

# Caravan park and movable dwellings regulations

Sunset review consultation paper



## Acknowledgment

We acknowledge and respect Victorian Traditional Owners as the original custodians of Victoria's land and waters, their unique ability to care for Country and deep spiritual connection to it. We honour Elders past and present whose knowledge and wisdom has ensured the continuation of culture and traditional practices.

We are committed to genuinely partner, and meaningfully engage, with Victoria's Traditional Owners and Aboriginal communities to support the protection of Country, the maintenance of spiritual and cultural practices and their broader aspirations in the 21st century and beyond.



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# Contents

<b>1. Introduction</b> .....	<b>2</b>
1.1 How to use this document .....	2
1.2 Purpose of review .....	2
1.3 Timeframe and consultation .....	2
1.4 Scope .....	3
1.5 Submissions .....	3
<b>2. Background</b> .....	<b>4</b>
2.1 Overview of the sector .....	4
2.2 Why this sector is regulated .....	4
2.3 The regulatory framework .....	5
<b>3. Issues</b> .....	<b>7</b>
3.1 General issues .....	7
3.2 Registration .....	9
3.3 Fire safety .....	13
3.4 Flood risk .....	14
3.5 Emergency management planning .....	15
3.6 Park amenities and occupant health .....	16
3.7 Duties .....	18
3.8 UMD standards, construction and installation .....	19
3.9 Out of scope issues .....	22
<b>Appendix A Consultation questions</b> .....	<b>23</b>

# 1. Introduction

## 1.1 How to use this document

It is assumed that people reading this document are familiar with the requirements of the *Residential Tenancies Act 1997* relating to caravan parks (Parts 4, 4A and 14), and the Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010 (the Regulations). These documents can be accessed at <http://www.legislation.vic.gov.au>.

This document includes specific questions listed in purple boxes to guide consideration of issues relevant to a review of the Regulations. Anyone wishing to make a submission is encouraged to answer any of the questions that relate to their use or management of caravan parks, and to provide evidence or examples to support their answers where possible.

Answers received during this consultation period will help to determine whether issues and proposals are included in further policy development. However, the questions are only intended to be used as a guide. It is not mandatory to respond to every question or to comment on all issues discussed in the paper. Any additional feedback on other relevant issues or topics is also welcome.

Details on how to make a submission are set out in **Section 1.5**.

## 1.2 Purpose of review

In Victoria, all regulations expire on their tenth anniversary in accordance with section 5 of the *Subordinate Legislation Act 1994*. Expiring regulations are reviewed to analyse the operation of the regulations and make any updates or changes necessary to ensure the regulatory framework remains effective for the next ten years without imposing an unnecessary burden.

The Department of Environment, Land, Water and Planning (DELWP) is undertaking a review of the Regulations, which are due to expire on 23 June 2020. The Regulations set out requirements for caravan parks and movable dwellings on matters including health and wellbeing, fire safety and emergency management, registration and construction standards. Reviewing the Regulations will help address issues relating to the safety and standard of living for residents and visitors while keeping the regulatory burden on operators to the minimum level necessary to achieve this.

## 1.3 Timeframe and consultation

The review process will run throughout 2019 and early 2020, with the new regulations coming into operation by June 2020.

DELWP has already begun to consult with the caravan park sector, including industry representatives, residents and local government, to understand how effectively the Regulations are operating, and to identify the main issues of concern to stakeholders and opportunities for improvement. This targeted consultation has informed the preparation of this consultation paper.

Consultation on the issues and questions raised in this paper will run from 24 May to 23 June 2019.

Following consultation on this paper, DELWP will develop a Regulatory Impact Statement (RIS) and consultation regulations, which will be released for public comment in late 2019. The RIS will consider the operation of the current Regulations, an overview of options for change, including a cost/benefit analysis, and DELWP's preferred option for addressing each issue. The consultation regulations will be a draft version of the proposed new regulations which will reflect the preferred policy options outlined in the RIS. Consultation on the RIS and consultation regulations will be the final opportunity for stakeholders and members of the public to have a say on the new regulations before they are finalised.



## 1.4 Scope

The scope of the review is limited to changes to the Regulations which are made under Part 14 of the Residential Tenancies Act. Proposed changes that are not authorised by Part 14 of the Act, or changes to the Act itself or any other legislation, are outside the scope of this review.

Consumer Affairs Victoria (CAV) recently completed the Fairer, Safer Housing Review into the Residential Tenancies Act to ensure that it met the needs of participants in today's rental housing market. The review incorporated more than 130 proposed reforms spanning all types of rental housing, including public and private residential housing, rooming houses, caravan parks and residential parks. For more detail on this review please see **Section 2.3.1**.

## 1.5 Submissions

Anyone wishing to respond to this document can submit a formal response or complete the form on Engage Victoria: <https://engage.vic.gov.au/caravan-parks-regulations-sunset-review>.

Alternatively, responses can be emailed to [building.policy@delwp.vic.gov.au](mailto:building.policy@delwp.vic.gov.au), or mailed to:

Caravan Park Sunset Review Team  
Building Division  
Department of Environment, Land, Water and Planning  
PO Box 500  
East Melbourne VIC 8002

All submissions will be treated as public documents and may be referenced in further policy development or public documents such as the RIS, unless the submitter has requested that their submission remain confidential or be deidentified.

## 2. Background

### 2.1 Overview of the sector

Every year thousands of tourists visit or stay in caravan parks throughout Victoria. Thousands more live in caravan parks as permanent or long-term residents, many of whom live in unregistrable movable dwellings (UMDs) that are of a similar size and complexity to a free-standing house.

Caravan parks are spread throughout the state, with many providing a valuable contribution to Victoria's remote or regional areas. They range in type and size from residential villages with hundreds of sites to camping grounds with less than twenty sites. There are currently around 600 registered caravan parks in Victoria.

In Victoria, the term 'caravan park' has a specific meaning defined in the Residential Tenancies Act. To meet the definition of caravan park under the Act, the following criteria must be met:

- 1) moveable dwellings (tents, caravans, UMDs or a combination of all three), are situated on the area of land; and
- 2) people are charged to occupy these dwellings.

Any site that meets both conditions is considered a caravan park under the Residential Tenancies Act and must comply with the requirements of the Regulations. The only exceptions are in cases where a park is being used for a limited period to house short-term or seasonal workers, or is operating for a limited period in conjunction with a festival or similar event.

