



Midland Holiday Park

3028 Midland Highway, Lima South Vic 3673

P: 03 5768 2416

E: enquiries@midlandholidaypark.com.au

www.midlandholidaypark.com.au

ABN: 73 616 486 250

INFORMATION, RULES AND POLICIES

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INTRODUCTION

This document is for the information of occupants or intending occupants of the Midland Holiday Park. Please read it and refer to it as required. By doing so, it will help to ensure that you and your fellow occupants obtain the maximum benefit and enjoyment of staying at this caravan park. The rules complement the Residential Tenancies Act 1997, and form part of any written agreement between the occupant and the caravan park owner. In the absence of any written agreement, it should be assumed that occupancy is conditional upon the occupant complying with their duties and the park rules as set out herein.

Shaun and Kay Kutchel (Owner Managers)

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Emergency Telephone Numbers

Police: 000 / 5760 0200

Fire: 000 / 5768 2384

Ambulance: 000 / 5760 2222

Benalla SES: 5762 7676

Benalla Hospital: 5761 4222

Poisons Information: 13 11 26

SP Ausnet (electricity): 13 17 99

GENERAL DUTIES OF PARK OCCUPANTS AND PARK OWNERS

General duties of caravan park residents and caravan park owners are prescribed in the Residential Tenancies Act 1997. While "the Act" does not apply those duties to non-resident occupiers, the duties are herein restated but modified where necessary to make them appropriate and applicable to both resident and non-resident occupiers. This duty statement thus forms part of any agreement between the caravan park owner and any non-resident occupier.

1. Occupants Use of the Site

- Occupants must use the site only for the purpose agreed with the park owner, and
- use the site, caravan park and facilities properly and ensure that their visitors do the same.

2. Occupants Must Not Use Site for Illegal Purposes

- Occupants must not use or permit the use of the site, the dwelling or the caravan park for any purpose that is illegal at common law or under an Act.

3. Occupants Duty to Pay Rent

- Occupants must pay the site fees and any other charges agreed with the caravan park owner on the due dates and in agreed manner. Bookings may be made in advance and must be secured by a deposit. Minimum booking is required for long weekends involving public holidays, between Boxing Day and New Year and peak periods between November and April. A minimum of 48 hours notice must be given if a cancellation is required. A \$25 administration fee will be deducted from the returned deposit if the site can be re-booked. If the site is not re-booked, the full deposit will be retained by the park owner.

4. Quiet Enjoyment - Occupant's Duty

- Occupants must not do anything in or near the site or caravan park, or allow their visitors to the caravan park or site to do anything which interferes with the privacy, peace and quiet of other occupants of the caravan park, or their proper use and enjoyment of the caravan park.

5. Occupants Must Keep Site Clean

- Occupants must keep the site clean and tidy, and
- maintain the site and caravan in a manner and condition that do not detract from the general standard of the caravan park as set by the caravan park owner from time to time.

6. Occupants Must Not Erect Structures

- Occupants must not erect any structure on the site or in the caravan park without the prior consent of the caravan park owner.

7. Occupants Must Notify Owner of, and Compensate for Damage

- If any damage other than fair wear and tear is caused to the caravan park or any facilities in the caravan park by the occupant or his or her visitor, the occupant must:
 - a. Notify the caravan park owner of the damage and repair the damage if agreed by the owner, or

b. notify the caravan park owner of the damage and pay compensation for the damage to the owner.

- Occupants must report to the caravan park owner any damage to, or breakdown of communal facilities of which the occupants have knowledge.

8. Number of Persons Occupying Site

- The occupants must not allow more than 6 persons to occupy the site at any one time (8 persons for annual site holders).

9. Occupants Must Observe Caravan Park Rules

- The occupants must observe all caravan park rules imposed made from time to time.

10. Caravan Park Owner Must Provide Access

- The caravan park owner must:
 - a. Provide 24 hour vehicular access for all occupants to all sites, and
 - b. provide 24 hour access for all occupants to the caravan park and the communal toilet and bathroom facilities, and
 - c. provide access during all reasonable hours for occupants to recreational areas, laundry and communal facilities other than toilets and bathrooms.

