



Red Tape Reduction Submission



CARAVAN INDUSTRY
ASSOCIATION
WESTERN AUSTRALIA INC

Prepared by Caravan Industry
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General Comments

The caravan industry provides access and equity in its tourism products that cannot be met adequately by any other sector. From safe and secure campsites to caravan sites and budget holiday accommodation, caravan parks are the holiday option of choice for the greatest percentage of domestic holiday-makers.

The expectations of caravan park users are at odds with the regulatory requirement of the various levels of government in regard to caravan park development. The planning and operating regulations for caravan parks have diminished the financial viability of caravan parks to the point where few new tourist caravan parks have been developed in recent years.

The Caravan and Camping Grounds Act 1995 and Caravan and Camping Grounds Regulations 1997 established a model for caravan parks and were the result of years of consultation between State Government Departments, including Planning, Local Government, Consumer Protection, and Commerce, as well as Local Government, consumer groups and industry. The model is being frustrated by conflicting legislation from Planning and Building and Local Government Town Schemes.

The caravan industry is at a critical point where consumer demand for its products have grown exponentially over the last decade while the number of caravan parks where domestic and international consumers are able to experience the lifestyle has dramatically reduced. The result of this trend is a universal loss of economic benefit for all stakeholders and a detrimental social impact to the community.

The negative result of over-regulation of the industry - which encompasses tourism, construction, manufacturing, and retail and provides significant economic benefit for a wide range of Australian suppliers to the industry - is economically and socially undesirable.

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The caravan industry impacts on a significant part of the Australian economy, especially in regions. In addition to its role in providing lower cost holidays for tourists, it provides affordable housing (particularly for the increasing aged demographic), timely worker accommodation for major resource projects and employment for a high number of skilled and unskilled workers.

For the industry to function properly there needs to be recognition by Government at all level of its important role in society and a proactive effort to reduce "red tape" and unnecessary compliance with irrelevant regulation.

A number of State Acts and Regulations influence the design and management of caravan parks and the retailing of tourism products. There is no one centralised authority to oversee their implementation. The creation of a centralised department that specifically deals with issues of relevance or compliance within the caravan and camping industry is considered appropriate to ensure that decisions are made not only for the benefit of the tourism operator/retailer but the industry as a whole.

At present the current structure is fragmented with a number of government departments, none of which have staff dedicated to or with knowledge specific to requirements of the Caravan and Camping Industry.

It is acknowledged that the creation of a dedicated department would be a medium to long term outcome. However, within the short term it is suggested that within each existing Government Department that deal with specific facets of the industry, select staff are trained to achieve or hired with a working knowledge of the industry to ensure more consistent and informed decision making results.

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Planning Process

Aside from the general need to improve turnaround times within the planning process and a general increase in the understanding of the caravan industry there is the concern that Local Government planning departments do not give priority to the Caravan and Camping Ground Regulations and give precedence to planning provisions of the Local Town Scheme and Residential Codes. The intent of the Caravan Park legislation is therefore frustrated and considerable delay and cost is added to development applications. There is a direct correlation between these issues and the lack of new caravan parks developed during the last two decades.

Local Government seek compliance with planning provisions such as the Residential Design Codes as opposed to the Caravan and Camping Grounds Regulations, which is the primary statutory document for the industry, when determining applications for new or redeveloped caravan parks. The need to clarify the statutory weight to be assigned to the Caravan and Camping Ground Act and Regulations is required.

Any caravan park application submitted to Local Government for development approval is referred to several other external authorities for consideration. However if incomplete information is sent by Local Government to these authorities it often results in the assessment of applications being delayed or refused. These outcomes could be avoided if the entire application was referred or more practically, the applicant was able to seek approval by the relevant authority directly without Local Government involvement. This would require approval by Local Government to be conditional upon approval by relevant authorities and the applicant could present their case directly to those authorities. Ideally each authority could provide compliance guidelines, which would allow automatic approval unless a variation to the guidelines was required.

There is a strong case for electronic lodgment of development applications and a statutory timeframe in which applications must be assessed. The assumption of approval should be allowed where the authority fails to notify the applicant of a refusal or any required amendments.