The last review of the Regulations in 2009 to 2010 introduced regulatory changes to help address issues relating to the safety, wellbeing and rights of residents and to clarify the responsibilities of park operators. In particular, fire safety requirements were strengthened and enforced in response to the Black Saturday bushfires.

Over the last 10 years, the caravan parks industry has grown and diversified beyond traditional commercial caravan parks and residential villages. A growing interest in non-traditional forms of accommodation has seen alternative forms of park such as camping on private land and luxury camping grow in number, while resort-style residential villages continue to grow in popularity, particularly amongst retirees and older populations. Tiny houses are another form of movable dwelling that has emerged since the Regulations were made.

This review provides an opportunity for the current regulatory regime to be reviewed in light of these developments, and for a new set of regulations to be made which accounts for the growing diversity.

### 2.2 Why this sector is regulated

The Victorian Government recognises the value of the caravan parks industry to those who visit, live in and operate caravan parks. For that reason, the Regulations establish a series of requirements to ensure that people can use caravan parks safely and with confidence. The purpose of these requirements is to establish a minimum benchmark of services and amenities that all parks must achieve as a condition of their operation. The requirements include:

- registration of all caravan parks with local councils
- standards for the design, construction, installation and maintenance of UMDs in caravan parks
- incorporation of fire safety requirements prepared by the fire authorities
- the type and standard of amenities, such as sanitary facilities, that must be provided in caravan parks
- preparation of emergency management plans to protect the health and safety of residents and short-term occupiers

DELWP understands that many caravan parks not only meet but surpass the minimum requirements contained in the Regulations. These requirements are discussed in more detail below.

## **2.3 The regulatory framework**

### **2.3.1 The Residential Tenancies Act 1997**

The Regulations are made under the Residential Tenancies Act. Part 14 of the Act allows for regulations to be made in respect to caravan parks and movable dwellings.

The Act also specifies the tenancy rights and responsibilities of residents and owners of caravan parks. It defines the rights and duties of caravan park owners, caravan owners and residents of caravan parks and regulates agreements made between site owners and site tenants in respect of Part 4A sites and Part 4A dwellings.

This addresses the increasingly common practice of caravan park owners leasing sites to people who own the UMD installed on the site. A 'Part 4A site' is the site leased by the caravan park owner. The 'Part 4A dwelling' is the privately-owned dwelling that is placed on it. It does not include dwellings such as caravans.

Although the Regulations also apply to caravan parks with Part 4A sites and Part 4A dwellings, the requirements contained in the Act in relation to site agreements are not within the scope of this review.

The renting laws in the Residential Tenancies Act have recently been reviewed. Many of the changes will impact on people who live in or operate caravan parks. Changes are being administered by CAV. A full list of reforms can be found on the Engage Victoria website: <https://engage.vic.gov.au/fairersaferhousing>.

Some reforms that relate to caravan and residential park closures, and compensation for eligible residents affected by a park closure, have already started.

- Operators can get more information on the 'Closing a caravan park or residential park' page on the CAV website: <https://www.consumer.vic.gov.au/licensing-and-registration/caravan-and-residential-park-operators/closing-a-caravan-park-or-residential-park>.
- Residents and site tenants can get more information on the 'If the caravan or residential park you are living in is closing' page on the CAV website: <https://www.consumer.vic.gov.au/housing/renting/ending-a-lease-or-residency/if-the-landlord-or-owner-wants-the-tenant-to-leave/if-the-caravan-or-residential-park-you-live-in-is-closing>.

These reforms are separate to the DELWP review of caravan park standards in the Regulations.

### **2.3.2 The Building Act 1993**

The Building Act sets out the standards and construction requirements of buildings in Victoria. Section 517 excludes movable dwellings situated in caravan parks from the operation of the Building Act (other than Part 12A, which relates to plumbing). For dwellings that do not meet the definition of 'movable dwelling', or which are not situated in a caravan park, the requirements of the Building Act will apply.

As Part 12A of the Building Act does apply to caravan parks, all plumbing work carried out in movable dwellings or other buildings at caravan parks must comply with the Plumbing Regulations 2018.

### **2.3.3 The Public Health and Wellbeing Act 2008**

The Public Health and Wellbeing Act sets out certain classes of accommodation which may be prescribed by the Public Health and Wellbeing Regulations 2009. Accommodation prescribed by

these regulations must be registered with the relevant local council. Both the Public Health and Wellbeing Act and the Public Health and Wellbeing Regulations refer to holiday camps and caravans, and there are types of caravan park for which it is possible that registration as both prescribed accommodation and a caravan park could be required. This review will seek to clarify the distinction between the two regulatory frameworks to reduce overlap where possible.

The Public Health and Wellbeing Regulations are also currently undergoing a sunset review.

#### **2.3.4 The Retirement Villages Act 1986**

While some resort-style residential villages (generally aimed at over-55s) seem similar to retirement villages, they are regulated under a separate legislative framework. In retirement villages, residents pay an in-going contribution and are regulated by the Retirement Villages Act. In residential villages regulated by the Residential Tenancies Act, residents lease their site from the caravan park owner. Section 15 of the Retirement Villages Act excludes residence rights in retirement villages from the operation of the Residential Tenancies Act.

#### **2.3.5 The Motor Vehicle Standards Act 1989 (Cth)**

The Commonwealth Motor Vehicle Standards Act requires that all motor vehicles and trailers, including caravans and any other registerable movable dwellings (RMDs), imported or sold in Australia meet national standards. While the Residential Tenancies Act provides power for the Regulations to set standards for all movable dwellings in Victoria, the Regulations are currently silent on this. Therefore, the National Standards are the only standards that currently apply to caravans and other RMDs in Victoria.



## 3. Issues

### 3.1 General issues

#### 3.1.1 Diversity of the sector

The current regulatory framework is essentially a one-size-fits-all model, with one registration covering all models of park. This has been raised as an issue by multiple stakeholders, as different models of park have different users, risks, and needs. The continued diversification of the industry means that this issue is likely to grow as new models of caravan park expand within the industry.

Early feedback from stakeholders has suggested a tiered approach to the regulation of caravan parks, with different registration and requirements for different types of park. This could involve categories of registration, with different requirements for fire safety, emergency management, facilities and duties to better address the needs of users in different types of caravan park. The objective of this model would be to reduce unnecessary burden on more basic and lower-risk parks, making it easier for these operators to obtain registration, while ensuring that the risks and needs in more complex parks are being adequately addressed.

