

Holiday Haven Tourist Parks

Holiday Van Management Strategy

Prepared in consultation with the NSW Crown Lands Division under the provisions of the Business Development Plan adopted by Council on Tuesday 26th July 2011 under Council Minute 11.710



Prepared: 23/8/2011



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Purpose of Document

1. Ensure all processes for dealing with holiday van sites are fair and equitable and in accordance with relevant legislative and policy requirements.
2. Ensure all processes are open and transparent.
3. Ensure existing and potential Occupancy Agreement holders have access to information about:
 - a. Legislative requirements and Park rules.
 - b. The terms and conditions of Occupancy Agreement.
 - c. The site they occupy/propose to occupy and any planned changes in relation to the future use of the site.
 - d. Any known future plans for the park that may impact on their Occupancy Agreement.

Background

Holiday vans are those moveable dwellings (caravan and annexes or cabins) which are located in caravan parks for the payment of an annual fee, are owned by individuals and families and are, subject to written agreement (Occupancy agreement) entered into with the park owner (Shoalhaven City Council as Reserve Trust Manager). Owners of the vans are entitled to a maximum of 180 days use in any 12 month period. The tenure arrangements for Holiday Vans are subject to the provisions of the Holiday Parks (Long Term Casual Occupation) Act 2002.

Holiday Haven Tourist Parks are located on land that has been reserved and set aside by the NSW State Government for public use. The Holiday Haven Tourist Parks that are the subject of this strategy are all operated by Shoalhaven City Council as the appointed Reserve Trust Manager under the provisions of the Crown Lands Act, 1989.

As Reserve Trust Manager, Council has a responsibility to make park sites available to the wider community for caravan and camping and to ensure there is equity of access to land reserved for public use. As a matter of principle the granting of an exclusive right of occupation to a single party limits the rights of access and enjoyment that are available to the wider community. For this reason, occupancy agreements issued for the use of holiday van sites on public reserves are limited to a fixed term of three months.

As the Parks are improved on the basis of staged Business Development Plans and the demand for tourist accommodation increases there may be a requirement to reduce the number of Holiday Vans in the Park to make more sites available as tourist sites and accommodation.

Holiday Van Management Strategy Outline

The following is an outline of the policy and management parameters that have been adopted by the Reserve Trust and NSW Crown Lands with respect to the continuing occupancy of Holiday Vans on short term occupancy sites within Holiday Haven Tourist Parks.

- All privately owned holiday vans located on a Park must be authorised by a signed, written Occupancy Agreement;
- Existing Occupancy Agreements cannot be assigned and there is no guarantee that a new Occupancy Agreement will be offered or executed at the expiry of the fixed term;
- Holiday Van site fees will be determined by the Trust and reviewed annually and advised in accordance with the provisions of the Holiday Parks (Long Term Casual Occupancy) Act 2002;
- Any Holiday Van owners who have outstanding fees owing or who do not have required insurances may be issued a Notice of Termination;
- All Holiday Vans on the Park will be subject to an annual inspection to ensure compliance with the relevant requirements of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 and the relevant Park rules. Those vans that do not comply with the applicable requirements will be given three months notice to make the van compliant at their cost or vacate the site;
- When any Holiday Van is installed on any site the installation must comply with the requirements of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 and the relevant Park rules. The required application for approval pursuant to Section 68 of the Local Government Act 1993 must be completed and lodged in a timely manner together with any required certification and payment in relation to the installation;
- All Holiday Van owners will be notified of changes being proposed under the adopted Business Development Plans or any subsequent amendments made to the Business Development Plan;
- All Holiday Van sites directly affected by the implementation of the Business Development Plans will be given reasonable notice of any requirements to relocate or remove their Holiday Van and return the site to its original condition;
- Any vacant sites located elsewhere in the Park which are determined as suitable for Holiday Vans may be made available to those Holiday Van owners affected by the implementation of the Business Development Plan. In some cases the allocation of such vacant sites may involve a ballot;

- Where a Holiday Van is being removed from a 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;
- No compensation is required to be paid to any Holiday Van owner for any costs associated with any work required to achieve compliance with the Regulations or Park Rules or for any costs incurred in the removal or relocation of their Holiday Van;
- The Trust maintains the right, at its discretion, to issue a Notice of Termination in accordance with *Part 4, Division 3, Section 40 of the Holiday Parks (Long Term Casual Occupation) Act 2002 No 88, Notice of termination by park owner without any reason.*



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Holiday Van Sales Strategy

At the discretion of the Reserve Trust, a Holiday Van may be allowed to be sold and remain on the Park but only if;

