

A GUIDE TO THE
**Victorian Caravan
Park Regulations**

1 DECEMBER 2010



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Introduction

In Victoria, caravan parks are regulated under the *Residential Tenancies Act 1997* (the Act) and by the Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010.

The Act provides for residency rights and duties (Part 4) and for the making of regulations in relation to caravan parks (Part 14). The Act contains key definitions which apply to the Regulations including for *Caravan Park* and for *Movable Dwelling*.

The Regulations set out the requirements for operating a caravan park including:

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

These updated Regulations came into effect on 27 June 2010 following a detailed review. They replace the previous 1999 Regulations.

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

About this Guide

This guide has been produced by the Department of Planning and Community Development to assist local councils, caravan park owners and others to interpret and implement the updated Regulations. It provides explanatory notes for each of the Regulations.

It is designed to be read in conjunction with the Regulations. It does not serve as a substitute for the Regulations.

EXPLANATORY GUIDE

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

The Regulations apply to all caravan parks in Victoria. The Regulations are in four parts, Preliminary (Part 1), Registration (Part 2), Standards (Part 3) and Transitional (Part 4). They also contain three Schedules: Schedule 1 which sets out the necessary forms; Schedule 2 containing the relevant registration application fees; and Schedule 3 outlining the technical standards for construction of unregistrable movable dwellings (UMDs) and rigid annexes.

PART 1 PRELIMINARY – Objectives and Terms

1 Objectives

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

2 Authorising provisions

These 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 expire on 26 June 2020.

4 Revocation

The 1999 Regulations have been revoked and no longer apply, [except in accordance with the Transitional Provisions: Regs 47, 48 and 49 of these 2010 Regulations].

5 Definitions

Terms used within the Regulations have specific definitions which are set out under this regulation. It should be noted that the Act also contains definitions of some key terms which apply to the Regulations.

6 Meaning of adjacent structure

An adjacent structure is a structure associated with a movable dwelling in a caravan park such as a carport, shed or fence. Such structures are not classified as movable dwellings as they are not “dwellings”. Adjacent structures are covered by the *Building Act 1993*, and may or may not be subject to building permits, depending on their size. Local council or a registered building surveyor will be able to advise a caravan park owner if a building permit is required. It is important that adjacent structures do not infringe on fire-fighter access or fire separation distances, thereby compromising fire safety. The relevant fire authority - either the Country Fire Authority (CFA) or the Metropolitan Fire Brigade (MFB) - can advise caravan park owners on meeting the requirements for fire-fighter access or fire separation, set out in Regulation 21. The relevant fire authority must be consulted by the council when considering related compliance issues.

The definition of adjacent structure does **not** include a deck or verandah which is attached to an unregistrable movable dwelling (UMD) or rigid annexe. Decks and verandahs are classified as the same as the structure to which they are attached, as they form part of the dwelling. Decks or verandahs which are manufactured as part of a UMD or annexe as well as those which are attached to an existing UMD or annexe should be treated in the same way. The fire separation requirements of Regulation 21 must be complied with and apply to the dwelling with the deck or verandah attached. (For more information see box below “Caravan Parks and the *Building Act 1993*”.)

7 Meaning of schedule of works

Compliance with the fire safety regulations (Regs 20 and 21) may require a caravan park owner to undertake works. These may be impractical for a caravan park owner to undertake during peak season, or may not be viable to be undertaken all at once. Using the written advice of the relevant fire authority (CFA or MFB), a caravan park owner may enter into an agreement with the local council to undertake such works over a period of time. Establishing an agreed schedule of works allows a caravan park to be registered on the basis that any required works have been acknowledged by all parties and timelines agreed for their implementation.

8 Building Code of Australia

The Building Code of Australia (the BCA) is a national code published annually by the Australian Building Codes Board. It contains technical specifications and standards for construction. It is published annually for commencement on 1 May.

(It should be noted that there was previously a Building Control Act in Victoria which was sometimes known as the "BCA". This legislation is no longer current. The current legislation for the building industry in Victoria is the *Building Act 1993*.)