11. Quiet Enjoyment - Caravan Park Owner's Duty.

- The caravan park owner must not unreasonably restrict or interfere with the occupant's privacy, peace and quiet or proper use and enjoyment of the site and the communal facilities.

12. Caravan Park Owner Must Keep Park Etc. Clean

- The caravan park owner must:
 - a. Keep the common areas, gardens, roadways, paths and recreation areas in the caravan park clean and in a safe condition, and
 - b. arrange for the collection of occupant's garbage from the caravan park (refer to page 7, 3.2 for acceptable waste).

13. Duty Of Caravan Park Owner To Maintain Communal Areas

- The caravan park owner must maintain, repair and keep clean and tidy all communal bathrooms, toilets, laundries and other communal facilities in the caravan park.
- When repairing or renovating communal facilities, the caravan park owner must:
 - a. Minimise inconvenience and disruption to occupants, and
 - b. if necessary, provide temporary substitute facilities.

PARK RULES

Section 185 of the Residential Tenancies Act enables the caravan park owner from time to time to make rules relating to the use, enjoyment, control and management of the caravan park. It is the caravan park owner's duty to ensure that the caravan park rules are reasonable and the caravan park owner must take all steps to ensure that they are observed by all occupants and are enforced and interpreted consistently and fairly.

The caravan park owner must give a copy of the caravan park rules to the principle occupant of the site.

The following rules have been established by the caravan park owner in the belief that they are reasonable and conducive to the effective management of the caravan park.

If an occupant believes that a rule is unreasonable then he or she should discuss the matter with the caravan park owner. There is also provision in the Act for a resident to make an application to the Victorian Civil & Administrative Tribunal should the resident consider a rule unreasonable.

A copy of the Residential Tenancies Act 1997 is available for reference by occupants at the caravan park office.

RULES APPLICABLE TO ALL OCCUPANTS

All caravan park occupants must observe and adhere to the following:

1. The Making and Abatement of Noise.

- 1.1 Noise must be kept to a minimum at all times ensuring that there is no unnecessary noise at all between 10:00pm and 8:00am. All noise must cease by 12pm.
Note: Exceptional circumstances may exist where the caravan park owner considers it reasonable that this rule need not be strictly applied. The prior written consent of the caravan park owner must be obtained in these instances.
- 1.2 All building and construction onsite is to be done between 10:00am and 4:00pm. Building and construction is not permitted during peak periods (long weekends and school holidays).

2. Vehicles.

- 2.1 The park speed limit is 5km per hour (walking pace). Please note that bicycles and motor cycles are NOT an exception.
- 2.2 Occupants are permitted one motor vehicle per site provided there is a satisfactory space allocated for the vehicle. The caravan park owner will only give written consent for a second vehicle if:
 - a. Both vehicles are owned and used by the site occupants, and
 - b. in the opinion of the caravan park owner, a satisfactory parking place is available.
- 2.3 In the absence of prior written consent from the caravan park owner and the absence of a satisfactory parking space on your site, occupants must ensure that all cars are parked in the visitor's car park. **Parking on other sites is not permitted.** Cars parked on vacant sites will be charged at the standard nightly rate for that site.
- 2.4 Occupants must not carry out repairs to motor vehicles/boats within the caravan park unless an appropriate time and place has been agreed to by the caravan park owner.
- 2.5 Unregistered or un-roadworthy vehicles must not be brought into the caravan park without the prior written consent of the caravan park owner.
- 2.6 Vehicles may be driven or ridden on the roads only.
- 2.7 **Bicycles** are to be ridden during daylight hours only. They are not permitted to be ridden through sites, around the amenities block, in the camp kitchen or on the café decking. Helmets **MUST** be worn at all times. Bicycles are not to be left on roadways or paths. Parents and guardians are expected to observe and enforce this rule, and are at all times responsible for the child's behavior and any resulting damage or injury arising from non-adherence.
- 2.8 Occupants may only park their vehicle in the place specified by the caravan park owner.

