

## 1. Occupation Agreements

- a. The use of holiday vans for long-term casual occupation for holiday purposes in caravan parks is subject to the Holiday Parks (Long-term Casual Occupation) Act 2002. The Office of Fair Trading has responsibility for day-to-day administration of this Act. As such all holiday van owners located within Council's Tourist Parks must have in place a signed Occupation Agreement.
- b. After the initial 3-month fixed term period. Further:
  - i. Existing occupation agreements cannot be reassigned to another party.
  - ii. A maximum of two primary site holders can be recorded on an occupation agreement.
  - iii. No new site holders can be added to an occupation agreement as this is considered a transfer of the agreement.
  - iv. Removal of a site holder from an occupation agreement must be made in writing with approval from both the Park Owner and the Occupant. In the event of the death of a party to the occupation agreement, a death certificate will be required.

## 2. Change of Address

- a. Occupants are required to advise the Park Supervisor in writing within 7 days of a change of residential address and provide appropriate evidence to verify the change of address.

## 3. Compliance

- a. Holiday van sites will be subject to an annual site inspection to ensure compliance with the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021, Occupation Conditions and Park Rules.
- b. Vans that do not comply with the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021 will be provided three months to rectify the noncompliance, at their cost. If compliance is not reached during this period a notice of termination may be issued.
- c. Vans that do not comply with the Minimum Standards and/or Park Rules or these additional terms of occupation will be notified of being in breach of the relevant condition/s and provided a timeframe to remedy at their cost. If the breach is not remedied within the given timeframe, a notice of termination may be issued.
- d. No compensation will be paid to any holiday van owner for any costs associated with work required to achieve compliance with either the regulation, minimum standards, or park rules.
- e. All holiday van owners will be required to provide certification every five years from the date that last one was completed, a certified building inspector to demonstrate that all structures continue to comply with the standards as set out in the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021.

## 4. Electrical Testing & Tagging

- a. Testing and tagging of the lead from holiday vans and RCD (Residual-current Device) within each van must be completed on a yearly basis in accordance with Australian Standards.
- b. Council will facilitate the testing and tagging of the power lead connected to the site powerhead from individual vans. This is to ensure compliance to the Australian Standard.
- c. Any lead found to be non-compliant will be disconnected immediately. Owners will be notified of any disconnection and will be required to replace the power lead at their own expense. New leads must be reported to the Park Supervisor with proof of purchase. The new lead will then be tagged as new in service by the site controller.
- d. Holiday van owners are required to submit Annual Trip Test to confirm RCD testing has been undertaken and a pass result achieved on a yearly basis. The power provided to holiday vans are through 15Amp connections and the maximum internal RCD within vans is 16Amp.
- e. If testing outcome is not provided a notice of termination will be issued.

## 5. Insurance

- a. The occupant must obtain and keep current an insurance policy covering liability to the public in an amount not less than \$10,000,000 in relation to the site and provide to the Park Supervisor, not later than the beginning date and on each subsequent anniversary of this agreement, a copy of the Insurance Policy noting such Public Liability Insurance coverage and the receipt for the last premium. If not provided, termination will be issued.

## 6. Fire Protection

- a. Holiday van owners must ensure their caravan and associated structures are fitted with:
  - i. a smoke alarm in both the caravan and annex area
  - ii. dry chemical extinguisher
  - iii. a fire blanket
- b. These must be certified by qualified Fire Protection contractor on a yearly basis and provided to the Park. If certification is not provided termination will be issued.
- c. Roofs and gutters on the site must also be regularly cleaned to ensure the build-up of combustible materials, such as leaves, and twigs does not occur.

## 7. Minimum Maintenance Standards - Caravans, Annexes and Associated Structures

Holiday van owners are expected to maintain all structures installed on their sites in good working order, and to a standard that is safe for occupation, appears well maintained and shows no unreasonable signs of deterioration or degradation. The following minimum standards apply to holiday van owners with respect to general maintenance and upkeep of structures contained on site:

- a. Caravans are to be maintained so that they are registrable under the Road Transport (Vehicle Registration) Regulation 2017 (except where an application for exemption has been received prior to 1 January 2021) this includes the maintenance and storage of a drawbar on site for inspection if required and fixture of running gear.
- b. All timbers used on site must be of a treated variety.
- c. Skirting and cross flow ventilation around the base of the caravan is to be maintained and in good working order and without signs of deterioration.
- d. All structures should be free of flaking paint and be repainted when required in a colour appropriate to the van and annex and consistent with the park theme.
- e. All structures including concrete and pavers to be cleaned regularly so as to remove and prevent the build-up of dirt, grime, mould, and moss.
- f. Structures and equipment stored around the site are to be maintained so that they are free of visible rust and signs of deterioration and adequately repaired when required. This includes any gas bottles or barbeques stored on the site.
- g. Roofs and gutters are to be regularly maintained to prevent and remove the build-up of combustible materials.
- h. All fixtures including windows, doors, seals, flyscreens, blinds, shade cloth and the like are to be maintained in good working order and appear to be well maintained without rust, cracks or visible signs of deterioration.
- i. Maintenance (other than minor repairs), installation of new structures or modification of existing structures requires the submission of Holiday Van Works Application Form and prior written approval of Park Management and/or Council.