Potential registration categories could include:

**Bush/primitive** – short-term camping and caravan sites with basic or no facilities, for example, camping on Crown land or private farms.

**Tourist** – traditional commercial caravan parks with no residents permitted.

**Mixed use** – both short-term (under 60 days) holiday sites or cabins and long-term (60 days or more) residents.

**Residential** – resident sites only, all with self-contained dwellings.

DELWP is seeking comments on what the categories should be, and what definitions and criteria should apply to each category. The names and descriptions of the above categories are examples only. If this proposal were to proceed, clear definitions and criteria for each category of caravan park would need to be developed in consultation with industry, local government and park users.

#### Consultation questions

1. Do you support the proposal to introduce categories of registration?
2. What benefits or drawbacks could the introduction of categories of registration have?
3. Do the categories suggested above cover all types of park? If not, how should they be changed?
4. What criteria could be used to distinguish between categories to ensure that they are only used for the type of park they are intended for?

### 3.1.2 Tiny houses

Tiny houses have been growing in popularity as people seek more affordable or sustainable housing options. Most tiny houses are built on a trailer and are road registered, making them RMDs. Standards for RMDs are addressed by national standards and are not currently dealt with by the Regulations.

There may be scope to regulate some design aspects of tiny houses within the Regulations if it were determined that the use of tiny houses as primary residences involves risks that are not addressed by the national standards for trailers and caravans. The regulation of tiny house communities – which are essentially similar to residential villages – could also be addressed in the Regulations.

5. Does the use of tiny houses as primary residences involve risks that are not adequately addressed at present?
6. Should any aspect of construction standards or ongoing management arrangements for tiny houses be dealt with by the Regulations? If so, what should these be?

### 3.1.3 Luxury camping

Luxury camping, also known as ‘glamping’, has become popular in Victoria over the last few years. Luxury camping is typically a higher-end style of accommodation, where large, fully-furnished tents are provided for guests, sometimes including powered appliances and heating. Some luxury camping companies set up luxury camping tents at pre-existing caravan parks or on guests’ private land, while others offer seasonal or year-round luxury camping parks. Luxury camping parks that meet the definition of a caravan park are required to be registered under the Regulations.

Stakeholders have raised concerns that there is ambiguity in the current framework around how these parks should be treated, as the Regulations were not designed to account for this style of accommodation. For example, open wood heaters in luxury camping tents potentially present a serious fire risk which is not currently considered by the Regulations or the Country Fire Authority *Caravan Park Guideline 2012* (the CFA Guideline).

7. How should luxury camping be defined? What factors distinguish luxury camping from traditional camping?
8. What are the specific issues and risks associated with luxury camping? What, if anything, would need to change in the current framework to account for these issues and risks?

### 3.1.4 Private land and bush camping and caravan sites

Advances in technology have enabled new platforms to search for and book accommodation. Online booking websites like Airbnb allow private owners to lease out their properties for short-term accommodation. This has also occurred in relation to camping and caravan park sites, with platforms such as ‘Youcamp’ becoming increasingly popular for both landowners seeking supplementary income and campers looking for unique and secluded places to camp. Similarly, Parks Victoria offers some campgrounds with basic unpowered camp sites with few or no amenities. Both models offer a more basic experience for campers and caravan owners who are looking for a different experience to that offered by traditional caravan parks.

In many cases, these campgrounds fall within the definition of ‘caravan park’ and should be registered with the relevant local council. However, it is unclear how many currently fulfil this requirement. This raises health and safety concerns, as there is no way for councils to assess

whether fire safety, emergency management and other health and safety mitigation measures have been implemented by these caravan parks.

Conversely, DELWP is aware of the burden that registration places on small operators. The introduction of a primitive or bush category of registration could allow for public health risks to be addressed with minimal administrative burden placed on small operators.

For discussion on the fire safety and emergency management requirements for these caravan parks, please see **Sections 3.3 and 3.5**. For a discussion on facilities, please see **Section 3.6.1.1**.

9. If you are a private landowner, have you had difficulty gaining or attempting to gain registration as a caravan park? Alternatively, did you find this process straightforward?
10. If you found gaining registration difficult, what were the reasons for this?
11. Are the health and safety risks associated with camping on private land and bush parks different to the risks in traditional caravan parks?
12. How are health and safety risks on private land and bush parks currently mitigated?

### 3.1.5 Compliance and enforcement

Local councils are responsible for monitoring and enforcing compliance with the Regulations for caravan parks in their municipality. Some councils have suggested that the current methods of enforcement can be overly burdensome or insufficient. DELWP is also aware that in many cases the Regulations are not clear about which body is responsible for compliance and enforcement, and there is no clear pathway for residents or other concerned parties to seek action.

DELWP is exploring how compliance with and enforcement of the Regulations could be improved to make it easier and clearer to both enforcing bodies and users/operators how the requirements under the Regulations can be met in the future.

13. What, if any, changes could be made to the Regulations to simplify, clarify or improve requirements that must be complied with and who enforces compliance? Would changes also be required in other regulations to support this?
14. Should there be a mechanism for residents and tourists to seek action on non-compliance with the Regulations? If so, what should this be?

## 3.2 Registration

Registration is important to allow councils to monitor and enforce standards in caravan parks in their municipalities. The requirements for the registration of caravan parks are set out in Part 2 of the Regulations.

### 3.2.1 Length of time

Registration generally lasts for three years, expiring on 31 December in the third year after it was granted. Applications for renewal are due on or before 1 October in the final year of registration. Therefore, councils have three months to process applications and assess whether to grant a renewal before the current registration expires.

The length of the registration period impacts both park operators and councils. As many caravan parks are run by small business owners, increasing or decreasing the period between renewal of registration would change how often park operators need to renew, and could have a substantial cost impact. Industry has repeatedly suggested to DELWP that the requirement to renew registration of caravan parks is unnecessary, asserting that the industry now operates in such a

high state of compliance and consumer focus that self-regulation according to customer pressure and feedback is all that is required to ensure ongoing compliance.

However, the registration renewal process is an opportunity for councils to review the condition of caravan parks and ensure they are still compliant with the Regulations. An increase to the period of registration, or removal of the requirement to renew, could increase the risk of non-compliance as councils would be assessing parks against the requirements less often. Any proposal to increase the registration period would need to include a method for councils to be assured that all requirements set out in the Regulations continued to be met throughout the registration period.

