

**Beckingham, Vanessa**

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**From:** Paul Scalzi [Paul.Scalzi@bmw.wa.gov.au]  
**Sent:** Tuesday, 19 May 2009 4:18 PM  
**To:** Committee, Economics & Industry Standing  
**Subject:** RE: Inquiry into Provision, Use and Regulation of Caravan Parks in WA  
**Attachments:** 30-05657 - Provision Use and Reg of Caravan Parks in WA.pdf

Dear Vanessa

Please find appended submission from the Minister.

Thanks

Paul Scalzi  
Senior Regulations Officer  
Building Industry Development  
Level 6 200 Adelaide Terrace East Perth  
ph: 9488 2713

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**From:** Committee, Economics & Industry Standing [mailto:laeisc@parliament.wa.gov.au]  
**Sent:** Monday, 11 May 2009 9:56 AM  
**To:** Paul Scalzi  
**Subject:** RE: Inquiry into Provision, Use and Regulation of Caravan Parks in WA

Dear Paul

Thank you for your email and your phone message on Friday. I will be sure to advise you when the submission arrives in our office.

Kind regards

Vanessa Beckingham  
Research Officer  
Economics and Industry Standing Committee  
Legislative Assembly Committee Office  
Parliament House  
Perth WA 6000  
AUSTRALIA

Ph: (61 8) 9222 7486  
Fax: (61 8) 9222 7804

[www.parliament.wa.gov.au](http://www.parliament.wa.gov.au)

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**From:** Paul Scalzi [mailto:Paul.Scalzi@bmw.wa.gov.au]  
**Sent:** Friday, 8 May 2009 4:34 PM  
**To:** Committee, Economics & Industry Standing  
**Cc:** Donielle Watt  
**Subject:** FW: Inquiry into Provision, Use and Regulation of Caravan Parks in WA

Vanessa

Just to advise that the submission Donielle Watt has prepared (refer details below) is currently at

19/05/2009

the Office of the Minister for Commerce, Troy Buswell, for his consideration and sign off.

Instructions have been left with his office to forward the submission, once signed, directly to the Economics and Industry Standing Committee.

Could you please advise when the submission arrives.

Thanks

Paul Scalzi  
Senior Regulations Officer  
Building Industry Development  
Level 6 200 Adelaide Terrace East Perth  
ph: 9488 2713

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**From:** Donielle Watt  
**Sent:** Friday, 8 May 2009 3:32 PM  
**To:** Paul Scalzi  
**Subject:** FW: Inquiry into Provision, Use and Regulation of Caravan Parks in WA

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**From:** Committee, Economics & Industry Standing  
[mailto:laeisc@parliament.wa.gov.au]  
**Sent:** Thursday, 30 April 2009 1:46 PM  
**To:** Donielle Watt  
**Subject:** RE: Inquiry into Provision, Use and Regulation of Caravan Parks in WA

No problem Donielle - have a great day!

Vanessa Beckingham  
Acting Principal Research Officer  
Economics and Industry Standing Committee  
Legislative Assembly Committee Office  
Parliament House  
Perth WA 6000  
AUSTRALIA

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**From:** Donielle Watt [mailto:Donielle.WATT@bmw.wa.gov.au]  
**Sent:** Thursday, 30 April 2009 1:42 PM  
**To:** Committee, Economics & Industry Standing  
**Subject:** RE: Inquiry into Provision, Use and Regulation of Caravan Parks in WA

Hi Vanessa – yes I did speak with you after I sent this email. Sorry I should have sent another email to let you know! Thanks very much for the extension for our submission.

