

**SUBMISSION TO THE DEPARTMENT OF LOCAL  
GOVERNMENT AND COMMUNITIES**

**PROPOSAL FOR HOLIDAY PARKS AND  
CAMPING GROUNDS LEGISLATION  
SECOND CONSULTATION**

**NOVEMBER 2015**

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## Executive Summary

Shelter WA welcomes the opportunity to provide a submission to the Department of Local Government and Communities (DLGC) on the 'Proposal for Holiday Parks and Camping Grounds Legislation – Second Consultation'. As the peak body for social and affordable housing in Western Australia, Shelter WA recognises the importance of protecting current sources of affordable housing, such as caravan parks. Shelter WA acknowledges that caravan parks also play a valuable role in providing tourism accommodation across the State, but that for many residents they are a 'housing of last resort' (Eastgate, 2011).

Whilst some people may choose to live in this form of housing for lifestyle or locational reasons, caravan parks are increasingly being used as an affordable housing option for low to moderate income earners and those on fixed incomes, such as seniors and people on a disability support pension. According to the 2011 Census, 1,237 people in WA were marginally housed in caravan parks, at risk of homelessness (ABS, 2012).<sup>1</sup>

In response to the DLGC discussion paper on caravan parks in 2014, Shelter WA held a community consultation in conjunction with Tenancy WA on 31 July 2014, which included park owners, residents, tenant advocates, a political party representative and delegates from significant representative bodies in the sector, including the Park Home Owners Association and the Caravan Industry Association. Following the release of the second round of proposals by DLGC in 2015, Shelter WA convened a focus group on 22 October 2014 to discuss proposed changes to this legislation, which involved previous and current residents of caravan park accommodation. Information gathered during these consultations has been used to inform this submission.

Shelter WA recommends taking into consideration the following, when developing new legislation in this area:

- Ensure the new legislation does not discourage parks from permitting long-stay sites, in favour of short-term tourist sites.
- Ensure the proposed changes to the Caravan Parks and Camping Grounds (CPCG) Act and Regulations do not cause an unnecessary financial burden on low income residents, including seniors and retirees, or to park owners.

More specific to the proposals contained in the Consultation Paper, Shelter WA recommends:

- Retain 'Park Home' parks under current legislation to ensure that these housing options can continue to be developed on caravan park zoned land.
- Do not require that 'any residential development consisting mostly of park homes for the purposes of long-term residential living must provide 10 designated sites for short-stay accommodation vehicles and/or tents, or a prescribed percentage of such sites, to be eligible for an approval to operate' to ensure park owners have flexibility in determining the best ratio of short and long stay sites, and that there are not limitations on existing and future long stay residents.

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<sup>1</sup> People living in caravan parks are classified as being marginally housed by the ABS if the caravan park is their main home, none of the household residents are working full-time, the dwelling was being rented for less than a threshold amount, the landlord was not reported as an employer, the dwelling had less than three bedrooms, and the combined household income was below a certain amount.

- Ensure that movability and licencing requirements are not applied retrospectively to all converted accommodation vehicles, but implement minimum standards to protect the health and safety of the occupiers and surrounding users.
- Implement longer term park leases to encourage security of tenure for residents and long term security of use for owners.
- Retain the Caravan Parks and Camping Grounds Advisory, in addition to engaging in proactive consultation.

## Shelter WA Recommendations

### Overall considerations

#### **Recommendations:**

1. Ensure the new legislation does not discourage parks from permitting long-stay sites, in favour of short-term tourist sites.
2. Ensure the proposed changes to the Caravan Parks and Camping Grounds (CPCG) Act and Regulations do not cause an unnecessary financial burden on low income residents, including seniors and retirees, or to park owners.

New legislation and regulations governing the use of caravan parks may cause an unnecessary financial burden on park residents and owners. In Shelter WA's discussions with stakeholders, park owners and industry representatives indicated that caravan park owners require a mix of long-stay and short-stay tenants for their businesses to remain viable, and for current long-stay residents to remain housed.

