

Version No. 001
**Residential Tenancies (Caravan Parks and
Movable Dwellings Registration and
Standards) Regulations 2010**

S.R. No. 49/2010

Version as at 27 June 2010

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

S.R. No. 49/2010

Version as at 27 June 2010

PART 1—PRELIMINARY

1 Objective

The objective of these Regulations is to provide for—

- (a) registration of caravan parks; and
- (b) standards of design, construction and installation and maintenance of movable dwellings in caravan parks; and
- (c) standards for facilities and services in caravan parks; and
- (d) the health and safety of residents and short term occupiers of caravan parks; and
- (e) other matters relating to the regulation of caravan parks and movable dwellings.

2 Authorising provisions

These Regulations are made under sections 514, 515 and 516 of the **Residential Tenancies Act 1997**.

3 Commencement

These Regulations come into operation on 27 June 2010.

4 Revocation

The Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 1999¹ are **revoked**.

5 Definitions

In these Regulations—

adjacent structure has the meaning given in regulation 6;

annexe means a movable dwelling that—

- (a) is attached to a registrable movable dwelling or unregistrable movable dwelling; and
- (b) extends the habitable area of that dwelling;

application for registration means an application for registration under regulation 11;

application for renewal of registration means an application for renewal of registration under regulation 12;

area liable to flooding has the same meaning as it has in regulation 802 of the Building Regulations 2006²;

BCA means the Building Code of Australia referred to in regulation 8;

camp site means a site in a caravan park that is—

- (a) not provided with individual electrical power or any other individual site services; and
- (b) used for the placement of a tent or motor vehicle; and
- (c) intended for use by a short term occupier;

certificate of registration means a certificate of registration issued under regulation 13(4);

certificate of renewal of registration means a certificate of renewal of registration issued under regulation 13(5);

CFA Guideline means the CFA Caravan Park Fire Safety Guideline, published by the Country Fire Authority in July 2006 as published from time to time;

chassis in relation to an unregistrable movable dwelling, means the composite platform on which the unregistrable movable dwelling is constructed and which is—

- (a) an integral part of the unregistrable movable dwelling; and
- (b) capable of fully supporting the unregistrable movable dwelling at all times;

construct, in relation to an unregistrable movable dwelling or rigid annexe, means the process of manufacturing or constructing the dwelling or annexe other than the work which is necessary to install the dwelling or annexe at a site;

council, in relation to a caravan park, means the municipal council in the municipal district of which the caravan park is situated;

emergency management plan means an emergency management plan prepared under regulation 22;

emergency procedures means the emergency procedures contained in an emergency management plan;

emergency services agency means—

- (a) emergency services agency within the meaning of the **Emergency Services Act 1986**;
- (b) the police force;
- (c) Ambulance Service Victoria;
- (d) in relation to a caravan park that is located in an area liable to flooding, the relevant floodplain management authority;

flexible annexe means an annexe which, apart from any rigid support frame, has walls and a roof of canvas or other flexible material and is associated with a registrable movable dwelling;

install in relation to an unregistrable movable dwelling or rigid annexe, means the process of—

- (a) assembling the sections of the dwelling or annexe; and
- (b) positioning or stabilising the dwelling or annexe; and
- (c) constructing the footings; and
- (d) attaching the sections of the dwelling or annexe to the footings;

long term site means a site in a caravan park designed for a movable dwelling and intended for use by a resident;

public emergency warning means an emergency warning issued to the general public by an emergency services agency for an emergency, including a flood, bushfire, storm or tsunami;

registrable movable dwelling means a movable dwelling that is, or has been, registered or is required to be registered under the **Road Safety Act 1986**;

Example

A caravan, camper trailer or motor home.

relevant fire authority means—

- (a) in the metropolitan fire district constituted by or under the **Metropolitan Fire Brigades Act 1958** other than on public land, the Metropolitan Fire and Emergency Services Board established under that Act;
- (b) outside the metropolitan fire district constituted by or under the **Metropolitan Fire Brigades Act 1958** other than on public land, the Country Fire Authority established under the **Country Fire Authority Act 1958**;
- (c) in relation to public land in Victoria, the Department of Sustainability and Environment;

relevant floodplain management authority means a person or body with floodplain management functions under Division 4 of Part 10 of the **Water Act 1989** with responsibility for the area in which a caravan park is located;

rigid annexe means an annexe which has walls and a roof constructed of non-flexible materials;

running gear means the axles, wheels and drawbar of a movable dwelling;

schedule of works has the meaning given in regulation 7;

short term occupier means a person who occupies a site and is not a resident;

short term site—

(a) means a site in a caravan park designed for a movable dwelling and intended for use by a short term occupier; and

(b) does not include a camp site;

site means a site within the caravan park for use by a movable dwelling;

site services means individual provision to sites of any or all of the following services: electricity, gas, water, phone or sewer, septic or other system for the collection, removal and disposal of sewage and waste water;

tent means a movable dwelling which, apart from any rigid support frame, has walls and a roof of canvas or other flexible material;

the Act means the **Residential Tenancies Act 1997**;

tie down gear, in relation to an unregistrable movable dwelling or annexe, means a device that connects the anchor point to the means of restraint;

unregistrable movable dwelling means a movable dwelling that—

- (a) is constructed on a chassis or in prefabricated sections; and
- (b) once installed, is a freestanding dwelling with solid walls and roof; and
- (c) is not a registrable movable dwelling.

6 Meaning of adjacent structure

- (1) In these Regulations, an adjacent structure means a non-habitable building or structure which—
 - (a) is adjacent, or attached, to a movable dwelling; and
 - (b) enhances the amenity of the movable dwelling; and
 - (c) is a Class 10a or 10b building under the BCA.
- (2) An adjacent structure is not a movable dwelling.

Note

Part 1.3 of Volume Two of the BCA lists the classes of building for the purposes of the BCA, and defines a Class 10 building as—

- (a) Class 10a—a non-habitable building being a private garage, carport, shed or the like; or
- (b) Class 10b—a structure being a fence, mast, antenna, retaining or free-standing wall, swimming pool or the like.