Regards  
Donielle

**Donielle Watt**  
Principal Policy Officer Construction



**Building Industry Development**

Level 6, 200 Adelaide Terrace, Perth WA 6000

**Tel:** (08) 9488 2724 **Fax:** (08) 9488 2740

**Web:** [www.buildingcommission.wa.gov.au](http://www.buildingcommission.wa.gov.au)

**Building Act Project:** [www.bmw.wa.gov.au/buildingactwa](http://www.bmw.wa.gov.au/buildingactwa)

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**From:** Committee, Economics & Industry Standing  
[mailto:[laeisc@parliament.wa.gov.au](mailto:laeisc@parliament.wa.gov.au)]  
**Sent:** Thursday, 30 April 2009 1:26 PM  
**To:** Donielle Watt  
**Subject:** RE: Inquiry into Provision, Use and Regulation of Caravan Parks in WA

Hi Donielle

I am assuming that you spoke to me after this email was sent? As we discussed on the phone, the Department is granted a 1 week extension of the lodgement deadline.

My apologies for not being able to take your call this morning. I you have any further queries please feel free to ring my direct line which is 9222 7486.

Kind regards

Vanessa Beckingham  
Acting Principal Research Officer  
Economics and Industry Standing Committee  
Legislative Assembly Committee Office  
Parliament House  
Perth WA 6000  
AUSTRALIA

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**From:** Donielle Watt [mailto:[Donielle.WATT@bmw.wa.gov.au](mailto:Donielle.WATT@bmw.wa.gov.au)]  
**Sent:** Thursday, 30 April 2009 11:10 AM  
**To:** Committee, Economics & Industry Standing  
**Subject:** Inquiry into Provision, Use and Regulation of Caravan Parks in WA

Good morning,

I am trying to get in contact with either Dr Loraine Abernethie or Ms Vanessa Beckingham in respect of the deadline for submissions to the Inquiry into the Provision Use and Regulation of Caravan Parks (and Camping Grounds) in WA but have been unable to leave a message on the phone number provided (9222 7496).

I am with the Department of Commerce, Building Industry Development/Building Commission division and have been preparing a submission which has been delayed somewhat and has still not reached our Minister. It is therefore unlikely that it will get to you by tomorrow, which I believe is the due date. I am therefore wondering if there is any chance we can have an extension of a few more days to ensure that our submission is accepted/considered?

I look forward to hearing from you.

Regards  
Donielle

**Donielle Watt**  
Principal Policy Officer Construction

	<p><b>Building Industry Development</b> Level 6, 200 Adelaide Terrace, Perth WA 6000 <b>Tel:</b> (08) 9488 2724 <b>Fax:</b> (08) 9488 2740 <b>Web:</b> <a href="http://www.buildingcommission.wa.gov.au">www.buildingcommission.wa.gov.au</a></p> <p><b>Building Act Project:</b> <a href="http://www.bmw.wa.gov.au/buildingactwa">www.bmw.wa.gov.au/buildingactwa</a></p>
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**CORRESPONDENCE  
COVERSHEET**  
Office of the Hon Minister Troy Buswell MLA  
Treasurer; Minister for Commerce; Science and Innovation; Housing and Works

**URGENT**

Title Inquiry into the Provision, Use and Regulation of Caravan Parks (and Camping Grounds) in WA

Author Bradley, Brian

Correspondence Number:

Organisation Department of Commerce

**30-05657**

Date Received 7/05/2009

Date Due 12/05/2009



**Refer To**

**Action Required**

- Ben
- RT
- Doc
- 

- Draft Response
- Briefing Note
- Advice / Comment
- Cabinet Submission
- Direct Reply
- Note / For Information
- File

Trim Notes

**Comments or Referral Instructions**

OK,  
8

OK  
11/5

-Have contact EISC direct and been granted an extension.  
*Ben*

**Agency Comment**

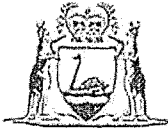
Contact Phone No.....

*Keep on Top of Correspondence*

**RECEIVED  
COMMERCE - MLU**

14 MAY 2009

OBJ No. .... A1530935 .....  
Div ..... BC .....  
Date ..... Finey .....