Shelter WA is concerned for seniors and others living in caravan parks in WA, many of whom have limited housing options. Unless other forms of affordable, appropriate accommodation are available for caravan park residents, Shelter WA urges caution when imposing new regulations that may contribute to the loss of long-stay sites in existing caravan parks.

## Changing the definition of a 'Caravan' park to 'Holiday' park and removing 'Residential' parks from the Caravan Parks and Camping Grounds Act (1995)

### **Recommendations:**

3. Retain 'Park Home' parks under current legislation to ensure that these housing options can continue to be developed on caravan park zoned land.
4. Do not require that 'any residential development consisting mostly of park homes for the purposes of long-term residential living must provide 10 designated sites for short-stay accommodation vehicles and/or tents, or a prescribed percentage of such sites, to be eligible for an approval to operate' to ensure park owners have flexibility in determining the best ratio of short and long stay sites, and that there are not limitations on existing and future long stay residents.

Shelter WA does not believe the proposed changes in the name and definition from 'Caravan Park' to 'Holiday Park' best reflects the current use of parks, and the future needs of residents and owners. Furthermore, the new definitions suggest that these facilities are only intended for holiday purposes, when they have actually become – and need to remain – a long-term housing option for many low to moderate income households. Whilst caravan parks do not offer an optimal form of accommodation for many people, significant numbers have been forced to reside in these facilities as long stay tenants. To support this, the current definitions of 'caravan park' and associated licencing terminology should be retained. There seems to be no benefit in implementing these definitional changes, and it is likely these will have a negative impact on residents.

The recent discussion paper notes 'facilities which are solely or predominantly developed for the provision of long-stay residential park homes will not be captured under this legislation or be able to access caravan park-zoned land'. The Department of Commerce (2014) estimates there are approximately 191 residential parks in WA. These parks have provided a valuable accommodation option, especially for seniors and retirees, as explained earlier. Removing residential parks and lifestyle villages from the Caravan Park and Camping Ground Act (1995) could significantly impact the ability of future developments of this type of affordable accommodation, due to the new set of planning requirements that will apply.

Shelter WA believes a recommendation put forward in the Economics and Industry Standing Committee report tabled in 2009, *Provisions, Use and Regulation of Caravan Parks (and Camping Grounds) in Western Australia* should be adopted under any new legislation. Recommendation 34 states: 'The regulation of those residential parks modelled as "lifestyle villages" remain under the Caravan Parks and Camping Grounds Act 1995 (WA). Separate subsidiary legislation under the Act should be developed for the regulation of these residential parks...' (Economics and Industry Standing Committee, 2009). Adoption of this recommendation would be a better solution for residents and owners of these facilities.

## Licensing and movability of caravans, and transitional agreements

### **Recommendation:**

5. Ensure that movability and licencing requirements are not applied retrospectively to all converted accommodation vehicles, but implement minimum standards to protect the health and safety of the occupiers and surrounding users.

The proposed legislation requires that all new caravans and campervans in holiday parks must be licensed at all times, but considers the potential for 'transitional agreements' to cover existing converted accommodation vehicles. During the consultation and focus group convened by Shelter WA, the majority of participants, including caravan park residents, park owners and tenant advocates, strongly opposed requiring all accommodation vehicles to conform to the *Road Traffic Act* or the *Building Codes*. The concerns by participants included:

- This change will be extremely costly for residents and park owners and may affect the financial viability of parks (as park owners often own caravans and park homes located in their park);
- Many caravans can only be moved short distances or are immovable and making any structural changes to enable movability would compromise the structural integrity;
- Being able to move a caravan or park home within 24 hours is unfeasible and unrealistic, as it often takes more than 24 hours just to remove verandas or annexes attached to caravans;
- Residents are predominantly seniors, and will not be able to cover the increased costs of bringing caravans and park homes up to the standards required to obtain a license; and
- Local governments have been inconsistent in their implementation of movability and licensing requirements, and residents and owners should not have to pay for licensing and movability requirements which were not previously required.