## 8. Minimum Maintenance Standards - Gardens and Lawns

The maintenance of gardens and lawns contained within the boundaries of holiday van Sites are the responsibility of the holiday van owners. The following minimum standards apply to holiday van owners with respect to gardens and lawns:

- a. Lawns are to be regularly mowed and edged so as maintain a grass height under 100mm from ground level across the site and surrounding any structures contained on the site.
- b. Existing trees, shrubs, and garden beds are to be regularly pruned and maintained weed-free, dead leaves and excess debris removed.
- c. Screening plants/trees/shrubs obstructing a clear view of road users are to be maintained at a height not exceeding 600mm and must not encroach on other sites or boundaries.
- d. Grass clippings, leaves and other green waste is to be placed in a green waste bin located at the park or can be taken to Councils waste management centre at Whyte's Gully.
- e. The installation of new gardens and garden beds requires the submission of Holiday Van Works Application Form and prior written approval of Park Management.
- f. Fencing - no boundary fencing including lattice structures, or the like are permitted on or around the van or the site
- g. Waste - Any household waste item/material that cannot fit into a 20ltr drum/bucket cannot be placed in the Tourist Parks bins.

## 9. Condition of Holiday Van Site When Not Occupied

When Holiday Van Sites are not occupied (i.e. not a registered stay or visit), Holiday Van Owners are required to leave their site in a condition that is safe, secure and tidy. The following minimum standards apply to Holiday Van owners with respect to the condition of sites when unoccupied:

- a. Sites are to be free from visible clutter and the storage of building materials, loose items and rubbish around the site is not permitted.
- b. Items that may pose a safety risk in adverse weather conditions must not be stored around a site and should be placed in a secure and contained area that is out of view.
- c. Electrical and Water supply is to be isolated at the mains, cords and hoses are to be stored or secured so as to not pose a risk to other park users or staff.
- d. The storage of any other vehicles on the site when the site is unoccupied is not permitted.
- e. Any temporary structure such as clothes lines, blinds or temporary shade are to be retracted and securely stowed.
- f. There are to be no items remaining within 2.5 metres of a neighbouring structure when sites are unattended.

## 10. Modifications to Holiday Van Sites

- a. Any proposed modification of a Holiday Van site must be approved by the Park Supervisor PRIOR to any work commencing. This requirement relates to ALL holiday van owners. Following notification, the Park Supervisor will advise the process in which to proceed.
- b. Works that require approval include (but are not limited to): Enclosure of a carport; extensions to a deck or annex; fences or rigid privacy screens/doors or louvres; demolition and replacement of an existing structure; and moving an existing structure from one location to another.
- c. An approval pursuant to Section 68 of the Local Government Act 1993 is not required (however Park Supervisor approval is still required) for: fabric adjustable blinds; pervious shade cloth; driveways; or paving which does not alter existing ground levels.
- d. Any modification will be required to be compliant with the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021.
- e. Following completion of any works, a notice of installation must be completed within seven days

## 11. Termination

- a. When a Holiday Van owner relinquishes their site and removes their van from the site, it will be the responsibility of the van owner to ensure that the site is returned to its natural state (i.e. all structures including concrete slabs are removed from the site), whether these were installed prior to or after locating on the site.
- b. Notice periods for termination are as per the occupation agreement.

## 12. Transfers

- a. Holiday van owners may transfer to another van within the park providing:
  - i. Applications are submitted in writing and confirmed by the Park Supervisor before any site changes are made
  - ii. One van is to be removed
  - iii. The van remaining is fully compliant with the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021
  - iv. The occupation agreement is transferred with no changes to agreement holders being able to be made
  - v. The van being transferred to is NOT located on a prime site or within the identified master plan zone for the park.
  - vi. All site fees are paid for all sites involved in the transfer.

## 13. No Sale Policy

- a. The sale of Holiday Vans is not permitted whilst occupying a site. No Holiday van owner may sell their van to a third party, unless facilitated under the transfer's clause.
- b. Any Holiday Van owner found to have sold their annual van to a third party will have their occupation agreement terminated.

#### 14. Maintenance - Hot Works

- a. Any grinding, welding, thermal or oxygen cutting will require a hot works permit prior to any works commencing.

#### 15. Asbestos

- a. Any caravan, annex or associated structure installed prior to 1985 will require a certification clearing it of asbestos prior to any works/removal occurring.

#### 16. CCTV

- a. The installation of CCTV requires prior written approval from the Park Supervisor.
- b. Any CCTV being utilised by a holiday van owner must only be directed to the personal belongings of that owner. Any CCTV installation must be noted on the occupation agreement for that site and Council reserves the right to access any CCTV footage if required.

#### 17. Length of Stays

- a. Holiday van owners may occupy their site for a maximum of 180 days within a financial year.
- b. Stays of six hours or more within a 24-hour period are considered overnight and count towards the maximum 180 days.

#### 18. Visitors to Holiday Van Sites

- a. Those listed on the Occupation Agreement are responsible for ensuring that all visitors to the site understand and comply with all Park Rules. Any noncompliance with Park Rules or Occupation Agreement conditions by a visitor may lead to termination of the Occupation Agreement.
- b. Holiday van owners are required to provide prior written permission to the Park if persons other than those listed on the Occupation Agreement are staying or visiting without those listed on the Occupation Agreement being present. To provide permission, holiday van owners are to contact the park by email from the registered email address prior to others being permitted to enter the park.

#### 19. Parking

- c. All holiday van sites are required to maintain their allocated parking space with a 6m x 3m area for the parking of a vehicle.

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