Government of Western Australia  
Department of Commerce

**URGENT**

Your Ref:

Our Ref:

DATE:

6 May 2009

TO: MINISTER FOR COMMERCE

FROM: DIRECTOR GENERAL

SUBJECT: INQUIRY INTO THE PROVISION, USE AND REGULATION OF  
CARAVAN PARKS (AND CAMPING GROUNDS) IN W.A.

#### RECOMMENDATION

A draft submission to the Economics and Industry Standing Committee inquiry is enclosed for your consideration. Submissions will be accepted until 8 May 2009.

#### BACKGROUND

1. The Legislative Assembly Economics and Industry Standing Committee is carrying out an inquiry into the regulation of caravan parks and camping grounds and the impacts of existing regulation.
2. Building Industry Development has been developing proposals for a new Building Act in close consultation with industry and local government since 2003 that interfaces with requirements under the Caravan Parks and Camping Grounds legislation.

#### ISSUES

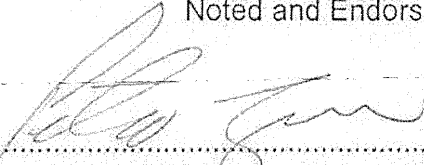
3. Under the current legislative framework there is inconsistency and confusion in respect of transportable dwellings. There is a growing need for clarification of what is regulated under building control legislation as a "building" and what is regulated as some form of vehicle. In particular uncertainty exists around the regulation of "park homes", which are transportable buildings able to be relocated and fixed in new locations but given the characteristics of a vehicle to allow them to be situated in caravan parks and camping grounds.
4. "Transportable buildings" require building approval under building legislation when moved and anchored in new locations, which involves certification of compliance against the Building Code of Australia (BCA) and the issue of a building licence. However a "park home" is defined by CPCG legislation as a "vehicle" of a prescribed class or description that is fitted or designed for habitation – something can only be defined as a "park home" if it has a chassis with an axle and wheel assembly attached at all times.
5. "Park homes" are not licensed in the same manner as caravans and other mobile homes as they are not intended to act as a vehicle on the road due to their large size. The same thing without an axle and wheel assembly attached would be considered a "transportable building".
6. Although park homes are classed as a vehicle by the CPCG legislation, that same legislation requires the builder to construct a park home in accordance with the BCA, which applies to buildings. However park homes are not certified as compliant with the building standards by a qualified building surveyor, nor do

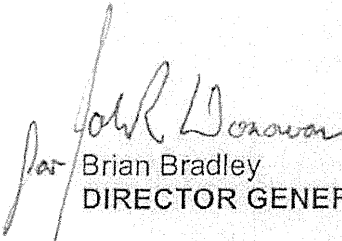
they require a building licence in each area they are relocated, in the same manner as normal buildings. Park homes are therefore possibly non-compliant with minimum safety and health requirements for buildings. They are also not licensed as vehicles by the Department of Planning and Infrastructure and are therefore effectively unregulated.

7. "Park homes" located in areas zoned as caravan or camping grounds are marketed as "lifestyle villages" or the like are an important option for low-cost housing – particularly for retirees. Unfortunately they exploit loopholes in the law or loose definitions in the CCCG legislation to allow what should be regulated as buildings to be constructed outside of the building licence process. To ensure the new Building Act is consistent and effective, the status of these buildings should be clarified.
8. Attached for your information is a submission to the Economics and Industry Standing Committee inquiry that proposes park homes situated in caravan parks and camping grounds should be either regulated in line with policy positions and processes proposed under the new Building Act for transportable "buildings", or regulated through a vehicle licensing regime as a "vehicle".