3. The Disposal of Refuse.

- 3.1 Occupants must wrap garbage before placing it in the rubbish dump bins. Dump points are defined on the caravan park map. Please separate your waste and place into the respective bins as follows:
 - General household waste.
 - Plastic and glass bottles, cans, paper and cardboard.

- 3.2 Caravan park garbage disposal facilities must not be used for the disposal of anything other than **normal household refuse**. Items such as unwanted eskys, BBQ's, chairs, etc. **are not** to be placed into our bin **under any circumstances** and should be taken home for disposal.
Anyone placing unnecessary items in or around our bins will be asked to remove the items immediately and any costs incurred by the park owner will be passed on to the person or persons responsible. Further to this, rubbish of any sort must not be placed on the ground around the bins.
- 3.3 In disposing of garden refuse such as leaves, lawn clippings, etc., occupants should assist the caravan park owner by either disposing of the refuse themselves or consulting with the caravan park owner as to a convenient place for collection.

4. The Keeping of Pets.

- 4.1 Occupants must not have a pet in the caravan park without first obtaining the caravan park owner's consent with respect to a specific pet. The pet's name and breed must be stated on relevant forms.
- 4.2 Animal waste must be collected and disposed of promptly and appropriately.
- 4.3 If required, occupants must provide the caravan park owner with a written guarantee that their pet does not represent a danger to the health and safety of other park users, in particular young children, who may wander into an animal's territory.
- 4.4 Dogs must not be left unattended unless absolutely necessary. If it is necessary, every effort must be made to arrange for someone to monitor the dog's behaviour and well being. Dogs left unattended must:
- a. Be on a lead,
 - b. have access to a shelter and shade, and
 - c. be provided with adequate food and water.
- 4.5 Occupants are responsible for their pet's behavior at all times and **MUST** ensure their animal be leashed at ALL times.
- 4.6 Pets are not permitted inside the amenities buildings, pool area or the camp kitchen.
- 4.7 Pets must not be allowed to enter a hired dwelling.
- 4.8 Pets must not be a nuisance or cause distress to other park users.

5. The Playing of Games and Other Sporting Activities.

- 5.1 Ball games must not be playing in or around the amenities block or within close proximity of a dwelling.
- 5.2 Play-ground equipment must be used in the proper manner and in accordance with any rules specific to particular apparatus.
- 5.3 Occupants must refrain from running, pushing, diving, bombing or any form of boisterous behavior in the swimming pool area.

6. The Use and Operation of Communal Facilities.

- 6.1 Smoking is not permitted in the amenities blocks, camp kitchen or hired dwellings.
- 6.2 Glassware and alcohol/drinks are not permitted in the pool area or the amenities blocks.

- 6.3 Dishes must not be washed in the laundry trough, baths or hand basins.
- 6.4 Washing is to be removed promptly from the washing machines, dryer or clotheslines upon the completion of washing or drying. The caravan park owner may remove and store laundry items as a result of non-compliance.
- 6.5 Occupants may not erect a private clothesline other than a small temporary line which is not within obvious view of other park users.
- 6.6 Occupants must ensure that the amenities block is used appropriately at all times. Urinating throughout the park is NOT permitted.
- 6.7 As water is a precious resource we request that showers be kept to a 5 minute maximum.

7. The Supervision of Children.

- 7.1 Parents and guardians must maintain sufficient periodical supervision of their children, so as to ensure that the children do not cause a nuisance or inconvenience to other occupants, management or employee of the caravan park.
- 7.2 Pre-school children must be supervised by an adult when using the play ground, amenities blocks, swimming pool and motor bike track.
- 7.3 School aged children must be supervised by an adult while in the swimming pool area.
- 7.4 Parents and guardians must support any reasonable sanctions imposed by the caravan park owner resulting from improper conduct or use of the caravan park facilities by their children.

8. Grievances.

- 8.1 Occupants may use a private, conciliatory approach to the settling of disputes with other occupants, the caravan park owner or any employee of the caravan park.

9. Visitors.

- 9.1 Occupants must ensure that their visitors register their presence at the caravan park office advising the caravan park owner of the visitor's name and address if required by the caravan park owner. Occupants are responsible for their visitor's behavior at all time. All visitors MUST park in the visitor's car park.

