



Macleay Valley Coast Holiday Parks – Annual License Site Management Strategy

Adopted 20 April 2021

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1. Strategy objectives

The objectives of this Strategy are to:

- a) Ensure that all processes for dealing with annual license sites are open and transparent and in accordance with relevant legislative requirements.
- b) Ensure existing and potential annual license holders have access to information about the relevance of legislative requirements, the Park Rules and the need for Occupation Agreements.
- c) Ensure existing and potential annual license holders are aware of the implications of any planned changes in relation to the future use of the Holiday Parks over the long term.

2. Background

For the purposes of this Strategy, annual license sites are those that are located within Macleay Valley Coast Holiday Parks and which contain moveable dwellings that remain on site throughout the period of the license, and for the payment of an annual fee.

The private infrastructure associated with the site (e.g. caravan and annex) is owned by license holder. This arrangement is subject to a written agreement (Occupation Agreement) which is entered into with the Holiday Park manager.

Annual license holders are allowed up to a maximum of 180 days use in any 12 month period under provisions of Part 2 Section 5(1)(C) of the *Holiday Parks (Long Term Casual Occupation) Act 2002* and tenure arrangements for annual license sites is subject to the provisions of this Act.

As at January 2021, the following number of annual license sites are present¹ within Macleay Valley Coast Holiday Parks:

- Grassy Head Holiday Park – 28 sites
- Stuarts Point Holiday Park – 40 sites
- Hat Head Holiday Park – 47 sites
- Crescent Head Holiday Park – 16 sites

All Macleay Valley Coast Holiday Parks are located on land owned by the Crown (i.e. Crown land). The Holiday Parks that are the subject of this strategy are all operated by Council as the appointed Council Crown Land Manager under the provisions of the *Crown Lands Management Act 2016*. All Holiday Parks have been subsequently classified as 'Community' land under the *Local Government Act 1993*. Council has appointed a Park Manager under a lease arrangement to operate the respective Holiday Parks to 2027.

As the appointed Council Crown Land Manager, Council has the responsibility to ensure appropriate access to Crown land to the wider community for caravanning and camping and to ensure there is equity of access to land reserved for public use. In general, the granting of an exclusive right of occupation to a single party limits the rights of access and enjoyment of that land which could be available to the wider community. For this reason, and in accordance with relevant legislation, Occupation Agreements issued for the use of annual license sites on public reserves are limited to a maximum fixed term of 12 months.

As the Holiday Parks are improved in accordance with the adopted Concept Plans (see Appendix A), the number of available annual license sites may be reduced to provide for alternative forms of tourist accommodation and/or public access arrangements.

¹ According to public Holiday Park maps available online for each site.

3. Adopted management processes

The following section provides an outline of the management processes that have been adopted by Kempsey Shire Council (Council) with respect to annual license sites within Macleay Valley Coast Holiday Parks:

Occupancy Agreements:

- All privately owned infrastructure located on an annual license site must be associated with a signed, written Occupation Agreement.
- An existing Occupation Agreement cannot be re-assigned and there is no guarantee that a new Occupation Agreement will be offered or executed at the expiry of an existing 12 month fixed term.
- In accordance with the Occupation Agreement, no subletting (for example through platforms such as Airbnb) of the annual license site is permitted.

Site fees:

- Annual license site fees, as well as other associated fees, will be determined by Council and reviewed annually and advised in accordance with the provisions of the *Holiday Parks (Long Term Casual Occupation) Act 2002*.
- Site fees are advertised and available through Council's annual Fees & Charges publication.

Restriction on sales:

- No change in ownership of an annual license site will be allowed where the site is identified within the current adopted Concept Plan (2021) for each Holiday Park as no longer being an annual license site in the long-term.
- Sale of private infrastructure will otherwise be subject to Section 4 of this Strategy.

