



Victorian Caravan Park Regulations 2010

Assessment of an application for renewal of registration of a caravan park

Practice Note 3

APRIL 2017

This Practice Note has been produced by the Department of Environment, Land, Water and Planning to assist councils, caravan park owners and other stakeholders such as the relevant fire authorities.

It provides advice on the information to be provided with an application for renewal of registration of a caravan park and how this information may inform the council's assessment of the application.

Assessment of an application for renewal of registration of a caravan park

The Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010 (the Regulations) require a range of information to be provided to the relevant municipal council with an application for renewal of registration of a caravan park (see Form 1, attached), and specify the application fees payable. This Practice Note outlines the information required by regulation 12 and Form 1, and how this information may inform the council's assessment of the application.

Registration of a caravan park may be renewed for a period of up to three years, expiring on 31 December in the third year. An application for renewal of registration must be lodged with the council on or before 1 October of the year in which the current registration will expire. It is an offence for a person to operate a caravan park unless the park is registered under the Regulations.

Given the information requirements and time constraints associated with renewal of registration, some councils provide owners of caravan parks in their municipality with advance notice of renewal requirements, around the middle of the year in which the current registration will expire. This early notification is viewed positively by the caravan park industry, and councils are encouraged to consider adopting it as best practice.

Details of the caravan park owner and park location

In assessing an application for renewal of registration, council has the opportunity to verify whether the ownership of the caravan park (as entered on Form 1) has changed during the registration period and (if so) that the proper notice of this change has been provided in accordance with regulations 15 and 16.

The number of sites and a plan of the caravan park showing the sites and all buildings (regulation 12(2)(b))

Form 1 requires the caravan park owner to confirm the number of long term sites, short term sites and camp sites within the park. The caravan park owner is also required to include a plan of the park showing all sites, buildings and facilities. This information assists council to identify whether any significant changes have been made since the caravan park was last registered.



Council should notify the relevant fire authority about the nature of any significant changes that have been made which may affect fire safety within the caravan park. Examples of significant changes that would warrant notification to the fire authority are:

- an increase in the numbers of sites by 25%
- change between short term and long term use of 25%, or
- addition of new infrastructure such as games rooms, play centres or other attractions.

Projects completed by a caravan park owner in accordance with an agreed schedule of works are not considered to be significant changes in this context.

Following notification from council, the relevant fire authority will determine the appropriate course of action, which may or may not include undertaking an inspection of the caravan park and preparation of a new fire safety report. Under ordinary circumstances, it is likely that the caravan park will be inspected by the fire authority as part of its future work program and outside of the registration renewal period. While changes to a caravan park may act as a trigger for a future fire safety inspection and report, the decision to undertake an inspection remains at the discretion of the fire authority.

Report of the relevant fire authority (regulation 12(2)(c))

It should be noted that neither Part 14 of the *Residential Tenancies Act 1997* (Regulation of caravan parks and movable dwellings) nor the Regulations require a new report of the relevant fire authority to be provided with an application for renewal of registration.

Council should check that the report of the relevant fire authority provided by the caravan park owner with the application is the last report prepared for the park. If the owner has provided the last available report, council should proceed to assess the application. If, in processing the application, council has grounds to consider that the caravan park does not comply with the prescribed standards for **Fire prevention and safety – equipment** or **Fire prevention and safety – access and separation standards** (regulations 20 and 21), council may choose to notify the relevant fire authority of these concerns.

Councils are also reminded that:

- The report of the relevant fire authority is provided directly to the council by the fire authority at the time of completion. This may be prior to renewal of registration or at any other time. Only the latest fire inspection report needs to be provided with the application for renewal of registration.
- Councils should not request fire authorities to re-inspect all caravan parks within a municipality as a routine part of the registration cycle. However, a council may wish to notify the relevant fire authority if significant changes have occurred in a particular caravan park, or if council considers that the park may present a fire safety risk to occupants.
- Caravan park owners have an ongoing duty to ensure that the park complies with the fire safety and emergency management requirements in the Act.
- Compliance with the Regulations can be achieved by meeting the Objectives or complying with the performance measures contained in the CFA Caravan Park Fire Safety Guideline. In the case of fire separation a caravan park continues to comply provided separation distances are not diminished, or the park may achieve compliance through a schedule of works agreed with the council.
- The report of the relevant fire authority should not be used to automatically refuse registration. Advice to the caravan park owner may be included in the report so that the owner can make informed decisions to improve fire safety within the park, and may extend beyond matters which are required to achieve compliance with the Regulations. Councils should consider the report in the context of the fire safety standards specified in regulations 20 and 21.

The schedule of works (if any) and evidence of compliance with the schedule (regulation 12(2)(d))

The schedule of works provides council with a basis for working with a caravan park owner to ensure that the park is as safe as possible and that necessary upgrade works are completed over time. A schedule of works may be updated at any time, provided both parties agree to the changes.



In assessing progress towards completion of works, council should note that a key reason for making provision for the schedule of works when the Regulations were made in 2010 was that the costs of achieving full compliance with the fire safety and amenity requirements in some caravan parks could be considerable. It was not intended that the Regulations would place an unreasonable financial burden on existing caravan parks.

Councils may also have regard to the nature of the works proposed to be undertaken in the schedule, the period of time in which those works were initially to be carried out, the degree to which the works will contribute to the health and safety of park occupants, and the overall progress made by the caravan park owner towards meeting the requirements of the schedule.

Failure by a caravan park owner to complete all agreed works in accordance with an existing schedule is likely to require negotiation of timelines for completion during the next registration cycle. However, council may also wish to consider using the compliance notice provisions of section 522 of the Act to enforce the requirements of the new schedule in relation to priority works.

The emergency management plan for the park (regulation 12(2)(e))

In considering an application for renewal of registration, council should have regard to the emergency management planning requirements contained in regulations 22 and 22A, along with Part 14 of the *Residential Tenancies Act 1997*.

The Act requires the caravan park owner to ensure that an emergency management plan (EMP) is prepared in accordance with the Regulations, and that the emergency procedures for the park are displayed. In addition, the Act requires the caravan park owner to ensure that the preventative measures and emergency procedures documented in the EMP are followed.

The Regulations require the owner to:

- conduct a risk assessment to identify, analyse and evaluate the emergency risks associated with the caravan park, in consultation with the relevant emergency services agencies, and
- document the risks identified as part of the assessment, and specify preventative measures and emergency procedures which are to be implemented to reduce the emergency risks as far as is reasonably practicable, having regard to specified matters.

Where a new plan has been developed by the caravan park owner since the park was last registered, council must, as required by regulation 22A, consult with the relevant emergency services agencies. However, neither the Act nor the Regulations requires that a new risk assessment be undertaken prior to an application for renewal of registration. An existing EMP for the particular caravan park that is still relevant is acceptable as part of the registration renewal process.

Appeals

If a caravan park owner does not agree with a decision made by a council in relation to the application of the Regulations, he or she may appeal the decision to the Building Appeals Board (BAB). The BAB is an independent statutory body established under the *Building Act 1993*.

Determinations by the BAB can be made to waive or vary the provisions of particular regulations based upon the specific case.

For more information visit the BAB website at www.buildingappeals.vic.gov.au or contact the Registrar, BAB on 1300 421 082.

Further information

Further information about the regulations relating to caravan parks and movable dwellings can be found on the department's website at www.planning.vic.gov.au.

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



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