WA. Such a major component of the industry should be externally licensed and checked for compliance.
- If the core focus of the new legislation is on minimum health and safety standards to protect the public, then all providers of caravan parks and camping grounds should be subject to the same minimum standards. The State’s duty of care in this regard can only be satisfactorily achieved through regulation and inspection by a body independent of all facilities.

Refer also CIAWA’s response to ‘Nature-Based Parks – Guidelines for Developers and Local Governments’ (Section 6.1 p 24 and **Appendix 2**) which further outlines our concerns about equity and consistent application of minimum health and safety standards.

Stakeholder comment

If we had a central State licensing body, we would have a consistent pool of skills to implement the Act and Regulations. They would become experts in the caravan park industry and improve the licensing system because they would represent and understand the needs of both consumers and operators.

Section 9 – Enforcement

Proposal 24

The enforcement provisions of the current CPG Act are retained in the new legislation.

This proposal is supported, subject to the appropriateness of the enforcement body (refer Section 6 p 20).

There are currently estimated to be over 150 non-compliant caravan and camping grounds offering overnight facilities for paying travellers. These range from farms allowing one or two campers on their property to rural properties actively advertising and promoting up to 40 or 50 camping sites.

(Refer **Appendix 3** - an example of an unauthorised, illegal camping facility in the Perth Hills being promoted to Grey Nomads. This advertisement was found posted in a Parkerville café window, offering powered sites at an unlicensed, illegal camping facility. This is just one isolated example of illegal facilities being provided and advertised.)

The existing lack of compliance checks or enforcement of illegal camping or campgrounds gives CIAWA no confidence in the ability or willingness of local government to regulate existing or new licence categories proposed in this review.

Section 10 – Amount of penalties

The new schedule of penalties is supported.

Section 11 – Regulations

Proposal 25

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

CIAWA supports a regulation making power to allow the prescribed level of facilities to be more readily amended to meet changes in the industry and in the market.

In accordance with our proposal for an independent State licensing authority (refer Section 6 p 20), this power should be extended to the new State-wide licensing authority. Local government is not deemed an appropriate body to be granted regulation-making powers.

Section 12 – Other provisions

12.1 Duties of the License Holder

All listed Duties are supported, with the exception of requiring the address of the emergency contact person (Duty 5). For personal security reasons, the name and telephone number of the emergency contact person should be sufficient.

12.2 Registers

12.2.1 Register of occupiers

The description of what the register of occupiers (Regulation 65) should contain is supported with the exception of (d) (i) the number plate of a caravan. This should not be required to be collected, the number plate of the towing vehicle which moves in and out of the park is deemed adequate from a practical management perspective.

12.2.2 Local Government to keep register of licenses (section 14)

The itemised description of the details required to be kept for all licensed facilities by the licensing body is supported.

In addition, it should be a requirement that a complete register of all licenses be provided to DOLGC annually so that State and industry bodies (eg DOLGC, CIAWA, CMCA, TWA etc) will have access to current data on licensed parks throughout the State. This consolidated information will greatly assist planning and strategy on a State-wide basis by a wide range of stakeholders.

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.

While CIAWA supports pro-active consultation with relevant stakeholders as required, we strongly support the retention of the Caravan Parks and Camping Grounds Advisory Committee.

The industry sees this as a means of ensuring key stakeholders have ongoing and consistent input on ways to improve, promote and regulate caravanning and camping in WA in general. Conducting (irregular) consultation on issues identified only by the body responsible for the CPCG Act is likely to result in an ad-hoc and selective input being sought. The caravan and camping industry aims to ensure the Minister has access to a broader industry view via the structure of the Caravan Parks and Camping Grounds Advisory Committee. The State licensing body in turn is likely to obtain ongoing benefit from a core group of key industry stakeholders more likely to remain invested in positive ways to improve, promote and regulate caravanning and camping in WA in general.

CIAWA suggests by way of example that this current review process would have benefited greatly from the input of the Caravan Parks and Camping Grounds Advisory Committee if it was functioning in the way the current Act intends.

12.4 Local Laws

The provision for the making of local laws (equivalent) should be retained, but only by a (new) State-wide licensing authority.

It is not appropriate for local authorities to have local law making powers under the CPCG Act as this only compounds discrepancies and inconsistencies between local authority jurisdictions.

12.5 Discretion to grant Exemption, and

12.6 Transitional Provision Relating to Existing Caravan Parks and Camping Grounds

Sub-sections 12.5 and 12.6 and resulting Proposals 27 and 28 are dealt with together as the implications are interrelated and have potentially devastating outcomes for park owners and operators unless these proposals are changed to reflect caravan park industry realities.

Proposal 27

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

Refer 'Retrospectivity of New Legislation' (below)

Proposal 28

No significant burden is imposed on existing facilities through the introduction of the new legislation

Definition of ‘Substantially Redeveloped’

The Consultation Paper states that existing caravan parks and camping grounds that comply with the current Act will not be required to upgrade or change their facilities under the new legislation unless the facility is ‘*substantially redeveloped*’. On face value this appears to be a reasonable statement until the definition of ‘substantially redeveloped’ is considered (Consultation Paper p42, footnote);

‘A substantial redevelopment would be one that requires the approval of the local government or other statutory authority under legislation.’

According to this definition, something as minor as an application for a rigid annexe (requiring a building license from local government) meets the provided definition of ‘substantially redeveloped’ and therefore triggers the requirement for a management plan for the entire park. CIAWA rejects this definition of ‘substantially redeveloped’ in the strongest possible terms as the implications are extreme and far reaching.

Our survey of CIAWA members shows 57% of members believe ‘substantial redevelopment’ that should reasonably trigger a management plan should come into effect only when major upgrades are proposed to more than 40% of the land area of the park.

Furthermore, 80% of members surveyed indicated they would not be able to afford major upgrades to their park in the next 3 to 5 years if forced to do so by changes to the Act and regulations. Should this proposed definition of ‘substantial redevelopment’ remain, the likely situation for 80% of our members is that any improvement that requires even a simple building license from local government would not be done when measured against the process and expense of triggering the requirement for a management plan and new license.

With 80% indicating they are not able to afford major expenditure, the only likely result is a widespread standstill in park improvement (minor or major), decaying infrastructure and ultimately park closures.

Therefore CIAWA proposes the following as alternative definition of ‘substantial redevelopment’;

Substantial redevelopment is when greater than 40% of the land area of a caravan park is proposed to be significantly changed or developed.

Retrospectivity of New Legislation

Of equal concern is retrospectivity of the new legislation that is proposed to apply once a management plan is triggered;

‘It is proposed that existing caravan parks and camping grounds that comply with the current CPGC Act will not be required to upgrade or change their facilities under the new legislation unless the facility is substantially redeveloped. This also applies to caravans, park homes and annexes on existing park homes.’* (Consultation Paper p42)

*‘*A substantial redevelopment would be one that requires the approval of the local government or other statutory authority under legislation.’* (Consultation Paper p42, referenced footnote)

It is clear to CIAWA that the definition of ‘substantial redevelopment’ and the associated retrospective requirements attached to the adoption of a management plan requires urgent review and amendment.