To attract investment in caravan parks and improve the success of development applications, specialized and qualified planning personnel within Tourism WA and the Department of Housing should be available to assist applicants with the process and liaison with Local Government and other authorities.

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Confusion over Building Approvals

At present there is substantial confusion within Local Government concerning the provisions of the Caravan and Camping Ground Act and Regulations in regard to the Building Code of Australia

The primary anomaly concerns park home approvals. The Caravan and Camping Ground Act and Regulations require park homes to be constructed in accordance with the BCA. Some Local Government Authorities have interpreted this to mean that park homes require a building licence and are subject to the Building and Construction Industry Training Fund. Local Government interprets this issue individually and as such there is no common approach. This anomaly creates considerable confusion for applicants and Shire staff as to whether a building licence is or is not required. Building licences are required for the construction of in-situ constructed chalets, cabins, carport or sheds.

The intention of the Caravan and Camping Grounds legislation is that park homes comply with the BCA but are defined as caravans and do not require a building licence. The provisions for approval of a park home are defined in the Caravan Park legislation. This matter should have been resolved by the proclamation of Section 34 (1) & (2) and Schedule 2 (3) which was given assent on 29 September 1995. The situation where this provision of the legislation has not been proclaimed after more than 10 years of implementation is causing considerable issues for the industry.

In many instances Local Government require development approval for relatively minor improvements in caravan parks, such as the addition of sites in accordance with the Caravan Parks regulations. This unnecessary impost adds to delay and cost. Such approvals should be dealt with under the Caravan Parks regulations by the Health Surveyor in Local Government who administers the regulations.

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Bulk Licensing Scheme for Caravan Dealers

Currently caravan dealers must have a minimum of 50 of an identical type, brand, model and tare weight of caravan/camper trailer to be able to apply for a bulk license for a caravan or camper trailer.

There are often minor cosmetic variations to each type of caravan/camper trailer which do not affect the tare weight or length of the vehicle, resulting in the caravan/camper trailer being assessed as a non identical vehicle, which means they cannot get bulk licensing. Therefore as a result of this, every single caravan/camper trailer has to be taken to a licensing centre and individually taken over the pits and registered. The time and monetary impost of small business to fulfill this requirement is excessive as one vehicle can take half a day to be licensed.

Decreasing the minimum number to say 10 of an identical type is more realistic. This would achieve time and cost saving for the dealer and consumer and have no effect on the licensing process.

Caravan/Motorhome Dealers Opening Hours

Under the current regulations motorhomes are not allowed to be available for viewing or sale by the public after 1.00pm on Saturday. This is because motor vehicles dealers must close their yards at 1.00pm on a Saturday.

As such, dealers which sell both caravans and motorhomes either close at 1pm or are required to remove the motorhomes off their sale premises between 1-5 on a Saturday. This is considered as a significant impost on trade and one which could be addressed by granting an exemption to those dealers which operate a mixed caravan/motorhome yard to allow all day trading. This should be quite separate to the motor vehicle dealers regulations as they are more closely aligned with caravans than motor vehicles.

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Tenant Bond Disposal

The process to recover bond monies when a tenant defaults or refuses to sign the bond disposal forms or defaults on rent remains unnecessarily complex and costly. The Department of Commerce is the bond administrator yet has no jurisdiction other than for the normal lodgment and disposal of bonds. The Act requires disputes associated with bonds to be determined by the State Administration Tribunal (SAT).

However, the SAT has no process to provide for the recovery of expenses by the park operator. There is no interaction or communication between the two departments. The solution is the transfer of authority to the Department of Commerce Bond Administrator.

Additionally, it is a requirement that the same individual who signed the bond lodgment form must sign the bond disposal form. This is not always practical as the same staff may no longer be employed. This could be resolved by allowing duly authorised staff to sign the disposal form.

Annual Licenses under the Caravan and Camping Ground Act

Presently there is a requirement under the legislation that Local Government licenses caravan parks annually following an inspection.

The reality is that Local Government often does not have the resources to complete inspections and issue licences in a timely manner. This results in caravan park being unlicensed for a period of time and under the legislation may not operate their business. There are also potentially serious implications regarding liability insurance for park operators who continue to operate without a current licence.

The solution is for parks to be inspected on a minimum triennial basis (or more frequently at the discretion of Local Government) and each licence to be valid for three years.