

# A guide to the Victorian Caravan Park Regulations 2010



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Environment,  
Land, Water  
and Planning

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# Contents

<b>Introduction</b> .....	<b>5</b>
<b>Explanatory guide</b> .....	<b>6</b>
<b>Part 1 – Preliminary – Objectives and Terms</b> .....	<b>7</b>
1 Objective .....	7
2 Authorising provisions .....	7
3 Commencement .....	7
4 Revocation .....	7
5 Definitions .....	7
6 Meaning of adjacent structure .....	8
7 Meaning of schedule of works .....	8
8 Building Code of Australia .....	8
9 Application of the BCA .....	8
<b>Part 2 – Registration</b> .....	<b>10</b>
10 Requirement to register .....	10
11 Application for registration .....	10
12 Application for renewal of registration .....	11
13 Grant or renewal of registration .....	11
14 Period of registration .....	12
15 Notice of transfer of ownership .....	12
16 Transfer of registration .....	12
17 Fees .....	13
18 Register of caravan parks .....	14
19 Duties of owners of registered caravan parks .....	14
<b>Part 3 – Standards</b> .....	<b>16</b>
<b>Division 1 – Fire and emergency management</b> .....	<b>16</b>
20 Fire prevention and safety – equipment .....	16
21 Fire prevention and safety—access and separation .....	16
22 Emergency management planning .....	17
22A Councils to notify of and consult with emergency services agencies .....	18
23 Display of emergency procedures .....	18
24 Display of public emergency warnings .....	18
25 Flood areas – notification of residents .....	18
26 Council to have regard to report of the relevant fire authority .....	19
<b>Division 2 – Amenities</b> .....	<b>19</b>
27 Water supply .....	19
28 Sewage and waste water .....	20
29 Sanitary facilities .....	20
30 Laundry facilities .....	20
31 Garbage bins .....	21
32 Lighting .....	21
32A Compliance with Division 2 – Amenities .....	21

<b>Division 3 – Standards for movable dwellings and annexes</b> .....	<b>21</b>
33 Design, construction and installation standards – unregistrable movable dwellings.....	22
34 Design, construction and installation standards – annexes.....	22
35 Smoke alarms for movable dwellings.....	22
36 Compliance plate.....	22
37 Movable dwelling must not be installed without compliance plate.....	22
38 Design information to be provided on sale of movable dwelling.....	22
39 Notice to council.....	23
40 Installation certificate.....	23
41 Termite information.....	23
42 Change of use of structure.....	23
<b>Division 4 – Maintenance of movable dwellings and sites</b> .....	<b>24</b>
43 – 46 Maintenance of movable dwellings and sites.....	24
<b>Part 3A – Fire authority fees</b> .....	<b>25</b>
<b>Part 4 – Transitional</b> .....	<b>26</b>
48 Existing unregistrable movable dwellings and rigid annexes.....	26
<b>Schedules</b> .....	<b>27</b>
<b>Part 1—BCA Requirements</b> .....	<b>27</b>
1 Unregistrable movable dwellings - Design and construction.....	27
<b>Part 2 – Unregistrable Movable Dwellings (UMDs)</b> .....	<b>28</b>
2 Design and construction.....	28
3 Energy efficiency.....	29
4 Installation.....	29
<b>Part 3 – Annexes</b> .....	<b>29</b>
5 Design and construction.....	29
6 Installation.....	30
<b>Further information</b> .....	<b>31</b>

# Introduction

This guide has been produced by the Department of Environment, Land, Water and Planning to assist councils, caravan park owners and other stakeholders such as the fire and emergency services, with their understanding of the regulations which apply to caravan parks and movable dwellings in Victoria.

Caravan parks are regulated by the *Residential Tenancies Act 1997* (the Act) and the Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010. It is important that caravan park owners are familiar with the Act and the Regulations. This guide includes references to sections of the Act which are relevant to understanding and applying the Regulations.

The Act outlines the residency rights and duties of people staying in caravan parks (Parts 4 and 4A) and provides for the regulation of caravan parks and movable dwellings (Part 14). Part 14 of the Act contains key definitions which are important in understanding the Regulations, prescribes obligations of owners in respect to fire safety and emergency management planning, and provides for caravan park inspections and proceedings for offences.

The Regulations set out the following requirements for operating a caravan park in Victoria:

- registration with council and associated duties of owners
- fees for registration
- standards for fire safety and emergency management planning in caravan parks
- construction standards and installation requirements for movable dwellings in caravan parks
- standards for services and amenities and the maintenance of sites and dwellings.

The current Regulations came into effect on 27 June 2010 following a detailed review.

It is important to note that, as well as the Act and the Regulations, there is other legislation relevant to the operation of caravan parks. This includes Part 12A (plumbing work) of the *Building Act 1993* and the Plumbing Regulations 2008.

This guide is designed to be read in conjunction with the Regulations and contains explanatory information about each regulation. Please note that this guide does not serve as a substitute for the Regulations themselves. This guide should not be taken as advice for your particular circumstances nor relied upon without obtaining independent legal advice.

# Explanatory guide

## **The Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010**

The Regulations apply to all caravan parks in Victoria and are in five parts:

1. Preliminary
2. Registration
3. Standards
- 3A. Fire Authority Fees
4. Transitional

They also contain three schedules:

1. Schedule 1 prescribes certain forms used in the Regulations
2. Schedule 2 sets out the relevant registration application fees
3. Schedule 3 contains technical standards for construction of unregistrable movable dwellings (UMDs) and rigid annexes.

This guide is set out in the same order as the Regulations and contains information on each regulation.