In the last sunset review of the Regulations, the registration period was lengthened from one year to three years. DELWP is now considering whether this registration period is still appropriate, or whether a longer or shorter period is more appropriate.

15. Do you believe that the industry as a whole is currently fully compliant, and would remain so without the need for registration renewal? If possible, please provide evidence to support your answer.
16. What should the registration period be? Please provide reasons.
17. What has been the impact (if any) of the change from a one to three-year registration period?
18. If the registration period was lengthened, do you have any suggestions for how councils could ensure compliance during the longer period?
19. Is perpetual registration and/or self-regulation a feasible option? How could risks of non-compliance be mitigated under these options?
20. Is the specified end date of registration (currently 31 December) still appropriate, or should the end date be based on the date the application is approved? Please provide reasons.

### 3.2.2 Requirements for registration and renewal

Park operators are required to pay a registration fee that is scaled based on the number of sites and to include the following supporting documents in their application for registration or renewal:

- a completed form
- a plan of the park
- the most recent report, if any, from the relevant fire authority
- the schedule of works and evidence of compliance with the schedule to date, if relevant
- the park's emergency management plan.

The registration renewal process requires the same documents as the initial application, whether or not anything has changed.

21. Are any of the documents required for registration no longer necessary?
22. Should anything else be included in applications?
23. If documents have not changed since the initial registration, is there any need for them to be supplied again with the renewal?
24. Should anything else be different for renewal?

### 3.2.3 Renewals not being processed by 31 December

Under the Regulations, a caravan park registration automatically lapses if it is not renewed by the council by the prescribed date. DELWP is aware that park operators are vulnerable to becoming unregistered and their insurance being void if councils are not able to process the renewal prior to 31 December.

25. Do councils have difficulty processing all applications and issuing renewal certificates within the three-month period? If so, what are the reasons for this?
26. In the event of an application not being processed by 31 December, should registration continue until council has assessed the application? Would this raise any issues?
27. Are there any other ways this issue could be dealt with, for example, temporary registration?

### 3.2.4 Schedules of works

Schedules of works are written agreements entered into between a council and the caravan park owner setting out work that must be undertaken, and by when, for parks to become compliant with registration requirements. These typically relate to fire safety or amenity requirements. Schedules of works allow parks to begin or continue operating while undertaking works to become fully compliant.

The current Regulations do not provide any requirements about how long park owners have to carry out the work specified in the schedule of works, and there are no restrictions on which requirements can be the subject of a schedule of works. This has been raised as an issue by some stakeholders who suggest that the Regulations should include more guidance on schedules of works in order to increase consistency across councils and to ensure that this tool is being used appropriately. Some councils have also noted that it is not clear what action can be taken for non-compliance with schedules of works.

28. Are schedules of works useful tools for bringing parks into alignment with registration requirements? Why/why not?
29. Should the consequences for failing to comply with a schedule of works be strengthened?
30. Should restrictions be placed on which requirements can be met using a schedule of works, and how long parks have to complete works? Why/why not? If yes, what should these be?
31. Should any other party, such as emergency services or park residents, be involved in agreeing to a schedule of works?

### 3.2.5 Conditional and temporary registration

Some councils have suggested that including conditional registration as an option in the Regulations would provide a more appropriate mechanism for councils to register parks which are subject to schedules of works or unable to meet registration requirements at the time of application



due to factors outside their control. This would allow parks to begin or continue operating but would provide a mechanism for councils to revoke the registration if the requirements are not met within the time specified in the schedule of works. Another option may be temporary registration, which lasts for a specified number of weeks or months rather than years.

32. Should the Regulations provide for conditional registration, which can be revoked if conditions (e.g. compliance with a schedule of works) are not met?
33. Should the Regulations provide for temporary registration, which can be revoked if conditions (e.g. compliance with a schedule of works) are not met?
34. Would conditional or temporary registration create any foreseeable issues for parks or councils? If yes, what would these be?

### 3.2.6 Requirements for inspections

The current regulatory framework allows for, but does not require, council representatives to conduct inspections of parks in order to ensure compliance with the requirements. This allows councils to undertake inspections using a risk-based approach, allocating resources where they are most needed. However, some councils have commented that specific requirements would ensure that parks are being inspected as often and as thoroughly as needed to ensure compliance. This would also provide more guidance for councils and ensure that the Regulations are being consistently applied across the state.

35. Should the Regulations specify requirements for inspections? Why/why not? What impacts could this have?
36. If the Regulations were to specify requirements for inspections, what should these requirements be?
37. Could an alternative approach, such as non-regulatory guidance material for councils, achieve the desired outcomes?

### 3.2.7 Overlap with prescribed accommodation registration

The Public Health and Wellbeing Act and Public Health and Wellbeing Regulations require operators of prescribed accommodation to be registered with the relevant local council. This registration process is similar to the requirement for registration of caravan parks, including that a number of requirements must be met to ensure the ongoing health and safety of guests and residents.

Registration as a caravan park or prescribed accommodation is separate, and in most cases, only one registration should be required. However, the Public Health and Wellbeing Regulations include 'holiday camps' in the definition of prescribed accommodation, which are defined as permanent or temporary structures (excluding caravans) that are used for the recreational accommodation of student groups, youth groups or family groups. Some councils have reported confusion and ambiguity as to which regulations apply in scenarios where parks appear to meet criteria for both registration as a caravan park and as prescribed accommodation.

DELWP is working with the Department of Health and Human Services to investigate how the application of both sets of regulations could be clarified, in particular what accommodation they apply to.

38. Have you experienced uncertainty about whether a caravan park should be registered under the caravan park or public health regulations? Can you please provide a description of the caravan park or accommodation, and why it was unclear which regulations applied?

### 3.2.8 Fees

The Regulations specify the amount that can be charged by councils for the registration of caravan parks and by fire authorities for the carrying out of inspections. In Victoria, fees are set using 'fee units' and the value of a fee unit is determined by the Treasurer each year to account for inflation and ensure that the value of fees and fines is maintained.

The fees for registering a caravan park vary according to the number of sites in the park, from 25 or less to those exceeding 1500. The number of fee units increases for every 50 additional sites in the park.

Number of sites (other than camp sites)	Fee units in FY2018-19 (\$14.81 per fee unit)
25 or less	17 units (\$245.65)
Exceeding 1500	1095 units (\$15,822.75)

The Regulations set maximum fees that may be charged by fire authorities to carry out inspections of caravan parks. The fee is calculated based on the time taken to carry out an inspection and prepare a report.