Drafting Officer: Donielle Watt PH: 9488 2724

Noted and Endorsed

  
.....  
Director/Responsible Officer

  
Par Brian Bradley  
DIRECTOR GENERAL

NOTED       APPROVED       NOT APPROVED

  
.....  
Minister for Commerce  
12/05/2009

ECONOMICS AND INDUSTRY STANDING COMMITTEE  
INQUIRY INTO THE PROVISION, USE AND REGULATION OF CARAVAN PARKS  
(AND CAMPING GROUNDS) IN WESTERN AUSTRALIA

Submission by: Building Industry Development, Department of Commerce  
Contact: Peter Gow, Executive Director  
Phone: (08) 9488 2701; Email: peter.gow@bmw.wa.gov.au

#### Introduction

Building Industry Development (BID) will form part of the new Building Commission division of Department of Commerce and has a policy, legislation and regulatory role for the building and construction industry in WA. BID is coordinating the implementation of the Building Commission and has the lead responsibility to develop the Governments' building legislation reform program over 2009/10. This includes significant reform of the building regulatory process through drafting of new legislation to deliver increased efficiency and streamlining of building approvals, ensure compliance with minimum building standards, and decrease inconsistencies with national and other building related standards.

Cabinet has approved drafting of a new Building Bill to replace the current legislation framework. BID's interest in this inquiry is limited to the safety, health, amenity, and sustainability standards of dwellings and their associated approval and regulatory requirements.

#### Current Regulatory Framework

The application of building standards and enforcement of building control is currently regulated through the *Local Government (Miscellaneous Provisions) Act 1960* and supporting Building Regulations 1989. This includes approvals for commencing construction, through the certification of compliance with national building standards (the Building Code of Australia (BCA)) and the issue of a building licence, and associated enforcement to ensure compliance. Buildings, including transportable buildings, across WA are required to be certified and approved under this building legislation.

Caravan parks and camping grounds are primarily regulated through the *Caravan Parks and Camping Grounds Act 1995* (CPCG) and supporting regulations, which interfaces with the building legislation in respect of approvals of buildings. Parcels of land are approved as caravan parks and/or camping grounds where people may locate vehicles that have been built for habitation and occupy them indefinitely. Mobile homes, caravans, park homes and other such vehicles are not required to obtain a building licence or be certified as compliant with minimum building standards. In normal circumstances vehicles are required to be licensed in accordance with the *Road Traffic Act 1974* and the *Road Traffic (Vehicle Standards) Regulations 2002*.

Under this current legislative framework there is inconsistency in the way some transportable dwellings are regulated, depending on the location of that dwelling. Building legislation requires such buildings to have a building licence upon relocation. Under the CPCG legislation similar buildings, when given the characteristics of a vehicle, do not require a building licence when situated in caravan parks or camping grounds. This is an anomaly in the current regulatory environment that needs to be addressed to ensure the Building Bill is simple and consistent.



## Park Homes and Transportable Buildings

The CPCG legislation allows location of "park homes" in caravan parks and camping grounds. A "park home" is defined by CPCG legislation as a "vehicle" of a prescribed class or description that is fitted or designed for habitation – something can only be defined as a "park home" if it has a chassis with an axle and wheel assembly attached at all times. The same thing without the axle and wheel assembly attached would be considered a "transportable building".

In normal circumstances transportable buildings require building approval and are certified as compliant with national building standards in line with the requirements of the building legislation. However similar park homes do not require building approval in line with requirements of the building legislation because they are classed as vehicles, but are not licensed in the same manner as caravans and other mobile homes as they are not intended to act as a vehicle on the road due to their large size. This anomaly arises because the CPCG legislation defines a "park home" as a vehicle, even though it is incapable of being licensed as a vehicle or of meeting the vehicle standards. Instead the CPCG legislation provides comprehensive processes for approving a "park home" against building standards.