7 Meaning of *schedule of works*

In these Regulations, *schedule of works* means a written agreement entered into between a caravan park owner and a local council, setting out works to be undertaken by the caravan park owner and a timeline for the undertaking of those works, for the purpose of complying with regulations 20 and 21, having regard to any report of the relevant fire authority in relation to the caravan park.

8 Building Code of Australia

The Building Code of Australia means the Building Code of Australia published by the Australian Building Codes Board—

- (a) as amended or remade from time to time; and
- (b) as amended by the Victoria Appendix to that Code published by that Board as that Appendix is amended or remade from time to time; and
- (c) as applied, adopted or incorporated by the Building Regulations 2006 from time to time.

9 Application of the BCA

- (1) If a person is required by these Regulations to comply or act in accordance with a provision of the BCA in relation to—

- (a) an unregistrable movable dwelling; or
- (b) a rigid annexe—

that provision of the BCA applies as if the dwelling or annexe were a building of Class 1 within the meaning of Part 1.3 of Volume Two of the BCA.

(2) If—

- (a) a person is required by these Regulations to comply or act in accordance with a provision of the BCA and a provision of these Regulations; and
- (b) an inconsistency exists between the requirements in the provision of the BCA and the provision of these Regulations—

the provision of these Regulations prevails.

Note

Section 517 of the Act provides that Part 12A of the **Building Act 1993** (plumbing work) applies to movable dwellings.

Electrical installation and wiring within unregistrable movable dwellings and rigid annexes must be in accordance with the **Electrical Safety Act 1998**.

PART 2—REGISTRATION

10 Requirement to register

A person must not operate a caravan park unless the caravan park is registered under these Regulations.

Penalty: 10 penalty units.

11 Application for registration

- (1) An application for registration must be lodged with the council.
- (2) The application for registration must—
 - (a) be in the form of Form 1 in Schedule 1; and
 - (b) include a plan of the caravan park clearly indicating the location and number of all buildings and facilities and all long term sites, short term sites and camp sites; and
 - (c) include the most recent report given to the applicant by the relevant fire authority; and
 - (d) include the schedule of works for the caravan park, if any, and evidence of the status of compliance with the schedule of works; and
 - (e) include the emergency management plan for the caravan park; and
 - (f) be accompanied by the registration application fee determined in accordance with regulation 17.

12 Application for renewal of registration

- (1) An application for renewal of registration of a caravan park must be lodged with the council on or before 1 October in the year in which the current registration expires.

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- (2) The application for renewal of registration of a caravan park must—
- (a) be in the form of Form 1 in Schedule 1; and
 - (b) include a plan of the caravan park clearly indicating the location and number of all buildings and facilities and all long term sites, short term sites and camp sites; and
 - (c) include the most recent report given to the applicant by the relevant fire authority; and
 - (d) include the schedule of works for the caravan park, if any, and evidence of the status of compliance with the schedule of works; and
 - (e) include the emergency management plan for the caravan park; and
 - (f) be accompanied by the renewal application fee determined in accordance with regulation 17.

13 Grant or renewal of registration

- (1) On receiving an application for registration under regulation 11 the council must grant the registration if satisfied that—
 - (a) the caravan park complies with these Regulations; and
 - (b) the applicant is able to comply with these Regulations during the period of registration.
- (2) On receiving an application for renewal of registration under regulation 12 the council must renew the registration if satisfied that—
 - (a) the caravan park complies with these Regulations; and
 - (b) the applicant is able to comply with these Regulations during the period of registration.

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- (3) In determining an application for registration or an application for renewal of registration the council must have regard to—
- (a) whether or not the caravan park complies with the most recent report of the relevant fire authority; and
 - (b) the status of compliance with the schedule of works for the caravan park, if any; and
 - (c) whether or not the emergency management plan complies with regulation 22; and
 - (d) whether or not the caravan park owner is complying with the emergency management plan; and
 - (e) whether or not the caravan park complies with Part 3; and
 - (f) the applicant's record of compliance with these Regulations and any orders issued under the Act.
- (4) On granting registration the council must issue a certificate of registration in the form of Form 2 in Schedule 1.
- (5) On renewing registration the council must issue a certificate of renewal of registration in the form of Form 2 in Schedule 1.

14 Period of registration

- (1) Initial registration of a caravan park takes effect on the day specified in the certificate granted under regulation 13(4).
- (2) Initial registration of a caravan park expires—
 - (a) if the registration takes effect before 1 July, on 31 December in the year that is 2 years after the year in which it takes effect; and

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- (b) if the registration takes effect on or after 1 July, on 31 December in the year that is 3 years after the year in which it takes effect.
 - (3) Renewal of registration for a caravan park is for 3 years from 1 January.

15 Notice of transfer of ownership

- (1) A notice of transfer of ownership of a caravan park must be lodged with the council.
- (2) The notice of transfer must be—
 - (a) in the form of Form 3 in Schedule 1; and
 - (b) accompanied by—
 - (i) the current certificate of registration; and
 - (ii) the transfer fee of 5 fee units.
- (3) A caravan park owner who has transferred ownership of the caravan park must ensure that a copy of the notice of transfer is displayed in a prominent position at the caravan park office or other place determined by the council for 30 days after the date on which the notice is lodged with the council.

Penalty: 10 penalty units.

16 Transfer of registration

- (1) On receiving a notice of transfer of ownership under regulation 15, the council must transfer the registration to the new caravan park owner if satisfied that the caravan park complies with these Regulations.
- (2) If a transfer of registration is granted, the council must issue a certificate of transfer of registration in the form of Form 4 in Schedule 1.

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- (3) The caravan park owner to whom registration has been transferred must ensure that a copy of the certificate of transfer of registration is displayed in a prominent position at the caravan park office or other place determined by the council for 30 days after the date on which the owner receives the certificate.

Penalty: 10 penalty units.

17 Fees

- (1) The fee to accompany an application for registration or an application for renewal of registration is the relevant fee determined by the council in accordance with this regulation.
- (2) The fee must not exceed—
- (a) if the period of registration is to be 3 years, for a caravan park with the number of sites specified in Column 2 of Schedule 2, the corresponding fee specified in Column 3 of that Schedule; or
 - (b) if the period of registration is to be less than 3 years, one thirty-sixth of the fee referred to in paragraph (a) for each whole month of the intended registration period.