# Part 1 Preliminary – Objectives and Terms

Part 1 sets out the objectives of the Regulations, and defines terms used in the Regulations.

## 1 Objective

The Regulations aim to provide for the registration of, and the standards for, caravan parks and to provide for the health and safety of caravan park users.

## 2 Authorising provisions

The Regulations are made under Part 14 of the *Residential Tenancies Act 1997* (the Act) and should be read in conjunction with the Act.

## 3 Commencement

The Regulations came into effect on 27 June 2010, and will expire on 26 June 2020 unless they are revoked or replaced sooner.

## 4 Revocation

The 1999 Regulations have been revoked and no longer apply (except in accordance with regulation 48 of the Transitional Provisions of the 2010 Regulations).

## 5 Definitions

Terms used within the Regulations have specific meanings which are set out under regulation 5.

Terms defined in the Regulations, and which are used frequently in this guide, include:

- “CFA Guideline” means the current version of the Caravan Park Fire Safety Guideline as published by the Country Fire Authority (CFA). This Guideline has been developed by the CFA and the Metropolitan Fire Brigade (MFB) and applies to caravan parks whether or not they are located in an area where the CFA or the MFB is the relevant fire authority.
- “council” means the municipal council of the municipal district in which the caravan park is located.

The definitions contained in the Regulations supplement terms defined in the Act, which include:

- “caravan park” means an area of land on which movable dwellings are situated for occupation on payment of consideration, whether or not immovable dwellings are also situated there.
- “movable dwelling” means a dwelling that is designed to be movable, but does not include a dwelling that cannot be situated at and removed from a place within 24 hours. This includes, but is not limited to, caravans, unregistrable movable dwellings (UMDs), annexes and tents.

## **6 Meaning of adjacent structure**

This regulation defines what “adjacent structure” means in these Regulations. An adjacent structure is a non-habitable building such as a private garage, carport, shed or the like (a Class 10a building), or structure such as a fence, mast, antenna, pool, retaining or free standing wall (a Class 10b structure) which is adjacent or attached to a movable dwelling in a caravan park and enhances the amenity of the movable dwelling (see regulation 8 Building Code of Australia).

Note that adjacent structures are not movable dwellings and therefore are not exempt from compliance with the *Building Act 1993*, as provided under section 517 of the Residential Tenancies Act. Adjacent structures may require a building permit, depending on their nature and size. The council or a registered building surveyor will be able to advise a caravan park owner whether a building permit is required.

## **7 Meaning of schedule of works**

This regulation defines a “schedule of works” as a written agreement between a caravan park owner and council which specifies certain works to be undertaken by a caravan park owner and a timeframe for those works. Compliance with the fire safety regulations (regulations 20 and 21) and some of the amenity requirements set out in Division 2 of Part 3 (regulations 27, 28, 29, 30 and 32) may require a caravan park owner to undertake works. A schedule of works enables a staged approach to undertaking works needed to achieve full compliance with the fire safety regulations and the amenity requirements. A caravan park owner and council may agree to vary a schedule of works after it has been entered into.

## **8 Building Code of Australia**

This regulation defines “Building Code of Australia” by reference to the definition provided in the *Building Act 1993*. The Building Act defines the “Building Code of Australia” as Volume One and Volume Two of the National Construction Code (the NCC) including any relevant variations or additions set out in those Volumes. The Building Code of Australia (the BCA) is a national code that contains technical specifications and standards for construction of buildings. The NCC is available online from the Australian Building Codes Board (ABCB) website ([www.abcb.gov.au](http://www.abcb.gov.au)). Starting in 2016 the NCC will be published every three years by the ABCB for commencement on 1 May of that year. The NCC currently in effect is the version published on 1 May 2016.



## 9 Application of the BCA

The BCA Volume Two is referenced in these Regulations for the technical standards for construction of UMDs. A UMD is considered to be a Class 1 building for the purposes of compliance with any provision of the BCA required by the Regulations. The BCA Volume Two specifies the requirements for smoke alarms for all movable dwellings in caravan parks including caravans, mobile homes, UMDs and rigid annexes.

The Department of Environment, Land, Water and Planning (DELWP) monitors the NCC updates for relevance to the caravan park industry and will issue information on the DELWP website about relevant changes.

Note also that any building (including an adjacent structure) situated in a caravan park which is not a movable dwelling is subject to compliance with the *Building Act 1993*. This includes compliance with the Building Regulations 2006 and the NCC.



## Part 2 – Registration

Part 2 of the Regulations provides a framework for the registration of caravan parks with councils, including the setting of fees. Registration is important as a mechanism to enable councils to monitor and enforce standards in caravan parks in their municipalities.

### 10 Requirement to register

Every caravan park must be registered with the relevant local council. Different councils have different arrangements for the management of the registration process.

### 11 Application for registration

To apply for registration of a new caravan park, the owner must submit an application to council. The application must include:

#### a. A completed application form

The application must be in the form of Form 1 prescribed in Schedule 1 of the Regulations. Many councils will have a standard version of this form for caravan parks in their municipality.

#### b. A plan of the park showing the sites and all buildings

A map or plan of the caravan park must be submitted which clearly shows the location of all buildings, facilities, long-term, short-term and camp sites. Plans must be up to date and accurately reflect the nature of the park, including roads, paths and vegetation.

#### c. A copy of the most recent Fire Safety Report for the park

An authorised officer of the relevant fire authority may inspect a caravan park and buildings within a caravan park and carry out any test to determine whether Part 14 of the Act and these Regulations are being complied with. Following an inspection the authorised officer undertaking the inspection is required to prepare a report of inspection and provide that report to the caravan park owner and to council. This power of inspection and obligation to provide a report are provided under sections 525, 526 and 526A of the Act.