Exemption for structures and infrastructure previously approved or deemed approved under the existing CPG Act 1995 should be a legislated entitlement, as opposed to requiring Ministerial exemption. Only legislated entitlement will provide owners and operators with adequate confidence to commence down the path of the proposed new licensing regime and associated management plan.

In practical terms, legislated exemptions and amended definitions should include;

- A management plan will be required under the new legislation as the primary licensing tool only when greater than 40% of the land area of a park is to be redeveloped, in line with the proposed definition of 'substantially redeveloped'.
- The provisions of the new Act will not be retrospectively applied, at any time following adoption of the new legislation, to permanent or transportable structures or infrastructure that has previously been approved or deemed approved in a park under current legislation.
- Only new structures (permanent and transportable), vehicles and infrastructure forming part of a management plan will be subject to any of the new provisions of the legislation. New Act definitions or any new or BCA requirements will not apply retrospectively to any structure that has been previously approved in a park before adoption of the new Act.
- If a management plan is adopted for a park as the basis for a license, only the areas where redevelopment has taken place will be required to comply with the new legislation. A management plan is likely to be implemented over a number of stages so the park will progressively comply with the new legislation as the stages are completed.
- To protect an owner's investment in a park home, cabin or chalet that predates the new building standards requirements of the Act, these structures will be allowed to be relocated should the owner of that structure wish to move them within a park or to another park through choice, closure of park or expiry of lease. Health and safety issues will be addressed on relocation within a park or to another park by the requirement for a building permit and the associated health and building inspections following relocation/installation.

While legislated exemption is an efficient way of handling the bulk of issues relating to non-retrospectivity of the new legislation, retaining Ministerial exemption in the new legislation is seen as appropriate for extenuating circumstances and should be retained. The revised legislation should not allow local authorities to continue to provide exemptions under the Act for transit or nature based parks.

12.7 Licensing of Caravans

Proposal 30

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

CIAWA does not support the requirement for licensing of caravans and campervans that are permanently located within a caravan park, regardless of whether they are owned by a tenant or by the park owner/lessor.

The stated justification for this proposal (Consultation Paper p 43-44) is associated with CPCG Regulations which state that a caravan must be able to be moved on attached wheels within 24 hours of being disconnected from services. The Consultation Paper states '*...it is arguable that an unlicensed caravan is inconsistent with the mobility intentions of the CPCG Regulations as it cannot go on the road without a license*' (p 44).

CIAWA submits that the requirements of the Regulations can in fact be met by an unlicensed caravan – by purchasing a temporary movement permit for an unregistered vehicle (service available online 24/7 or through a traffic licensing centre). From a practical perspective, caravans are no different to a non-road licensed transportable park home, and if need be can also be moved on a truck.

According to the 2011 ABS Census, 28,466 people resided permanently in residential parks in 15,432 dwellings (an average 1.84 persons per dwelling/site). There is no formal data available on the breakdown of these 15,432 dwellings between caravans and park homes but industry feedback suggests approximately 75% are caravans. Based on an average occupancy of 1.84 persons per dwelling, caravans in parks are the homes of around 21,300 Western Australians.

Industry feedback also indicates around 80% of caravans in caravan parks are not road licensed. Owners of these caravans have either purchased an unlicensed caravan already located in a park, or have allowed the road licensing of a previously licensed caravan to lapse. They have done this in good faith and have acted in accordance with the CPCG regulations. CIAWA submits these people are entitled to continue to feel they have adequate security and protection under the Act and regulations to protect their investment, home and lifestyle.

The impact of requiring road licensing of caravans and campervans would be catastrophic for many long term park residents.

The income and life stage profile of many permanent park residents⁸ indicates many are aged 50+ and income levels suggest most would struggle with or be simply unable to afford the associated up-front and ongoing costs of road licensing, including bringing their caravan back to road licensed condition, paying inspection and re-licensing fees, and paying ongoing annual road vehicle licensing fees. Most are unlikely to see any benefit from or opportunity to recoup these expenses. For a large number of the 21,300 people residing in caravans, this proposed change to the Regulations would lead to homelessness and a subsequent spike in demand on the State for public housing.

To protect the interests of long stay tenants who own their own caravans or rent/lease on-site caravans provided by a caravan park owner/operator, CIAWA submits that the wording of the relevant Regulation remains unchanged.

⁸ Impact of Demographic Change on the Future of the Caravan, Camping and Manufactured Housing/Manufactured Home Village Industry in Western Australia, KPMG, 2013

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.

CIAWA agrees that overflow facilities should comply with basic health and safety standards, similar to the standards proposed in the Nature-based park guidelines.

Our position is that where there is available and suitable land within or adjacent to a licensed caravan park, this option should be explored first as an existing licensed park is most likely to be able to deliver minimum health and safety standards, and that commercial operators should be given the option of meeting overflow demand in the first instance. CIAWA's policy also states that if there is more than one already licensed park operator able to meet the criteria, the limited / seasonal licence/s should be tendered.

This is not to say a community hall or sporting facility cannot be used as an overflow facility, but any overflow facility should comply with health and safety standards (with minimum numbers of toilets, showers and hand basins etc).

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.

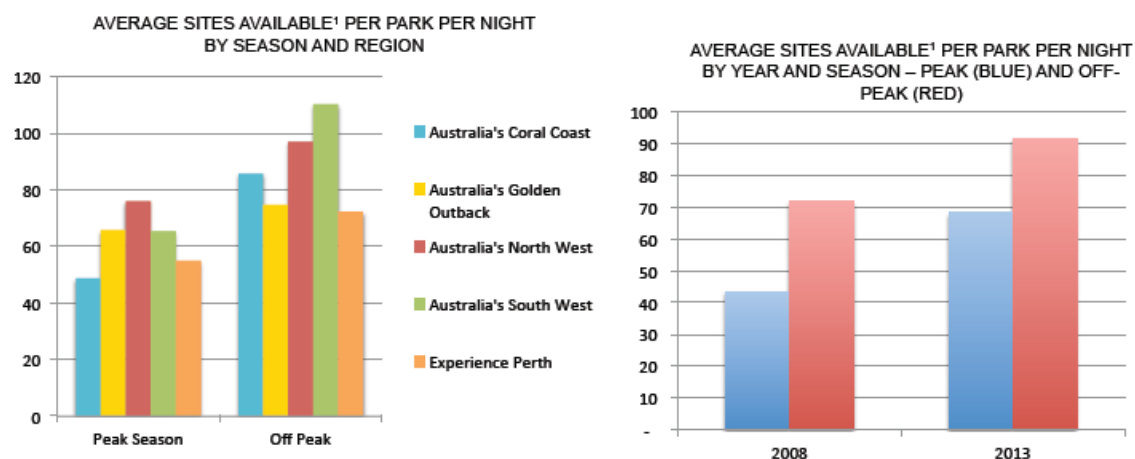
CIAWA has developed a 'Template for a Local Government Overflow Camping Policy' and a copy of this publication is included in **Appendix 4**. Our policy supports the establishment of an overflow area at a policy level.