Compliance with standards:

- All private infrastructure on annual license sites will be subject to an annual inspection (including associated fee) 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 annual license sites that do not comply will be given notice to ensure site compliance at their cost. If the annual license site is not compliant within three months, the annual license holder may be issued with a Notice of Termination.
- When any new private infrastructure is installed on an annual license 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. All required approvals must be obtained and required forms lodged with required certification and any payment as applicable with the Park Manager / Macleay Valley Coast Holiday Parks.
- Any annual license holders who have outstanding fees, and/or breach the terms of the Occupation Agreement (including compliance with reasonable requests to rectify site non-compliances), may be issued a Notice of Termination.

Future Holiday Park Concept Plans

- Current adopted Holiday Park Concept Plans are provided in Appendix A.
- All annual license holders will be notified of the adoption, or any subsequent changes to, Holiday Park Concept Plans.
- All annual license holders directly affected by the implementation of the adopted Concept Plan will be given at least 12 months' notice of any requirements to relocate or remove their private infrastructure and to return the annual license site to its original condition.
- Any site shown on the adopted Concept Plan as an annual license site which is not currently used for this purpose will be made available to existing annual license site holders that are impacted by changes proposed by the adopted Concept Plans. See Sections 5 and 6 of this Strategy for further details.

Removal of private infrastructure

- Where annual license holder infrastructure is being removed from a site, it is the responsibility of the annual license holder to ensure the site is returned to its original condition, unless agreed in writing with Council.
- Any private infrastructure or other goods remaining on the site following the expiry or termination of the Occupancy Agreement will be removed and be subject to a Removal Fee to be payable by the most recent annual license site Occupancy Agreement holder.

Payment of compensation

- No compensation is required to be paid to any annual license holder for any costs associated with removal of private infrastructure or work required to achieve compliance with the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005* or Park Rules.

Council's rights

- Council maintains the right to give notice under the Occupancy Agreement for rectification of non-compliances. Where non-compliances are not rectified within 90 days, the Occupation Agreement will be revoked, and the van owner will be required to remove all private infrastructure from the site.
- Council maintains the right to issue a Notice of Termination without any reason in accordance with Schedule 1, Part 7, Division 3, Section 40 of the *Holiday Parks (Long Term Casual Occupation) Act 2002* (where not subject to a current fixed term).

4. Sale of private infrastructure on annual license sites

Private infrastructure associated with an annual license site may be sold and remain on the relevant site within the Holiday Park, but only where:

- a) Council has provided written consent to the on-site sale of the private infrastructure as a requirement of the *Holiday Park (Long Term Casual Occupation) Act 2002*. The granting of such consent will only be considered where:
 - i. The private infrastructure, and the installation of such, complies with relevant requirements of the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005* and the Park Rules.
 - ii. There are no unpaid fees associated with an existing Occupation.
 - iii. The private infrastructure is, or will be, located within a site shown as an annual license site within the adopted Concept Plan for the respective Holiday Park.
- b) The sale is accompanied by a valuation report, issued by a licensed property valuer, to be provided to Council to provide to the potential purchaser. The valuation should not be more than 3 months old.
- c) The sale of the private infrastructure includes full disclosure to Council of all the relevant details of the sale, including the sale price.
- d) The proposed purchaser provides a signed statutory declaration form, provided by Council, confirming that they are aware of and understand the conditions of the annual license site Occupation Agreement and that they have read this Annual License Site Management Strategy.

Any other sale of private infrastructure shall only be associated with the removal of the infrastructure from the Holiday Park. The Park Manager is to be advised of any sale and removal of private infrastructure prior to any removal taking place.