18 Register of caravan parks

A council must keep a register of the caravan parks in its municipal district containing the following information in respect of each caravan park—

- (a) the registration number as shown in the certificate of registration or the certificate of renewal of registration;

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- (b) the date of application for grant of registration or renewal of registration;
 - (c) the name and address of the caravan park owner;
 - (d) the name and address of any person other than the caravan park owner who is responsible for the management of the caravan park;
 - (e) the address of the caravan park;
 - (f) the date of registration;
 - (g) the date of any renewal of registration;
 - (h) the date of any transfer of registration;
 - (i) the name and address of each person to whom the registration is transferred.

19 Duties of owners of registered caravan parks

- (1) A caravan park owner must ensure that the person responsible for management of the caravan park is available at the caravan park office during normal office hours.

Penalty: 10 penalty units.

- (2) A caravan park owner must ensure that the person responsible for management of the caravan park can be contacted at all times in case of an emergency.

Penalty: 10 penalty units.

- (3) A caravan park owner must ensure that emergency services vehicles can access the caravan park at all times without delay.

Penalty: 10 penalty units.

- (4) A caravan park owner must ensure that the name and telephone number of an emergency contact person are displayed in a prominent position at the

caravan park office or other place determined by the council.

Penalty: 10 penalty units.

- (5) A caravan park owner must ensure that a register is maintained specifying—
- (a) the name and address of each resident and short term occupier; and
 - (b) the arrival and departure date of each resident and short term occupier.

Penalty: 10 penalty units.

- (6) A caravan park owner must ensure that the following are displayed in a prominent position at the caravan park office or other place determined by the council—
- (a) the caravan park registration certificate;
 - (b) a plan of the caravan park;
 - (c) a copy of the caravan park rules made under section 185 of the Act.

Penalty: 10 penalty units.

- (7) A caravan park owner must ensure that the following documents are accessible, on request, to residents and short term occupiers—
- (a) the Act;
 - (b) these Regulations;
 - (c) any exemptions granted under section 519 of the Act in relation to the caravan park;
 - (d) the caravan park rules made under section 185 of the Act.

Penalty: 5 penalty units.

PART 3—STANDARDS

Division 1—Fire and emergency management

20 Fire prevention and safety—equipment

- (1) A caravan park owner must, in accordance with subregulation (2), provide and maintain firefighting equipment for the caravan park in accordance with—
- (a) Objective O3 and Performance Measures PM4 and PM5 of the CFA Guideline; or
 - (b) if complying with the Prescriptive Provisions of the CFA Guideline, prescriptive provisions PP3 and PP4.

Penalty: 10 penalty units.

- (2) For the purposes of subregulation (1), a caravan park owner must comply—
- (a) in the case of a new caravan park, before commencing operation of the caravan park; and
 - (b) in the case of a new site in an existing caravan park, before a movable dwelling is installed on the site; and
 - (c) in any other case, immediately or, if there is a schedule of works for the caravan park, by the relevant date specified in the schedule of works.

21 Fire prevention and safety—access and separation

- (1) A caravan park owner must, in accordance with subregulation (2), ensure that sufficient space for firefighter access and fire separation between and around movable dwellings and adjacent structures is provided and maintained in accordance with—

- (a) Objectives O1 and O2 and Performance Measures PM1, PM2 and PM3 of the CFA Guideline; or
- (b) if complying with the Prescriptive Provisions of the CFA Guideline, prescriptive provisions PP1 and PP2.

Penalty: 10 penalty units.

- (2) For the purposes of subregulation (1), the caravan park owner must comply—
 - (a) in the case of a new caravan park, before commencing operation of the caravan park; and
 - (b) in the case of a new site in an existing caravan park, before a movable dwelling is installed on the site; and
 - (c) in any other case, immediately or, if there is a schedule of works for the caravan park, by the relevant date specified in the schedule of works.

22 Emergency management plan—preparation

- (1) A caravan park owner must not operate a caravan park unless the caravan park owner has prepared an emergency management plan in accordance with this regulation.

Penalty: 10 penalty units.

- (2) An emergency management plan must be prepared in consultation with the relevant emergency services agencies.
- (3) The preparation of the emergency management plan, including any consultation undertaken under subregulation (2), must include the conduct of a risk assessment in relation to the caravan park that includes the identification, analysis and evaluation

of emergency risks associated with the caravan park.

- (4) An emergency management plan must describe—
- (a) the emergency risks assessed by the caravan park owner; and
 - (b) the measures, including those specified in subregulation (5), to be taken to reduce emergency risks so far as is reasonably practicable.
- (5) For the purposes of subregulation (4)(b), measures to be taken to reduce emergency risks must include—
- (a) preventative measures to reduce—
 - (i) the likelihood of an emergency affecting the caravan park; and
 - (ii) the degree of harm that would result if the caravan park is affected by an emergency; and
 - (b) emergency procedures to be followed by the caravan park owner on receiving a public emergency warning or in the event of an emergency, including—
 - (i) communication measures; and
 - (ii) response measures; and
 - (iii) evacuation procedures; and
 - (c) emergency procedures to be followed by residents, short term occupiers and all other persons at the caravan park in the event of an emergency, including—
 - (i) communication measures; and
 - (ii) response measures; and
 - (iii) evacuation procedures.
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- (6) The council must notify the caravan park owner of the emergency services agencies with responsibility for the area in which the caravan park is located.
 - (7) In considering whether or not a caravan park owner has complied with this regulation the council must consult with the relevant emergency services agencies.
 - (8) For the purposes of this regulation, the caravan park owner must have regard to the following matters in determining what is *reasonably practicable* in relation to reducing emergency risks—
 - (a) the likelihood of an emergency risk eventuating; and
 - (b) the degree of harm that would result if the emergency risk eventuated; and
 - (c) what the caravan park owner knows, or ought reasonably to know, about the emergency risk and any ways of reducing the risk; and
 - (d) the availability and suitability of ways to reduce the emergency risk; and
 - (e) the cost of reducing the emergency risk.