While minor updating could be of benefit (eg to comply with the proposed reduction in license categories), this document remains the policy of CIAWA in relation to overflow facilities. It was developed with widespread industry input and provides a comprehensive solution to Proposal 32. It encourages local authorities to determine an overflow policy tailored to unique and seasonal local circumstances and involve local caravan park operators and the local visitor centre / tourism association as active participants in developing and implementing a local overflow policy. Aspects of the local government role should shift to the new State licensing authority for consistency and fairness.

The 2013 benchmarking study commissioned by CIAWA into WA caravan parks⁹ indicates that the average caravan park in WA has remaining capacity in caravan parks, even during peak season.

Generally, caravan parks have a lower occupancy rate than 5 years ago, and members are reporting a further and continuing decline in occupancy in 2014. Shorter peak seasons, decreased length of stay and more overseas travel by West Australians are the primary indicators. Park operators report ever increasing cost pressures, such as employment costs, increasing Government charges for water/sewer/power costs, and the increasing expectations of target markets (eg free wi-fi, recreational facilities). The following graphs indicate the average level of capacity within existing parks throughout the annual seasonal cycle.

⁹ Summary of Findings Industry Benchmark Research CIAWA, Haeberlin Consulting, 2014



Ref ¹⁰

Findings on peak season capacity reinforce the need for locally responsive guidelines that will determine when in fact there is a genuine need for these facilities to be made available.

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.

This proposal is supported.

Proposal 34

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

CIAWA fully supports the provision of roadside rest areas and road reserves for fatigue management and for emergency stopping purposes for up to 24 hours. Changing the allowable use from 'camping' to 'stopping' is supported.

If management is to be moved from the jurisdiction of the CPCG Act to relevant road legislation, we seek assurance that those who will be responsible for a legislated monitoring and enforcement role, including local authorities and Main Roads WA, will in fact undertake this responsibility. This may require legislating additional MRWA enforcement powers.

¹⁰ Summary of Findings Industry Benchmark Research CIAWA, Haeberlin Consulting, 2014

Appendices - Index

- 1. CIAWA Members Survey – summary of responses**
- 2. CIAWA submission on Nature-Based Parks, Guidelines**
- 3. Example of illegal caravan / camping facility advertising**
- 4. Template for a Local Government Overflow Camping Policy, CIAWA**

Appendix 1 - CIAWA Members Survey – summary of responses.
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The Caravan Industry Association WA issued a survey to Members asking for responses to questions relating to options released in the Caravan Park and Camping Ground Act review with a comment area to capture general feedback. The survey was open for one week and there were 46 responses representing 58 parks (one response from some multi park owners).

1. 73% of respondents believe the definition / description of Caravan Park should be retained.
2. 57% of respondents support keeping park home parks, lifestyle villages and residential parks in the CPCG Act.
3. 51% of respondents said their park is zoned caravan park. Other zoning includes, "Additional use under town planning scheme", "Rural", "Mixed Use", "Residential" and 15% being zoned tourism.
4. 77% of respondents said they would not be able to survive financially as a tourist only park.
5. 83% of respondents said they would not be able to operate as a permanent resident park only
6. 75% of respondents business model is based on a mix of permanent and tourist sites.
7. 51% of respondents support the creation of an independent body that could manage the licencing, planning applications, management plans, inspections and leases required under the Act with 64% supporting a licence fee of between \$2,000 and \$4,000 annually.
8. 57% of respondents said the size of a upgrade or change their facilities to comply with the new legislation unless the facility is substantially redeveloped should be over 60% of the property.
9. 80% of respondents said they would not be able to afford major capital works to your park in the next 3 to 5 years if forced to under any change in the Act or Regulations with 67% of respondents saying they would simply close the caravan park if made to invest to comply.
10. 44% of respondents said that licences should be issued in perpetuity with 44% saying that licences should be issued for between three to five years.

Please provide any further comments.

- Renaming to Holiday Park conjure up an impression that the Park is for holiday makers, tourists only with no permanent stay. This of course will never be viable because holiday makers and tourists trades are seasonal and often coincide with school holidays, summer holiday season. All Holiday Park should have the flexibility of short and permanent stay accommodation.
- Shires have policies that no more than 40% of a Park can be used for permanents. What would take precedence, the Management Plan or the Lease conditions?

- Management plans would be for 5 years in advance, who would develop the plan for the end of lease period, who would develop the plan for the future tenant, will the future tenant's management plan override the existing management plan.
- Would it be the "Owners" (in our case a Council) who develops the management plan or the person leasing the park?
- I would run Park into ground then sell for land value or let the lease run out then give up
- I spend no money on Park and let lease run out
- Run the lease out, spend nothing then hand back park
- Any changes to an Act that forces caravan parks to spend funds by a certain date will kill the industry and affordable accommodation across WA.
- There are very few parks that survive as solely tourist accommodation and there is a reason for this
- The time has come for the regulations to be enforced for free camping as is enforced to park owners
- The overall sustainability of our industry and specifically our business relies on the flexibility of our business model. Tourism fluctuates so dramatically in the South West that we would not survive if we could not diversify our model to suit market conditions.
- Licence should be in conjunction with any lease - otherwise cannot really offer long stay residents longer term leases
- 8 responses said the licence should automatically go with the zoning

Appendix 2 - CIAWA submission on Nature-Based Parks, Guidelines

**SUBMISSION FROM THE
CARAVAN INDUSTRY ASSOCIATION
WESTERN AUSTRALIA (INC)**

TO THE DEPARTMENT OF LOCAL GOVERNMENT AND COMMUNITIES ON;

NATURE-BASED PARKS.

GUIDELINES FOR DEVELOPERS AND LOCAL GOVERNMENT

February 26th 2014



BACKGROUND

The Caravan Industry Association Western Australia (CIAWA) is the peak industry body representing Caravan Parks, Trades and Consumers. As a not for profit organisation it is CIAWA's role to ensure the affordability of the caravan and camping is in reach for all West Australians to enjoy, to promote caravan and camping, to provide advocacy on behalf of industry and form partnerships with other stakeholders in the industry.

SUBMISSION

CIAWA has engaged with members of the industry and consumers to gather information for use in this submission. This included providing a survey to members and directly contacting members. The information in this submission is based on this industry input.

