



A GUIDE TO THE

Victorian Caravan Park Regulations

September 2011



A Guide to the Victorian Caravan Park Regulations 2010

Introduction

This guide has been produced by the Department of Planning and Community Development to assist local 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* 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.

The *Residential Tenancies Act 1997* outlines the residency rights and duties for people staying in caravan parks (Parts 4 and 4A) and provides for the making of regulations in relation to caravan parks (Part 14). The Act also contains key definitions which are important in understanding the regulations, including defining the meaning of *Caravan Park* and *Movable Dwelling*.

The regulations covering caravan parks set out the following requirements for operating a caravan park in Victoria:

- 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

The current regulations came into effect on 27 June 2010 following a detailed review and replace the previous version of the regulations established in 1999.

It is important to note that as well as the regulations and the Act, there is other legislation and regulation 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.

This Guide has been developed with the assistance of the Victorian Caravan Parks Association, the Country Fire Authority and the Municipal Association of Victoria.



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 four parts:

1. Preliminary
2. Registration
3. Standards
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; and
3. Schedule 3 contains 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 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 expire on 26 June 2020 unless revoked or replaced sooner.

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 meanings 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 including “caravan park” and “movable dwelling”.

6 Meaning of adjacent structure

This regulation defines what “adjacent structure” means in these regulations. An adjacent structure is a structure associated with a movable dwelling in a caravan park such as a carport, shed or fence. Adjacent 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. The relevant local council or a registered building surveyor will be able to advise a caravan park owner if a building permit is required.

Adjacent structure does not mean a deck or verandah which is attached to a movable dwelling in a caravan park. Decks and verandahs are classified as the part of the dwelling to which they are attached and are regulated in the same way as the dwelling by the regulations.

7 Meaning of schedule of works

This regulation defines “schedule of works” in these regulations. A schedule of works is a document which specifies certain works to be undertaken by a caravan park owner and a timeframe for those works. Compliance with the fire safety regulations (Regs 20 and 21) and some of the amenities requirements set out in Division 2 of Part 3 (Regs 28, 29, 30 and 32) may require a caravan park owner to undertake works. A schedule of works is a written agreement between a caravan park owner and the relevant local council which enables a caravan park to be registered in cases where the relevant local council has determined that compliance with the regulations requires some works to be undertaken.

8 Building Code of Australia

This regulation defines Building Code of Australia for these regulations. The Building Code of Australia (the BCA) is a national code that contains technical specifications and standards for construction. It is referenced in these regulations in relation to the construction of UMDs. The BCA is published annually by the Australian Building Codes Board for commencement on 1 May each year. From 1 May 2011 the BCA has been incorporated into the National Construction Code Series and forms Volumes 1 and 2 of that series.

(It should be noted that there was previously a Building Control Act in Victoria which was sometimes known as the “BCA”. That 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 Volume 2 is referenced in these regulations 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 Volume 1 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 monitors the annual BCA updates for relevance to the caravan park industry and will issue information on the DPCD website about relevant changes.

PART 2 REGISTRATION

Part 2 of the regulations provides a framework for the registration of caravan parks with local councils including the setting of fees. Registration is important as a mechanism to enable councils to regulate 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 - most commonly this is managed by 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 prescribed in the regulations. Many local 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.

(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 emergency management plans as part of municipal emergency management planning. (Information is provided below which covers the emergency management planning regulations 22 to 24.)



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

Upon the caravan park owner's or council'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 or Amenities regulations, Regs 19, 20, 28, 29, 30, and 32, a schedule of works may be agreed between the local council and a 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, 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 caravan park owner must submit an application to the relevant local council by 1 October in the year in which the current registration expires. This is to enable local councils the time to assess the application and to provide the registration certificate to the caravan park owner prior to the expiry of the existing registration. It also is intended to provide the caravan park owner an opportunity to resolve any outstanding compliance issues with the council (and/or to agree a schedule of works) before the end of the existing registration. 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 registration application to determine if the caravan park complies with the regulations at the time of application. This assessment may reasonably be expected to include a physical inspection of the caravan park.

Council must have regard to:

- (a) The most recent 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 has been prepared in accordance with Regulation 22
- (d) Whether the park complies with the standards which are set out in Part 3 of the regulations – Regs 20 to 46.
- (e) 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).

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 if possible or agree a schedule of works to allow for re-registration if possible by 31 December.

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 being unintentionally unregistered.

14 Period of registration

Registration of a caravan park is for 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 date specified in the Certificate of Registration will be 1 January (ie: the day after the existing registration lapses).

Example: for a caravan park where registration expires on 31 December 2011, re-registration would run from 1 January 2012 until 31 December 2014.

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 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 \$61.10 as at July 1 2011). 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 is currently registered under the regulations. The council must issue a certificate (Form 4 in Schedule 1) transferring the registration of the caravan park to the

new owner. The new caravan park owner must display this certificate for 30 days from when they receive it from the council in the caravan park together with the registration certificate. This certificate is not evidence of compliance with the regulations at the time of transfer.