9 Application of the BCA

- The BCA is referenced for the technical standards for the 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 also specifies the requirements for smoke alarms for all movable dwellings in caravan parks including caravans, mobile homes, UMDs and rigid annexes.
- The Department of Planning and Community Development will monitor the annual BCA updates for relevance to the caravan park industry and will issue advice on the DPCD website and will inform industry and councils of any changes.

PART 2 REGISTRATION

Part 2 provides a framework for the registration of caravan parks with local councils including the setting of fees.

10 Requirement to register

Every caravan park must be registered with the appropriate department of the local council - most commonly either the Environmental Health department or the Building department.

11 Application for registration

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

(a) A completed application form

The application form must be in the form of Form 1 as prescribed in 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.

(c) 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. A copy must be provided to council as part of the registration process. Council is responsible for assessing the adequacy of the plan and should take account of the caravan park in the overall municipal emergency management plan. (Information is provided below which covers the emergency management planning regulations Regs 22 to 24.)



Caravan Parks and the *Building Act 1993*

Movable dwellings located in caravan parks are not subject to the same building regulations as a permanent building. Instead, these Regulations set out the requirements for construction and installation of UMDs and rigid annexes in caravan parks.

Section 517 of the Residential Tenancies Act 1997 excludes movable dwellings in caravan parks from the Building Act 1993 (except for Part 12A - plumbing works)

This means that building permits are not required for the construction and installation of any UMD or rigid annexe in a caravan park.

Local council is the authority responsible for enforcement of non-compliance. The enforcement provisions are contained within the Residential Tenancies Act 1997 and the Regulations. It is an offence for someone to construct or install a UMD or rigid annexe in a caravan park unless it complies with these Regulations.

Where a UMD or rigid annexe is installed in a caravan park it is important that the new dwelling does not compromise the caravan park's fire safety as required by Regulations 20 and 21 including fire separation distances. The relevant fire authority should be consulted in relation to any installation of a UMD or rigid annexe on a new site or if the installation alters the existing fire separation distances.

Decks and Verandahs

Where a new deck or verandah is attached to a UMD or rigid annexe (new or existing), it should be treated as part of the dwelling to which it is attached. It should not be subject to a building permit as it then forms part of the movable dwelling to which it is attached. The UMD or rigid annexe is exempt from the Building Act 1993. Any deck or verandah

must be constructed to comply with these Regulations including the provision of compliance plates if attached to an existing dwelling. Any deck or verandah attached to a movable dwelling must be constructed in accordance with the relevant technical specifications in Schedule 3 and must not compromise fire safety. The fire separation requirements of Regulation 21 apply to the dwelling with the deck or verandah attached.

Stand Alone UMD "en-suites"

Within these Regulations "en-suite" style free standing bathroom facilities provided on sites for use with individual caravans are understood to be UMDs and therefore are not subject to the Building Act 1993 (except for Part 12A - plumbing works). The construction and installation of these types of UMDs must be in accordance with these Regulations, including the requirement for a compliance plate, and the technical specifications set out in the BCA and in Schedule 3.

Plumbing Work

The exemption of movable dwellings from the operation of the Building Act 1993 does not include Part 12A (plumbing work). This means that Part 12A as well as the Plumbing Regulations 2008 do apply to all plumbing works carried out on movable dwellings in caravan parks. Additionally, any standards called up by the Plumbing Regulations 2008 also apply.

A person must be registered and/or licensed by the Plumbing Industry Commission before carrying out plumbing work and must not carry out work of a particular class or type unless he or she is licensed and/or registered to carry out work of that class or type. Examples of plumbing work include:

Class of work	Examples
Roofing	Metal roof sheeting, gutters and downpipes on annexes and buildings including water tanks
Water supply	Water mains within park, cold water pipe work in UMDs, annexes and en-suites, heated water pipe work, installation of ablution fixtures using heated water, all backflow prevention works
Gasfitting	All work on park gas mains, all gas fitting lines, installation/servicing of all gas-using appliances in caravans, UMD's, annexes and ensuites or buildings in the park.
Sanitary work	All waste pipes in caravan park amenities/ laundry facilities, all waste pipes from movable dwellings to park infrastructure, installation of sanitary fixtures in movable dwellings.
Drainage work	Below ground stormwater and sewerage drains within the caravan park, below ground connections from vans/annexes etc to the caravan park infrastructure.
Fire protection	Installation of hydrants, hose reels and fire sprinkler systems.