The last written report, if any, produced by the relevant fire authority is to be submitted with the application. The frequency of inspections is a matter for the relevant fire authority, with input from the council. Neither the Act nor the Regulations requires that a new risk assessment be undertaken prior to an application for renewal of registration.

#### d. Any schedule of works and evidence of compliance

Where it is necessary for a caravan park owner to carry out works in order to meet the requirements of the fire safety or amenity requirements (regulations 20, 21, 27, 28, 29, 30, and 32) a schedule of works may be agreed between the council and the caravan park owner. The schedule of works will set out the required works and will specify acceptable timelines for their completion. A council may require evidence that the works are being carried out in accordance with the schedule (for example, inspections or photographs). See regulation 7 'Meaning of schedule of works' for more information.

**e. A copy of the emergency management plan prepared for the park**

A caravan park owner must prepare an emergency management plan for the caravan park (refer to regulation 22 below). A copy must be provided to council as part of the registration process. Council is responsible for assessing whether the plan complies with regulation 22 (see regulation 13(c) below). The council should consider how best to take account of each caravan park's emergency management plan as part of municipality-wide emergency management planning.

**f. The relevant registration application fee**

The fee is determined by the council in accordance with regulation 17 and schedule of fees contained in Schedule 2 to the Regulations.

**12 Application for renewal of registration**

To re-register an existing caravan park, the caravan park owner must submit an application to the council by 1 October in the year in which the current registration expires. This is to allow council time to assess the application and to provide the registration certificate to the caravan park owner prior to the expiry of the existing registration (on 31 December of that year).

The three month application period is also intended to provide the caravan park owner an opportunity to resolve any outstanding compliance issues with the council (including reaching agreement for any amendments to an existing schedule of works) before the end of the existing registration period. In all other respects, the re-registration application is the same as set out in regulation 11 above.

**13 Grant or renewal of registration**

A council must assess each registration application to determine if the caravan park complies with the Regulations at the time of application. This assessment may include a physical inspection of the caravan park.

Council must have regard to:

- a. The last report of the relevant fire authority (see regulation 26 'Council to have regard to report of the relevant fire authority').
- b. Where an agreed schedule of works exists: any appropriate evidence of compliance with the works and timelines set out in the schedule of works.
- c. Whether or not the Emergency Management Plan for the caravan park complies with regulation 22.
- d. Whether the caravan park complies with the standards which are set out in Part 3 of the Regulations (regulations 20 to 46).
- e. The applicant's record of compliance with these Regulations and with any order issued under the Act.

If, having had regard to the above, a council is satisfied that the caravan park complies with the Regulations, the council must grant or renew registration.

If areas of non-compliance are identified during the registration application process, the council should work with the caravan park owner to resolve any issues, to allow for re-registration by 31 December of that year.

When granting registration the council must issue a Certificate of Registration (in the form of Form 2 in Schedule 1) to the caravan park owner. Councils should issue the Certificate of Registration as soon as practical after a decision to register has been made. In cases of re-registration it is important that the decision is made and a Certificate of Registration issued prior to 31 December of the year of application to avoid any park unintentionally becoming unregistered.

#### **14 Period of registration**

Registration of a caravan park is for between two and three years. Registration runs from the date specified in the Certificate of Registration until it expires on 31 December of the year that is no less than 2 years and no more than 3 years after the year in which registration was granted. Where a caravan park is re-registered it is expected that the commencement date specified in the Certificate of Registration will be 1 January (i.e. the day after the existing registration lapses) and will run for a full three years.

***Example:** for a caravan park where registration expires on 31 December 2017, re-registration would run from 1 January 2018 until 31 December 2020.*

#### **15 Notice of transfer of ownership**

If a caravan park owner sells a caravan park, he or she must notify the council in writing (in the form of Form 3 in Schedule 1) and include a copy of the current registration certificate and the transfer fee of 5 fee units (5 fee units equals \$69.70 as at 1 July 2016). To inform park users of the change, a caravan park owner must display a copy of the notice of transfer in a prominent position at the caravan park office for 30 days after the notice has been lodged with the council.

#### **16 Transfer of registration**

When a council receives a notice of transfer from a caravan park owner, the council must transfer the registration to the new owner if the caravan park is currently registered under the Regulations. The council must issue a certificate (in the form of Form 4 in Schedule 1) transferring the registration of the caravan park to the new owner. The new owner must display this certificate in the caravan park, together with the registration certificate, for 30 days after the date on which they receive it from the council.

The certificate of transfer is not evidence that the caravan park complies with the Regulations at the time of transfer. In addition, any schedule of works which is in place for a caravan park at the time when ownership is transferred becomes the responsibility of the new owner.

## 17 Fees

Councils charge caravan park owners a fee for registration. The fee is designed to offset the costs incurred by the council in undertaking the registration process and maintaining the register of caravan parks. A council must determine a fee according to the table below. The maximum fee permitted will depend on the size of the park and the duration of the registration. The maximum fees have been determined based on the estimated maximum overall cost to council of registering an average sized park (90 sites).

If the registration of a new park is for a period less than 3 years (see regulation 14 'Period of Registration') then the fee is reduced on a pro-rata basis (reduced by 1/36 for each month less than 3 years).