10. Fires and Outdoor Heating.

- 10.1 Fires are only permitted in fire bins or designated fireplaces provided by or approved by the caravan park owner. Fire drums are available for hire. Drums and firewood must be requested by 4:00pm. As there is a limited number of fire drums they are provided on a first come, first served basis.
- 10.2 Fires must be attended by an adult at all times and be completely extinguished before being left unattended.
- 10.3 A full bucket of water must be readily available at camp sites and all fires must be thoroughly doused and extinguished before being left unattended or retiring for the night.

- 10.4 Occupants must comply with any fire restrictions and/or conditions which may apply with respect to fires used for cooking or warmth during a fire danger period. The park owner reserves the right to place a fire ban at any time if the weather is deemed hazardous to camp fires. Furthermore, the caravan park owner reserves the right to ask occupants to extinguish already lit fires if conditions become a fire risk.
- 10.5 Firewood must not hang over the drum to avoid hot coals dropping onto the ground.
- 10.6 All firewood is to be cut outside of the park and not exceed 450mm in length or width.
- 10.7 Fire must have a clearance of 3 metres radius around the fire including 3 metres above. Please consider the proximity of caravan, tents, LPG cylinders, vehicles, trees, store of wood, stumps, tree roots and any other flammable equipment to the campfire.
- 10.8 The collection and use of wood from within the park grounds is prohibited and will be classed as theft. Firewood is available for purchase from the office.
- 10.9 The registered site holder or principal occupant is responsible to ensure these terms are met and all site holders take full responsibility for the fire, their visitors and any injury or damaged caused.
- 10.9 Outdoor electric heaters are not permitted.
- 10.10 Chainsaws are prohibited to be used anywhere on the park property.

11. General Conduct.

- 11.1 Occupants must ensure that they and their visitors do not behave in a manner that could be:
 - a. Offensive to other park occupants,
 - b. a poor example to the children in the park,
 - c. injurious to the reputation of the caravan park.

12. The Maintenance of and Modifications to Sites or Dwellings.

- 12.1 Occupants must not extend, alter, modify or attach any fixtures to any site or dwelling within the caravan park without first obtaining the caravan park owner's written approval.
- 12.2 Dwellings must be maintained in a manner consistent with the requirements of the Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 1999.

13. The Motor Bike Track.

- 13.1 Indemnity forms must be filled in at the office prior to riding at the rear of the property. This includes parents, guardians or other observers who may not be riding.
- 13.2 ALL riders must wear safety equipment including helmets at ALL times.
- 13.3 ALL children under the age of 16 MUST be supervised by a parent or guardian at all times.
- 13.4 Riding of recreational motor bikes and quad bikes on the roadways within the caravan park is strictly prohibited.

- 13.5 Riding to and from the bike track beyond the water tank is strictly walking pace.
- 13.6 Riding is allowed in the designated area at the rear of the property between the hours of 10.00am - 4.00pm. **Riders are not permitted to ride in or through paddocks and must remain on the designated motor bike track at all times.**
- 13.7 Alcohol is NOT to be consumed at the motor bike track (even if you are just an observer).
- 13.8 No glass containers to be taken to the track and all rubbish must be removed and placed into rubbish bins.
- 13.9 Respect for all other riders including children is expected at all times.
- 13.10 Failure to abide by the rules will result in exclusion from the motor bike track as a rider and as an observer.

14. Check In and Check Out Time.

- 14.1 Check in is any time after 2pm on the scheduled day of arrival unless otherwise agreed to by the caravan park owner. Early arrival may result in long waiting times if the site or park cabin is not ready for occupancy.
- 14.2 Occupants must vacate the caravan park by 10:00am on the day of departure unless otherwise agreed to by the caravan park owner.

15. Water.

- 15.1 Water is sourced from an underground spring. It is recommended that it be boiled before drinking.
- 15.2 Washing of boats, caravans, cars, motorbikes, etc. is not permitted.

RULES SPECIFIC TO OCCUPANTS OF LONG TERM HOLIDAY ANNUAL OR SEASONAL SITES.

