

12th September 2013

The Director,
General Purpose Standing Committee No. 3
Legislative Council
Parliament House, Macquarie Street,
Sydney, NSW, 2000

Dear Ms McMichael

Inquiry into tourism in local communities

Thank you for the opportunity to appear before the General Purpose Standing Committee No. 3 on Monday 26th August 2013.

A corrected transcript of evidence is enclosed. On page 21 we have highlighted a quote that we believe should be attributed to Mr Whitmont.

In relation to questions taken on notice we provide the following information:

1. Areas of non-compliant camp sites

This listing is compiled from feedback from our members and other resources. There may be other areas across the state where non-compliant camping is occurring.

LOCATION	TOWN
Kyffins Reserve, Spring Road	MULWALA
Carpark and reserve adjoining Murray Shire Council Chambers	MOAMA
Rowers Park	COROWA
Side of Wymah Road	BOWNA
Side of Bowna Road	BOWNA
Newey & Old Reservoirs	COBAR
Carpark across from museum	COBAR
Cornish Rest Area underneath Cobar Sign	COBAR
RTA inspection carpark west of Cobar	COBAR
Roadside areas along Kidman Way north of the town	COBAR
Florida Rest Area	50kms east of COBAR, on Barrier Hwy

2 Rest areas - 7km south of town, 4kms north of town.	WARREN
Mays Bend	BOURKE
4 Mile Camp Area	BREWARRINA
Highway stop on the road to Adelaide	BROKEN HILL
Old Bar Park Reserve	OLD BAR
Corner of Mudbishops and Old Bar Road as well as down and just off Mudbishops road	OLD BAR
Airstrip reserves	OLD BAR
Riverbank south side of river northbound	BULAHDELAH
Dirt track on North side of headland overlooking water	SEAL ROCKS
Darawank Park	TUNCURRY
Second Head beach and lookout	FORSTER
Marina carpark	FORSTER
Main Beach	FORSTER
Boat ramp	HARRINGTON
Crowdy Head carpark	CROWDY HEAD
Private property	CROWDY HEAD
Rotary Park	TAREE
Paynes Island	REGATTA POINT
Riverside	BEGA
Bermagui Point	BERMAGUI
Tathra Beach Park and Lions Park	TATHRA
Waldrons Swamp Rest Area	MORUYA

2. Number and location of parks that accommodate large recreational vehicles

This listing is compiled from the NSW Caravan, Camping & RV Holiday Touring & Products Guide 2013.

Region	No. Parks	No. parks that take large RVS	Percentage
Sapphire Coast (Eden to Wallaga Lake)	17	16	94
Eurobodalla Coast (Narooma to South Durras)	24	17	71
Shoalhaven South (Durras North to Bendalong)	21	13	62
Shoalhaven North (Cudmirrah to Shoalhaven Heads)	23	15	65

The Illawarra & Southern Highlands	20	11	55
Sydney & Surrounds	24	14	58
Central Coast	20	11	55
Newcastle & Lake Macquarie	15	5	33
Hunter Valley	4	4	100
Port Stephens	15	11	73
Great Lakes & Manning Valley (Myall Lakes to Harrington)	22	15	68
Port Macquarie to Nambucca	27	23	85
Coffs & Clarence Coasts (Urunga to Woombah)	35	29	83
Far North Coast (Evans Head to Tweed Heads)	41	33	80
Canberra & The Snowies	12	10	83
Central NSW	17	17	100
New England & North Western NSW	15	13	87
Riverina & Murray	18	13	72
Western NSW	5	5	100
Totals	375	275	73%

3. Primitive camp grounds

Primitive Camping Grounds are one type of camping ground covered by the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005*.

The prescribed standard for the provision of amenities and services for a primitive camping ground are considerably less than that of a conventional caravan park.

There are specific conditions that apply to primitive camping grounds. These include:

- a) Maximum number of designated camp sites is not to exceed a mean average of 2 for each hectare (where that figure is calculated over the total area of the primitive camp ground),
- b) Where there are designated camp sites, camping is not permitted within the primitive camping ground other than on those designated camp sites,
- c) A caravan, annexe or campervan cannot be installed closer than 6 metres to any other caravan, annexe, campervan or tent,
- d) A ten cannot be installed closer than 6 metres to any caravan, annexe or campervan or closer than 3 metres to any other tent,
- e) The camping ground must be provided with a water supply, toilet and refuse disposal facilities as per the approval,
- f) No unoccupied caravans, campervans or tents are allowed to remain for more than 24 hours,
- g) Where a fee is charged a register of occupiers must be kept, and
- h) Fire fighting facilities are to be provided as per the approval.

Please find attached the Department of Planning circular dated July 2010 on Illegal Camping: it specifies that primitive camp grounds are normally remote from urban areas.

Primitive Camping Rates

The rates for primitive camping grounds can vary depending on location. Prices range from zero - \$26 in peak season, and in comparison, rates at commercial parks range from \$25 - \$50 depending on the season.

