

WESTERN AUSTRALIAN GOVERNMENT RESPONSE
TO
LEGISLATIVE ASSEMBLY
ECONOMICS AND INDUSTRY STANDING COMMITTEE
REPORT NO.10:
RESPONSE TO HOUSE- MATTER OF PARK HOME
RESIDENTS-OCTOBER 2011

ECONOMICS AND INDUSTRY STANDING COMMITTEE REPORT NUMBER 10: "RESPONSE TO HOUSE - MATTER OF PARK HOME RESIDENTS"

The purpose of this document is to provide the Government response to the Economics and Industry Standing Committee (EISC) report No. 10 "Response to House – Matter of Park Home Residents."

A Motion passed by the Legislative Assembly on 13 April 2011, requested that the Committee consider the appropriateness of undertaking an investigation into all park homes that have been closed or have collectively evicted long-stay tenants since 2006, to ensure compliance with all aspects of appropriate legislation.

Public hearings were conducted in late August 2011 and the departments of Commerce, Housing, Tourism, Local Government, Environment and Conservation and Planning gave evidence at the hearings.

The Committee found that "the general level of compliance with the *Residential Parks (Long-stay Tenants) Act 2006* appears sufficient to negate the need for a broader investigation of park closures at this time."

The report made 11 recommendations. The Government broadly supports the majority of the recommendations and notes that considerable progress has already been made in implementing a number of the recommendations.

In preparing the Government's response, the Minister for Commerce consulted with relevant Ministers for their input in relation to each of the recommendations. These responses were subsequently amalgamated to provide this single coordinated Government response.

The Government is strongly committed to addressing issues impacting long-term tenants residing at residential parks. The 2012 statutory review of the operation of the Act will be brought forward. A public consultation paper inviting stakeholders to provide input to the review will be released in June this year.

GOVERNMENT RESPONSE TO ECONOMICS AND INDUSTRY STANDING COMMITTEE REPORT NO.10: RESPONSE TO HOUSE- MATTER OF PARK HOME RESIDENTS

Recommendations	Government Response/ Action*	Comments
<p>Recommendation 1</p> <p>The Department of Commerce ensure that the initial round of visits under its proactive compliance visit scheme be completed as a matter of urgency.</p> <p>Following this, a rolling two-year audit of all relevant parks should be instituted.</p>	<p>Partly supported</p>	<p>The Department of Commerce is committed to completing a proactive compliance visit to each residential park in the state as soon as practicable, however, this is contingent on having an accurate register of all residential parks. Some remote sites may not be able to be visited immediately.</p> <p>Once the initial round of compliance visits are completed, the Department of Commerce will implement a regular program of proactive visits. The existing number of visits per year, approximately 90, which was found adequate by the EISC, is unlikely to meet the recommended two-year rolling audit of all residential parks.</p>
<p>Recommendation 2</p> <p>Department of Commerce immediately liaise with Department of Local Government to obtain the details of the five caravan parks at risk of closure in the shires of Broome, Canning, Harvey and Kalamunda.</p> <p>The Department of Commerce should then ensure that any parks regulated under the <i>Residential Parks (Long-stay Tenants) Act 2006</i> receive a proactive compliance visit.</p>	<p>Implemented</p>	<p>In response to this recommendation, the Department of Commerce and the Department of Local Government have been in direct communication.</p> <p>Of the five parks listed as being at risk of closure:</p> <ul style="list-style-type: none"> • two parks had already closed; • another park had no long-stay tenants or long-stay sites; and • one park had been mistakenly included in the list. <p>A proactive compliance visit was subsequently made to the</p>

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		<p>remaining park, the Palm Grove Caravan Resort in Broome. It was found that it had no long-stay sites on its licence and no long-stay tenants residing at the park. As a result, Palm Grove Caravan Resort does not fall within the provisions of the <i>Residential Parks (Long-stay Tenants) Act 2006</i> (the Parks Act).</p> <p>In the event of a potential residential park closure, the Department of Commerce will immediately inform the Caravan Park Closures - Interagency Working Group and will continue to ensure that the rights of long-stay tenants are protected under the Parks Act.</p>
<p>Recommendation 3 The Department of Local Government compile the records held in each local government area and provide the Department of Commerce with the location and configuration of each caravan park registered under the <i>Caravan Parks and Camping Grounds Act 1995</i>.</p>	<p>Partly supported</p>	<p>The Government recognises the desirability of developing and maintaining a comprehensive database of caravan parks and camping facilities in Western Australia. It is not, however, considered appropriate that responsibility for this function rest with the Department of Local Government.</p> <p>The role of local government authorities is to license and monitor caravan parks to ensure compliance. Collecting and maintaining data on caravan parks and the industry is not seen as a role of the Department of Local Government.</p> <p>The Department of Local Government will, however, provide the results of the previous survey to any agency undertaking this coordination role or to any agency which requires this information.</p>