All such occupants must observe and adhere to the following:

1. The Payment of Site Fees and Other Charges.

- 1.1 All fees/accounts will be billed to a single entity not multiple individuals; one entity is to be responsible for the total account.
- 1.2 Occupants will pay a seasonal site fee in advance or otherwise as agreed to by the caravan park owner.
- 1.3 Occupants will pay the annual site fee either annually, half yearly or quarterly in advance or as agreed to by the caravan park owner.
- 1.4 Occupants exceeding the 180 Permitted Nights will be charged \$10.00 per person per night thereafter, unless otherwise privately negotiated with the caravan park owner.
- 1.5 Occupants are responsible to pay fees for any occupants other than the nominated persons whose occupancy fee is incorporated in the annual or seasonal site fee in advance of the visitor's occupancy.
- 1.6 Occupants will pay electricity accounts, if applicable, by the due date as invoiced.
- 1.7 Occupants will ensure that the caravan/annex or cabin is comprehensively insured. A copy of the insurance policy must be provided with every annual agreement.
- 1.8 Boats, trailers and motor bikes can be stored onsite, however storage of these items is permitted ONLY if a 2000mm clear perimeter remains around the site. Boats, trailers, caravans, etc. can be stored in the storage areas within the caravan park for a nominated weekly fee. Anything left in the park that has not been approved by the park owner will be chained and locked until the owner is identified and the applicable fees are paid in full.

2. Site Responsibilities.

- 2.1 Occupants are permitted only ONE caravan and ONE annex or cabin per site. Occupants must not place anything outside of their designated site, and must not obstruct the 2000mm clear perimeter around sites at any time, even if temporary.
- 2.2 A set of van/cabin/annex keys is to be provided to management for emergency use only. Where locks are placed on power boxes and meters, a key must be provided to management.
- 2.3 Each site is allocated only ONE electricity point and ONE hose point.
- 2.4 Power and water are to be switched off prior to leaving. If you contact management when you are planning to visit the power and water may be connected for you.
- 2.5 Sites are limited to 8 persons at any one time when you are in attendance. Permitted occupants and paid visitors are to reside within the onsite caravan/annex structure only. The erection of additional tents/swags/sleeping in cars is prohibited unless agreed to by the caravan park owner.

- 2.6 Permitted Nights is the total number of nights that any **site** can be used within the contract period, regardless of who is using the site. It is not the number of nights that each permitted occupant is permitted to use the site.
- 2.7 Management must be notified by the principal owner of the intention of visitors to use the site PRIOR to their arrival. Failure to notify us in advance may result in refusal of entry of your visitors into the park.
- 2.8 All visitors are to park in designated car parks. If your visitor parks on another site then a \$35.00 per night charge will be added to the principal occupant's account. It is the principal occupant's responsibility to ensure that all visitors are aware of the parking restrictions.
- 2.9 Parking on any annual site other than your own is not permitted unless management has been advised personally by the owner of the site that you have their permission. This also applies to using other annual sites for any reason.
- 2.10 Parking on roads is strictly prohibited. Parking on roads creates a visual hazard for children, and even when the park appears empty there may be kids around. Please always keep your car off the road and use the car park areas for additional parking when required. This also applies to motor bikes and bicycles.
- 2.11 ANNUAL SITES ARE NOT MAINTAINED BY THE CARAVAN PARK OWNER. It is the principal occupant's responsibility to ensure that sites are maintained in a neat and tidy condition at all times consistent with the caravan park owner's standards. This includes the removal of unnecessary rubbish, maintaining of plants and gardens, keeping all grass on the site trimmed, weeds removed and leaves raked. Please do not rake leaves into piles beside, behind or underneath your site as this is a major fire hazard and CFA compliance issue. Leaves and other green matter may be disposed of on the fire pile or as directed by the caravan park owner.
- 2.12 Visitors who are not listed as permitted occupants staying in your caravan/annex when you are in attendance will be charged \$10.00 per adult (16 & over) per night and \$5.00 per child (3-16) per night (under 3 are free). Visitors not listed as permitted occupants staying in your caravan/annex when you are NOT in attendance will be charged \$25.00 per night for 2 people and \$10.00 per additional adult per night and \$5.00 per additional child (3-16) per night (under 3 are free).
- 2.13 It is the principal occupant's responsibility to ensure that all permitted occupants and visitors are aware of and adhere to all park rules.