23 Caravan Park owner to implement preventative measures

- (1) A caravan park owner must implement the preventative measures described in the emergency management plan for the caravan park.
Penalty: 10 penalty units.
- (2) A caravan park owner must display a copy of the emergency procedures referred to in regulation 22(5)(c) in a prominent position in—

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- (a) the caravan park office; and
 - (b) every building in the caravan park that contains communal facilities; and
 - (c) any other place determined by the council.

Penalty: 10 penalty units.

24 Caravan park owner to implement emergency procedures

- (1) A caravan park owner must display a copy of any public emergency warning on days the warning is current in a prominent position in—
 - (a) the caravan park office; and
 - (b) every building in the caravan park that contains communal facilities; and
 - (c) any other place determined by the council.

Penalty: 10 penalty units.

- (2) On receiving a public emergency warning a caravan park owner must implement the relevant emergency procedures under the emergency management plan for the caravan park.

Penalty: 10 penalty units.

- (3) In the event of an emergency a caravan park owner must implement the emergency procedures under the emergency management plan for the caravan park.

Penalty: 10 penalty units.

25 Flood areas—notification of residents

- (1) If a caravan park is in an area liable to flooding, the caravan park owner must give written notice of that fact to the owner of an unregistrable movable dwelling or a registrable movable dwelling with an attached rigid annexe before the

dwelling or annexe is installed on a site in the caravan park.

Penalty: 10 penalty units.

- (2) If a caravan park is in an area liable to flooding, the caravan park owner must give written notice of that fact to a person who proposes to be a resident of an unregistrable movable dwelling or a registrable movable dwelling with an attached rigid annexe before the resident takes up residency of that dwelling.

Penalty: 10 penalty units.

- (3) In considering whether or not a caravan park owner has complied with this regulation, the council must consult with the relevant floodplain management authority.

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

In considering whether or not a caravan park owner has complied or is complying with this Division, the council must have regard to any report of the relevant fire authority in relation to the caravan park.

Division 2—Amenities

27 Water supply

- (1) A caravan park owner must ensure that water provided in a caravan park that is intended for drinking is safe for human consumption in accordance with the Australian Drinking Water Guidelines 6 (2004), endorsed by the National Health and Medical Research Council and the Natural Resource Management Ministerial Council, published in 2004 as in force from time to time.

Penalty: 10 penalty units.

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- (2) A caravan park owner must provide a continuous and adequate supply of water to—
- (a) all sites other than camp sites; and
 - (b) all sanitary and laundry facilities in the caravan park.

Penalty: 10 penalty units.

- (3) A caravan park owner must provide a continuous and adequate supply of heated water to all sanitary and laundry facilities in the caravan park.

Penalty: 10 penalty units.

28 Sewage and waste water

A caravan park owner must ensure that all sewage and waste water discharged from a movable dwelling in a caravan park is discharged—

- (a) to a reticulated sewerage system; or
- (b) to a septic tank system approved by—
 - (i) the council under Part IxB of the **Environment Protection Act 1970** in the case of a septic tank system designed to discharge 5000 litres of sewage a day or less; or
 - (ii) the Environment Protection Authority in the case of a septic tank system designed to discharge more than 5000 litres of sewage a day; or
- (c) to such other system for the collection, removal and disposal of sewage and waste water as is approved by the council.

Penalty: 10 penalty units.

29 Sanitary facilities

A caravan park owner must ensure that the sanitary facilities provided for the caravan park are at least to the standard set by Parts F2.1 and F2.4 in Volume One of the BCA for a Class 3 building (other than a Class 3 residential aged care building) on the basis of one person per site for every site which does not have private sanitary facilities in an unregistrable movable dwelling.

Penalty: 10 penalty units.

30 Laundry facilities

A caravan park owner must ensure that the laundry facilities provided for the caravan park are at least the following, for every 25 long term sites or part thereof where private laundry facilities are not provided—

- (a) a wash trough and washing machine;
- (b) a clothes drier or 25 metres of clothes line;
- (c) an ironing board and power outlet.

Penalty: 10 penalty units.

31 Garbage bins

A caravan park owner must ensure that bins provided at the caravan park for the collection and storage of garbage are—

- (a) vermin proof; and
- (b) regularly cleaned.

Penalty: 10 penalty units.

32 Lighting

A caravan park owner must ensure that the lighting of common areas, roadways, recreation areas and paths in use in the caravan park enable the safe and convenient use of the caravan park.

Penalty: 10 penalty units.

Division 3—Standards for movable dwellings and annexes

33 Design, construction and installation standards— unregistrable movable dwellings

(1) A person who constructs an unregistrable movable dwelling for installation in a caravan park must do so in accordance with—

- (a) the relevant design and construction requirements of the BCA specified in Part 1 of Schedule 3; and
- (b) the relevant design and construction requirements set out in Part 2 of Schedule 3.

Penalty: 10 penalty units.

(2) A person who installs an unregistrable movable dwelling in a caravan park must do so in accordance with the relevant installation requirements set out in Part 2 of Schedule 3.

Penalty: 10 penalty units.

34 Design, construction and installation standards— annexes

(1) A person who constructs an annexe for installation in a caravan park must do so in accordance with the relevant design and construction requirements set out in Part 3 of Schedule 3.

Penalty: 10 penalty units.

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- (2) A person who installs an annexe in a caravan park must do so in accordance with the relevant installation requirements set out in Part 3 of Schedule 3.

Penalty: 10 penalty units.

35 Smoke alarms for movable dwellings

- (1) A person who constructs a movable dwelling, other than a flexible annexe or tent, must ensure that a smoke alarm that complies with Part 3.7.2.2(b) of Volume Two of the BCA is installed in accordance with Part 3.7.2.3 of Volume Two of the BCA.

Penalty: 10 penalty units.

- (2) A person who installs a newly constructed movable dwelling, other than a flexible annexe or tent, in a caravan park must ensure that the smoke alarm specified in subregulation (1) is connected to the consumer power mains where consumer power mains are supplied to the movable dwelling.

Penalty: 10 penalty units.

- (3) The owner of a movable dwelling, other than a flexible annexe or tent, in a caravan park, must ensure that a smoke alarm that complies with Part 3.7.2.2(b) of Volume Two of the BCA is installed in the dwelling.