5. Purchase of private infrastructure on annual license sites

At the discretion of Council, private infrastructure 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 form, provided by Council, confirming that they:

- a) Are aware of and understand the conditions of the annual license site Occupation Agreement.
- b) Understand that they are buying the private infrastructure only, and that the purchase does not confer any rights in respect of the relevant annual license site, or any other site.
- c) Understand that they will be required to enter into an Occupation Agreement with a fixed term of 12 months only, subject to the provisions of the *Holiday Parks (Long Term Casual Occupation) Act 2002* and that there is no guarantee that a new Occupation Agreement will be offered or executed at the expiry of the 12 month fixed term.
- d) That the adopted Concept Plan for the respective Holiday Park does guarantee that a new Occupation Agreement will be offered or executed at the expiry of any 12 month fixed term, and may be subject to change over time.
- e) Understand that the private infrastructure cannot be used for permanent residential purposes, in accordance with the Occupancy Agreement.
- f) Understand that there is an administration fee associated with the establishment of the site account for a new annual site holder (one-off fee).
- g) Have read this Annual License Site Management Strategy and have obtained, or chosen not to obtain, independent legal and financial advice in regard to the purchase.

6. Site retention options – Existing annual license site holders

Option 1: Retaining an existing site that remains an annual license site in the relevant Concept Plan

If your private infrastructure is located on an annual license site, and you wish to remain on your existing site, you need only to ensure that your infrastructure complies, and remains compliant, with provisions of the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005*, the Park Rules and that a written Occupancy Agreement remains in place.

Option 2: Retaining an existing site that is identified to be modified in the relevant Concept Plan

If your private infrastructure is located on an annual license site, and you wish to remain on your existing site until future identified changes to the Holiday Park occur, you need only to ensure that your infrastructure complies with provisions of the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005*, the Park Rules and that a written Occupancy Agreement remains in place.

You will be provided with at least 12 months' notice that the site will need to be vacated at the end of an Occupancy Agreement period. These sites will be progressively removed over the short, medium and long-term periods set out in the associated Concept Plan. For further information regarding Concept Plans, contact the Park Manager or Council. Failure to remove private infrastructure at, or prior to, the end of the Occupancy Agreement period may result in the application of a Removal Fee.

Option 3: Moving from an existing site to an identified annual license site in the relevant Concept Plan

If you would like to retain your private infrastructure at the relevant Holiday Park but are looking to relocate to alternative vacant and identified annual license site shown on Concept Plan, you need to register your interest in relocating with the Park Manager so that your request can be considered.

When sites become available, a ballot will be held to determine the allocation of any available annual site. The ballot will be open to any existing annual license holders who are located on a site that is identified to be modified in the relevant Concept Plan. The ballot will determine who will be relocated and where they will be relocated to. This is subject to the availability of annual license sites identified in the Concept Plan of the relevant Holiday Park, as well as the requirements of the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005* and the Park Rules.

The same process will be undertaken if additional, vacant annual license sites become available.

Only if vacant annual license sites remain available after this process will they be offered to holders of annual license sites that are identified to be modified in the relevant Concept Plan of other Macleay Valley Coast Holiday Parks. The same ballot process will then be undertaken on this basis.

Only when there are no remaining impacted existing license holders seeking to relocate will new or external applicants for these sites be considered.

It is noted that not all existing private infrastructure will be able to be on-sold or relocated within the Holiday Park.

No guarantee can be given that an alternative, vacant annual license site that is endorsed on the adopted Concept Plan for the Holiday Park will be available for reallocation at the time an owner is seeking to sell, relocate or is notified of the need to vacate their annual license site. In some cases, selling or relocation of private infrastructure may not be viable and the annual license holders will be required to remove their private infrastructure from the Holiday Park at their own cost.

Council will provide a minimum of 30 days written notice of a ballot taking place. Only those eligible for the ballot will be advised.

7. Changes to adopted Concept Plans, this Strategy and Park Rules

Market conditions, business practices, as well as rules and regulations (among other things) can change over time. The adopted Concept Plans for the respective Holiday Parks, as well as this Annual License Site Management Strategy and the Park Rules will be subject to ongoing review to account for these conditions and therefore may need to be amended.