**Table 1: Maximum fees permitted to be charged by councils**

Number of short-term and long-term sites (excluding camp sites)	Maximum fee allowable for this sized park	Number of short-term and long-term sites (excluding camp sites)	Maximum fee allowable for this sized park
Not more than 25 sites	17 fee units	Between 751 and 800 sites	547 fee units
Between 26 and 50 sites	34 fee units	Between 801 and 850 sites	582 fee units
Between 51 and 100 sites	68 fee units	Between 851 and 900 sites	616 fee units
Between 101 and 150 sites	103 fee units	Between 901 and 950 sites	650 fee units
Between 151 and 200 sites	137 fee units	Between 951 and 1000 sites	684 fee units
Between 201 and 250 sites	171 fee units	Between 1001 and 1050 sites	719 fee units
Between 251 and 300 sites	205 fee units	Between 1051 and 1100 sites	753 fee units
Between 301 and 350 sites	240 fee units	Between 1101 and 1150 sites	787 fee units
Between 351 and 400 sites	274 fee units	Between 1151 and 1200 sites	821 fee units
Between 401 and 450 sites	308 fee units	Between 1201 and 1250 sites	855 fee units
Between 451 and 500 sites	342 fee units	Between 1251 and 1300 sites	890 fee units
Between 501 and 550 sites	376 fee units	Between 1301 and 1350 sites	924 fee units
Between 551 and 600 sites	411 fee units	Between 1351 and 1400 sites	958 fee units
Between 601 and 650 sites	445 fee units	Between 1401 and 1450 sites	992 fee units
Between 651 and 700 sites	479 fee units	Between 1451 and 1500 sites	1027 fee units
Between 701 and 750 sites	513 fee units	More than 1500 sites	1095 fee units

The fee is stated in fee units<sup>1</sup> which are standard units set by the Government annually. Using fee units means that fees will keep pace with inflation. Currently (as of 1 July 2016) a fee unit is \$13.94. The value of the maximum fee may be calculated by multiplying the number of fee units applicable by the value of a fee unit. The amount of the calculated fee may be rounded to the nearest 10 cents.

Councils should calculate the fee based on the circumstances of the caravan park, taking into account the underlying assumptions on which these maximums were set and the actual costs associated with registration. Where a caravan park has a number of sites toward the lower end of a fee scale the costs of inspection by council may be less and so the fee may be reduced. For example, 26 sites may generate a lower fee than 50 sites. However, this will depend on the complexity of the application and the level of compliance in the caravan park.

## **18 Register of caravan parks**

A council must keep a register of caravan parks within its municipality. The register records information on each caravan park including its name and location, the name of the owner and manager and the date of the current registration.

## **19 Duties of owners of registered caravan parks**

Certain duties are imposed on a caravan park owner on registration which support the effective management of a caravan park, particularly in the event of an emergency.

The caravan park owner must ensure that they, or the person responsible for managing the caravan park (if the owner is not directly responsible):

- are available at the caravan park office during normal office hours; and
- can be contacted at all times in case of an emergency.

The caravan park owner must ensure that emergency services vehicles can access the caravan park at all times without delay.

The caravan park owner must maintain a register which records:

- the name and address of each resident and short term occupier; and
- the arrival and departure date of each resident and short term occupier.

<sup>1</sup> The *Monetary Units Act 2004* enables the Treasurer of Victoria to index fee and penalty units each year on 1 July for inflation. For further information visit <http://www.dtf.vic.gov.au/Publications/Victoria-Economy-publications/Fees-and-fines-fact-sheet>.

The following information must be displayed in a prominent position at the park office or other place determined by the council:

- the name and number of the emergency contact for the caravan park
- the caravan park registration certificate
- a plan of the caravan park; and
- a copy of the caravan park rules (as made under section 185 of the Act).

The following documents must be accessible at the caravan park to park users on request:

- the *Residential Tenancies Act 1997*
- the Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010
- any exemptions from the Regulations which may have been granted to the caravan park by the Minister (under section 513 of the Act) or the Buildings Appeal Board (under section 519 of the Act); and
- a copy of the caravan park rules (as made under section 185 of the Act).

## Part 3 – Standards

Part 3 has four Divisions which set out the standards for caravan parks and for the construction of movable dwellings.

### Division 1 – Fire and emergency management

Division 1 sets out the requirements for fire safety in caravan parks and for the preparation of emergency management plans.

Caravan park owners should also be aware that sections 518B to 518F of the Act establish a number of offences associated with emergency management plans and emergency procedures. Significant penalties apply for non-compliance with the requirements in the Act. Many of the requirements in the Act directly relate to compliance with this Division.

#### 20 Fire prevention and safety – equipment

A caravan park owner is required to provide and maintain firefighting equipment for a caravan park. This equipment will enable people in the caravan park to fight a fire initially, and must be provided to enable the fire authority to fight the fire as necessary.

Regulation 20 establishes the standards for firefighting equipment for caravan parks by reference to the relevant requirements set out in the CFA Caravan Park Fire Safety Guideline 2012 (the CFA Guideline).

A caravan park owner can either provide equipment which satisfies the Performance Measures of the CFA Guideline or follow the Prescriptive Provisions to meet the requirements.

Given the potential expense required to upgrade an existing park, caravan parks which were in operation prior to 27 June 2010 may be working towards compliance in accordance with a schedule of works.

#### 21 Fire prevention and safety—access and separation

A caravan park owner is required to provide and maintain distance between UMDs, rigid annexes, caravan sites and other structures in the caravan park. This is to enable fire-fighters to access any part of the caravan park in order to fight a fire, and to reduce the risk of fire spreading from one dwelling to another.

Regulation 21 establishes the standard for access and separation for fire prevention and safety purposes by reference to the relevant requirements set out in the CFA Guideline.

The CFA Guideline sets out the Performance Measures and also details Prescriptive Provisions. A caravan park owner can decide what combination of these two approaches is appropriate for their park.