(d) A copy of the most recent Fire Safety Report for the park

Upon the caravan park owner's request, the fire authority will inspect a caravan park and provide a written report to the caravan park owner and the local council. The last written report 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, the council and the caravan park owner. However, it is expected in the future that a park would be inspected at least once every three years.

(e) 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 regulations, Regs 19 and 20, a Schedule of Works may be agreed between the local council and a caravan park owner based on a report of the relevant fire authority. The Schedule of Works will contain written advice on those 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, photographs). (See Reg 7 Meaning of Schedule of Works, above for more information.)

(f) The relevant registration application fee

The fee is determined by the council in accordance with the schedule of fees in the Regulations (see Reg 17 Fees below for more information).

12 Application for renewal of registration

To re-register an existing caravan park, the owner must submit an application by 1 October in the year that the current registration expires. This is to allow local councils time to assess the application and provide the registration certificate to the caravan park owner, and to give the caravan park owner sufficient time to address any issues which may be outstanding prior to the expiry of the existing registration (31 December). In other respects, the re-registration application is the same as set out in 11 above. A renewal application fee is payable to the local council (see Reg 17 Fees below for more information).

13 Grant or renewal of registration

A council must assess each application to determine if the caravan park complies with the Regulations. This assessment may reasonably be expected to include a physical inspection if the park is new, or has not been inspected regularly, or there have been ongoing compliance issues, or if a council is aware that a park has changed significantly since last inspected (i.e. it was granted a planning permit to expand).

Council must have regard to:

- (a) The most recent report of the relevant fire authority which will contain the assessment of compliance and any recommendations relating to compliance with Regulations 20 – 24. **Where a caravan park owner does not have an inspection report, the owner should contact the relevant fire authority as soon as possible to request an inspection and should also inform the local council.**
- (b) Evidence of compliance with the requirements and the timelines in the Schedule of Works where an agreed Schedule of Works exists.
- (c) Compliance of the emergency management plan with Reg 22, including the risks assessed and the proposed treatment of the risks (preventative measures and emergency procedures) as set out in the plan. This must be done in consultation with the relevant emergency services agencies such as the relevant fire authority, SES, and/or the Floodplain Management Authority.
- (d) Whether the caravan park owner is implementing the preventative measures as set out in the emergency management plan.
- (e) Whether the park complies with the standards which are set out in Part 3 of the Regulations - Regs 20 to 46.
- (f) Any previous non-compliance issues with these Regulations and any order issued under Part 14 of the Act (i.e. compliance orders or closure orders).

Where a council determines that a park complies, the council must grant or renew registration. It is important that the decision is made by 31 December of the year of application to avoid any park being unregistered. Councils should issue the appropriate registration certificate as soon as the decision has been made. Where areas of non-compliance are identified, council should work with the caravan park owner to resolve if possible any issues or agree a Schedule of Works by 31 December to allow for re-registration.

14 Period of registration

Registration will now last for three years. Registration runs from 1 January of Year 1 to 31 December of Year 3. For example: 1 January 2011 to 31 December 2013.

Where a new park is seeking registration for the first time, the initial registration period will be either shorter or longer than three years depending on whether the registration is granted prior to or after 1 July. For example: if registration is granted on 26 February 2011, registration will expire on 31 December 2013 (2 years and 10 months). If registration is granted on 26 October 2011, registration will expire on 31 December 2014 (3 years and 2 months).

15 Notice of transfer of ownership

If a caravan park owner sells a caravan park, he or she must notify the council in writing (using Form 3 in Schedule 1 of the Regulations) and include a copy of the current registration certificate and the transfer fee of 5 fee units (5 fee units currently equals \$59.80 as at July 1 2010). 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 by the caravan park owner with the local 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 complies with the Regulations, and must issue a certificate transferring the registration to the new owner. The new caravan park owner must display this certificate for 30 days from when they receive it from the council (Form 4 in Schedule 1) in the caravan park together with the registration certificate.