Council or the Holiday Park Manager will keep all annual license holders informed of any changes in writing to the adopted Concept Plan, this Annual License Site Management Strategy, the Park Rules and any other relevant strategies or policies as they occur.

For further information contact the relevant Holiday Park Manager or Council.

APPENDIX A – HOLIDAY PARK CONCEPT PLANS



NOTES

Short Term (Year 1-3)

- ① Remove annual license sites in accordance with Annual License Management Strategy. Convert sites to short-term tourist sites.
- ② Refurbish existing amenities and provide new camp kitchen area within consolidated communal facility.
- ③ Renew existing cabins along entry road, with option to convert some to studio style / duplex cabins.
- ④ Replace existing cabins and convert existing short-term tourist sites to safari tents to provide additional accommodation option (up to ten tents).
- ⑤ Replace existing powered tourist sites and amenities building with studio style / duplex cabins (up to six units). Remove older style existing amenities adjoining entry road.
- ⑥ Externally refurbish the existing reception area and managers residence.

Medium Term (Year 4-6)

- ⑦ Refurbish and realign three large cabins. Remove three small existing older style cabins and provide up to four new cabins to match adjoining new cabins.
- ⑧ Refurbish or provide new amenities and install a new camp kitchen to consolidate communal area.
- ⑨ Reconfigure area to provide short-term tourist sites and associated landscaping to improve interface between the public domain and the Holiday Park.

Long Term (Year 7-10)

- ⑩ Provide en-suite facilities to tourist sites to enable an additional accommodation option within the Holiday Park.

Note: The delivery of the Concept Plan is dependent on funding availability, market conditions and undertaking of detailed design processes. Some projects may be delayed or accelerated as a consequence.

LEGEND

- Annual Licence Sites
- Permanent Sites
- Cabin Accommodation
- Caravan and Camping Sites
- Open Space and Landscape
- Communal Facilities (eg: administration / amenities / camp kitchen)
- Tourist Site with Ensuite

Crescent Head Holiday Park - Long Term Alternative Plan



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NOTES

Short Term (Year 1-3)

- ① Investigate options and improve drainage in camping areas

Medium Term (Year 4-6)

- ② Enlarge cabin precinct, replacing two cabins and including up to five additional cabins within a consolidated area. Remove annual licence holder sites in accordance with Annual License Management Strategy.






- ③ Install new camp kitchen and basic play facilities within consolidated communal area.

Long Term (Year 7-10)

- ④ Install up to four safari tents to provide additional accommodation option in either location 4a or 4b subject to detailed site review and design.
- ⑤ Improve existing manager's residence and reception area.
- ⑥ Remove annual licence holder sites in accordance with Annual License Management Strategy and reconfigure / convert sites to short-term tourist sites. If annual sites become available, consolidate and infill annual licence sites to western area of Holiday Park.

Note: The delivery of the Concept Plan is dependent on funding availability, market conditions and undertaking of detailed design processes. Some projects may be delayed or accelerated as a consequence.

LEGEND

- | | |
|--|---|
|  Annual Licence Sites |  Caravan and Camping Sites |
|  Cabin Accommodation |  Communal Facilities (eg: administration/amenities / camp kitchen) |
|  Open Space and Landscape | |

Grassy Head Holiday Park - Long Term



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MVC Holiday Park Concept Plans



NOTES

Short Term (Year 1-3)

- ① Retain existing caravan and camping sites with adjustments made to accommodate adopted Horseshoe Bay Master Plan (2019) whilst minimising the overall loss of sites.
- ② Replace existing cabins with Tiny House style transportable cabins.
Long-term – Replace cabins with reception area / managers residence (if feasible or new cabins if not feasible).
- ③ Replace existing amenities building to include smaller scale amenities, camp kitchen and cabins (up to four studio style). Building scale on second storey to be no larger than existing.
- ④ Incorporate camp kitchen area to the north-west or west of the existing amenities building.
- ⑤ Provide additional small cabin within existing Site 6.