Penalty: 10 penalty units.

- (4) The owner of a movable dwelling, other than a flexible annexe or tent, in a caravan park must ensure that any smoke alarm installed in the movable dwelling is maintained in working order.

Penalty: 10 penalty units.

36 Compliance plate

A person who constructs an unregistrable movable dwelling or rigid annexe for installation in a caravan park must ensure that a compliance plate is permanently affixed to the front of the dwelling or rigid annexe containing the following information—

- (a) name and address of the person who constructed the dwelling or annexe;
- (b) the year the dwelling or annexe was constructed;
- (c) a statement that the unregistrable movable dwelling or rigid annexe has been constructed in accordance with these Regulations.

Penalty: 10 penalty units.

37 Movable dwelling must not be installed without compliance plate

A person must not install an unregistrable movable dwelling or rigid annexe in a caravan park unless it bears a compliance plate referred to in regulation 36.

Penalty: 10 penalty units.

38 Design information to be provided on sale of movable dwelling

A person who sells a new unregistrable movable dwelling or a new rigid annexe must at the time of sale provide the purchaser with a set of installation designs appropriate to the design, wind speed, soil type and other considerations appropriate to the dwelling or annexe and its proposed location.

Penalty: 10 penalty units.

39 Notice to council

If it is proposed to install an unregistrable movable dwelling or rigid annexe in a caravan park, the caravan park owner must provide the council with details of the siting, structural design and proposed installation of the dwelling or annexe—

- (a) at least 7 days before installation; or
- (b) at such earlier time as is required in writing by the council.

Penalty: 10 penalty units.

40 Installation certificate

- (1) A person must not install an unregistrable movable dwelling or rigid annexe in a caravan park without the approval of the caravan park owner.

Penalty: 10 penalty units.

- (2) A person who installs an unregistrable movable dwelling or rigid annexe in a caravan park must provide the owner of the unregistrable movable dwelling or rigid annexe with an installation certificate that complies with subregulation (3) immediately on completion of the installation.

Penalty: 10 penalty units.

- (3) An installation certificate must—
 - (a) contain—
 - (i) the name and address of the person who installed the dwelling or annexe; and
 - (ii) the year the dwelling or annexe was installed; and

(b) certify that—

- (i) all information provided in the certificate is complete and correct in every particular; and
 - (ii) the caravan park owner approved the installation; and
 - (iii) the installation, service connections and siting of the dwelling or annexe comply with these Regulations.
- (4) The owner of the unregistrable movable dwelling or rigid annexe must give a copy of the installation certificate to the caravan park owner and the council within 7 days after the completion of the installation.

Penalty: 10 penalty units.

41 Termite information

If a caravan park is in an area that the council has designated under regulation 803 of the Building Regulations 2006 as an area in which buildings are likely to be subject to attack by termites, the caravan park owner must give written notice of this to the owner of a movable dwelling who intends to install the dwelling in the caravan park, before the installation takes place.

Penalty: 10 penalty units.

42 Change of use of structure

A person must not use a non-habitable structure as a dwelling or part of a dwelling unless the use has been approved by the council.

Penalty: 10 penalty units.

Division 4—Maintenance of movable dwellings and sites

43 Maintenance of movable dwellings

A caravan park owner must maintain a movable dwelling hired to a short term occupier—

- (a) in working order; and
- (b) in a good state of repair; and
- (c) in a clean, sanitary and hygienic condition.

Penalty: 10 penalty units.

44 Cleaning of movable dwelling

A caravan park owner must ensure that a movable dwelling available for short term occupiers is clean and hygienic at each change of occupier.

Penalty: 10 penalty units.

45 Maintenance by owners

- (1) An owner of a movable dwelling in a caravan park must maintain the dwelling if it is hired to a short term occupier—

- (a) in working order; and
- (b) in a good state of repair; and
- (c) in a clean, sanitary and hygienic condition.

Penalty: 10 penalty units.

- (2) An owner of a movable dwelling in a caravan park must maintain the dwelling—

- (a) in a good state of repair; and
- (b) in a clean, sanitary and hygienic condition.

Penalty: 10 penalty units.

46 Maintenance of sites

Each resident or short term occupier in a caravan park must keep the site clean and free of any thing or substance that may affect the health and safety of other persons.

Penalty: 10 penalty units.

PART 4—TRANSITIONAL

47 New unregistrable movable dwellings and rigid annexes

- (1) Despite the commencement of these Regulations, Division 3 of Part 3 does not apply to any new unregistrable movable dwelling or rigid annexe in a caravan park until 27 June 2011.
- (2) Until 27 June 2011, Divisions 1, 2 and 3 of Part 3 of the Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 1999 continue to apply to any dwelling or annexe referred to in subregulation (1) as if those Regulations had not been revoked.

48 Existing unregistrable movable dwellings and rigid annexes

An unregistrable movable dwelling or rigid annexe in a caravan park that, immediately before 27 June 2010, complied with the Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 1999, is taken to comply with these Regulations on and from that date, unless it ceases to comply with those Regulations as a result of non-maintenance or alteration.

49 Continuation of registration

- (1) A caravan park that, immediately before 27 June 2010, was registered under the Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 1999 is taken to be registered under these Regulations for the remainder of the period for which it was registered under those Regulations.

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-
- (2) The registration of a caravan park referred to in subregulation (1) may be renewed or transferred in accordance with these Regulations.
-

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SCHEDULE 1

FORMS

FORM 1

Regulations 11 and 12

Residential Tenancies Act 1997

**APPLICATION FOR *REGISTRATION *RENEWAL OF
REGISTRATION OF A CARAVAN PARK**

To [*name of council*]:

I [*applicant's name*] of [*applicant's address*] being the owner of [*name of caravan park*] situated at [*address of caravan park*] apply for *registration / *renewal of registration of [*caravan park name*].

Number of: long term sites
short term sites
camp sites

Documents that are required to be included with this application, under *regulation 11/*regulation 12, have been included:

- a plan of the caravan park as specified in *regulation 11(2)(b) / *regulation 12(2)(b);
- *the most recent report from the relevant fire authority;
- the emergency management plan.