17 Fees

Councils will charge caravan park owners a fee for registration. The fee is designed to offset costs incurred by the council in undertaking the registration process and maintaining the register. A council must determine a fee according to the table below. The maximum fee permitted will depend on the size of the park. The maximum fees have been determined based on the estimated maximum overall cost to council of registering an average sized park (90 sites), with the assumption that a physical inspection is undertaken at each registration (once every three years).

If the registration of a new park is for a period less than 3 years (see 14 Period of Registration, above) 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 calculated in fee units¹ which are standard units set by the Government annually that can be used to calculate fees. Using fee units means that fees will keep pace with inflation in future. Currently (as of 1 July 2011) a fee unit is \$11.95.

Councils should calculate the fee based on the circumstances of the park, taking into account the costs associated with registration. Where registration is straightforward a fee lower than the maximum allowable could be considered, as the cost to council may be lower. For example: where a park has an excellent compliance history and is well known to the council and inspection times may be reduced to high levels of ongoing compliance, and/or where a park has a number of sites toward the lower end of a fee scale. For example: 26 sites should generate a lower fee than 50 sites but this will depend on the complexity of the caravan park and on the level of compliance.

18 Register of caravan parks

A council must keep a register of caravan parks within the 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 registration.

19 Duties of owners of registered caravan parks

There are a range of duties which 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 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 following information must be displayed in a prominent position at the park office:

- 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.

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 to the Regulations which may have been granted to the caravan park and
- a copy of the park rules.

¹ The *Monetary Units Act 2004* enables the Treasurer of Victoria to index fee units each year on 1 July for inflation. For further information visit www.ocpc.vic.gov.au.

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.

20 Fire prevention and safety—equipment

- A caravan park owner must provide and maintain firefighting equipment which enables people in the park to initially fight a fire, and enables the relevant fire authority to fight the fire as necessary. The detailed requirements are set out in the **CFA Caravan Park Fire Safety Guideline** (the Guideline).
- A caravan park owner can either provide equipment as prescribed in the Guideline, or can design and submit alternative proposals for the relevant fire authority to consider.
- The Prescriptive Provisions of the Guideline (PP3 and PP4) specify in detail the type, standards and required location for firefighting equipment such as fire extinguishers, fire hose reels, fire hydrants and water supply for firefighting.
- A caravan park owner may otherwise design and submit alternative proposals that respond to the Performance Measures of the Guideline (PM4 and PM5) for the relevant fire authority to consider. Using the Performance Measures allows for alternative proposals to satisfy the requirements where it is not practical or cost effective to provide equipment in the manner prescribed - particularly in existing parks. Responsibility for certifying compliance with the Performance Measures ultimately rests with the relevant fire authority. However, the relevant fire authority will not develop alternative designs on behalf of the caravan park owner.
- A caravan park owner must regularly maintain fire safety equipment ensuring it operates as intended.

21 Fire prevention and safety—access and separation

Regulation 21 requires a caravan park owner to provide and maintain distance between UMDs, rigid annexes, caravan sites and other structures in the caravan park which will enable fire-fighters to fight a structure fire in any part of the park, and which will reduce the risk of fire spread between dwellings. The Guideline sets out Prescriptive Provisions for meeting these objectives and also provides for alternative solutions through Performance Measures.

New Parks

When developing a new caravan park, or developing new sites in an existing caravan park, the Prescriptive Provisions of the Guidelines (PP1 and PP2) require a fire separation distance of 2 metres between and around dwellings to limit fire spread. They require unobstructed 1.2 metres width between structures and a minimum height of 2.1 metres to allow a fire-fighter to move between structures, and to fight fires and conduct search and rescue activities as necessary. They also require a caravan park owner to ensure fire vehicles are able to access the park and set minimum standards for turning circles, gradients and dips in access roads.

Alternatively a caravan park owner may choose to develop design solutions which meet the objective (O1 – Provision and Maintenance of Access) of the Guideline by satisfying the Performance Measures (PM1, PM2 and PM3). In developing such an alternative approach, advice from a registered fire safety engineer should be sought. Responsibility for certifying compliance with the Performance Measures ultimately rests with the relevant fire authority.