Two expert specialist service providers were contracted by CIAWA to provide research and legal advice.

Civic Legal were engaged to provide a legal interpretation as to the risk associated with provision of facilities and compliance with the non-competition law which all states are signatories to.

Haeberlin Consultants were contracted to provide independent research into the occupancy levels of commercial caravan parks, their fixed and variable costs of providing a site and average revenue.

KEY ISSUES

While the current State Government Act and Regulations for managing a Caravan Park or Camping Ground are in place, any service provider charging for a site for use by a recreational vehicle or camper must be compliant with the requirements set out in the Act of 1995 and Regulations of 1997.

CIAWA believes that the implementation of the guidelines in their current form are open to misinterpretation by Local Councils, with decisions based on local opinions of services and the approval process without clear descriptions can be open to abuse.

Of serious concern in the less prescriptive nature of the guidelines is that until appropriate monitoring for the compliance of the service provider and minimum standards are in place the consumer will have a negative experience and be exposed to possible health and safety issues.

EXECUTIVE SUMMARY

CIAWA and industry in general fully support;

- Nature-Based Parks,
- The concept of low amenity sites,
- The development of more caravan and camping sites with diversity in product and experience for consumers, and;
- A simplified application, licensing and approvals process that will benefit all stakeholders providing caravan and camping sites.

CIAWA and industry expect the ability to provide new and additional sites is done on a “level playing field”. The approval of sites for development applications and licences is treated in exactly the same manner for those providing the service, no matter where the service is located.

Government should not, and cannot, provide one level of standards for a service provider and expect another service provider to meet a different level of standards. The issuing of a licence for anyone providing a site for caravanning or camping must be exactly the same.

CIAWA is aware that a review of the Caravan Park and Camping Grounds Act 1995 and 1997 Regulations (CP&CG) is to be conducted during 2014 and this is fully supported by industry.

Any changes to the Act and Regulations that will allow commercial caravan parks to provide the same services as outlined in the Nature-based Parks Guidelines will require at least two or possibly three years to be implemented.

CIAWA believe that until all service providers are allowed to provide caravan or camping sites on the same basis, under the same licence conditions, that any relaxation of requirements for nature-based parks should not be allowed. The exception is in facilities providing a maximum of five (5) sites for caravan or camping only which must provide one unisex toilet, shower and hand basin.

Appendix's

- Fact sheet on the compliance to competitive neutrality required by Local Government
- Fact sheet on the Risks for Local Government providing a low cost facility
- Independent research paper from Haeberlin Consultants on site operating costs
- A BDO report on the value of a commercial caravan park to a local community
- A BDO report on the spend of a commercial camper compared to a non-commercial camper
- Tasmanian Local Government Association Guidelines on a Recreational Vehicle

CIAWA RESPONSE TO GUIDELINES

While fully supporting the provision and development of new sites for caravanning and camping, and in having clearly stated the support of this, CIAWA support is conditional on a “level playing field” be created so that the same conditions are in place for any provider of a caravan or camp site.

CIAWA believe it is relevant to identify issues in the draft guidelines so that Government is fully aware of the consequences for commercial service providers, if Government progresses with the development of these guidelines and creates a double standard of licence and operations.

Draft Nature-Based Parks Guidelines for Developers and Local Government

1. Objectives

The objectives provide a disclaimer that the guidelines are to be read in accordance with the Regulations and is not a substitute for the Legislation. Many of the guidelines are in breach of the requirements to provide a site for occupancy by a caravan or camper and these current Regulations outline the minimum standard to be applied for providing a caravan or camp site that should be used until the Regulations and Legislation governing service providers of caravan sites is changed.

Planning Bulletin 49, a guideline to Local Government Planners issued by the Department of Planning is under review with the second draft paper released for comment in February 2014.

The information in the Department of Planning Guidelines is inconsistent with the Department of Local Government draft guidelines and it is incongruent to have these two guidelines being created with conflicting advice.

2. Legislation

CIAWA believes the existing Caravan Parks and Camping Ground Act and Regulations must continue to be used in reviewing development applications for any caravan or camp sites, until the Act and Regulations are changed to allow for a consistent and equal approvals process for all applications.

3. Management Plan

The conditions around these guidelines are unclear, while addressed in part in other sections of the guidelines the descriptions are open to a wide variety of interpretations.

Market Segment

The identification of what the definition of a Market Segment is needs to be included in the guidelines. For example there are inconsistent descriptions of what is required to be self-contained, this could lead to confusion between what the operator is providing for a self-contained visitor and what the visitor has as a vehicle.

If the developer has lodged a Management Plan and identified the target market segment, and thus the relevant infrastructure and services required, what regulatory body will ensure that only this market segment is using the facility?

What will happen if a consumer arrives late at night without a vehicle that conforms to the market segment infrastructure in place, will they be asked to leave and put the operator at risk of breaching duty of care?

If the market segment does not utilise a facility and the operator wishes to change the Management Plan what process is in place to allow this? Does the facility have to close and a new Management Plan be lodged for approval?

The guidelines state that “*a flexible approach*” be taken when assessing the Management Plan. This is currently not the case a Local Government can or does take when assessing a development application from a commercial caravan park.

Case Study:

A commercial caravan park in the south west has one hectare of undeveloped land at the rear of the existing caravan park, there is non-urban farm land surrounding two sides of this land and native bushland on the third side.

The commercial operator wishes to use this scenic non-urban land which is in a natural bush setting, to provide a low cost and service facility for fully self-contained caravans and motorhomes to meet the demand for consumers for this style of site.

The local council has rejected this on the basis that the commercial operator must comply with the CP&CG Act and Regulations and that the land is not zoned for use as a caravan park.

Under this basis, where an existing service provider is attempting to meet the needs of the consumer, the same decision making should be applied to any application from a nature-based park developer.

Position

CIAWA fully supports the implementation of a “Flexible Approach” for all development applications, this needs to include commercial caravan parks.

The approval for the redevelopment or new development of a commercial caravan park and a nature-based park should be made unconditionally on equal standards.

The definition of self-contained vehicle must include the ability to store grey or sullage water and black waste.

4. Definition of a Nature-based Park

The guidelines state that a nature-based park means a facility in a non-urban area and in a natural setting. What is the definition of a non-urban area?

The guideline states that a natural landscape can include an agricultural setting, currently any number of sites in regional areas would meet this criteria within less than five kilometres of the town boundary.

If the State Government allows relaxed regulations for the development of nature-based parks it must ensure that the sites are for recreational vehicles or campers only and for no more than a maximum of five sites per licence.

The CP&CG Regulations state that a nature-based park must have a toilet, shower and hand basin with the local council approving the number. The guidelines state that a nature-based park can cater for the market segment without providing amenities. It cannot be guaranteed that all users would be self-contained and to protect the environment and health of guests a minimum of one unisex toilet, shower and hand basin must be provided at any facility.