Signature:

Date:

* Delete if not applicable.

FORM 2

Regulation 13

Residential Tenancies Act 1997

**CERTIFICATE OF *REGISTRATION /*RENEWAL OF
REGISTRATION OF A CARAVAN PARK**

The [*name of council*], being satisfied that—

- (a) [*name of caravan park*] complies with the Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010
- (b) [*name of owner of caravan park*] is able to comply with the Regulations during the period of registration
- (c) [*name of owner of caravan park*] has provided the most recent report from the relevant fire authority
- (d) the emergency management plan has been prepared in accordance with regulation 22.

*registers *renews the registration of [*name of caravan park*] situated at [*address of caravan park*].

The certificate is granted to [*name of owner of caravan park*] of [*address of owner of caravan park*].

Registration number issued:

The certificate has effect from * / / * 01/01/ until 31/12/

Name of person authorised to issue certificate:

Signature of person authorised to issue certificate:

Date of issue:

* Delete if not applicable.

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FORM 3

Regulation 15

Residential Tenancies Act 1997

**NOTICE OF TRANSFER OF OWNERSHIP OF A CARAVAN
PARK**

To [*name of council*]:

I [*name of registered caravan park owner*] of [*address*], the holder of a
certificate of registration of [*name of caravan park*] situated at [*address of
caravan park*] provide notice that ownership of [*name of caravan park*] has
been transferred to:

Name of new caravan park owner:

Address of new caravan park owner:

Signature of applicant:

Date:

FORM 4

Regulation 16

Residential Tenancies Act 1997

**CERTIFICATE OF TRANSFER OF REGISTRATION OF A
CARAVAN PARK**

The [*name of council*], being satisfied that the caravan park named below
complies with the Residential Tenancies (Caravan Parks and Movable
Dwellings Registration and Standards) Regulations 2010, transfers the
registration set out on this certificate to [*name and address of new caravan
park owner*] from this date until 31/12/ .

Caravan Park:

Name of person authorised to issue certificate:

Signature of person authorised to issue certificate:

Date of issue:

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Sch. 2

SCHEDULE 2

Regulation 17

REGISTRATION APPLICATION FEES

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Item No.</i>	<i>Total number of sites (other than camp sites)</i>	<i>Maximum fee</i>
1	Not exceeding 25	17 fee units
2	Exceeding 25 but not exceeding 50	34 fee units
3	Exceeding 50 but not exceeding 100	68 fee units
4	Exceeding 100 but not exceeding 150	103 fee units
5	Exceeding 150 but not exceeding 200	137 fee units
6	Exceeding 200 but not exceeding 250	171 fee units
7	Exceeding 250 but not exceeding 300	205 fee units
8	Exceeding 300 but not exceeding 350	240 fee units
9	Exceeding 350 but not exceeding 400	274 fee units
10	Exceeding 400 but not exceeding 450	308 fee units
11	Exceeding 450 but not exceeding 500	342 fee units
12	Exceeding 500 but not exceeding 550	376 fee units
13	Exceeding 550 but not exceeding 600	411 fee units
14	Exceeding 600 but not exceeding 650	445 fee units
15	Exceeding 650 but not exceeding 700	479 fee units
16	Exceeding 700 but not exceeding 750	513 fee units
17	Exceeding 750 but not exceeding 800	547 fee units
18	Exceeding 800 but not exceeding 850	582 fee units
19	Exceeding 850 but not exceeding 900	616 fee units
20	Exceeding 900 but not exceeding 950	650 fee units
21	Exceeding 950 but not exceeding 1000	684 fee units
22	Exceeding 1000 but not exceeding 1050	719 fee units
23	Exceeding 1050 but not exceeding 1100	753 fee units
24	Exceeding 1100 but not exceeding 1150	787 fee units

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Item No.</i>	<i>Total number of sites (other than camp sites)</i>	<i>Maximum fee</i>
25	Exceeding 1150 but not exceeding 1200	821 fee units
26	Exceeding 1200 but not exceeding 1250	855 fee units
27	Exceeding 1250 but not exceeding 1300	890 fee units
28	Exceeding 1300 but not exceeding 1350	924 fee units
29	Exceeding 1350 but not exceeding 1400	958 fee units
30	Exceeding 1400 but not exceeding 1450	992 fee units
31	Exceeding 1450 but not exceeding 1500	1027 fee units
32	Exceeding 1500	1095 fee units

SCHEDULE 3

Regulations 33 and 34

**DESIGN, CONSTRUCTION AND INSTALLATION OF
UNREGISTRABLE MOVABLE DWELLINGS AND ANNEXES**

PART 1—BCA REQUIREMENTS

**1 Unregistrable movable dwellings - Design and
construction**

- (1) The BCA requirements for the design and construction of unregistrable movable dwellings are the whole of Volume Two of the BCA, with the Victorian variations, except for the following provisions—
- (a) Performance Requirement P2.1(b)(xv) and Part 3.1.3 (termite control);
 - (b) Part 3.3 (masonry);
 - (c) Parts 3.5.1.0(a) and 3.5.1.2 (roof tiling);
 - (d) Objectives O2.3(b) and (c), Functional Statements F2.3.1 and F2.3.4, Performance Requirements P2.3.1 and P2.3.4, Part 3.7.1 (fire separation) and Part 3.7.4 (bushfire areas);
 - (e) 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) (sanitary facilities);
 - (f) 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 (swimming pools);

(g) Part 2.6 (energy efficiency) and Part 3.12
(energy efficiency).

- (2) 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.

Note

Actions and risk management are excluded because termite protection is optional. Masonry and roof tiles are excluded because these assemblies are not movable. Bushfire construction standards are not required for movable dwellings. Fire separation for movable dwellings is in accordance with the CFA Guideline rather than the BCA. The facilities requirements are excluded because a bath or shower, closet pan, washbasin and laundry facilities are not required in movable dwellings. The energy efficiency provisions for a movable dwelling are specified in Part 2 of this schedule.

