

Disclaimers: This information was believed to be correct at the date of its publication. This information is for general information purposes only and should not be relied upon for legal advice.

The owning of a holiday van can be a rewarding experience however you must understand there are several regulations that govern your occupancy of a dwelling site within our tourist parks. Most importantly you must understand that you own the holiday van, annex and its associated structures only, and the land in which it sits is provided to you under an occupation agreement. Council may at any time in accordance with the below regulations request you remove the holiday van, annex and its associated structures from the park, by giving the appropriate notices.

Holiday Parks (Long-term Casual Occupation) Act 2002

The Holiday Parks (Long-term Casual Occupation) Act 2002 details your rights and responsibilities under the occupation agreement which you must sign to commence occupation within the tourist parks.

It includes (but not limited to) information on:

- Part 3: Rights of prospective occupants of holiday parks to be provided with information.
- Part 4: Occupation Agreements
- Part 5: Occupation Fees
- Part 6: Rules for casual occupants
- Part 7: What if something goes wrong?

Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021

The LG Regulation 2021 (Regulation) guides the operations of tourist parks and sets out the rules and regulations on what holiday van owners can and can't do on their site. In summary the Regulation states:

- **Definitions:**
 - *Caravan (Holiday van):* means a moveable dwelling designed to be capable of being registered as a trailer
 - *Annex:* means a moveable dwelling that is—
 - an attachment to a relocatable home or caravan, and
 - used as an extension of the habitable area of the relocatable home or caravan, and
 - capable of being erected or removed within 24 hours.
 - *Associated structure:* a carport, garage, shed, pergola, veranda or other structure designed to enhance the amenity of a moveable dwelling and attached to or integrated with, or located on the same site as, the dwelling concerned, or a separating wall between 2 moveable dwellings.
 - *Holiday van:* means a moveable dwelling, other than a tent—
 - usually located on a short-term site, and
 - used primarily by the owner of the moveable dwelling for occasional occupancy for holidays.
- **Holiday van owners must ensure that:**
 - SEC 73: The owner of a holiday van that occupies a short-term site is permitted to stay in the holiday van for a total of no more than 180 days in any 12-month period.
 - SEC 121: All arrivals and departures are notified to reception and a registration form is completed for each visit.
 - SEC 161 (2): A parking space measuring 6m x 3m must be maintained on each holiday van site and accessible from an access road.

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- SEC 161 (1): The holiday van and any associated structures (including annex's) must occupy no more than 65% of the area of the site
- SEC 163: Only one caravan is installed on a single dwelling site
- **Holiday van owners must ensure that their van, annex and associated structures are:**
 - SEC 160 9a): No closer than one metre to internal roadways
 - SEC 160 (b): No closer than two metres to the park boundary
 - SEC 91 (1b): No closer than 2.5 metres to another holiday van, annex or associated structure
 - SEC 162: The caravan and associated structures are maintained in a condition that is safe and healthy for a person to use
 - SEC 164: The wheels, axles and tow bar must not be removed and must be maintained in proper working order. For site holders prior to 2018 located in flood liable areas, an exemption has been granted from this clause of the Local Government Regulation
 - SEC 170: Must be restrained in accordance with the specifications of a practicing structural engineer
- **Holiday van owners must ensure that any annex installation is:**
 - SEC 75: If located on flood liable land has approval under Section 68 of the Local Government Act 1993
 - SEC 165/166/167: Designed and constructed in accordance with Part 3 of the regulation
 - SEC 168: The enclosed floor area of the annex does not exceed the enclosed floor area of the caravan it is attached to
 - SEC 169: Certified by a practicing structural engineer
 - SEC 171: A compliance plate is attached and visible to an accessible part of the annex
 - SEC 165: The design is certified by a practising structural engineer as structurally sound.
 - SEC 172: A notice of completion of installation is completed within 7 days of the annex installation. This is a requirement for structures on both flood and non-flood liable land.
- **Holiday van owners must ensure that any associated structure installation (carport, garage, tropical roof, garden shed, pergola, veranda, awning, or deck) has:**
 - Prior approval of Council
 - SEC 50: In relation to a veranda, deck or awning is not used as a habitable room and therefore cannot be enclosed with adjustable rigid louvres, windows, walls or sliding doors that fully enclose the structure, otherwise it will be considered an annex.
 - SEC 51: Is certified by a practicing structural engineer where advised (see below)
 - SEC 75: If located on flood liable land has approval under Section 68 of the Local Government Act 1993
 - SEC 141: Is not designed or modified to be capable of being used as a habitable room.
 - SEC 142: The design is certified by a practising structural engineer as structurally sound.
 - SEC 159: A notice of completion of installation is completed within 7 days of the associated structure installation. This is a requirement for structures on both flood and non-flood liable land.
- Practicing structural engineer's certificate is required for ALL installations including caravan tie down systems, rigid annexes, tropical roofs and associated structures. It must specify:
 - The design is structurally sound.
 - It complies with any standards, codes or specifications required by the regulation in respect to division four for associated structures and division five for holiday vans and annexes.
 - Specifies how the structure will be transported and installed.