Limited Facilities

The guidelines state that a nature-based park should be able to link the facility provided to the requirement of the target market segment. Currently a commercial caravan park is unable to do this and the implementation of dual standards creates an uneven playing field to operate in.

The non-prescriptive nature of the definitions means that every council will be able to interpret this in a different way, including city councils with bushland settings. The term “consideration should be given” can be widely interpreted as to what should or should not be permitted.

The guidelines also state that a local government is to ensure consistency in granting exemptions for a nature-based park but it doesn't state what it needs to be consistent with. It is the experience of industry that councils do not make consistent decisions within their own areas let alone in how another council interprets guidelines.

Appropriate Licence

The guidelines state that *"If a nature-based park has been substantially extended or redeveloped since its initial licensing, the local government should consider if conditions have changed whether it is still appropriate for a nature-based park."*

Does this mean the nature-based park will be closed? If not then what will it be allowed to trade as, a commercial caravan park? If this is then the case why would it have been allowed to have started operating as anything other than a commercial caravan park as the management plan should have identified that style of facility?

This is the problem identified previously in this response by CIAWA. This very statement in the guidelines is why there cannot be a different level of licence for providers of a caravan or camping site, and that all providers need to be treated equally meeting the same standards required under existing regulations.

Whilst the guidelines allude to the fact that if there is a caravan park within close proximity a nature-based park may not be in a natural setting, this is completely open to the interpretation by each individual council.

Without an absolute prescribed distance, which under the Competitive Neutrality regulations prescribed distances can't be implemented, local councils will have to allow approvals at any distance or location and as in many examples under the guise of RV Friendly towns local councils encourage any facility providing sites for caravanners regardless of location.

There are any number of properties in close proximity to a commercial caravan park or town centre would meet the definition of a natural setting.

Case Study

Currently in Shark Bay, crown land zoned tourism is available which is suitable for a caravan park. This land meets all definitions for a nature-based park and would be heavily utilised by visitors to the area if developed as a nature-based park.

An existing commercial caravan park operates on a government leasehold site immediately adjacent to the potential nature-based park site. This commercial caravan park has had to comply with all existing parts of the CP&CG Act and Regulations in providing sites, generating its own power, water treatment and installing infrastructure at a cost of over \$10 million, including a recent \$2.5 million investment into a state of the art black water treatment unit.

Under nature-based park guidelines another operator could develop a facility at barely any cost and be able to offer much lower rates for caravan and camp sites due to not having had to comply with the CP&CG Act. This would have a major detrimental effect on the financial viability of the existing operator and create an uneven playing field in which to operate.

Position

CIAWA fully supports the development of new sites as long as these developments provide the same level of facility as the existing service provider has to comply to.

CIAWA fully supports the development of new sites as long as the existing facility is provided with the same licence conditions as the new development.

CIAWA believes that all providers of a caravan or camp site must operate under the same business conditions and licence regulations and Government provides a level playing field in which to conduct business. Until any the CP&CG Act and Regulations are changed, all service providers must comply with the Act and Regulations. The exception under nature-based parks would be a site that has a maximum of five (5) sites and provides the minimum amenity of one unisex toilet, shower and hand basin.

The description in the guideline that “consideration” be given to the location and access to facilities is to open to interpretation and not prescriptive enough to ensure locations that were not the intention of the guidelines for development will in fact be developed.

Meeting consumer demands have been quoted by Government as part of the reason for creating these guidelines with un-serviced sites. Those consumer groups have not isolated their comments on the standard of facilities required being in remote locations, so why should they not be provided in an area such as the metropolitan area where those consumers travel to?

Either creating and providing low amenity sites is wanted by Government or not. If so it should not matter where they are provided. By allowing commercial caravan parks to cater for this market either in a regional or metropolitan area the needs of the consumer would be catered for and achieve Governments objective of creating a diverse range of sites.

5. Calculation of camping sites

To meet the objective of creating a feeling of being close to nature in a new facility and to maintain the natural amenity. Any nature-based park location must only have a maximum of five (5) sites per facility.

6. License area

The statement that *“the nature-based park license can apply to a designated area which is part of a larger area of land owned by the operator and the regulations do not apply to areas that are not covered by the licence”* reflects a double standard of provision of a licence for one operator over another and creates unequal business operating conditions.

Many existing caravan park operators have land that they would like to provide the facility desired by consumers but are unable to do so, and as an existing commercial operator they do not fit the requirements indicated throughout this guideline on being able to apply for a nature-based park licence – as stated in the guidelines under this condition.

Yet a commercial operation, such as a winery in a natural bush setting two kilometres from a town boundary, that has full facilities such as buildings of bricks and mortar, running water and electricity can have that on a separate area outside of the nature-based park licence.

This is an unequal standard of approving a facility under a second class of licence that creates an unequal operating condition of business and unequal competitive advantage for the provision of the same service for one operator over the other. Everything provided by the operator is classified as the business and the same standard of licence must apply.

The definition of “natural setting” is open to broad interpretation by local councils, who will make decisions based on their own view, as the definition is unclear on the distance from an urban area to a “non-urban” area this could mean anything.

In contrast to the statement in the guidelines that due to the requirement of a nature-based park to be in a natural setting that a commercial caravan park would not be able to meet the requirements, a table of just a few examples of the following existing commercial caravan parks are in settings that meet the requirement, including in the metropolitan area;

The following table is not an exhaustive list and is simply a limited example of existing commercial caravan parks that fit with the definition of a nature-based park and have available land;

Monkey Mia Dolphin Resort	Duke of Orleans Caravan Park	Fitzroy River Lodge
Mandurah Caravan Park	Woodman Point Holiday Park	Yardie Creek Caravan Park
BIG4 Peppermint Park	Tom Price Caravan Park	Bremer Bay Caravan Park
Lighthouse Caravan Park	Peaceful Bay Caravan Park	Ayr Salien Caravan Park

It is also stated in the guidelines that a nature-based park would be incompatible with holiday cabins and chalets. This comment reflects the complete lack of understanding of what the industry currently provides from the comments in the guidelines.

Several examples of what would constitute nature-based parks already exist with chalets and cabins providing an excellent facility to consumers complementing the no service camp sites, some examples include, Karijini Eco Retreat, Red Bluff on Quobba Station, Popanning Farm and Gnaraloo Station.

Case Study

Willoughby Winery and Boston Brewery operate on a farm two kilometres outside of the Denmark Town Boundary. The farm is in a scenic natural setting with a large amount of unused land, very suitable for the provision of a nature-based park as described in these guidelines.

By allowing the developer to excise the part of the land with full services and facilities from the application licence area for a nature-based park, the licence would be for a facility that had no services for caravanners pulling up to stay but in the immediate vicinity would be a restaurant, bathrooms, playground and recreation area.