For caravan parks registered prior to 27 June 2010, the caravan park is considered to comply provided the space between and around movable dwellings is not reduced.

**Note:** This regulation was amended in March 2011 to clarify its application for existing caravan parks.

## 22 Emergency management planning

A caravan park owner must prepare an emergency management plan (EMP) for their caravan park. An EMP is an essential tool for enabling a caravan park's safe operation, and plays a fundamental role in reducing the risk and minimising the consequences of emergencies.

As required by regulation 22, the preparation of an EMP must include a risk assessment of the caravan park, undertaken in consultation with the relevant emergency services agencies. The risk assessment is a process of identifying the potential emergency risks and understanding how they might affect the caravan park.

Without limiting the scope of risks which should be considered, potential emergency risks which are relevant to caravan parks may include bushfire, flooding, structure fire, gas leak or explosion, severe storms and high winds.

Risks identified as part of the assessment of the caravan park must be documented in the EMP along with the preventative measures which are to be taken to reduce the emergency risk and emergency procedures which should be followed upon receipt of an emergency warning or in the event of the emergency occurring.

Preventative measures are actions which eliminate or reduce the likelihood or the impact of an emergency. These may be one-off works, or works that may need to be carried out regularly or seasonally.

In determining what preventative measures to take to reduce the risk, the caravan park owner must consider the likelihood of the risk and its potential impact, the effectiveness of the preventative measures and the cost of reducing the risk.

Emergency procedures are instructions which set out what people need to do in the event of an emergency. They include actions to be undertaken by the caravan park owner in an emergency and those for caravan park users.

Emergency procedures for caravan park users are often contained on an easy to read notice which includes a map of the park, a "you are here" marker, clear instructions for reporting an emergency, instructions for evacuating the caravan park and clearly marked assembly points.

The preventative measures which have been detailed in the EMP must be carried out by the caravan park owner at the frequency set out in the EMP, and the emergency procedures must be following in the event of an emergency. Section 518D of the Act establishes significant penalties for caravan park owners who do not comply.

For the purpose of preparing or reviewing an EMP, a caravan park owner may choose to utilise material provided by the State Emergency Service. For further information visit <https://www.ses.vic.gov.au/get-ready/caravan-park-information>.

## **22A Councils to notify of and consult with emergency services agencies**

When preparing an EMP, the caravan park owner must consult with the relevant emergency services agencies. The council must, at the request of the caravan park owner, notify the caravan park owner of the relevant emergency services agencies for the park. These agencies will include the relevant fire authority, the State Emergency Service and in flood prone areas will also include the relevant Floodplain Management Authority.

The council is the body responsible for determining whether an EMP is compliant with regulation 22. When considering whether a caravan park owner has complied with regulation 22, the council must consult with the relevant emergency services agencies.

## **23 Display of emergency procedures**

The emergency procedures to be followed by the caravan park occupants must be displayed in the park office, in each communal amenities block, and in any other place as required by the council. Good practice would also see them displayed in all dwellings which are available for short-term hire.

## **24 Display of public emergency warnings**

When an emergency services agency issues a public emergency warning relevant to the caravan park, a caravan park owner must ensure the warning is displayed in the caravan park office, each communal amenities block and any other place determined by the council. Notices must be displayed until the warning is no longer current. Good practice would also see them displayed in all dwellings which are available for short-term hire.

## **25 Flood areas – notification of residents**

If a caravan park is in an area liable to flooding then this information needs to be provided in writing to:

- the owner of any UMD or registrable movable dwelling with an attached rigid annexe, before the dwelling or annexe is installed in the caravan park; and
- any person who proposes to move into a UMD or registrable movable dwelling with an attached rigid annexe, before the person moves into the dwelling.

An area liable to flooding is defined in regulation 802 of the Building Regulations 2006. It broadly means land which is identified in a planning scheme or a plan of subdivision as liable to flooding, or which the council has designated as likely to be flooded. Council will be able to provide this information to caravan park owners.

If a caravan park is situated on, or includes, land which is liable to flooding then it is important that the caravan park owner consults with the relevant Floodplain Management Authority about the risks to the caravan park when developing the EMP for the caravan park.

## 26 Council to have regard to report of the relevant fire authority

When determining compliance in relation to any regulation in **Division 1 – Fire and emergency management** (regulations 20 to 25) council must have regard to any report of the relevant fire authority in relation to the caravan park. The power of inspection and obligation to provide a report are provided under sections 525, 526 and 526A of the Act.

Council may also inspect a caravan park to determine compliance with the Act and regulations.

## Division 2 – Amenities

Division 2 sets out the standards for services and amenities in caravan parks including the supply of water, managing waste water and the provision of sanitary and laundry facilities, refuse bins and lighting.

Given the potential expense required to upgrade an existing caravan park to comply with the requirements of Division 2 (except regulation 31), caravan parks which were in operation prior to 27 June 2010 may be working towards compliance in accordance with a schedule of works.

### 27 Water supply

A continuous and adequate supply of water must be available to all caravan park sites intended for movable dwellings, as well as to all sanitary and laundry facilities. Hot water must also be supplied to all sanitary and laundry facilities. Any water which is intended for drinking must be safe for human consumption.

Caravan parks which were in operation before 27 June 2010 may be working towards compliance with this regulation in accordance with a schedule of works.

**Note:** any plumbing work must be carried out by a licensed plumber who must issue a certificate of compliance. This includes but is not limited to drainage work, fire protection work, gas fitting work, roofing (stormwater) work, sanitary work and water supply work.

## **28 Sewage and waste water**

The effective management of sewage and waste water is essential for protecting the health and safety of caravan park users.

