

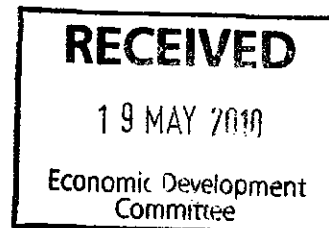
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Caravan & Camping
INDUSTRY ASSOCIATION NSW

17 May 2010

The Research Director
Economic Development Committee
Parliament House
George Street
BRISBANE QLD 4000



Inquiry into developing Queensland's rural and regional communities through grey nomad tourism.

I wish to make a submission to your inquiry on behalf of the Caravan & Camping Industry Association of NSW (CCIA). Thank you for offering us the opportunity to contribute.

On reading your Issues Paper No 3 it would appear that you are clearly focusing on the caravan and motorhome sectors of traveling tourists, which of course tend to be those over the age of 55 years. On reading some of the reasons put forward in the papers, it seems that the Campervan & Motorhome Club of Australia (CMCA) has had an influence on the instigation of this inquiry.

Certainly the caravan, motorhome and camping industries have been the fastest growing domestic tourism sector in Australia over the past 12 years at least.

It needs to be realised that caravanners are by far the majority of RV travelers compared to those driving campervans or motorhomes. Despite some differences in vehicle types, all can be adequately accommodated in caravan parks in NSW, and I imagine the same applies in Queensland.

Many RV travellers are not necessarily influenced by State boundaries when planning their trips or holidays. It therefore seems appropriate that similar policies should apply from State to State.

I would like to make you aware of significant developments in NSW, as a result of agreement reached between: NSW government (three relevant agencies); Local Government & Shires Association (LGSA); the industry (CCIA); and a consumer club (CMCA).

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A working group of the bodies mentioned met on three occasions in late 2009 and early 2010 to agree on a policy, and regulations to deal with illegal camping. That is: the use of Crown reserves (in particular, but it applies to any lands) for regular overnight camping (of caravans or motorhomes) which has not had development approval (DA) as a caravan park, and does not comply with the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.

Generally, local Councils are the offenders of offering non-compliant land for illegal camping. The Land and Property Management Authority (LPMA – previously Dept of Lands) will be enforcing Councils who do not comply with the law.

A small number of Councils in NSW have been given the status of an "RV Friendly Town" by the CMCA. However most of the land offered is non-compliant and is therefore an illegal operation. Also, where these sites are offered free of charge, or at a nominal fee, the Councils are not complying with the Competitive Neutrality Guidelines and are unfairly competing with legitimate caravan parks.

The attached LPMA paper outlines the agreed outcomes of the working group, and confirms the government position on compliance.

This paper was presented by LPMA at the recent LGSA Tourism Conference. Also the LGSA has distributed the information to all Councils in NSW. The Minister for Planning and Minister for Lands, Tony Kelly, also formally announced the outcomes on 18 April 2010.

Also attached is a paper compiled by CCIA, which puts the policy in a context. The issues put forward would be of interest to your inquiry as I feel you will need to address similar issues and situations.

The position of our Association (CCIA) is that legitimate caravan parks can adequately cater for all RV travellers, and will be able to accommodate future growth, given that current average occupancy rates are generally less than 50%.

I will be happy to provide additional information if required.

Yours sincerely,



BARRY BAILLIE
Chief Executive Officer

The Use of Crown Reserves for Caravan Parks and Camping

The purpose of this paper is to clarify for Local Councils and other organizations with an interest in caravan parks and camping, the position of the Land and Property Management Authority in respect of the use of Crown reserves for caravan parks and camping.

Introduction

The Land and Property Management Authority (the Authority) is committed to sustainable tourist destinations that cater for caravans, campervans, motorhomes, tents and other moveable dwellings. However, the Authority cannot, nor does not, condone illegal caravanning and/or camping on Crown land. All facilities on Crown land advertised for public tourist accommodation, including showgrounds, must be approved.