Exactly the same style of services provided by a commercial caravan park but operating on a completely different licence, the creation of an unequal business model based on two different levels of compliance is unfair to the existing service provider.

Position

CIAWA fully supports the provision of a facility, operated under the same licence conditions as any provider of a caravan site has to comply to on an equal basis.

7. No Permanent accommodation and certain buildings

As already described by CIAWA in this submission, the description of other buildings or fixtures on a proposed development not being included would restrict the ability of the consumers to experience the location, if it is in a scenic natural location or create an unequal business operating condition.

Many existing properties that currently provide a similar facility are a good example as to how properties can be established and this should be encouraged. The provision of these facilities should be developed with the same conditions any operator can provide.

8. Length of stay

The setting of length of stay should not be left to Local Government as the interpretation will vary widely and from one local government area to the next that can be on adjoining properties, which would create an unequal operating condition.

The maximum length of stay should be no more than seven (7) days.

9. Purpose of stay

Once again the issue of who will monitor this needs to be addressed. Local councils are already under resourced and they will not be in a position to monitor.

As an example the resource boom placed pressure on accommodation in the North West, hotels and motels in the middle of towns were allowing permanent occupancy of rooms with no inspection or compliance being provided by the local council.

This was in complete breach of licence conditions but the local council did not perform site inspections and the operator had the opportunity to provide permanent resident occupation and did so.

Position

The purpose of stay must be for short stay tourist only and the regulating authority required to ensure compliance to this condition.

10. Restricted licence

One of the matters to be considered listed in the guidelines is *"if there is no communal toilets, whether every caravan and camp is fully self-contained, including with a chemical toilet."*

The question is asked again, who will monitor this? It is highly likely that an operator will not refuse money from someone arriving at the facility who does not have a fully self-contained vehicle or inspect each vehicle to ensure that it does.

Currently there is no definition of what constitutes a self-contained vehicle. The Tasmanian Local Government Association provides two examples of definitions for self-contained Recreational Vehicles;

- *A vehicle that has internal cooking facilities; sleeping facilities plus water tanks for drinking and other purposes; holding tanks for "grey water" and holding tanks for toilet effluent and shower facilities. (Devonport City Council)*
- *A vehicle that is full self-contained with respect to shower, toilet, washing, cooking and sleeping facilities and must have holding tanks for all toilet waste and sullage water sufficient for at least 48 hours use by the occupants. (Latrobe Council)*

The statement that *"the provision of a chemical dump point (dump points are not necessarily adjacent to nature-based park but in logical proximity)"* would allow a developer to provide a facility for those who have a self-contained vehicle but the cost of providing the facility that those consumers must have access to would be borne by another operator, the commercial park operator or ratepayers through a council facility.

Position

CIAWA supports the development of facilities and the maximum amount of sites provided should be no more than five (5).

Until there is a clear definition of what a self-contained vehicle is, CIAWA believe the minimum requirement for a facility is to provide one unisex toilet, shower and hand basin.

11. Limit of people on site

No more than five (5) sites with a maximum of 10 people per site.

12. Distance between caravans and camps

The natural amenity of an area must be maintained and no less than one hectare per five (5) sites with the location of sites spread across the one hectare.

13. Marketing and advertising material

CIAWA asks what Government believes will be the situation when a consumer arrives with a van or vehicle that does not conform to the facility market segment identified in the Management Plan and the resulting available infrastructure, at a remote facility and no alternative accommodation nearby?

The obvious solution is the operator will allow the consumer to stay and take the fee for the night, resulting in having a product on site that does not fit the “identified market segment” and available services. CIAWA believe that facilities need to provide a minimum amenity that complies to the same standards as all service providers are required to provide.

14. Buildings on a nature-based park

The guidelines state the “nature setting” is critical, without the exact definition of what this truly comprises or indeed if the site is a farm or pastoral station, a nature setting could be just cleared land.

A farm or station can provide fixed accommodation on a separate licence area, providing a level of business conditions that another service provider is unable to supply under a different licence – a commercial caravan park.

Once again the issuing of a different standard of license would create an unequal operating condition for businesses providing exactly the same product.

15. Roads

CIAWA has no position on this condition

16. Recreational Areas

CIAWA has no position on this condition

17. Toilets and showers

The guidelines state “*a registered building surveyor should determine if the toilets and or showers need to comply with disability access requirements*”. Why should this be allowed or implemented differently to what a commercial operator has to provide as it is discriminatory to not do provide disabled access.

Any new toilets or showers built in a public area must comply to regulations ensuring disabled access and the provision of these at identified standards as per the Disability Access Act, the provision of any services must comply with regulations equally for all operators.

The guidelines then state that *“a nature-based park operator can apply to have the 90 metre regulated distance of a toilet to a site increased, and that a shower does not need to be within 90 meters”*. Once again CIAWA point out the discrepancy in this comment, a commercial caravan park cannot apply or provide a site less than 90 meters from a toilet or shower and this creates an unequal business operation.

Position

CIAWA believes that all providers must be able to provide the same service and facilities and that those services and facilities meet the minimum required standard as per regulations and law that are applied when a person resides in an area overnight.

In the case of a minimum standard in a remote area this should be one unisex toilet, shower and hand basin per five (5) sites.

18. Napkin disposal services

CIAWA agree with this condition

19. Washing up facilities for campers

CIAWA believes that all providers must be able to provide the same service and facilities and that those services and facilities meet the minimum required standard as per regulations and law that are applied when a person resides in an area overnight.

20. Lighting and electricity

CIAWA believes that all providers must be able to provide the same service and facilities and that those services and facilities meet the minimum required standard as per regulations and law that are applied when a person resides in an area overnight.

National safety standards apply and the provision of amenities requires the installation of lighting.

Insurance companies will not provide public liability insurance if a facility does not comply and the operator has a duty of care to provide a safe amenity.

21. Fire management

CIAWA believes that all providers must be able to provide the same service and facilities and that those services and facilities meet the minimum required standard as per regulations and law that are applied when a person resides in an area overnight.

Due to the remote location that the nature-based parks guidelines are supposed to be encouraging use at and the lack of any local firefighting unit. Firefighting equipment to a higher standard than minimum should be required with a high pressure water tender unit required at a facility.

22. Water

By not enforcing the provision of water being required at a nature-based park, Government is creating an uneven playing field in which business will operate.

Case Study

At Red Bluff Caravan Park in Kalbarri, the development application for the commercial caravan park identified the use of water from a bore located on the property. Testing showed water quality from the bore as being greater than the quality of local scheme water.

The local council would not approve the use of the bore water by the caravan park and made the condition of connecting to the local scheme water a requirement for the development of the park.

Position

CIAWA believes that all providers must be able to provide the same service and facilities and that those services and facilities meet the minimum required standard as per regulations and law that are applied when a person resides in an area overnight.