1. The Trust has provided written consent to the on-site sale of the moveable dwelling as a requirement of the *Holiday Parks (Long Term Casual Occupation) Act 2002*. The granting of such consent will only be considered where:
 - (a) the Van and any annex or other associated structure and the installation of such fully complies with the relevant requirements of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 and any relevant Park rules;
 - (b) Fees owing in relation to the existing Occupancy Agreement are not in arrears;
 - (c) The van occupies an endorsed Holiday Van site¹ or a vacant endorsed Holiday Van site has been allocated to facilitate relocation.
2. A current² valuation report issued by a valuer approved by the Trust is submitted to the park management to provide to a potential purchaser.
3. The seller of the Holiday Van fully discloses to the Trust all the relevant details including sale price.
4. The proposed purchaser provides a signed declaration form provided by the Trust, confirming that they are aware of and understand the conditions of Holiday Van site occupancy and that they have read the Holiday Van Management Strategy of the park.

Holiday Van Purchase Strategy

At the discretion of the Trust, a Holiday Van may be allowed to be purchased and permitted to remain on site but only if, prior to the sale, the proposed purchaser provides a signed declaration confirming that they

1. Are aware of and understand the conditions of Holiday Van site occupancy;
2. Understand that they are buying the moveable dwelling only and that the purchase does not confer any rights in respect of the site;
3. Understand that they will be required to enter into an Occupation Agreement with a fixed term of three months only, subject to the provisions of the Holiday Parks(Long Term Casual Occupation) Act 2002, and that this will not confer

¹ An endorsed Holiday Van site means a site coloured yellow and marked on the adopted Concept Development Plan for the Park.

² A current valuation should not be more than twelve (12) months old.

any right to the ongoing occupation of any particular site other than that provided for under the aforementioned Act and that there is no guarantee that a new Occupancy Agreement will be offered or executed at the expiry of the fixed term;

4. Understand that the moveable dwelling cannot be used on the Park for permanent residential purposes;
5. Have read the Holiday Van Management Strategy for the park and have obtained or chosen not to obtain independent legal and financial advice in regard to the purchase.



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Explanatory Notes – What does it Mean? What happens now?

What if I'm Happy to Stay on the Park?

Check where your site is located on the Conceptual Development Plan (attached). If your Holiday van is located on an endorsed Holiday Van site as shown on the Plan and you wish to remain on the Park and on your current site, you need only to ensure that your holiday van complies with the regulatory provisions set out above.

If you wish to remain on the Park but are looking to relocate to another vacant endorsed Holiday Van site you need to register your interest in moving, with the park manager so that your request can be considered.

Holiday Van owners with vans located outside of the endorsed Holiday Van precinct, who wish to remain on the park, will be given first option on any current vacant endorsed Holiday Van sites subject to the requirements of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 and the relevant Park rules.

Holiday Vans located outside the Holiday Van precinct will be progressively required to be removed from those sites over the next five (5) years. Owners of Holiday Vans on these sites will be given reasonable notice of any requirements to remove their Holiday Van otherwise you may continue to occupy the site until that time.

What if I Want to Sell My Holiday Van?

Holiday Van owners wishing to sell their holiday vans on-site will need to register their request with the park manager. The requirements of the Holiday Van Management Strategy, outlined above, will need to be satisfied.

Holiday Van owners wishing to sell vans that are currently located on sites not endorsed for ongoing use as a Holiday Van sites (yellow sites) will only be able to sell their holiday vans provided that a suitable site exists and provided that the moveable dwelling intended to be sold is able to occupy the approved site available, in compliance with the Local and the relevant Park rules.

What if I Want to Sell My Holiday Van but Cannot Relocate it?

Not all existing Holiday Vans will be able to be on-sold or relocated on the park. In the case of Holiday Vans currently located outside the Holiday Van Precinct, no guarantee can be given that a suitable vacant site will be available for re-allocation at

the time an owner is seeking to sell, relocate or is notified of the need to vacate their current site. In some cases relocation of existing structures may not be viable.

Will the Business Development Plans or the Holiday Van Management Strategy Change in the Future?

Like in all businesses, market conditions, business practice, rules and regulations among other things can change over time. The Holiday Haven Business Development Plans and relevant strategies will be subject to ongoing review to account for these conditions and therefore may need to be amended.

Holiday Haven Tourist Parks and the park manager will keep all holiday van owners informed of any changes in writing to the above plans and strategies as they occur.

For further information please contact your Tourist Park Management Team, or visit our website at www.holidayhaven.com.au.