The discharge of sewage and waste water from buildings in caravan parks, including sanitary and laundry facilities and from UMDs or rigid annexes, must be in accordance with Part 12A (plumbing work) of the *Building Act 1993*.

The discharge of sewage and waste water from movable dwellings must be either to a reticulated sewerage system or to an approved septic system or such other system as is approved by council.

In granting approval for an alternative system, council should have regard to whether the system adequately provides for the health and safety of users of the caravan park.

Caravan parks which were in operation before 27 June 2010 may be working towards compliance with this regulation in accordance with a schedule of works.

## **29 Sanitary facilities**

Sanitary facilities must be provided for all occupants of the caravan park. Part F2.1 of Volume One of the Building Code of Australia (which may also be cited as Volume One of the National Construction Code) provides the minimum standard for the provision of sanitary facilities. The requirements in the Building Code of Australia should be applied on the basis of one person for every site without self-contained facilities.

This means that for every 10 sites without private facilities, a caravan park owner must provide a bath or a shower, a closet pan and a washbasin. Sanitary facilities must be provided on the basis of equal numbers of males and females. Part F2.1 enables fewer closet pans to be provided in male facilities if urinals are provided.

Caravan parks which were in operation before 27 June 2010 may be working towards compliance with this regulation in accordance with a schedule of works.

## **30 Laundry facilities**

Laundry facilities must be provided for sites which do not have private laundry facilities. The minimum requirements are a wash trough, washing machine, dryer or 25m of clothes line, and an ironing board and power outlet for every 25 long term sites or part thereof.

Caravan parks which were in operation before 27 June 2010 may be working towards compliance with this regulation in accordance with a schedule of works.

### **31 Garbage bins**

A caravan park owner must arrange for the collection of garbage from the park (section 178 of the Act). Bins provided must be vermin proof and regularly cleaned.

### **32 Lighting**

Lighting needs to be provided so that pathways, roadways, common areas and recreation areas which are in use are illuminated. Areas which are not in use (for example: sections closed in low season) do not have to be illuminated until they are again in use.

Caravan parks which were in operation before 27 June 2010 may be working towards compliance with this regulation in accordance with a schedule of works.

Note: any electrical work must be carried out by a licensed electrician who must issue a certificate of electrical safety in relation to any installation.

### **32A Compliance with Division 2 – Amenities**

This regulation sets the date by which a caravan park must be fully compliant with regulations 27, 28, 29, 30 and 32. Specifically any new caravan park (including any caravan park registered after 27 June 2010) is required to fully comply prior to commencing operation. Any caravan park which was in operation prior to 27 June 2010 was required to fully comply from 31 December 2011 (regulation 49), unless a schedule of works was agreed between the caravan park owner and the council.

Where a schedule of works is in place, an existing caravan park is required to comply with regulations 27, 28, 29, 30 and 32 in accordance with the time frame established in the schedule of works.

## **Division 3 – Standards for movable dwellings and annexes**

Division 3 sets out the standards for the design, construction and installation of unregistrable movable dwellings (UMDs – park cabin type dwellings) and rigid annexes (fixed structures for attachment to caravans) including the compliance and certification requirements.

This section also sets penalties for non-compliance. Penalties are stated in penalty units<sup>2</sup> which are standard units set by the Government annually. Using penalty units means that penalties will keep pace with inflation. Currently (as of 1 July 2016) a penalty unit is \$155.46. The penalties in Divisions 3 of the Regulations are for 20 penalty units, meaning that the maximum penalty imposed for each offence is \$3,109.

<sup>2</sup> The *Monetary Units Act 2004* enables the Treasurer of Victoria to index fee and penalty units each year on 1 July for inflation. For further information visit <http://www.dtf.vic.gov.au/Publications/Victoria-Economy-publications/Fees-and-fines-fact-sheet>.

### **33 Design, construction and installation standards—unregistrable movable dwellings**

The technical specifications for the design, construction and installation of UMDs are set out in Parts 1 and 2 of Schedule 3 to the Regulations. See 'Part 2—Unregistrable Movable Dwellings (UMDs)' below for more detailed explanation of these requirements.

### **34 Design, construction and installation standards—annexes**

The relevant technical specifications for the design, construction and installation of rigid annexes are set out in Part 3 of Schedule 3 to the Regulations. See 'Part 3—Annexes' below for more detailed explanation of these requirements.

### **35 Smoke alarms for movable dwellings**

Smoke alarms must be fitted to all UMDs, caravans and rigid annexes. Where mains power is supplied to the movable dwelling, the smoke alarm must be connected to the mains power. All smoke alarms must be maintained in working order. Part 3.7.2.2(b) of the BCA Volume Two requires that all smoke alarms must comply with AS3786 – Smoke alarms using scattered light, transmitted light or ionization, and be installed on or near the ceiling.

### **36 Compliance plate**

Compliance plates are an important aspect of the self-certification of construction standards. A person who constructs a UMD or rigid annexe to be installed in a caravan park must be able to state on the compliance plate that the dwelling complies with the Regulations (and include their name and address along with the year of construction). Seeking advice from a Registered Building Practitioner is recommended to confirm that compliance has been achieved. A compliance plate must be permanently fixed on to a UMD (including "ensuite" type UMDs) or rigid annexe at construction. A compliance plate should also be provided if additions (such as a deck or verandah) or alterations (such as increasing the size of a dwelling) are undertaken following initial installation.

### **37 Movable dwelling must not be installed without compliance plate**

A person must not install a UMD or a rigid annexe into a caravan park unless it has a compliance plate. This requirement applies to new or relocated UMDs or rigid annexes, but not to those constructed prior to 1 November 1993 (when the requirement first came into effect), unless they are to be relocated.