3. Signing In and Out.

- 3.1 It is imperative that the caravan park owner is aware of all people within the park at all times. Therefore ALL occupants MUST sign in, or be signed in upon arrival at the park, or if not practical, at the earliest possible opportunity afterwards. All persons must then be signed out upon leaving.
The names of all people entering the park must be listed on the Annual Sign In Sheet, including children, infants, day and overnight visitors. Additional occupants arriving separately must sign in for themselves. All visitors, whether staying overnight or not, MUST report to the office prior to entering the park. Visitors may be asked to vacate the park for failing to do so.

CARAVAN PARK MANAGEMENT POLICIES

The following policies do not constitute park rules but are provided for the information and benefit of occupants and their visitors.

Rent, Site Fees and Other Charges.

All accommodation and site fees are reviewed 6 monthly on the 1st of July and the 1st of January each year. The caravan park owner will however, honour any prices quoted at the time of a booking and any prices referred to in a **current** annual publication which has been supplied with a price list by the caravan park owner.

Electricity, if applicable, will be charged for at the rate set by the Essential Services Commission from time to time, currently Tariff GD.

Refunds

The caravan park owner can justifiably withhold all or part of any deposit or advance payment as compensation for any loss which is incurred resulting from a customer not honoring a booking regardless of the circumstances. The caravan park owner will either refund deposits or advance payments in full, (other than an administration and handling charge), or alternatively provide a credit memo for a future booking, if adequate notice of a cancellation is provided such that the accommodation or site can be re-let and a financial loss avoided. An administration fee is applicable to all refunds.

The Making and Abatement of Noise

As indicated in the park rules there may be circumstances where the rule with respect to the making and abatement of noise need not be strictly applied. Such circumstances might include special celebrations, group functions and entertainment. The caravan park owner or alternatively a caravan park occupant may plan such occasions. In the case of the latter full consultation with the caravan park owner is expected such that any parameters may be mutually agreed and the privilege not subject to abuse. At all times the privacy, peace and quiet of uninvolved occupants must be considered.

Visitors

Within reason, occupant's visitors are welcome in the caravan park. Park occupants must accept responsibility for their visitors. There is no charge for day visitors but it is expected that day visitors will vacate the caravan park by 10:00pm or they will be considered as overnight guests. Visitor fees will then be applicable.

Park occupants who anticipate having a visitor stay overnight must, when registering their visitor in accordance with the park rules, pay the appropriate fee. The overnight visitor's fee is that which applies for additional occupants of sites or dwellings as set by the caravan park owner from time to time.

Grievances

It is the caravan park owner's policy to listen to or raise grievances in private, during office hours, at the caravan park office or at another time and place by arrangement. There is an expectation that an attempt has been made to resolve any dispute between occupants, in accordance with the park rules, prior to the caravan park owner's involvement.

The caravan park owner will seek to have disputes settled in a manner acceptable to all concerned but at times will be required to make a judgment with respect to a breach of duty by an occupant. In the case of a non-resident occupier a breach may result in the caravan park owner terminating any agreement to provide accommodation.

A breach of duty by a resident will be dealt with in accordance with the relevant provisions of the Residential Tenancies Act.

Disciplining of Children

Children who misbehave in the swimming pool, playground or the caravan park general will normally be reminded of what constitutes acceptable behaviour before any other action is taken. If a child continues to behave in an unacceptable manner the caravan park owner reserves the right to impose a reasonable sanction on the child. For example, the child may be refused use of the swimming pool for a period of time. It is expected, in accordance with the caravan park rules, that parents and guardians will support the caravan park owner with respect to any reasonable sanction imposed. In severe cases or where a child continues to break park rules after applicable sanctions have been imposed, the child and their group may be evicted from the park.