23. Cyclone activity

CIAWA believes that all providers must be able to provide the same service and facilities and that those services and facilities meet the minimum required standard as per regulations and law that are applied when a person resides in an area overnight.

An operator must provide the same level of safety requirements for cyclone. A nature-based park should not be able to include in the management plan “visitors will be evacuated” as this may not be possible and is why commercial caravan parks have to provide tie downs.

24. Rubbish

Any management plan must include the concept of rubbish being left on a site and how this will be handled and disposed of, as many visitors will not take their rubbish with them.

25. Telephones

CIAWA believes that all providers must be able to provide the same service and facilities and that those services and facilities meet the minimum required standard as per regulations and law that are applied when a person resides in an area overnight.

To summarise the responses to the schedule listed in the guidelines. CIAWA and industry believe that Government should not initiate Regulations that allow one operator to provide a piece of land for a caravan or camper to use that requires no services or facility but another operator providing exactly the same piece of land for the same caravan or camper must provide a fully serviced, managed and compliant facility – with an associated high cost of providing the site.

This creates an unequal and unfair level of business operations and conditions which should not be implemented or supported by Government.

Appendix 3 - Example of illegal caravan / camping facility advertising



G'DAY Greynomads DO YOU WANT STAY IN PERTH HILLS STAY ON FARM B.Y.O CARAVAN

I have few acres in lovely Perth Hills and am looking for somebody who wants to stay short term for few nights

I can supply 240 volts power box

bbq

basin

shower

tiolet

washing machine

i will charge a lot less than swan valley caravan park Bill mobile 040 223 8765

Appendix 4 - Template for a Local Government Overflow Camping Policy, CIAWA



TEMPLATE FOR A LOCAL GOVERNMENT OVERFLOW CAMPING POLICY

Prepared By The Caravan Industry
Association Western Australia (Inc)



PREAMBLE

All Local Governments are encouraged to prepare a sustainable Overflow Policy. We understand that no Policy will be perfect however, use of this document as a guide should assist in promoting a Policy in which the Local Government can maximise operational efficiencies and tourism benefits without detriment to local licenced caravan park facilities.

The need to implement a Policy arises solely when tourist demand exceeds the capacity of local licenced caravan parks resulting in the risk of lost tourist business throughout the town and wider region.

The purpose of a Policy is to aid Local Government to establish a protocol of referral between local licenced Caravan Parks, the Local Authority, the relevant Tourist Association, and newly arrived visitors to be directed to overflow facilities.

The benefit of having a Policy is to ensure the travelling public has an opportunity to stay within their town of choice as opposed to otherwise bypassing the town or region entirely. An effective Policy will result in caravan park owners and operators benefiting also at times of peak demand as alternative accommodation arrangements can be made via referral to another defined and managed location.

The absence of a Policy can promote illegal camping and the inappropriate use of community facilities resulting in a potentially negative outcome (pollution, environmental damage and visual eyesore) for the local community and businesses.

OBJECTIVE

- Develop a means of referral between local caravan park owners and the appropriate tourist association to maximise operational efficiencies during a period of peak tourist demand.
- Identify and licence specific private or public sites within a Local Authority to ensure that the travelling public has the opportunity to be accommodated when existing licenced caravan parks are operating at or near capacity.
- Ensure that the operation of overflow caravan parks does not impact on the viability of licenced caravan parks.
- Ensure that there is a consistency in regulation so that all overflow caravan parks operate and meet the same standard and price structure.

LEGISLATIVE REQUIREMENTS

All overflow caravan parks whether on private or public land should be developed and approved by the Local Authority with an Annual Licence as a Temporary Caravan Park using the “Transit Caravan Park” requirements for ablution and laundry facilities under the Caravan and Camping Grounds Regulations 1997 (as amended).

All land (private or public) which is considered physically suitable/capable of accommodating an overflow caravan park should be considered, regardless of its zoning under the provisions of the local town planning scheme.

OVERFLOW SITES WITHIN A PERMANENT CARAVAN PARK POLICY

The use of available land within existing licenced caravan parks needs to be identified prior to any additional private or public overflow sites being licenced.

Consistent with purely overflow parks, any portion of a commercial park being used for overflow accommodation can comply with the “Transit Caravan Park” provisions only.

The land identified within the local licenced caravan park facilities should be included on the annual park licence as “overflow sites”.

It will be the sole responsibility of the caravan park operator to determine what sites of the licenced caravan park are to be used and when.

SUGGESTED POLICY PROVISIONS

1.0 The policy needs to apply to all licenced overflow caravan parks. As a general rule the Local Authority should identify not less than four sites suitable to be licenced. Each Local Authority will have different locational attributes and land which is either publicly or privately owned. Regardless of ownership or zoning all sites should be considered and a strategic review of possible suits needs be undertaken in consultation with commercial park owners/managers and all recognised stakeholders.

As a general guide, overflow parks should:

- Not be required for any other use during the local peak tourist season;
- Already have or have the capacity to be developed with the essential facilities required for a “Transit Park” (i.e. ablutions and laundry);
- Be in close proximity to the town centre or neighbourhood shopping centre;
- Have suitable/safe access to accommodate all types of motorhomes/RV/caravans; and
- Retain a level of general amenity to ensure a pleasant but not extended stay (i.e. commercial caravan parks should remain a more desirable holiday destination).

2.0 The overflow caravan parks will only be opened upon direction from the Local Authority, once an inspection by an Environmental Health Officer has been conducted and the overflow caravan park meets legislative requirements (Caravan Parks and Camping Grounds Regulations 1997) – Refer to ‘Suggested Protocol’ below for guidance.

To avoid a surplus of overflow sites being available, sites within local licenced caravan parks should be opened first followed by external overflow parks. It is suggested that an appropriate order be agreed upon by all stakeholders to ensure a sustained outcome. A rotational roster from year to year may be required if privately owned overflow parks are considered.

3.0 The opening dates for the approved overflow caravan parks will be determined by the Local Authority and formal advice will be provided to the overflow caravan park operator.

A written licence will be provided for the time that the overflow caravan park is operating (other than for licenced caravan parks which have the overflow sites contained within the annual park licence). The expiry date on the licence is an approximate closing date. Direction will be given in writing when the overflow caravan park is to close.