Established Parks

It is the intention of the Regulations to improve fire safety in existing caravan parks as well as in new parks. However, it is recognised that in established parks, existing fire separation distances may not meet or be able to meet the 2 metre Prescriptive Provisions. Improving safety in these cases may be achieved through the installation of additional safety measures (for example, additional hose reels or hydrants, external smoke detection and alarm systems, and/or improved emergency management plans).

Where the relevant fire authority report raises the issue of fire separation in terms of limiting fire spread, but increased separation is not feasible on that site or in that park, overall fire safety of park users should be the key consideration.



In these cases, additional safety measures may be appropriate (for example, additional hose reels or hydrants, external smoke detection and alarm systems, and/or improved emergency management plans) and should be discussed with the relevant fire authority when the fire safety report is prepared.

When considering compliance with Regulation 21 (or any of the Fire Safety and Emergency Management Regulations 20 - 25 in Part 3 Division) local council must have regard to any report of the relevant fire authority (Reg 26).

It is expected that the caravan park owner will undertake to improve fire separation distances over time - as sites are redeveloped or movable dwellings replaced. Where a new movable dwelling (either a UMD or a rigid annexe) is installed to an existing site in an established park, fire separation distances should be increased. This might be achieved through re-orientation of annexes, installation of narrower dwellings, or replacement of vans and annexes with UMDs. Separation distances must not be reduced when replacing dwellings in existing sites.

Despite this, there may be cases where the relevant fire authority expresses serious concern over fire safety due to the fire separation distances in an existing park. In these cases, caravan park owners may need to develop plans for improving the fire separation to meet the Objectives of the Guideline. Caravan park owners should agree with the council upon a Schedule of Works for completion over a mutually acceptable time frame.

It is also important that the objective (O1 – Provision and Maintenance of Access) is not compromised where a UMD or rigid annexe is altered following installation, for example, through the addition of a deck or verandah. The caravan park owner is responsible for ensuring that any such alterations do not affect fire safety compliance.

22 Emergency management plan — preparation

- As with the previous Regulations, a caravan park owner has to prepare an emergency management plan (EMP) for their caravan park.
- An EMP is an essential tool for enabling the safe operation of a caravan park. A caravan park owner must prepare an emergency management plan specific to the caravan park.

- Caravan parks can face a number of different potential emergency risks including bushfire, flooding, fire in one or more dwellings within a park, gas leak or explosion, severe storms, king tides or coastal erosion.
- The preparation of an EMP must be based around a **risk assessment** of the caravan park. The risk assessment must identify, analyse and evaluate the potential emergency risks. For each risk, the caravan park owner must examine the potential consequences of the event affecting the park.
- This should include consideration of both the **source** of the risk and the **elements** at risk (structures, people, and property in the park).
- Once risks are identified and assessed, the next step in the preparation of an EMP is determining how to **treat** each risk. While it is not possible to eliminate all emergency risks, some risks may be reduced through the implementation of **preventative measures**. Others will require the preparation of **emergency procedures** for implementation during an emergency affecting the park.
- **Preventative measures** – are those actions which eliminate or reduce either the incidence or the severity of emergencies, and any actions which mitigate the impact of emergencies. They may be one-off works, or works that may need to be carried out regularly, or be undertaken prior to a predicted emergency. These actions may include pruning or clearing vegetation, cleaning gutters and drains, installing and maintaining flood level indicators or securing loose materials prior to a predicted storm. These actions should all be specified in the EMP together with timelines for implementation.

