

1. Occupation Agreements

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.

After the initial twelve-month fixed term period, occupation agreements will be extended on a month-to-month basis, however there is no guarantee that this will be offered or executed into the future. Further:

- Existing occupation agreements cannot be reassigned to another party unless the sale of holiday van process is completed.
- A maximum of two primary site holders can be recorded on an occupation agreement.
- No new site holders can be added to an occupation agreement as this is considered a transfer of the agreement.

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

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. This must be completed in person at the park with proof of new address to be provided.

3. Compliance

- 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.
- 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.
- 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.
- 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.
- All holiday van owners will be required to provide certification every five years from 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

- 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.
- 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.
- 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.
- 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 must not exceed 16Amp.
- If testing outcome is not provided a notice of termination will be issued.

5. Insurance

The occupant must obtain and keep current an insurance policy covering liability to the public in an amount not less than \$20,000,000 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

As our parks are located on Crown Land, the Crown Lands Fire Protection Policy applies and therefore all holiday van owners must ensure their caravan and associated structures are fitted with:

- a minimum of one smoke alarm
- dry chemical extinguisher
- a fire blanket

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.

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. Termination

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.

Notice periods for termination are as per the occupation agreement.

8. CCTV

The installation of CCTV requires prior written approval from the Park Supervisor.

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.

The occupant agrees that the park owner may install closed circuit television, or any other surveillance device, in any part of the park, other than in the shower and toilet areas of the amenity block.

9. Length of Stays

Holiday van owners may occupy their site for a maximum of 180 days within a financial year.

Stays of six hours or more within a 24-hour period are considered overnight and count towards the maximum 180 days.

10. Visitors to Holiday Van Sites

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.

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.

11. Not to carry on business

The occupant agrees not to carry on or conduct business or any commercial enterprise on site or at the holiday park.

12. Parking

All holiday van sites are required to maintain a 6m x 3m area for the parking of a vehicle within their site boundary. Any visitors to your site who have paid for parking must also be housed wholly within your site. Additional vehicles will not be accommodated elsewhere within the parks.

13. Acknowledgment of Occupant's Property

The occupant agrees any dwelling, associated structure, shed, driveway, pathway, retaining wall or any structure or fixture including but not limited to hardscape (for example, paths, driveways and concrete slabs) or landscape on the site, and any plumbing or wiring that connects the occupant's dwelling or any of the occupant's structures to the utility services provided by the park are the **property of the occupant**.

14. Responsible Parent or Guardian to Supervise

Within the meaning of the Civil Liability Act 2002, the occupant agrees not to permit the site to be occupied by an incapable person or to permit an incapable person to engage in a recreational activity unless the incapable person or persons are under the control of or accompanied by another person. [incapable person means a person who, because of the person's young age or a physical or mental disability, lacks the capacity to understand the risk warning.]

Within the meaning of the Civil Liability Act 2002, the occupant agrees to release and indemnify the park owner against any claims made by an incapable person who suffers harm as a result of engaging in a recreational activity in, on or near the site while under the control of or accompanied by another person.

15. Risk Warning About Recreational Activities

Within the meaning of the Civil Liability Act 2002, the park owner warns the occupier and other persons who engage in any recreational activity, within the meaning of the Civil Liability Act 2002 in, on or near the site, that the pursuit of such activities may result in harm or personal injury. All persons who engage in a recreational activity do so at their own risk. Recreational activity is defined in the Civil Liability Act 2002 to include: (a) any sport (whether or not the sport is an organised activity), and (b) any pursuit or activity engaged in for enjoyment, relaxation or leisure, and (c) any pursuit or activity engaged in at a place (such as a beach, park or other public open space) where people ordinarily engage in sport or in any pursuit or activity for enjoyment, relaxation or leisure.

16. 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:

- Sites are to be free from visible clutter and the storage of building materials, loose items and rubbish around the site is not permitted.
- 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.
- Electrical and Water supply is to be isolated at the mains, cords and hoses are to be stored or secured to not pose a risk to other park users or staff.
- The storage of any vehicles on the site when the site is unoccupied is not permitted.
- Any temporary structure such as clothes lines, blinds or temporary shade are to be retracted and securely stowed.
- There are to be no items remaining within 2.5 metres of a neighbouring structure when sites are unattended.

17. Modifications to Holiday Van Sites

Any proposed modification of a holiday van owner's site must be approved by the Park Supervisor PRIOR to any work commencing. This requirement relates to ALL holiday van owners. A completed Holiday Van Works Application Form should be submitted to the park supervisor for assessment via email holidayvans@wollongong.nsw.gov.au. Following review, the Park Supervisor will advise the process in which to proceed.

- Works that require Council approval include (but are not limited to): Deck, carport or annex installation; rigid privacy screens/doors or louvres; demolition and replacement of an existing structure; any plumbing works and moving an existing structure from one location to another.
- 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.
- Any modification will be required to be compliant with the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021.
- Following completion of any works, a notice of installation must be completed within seven days
- Any caravan, annex or associated structure installed prior to 1985 will require a certification clearing it of asbestos prior to any works/removal occurring.
- Any grinding, welding, thermal or oxygen cutting will require a hot works permit prior to any works commencing.