### **38 Design information to be provided on sale of movable dwelling**

The seller of a UMD or rigid annexe must provide the purchaser with a set of installation designs appropriate to its location. For subsequent installations, there is no obligation to update or change this information. However, the documentation originally provided with the dwelling should be handed on to the new owner.

### 39 Notice to council

The notice to council is another part of the certification process for the construction and installation of movable dwellings in caravan parks. A person who intends to install a UMD or rigid annexe in a caravan park must inform council of this **prior to the installation** by sending the council the details of the proposed installation including details of the siting, the structural design of the dwelling and details of the installation at least 7 days before installation, or earlier if required by council.

The notice to council provides the council with the opportunity to check whether the installation has any implications for planning, fire safety or emergency management, and to ensure that the park facilities and amenities are sufficient. Where a new installation is replacing a previous similar dwelling, the council may still need to check compliance with the fire separation requirements.

Unless planning consent is required, there is no need to obtain permission from the council prior to the installation of a UMD or rigid annexe in a caravan park. However, council can take enforcement action if it finds that a dwelling installation is non-compliant. Also if planning consent is required (this will depend on a council's planning scheme and varies between councils) a council has powers under the *Planning and Environment Act 1987* to prevent works which do not have a relevant planning permit.

### 40 Installation certificate

A person must obtain the approval of the caravan park owner before installing a UMD or rigid annexe in a caravan park. An installation certificate must be provided to the owner of a UMD or rigid annexe by the person who installs the dwelling. The owner must then provide a copy of the installation certificate to the caravan park owner and the council within 7 days of the installation occurring. The installation certificate forms another key part of the self-certification compliance process which the Regulations require.

### 41 Termite information

A council may designate areas within its municipal district where buildings are likely to be attacked by termites (regulation 803 of the Building Regulations 2006). A caravan park owner should confirm with the council whether any areas within the caravan park are designated as being termite areas. In these instances, the caravan park owner must provide written notice of this to the owner of a UMD or rigid annexe before the UMD or rigid annexe is installed in the caravan park.

### 42 Change of use of structure

A non-habitable structure must not be used as a dwelling or as part of a dwelling unless the council has approved this use. This provides council with the ability to regulate the change of use of structures.

## **Division 4 – Maintenance of movable dwellings and sites**

Division 4 sets out maintenance requirements for caravan parks including the maintenance and cleaning of movable dwellings that are hired to short term users.

This section also sets penalties for non-compliance. Penalties are stated in penalty units which are standard units set by the Government annually. Using penalty units means that penalties will keep pace with inflation. Currently (as of 1 July 2016) a penalty unit is \$155.46. The penalties in Divisions 4 of the Regulations are for 20 penalty units, meaning that the maximum penalty imposed for each offence is \$3,109.

### **43 – 46 Maintenance of movable dwellings and sites**

Regulations 43 – 46 are self-explanatory. They provide for minimum standards of health and safety in relation to the hire of dwellings for short term use.

Movable dwellings provided for short term hire must be maintained in working order and in a good state of repair and condition and should be cleaned between each hire so that the movable dwelling is provided in a sanitary and safe state.

Site tenants should keep sites clear and clean to prevent unsafe or unsanitary conditions. Section 179 of the Act also places duties on caravan park owners in relation to maintenance of communal areas.



## Part 3A – Fire authority fees

Part 3A sets out the fees that may be charged by fire authorities for inspections and reports.

### 46A Fees

A fire authority may charge fees for inspections and reports in respect of fire safety and emergency management planning. The maximum fees are 10 fee units for the first hour (\$139.40 as at 1 July 2016) and 2.5 fee units (\$34.85 as at 1 July 2016) for each subsequent quarter hour or part thereof.



## Part 4 – Transitional

Part 4 established transitional arrangements for the implementation of the Regulations when they came into force in 2010. The transitional periods specified in regulations 47 and 49 have expired and are therefore not relevant to this guide.

### **48 Existing unregistrable movable dwellings and rigid annexes**

A dwelling is deemed to comply with the Regulations if it complied with the 1999 Regulations immediately prior to 27 June 2010, unless it no longer complies with the 1999 Regulations as a result of alteration or non-maintenance.

# Schedules

- Schedule 1** Prescribes four forms relevant to the operation of the registration process. The forms which councils use to manage the registration process must contain all the information set out in the prescribed forms.
- Form 1 Application for Registration or Renewal of Registration of a Caravan Park (regulations 11 and 12)
  - Form 2 Certificate of Registration or Renewal of Registration of a Caravan Park (regulation 13)
  - Form 3 Notice of Transfer of Ownership of a Caravan Park (regulation 15)
  - Form 4 Certificate of Transfer of Registration of a Caravan Park (regulation 16)
- Schedule 2** Prescribes the fee schedule for the calculation of registration application fees.
- Schedule 3** Prescribes design, construction and installation standards for UMDs and rigid annexes.

## Part 1—BCA Requirements

### 1 Unregistrable movable dwellings - Design and construction

The technical design and construction specifications for UMDs are set out in the relevant sections of the Building Code of Australia (BCA). The provisions of the BCA apply as if a UMD or a rigid annexe were a Class 1 building (as provided for in regulation 9). A UMD must comply with all of Volume Two of the BCA except for the following provisions:

- **Termite Control (Performance Requirement P2.1.1(b)(xv) and Part 3.1.3)**

This has been excluded because under the regulations protecting a UMD from termites are optional for the owner. The UMD owner must make their own assessment as to the costs and benefits of termite protection works.