- **Emergency procedures** – are instructions which set out what to do in an emergency. There are two types of emergency procedures, depending on who will carry them out:
 - (i) **Caravan park owners**– these procedures will include emergency contact numbers, plans for communicating with all occupants in an emergency, methods of communicating with emergency services, a plan or map of the caravan park clearly showing the locations of emergency services equipment, evacuation routes and assembly points, and details of who is responsible for which actions in an emergency, plus clear and workable evacuation plans and assembly points.
 - (ii) **Occupants of the park** – these will include emergency contact details, clear instructions for what occupants must do in an emergency, details of who is responsible for which actions during an emergency, as well as a plan or map of the caravan park clearly showing the locations of emergency services equipment, evacuation routes and assembly points.
 - In assessing each risk, and determining what if any preventative measures could be taken 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. The caravan park owner, in consultation with the relevant emergency services (for example: the CFA or MFB, SES, Floodplain Management Authority) and the council, must assess which preventative measures are “reasonably practicable”, taking cost into consideration.
 - When preparing the EMP, the caravan park owner must **consult**, with the local council and with the relevant *emergency services agencies*. These will include the relevant fire authority and the SES and in flood prone areas will also include the Floodplain Management Authority.
 - When considering the adequacy of an EMP, the council must consult with the same relevant *emergency services agencies* and have regard to the report of the relevant fire authority to assess the appropriateness to the park of the risk assessment and the proposed preventative measures and emergency procedures that are specified in the plan to treat the identified risks.
- 23 Caravan Park owner to implement preventative measures**
- The preventative measures which have been identified by the risk assessment and detailed in the EMP must be carried out by the caravan park owner at the frequency set out in the EMP. This includes providing information to park users so they are made aware of what to do in an emergency.
 - The emergency procedures to be followed by the park occupants must be displayed in the office, and each communal amenities block, or otherwise as required by the local council. Good practice would also see them displayed in all dwellings which are available for short-term hire.
- 24 Caravan park owner to implement emergency procedures**
- When an emergency services agency issues a *public emergency warning* relevant to the park, a caravan park owner must display it in the park.
 - Where a warning is received, any relevant emergency procedures stipulated in the EMP should be undertaken – for example, securing any loose materials or rubbish, communicating with occupiers, checking emergency equipment.
- 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 any owner of a UMD or rigid annexe prior to installation on the site or prior to a new resident moving into an existing UMD or rigid annexe.
 - An area liable to flooding is defined in Regulation 806 of the *Building Act 1993*. It broadly means land which is identified in a planning scheme or plan of subdivision as liable to flooding or which the local council has designated as likely to be flooded. Local council will be able to provide this information to caravan park owners.

- If a caravan park is in or has land within it which is liable to flooding then it is important that the owner consults with the relevant *floodplain management authority* about the risks to the caravan park when developing the EMP for the park.

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

- The relevant fire authority will conduct inspections of caravan parks when requested by the caravan park owner. Following any fire safety inspection, a fire safety report will be provided to the caravan park owner and the council by the relevant fire authority. These reports describe the level of compliance in relation to fire safety and any actions which may be required in order for a park to meet the Requirements of the Regulations.
- These reports are provided both to the council and to the caravan park owner and contain the independent expert advice of the relevant fire authority. When determining compliance in relation to any regulation in **Division 1 – Fire and Emergency Management** council must have regard to the most recent fire safety report. In practice this means that the findings and recommendations of the report will form the basis of any determination by council.

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 and refuse bins and lighting.

27 Water supply

- A continuous and adequate supply of water must be available to all caravan park sites intended for caravans, UMDs or rigid annexes, 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 fit for human consumption. This is the responsibility of the water provider where mains water is the source of the park's drinking water. Where mains water is not supplied, the National Drinking Water Guidelines are a guide to providing safe drinking water.

- It is important to note that Part 12A (plumbing work) of the *Building Act 1993* applies to plumbing works carried out in a caravan park. 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.
- It should be noted that the previous exemption for sink waste within Regulation 32 of the 1999 Regulations (where sink waste is the only form of effluent) has been removed for new installations. However, Regulation 28(c) permits this practice to continue in existing parks and sites unless there is clear evidence that the discharge of sink water is creating an unacceptable risk to the health and safety of users of the caravan park.

29 Sanitary facilities

Sanitary facilities must be provided for all occupants of the caravan park. The BCA Parts F2.1 provides the minimum standard for the provision of sanitary facilities. The requirements in the BCA 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 and a closet pan and 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.

30 Laundry facilities

Laundry facilities must be provided for up to every 25 long-term sites which do not have private laundry facilities. A wash trough, washing machine, dryer or clothes line, and an ironing board and power outlet must be provided.

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.

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.