Time taken	Fee units in FY2018-19 (\$14.45 per fee unit)
First hour	10 units (\$144.50)
Every subsequent quarter hour (15 mins)	2.5 units (\$36.12)

The fee amounts included in the Regulations are set according to the cost to councils and fire authorities of providing the service. This is in line with the Victorian Government's commitment to recovering the cost of providing these services from the sections of the community that benefit from them, in this case caravan park owners, rather than being funded by the general public.

39. Do the current fees appropriately reflect the cost to councils and fire authorities in carrying out these functions? If not, what are the costs of carrying out these functions and what is the gap?
40. Are there any reasons that the fees should be set at a level above or below full cost recovery?
41. Are the current methods for calculating fees the most appropriate way of determining cost? If not, what are appropriate alternatives?

### 3.3 Fire safety

A key objective of the Regulations is to protect the health and safety of those who visit or reside in caravan parks. The Regulations require caravan park owners or operators to install both fire-fighting equipment and to ensure that emergency services can access all areas of the park. Both fire-fighting equipment and access requirements must be installed and maintained in accordance with the CFA Guideline.

42. Do you believe that the requirements in the CFA Guideline are appropriate?
43. Have you ever had problems interpreting or understanding the requirements in the CFA Guideline?

The Regulations currently allow existing caravan parks to maintain distances between structures, even if the distance does not comply with the CFA Guideline. This applies even when structures are replaced, provided the existing distances between structures are maintained.

44. Is it still appropriate that caravan parks are not required to meet current minimum distance requirements for pre-existing structures, or should parks be required to meet current distance requirements when structures are replaced? Please provide reasons.

The nature and seriousness of the fire risk can vary significantly between different kinds of caravan parks depending on their size and whether they cater predominantly to short-stay visitors in tents and caravans or long-term residents living in UMDs. For example, a lifestyle village is likely to have older residents who may require more assistance than the occupants of a tourist park. However, the Regulations require all parks to meet the same set of requirements.

45. Should the Regulations have different fire protection requirements depending on the type of caravan park (e.g. the categories suggested in **Section 3.1.1**)? If yes, what should these be?

As discussed in **Section 3.2.2**, when considering an application for registration or renewal the council is required to consider the most recent fire safety report prepared by emergency services. The purpose of the report is to provide an independent assessment of the level of fire safety in the park. However, there is no requirement for these reports to be reviewed or updated in a set period of time, even where the caravan park has changed over time. DELWP has also been advised by several stakeholders that park owners frequently encounter problems arranging to have fire reports prepared in a timely manner and that there is confusion amongst councils regarding how often fire reports must be updated.

46. Should park owners be required to provide a fire safety report?
47. If so, should caravan parks be required to update their fire report after a given period, or after alterations/upgrades are made to the park?
48. If registration categories were introduced, should requirements for fire safety reports be different for different categories of caravan park?

### 3.4 Flood risk

In addition to the risk of fire, caravan parks can also be at risk from flooding. Flooding not only presents a health and safety risk to park occupants but can also cause substantial damage to structures and property. This risk of such an event increases when the park is located in close proximity to a waterway.

Because of the dangers posed by flooding the Regulations require the owner of a caravan park that is located in an area liable to flooding to give any new resident, or any owner of a new UMD, written notification. The purpose is to ensure that they are fully aware of the potential risk.

49. Is the requirement for caravan park owners to notify new residents that the area is liable to flooding still appropriate? Should it be strengthened? Please provide reasons.

50. Should any other requirements relating to flood risk be prescribed in the Regulations?

### 3.5 Emergency management planning

#### 3.5.1 Development of Emergency Management Plans

The creation of an emergency management plan (EMP) is a key requirement for a caravan park. If there is an emergency in the park, such as a natural disaster, the procedure set out in the EMP will direct the actions of the caravan park owner and their staff. The importance of emergency management planning is like to increase over the life of the new Regulations as average temperatures continue to increase and Victoria is subject to more hot days, dry spells, increased intensity of rainfall and a harsher fire-weather climate.<sup>1</sup> Given the locations of many caravan parks vary, these trends are likely to have a disproportionate impact on the industry.

Under the Regulations, when developing an EMP the caravan park owner must, in consultation with the emergency services, carry out a risk analysis to:

- identify the risks
- identify the available counter measures to reduce the risks
- assess the cost of implementing the counter measures.

There is no fixed template for EMPs. DELWP understands that it has been common practice amongst caravan park owners to rely on templates produced by the emergency services. DELWP is considering whether a requirement for what EMPs must contain should be prescribed in the Regulations.

51. Is the current process for developing EMPs appropriate? If not, how should it be changed?

52. Have you had difficulty developing a suitable EMP?

53. Would prescribed criteria for EMPs in the Regulations assist in their development, or could this be addressed by better guidance outside the Regulations?

The requirement to consult with emergency services is intended to ensure that caravan park owners who may have limited knowledge or experience with risk analysis can develop an effective EMP. However, this knowledge and experience can be found amongst private risk assessors and engineers.

54. Should caravan park owners have the option of using suitably qualified private individuals to develop an EMP on their behalf, instead of being required to consult with emergency services? What are the potential benefits and risks of this approach?

Currently, every EMP must include:

- a list of risk reduction measures

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<sup>1</sup> <https://www.climatechangeinaustralia.gov.au/en/climate-projections/future-climate/regional-climate-change-explorer/super-clusters/?current=SSC&tooltip=true&popup=true>

- emergency procedures that will be followed by the caravan park owner, including arrangements for communications, emergency response procedures and park evacuation
- emergency procedures that will be followed by the visitors or residents.

These procedures, along with any current emergency warnings, must be displayed in communal areas throughout the caravan park where they can be seen and understood by everyone in the park.

55. As a park owner, how do you ensure that residents and other park users have access to your park's EMP? Have you ever run a drill of your park's EMP? Why/why not?
56. As a park resident or user, do you have easy access to park EMPs? Have you ever participated in a drill of a caravan park EMP?
57. How often do emergencies occur in parks? Are EMPs useful for responding to emergencies?

### 3.5.2 Responsibility for decision-making

Councils are responsible for granting and renewing the registration of caravan parks within their municipalities. Under the Regulations, councils must have regard to a specific set of considerations before granting or renewing a park's registration, including the most recent fire safety report and whether the EMP complies with the requirements of the Regulations.

