LG302*

Caravan Parks and Camping Grounds Act 1995

Caravan Parks and Camping Grounds Amendment Regulations 2000

Made by the Governor in Executive Council.

1. Citation

These regulations may be cited as the *Caravan Parks and Camping Grounds Amendment Regulations 2000.*

2. The regulations amended

The amendments in these regulations are to the *Caravan Parks and Camping Grounds Regulations 1997**.

[* *Published in Gazette 20 June 1997, pp. 2871-946. For amendments to 20 July 2000 see 1999 Index to Legislation of Western Australia, Table 4, p. 28.*]

3. Regulation 11 amended

Regulation 11(3) is amended by deleting the definition of "road side rest area" and inserting instead —

"

"road side rest area" means an area designated by a traffic sign erected in accordance with a written law, as an area which may be used for 24 hours for —

(a) resting;

(b) stopping; or

(c) camping,

in a vehicle;

".

4. Regulation 16 amended

Regulation 16(b) is amended by deleting "Schedule" and inserting instead —

" subject to regulation 27A, Schedule ".

5. Regulation 17 amended

Regulation 17 is amended by deleting "The" and inserting instead —

" Subject to regulation 27B, the ".

6. Regulation 22 amended

Regulation 22(b) is amended by deleting "Schedule" and inserting instead —

" subject to regulation 27A, Schedule ".

7. Regulation 23 amended

Regulation 23 is amended by deleting "An" and inserting instead —

" Subject to regulation 27B, an ".

8. Division 3 inserted in Part 3

After regulation 27 the following Division is inserted —

"

Division 3 — Exemptions from some provisions of Schedules 6 and 7

27A. Exemptions from Schedule 6

To the extent to which, and in the manner in which, a provision of Schedule 6 specified in the Table to this regulation was not complied with in respect of a caravan —

(a) on 1 July 1997; and

(b) immediately after the commencement of the *Caravan Parks and Camping Grounds Amendment Regulations 2000,*

regulations 16(b) and 22(b) do not apply in respect of that caravan for as long as the caravan remains at the facility it was located at on 1 July 1997.

Table

cl. 1(2)	cl. 3(1)
cl. 1(3)	cl. 4(c)
cl. 2	

27B. Exemptions from Schedule 7

To the extent to which, and the manner in which, a provision of Schedule 7 specified in the Table to this regulation was not complied with in respect of a facility or a site —

(a) on 1 July 1997; and

(b) immediately after the commencement of the *Caravan Parks and Camping Grounds Amendment Regulations 2000,*

regulations 17 and 23 do not apply in respect of that facility or site.

Table

cl. 6(1)	cl. 27(3)
cl. 12(a)	cl. 28(1)(d)
cl. 12(b)	cl. 30(5)
cl. 13(1)	cl. 31
cl. 14(1)	cl. 37(2)
cl. 17	cl. 42
cl. 18	cl. 46(1)(b)
cl. 24(b)	cl. 47
cl. 25(1)(e)	cl. 50
cl. 25(2)	cl. 51
cl. 26(4)	

".

9. Regulation 29 amended

Regulation 29 is amended by deleting ", carport, pergola or storage shed" and inserting instead —

"

or a building that may be located on a site under clause 11 of Schedule 7

".

10. Regulation 30 amended

Regulation 30(2)(b) is deleted and the following paragraph is inserted instead —

"

(b) the certificates referred to in —

(i) regulation 32(1) or (1a), and (2); or

(ii) regulation 32(4)(a) and (b).

".

11. Regulation 31 amended

(1) Regulation 31(1) is amended by deleting "Part A3 of Volume 1" and inserting instead —

" Part 1.3 of Volume 2 ".

(2) Regulation 31(2) is repealed and the following subregulation inserted instead —

"

(2) Before giving approval under regulation 30(1)(c) for a park home to be brought on to a facility, a local government is to sight and copy the certificates referred to in —

(a) regulation 32(1) or (1a), and (2); or

(b) regulation 32(4)(a) and (b).

".

12. Regulation 32 amended

(1) Regulation 32(1) is amended by deleting "on or after 1 January 1998".

(2) After regulation 32(1) the following subregulation is inserted —

"

(1a) A builder registered under the *Builders' Registration Act 1939* who has agreed to construct a park home is to provide to the purchaser of the park home a certificate signed and dated by the builder —

(a) stating —

(i) that the builder has agreed to build, or supervise the building of, the park home;

(ii) that the park home will be constructed in accordance with the requirements of the Building Code applicable with respect to a particular class or classes, specified in the certificate; and

(iii) the year in which the park home will be constructed and the name of the person who constructed the park home;

and

(b) with the plans for the park home attached.