Note: Any schedule of works which is in place for a caravan park at the time 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. 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 \$12.22.

Councils should calculate the fee based on the circumstances of the park, taking into account the costs associated with registration. Where a 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 park.

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

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 park (if the owner is not directly responsible):

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

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

Regulation 20 places an obligation on a caravan park owner to provide and maintain firefighting equipment for a caravan park. Equipment will enable people in the park to fight a fire initially, and must be provided to enable the fire authority to fight the fire as necessary.

The detailed requirements are set out in the **CFA Caravan Park Fire Safety Guideline** (the CFA Guideline).

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

A caravan park owner must regularly maintain fire safety equipment ensuring it operates as intended.

Where significant works are required to install fire equipment in order to meet this requirement, a caravan park owner and a council may enter into a schedule of works to enable the caravan park owner to complete the works over an agreed period of time.

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. This is to enable fire-fighters to access any part of the park in order to fight a fire, and to reduce the risk of fire spread from one dwelling to another.

The detailed requirements are set out in the CFA Guideline which sets out the Performance Measures and also details Prescriptive Provisions. A caravan park owner can decide which of these two approaches is appropriate for their park.

For a new park, or a new site in an existing park, a caravan park owner must comply with the requirements before the park or site is used for the first time.

For existing sites and dwellings in an established caravan park, a caravan park owner must maintain the existing separation distance between and around the dwelling.

Where a new dwelling is to be installed on an existing site, the separation distances for the new dwelling must at a minimum, be the same as were in place for the previous dwelling. This includes when a UMD or rigid annexe is altered following installation, for example, through the addition of a deck or verandah.

22 Emergency management plan — preparation

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.

Caravan parks face a number of different potential emergency risks. These can include bushfire, flooding, structure fire, gas leak or explosion, severe storms and high winds.

The preparation of an EMP includes a risk assessment of the caravan park. The risk assessment is a process of identifying the potential emergency risks and understanding how they might affect a caravan park and how they would be addressed.

The identified risks must be written into the EMP along with the Preventative Measures and Emergency Procedures for each identified risk.

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.

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 park users.

Emergency procedures for 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 park and clearly marks assembly points.



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.

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.

The local council is the body responsible for determining whether or not an EMP is adequate. 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.

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

In the event of an emergency affecting the caravan park, the caravan park owner must implement the emergency procedures documented in the EMP. When an emergency services agency issues a *public emergency warning* relevant to the park, a caravan park owner must display the warning in the park.

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

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.

The relevant fire authority will conduct inspections of caravan parks at regular intervals or when requested by the caravan park owner or local council. 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 contain the independent expert advice of the relevant fire authority in relation to compliance of the caravan park with the CFA Caravan Park Fire Safety Guideline and will describe any actions recommended by the CFA in order for the park to meet the requirements of the 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 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.



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.

In existing caravan parks where significant works are required to install additional water infrastructure in order to meet the requirements, a caravan park owner and a council may enter into a schedule of works to enable the caravan park owner to complete the works over an agreed period of time.

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.

In existing parks and sites, regulation 28(c) allows a council to approve a system for collecting, removing and disposing of sewage and waste water in ways other than to a reticulated sewerage system or an approved septic tank. In granting an approval (for example, of a system in an existing caravan park), council may consider whether 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.

In existing caravan parks where significant works are required to install additional sanitary facilities in order to meet the requirements, a caravan park owner and a council may enter into a schedule of works to enable the caravan park owner to complete the works over an agreed period of time.

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.

In existing caravan parks where significant are required to install additional laundry facilities in order to meet the requirements, a caravan park owner and a council may enter into a schedule of works to enable the caravan park owner to complete the works over an agreed period of time.

31 Garbage bins

A caravan park owner must arrange for the collection of garbage from the park (Section 178 of the RTA). 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.

In existing caravan parks where significant works are required to install additional lighting in order to meet this requirement, a caravan park owner and a council may enter into a schedule of works to enable the caravan park owner to complete the works over an agreed period of time.

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 allows for a schedule of works to be agreed between the caravan park owner and the relevant local council in respect of works which might be required to comply with regulations 27, 28, 29, 30 or 32. This applies only to existing parks where upgrade works are required. For new caravan parks, all regulations must be complied with prior to the park commencing operation.

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. 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).

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 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 movable dwelling in a caravan park must inform the relevant local 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.

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 installation is non-compliant. Also if planning consent is required (this will depend on a council's planning scheme and may vary between councils) a council has powers under the *Planning and Environment Act 1997* to prevent works which do not have a relevant planning permit.

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 then 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.

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 RTA 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 no longer complies with the 1999 regulations as a result of alteration or non-maintenance.

49 Continuation of registration

This regulation enables caravan parks which were registered under the previous 1999 regulations to be registered for the purposes of the 2010 regulations. This regulation was amended in December 2010 to extend existing registration of caravan parks until 31 December 2011.

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.

- 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.

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 from the previous regulations).

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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