DELWP has been advised that councils frequently encounter challenges in adequately understanding and assessing these documents. This not only puts additional burden on council resources, it can also lead to inconsistent outcomes for caravan park owners depending on which municipal area they are operating in.

58. Should councils continue to be responsible for assessing EMPs and fire safety reports? If not, which body/bodies should be responsible?

## 3.6 Park amenities and occupant health

The requirements for amenities and maintenance in caravan parks are set out in Division 2 (amenities) and Division 4 (maintenance) of Part 3 of the Regulations. The current requirements apply to all caravan parks, although some specific requirements such as those for sanitary and laundry facilities exempt sites with dwellings that have their own facilities.

Note that Part 4 and Part 4A of the Residential Tenancies Act contain provisions relating to site maintenance and safety. However, these only apply to caravan parks that contain residents.

### 3.6.1 Amenities for each category of park

**Section 3.1.1** explored the proposal of different categories of registration to better recognise the diversity of the sector. If registration categories were introduced, the Regulations would need to specify the amenities required for each category of park.

DELWP is interested in stakeholder feedback on what these requirements should be. The primary objective is to ensure the health and safety of occupants. However, ensuring access to adequate amenities for residents and reducing the burden on operators will also be taken into account.

#### 3.6.1.1 Bush/primitive parks

Because this category would aim to regulate basic bush or farm campsites and movable dwelling parking spaces, it is intended that users would have the capacity to be self-reliant for basic



requirements such as water and waste removal, although in some cases limited water, toilets and showers may be provided.

59. Is it necessary to require any facilities be provided for bush/primitive camping? Why/why not? Should this be different for private land where limited camping is offered?
60. If no facilities were required, would a 'leave no trace' or similar policy requiring users to properly dispose of or remove all waste be necessary to reduce risks to the public and environment?

### **3.6.1.2 Tourist parks**

The tourist park registration category would capture traditional commercial caravan parks but exclude parks that contain any residents. Facilities would be modelled on the requirements in the Regulations, which include one toilet and shower for every ten sites (or part thereof), a supply of hot water to shower and laundry facilities and lighting in common areas.

61. Is it necessary to require a minimum number of toilets and showers for tourist parks? Would removing the minimum requirement present a public health risk, or would parks be likely to continue supplying facilities anyway?
62. Are the current requirements for amenities appropriate for tourist parks – e.g. lighting, rubbish facilities, number of facilities? Should any additional amenities be required, or should any existing requirements be removed?

### **3.6.1.3 Mixed use parks**

The category of mixed use would apply to those parks that are currently traditional commercial caravan parks that also include residents. The intent of this proposed category is to ensure that an appropriate standard of living and facilities is provided for residents, while acknowledging that the park may be primarily operating as a commercial short-term caravan park. Amenities such as rubbish facilities and lighting in shared spaces could be the same as those required for the tourist park category, while facility requirements for sanitary purposes could be required to be provided for residents.

63. What requirements are necessary for parks which include residents to ensure an appropriate standard of living?
64. Are many movable dwellings rented at caravan parks by residents which do not include a toilet, shower or washing machine? Can you provide examples?

### **3.6.1.4 Residential parks**

A category for residential parks would include residential and lifestyle parks, and both residents who own their dwelling as well as those who rent their dwelling from the park owner or from a third party.

The primary consideration for these types of caravan park is to set an appropriate standard of living for residents. However, this category of registration would also recognise that, in many cases, dwellings contain their own facilities and it is not necessary to provide shared facilities.

65. What facilities should be required for this type of park (if any)? How many of each item should be required?
66. Could you provide any examples of dwellings in residential parks which do not contain their own sanitary facilities?

### 3.6.2 Safe and adequate water supply

In the current Regulations, park operators are not required to supply drinking water. The only requirement is that water provided for drinking is of an appropriate standard. Some stakeholders have suggested that the provision of an adequate supply of drinking water should be a mandatory requirement for parks, as it is for prescribed accommodation.

Issues with water supplied for showers and washing facilities have also been identified by stakeholders, with reports of untreated water being supplied in sanitary blocks for use at wash basins and in showers.

67. Should parks be required to supply reticulated drinking water? If categories of registration are introduced, should this requirement apply to all categories or should some categories of parks be excluded?
68. If reticulated drinking water was required to be supplied, what impact would this have on parks? Please provide details.
69. Should a minimum standard of water quality be required for water provided for showers and washing facilities?

### 3.6.3 Cleanliness and maintenance of facilities

Stakeholders have raised concerns that, in some parks, facilities are not maintained and are often unhygienic or out of order. DELWP is considering introducing a requirement for park owners to ensure that any facilities provided meet a standard of cleanliness and functionality similar to requirements for prescribed accommodation in the Public Health and Wellbeing Regulations.

70. Should park owners be required to maintain all facilities in a clean, hygienic and functional state? Why/why not? How could this be defined and enforced?

Note that the Residential Tenancies Act contains similar requirements (sections 179 and 206ZW). However, these only apply to caravan parks that contain residents.

## 3.7 Duties

Regulation 19 sets out the duties currently required of park owners, including their duties to provide documents and information to guests and residents, and times they must be available at the caravan park office.

71. Is it necessary for the person responsible for the caravan park to be available at the office during office hours? Would removing this requirement create any risks?
72. Would it be adequate for the person responsible for the caravan park to be available by phone, or for an alternative person (such as a staff member) to be available instead?
73. Should any of the current requirements in regulation 19 be removed? Why/why not?

Some stakeholders have raised concerns with the safety and maintenance of shared spaces in caravan parks, such as open park areas and playgrounds. DELWP is considering imposing a duty on park operators to require them to maintain communal spaces and short-term sites in a functional and safe condition.

74. Do you agree with the proposal to place a duty on operators to maintain communal spaces? Why/why not?
75. Have you experienced any issues with the safety or maintenance of shared spaces in a caravan park? If yes, please provide details.

Note that the Residential Tenancies Act contains similar requirements (sections 178 and 206ZV). However, these only apply to parks that contain residents.

### **3.8 UMD standards, construction and installation**

The Regulations set out both the build standard and installation process for UMDs. Note that these do not apply to RMDs (e.g. caravans), which are governed by national standards.