Position

i) Approval to Operate

The approval to operate a caravan park and/or a camping ground in NSW (either on Crown land or freehold land) is required under:

- Section 68 of the *Local Government Act 1993* (LG Act), in compliance with the relevant provisions of
- the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005*.

ii) Approval to Develop

State Environmental Planning Policy No. 21 – Caravan Parks (SEPP 21) requires that “development for the purposes of a caravan park may be carried out only with the development consent of the [local government] council”. Note that the definition of ‘caravan park’ includes a camping ground.

However, if a caravan or camping ground is prohibited under another plan, for example, a council’s local environmental plan, SEPP 21 does not change that position.

Also, the establishment of a new caravan park or camping ground on Crown land requires the Authority’s consent (land owners consent) which is subsequently submitted with the development application.

The local Council is the consent authority for development under SEPP 21 and for an approval to operate.

Endorsement

This position paper is endorsed by the following Government Agencies and Organisations:

- NSW Department of Planning
- Tourism New South Wales
- Local Government & Shires Association
- Caravan & Camping Industry Association of NSW
- Campervan & Motorhome Club of Australia

Further Information

Further information may be obtained by contacting the Crown Land Division, LPMA, Level 4, 437 Hunter Street, Newcastle NSW 2300; or www.lands.nsw.gov.au.

The Use of Crown Reserves for Camping: *The need for compliance with the law.*

To deal with the issue of 'illegal camping', particularly on Crown Reserves in NSW, a government and industry working group was established in 2009 to consider the issues and to recommend resolutions. The group met on three occasions.

The working group comprised representation from:

- Land and Property Management Authority (previously Dept of Lands), convener
- NSW Department of Planning
- Tourism New South Wales
- Local Government & Shires Association (LGSA)
- Caravan & Camping Industry Association of NSW (CCIA)
- Campervan & Motorhome Club of Australia (CMCA)

This initiative was supported by both the Minister for Lands and the Minister for Tourism.

During the process, all parties were invited to make submissions and to express their particular views, which were captured in a draft position paper as a basis for further deliberations.

This document will not attempt to analyse all of the issues raised, but rather will focus on the outcomes, recommendations and future actions, with explanations where appropriate.

The Issues – in summary

The Regulatory Environment

Caravan parks and camping grounds in NSW (either on government or freehold land) are required to comply with the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 (LG Reg. 2005)*.

This Regulation, along with the State Environmental Planning Policy No 21 – Caravan Parks (SEPP 21), is administered by the Department of Planning.

The operations of a caravan park or camping ground also requires approval under the Local Government Act 1993 (Section 63).

Compliance is recognised by an 'Approval to Operate' issued by the local Council.

Generally, any lands which accommodate regular overnight camping (being a caravan, campervan, motorhome or tent) are required to comply with the laws referred to. It can be further defined as: "more than 2 caravans etc occupied for more than 2 days at a time on any land".

The establishment of a new caravan park or camping ground requires a DA to be submitted to Council, and granting of development consent under SEPP 21.

The Problem

A number of Councils in NSW are offering land (usually Crown Reserves, including showgrounds) for regular overnight camping for motorhomes and caravans which do not comply with LG Reg 2005, and have not been subject to a DA. More often than not, these lands are offered free of charge or with a token fee.

More often than not, the Councils which are offering the non-compliant sites also have legitimate caravan parks in their town or area which they inspect and require to be compliant with the LG Reg 2005. In these cases, the Councils are providing unfair competition as well as conducting illegal operations.

In a letter to the CCIA dated 12 August 2009, the then Minister for Planning (now Premier) Kristina Keneally stated:

"As you know, the establishment of a caravan park or camping ground requires development consent under SEPP 21. The operation of a caravan park or camping ground also requires approval under the Local Government Act 1993, even if the park or ground is a temporary facility (eg. for a special event). The Department of Planning will provide advice to Councils reminding them of the approval requirements for those facilities and of the problems associated with illegal camping."