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<p>Recommendation 4</p> <p>Tourism WA becomes a full-time member of the Caravan Parks/Park Homes Interagency Working Group.</p>	<p>Supported in principle</p>	<p>The Government recognises the need for increased Government collaboration in relation to caravan parks.</p> <p>The Caravan Park Closures - Interagency Working Group (IWG) will invite a senior representative from the Department of Tourism WA to become a member of the group.</p> <p>Tourism WA advises it is happy to attend IWG meetings and address any tourism issues as may be required.</p> <p>Tourism WA, however, notes that the focus of IWG is on caravan park closures. Consideration will therefore need to be given to whether the work of the IWG is relevant to Tourism WA and whether full time membership of the IWG is warranted.</p>
<p>Recommendation 5</p> <p>Data recently collected by the Tourism WA and the departments of Commerce, Environment and Conservation, and Local Government should be collated and used to establish a comprehensive database of all caravan parks and camping facilities in Western Australia.</p> <p>Responsibility for the creation and ongoing maintenance of the database should be vested with Department of Local Government.</p> <p>The Caravan Parks/Park Homes Interagency Working Group (IWG) could be used as the forum through</p>	<p>Partly supported</p>	<p>The Government is cognisant of the fact that there is still no reliable database of caravan parks and camping grounds within Western Australia.</p> <p>It is acknowledged that the establishment of a database of all caravan parks and camping facilities in Western Australia will assist future planning and will support monitoring and compliance activities relevant to the <i>Residential Parks (Long-stay Tenants) Act 2006</i>.</p> <p>The Government supports the IWG providing a forum for promoting the cooperation of relevant departments, but does not support utilising the IWG to compile the respective data sources.</p>

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<p>which these departments can cooperate to compile their respective data sources.</p>		<p>The role of developing a database will instead be undertaken by the Department of Commerce as lead agency in collaboration with other identified departments.</p> <p>The survey of caravanning and camping facilities within local government districts undertaken by the Department of Local Government will provide a valuable data source for establishing this database.</p> <p>As a minimum, the database will consist of:</p> <ul style="list-style-type: none"> • the name and location of each caravan park and camping site (including lifestyle villages); and • the number of long-stay sites, short-stay sites and long-stay tenants. <p>Relevant agencies have indicated their commitment to working cooperatively to establish the database. Assistance will also be required to ensure the database remains up to date. For example, the Department of Commerce will seek annual updates from the Department of Local Government in regard to any amendments to caravan park licenses issued by local government authorities.</p> <p>Tourism WA advises that it is currently preparing a Caravan Park and Camping Ground strategy for Western Australia. An important part of this is determining any significant information and data gaps and suggested approaches to addressing these issues.</p>

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		<p>A comprehensive database would assist in this process. It is anticipated that the strategy will therefore recommend the preparation of a comprehensive database with appropriate resourcing and funding.</p> <p>It is therefore anticipated that, subject to securing adequate resourcing and funding, a more sophisticated database may be developed in the future.</p>
<p>Recommendation 6 The establishment and ongoing maintenance of a comprehensive database of all caravan parks and camping facilities in Western Australia be included as a stated objective of the Caravan Parks/Park Homes Interagency Working Group (IWG).</p>	Not supported	<p>The Government supports the IWG providing a forum for promoting the cooperation of relevant departments, but does not support utilising the IWG to compile the respective data sources. This responsibility appears to fall outside of the remit of the IWG, which is to co-ordinate the Government's response to park closures.</p> <p>Instead, the Department of Commerce is committed to establishing a suitable database and will make the database available to relevant agencies. The Department of Commerce is also willing to work cooperatively with other agencies to refine the database in order to maximise its usefulness. (Please refer to response to Recommendation 5 for further detail.)</p>
<p>Recommendation 7 The Department of Commerce organise a briefing for all members of Parliament on the recently established Seniors' Housing Centre.</p>	Supported	The Department of Commerce will implement this recommendation early in the 2012 Parliamentary year.