Shelter WA is pleased that the Department has sought comment on implementing transitional arrangements for existing accommodation vehicles through this second consultation paper. These transitional agreements must be an essential component of the legislation to ensure that residents currently residing in accommodation vehicles are not restricted from doing so. Without this, many people who cannot afford to improve the standard of their accommodation vehicle will be at risk of being displaced. Shelter WA acknowledges that minimum health and safety standards are necessary, as this is essential for any form of accommodation.

## Licensing of parks and changes to management plans

### **Recommendation:**

6. Implement longer term leases to encourage security of tenure for residents and long term security of use for owners.

During the Shelter WA consultation and focus group, some participants expressed concerns that caravan park owners could not offer leases longer than one year, as management plans – and licensing of caravan parks – are currently only approved on an annual basis. Under proposed changes, the duration of park licences would be increased, with reduced frequency of inspections. Shelter WA supports extending the licensing period and believes this will provide financial certainty to owners and greater security of tenure for residents, who could benefit from longer term leases.

Shelter WA recommends that inspections of parks should occur more regularly than every two years, as proposed. It is clear from Shelter WA's input from stakeholders that the standards and level of amenity differ greatly among parks across the State. While some accommodation providers are conforming to health and safety, and minimum amenity requirements, others appear to not meet those minimum standards.

## Caravan Parks and Camping Groups Advisory Committee

### **Recommendation:**

7. Retain the Caravan Parks and Camping Grounds Advisory, in addition to engaging in proactive consultation.

The Consultation Paper presents two options, 1) continue the Caravan Parks and Camping Grounds Advisory Committee, or 2) proactive consultation with relevant stakeholders in place of the Advisory Committee.

Proactive consultation and the Advisory Committee are not mutually exclusive. Shelter WA recommends a third option to engage in proactive consultation in addition to convening the Advisory Committee. Shelter WA does not support the recommendation to abolish the Caravan Parks and Camping Grounds Advisory Committee in favour of consultation with relevant stakeholders. It is important to maintain an ongoing, formal process to make recommendations to the Minister on ways to improve, promote and regulate caravanning and camping in Western Australia. In addition, the DLGC should engage in proactive consultation with a wider audience through workshops and an email distribution list to share information with interested parties.

## Conclusion

Shelter WA supports some of proposed changes to the CPCG that improve consistency, clarity, compliance and safety. However, there are other proposed changes that Shelter WA believes could negatively impact on the ability of low income residents to reside in these facilities, and any changes to CPCG affecting these residents must not further disadvantage these households.

Ensuring that existing legislation allows flexibility for owners to manage their parks according to demand should be an important consideration for the DLGC. Long stay residents should not be excluded from these locations in favour of short-stay residents or those on holiday.

Shelter WA's stakeholders, particularly current caravan park residents, expressed concern about the cost of licensing and the requirement that caravans must be transportable. The DLGC should ensure the protection of these residents from the significant financial costs of conforming to licensing requirements, through the use of transitional agreements proposed in the paper. This will prevent these residents from losing their homes and/or being forced into homelessness.

To discuss the issues raised in this submission in further detail, please contact Chantal Roberts, Executive Officer on (08) 9325 6660 or email [eo@shelterwa.org.au](mailto:eo@shelterwa.org.au).

## References

- ABS. (2012). *Census of Population and Housing 2011; Estimating Homelessness*. Canberra: Australian Bureau of Statistics.
- Department of Commerce. (2014). *Statutory Review of the Residential Parks (Long-Stay Tenants) Act 2006*.
- Eastgate, J. (2011). Marginal Tenures in Australia: Boarding Houses, Caravan Parks and All That. *Parity*, 26-27.
- Economics and Industry Standing Committee. (2009). *Provisions, Use and Regulation of Caravan Parks (and Camping Grounds) in Western Australia*. Perth: Parliament of Western Australia.