- The Local Authority in conjunction with the relevant local tourist association will need to determine opening and closing times based on advice from the local licensed caravan parks as to the number of sites being required.
- 4.0 The Local Authority needs to be responsible for the monitoring and enforcement of the legislative and licence conditions of the local Town Planning Scheme and Caravan and Camping Grounds Regulations.
- All overflow caravan parks must comply with these requirements whilst the overflow caravan park is in operation. The Local Authority should as a condition of the licence advise that any breach of the Scheme or Regulation may result in the revoking of any licence at any time. This includes existing licenced caravan parks.
- 5.0 Regardless of whether the site is confined within a private or public overflow park a maximum of seven (7) nights stay within any three (3) month period at the overflow caravan park should apply.
- Any person should be permitted to stay for a total of seven (7) days; however these days do not have to be consecutive. Where possible an overflow park operator should be required to provide a copy of the bookings on a weekly basis of all guests to the Local Authority.
- Each Local Authority would need to consider the above in consultation with local licensed caravan park operators and the supply and demand characteristics of the area.
- 6.0 To ensure a high level of effective communication between all stakeholders the overflow caravan park operators are to inform the relevant tourist association twice daily. Given preferred check in/out times - once in the morning at 10.30am and once in the afternoon at 3.30pm of their occupancy status.
- 7.0 It should be up to the discretion of the overflow caravan park operator if they wish to accept animals, including dogs. If an overflow caravan park does accept animals then there are legislative requirements contained in the Caravan Parks and Camping Grounds Regulations 1997 that must be met.
- It should be a condition of the annual licence that these requirements are provided in writing to the park guest.
- 8.0 It has been noted that some guests within caravan parks (particularly those on extended travel) undertake part-time commercial (hobby) activities from their site. Any guest staying within an overflow park is not permitted to conduct commercial or profit making business activities within an overflow caravan park.
- 9.0 The marketing or referral of business of an overflow park or portions of a caravan park with an overflow capacity is not permitted other than through the relevant tourist association during the period these facilities are available. Direction signage is allowed, as long as it complies with the scheme provisions of the relevant Local Authority.
- 10.0 One major benefit of a designated and licenced overflow park is the management of waste disposal. It needs to be a condition of the licence that all waste disposal including, sullage and refuse, is the responsibility of the overflow caravan park operator.
- 11.0 The issue of security and safety is vital to ensure all guests have a pleasant experience within an overflow park. As such a caretaker needs to be allowed to reside at the overflow caravan park for the term of the temporary licence.



SUGGESTED PROTOCOL

The co-ordination of which overflow park is open and the number of available sites should be undertaken by the tourist association to avoid administrative costs being incurred by the Local Authority. A single point of contact for travellers also ensures consistent information is being provided.

Example of implementing the Policy Protocol

“A traveller is contacting licenced caravan parks to find out they are fully booked. In response they are requested to add their name to the caravan parks waiting list but told to ring the tourist association (i.e. local Visitor Centre) every few days to see if any overflow park has or will be opening.

In the mean time the caravan park owners and operators are in contact with the tourist association and Local Authority and collectively the decision to open an overflow park is made.

When travellers on the waiting list call back (to the tourist association) they are advised that park “x” is now open as an overflow and from there on all correspondence is between the traveller and the owner of that overflow park.”

The Local Authorities’ main role, if not providing an overflow site themselves, is the issuing and monitoring of any licence.

The opening of an overflow park is not considered appropriate until such time as all existing licenced caravan park facilities within the town are fully booked (including overflow areas within existing parks) and there is a reasonable* waiting list for each park.

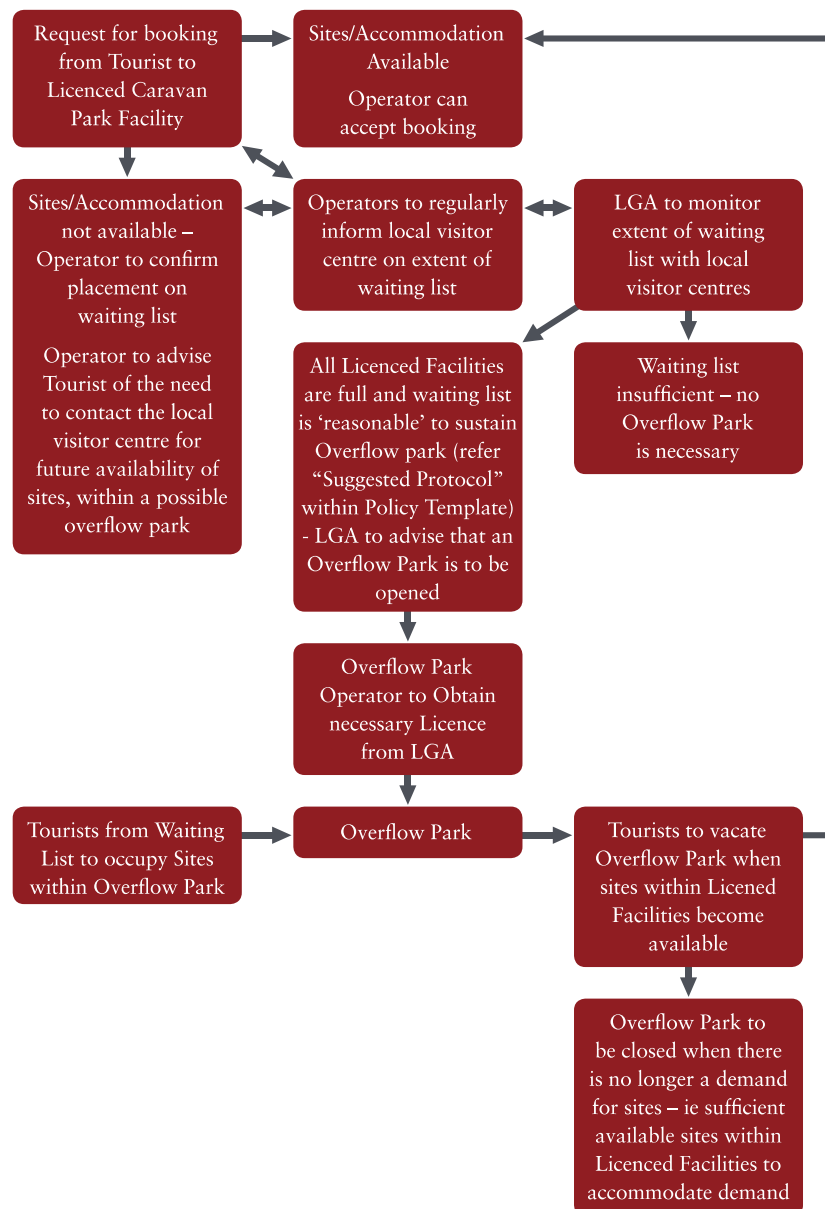
Included as Figure 1 is a typical “flowchart” detailing the implementation of the suggested protocol.

PRICE STRUCTURE

To ensure that a price competitive market still remains the suggested nightly rate for a site within an overflow caravan park should to be determined by the relevant Local Authority in conjunction with local licenced facilities and be consistent with the average nightly/ weekly rate within the area.

Figure 1–Protocol Flow Chart

Note—prior to implementing this flow chart the relevant Local Authority will need to identify its preferred private and/or public overflow caravan parks in accordance with Section 1.0 of this Policy Template.





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