33 Design, construction and installation standards—unregistrable movable dwellings

The technical specifications for the design, construction and installation of UMDs are set out in the BCA and Part 2 of Schedule 3 of the Caravan Park Regulations. See 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 of the Caravan Park Regulations. See 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 requires that all smoke alarms must comply with AS3786 – Smoke Alarms, 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. Seeking advice from a building practitioner is recommended to confirm that compliance has been achieved. A compliance plate must be permanently fixed onto a UMD (including “en-suite” type UMDs) or rigid annexe at construction.

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 came into effect).

38 Design information to be provided on sale of movable dwelling

A set of installation designs relevant to the location is to be provided to the purchaser by the seller of a UMD or rigid annexe when the dwelling is sold. 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 installation of new UMDs or rigid annexes in a caravan park may have implications in terms of planning, fire safety and emergency management as well as environmental health. The notice to council provides local 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.
- The council does not have any powers under these Regulations to prevent installation of a movable dwelling in a caravan park. However, council can take enforcement action if it finds that a dwelling is non-compliant and, if planning consent is required, a council has powers under the *Planning and Environment Act 1997* which to prevent works which are not consistent with planning permission.

40 Installation certificate

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 provide a copy to the caravan park owner and the local council within 7 days of installation. The installation certificate forms another key part of the self-certification compliance process which the Regulations require. Together, the compliance plate and the notice to council inform the council of the possible need for compliance checks or inspections.

41 Termite information

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

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 place duties on caravan park owners in relation to maintenance of communal areas.

PART 4 TRANSITIONAL

Part 4 establishes transitional arrangements for the implementation of the new Regulations.

47 New unregistrable movable dwellings and rigid annexes

This regulation provides industry with 12 months from the commencement of the Regulations (until 27 June 2011) to adapt to the new requirements for the construction of new UMDs and rigid annexes. Up until 27 June 2011, the previous construction requirements apply.

48 Existing unregistrable movable dwellings and rigid annexes

A dwelling is deemed to comply with the new regulations if it complied with the previous Regulations immediately prior to 27 June 2010 unless:

- It has been altered since installation – for example by the addition of a verandah; or
- It has not been maintained in a state of compliance.

49 Continuation of registration

This regulation means that any existing registration certificate is valid until it expires on 31 December 2010. This means that a registered caravan park will as usual seek re-registration prior to the expiry of the current registration on 31 December 2010. However the new registration period will be for three years from 1 January 2011 until 31 December 2013.

SCHEDULES

Schedule 1 Prescribes four different 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
- Form 2 Certificate of Registration or Renewal of Registration of a Caravan Park
- Form 3 Notice of Transfer of Ownership of a Caravan Park
- Form 4 Certificate of Transfer of Registration of a Caravan Park

Schedule 2 Prescribes the fee schedule for the calculation of registration application fees.

Schedule 3 Prescribes construction standards for unregistrable movable dwellings 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 BCA. A UMD must comply with all of **Volume Two of the BCA** except for the following provisions:

- **Termite Control [Performance Requirement P2.1(b)(xv) and Part 3.1.3]**

This has been excluded because under the Regulations protecting a UMD from termites is 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 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. (Available at www.cfa.vic.gov.au)

- **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, 23 and 24. These have been improved from the previous regulations.

- **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) and (iv)]**

These provisions require bathroom and toilet facilities. Shared sanitary facilities in 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, Part 3.9.3 and Part 3.9.4]**

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 within the schedule below as the BCA requirements are not relevant to dwellings that are movable.

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 mean 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 Building Regulations 418 (overshadowing) and 419 (overlooking). 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 (R3.3) and walls (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 allow for minimum standards of damp and weatherproofing, natural light and ventilation to protect the health and amenity of users.

As for the previous Regulations, rigid annexes must be constructed to comply with Australian Standard AS 1170.1 and AS 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).

A rigid annexe may be 3.6 metres in width, but no wider, regardless of whether it is attached to a registered movable dwelling (caravan) or a UMD. A rigid annexe must be no longer than the body of the movable dwelling to which it is attached. 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

Installation of a rigid annexe is (as for UMDs) 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 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.

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