- **Masonry (Part 3.3) & Roof Tiling (Part 3.5.1.0(a) and 3.5.1.2)**

These have been excluded because they are not relevant to the construction of movable dwellings and relate to materials not used in the construction.

- **Fire Separation (Objectives O2.3(b) and (c), Functional Statements F2.3.1 and F2.3.4, Performance Requirements P2.3.1 and P2.3.4 and Part 3.7.1)**

The fire separation requirements are provided for in regulation 21 by referencing the CFA guideline.

- **Bushfire Areas (Part 3.7.4)**

Due to the fact that UMDs are relocatable, bushfire safety in caravan parks is provided for through the emergency management planning (regulations 22, 22A, 23 and 24).

- **Sanitary Facilities (Objective O2.4.3(b) and (c), Functional Statement F2.4.3(a) and (b), Performance Requirement P2.4.3(a) and (c), Section 3.8.3.2(a)(ii), (iii), (iv) and (v))**

These provisions require bathroom and toilet facilities. Shared sanitary facilities in caravan parks mean that not all UMDs have self-contained facilities. Therefore these requirements are excluded. However, where a UMD is constructed with self-contained facilities, the relevant provisions of the BCA for the construction do apply, for example: 3.8.1 Wet Areas.

- **Swimming Pools (Objective O2.5(b) and (c), Functional Statement F2.5.2, Performance Requirements P2.5.3 and P2.5.4 and Part 3.9.3)**

These requirements relate to a swimming pool and are not relevant to movable dwellings. Any swimming pool in a caravan park must comply with the relevant building regulations and BCA requirements including fencing.

- **Energy efficiency (Part 2.6 (energy efficiency) and Part 3.12)**

Energy efficiency requirements for UMDs are specified in clause 3 of Schedule 3 (see below). This approach has been taken as the BCA requirements cannot be applied where the location of the dwelling is not known.

Design Wind Speed: An unregistrable movable dwelling must be designed for a minimum design wind speed of N3 in accordance with Table 1.1.1 in Volume Two of the BCA. This reflects the current industry methodology but does not apply an increased standard.

## Part 2—Unregistrable Movable Dwellings (UMDs)

### 2 Design and construction

These requirements are specific to UMDs. They require that a UMD must be constructed so it is structurally sound and must incorporate anchor points for tie down gear so it can be securely installed. They also specify that a UMD used by a resident must have a floor area of at least 15 square metres as a minimum dwelling area.

This section also puts in place requirements which relate only to certain two storey UMDs. Where a two storey UMD is installed abutting the boundary of a caravan park and therefore may affect the neighbouring properties, they must comply with regulations 418 (overshadowing) and 419 (overlooking) of the Building Regulations 2006. This only applies in relation to the boundary of the park, and not to site boundaries within the park.

### 3 Energy efficiency

Energy efficiency requirements are specified as detailed provisions. These specify minimum standards of insulation in the roof (R-Value of R3.3) and walls (R-Value of R1.5) of UMDs and require external doors, windows and vents to be sealed. The R-Values of the insulation can be met in a variety of ways, for example through a combination of insulation and reflective insulation. Building sealing helps to retain heat in winter or keep heat out in summer. Awning windows limit cross ventilation and so alternative types should be used.

### 4 Installation

These installation requirements cover both UMDs and rigid annexes. UMDs and rigid annexes must be installed in accordance with these requirements so that they are structurally sound. Footings must be capable of supporting the weight of the structure, including when people are inside it, and constructed so that the UMD or annexe can withstand wind forces which may affect a caravan park. They must comply with Australian Standard AS/NZS 1170.1 and AS/NZS 1170.2 which specify standards for the structural integrity of the dwelling using a design terrain category of not less than 2.5. A UMD or annexe has to be securely fastened to its footings so that it does not move independently of the footings.

## Part 3—Annexes

### 5 Design and construction

This part of the schedule sets out the technical specifications for the construction of rigid annexes. These specifications establish minimum standards of damp and weather-proofing, natural light and ventilation to protect the health and amenity of users.

Rigid annexes must be constructed to comply with Australian Standard AS/NZS 1170.1 and AS/NZS 1170.2. These specify standards for the structural integrity of the dwelling using a design terrain category of not less than 2.5 (this reflects the current industry methodology but does not apply an increased standard from the 1999 Regulations).

A rigid annexe may be up to 3.6 metres in width but must be no longer than the body of the movable dwelling to which it is attached, regardless of whether it is attached to a registered movable dwelling (i.e. caravan) or a UMD. These measurements refer to the enclosed area of the annexe and do not include a deck or verandah which is attached to the annexe.

Where a caravan park is in a flood prone area, and the floor of an annexe is to be raised up to the floor height of the attached caravan, the roof height of the annexe may protrude above the roof height of the attached caravan by the same amount (so the interior ceiling height is not reduced by raising the floor).

### 6 Installation

The installation requirements for a rigid annexe (as for UMDs) are set out in clause 4 of Schedule 3 (discussed above).

The installation requirements set out in this section refer to the movable dwelling to which the annexe is attached. They require that the caravan or UMD is securely installed and will not move independently of the annexe. These specifications also provide for adequate ventilation and natural light by setting requirements for window areas in the caravan or UMD to which the annexe is attached.

## Further information

Further information about the regulations relating to caravan parks and movable dwellings can be found on the department's website at [www.planning.vic.gov.au](http://www.planning.vic.gov.au).

Alternatively you can call 136 186 from anywhere in Australia, Monday to Friday, 8am to 6pm. Costs may vary – mobiles and public telephones may incur additional costs.

