

FACT SHEET



OWNING AND OCCUPYING A HOLIDAY VAN SITE

VERSION 1
ISSUED: JUNE 2016

INTRODUCTION

The following information concerns the standards for the design, construction and installation of manufactured homes and other moveable dwellings under Part 3 Division 5 of the Local Government (*Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings*) Regulation 2005 relating to Caravans, tents and annexes.

The information is intended to assist holiday van owners and occupants, current and prospective, and persons wishing to undertake improvements to moveable dwellings in our caravan parks.

INSTALLING VARIOUS TYPES OF MOVEABLE DWELLINGS

Wollongong City Tourist Parks allows holiday van owners to install moveable dwellings (caravans) onto short term sites within its parks.

The installation of a moveable dwelling, associated structure¹ or annexe on a dwelling site in a caravan park (which is not affected by flood) does not require the prior approval of the governing body providing it is designed, constructed and installed in accordance with the relevant provisions of the LG Regulation 2005 and the approval holder for the park (Council) has agreed to the installation in writing. Following installation however, a notice of installation must be provided to the governing body showing compliance with the relevant parts of the regulation.

Prior approval of the governing body is required to install a rigid annexe or associated structure on a dwelling site in a caravan park if the installation is on land which is flood liable and the approval holder has been notified by the Council in writing that the land is flood liable.

Unfortunately a number of holiday vans in our parks are no longer considered moveable dwellings as they no longer have running gear intact and are not in a registerable condition. Council will be submitting on their behalf to the Department of Planning a request for an exemption to enable these vans to remain on site.

The LG Regulation 2005 sets out the requirements for installing a moveable dwelling or associated structure in Part 3 Division 5.

OTHER RELEVANT LEGISLATION

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.

¹ Under the LG Act associated structure means:

(a) a carport, garage, shed, pergola, verandah 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
(b) a separating wall between 2 moveable dwellings.

HOLIDAY VAN COMPLIANCE

The administration of holiday vans over a number of years has been inconsistent which has resulted in various non-compliant issues that have not been managed or addressed. It is the intention of Council as Trust Manager that all holiday vans will meet the compliance standards representing the most current laws.

How do I know if my holiday van is compliant?

All holiday vans have been inspected and will continue to be inspected each year to determine compliance with the relevant laws and by-laws. Council supported by park management and staff will coordinate inspections and reports. Following the inspections, compliance reports will be prepared and a copy of the report will be sent from park management to all holiday van owners nominated within their occupation agreement. Each nominated owner will receive a report indicating compliance or non-compliance.

What if I previously had approval for what is now deemed non-compliant?

Demonstrated prior approval will be taken into consideration; however, no past or present officer of Council has the authority to grant approval for alterations or additions that contravene statutory regulations or legislation.

How will compliance standards be addressed?

The owners of vans identified with non-compliance concerns will be provided with information defining the non-conformance and suggested options to address the matter within nominated time frames. Future annual occupancy agreements and participation in sale transfers to existing site holders, will only be offered to van owners who have achieved the compliance standards outlined in their compliance report.

What do I need to do?

The attached letter outlines the remedial works currently required for your van. For most vans, a structural report will be all that is required. Unfortunately some vans will also need to make modifications to their van to ensure they meet separation distances, distances from boundaries, have space for a car and occupy the dwelling site originally allocated to them.

CONTACT DETAILS FOR ENQUIRIES

Enquiries in relation to LG Regulation 2005 requirements relevant to any particular proposal to design, construct and install a moveable dwelling or associated structure should in the first instance be directed to the local council, that is Wollongong City Council on (02) 4227 7111.

Enquiries of a general nature about the regulation of caravan parks under the LG Regulation 2005 may be made to the Department of Planning on (02) 9228 6311. Please note that that the Department does not provide legal advice in relation to specific cases.

General enquiries about the requirements of the Holiday Parks (Long-term Casual Occupation) Act 2002 may be made to the NSW Office of Fair Trading (OFT). The General Enquiry Line for OFT is 13 32 20.

IMPORTANT NOTE

This fact sheet does not constitute legal advice. Users are advised to seek professional advice and refer to the relevant legislation, as necessary, before taking action in relation to any matters covered by this document.

HOLIDAY VANS COMPLIANCE ISSUES

The following table outlines the most common compliance issues and their proposed solutions and time frames for rectification.