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- Provides the recommended tie down system for the structure (this must have regard to design gust speed, soil type and any other considerations specific to the site being located on)
 - Is designed and constructed in accordance with Parts 1 and 2 of AS1170, except that the design gust wind speed referred to in Clause 3.2 of Part 2 of the standard is not to be taken as less than 41 metres per second.
 - Advises the material being used is flood compatible where applicable.
 - Advises that the structure/s can withstand the force of flowing floodwaters.
 - SEC 159/172: A notice of completion of installation must be completed for each installed structure. This is a requirement for structures on both flood and non-flood liable land.
- Holiday van owners can submit an objection to vary a prescribed requirement of the regulation however this must occur prior to any works being completed. If Council determines your objection is well founded, then the matter is referred to the Director-General (state government minister) for final determination. An objection to the Regulation is made under the Local Government Act 1993, section 82.

Modifications to my site

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. 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.

Only suitable licensed tradesman or recognised installers can carry out any new building work. This is to ensure that structures are constructed to a tradesman manner and that insurance requirements are in place. Licensed tradesmen of recognised installers are to be inducted to the site and are required to log in and out of the Holiday Park via the Holiday Park reception. Evidence of public liability insurance and trade certificate or licence must be provided at induction. New building works is any works that increases the existing area of the moveable dwelling or is built on an existing structure.

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How to lodge an application to modify your holiday van site – required for any site located on flood liable land

- This applies to **ALL** sites located at Corrimal and Windang Tourist Park and part of Bulli Tourist Park. Bulli Tourist Park holiday van owners should discuss with the Park Supervisor whether their van is in a flood affected area.
- Complete the **Holiday Van Works Application form** and provide to the park supervisor along with drawings and information on your proposal to gain their support and to ensure consistency with the LG Regulation. Park Supervisor sign off **DOES NOT** indicate approval under the LG Regulation, it is purely a requirement to proceed with your application.
- Complete Council's **M4 Activity Application Form** (section 68 application), available from Council's website and include the following:
 - Written confirmation from the Park Supervisor of support of proposal and consistency with the LG Regulation 2021
 - Community plan highlighting your site location.
 - Scaled plans of works including surveyed site boundaries and dimensions, layout of existing and proposed installations, separation distance of all structures including neighbouring site structures
 - Dimensioned floor and elevation plans
 - Structural engineers' details and technical design specifications
 - Report from an accredited practising structural engineer verifying flood resistance and capability of installation.
 - Proposal description statement verifying suitability of proposed work in relation to known site constraints including: Site description, works description, any changes required to the community map, whether the installation increases total number of dwelling sites under the current approval to operate, does the proposal comply with the regulation in relation to setbacks, site coverage, method of disposal of roof water and sewerage and power supply, any flooding impacts, any tree removal, if a variation to the LG Regulation 2021 is required then a section 82 objection
- Following installation provide the following Information:
 - Compliance plate information of any structures

How to lodge an application to modify your holiday van site – sites not located on flood liable land

- This applies to **SOME** sites located at Bulli Tourist Park only. Bulli Tourist Park holiday van owners should discuss with the Park Supervisor whether their van is in a flood affected area.
- Complete the **Holiday Van Works Application form** and provide to the park supervisor along with drawings and information on your proposal to gain their support and to ensure consistency with the LG Regulation. Information to include:
 - Copy of the engineer's certificate to ensure it is designed and to be constructed in accordance with the regulation.
 - Fully dimensioned site diagram indicating site density, setback, open space and site delineation and their compliance with the regulation.
- Following installation provide the following Information:
 - Compliance plate information of any structures

Annual Holiday Van Inspections

Each year your holiday van will be subject to an annual inspection to ensure it is maintained to the park's minimum standards and in line with legislation. Van owners will be advised of the outcome of this inspection and of any required works that will need to be undertaken to ensure continued occupancy on the site.