Penalty: $4 000.

".

(3) Regulation 32(2) is amended by deleting "on or after 1 January 1998".

(4) Regulation 32(3) is amended by deleting "on or after 1 January 1998".

(5) After regulation 32(6) the following subregulation is inserted —

"

(7) A builder who provides a certificate under subregulation (1a) in respect of the construction of a park home must ensure the park home is constructed in accordance with that certificate and the plans attached, unless —

(a) the local government; and

(b) the licence holder of the facility on to which the park home is to be brought,

have approved otherwise in writing.

Penalty: $4 000.

".

13. Regulation 33 amended

After regulation 33(2) the following subregulation is inserted —

"

(3) Despite any requirement of the Building Code to the contrary, a park home is not required to contain ablution, toilet or laundry facilities.

".

14. Regulation 35 amended

Regulation 35(1) is amended by deleting "Part A3 of Volume 1" and inserting instead —

" Part 1.3 of Volume 2 ".

15. Regulation 36 amended

(1) Regulation 36(1) is amended as follows:

(a) by deleting "on or after 1 January 1998";

(b) by deleting "$10 000" and inserting instead —

" $12 000 ".

(2) Regulation 36(2) is amended by deleting "on or after 1 January 1998".

(3) Regulation 36(3) is amended by deleting "on or after 1 January 1998".

(4) Regulation 36(5) is repealed and the following subregulation is inserted instead —

"

(5) Subregulation (4) does not apply with respect to an annexe —

(a) if the amount paid for the annexe was $12 000 or less; or

(b) if the annexe is being relocated within a facility.

".

16. Regulation 58 amended

(1) Regulation 58(2)(a) is amended by inserting after "given" —

" personally, or by certified post, ".

(2) Regulation 58(2)(c) is amended by inserting after "caravan" —

"

, or, if that is not practicable, a conspicuous place as near the caravan as is practicable

".

17. Regulation 59 amended

(1) Regulation 59(9) is amended as follows:

(a) by deleting "a magistrate sitting in the Small Disputes Division" and inserting instead —

" the Local Court ";

(b) by deleting "magistrate" and inserting instead —

" court ".

(2) Regulation 59(10) is repealed and the following subregulations inserted instead —

"

(10) An application made to the Local Court under this regulation is to be made and dealt with as prescribed by the rules of the Local Court, or in the absence of any relevant rules, as is determined by the court.

(11) In this regulation —

"trust fund" means the trust fund established by the relevant local government under section 6.9 of the *Local Government Act 1995*.

".

18. Regulation 65 amended

Regulation 65(d) is deleted and the following paragraph is inserted instead —

"

(d) in respect of a caravan park, the number plate of —

(i) the caravan;

(ii) the vehicle towing, or which towed, the caravan, where possible; and

(iii) another vehicle used by occupiers of the site, if it is not possible to identify the number plate referred to in subparagraph (ii).

".

19. Schedule 4 amended

Schedule 4 Part 2 is amended as follows:

(a) in item 15 by inserting after "(b)" —

" and (c) ";

(b) in item 16 by deleting "(i)".

20. Schedule 7 amended

(1) The amendments in this regulation are to Schedule 7.

(2) Clause 4(1) is amended by inserting after "people" the following —

" , or such lesser number as is approved, ".

(3) Clause 5(a) is deleted.

(4) Clause 8(1)(b) is amended by deleting ",other than an en suite on that site" and inserting instead —

" that is not on a site ".

(5) Clause 8(3) is amended by deleting "between any caravan, camp, annexe, pergola, carport or other building" and inserting instead —

"

, or such shorter distance as is approved under subclause (3a), between any caravan, camp, annexe or other structure or building

".

(6) After clause 8(3) the following subclause is inserted —

"

(3a) A shorter distance may only be approved under subclause (3) if the distance was shorter than one metre —

(a) on 1 July 1997; and

(b) at the commencement of the *Caravan Parks and Camping Grounds Amendment Regulations 2000.*

".

(7) Clause 8(4) is amended by deleting ", pergola, carport or other building" and inserting instead —

" or other structure or building ".

(8) Clause 8(5) is amended by deleting ", pergola, carport or other building" and inserting instead —

" or other structure or building ".

(9) Clause 9(1) is amended as follows:

(a) by deleting "carport" in the first place where it occurs and inserting instead —

" building ";

(b) in paragraph (b) by deleting "carport or pergola" and inserting instead —

" building ".