Medium Term (Year 4-6)





- ⑥ Replace caravan / camping sites with up to five small cabins overlooking Back Creek. Ensure low scale design to maintain views from adjoining heritage item.

Long Term (Year 7-10)

- ⑦ Replace reception area / managers residence with cabins (up to four large or six smaller / studio cabins) if reception area / managers residence moves to (2). Alternatively, replace existing facilities with combined studio style cabins at lower level and reception / residence above to meet appropriate accessibility standards.

Note: The delivery of the Concept Plan is dependent on funding availability, market conditions and undertaking of detailed design processes. Some projects may be delayed or accelerated as a consequence.

LEGEND

- | | | | |
|---|--------------------------|---|---|
|  | Cabin Accommodation |  | Caravan and Camping Sites |
|  | Open Space and Landscape |  | Communal Facilities (eg: administration / amenities / camp kitchen) |

Horseshoe Bay Holiday Park - Long Term Alternative Plan



February 2021
Scale 1:1000@A3



MVC Holiday Park Concept Plans



NOTES

- Short Term (Year 1-3)**
- ① Make peak use area available for year round use.
 - ② No significant development is planned on the northern and eastern section of the park to allow for future strategic master planning works.
 - ③ Consolidate annual licence holder sites in conjunction with Annual Licence Management Strategy.
 - ④ Consolidate annual licence holder sites in conjunction with Annual Licence Management Strategy to area (3). Reconfigure to tourist sites (including drive-through and/or other suitable arrangement).
 - ⑤ New camp kitchen and upgraded amenities (provide new amenities in slightly more southern location if required).
- Medium Term (Year 4-6)**
- ⑥ Establish camping sites and small amenities on western boundary.
 - ⑦ Integrate new cabins within existing cabin precinct – up to 5 new cabins.
- Long Term (Year 7-10)**
- ⑧ Extend new reception and managers residence to north side of access road with potential for further expansion into parkland area. Existing area reconfigured to tourist sites.

Note: The delivery of the Concept Plan is dependent on funding availability, market conditions and undertaking of detailed design processes. Some projects may be delayed or accelerated as a consequence.

LEGEND

- Annual Licence Sites
- Caravan and Camping Sites
- Cabin Accomodation
- Communal Facilities (eg: administration/ amenities / camp kitchen)
- Open Space and Landscape

Hat Head Holiday Park - Long Term



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NOTES

Short Term (Year 1-3)

- ① Replace existing cabins with up to six small or studio style cabins to improve quality of existing cabin accommodation options.

Medium Term (Year 4-6)

- ② Replace existing camp kitchen with new communal facility with improved context between facilities and adjoining water front.

Long Term (Year 7-10)

- ③ Construct up to three new cabins at northern end of park to improve interface with upgraded public foreshore area.
- ④ Investigate options and reposition existing central amenities building. Options to include smaller facility in existing location, relocation to sites 143, 144 and 145, or relocate to north to replace up to eight annual licence sites. Establish up to eight new tourist sites in location of existing amenities.

- ⑤ Investigate and improve road surfaces throughout Holiday Park to match upgraded public foreshore area.

- ⑥ Remove annual licence holder sites in accordance with Annual Licence Management Strategy. Consolidate to any available sites along western edge of Holiday Park. If annual sites become available, consolidate and infill annual licence sites to western area of Holiday Park.

LEGEND

- Annual Licence Sites
- Permanent Sites
- Cabin Accommodation
- Caravan and Camping Sites
- Open Space and Landscape
- Communal Facilities (eg: administration / amenities / camp kitchen)

Note: The delivery of the Concept Plan is dependent on funding availability, market conditions and undertaking of detailed design processes. Some projects may be delayed or accelerated as a consequence.

Stuarts Point Holiday Park - Long Term



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MVC Holiday Park Concept Plans