#### **3.8.1 Approval process for construction and installation**

The process for constructing and installing movable dwellings is essentially one of self-certification. A person or manufacturer who constructs a UMD must affix a compliance plate to the front of the dwelling which includes a statement that construction standards have been complied with. There is no requirement for an independent assessment that the standards have been met.

Councils often assess dwellings for compliance with the standards in the Regulations as part of issuing registration. However, in practice this often falls to Environmental Health Officers who are not equipped to assess the construction of dwellings. Similarly, with the installation of dwellings, installation certificates are issued by the person who installs the dwelling – who may be the owner of the UMD manufacturer – with no independent assessment being carried out.

76. Is the current method of self-certification sufficient for ensuring compliance with the Regulations? Why/why not? Please provide any examples of non-compliance with the Regulations, and of the harms/problems that have resulted from this non-compliance.
77. If you believe that the current method of self-certification is not sufficient, who should be responsible for certifying compliance for the construction and installation of UMDs?
78. Should councils play a role in approving the installation of UMDs, or is notification of installation sufficient?
79. Should any other requirements for construction or installation be changed, removed or implemented?

Luxury camping tents are often constructed and remain standing for extended periods of time. Stakeholders have raised concerns about occupant health and safety in these dwellings, as there are currently no standards for their construction.

80. Should luxury camping tents which remain constructed for ongoing periods of time be required to meet certain requirements? If yes, what should these requirements be? What would the likely costs and benefits of these requirements be?
81. Are there other issues associated with luxury camping tents which remain constructed for ongoing periods of time?
82. What are the risks to health/safety if luxury camping tents do not meet certain requirements, or remain constructed for ongoing periods of time? Please provide details.

### **3.8.2 Standards for UMDs**

#### **3.8.2.1 Design and construction**

Schedule 3 of the Regulations sets out the design and construction requirements for the manufacture of UMDs. Because a UMD shares the same characteristics of a normal dwelling, the majority of these requirements have been incorporated directly from the National Construction Code (NCC). However, there are several requirements in the NCC that are not mandatory for UMDs, including:

- termite control
- masonry construction
- bushfire area requirements
- sanitary facilities
- swimming pool requirements
- energy efficiency standards.

Some of these, such as energy efficiency and bushfire requirements, are excluded because they are covered elsewhere in the Regulations or, like the swimming pool requirements, are simply not relevant. However, NCC requirements that relate to sanitary facilities, such as a private toilet and facilities to prepare and cook food, may be appropriate for UMDs in certain parks, such as those catering to long term residents, but could remain optional for UMDs in tourist parks.

83. Should UMD construction be required to meet more of the requirements in the NCC that apply to conventional dwellings?

The Regulations require a minimum floor area for a UMD that is used by a resident to be at least 15 square meters. This requirement only applies to UMDs that are being used as someone's primary place of residence. It does not extend to UMDs that are being used by short stay tourists.

According to the Australian Bureau of Statistics, 15 square meters is significantly smaller than the average Australian free-standing home. Even allowing for the fact that an apartment must provide additional facilities for residences not required in a UMD and that the total area can be expanded by adding an annex, this is still a very confined space to function as someone's primary residence.

84. Is a minimum size requirement for UMDs required? Should the minimum required size of UMDs be expanded or reduced? What impact/benefit could this have?

### 3.8.2.2 Energy efficiency

The Regulations set a minimum for the energy efficiency that all UMDs must meet. This is expressed in terms of an 'R-Value' number, or the thermal resistance of the building component calculated by dividing its thickness by its thermal conductivity. The higher the R-Value the more energy efficient the dwelling is. The requirements under the Regulations are similar to, but not as strict, as the energy efficiency requirements that apply to residential houses in NCC:

	Caravan Park Regulations 2010	NCC
Roof R-Value	3.3	4.1 – 5.1
Wall R-Value	1.5	2.4 – 2.8

85. Should standards for energy efficiency be lifted (noting that this is likely to increase the initial construction cost of UMDs but lower the living expenses of the occupants)?

### 3.8.2.3 Annexes

Many UMDs and caravans have annexes of varying size attached to them. The size and construction of these annexes is limited by the Regulations to be no larger than the size of the UMD or caravan it is attached to. They must be constructed of specified materials and comply with certain installation requirements.

86. Are the existing requirements for the design and construction of annexes still appropriate?

### 3.8.2.4 Universal design

Universal design is a design process that develops design solutions that are equitable, flexible, intuitive and easy to use for people with diverse abilities. The Victorian Government is committed to implementing the universal design approach by making the built environment usable for as many people as possible. The growing popularity of so-called 'lifestyle villages' demonstrates that increasing numbers of older Victorians are living in caravan parks. However, the Regulations do not currently require UMDs to adopt a universal design approach or to include universal design elements to meet the needs of those residents.



87. Should accessibility requirements/universal design be incorporated into UMD standards? What would the costs and benefits of this be? Could this create any risks for housing affordability or availability? Please provide details.

### **3.9 Out of scope issues**

While the following issues are outside the scope of this review, DELWP acknowledges that they are of concern to members of the public or industry. Each issue is discussed further below.

#### **3.9.1 Free, donation and recreation club camping**

Many stakeholders have raised confusion and concern over whether parks which offer free camping, camping by donation, or camping as part of an association membership are subject to the Regulations and need to be registered. In particular, there seems to be confusion in relation to recreational associations (for example, boating or sports clubs) which allow members to camp or park caravans on club property. There have been examples of some clubs falling under the definition of caravan park, while other clubs within the same municipality have fallen outside the definition, as a result of the different ways that clubs charge fees.

Parks will require registration under the Regulations if they meet the definition of ‘caravan park’ in the Residential Tenancies Act, and none of the exemptions in section 512 of the Act apply. The exemptions include that the park operates for a limited period to house seasonal agricultural workers, to house workers engaged in short-term construction jobs, or parks that operate in conjunction with a festival or similar event.

As payment for an overnight stay must be made for a park to be considered a ‘caravan park’ and for the Regulations to apply, parks which offer camping/movable dwelling parking for free or by donation are not required to be registered. Likewise, recreational associations which offer camping/movable dwelling parking for members as part of their membership fee are not required to be registered. However, associations which offer this service for an additional fee, or to the public for a set fee, will be considered caravan parks and must register with their local council.