This has had the effect of buildings being given the characteristics of a vehicle, i.e. a chassis with axle and wheel assembly, in order to be located in a caravan park and hence avoid the normal building approval process. "Park homes" are becoming increasingly popular as permanent dwellings, mostly for retired community members but more recently marketing has been targeted at first home buyers. There has been a significant increase in the number of "park homes" being sold on the market, often labelled as retirement or lifestyle homes, which are typically permanent in nature i.e. such dwellings tend to remain in place indefinitely and are never intended to be moved about as vehicles. This trend is likely to continue and is considered to be a high risk area due to the lack of regulatory rigour in ensuring that minimum building standards are adhered to.

## Building Standards

Compliance with building standards, Building Code of Australia (BCA), is integral to the protection of occupants, users, and adjoining owners. Building standards control certain aspects of buildings that are essential to safety and health including structure, damp and weatherproofing, fire safety, health and amenity, safe movement and access, and energy efficiency. It is important to check these aspects at not only at the design stage but also upon erection of the dwelling in a location. Poor location can negatively affect fire safety, safe movement and access and energy efficiency of a dwelling.

Although the CPCG legislation classes park homes as a "vehicle" that same legislation requires the builder to construct a park home in accordance with the BCA, which applies to "buildings". The fundamental issue is whether park homes are vehicles or in fact buildings. If they are "buildings" they should be regulated under building legislation. If they are "vehicles" they should be regulated through vehicle licensing. The scope and intent of the CPCG legislation should be reviewed to determine what is appropriate in respect of park homes.

## Issues to Consider

There are a number of situations to take into consideration:

- What should be done in respect of buildings that are constructed with the characteristics of a "vehicle" so that they can be occupied in a caravan park or camping ground but are always intended for use as permanent habitation and have

never been a vehicle? Should these be classified as a "vehicle, and if so licensed as a vehicle? Or should they be classified as a "building", and if so licensed as a building?

- How should caravans and other mobile homes classified if they are not located on a caravan park or camping ground? Are they classified as a "building" if occupied for any period of time? If they are registered as a vehicle should they continue to be classified as a vehicle? However if registration lapses and someone wishes to occupy the caravan, say as an additional room to their house, should it then be classified as a building?

### **Building Bill Interface with Caravan Parks and Camping Grounds Legislation**

The Building Bill clarifies and tightens the definition of a "building" and what is regulated under building control. The general policy position is that the Building Bill will regulate all things that look like, and are used as, "buildings" but not things used for habitation that are regulated elsewhere (e.g. licensed caravans). The Building Bill also regulates things that started out life as something other than a building but have been converted for use as a building – the position taken is that where something is used as a building it should be regulated as a building.

Where something is clearly used as a vehicle, able to be driven or drawn behind another vehicle on a road and is regulated through a vehicle or other licensing regime, then it is not a "building" and should not be regulated under the building approval process. If something is clearly not a vehicle as it cannot be driven or drawn behind another vehicle on a road, is not regulated through a vehicle licensing regime, and it falls within the definition of a "building" under the Building Act, then it should be regulated (certified and approved) as a building through the building approval process.

Accordingly the policy position is for the Building Bill to treat all transportable buildings the same, regardless of where they are situated or how they sit on the ground. This means, in line with requirements for all other transportable buildings, certification of compliance against building standards and an associated building permit would be required in order to locate a "park home" anywhere in WA if it is to be erected in that location for more than one month. The CPCG legislation would require amendment to ensure that "council approval" noted in that Act requires building approval through the issue of a building permit, in line with provisions of the Building Bill.

Obtaining a building permit will not be a lengthy, onerous or costly process. Companies marketing park homes will be able to engage an appropriately registered building surveyor to certify compliance of the standard home design against building standards – that certification can then be used to obtain a building permit from the relevant local government when relocating the home. The building permit fee will be charged as a percentage of the value of the home.

Caravans, mobile homes, and any other mobile dwellings that are regulated through a vehicle or other licensing regime, and are situated within a caravan park or camping ground as defined by the CPCG legislation, will remain outside the scope of building legislation. The policy position is to continue the exemption from the building approval process for such mobile homes because safety standards are already regulated through the vehicle licensing regime.