(10) Clause 9(2) is amended as follows:

(a) by deleting "close sided carport" and inserting instead —

" building, other than an open sided building, ";

(b) in paragraph (b) by deleting "open or close sided carport or pergola" and inserting instead —

" building ".

(11) Clause 9(3) is amended by deleting " pergola or camp" and inserting instead —

" camp or other structure or building ".

(12) Clause 9(4) is amended by deleting ", carport or pergola" and inserting instead —

" or other building or structure ".

(13) Clause 9(6) is amended by deleting ", pergola or carport and an en suite" and inserting instead —

" or any other building or structure and an en suite ".

(14) Clause 9(7) is deleted and the following clause is inserted instead —

"

(7) In this clause —

"open sided double carport" means a double carport that is an open sided building.

".

(15) The diagram, and notes, after clause 9 are deleted.

(16) Clause 10 is repealed.

(17) Clause 11(1) is amended by deleting paragraphs (c), (d), (h) and (i) and inserting after paragraph (g) the following paragraph —

"

(h) a building classified as a Class 10a building under the Building Code;

".

(18) Clause 11(2) is repealed and the following subclause inserted instead —

"

(2) A building referred to in subclause (1) may not be located on a site, unless it is —

(a) a building classified as a Class 10a building under the Building Code;

(b) approved by the licence holder of the facility and the local government; and

(c) for the use of the occupier of the site.

".

(19) Clause 12 is amended as follows:

(a) in paragraph (a) by deleting "4 square metres in area and" and inserting instead —

"

6 square metres in area and, unless forming part of a carport,

";

(b) in paragraph (b) by deleting "made of the same material as any on-site caravan on the site or of contoured metal cladding; and" and inserting instead —

" built of light weight portable material. ";

(c) by deleting paragraph (c).

(20) Clause 14(1)(b) is amended by deleting "new,".

(21) Clause 15(2) is amended by inserting after " wide" —

"

, or such shorter distance as is approved under subclause (3a)

".

(22) Clause 15(3) is amended by inserting after "wide" —

"

, or such shorter distance as is approved under subclause (3a)

".

(23) After clause 15(3) the following subclause is inserted —

"

(3a) A shorter distance may only be approved under subclause (2) or (3) if the distance was shorter —

(a) on 1 July 1997; and

(b) at the commencement of the *Caravan Parks and Camping Grounds Amendment Regulations 2000.*

".

(24) Clause 16(2) is repealed and the following subclause inserted instead —

"

(2) If parking for at least one vehicle, other than the caravan, is not provided on a site then parking is to be provided for a vehicle near the site.

".

(25) Clause 48 is amended by deleting "storage shed" in both places where it occurs and inserting instead —

" annexe ".

21. Schedule 8 amended and consequential amendments

(1) The amendments in this regulation are to Schedule 8, unless otherwise specified.

(2) The definition of "components" is amended by deleting "3" and inserting instead —

" more ".

(3) By deleting the definition of "close sided carport".

(4) By deleting the definition of "open sided carport" and inserting instead the following definition —

"

"**open sided building**" means a building that —

(a) is classified as a Class 10a building under the Building Code;

(b) has at least 1 / 3 of the area of its perimeter open; and

(c) has 2 or more sides that would be considered open sides in accordance with the Building Code if the building was a carport;

".

(5) The definition of "transit camp" is amended by deleting "camp" and inserting instead —

" **park** ".

(6) In the provisions specified in the Table to this subregulation —

(a) "transit camp" is deleted and the following inserted instead —

" transit park ";

(b) "Transit camp" is deleted and the following inserted instead —

" Transit park "; or

(c) "transit camps" is deleted and the following inserted instead —

" transit parks ",

as is appropriate.

Table

r. 49	Schedule 7 item 21(1)
Schedule 2 item 5 (in both places)	Schedule 7 item 21(2) (in both places
Schedule 3 item 1	Schedule 7 item 25(1)
Schedule 7 item 15(5)	Schedule 7 item 40
Schedule 7 item 17(1)	Schedule 7 item 47
Schedule 7 item 18(4)	Schedule 7 item 49(1) and (2)
Schedule 7 item 20(1)	

(7) The heading to the table to clause 20 of Schedule 7 is amended by deleting "**CAMPS**" and inserting instead —

" **PARKS** ".

22. Transitional

A licence issued in relation to a transit camp under the *Caravan Parks and Camping Ground Regulations 1997* before the commencement of these regulations is, on and after that

commencement, to be taken to be a licence issued in respect of a transit park.

23. Schedule 9 amended

Schedule 9 clause 4(2) is amended by deleting "clause 42 or".

By Command of the Governor,

ROD SPENCER, Clerk of the Executive Council.