PART 2—UNREGISTRABLE MOVABLE DWELLINGS

2 Design and construction

- (1) The chassis, or structural framing, of an unregistrable movable dwelling or a major part of an unregistrable movable dwelling, must be capable of supporting the structure adequately at all times, including during transportation and installation.
- (2) An unregistrable movable dwelling must be provided with easily accessible anchor points for the attachment of tie down gear.
- (3) The enclosed floor area (including the area of any annexe) of an unregistrable movable dwelling used by a resident must be at least 15 square metres.
- (4) An unregistrable movable dwelling of more than one storey must be designed and constructed so that it complies with—

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- (a) regulation 418 of the Building Regulations 2006 (overshadowing); and
- (b) regulation 419 of the Building Regulations 2006 (overlooking).

3 Energy efficiency

- (1) The roof insulation must have a minimum R-Value of R3.3 and the wall insulation must have a minimum R-Value of R1.5.
- (2) For metal-framed dwellings, where metal framing members directly connect the external cladding to the internal lining, a thermal break such as timber, polystyrene strips, plywood or compressed bulk insulation must be provided.
- (3) All sides of doors and windows must be sealed to restrict air infiltration. A range hood and exhaust fan must be provided with a flap that closes when not in use.
- (4) To enable cross ventilation, an external window must be of a design other than a top hung awning window.

4 Installation

- (1) Footings of an unregistrable movable dwelling, including slab-on-ground footings, must be designed and constructed in accordance with AS/NZS 1170.1:2002 and AS/NZS 1170.2:2002, as in force from time to time, using a design terrain category of not less than 2.5, so that they adequately support and resist—
 - (a) the dead load of the structure above; and
 - (b) any live load; and
 - (c) wind forces, including lateral and uplift imposed through the attachment of tie-down gear.
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- (2) An unregistrable movable dwelling must be installed to bear firmly onto, and be securely attached to, the footings provided.
 - (3) If an unregistrable movable dwelling on a chassis has wheels and axles, they may be removed if—
 - (a) the dwelling is placed on footings in accordance with the requirements of this Schedule; and
 - (b) the council approves their removal.
 - (4) An unregistrable movable dwelling of more than one storey must be installed so that it complies with—
 - (a) regulation 418 of the Building Regulations 2006 (overshadowing); and
 - (b) regulation 419 of the Building Regulations 2006 (overlooking).

PART 3—ANNEXES

5 Design and construction

- (1) An annexe to a movable dwelling must not remain erected if the movable dwelling is not on site.
- (2) The enclosed area of a rigid annexe attached to a registrable movable dwelling must be—
 - (a) no longer than the body of the movable dwelling; and
 - (b) no wider than 3·6 metres.
- (3) The enclosed area of a rigid annexe attached to an unregistrable movable dwelling must be—
 - (a) no longer than the body of the movable dwelling; and
 - (b) no wider than 3·6 metres; and

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- (c) overall not larger than the total floor area of the movable dwelling to which it is attached.
- (4) Subject to subclause (5), the height of a rigid annexe must not exceed the average height of the roof of the movable dwelling to which it is attached.
- (5) If the caravan park is in an area that is liable to flooding, the floor level of the rigid annexe may be level with the floor level of the movable dwelling to which it is attached.
- (6) The components of the wall and roof of a rigid annexe, excluding windows and doors, must be of commercially manufactured modular panel construction.
- (7) All structural elements of a rigid annexe, including connections, bracing and tie down details, must be designed and constructed to adequately support the loads specified in AS/NZS 1170.1:2002 and AS/NZS 1170.2:2002, as in force from time to time, using a design terrain category of not less than 2.5.
- (8) A floor that is used in a rigid annexe must be of modular construction and secured with removable fasteners unless it is a concrete slab on ground with a vapour barrier beneath constructed as a fixture to a site.
- (9) If any floor that is used in a rigid annexe is constructed of structural sheeting, the under floor surface must be at least 150 millimetres above ground level and must have adequate ventilation.
- (10) A rigid annexe must have roof flashings and perimeter wall flashings to prevent water entering the annexe.
- (11) The height of the ceiling of a rigid annexe must average no less than 2.2 metres.
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- (12) All parts of the ceiling of a rigid annexe must exceed 2·1 metres in height.
 - (13) All glass used in a rigid annexe must comply with AS 1288 as in force from time to time.
 - (14) Natural daylight must be provided to each room of the annexe by windows or doors that measure not less than 10 per cent of the floor area of the annexe.
 - (15) Natural ventilation must be provided to each room of the annexe by windows that measure not less than 5 per cent of the floor area of the annexe.
 - (16) A flexible annexe, attached to a movable dwelling that is used as a residence, must not be used as a bathroom, toilet or laundry.

6 Installation

- (1) A rigid annexe must comply with clause 4(1).
 - (2) If a rigid annexe is attached to a registrable movable dwelling, the registrable movable dwelling—
 - (a) is secure and will not move;
 - (b) is on footings that will support the live and dead load of the dwelling and keep it in a stable position.
 - (3) If a rigid annexe is installed to adjoin a movable dwelling, the dwelling must have a minimum window area of at least 10 per cent of the floor area of each room.
 - (4) At least 50 per cent of the window area referred to in subclause (3) must consist of windows which are capable of being opened to the outside.
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Endnotes

ENDNOTES

1. General Information

The Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010, S.R. No. 49/2010 were made on 23 June 2010 by the Lieutenant-Governor, as the Governor's Deputy, with the advice of the Executive Council under sections 514, 515 and 516 of the **Residential Tenancies Act 1997**, No. 109/1997 and came into operation on 27 June 2010: regulation 3.

The Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010 will sunset 10 years after the day of making on 23 June 2020 (see section 5 of the **Subordinate Legislation Act 1994**).

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Endnotes

2. Table of Amendments

There are no amendments made to the Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010 by statutory rules, subordinate instruments and Acts.

Endnotes

3. Explanatory Details

¹ Reg. 4: S.R. No. 88/1999 as amended by S.R. No. 88/2004 and extended in operation by S.R. No. 54/2009.

² Reg. 5: S.R. No. 68/2006. Reprint No. 1 as at 1 September 2009.
Reprinted to S.R. No. 105/2009 and subsequently amended by
S.R. Nos 139/2009, 15/2010 and 32/2010.