18. 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:

- 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.
- All timbers used on site must be of a treated variety.
- 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.
- 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.
- 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.
- 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.
- Gas bottles must be checked in accordance with legal requirements at least every 10 years and date stamped.
- Roofs and gutters are to be regularly maintained to prevent and remove the build-up of combustible materials.
- 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.
- 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.

19. 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:

- 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.
- Existing trees, shrubs, and garden beds are to be regularly pruned and maintained weed-free, dead leaves and excess debris removed.
- 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.
- 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.

- The installation of new gardens and garden beds requires the submission of Holiday Van Works Application Form and prior written approval of Park Management.
- Fencing - no boundary fencing including lattice structures, or the like are permitted on or around the van or the site
- Waste - Any household waste item/material that cannot fit into a 20ltr drum/bucket cannot be placed in the Tourist Parks bins.

20. Prime Sites

Prime Sites are identified by the NSW Department Planning Industry & Environment – Crown Land Division on our Ministers Concurrence which is issued to renew Council’s Licence to Operate.

No holiday van owner located on a site considered by Crown Land as ‘prime sites’ will be allowed to transfer ownership of their van.

No new holiday van owner will be permitted to be located on sites considered by Crown Land as prime sites.

Prime Sites currently occupied by holiday van owners include:

- Bulli & Windang – Nil
- Corrimal – C2, C6, C14, C15

21. Endorsed Long Term Casual Sites

Council may identify areas of the park for long term casual sites only. If a current holiday van site is not located in one of these areas, Council may require you, at the end of your fixed term, to relocate or remove your holiday van from the tourist park, at your expense.

22. Site specific constraints

Each tourist park holds an approval to operate licence. This licence provides details on restrictions that must be adhered to under the licence. These are included below for your information:

Bulli

- a. The property subject to this license is located on flood liable land identified as Uncategorised Flood Risk Precinct.
- b. The site is identified as being in a coastal zone and may be affected by future tidal inundation.
- c. Council’s records indicate the site is affected by Aboriginal Heritage.
- d. Council’s records indicate that the site is affected by Acid Sulphate Soils.
- e. The operation of the premises is the subject of a Section 82 variation consideration, with concurrence given by NSW Departmental Executive Chief on 10 March 2017 (Council registered reference Trim Doc No. Z17/93288). Variation granted to the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021 applies to:
- f. Clause 165 – Running gear
 - The variation is limited to existing caravans on sites 140, 141, 142, 143, 144, 145, 146, 147, 148, 150, 151 and 152. The variation ceases once the existing caravan is removed.

Corrimal

- a. The property subject to this license is located on flood liable land identified as being in a Medium/High Flood Risk Precinct
- b. The land is recorded in Council's records as bushfire prone land.
- c. Council’s records indicate that the site is affected by Acid Sulphate Soils.
- d. The site is identified as being in a coastal zone and may be affected by future tidal inundation
- e. In the event of any holiday vans on designated “Prime” sites being vacated by the present occupants, such sites must revert to either park van, tourist or camp site.
- f. The operation of the premises is the subject of a Section 82 variation consideration, with concurrence given by NSW Departmental Executive Chief on 10 March 2017 (Council registered reference Trim Doc No. Z17/93288). Variation granted to the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021 applies to:

- g. Clause 165 – Running gear
 - a. The variation is limited to existing caravans on sites W3, W4, W5, W7, W8, W9, W10, W11, W12, W14, W17, W18, W23, W24, W25, W26, W27, W30, W31, W33, BB01, BB04, BB05, BB06, BB07, BB08, H2, H4, H5, H8, H9, H10, H11, H13, H14, H16, G1, G2, G4, G6, G7, G10, G11, G12, G13, G17, G21, G23, G24, G26, G28, G30, G32, G34, G36, B3, B4, B5, B6, B7, B9, B11, C6. The variation ceases once the existing caravan is removed.

Windang

- a. The property subject to this license is located on flood liable land. The Lake Illawarra Floodplain Risk Management Study dated January 2012 identifies this property as being in a Low/Medium Flood Risk Precinct. A flood evacuation plan is in place for Windang Tourist Park. Holiday van owners must ensure that they comply with all areas of the plan to ensure everyone's safety in the event of a flood.
- b. The land is recorded in Council's records as bushfire prone land.
- c. Council's records indicate the site is affected by Aboriginal Heritage.
- d. Council's records indicate that the site is affected by Acid Sulphate Soils.
- e. The site is identified as being in a coastal zone and may be affected by future tidal inundation
- f. The operation of the premises is the subject of a Section 82 variation consideration, with concurrence given by NSW Departmental Executive Chief on 10 March 2017 (Council registered reference Trim Doc No. Z17/93288). Variation granted to the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021 applies to:
- g. Clause 165 – Running gear
 - a. The variation is limited to existing caravans on sites 145, 167, 168, 169, 170, 173, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 188, 189, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 211, 212, 213, 218, 219, 220, 221, 222, 223, 224, 225, 240, 241, 242, 243, 244, 245, 247, 248, 251, 252, 254, 255, 256, 257, 258, 259, 260, 261, 263 and 348. The variation ceases once the existing caravan is removed.