Because this distinction is based on the definition of ‘caravan park’ in the Residential Tenancies Act, camping offered for free or by donation cannot be brought under the Regulations as part of this project. However, DELWP notes the feedback that has been received on this issue and will consider whether a change to the definition is necessary in the future. DELWP will also consider whether the Regulations need to be clearer about which parks must be registered.

#### **3.9.2 Clarification of definitions**

Some definitions in the Residential Tenancies Act, particularly ‘movable dwelling’, ‘caravan’ and ‘Part 4A dwelling’, have been identified by stakeholders as being confusing, and in some cases, contradictory. While DELWP acknowledges these issues, changes to the Act are outside the scope of this review. DELWP notes the feedback that has been received on this issue and will consider whether changes to the definitions are necessary in the future.

## Appendix A Consultation questions

1. Do you support the proposal to introduce categories of registration?
2. What benefits or drawbacks could the introduction of categories of registration have?
3. Do the categories suggested above cover all types of park? If not, how should they be changed?
4. What criteria could be used to distinguish between categories to ensure that they are only used for the type of park they are intended for?
5. Does the use of tiny houses as primary residences involve risks that are not adequately addressed at present?
6. Should any aspect of construction standards or ongoing management arrangements for tiny houses be dealt with by the Regulations? If so, what should these be?
7. How should luxury camping be defined? What factors distinguish luxury camping from traditional camping?
8. What are the specific issues and risks associated with luxury camping? What, if anything, would need to change in the current framework to account for these issues and risks?
9. If you are a private landowner, have you had difficulty gaining or attempting to gain registration as a caravan park? Alternatively, did you find this process straightforward?
10. If you found gaining registration difficult, what were the reasons for this?
11. Are the health and safety risks associated with camping on private land and bush parks different to the risks in traditional caravan parks?
12. How are health and safety risks on private land and bush parks mitigated currently?
13. What, if any, changes could be made to the Regulations to simplify, clarify or improve requirements that must be complied with and who enforces compliance? Would changes also be required in other regulations to support this?
14. Should there be a mechanism for residents and tourists to seek action on non-compliance with the Regulations? If so, what should this be?
15. Do you believe that the industry as a whole is currently fully compliant, and would remain so without the need for registration renewal? If possible, please provide evidence to support your answer.
16. What should the registration period be? Please provide reasons.
17. What has been the impact (if any) of the change from a one to three-year registration period?
18. If the registration period was lengthened, do you have any suggestions for how councils could ensure compliance during the longer period?
19. Is perpetual registration and/or self-regulation a feasible option? How could risks of non-compliance be mitigated under these options?
20. Is the specified end date of registration (currently 31 December) still appropriate, or should the end date be based on the date the application is approved? Please provide reasons.

21. Are any of the documents required for registration no longer necessary?
22. Should anything else be included in applications?
23. If documents have not changed since the initial registration, is there any need for them to be supplied again with the renewal?
24. Should anything else be different for renewal?
25. Do councils have difficulty processing all applications and issuing renewal certificates within the three-month period? If so, what are the reasons for this?
26. In the event of an application not being processed by 31 December, should registration continue until council has assessed the application? Would this raise any issues?
27. Are there any other ways this issue could be dealt with, for example, temporary registration?
28. Are schedules of works agreements useful tools for bringing parks into alignment with registration requirements? Why/why not?
29. Should the consequences for failing to comply with a Schedule of Works be strengthened?
30. Should restrictions be placed on which requirements can be met using a schedule of works, and how long parks have to complete works? Why/why not? If yes, what should these be?
31. Should any other party, such as emergency services or park residents, be involved in agreeing to a schedule of works?
32. Should the Regulations provide for conditional registration, which can be revoked if conditions (e.g. compliance with a schedule of works) are not met?
33. Should the Regulations provide for temporary registration, which can be revoked if conditions (e.g. compliance with a schedule of works) are not met?
34. Would conditional or temporary registration create any foreseeable issues for parks or councils? If yes, what would these be?
35. Should the Regulations specify requirements for inspections? Why/why not? What impacts could this have?
36. If the Regulations were to specify requirements for inspections, what should these requirements be?
37. Could an alternative approach, such as non-regulatory guidance material for councils, achieve the desired outcomes?
38. Have you experienced uncertainty about whether a caravan park should be registered under the caravan park or public health regulations? Can you please provide a description of the caravan park or accommodation, and why it was unclear which regulations applied?
39. Do the current fees appropriately reflect the cost to councils and fire authorities in carrying out these functions? If not, what are the costs of carrying out these functions and what is the gap?
40. Are there any reasons that the fees should be set at a level above or below full cost recovery?
41. Are the current methods for calculating fees the most appropriate way of determining cost? If not, what are appropriate alternatives?
42. Do you believe that the requirements in the CFA Guideline are appropriate?

43. Have you ever had problems interpreting or understanding the requirements in the CFA Guideline?
44. Is it still appropriate that caravan parks are not required to meet current minimum distance requirements for pre-existing structures, or should parks be required to meet current distance requirements when structures are replaced? Please provide reasons.
45. Should the Regulations have different fire protection requirements depending on the type of park (e.g. the categories suggested in **Section 3.1.1**)? If yes, what should these be?
46. Should park owners be required to provide a fire safety report?
47. If so, should caravan parks be required to update their fire report after a given period, or after alterations/upgrades are made to the park?
48. If registration categories were introduced, should requirements for fire safety reports be different for different categories of caravan park?
49. Is the requirement for caravan park owners to notify new residents that the area is liable to flooding still appropriate? Should it be strengthened? Please provide reasons.
50. Should any other requirements relating to flood risk be prescribed in the Regulations?
51. Is the current process for developing EMPs appropriate? If not, how should it be changed?
52. Have you had difficulty developing a suitable EMP?
53. Would prescribed criteria for EMPs in the Regulations assist in their development, or could this be addressed by better guidance outside the Regulations?
54. Should caravan park owners have the option of using suitably qualified private individuals to develop an EMP on their behalf, instead of being required to consult with emergency services? What are the potential benefits and risks of this approach?
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73. Should any of the current requirements in regulation 19 be removed? Why/why not?
74. Do you agree with the proposal to place a duty on operators to maintain communal spaces? Why/why not?
75. Have you experienced any issues with the safety or maintenance of shared spaces in a caravan park? If yes, please provide details.
76. Is the current method of self-certification sufficient for ensuring compliance with the Regulations? Why/why not? Please provide any examples of non-compliance with the Regulations, and of the harms/problems that have resulted from this non-compliance.
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