What is "Illegal Camping"?

In the context of this document, illegal camping refers to the provision (usually by Councils) and use of non-compliant (with LG Reg 2005) lands for regular overnight camping – be it with a caravan, motorhome or tent. In this regard, the contents of this document is aimed at local Councils and not necessarily at individual consumers (campers).

Roadside camping, legitimate bush camping or camping in rest areas is not illegal unless a relevant authority (RTA or Council) deems it to be so by the placement of 'no camping' signs, with the ability to enforce offenders.

Influencing Factors

CMCA's position: As an example, the Campervan & Motorhome Club of Australia (CMCA – a consumer club) has approached a number of Councils encouraging them to become an "RV Friendly Town". To gain that status Councils must agree to provide a number of services or facilities, including access to land for camping (often a show ground, but not a caravan park) at no charge, or for a nominal fee, and access to a dump point.

CMCA claim that a number of caravan parks cannot accommodate larger motorhomes, or do not take pets. They also claim that, as many motorhomes are self contained (with toilets and showers) that they don't need to use the facilities provided by caravan parks (amenities blocks etc). They therefore are not inclined to pay the site fees charged by caravan parks.

CMCA also claim that if a town / Council area becomes an "RV Friendly Town" that their members will be more inclined to camp in that town and spend money on consumables and other services.

CMCA have stated that they do not necessarily favour camping overnight in roadside rest areas, but would prefer to use local show grounds.

CCIA's position: The Caravan & Camping Industry Association of NSW (CCIA – who represent caravan park owners as well as RV manufacturers and dealers) state that all legitimate caravan parks, be they run by Councils or private operators, have to comply with the LG Reg 2005 and as such are issued with an 'Approval to Operate' by the Council concerned. They are also subject to regularly inspected to ensure continued compliance.

Compliance with the LG Reg 2005 requires a significant investment to meet the extensive standards and facilities specified in the Regulation (see attachment A). Under the Regulation, caravan parks are also required to provide dump points. CCIA, and caravan park operators, argue that it is clearly unacceptable for non-compliant camping sites to be provided by Councils. In addition to them being illegal, they unfairly compete with 'approved' caravan parks.

Caravan Parks also pay their Council rates, employ local people, do their business in town, offer local tourism advice to their customers, and contribute significantly to the local economy.

The applicant, responsible for the land concerned, may be a local Management Trust, an Agricultural Show Society (if a show ground), or the Council themselves.

If the applicant wishes to limit the proposed use of the land for self contained vehicles only (campervans, motorhomes or caravans) then evidence would need to be provided that on-site strict supervision of this restricted use be available.

The LG Reg 2005 offers some flexibility and concessions for parks which are limited to self-contained vehicles only (eg: may not have to provide an amenities block). These details can be specified according to the use proposed.

Some Councils have attempted to by-pass their obligations to fully comply with the LG Reg 2005 by identifying sites for caravans and motorhomes as 'Primitive Camping Grounds'. Approval to operate a primitive camping ground may be given in 'areas remote from other developments'. A primitive camping ground is limited as to density where no more than 2 designated camp sites for each hectare of the total land is allowed. If there are no designated camp sites, the maximum number of caravans, motorhomes and tents at any one time is 2 per hectare, so long as they are at least 6 metres apart, or 3 metres from a tent. Council must specify in the approval to operate: water, toilet, refuse disposal facilities etc.

Future Action

Given agreement on the outcomes, it will be the responsibility of the government agencies, particularly the Land and Property Management Authority and the NSW Department of Planning, to inform Councils and other associated entities (eg. land management trusts) about their obligations to comply with the required processes and laws. The LGSA has also agreed to advise Councils of their obligations in this regard.

Barry Baillie
Chief Executive Officer
Caravan & Camping Industry Association of NSW