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<p>Recommendation 8 The Department of Planning ensure that the <i>State Planning Policy – Land Use for Tourism</i> is completed.</p>	<p>Pending further consideration</p>	<p>The imposition of statutory policies is not favoured where less proscriptive planning instruments are available and work. It is noted that the Government's planning reforms being implemented are aimed at providing flexibility and where practical/responsible, a reduction in statutory regulation.</p> <p>It is noted that the Western Australian Planning Commission's current policy position on tourism planning and park homes is set out in Planning Bulletin No. 83: Planning for Tourism, Planning Bulletin No. 49: Caravan Parks, and Planning Bulletin No. 71: Residential Leasehold Estates and Developments.</p> <p>The Tourism Planning Taskforce (the Taskforce) was established in September 2002 to address issues surrounding tourism development. In 2006, the Taskforce produced the Tourism Planning Taskforce Report which made 26 recommendations relating to planning for tourism.</p> <p>The Taskforce Report recommended the creation of a State Planning Policy to provide a policy framework that would assist the implementation of the recommendations.</p> <p>In the interim, Planning Bulletin 83: Planning for Tourism (Planning Bulletin 83) was created and released in June 2007.</p>

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		<p>A revision of Planning Bulletin 83 was subsequently released on 19 July 2011 to provide a more strategic and flexible approach to tourism planning to encourage and support investment in the industry.</p> <p>The revision of the policy was undertaken in consultation with the Western Australian Local Government Association (WALGA), Tourism WA and the Tourism Council.</p> <p>Planning Bulletin 83 highlights the Western Australian Planning Commission's position on tourism planning and development within the State and will guide decision-making by the WA Planning Commission and local governments on subdivision, development and scheme amendment proposals for tourism purposes.</p> <p>The implementation of Planning Bulletin 83 will be monitored and reviewed in July 2012 to determine if further amendment and/or the formal preparation of a State Planning Policy is still required to achieve the Taskforce Report's objectives.</p> <p>If required, Tourism WA is able to assist the Department of Planning with the preparation of a State Planning Policy for Tourism.</p>

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<p>Recommendation 9 Tourism WA and Department of Planning ensure that the demand hot-spots identified in Tourism WA's current gap analysis audit receive urgent assistance in the development of local tourism planning strategies. The Shire of Broome should be given priority in this process.</p>	<p>Support in principle</p>	<p>The Government encourages local government authorities in key tourism locations to prepare local tourism planning strategies. These are important in informing planning decisions regarding tourism development and infrastructure requirements and would potentially complement the information identified through the Tourism WA's Caravan Park and Camping Ground strategy gap analysis.</p> <p>Whilst the Government encourages local government authorities to prepare local tourism planning strategies it is ultimately their decision as to whether they undertake this exercise. It is also noted that the preparation of these tourism planning strategies may require significant resourcing and funding for individual local government authorities.</p> <p>Initiatives continue to be progressed to inform local governments in relation to this matter. These include the recent release of Planning Bulletin 83 (2011) which recommends that local planning strategies include reference to tourism.</p> <p>In areas where tourism is considered significant, within a locality or region, it is recommended that a more detailed tourism component of the local planning strategy be prepared by the local government in consultation with Tourism WA and the Department of Planning.</p> <p>The Department of Planning will be developing best practice guidance for the tourism component of Local Planning Strategies over the next 18 months in consultation with</p>

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		<p>Tourism WA.</p> <p>In relation to the Shire of Broome, the Shire is currently reviewing its draft Local Planning Strategy, which will incorporate a Local Tourism Planning Strategy.</p>
<p>Recommendation 10 The Minister for Planning provide for lifestyle-type villages to be developed on rural zoned land, particularly on lands bordering larger towns in the Peel, Bunbury and broader South West regions.</p>	<p>Not supported</p>	<p>The Government's response to Recommendations 33 and 34 of the Committee's Second report -Provision, Use and Regulation of Caravan Parks (And Camping Grounds) in Western Australia, tabled in the Legislative Assembly on 25 May 2010, still stands.</p>
<p>Recommendation 11 The Minister for Local Government ensures that a statutory review of the <i>Caravan Park and Camping Grounds Act 1995</i> is completed as a matter of high priority.</p>	<p>Partly supported</p>	<p>A review of this Act is scheduled to commence in 2012.</p>