ISSUE	RULING	SOLUTION	TIME FRAME TO RECTIFY
Clause 75 – Installation on flood liable land	<p>All holiday vans installed on flood liable land must have a section 68 approval from Council for any installations, improvements or changes to their site prior to the changes being made. It must also be designed and constructed in accordance to the provisions of division 5 of the regulation.</p> <p>Currently all of Windang and parts of Bulli and Corrimal are located on flood liable land and require this documentation prior to any changes being made.</p>	In the event that changes have been made historically without prior Council consent, an inspection must be provided from a certified structural engineer stating it is structurally sound in accordance with the Building Code of Australia.	Certificate to be provided by June 2017
Clause 91 – Separation Distances	A moveable dwelling (holiday van) including associated structures (annex, garage, carport, shed, pergola & decks etc.) must be located no less than 2.5 metres from another moveable dwelling or associated structure on an adjacent site. These setbacks are in place to ensure in the event of fire, it does not spread easily to adjacent lots.	Any setback less than 2.5m from another associated structure will require the removal of the structure to meet the setback requirements, or the installation of an appropriate fire protection barrier will be required.	Installation to be removed by June 2017
Clause 96 – Residential Parking	An onsite car space measuring at least 6 metres long by 3 metres wide must be made available on all dwelling sites and be accessible from an access road.	If you have built over the area required for car parking on your site, you can either remove the structures to allow for a car space that meets the above requirements or otherwise, Council may be able to provide a dedicated space for parking for you on another site. Additional fees will apply if an appropriate space cannot be made available on your allocated site.	Space made available by June 2017
Clause 107 – Shower & Toilet Facilities Clause 113 – 118 – Laundry Facilities	Information on services (sanitary and laundry) for each holiday van is required as part of the licence to operate.	Holiday van owners to advise on the attached sheet the presence of the following services on their site: shower, toilet, hand basin, laundry and clothes line.	Sheet to be returned by July 2016

ISSUE	RULING	SOLUTION	TIME FRAME TO RECTIFY
Clause 122 – Register of occupiers	Records are to be maintained of arrival and departure information for people occupying holiday van sites.	All caravan occupants will need to register at reception on arrival.	To be implemented July 2016
Clause 140 - Garages	If a garage is closer than 900mm to your holiday van and closer than 900mm to an adjoining site then the external walls of the caravan must comply to the provisions of class 1 buildings in the Building Code of Australia, and the external walls of the garage must comply with the provisions relating to class 10 buildings in the Building Code of Australia	You will be required to either convert the garage back to a carport by removing the identified wall structure or otherwise reinforce the wall structures of the garage/caravan to ensure they comply with the Building Code of Australia	To be completed by June 2017
Clause 141 - Carports	A carport must have at least 2 sides open and at least one-third of its perimeter open. For the purposes of this subclause, a side is considered to be open if the roof covering of the carport is at least 500 millimetres from a relocatable home, annexe, associated structure or site boundary. The roof covering and any ceiling lining, wall cladding or gable of a carport must be non-combustible.	If your carport does not have at least two sides open, then the side material must be removed to ensure compliance.	Removal of non-compliant wall structures by June 2017
Clause 157 – Footings	The subfloor area of a relocatable home must have adequate underfloor cross-flow ventilation.	Holiday van owners are to ensure that the sub floor area is not fully enclosed and that adequate ventilation points are installed.	To be completed by June 2017
Clause 161 – Setbacks for tents, caravans and associated structures and annexes	Installation on dwelling sites must be located no closer than one metre to an access road and two metres to the park boundary. Installations include holiday vans, decks and annexes.	Where a deck is less than one metre from the roadway, holiday van owners are required to place a barrier (railing) between their entrance and the roadway to ensure users are unable to exit the van directly on to the road and are directed either left or right. Where structures are identified as being less than two metres from boundary fences and have been installed in the last 10 years, holiday van owners will be required to remove the structure.	Installation of railing or removal of structure by June 2017
Clause 162 – Site coverage	A holiday van (including any associated structure i.e. deck, annexe, garage, carport) must occupy no more	Council has recently completed surveys of all the parks and structures within these parks. These are	Rectification by June 2017

ISSUE	RULING	SOLUTION	TIME FRAME TO RECTIFY
	<p>than two-thirds of the area of the site. If there is no carport or garage on the dwelling site, an area with minimum dimensions of 6 metres by 3 metres, accessible from an access road and useable for car parking, must be provided on the site.</p>	<p>currently being mapped and where possible we will endeavour to move site boundaries to ensure compliance with this clause. In some circumstances however where holiday vans have significantly increased the number of structures on their site, the holiday van owner will be required to either reduce the number of structures on site to meet the requirement or will otherwise be required to pay an additional fee to compensate for the additional area provided to the site.</p>	
<p>Clause 163 – Maintenance</p>	<p>A caravan (and associated structures) that is installed must be maintained in a condition that is safe and healthy for a person to use.</p>	<p>A rectification notice will be provided to you and the site must be brought up to the minimum standard in the required time frame. Minimum standards are outlined in your occupation agreement.</p>	<p>Within 60 days of notice being provided</p>
<p>Clause 164 – One Caravan per Dwelling Site</p>	<p>Only one caravan may be installed on a single dwelling site.</p>	<p>If you have more than one caravan on your site, one van must be removed immediately.</p> <p>Where your caravan occupies more than one dwelling site the holiday van owner will be required to either reduce the number of structures on site to ensure containment within their allocated dwelling site or will otherwise be required to pay an additional fee to compensate for the additional dwelling site being occupied.</p>	<p>Removal of second van by September 2016</p> <p>Containment within site by June 2017</p>
<p>Clause 165 – Running Gear</p>	<p>In the case of a caravan that is situated on flood liable land, the wheels, axles and draw bar of the caravan must not be removed, but must be maintained in proper working order.</p>	<p>The majority of vans that are located on flood liable land within our parks do not have running gear in acceptable working order. Council has applied to the Department of Planning for an exemption from this clause. If accepted vans without running gear will need to provide a structural engineer certificate that demonstrates that the holiday van is tied down sufficiently to</p>	<p>Certificate to be provided by June 2017</p>