Fee Units

These Regulations provide for fees by reference to fee units within the meaning of the **Monetary Units Act 2004**.

The amount of the fee is to be calculated, in accordance with section 7 of that Act, by multiplying the number of fee units applicable by the value of a fee unit.

The value of a fee unit for the financial year commencing 1 July 2009 is \$11.69. The amount of the calculated fee may be rounded to the nearest 10 cents.

The value of a fee unit for future financial years is to be fixed by the Treasurer under section 5 of the **Monetary Units Act 2004**. The value of a fee unit for a financial year must be published in the Government Gazette and a Victorian newspaper before 1 June in the preceding financial year.

Penalty Units

These Regulations provide for penalties by reference to penalty units within the meaning of section 110 of the **Sentencing Act 1991**. The amount of the penalty is to be calculated, in accordance with section 7 of the **Monetary Units Act 2004**, by multiplying the number of penalty units applicable by the value of a penalty unit.

The value of a penalty unit for the financial year commencing 1 July 2009 is \$116.82.

The amount of the calculated penalty may be rounded to the nearest dollar.

The value of a penalty unit for future financial years is to be fixed by the Treasurer under section 5 of the **Monetary Units Act 2004**. The value of a penalty unit for a financial year must be published in the Government Gazette and a Victorian newspaper before 1 June in the preceding financial year.

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**Table of Applied, Adopted or Incorporated Matter Required by the
Subordinate Legislation Regulations 2004**

Note that the following table of applied, adopted or incorporated matter is included in accordance with the requirements of regulation 5 of the Subordinate Legislation Regulations 2004.

In this table—

BCA means the Building Code of Australia published by the Australian Building Codes Board—

- (a) as amended or remade from time to time; and
- (b) as amended by the Victoria Appendix to that Code published by that Board as that Appendix is amended or remade from time to time; and
- (c) as applied, adopted or incorporated by the Building Regulations 2006 from time to time.

CFA Guideline means the CFA Caravan Park Fire Safety Guideline, published by the Country Fire Authority in July 2006.

Statutory rule provision	Title of applied, adopted or incorporated document	Matter in applied, adopted or incorporated document
Regulation 5— definition of CFA Guideline	CFA Guideline	The whole
Regulation 6	BCA	Part 1.3 of Volume Two
Regulation 8	BCA	The whole
Regulation 9	BCA	The whole
Regulation 20(1)(a)	CFA Guideline	Objective O3 and Performance Measures PM4 and PM5
Regulation 20(1)(b)	CFA Guideline	Prescriptive Provisions PP3 and PP4

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Statutory rule provision	Title of applied, adopted or incorporated document	Matter in applied, adopted or incorporated document
Regulation 21(1)(a)	CFA Guideline	Objectives O1 and O2 and Performance Measures PM1, PM2 and PM3
Regulation 21(1)(b)	CFA Guideline	Prescriptive Provisions PP1 and PP2
Regulation 27(1)	Australian Drinking Water Guidelines 6 (2004), endorsed by the National Health and Medical Research Council and the Natural Resource Management Ministerial Council, published in 2004	The whole
Regulation 29	BCA	Parts F2.1 and F2.4 of Volume One
Regulation 33(1)(a) and clause 1(1) of Part 1 of Schedule 3	BCA	The whole of Volume Two, except for— (a) Performance Requirement P2.1(b)(xv) and Part 3.1.3 (termite control); (b) Part 3.3 (masonry); (c) Parts 3.5.1.0(a) and 3.5.1.2 (roof tiling);

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Statutory rule provision	Title of applied, adopted or incorporated document	Matter in applied, adopted or incorporated document
		<p>(d) Objectives O2.3(b) and (c), Functional Statements F2.3.1 and F2.3.4, Performance Requirements P2.3.1 and P2.3.4, Part 3.7.1 (fire separation) and Part 3.7.4 (bushfire areas);</p> <p>(e) Objective O2.4.3(b) and (c), Functional Statement F2.4.3(a) and (b), Performance Requirement P2.4.3(a) and (c), Part 3.8.3.2 (a)(ii), (iii) and (iv) (sanitary facilities);</p>

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Statutory rule provision	Title of applied, adopted or incorporated document	Matter in applied, adopted or incorporated document
		(f) 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 (swimming pools); (g) Part 2.6 (energy efficiency) and Part 3.12 (energy efficiency)
Regulation 33(1)(a) and clause 1(2) of Part 1 of Schedule 3	BCA	Table 1.1.1 in Volume Two
Regulation 33 and clause 4(1) of Schedule 3	AS/NZS 1170.1:2002, Structural design actions – Permanent, imposed and other actions, approved on behalf of the Council of Standards Australia and the Council of Standards New Zealand, published on 4 June 2002, incorporating Amendment Nos 1 and 2	The whole

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and Standards) Regulations 2010
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Statutory rule provision	Title of applied, adopted or incorporated document	Matter in applied, adopted or incorporated document
	AS/NZS 1170.2:2002, Structural design actions – wind actions, approved on behalf of the Council of Standards Australia and the Council of Standards New Zealand, published on 4 June 2002, incorporating Amendment No. 1	The whole
Regulation 34 and clause 5(7) of Schedule 3	AS/NZS 1170.1:2002, Structural design actions – Permanent, imposed and other actions, approved on behalf of the Council of Standards Australia and the Council of Standards New Zealand, published on 4 June 2002, incorporating Amendment Nos 1 and 2 AS/NZS 1170.2:2002, Structural design actions – wind actions, approved on behalf of the Council of Standards Australia and the Council of Standards New Zealand, published on 4 June 2002, incorporating Amendment No. 1	The whole The whole
Regulation 34 and clause 5(13) of Schedule 3	AS 1288-2006, Glass in buildings – Selection and installation, approved on behalf of the Council of Standards Australia, published on 16 January 2006, incorporating Amendment No. 1	The whole

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and Standards) Regulations 2010
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Statutory rule provision	Title of applied, adopted or incorporated document	Matter in applied, adopted or incorporated document
Regulation 35(1)	BCA	Parts 3.7.2.2(b) and 3.7.2.3 of Volume Two
Regulation 35(3)	BCA	Part 3.7.2.2(b) of Volume Two