ISSUE	RULING	SOLUTION	TIME FRAME TO RECTIFY
		ensure that it will not float away during a flood event. If a certificate is not attained, the van will be required to be removed.	
Clause 166 – Structural soundness (Rigid Annex)	Any installation must be of a design certified by a practising structural engineer to be structurally sound. An accompanying certificate verifying this must be obtained and provided to Council. This forms part of a section 68 application when the installation is on flood liable land and the notice of completion for all other sites.	An inspection must be provided from a certified structural engineer stating the structure is structurally sound in accordance with the Building Code of Australia. This includes any annexes, decks or cyclone roofs that have been installed.	Certificate to be provided by June 2017
Clause 167 – Design Gust Wind Speed	Any installation on a dwelling site must be designed for a wind load resistance of not less than 41 m/s. Tie downs must be present and installed as per AS/NZS 1170.2:2002.	Council requires you to provide a certificate from a practising structural engineer advising that the tie downs and any associated structures meet the design gust speed for the area.	Certificate to be provided by June 2017
Clause 169 – Floor area	The enclosed floor area of all annexes that are attached to a caravan must not exceed the enclosed floor area of the caravan.	Annexes that are bigger than the enclosed floor area of the caravan will be required to be reduced to ensure 1:1 compliance.	Reduction of floor space by June 2017
Clause 171 – Wind Resistance	The holiday van must be restrained (tie downs) in accordance with the specifications of a practising structural engineer to withstand the wind forces applicable to the terrain category in which the dwelling site is located.	Council requires you to provide a certificate from a practising structural engineer advising that the tie downs and any associated structures meet the design gust speed for the area.	Certificate to be provided by June 2017
Clause 172 – Compliance plates to be attached	A compliance plate must be attached to an accessible part of any rigid annexe.	An inspection must be provided from a certified structural engineer stating it is structurally sound in accordance with the Building Code of Australia. Any new structures must have compliance plates attached and the information provided back to Council as part of the notice of installation.	Certificate to be provided by June 2017
Clause 173 – Notice of Completion of Installation	Written notification must be given to Council within 7 days of completion of the installation of any associated structure or rigid annex including compliance plate details, engineer's certificate and fully dimensioned diagram of location, floor levels, separation etc.	An inspection must be provided from a certified structural engineer stating it is structurally sound in accordance with the Building Code of Australia.	Certificate to be provided by June 2017

GLOSSARY OF TERMS

"annexe" means a moveable dwelling that:

- (a) is an attachment to a relocatable home or caravan, and
- (b) is used as an extension of the habitable area of the relocatable home or caravan, and
- (c) is capable of being erected or removed within 24 hours.

"associated structure" means:

- (a) a carport, garage, shed, pergola, verandah 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
- (b) a separating wall between 2 moveable dwellings.

"caravan" means a moveable dwelling that is designed so as to be capable of being registered (within the meaning of the Road Transport Act 2013) as a trailer, but does not include a camper trailer.

"carport" a carport must have at least 2 sides open and at least one-third of its perimeter open. A side is considered to be open if the roof covering of the carport is at least 500 millimetres from a relocatable home, annexe, associated structure or site boundary.

"dwelling site" means an area of land within the caravan park on which a moveable dwelling may be installed and that is designated as a dwelling site by the approval for the caravan park.

"engineer's certificate" means a certificate issued by a practising structural engineer under clause 51, 143 or 166.

"flexible annexe" means an annexe that (apart from any rigid support frame and any floor, or any door, window or other securable opening, constructed of non-flexible material) consists entirely of canvas or other flexible material.

"holiday van" means a moveable dwelling (other than a tent) that is or usually is continuously located on a short-term site and used primarily by its owner for occasional occupancy for holiday purposes.

"installation" means in relation to an associated structure-the process of constructing or assembling the components of the associated structure, and (if appropriate) attaching them to footings

"moveable dwelling" means:

- (a) any tent, or any caravan or other van or other portable device (whether on wheels or not), used for human habitation, or
- (b) a manufactured home

"practising structural engineer" means a person who holds (or who at all relevant times held) qualifications in structural engineering acceptable to the Institution of Engineers, Australia, for admission as a corporate member.

"rigid annexe" means an annexe that is not a flexible annexe.

Site Facilities – Holiday Van Owners

Please return to the park office by 31 July 2016

Tourist Park: _____

Site Number: _____

The following services are located within my holiday van site (please circle):

Shower	Yes	No
Toilet	Yes	No
Hand Basin	Yes	No
Clothes Line	Yes	No

Site Holder Name: _____

Site Holder Signature: _____

Thank you for your assistance