If you require any further information please contact us on

Yours sincerely,

Lyndel Gray
Chief Executive Officer

Circular	PS 10-019
Issued	July 2010
Related	PS05-007, PS06-001

Illegal Camping

The purpose of this circular is to remind councils, event organisers, touring groups and others that, with limited exceptions, carrying out or providing for camping (eg. in caravans, campervans, motorhomes or tents) on council or other land requires council approval.

Introduction

The NSW planning and local government legislation both have a role in the regulation of camping. Compliance with the regulatory requirements for camping in that legislation promotes camping that is safe, enjoyable, equitable and sustainable.

Approvals required for caravan parks and camping grounds

Under *State Environmental Planning Policy No 21 – Caravan Parks* (SEPP 21), the use of land within a local government area for a caravan park or camping ground may, unless prohibited by another plan, be carried out only with the development consent of the council. However, SEPP 21 does not require development consent for a caravan park or camping ground on land dedicated or reserved under the *National Parks and Wildlife Act 1974* (NP&W Act).

In addition, operating a caravan park or camping ground is an activity requiring council approval under Section 68 of the *Local Government Act 1993* (LG Act) unless excepted by the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 (LG Regulation 2005), other legislation¹ or a local approvals policy².

Approval to operate a caravan park or camping ground is usually subject to a condition that the park or ground must be designed, constructed, maintained and operated in accordance with the relevant requirements of the LG Regulation 2005. It contains requirements for minimum size for a caravan park, dwelling site and camp site sizes, setbacks, roads, utility services, fire hose reels, shower and toilet facilities, laundry facilities, management and other matters.

Special provision is made in the LG Regulation 2005 for operating 'primitive camping grounds'. This type of camping ground is generally remote from urban areas, and under the Regulation is required to have only a limited range of facilities. Requirements include that the ground must be provided with a water supply, toilet and refuse disposal facilities as specified in the approval for the ground. Such fire fighting facilities as may be specified in the approval are also to be provided.

Normally the installation of caravans, campervans or tents in a caravan park or primitive camping ground, and the installation of campervans or tents in other camping grounds, does not require council approval. The installation of caravans, campervans, tents and annexes in caravan parks and camping grounds must, however, comply with the relevant requirements under the LG Regulation 2005 (eg. see clause 132 regarding primitive camping grounds and clauses 161-173 regarding other camping grounds and caravan parks). For example, certain separation distance requirements apply for reasons of safety and privacy.

Section 78A of the *Environmental Planning and Assessment Act 1979* allows an applicant (other than the Crown) in a single development application to apply to use land for a caravan park or camping ground, and operate a caravan park or camping ground.

¹ For example, an approval under Section 68 of the LG Act is not required for (and the LG Regulation 2005 does not apply to) a caravan park or camping ground on land dedicated or reserved under the NP&W Act 1974.

² A local approvals policy adopted under Part 3 of the LG Act may specify the following: the circumstances in which a person would be exempt from the need to obtain a particular approval of the Council for activities governed by the LG Act; the criteria which a Council must take into consideration in determining whether to give or refuse an approval under the LG Act; and other matters relating to approvals.

Temporary caravan parks and camping grounds

A temporary caravan park or camping ground requires development consent and approval to operate. As with permanent parks and grounds relevant requirements in the LG Regulation 2005 concerning tents, caravans and annexes in caravan parks and camping grounds must also be complied with.

Before granting consent to a development application, or approving a LG Act application, for a temporary caravan park or camping ground, a council should be satisfied that for the duration of park's or ground's operation provision of a water supply and toilet and refuse facilities will be adequate. Councils should also assess whether fire-fighting facilities are needed and whether any other facility or measure may necessary to promote the health, safety and amenity of the occupiers.

Under the LG Regulation 2005, a temporary caravan park or camping ground operated for a period of 6 weeks or less, solely in connection with use of the land for a sporting, recreation or cultural event, does not have to be designed, constructed, maintained and operated in accordance with Subdivisions 1-8 of Division 3 of Part 3 of the Regulation (see clause 73(3)). This means, for example, that the park or ground may be excused from having permanent amenities.

Problems caused by illegal camping

Councils are encouraged to be proactive in preventing illegal camping. The reasons for this include:

- if inadequate facilities are provided or the standard of operation is unsatisfactory, the health and safety of campers will not be assured. This may be especially so in relation to fire safety;
- use of an illegal caravan park or camping ground may cause disturbance to adjoining land users, especially if there are adjoining residential areas. This disturbance may be associated with noise, scattering of rubbish, or inadequate toilet facilities or provision for greywater disposal. Environmental damage may also eventuate;
- illegal camping subjects commercial businesses running approved caravan parks and camping grounds to unfair competition, contrary to Competitive Neutrality Guidelines. This is the case even if the unauthorised camping is not provided free or with subsidisation. Under the local government regulations, caravan park approval holders are required to provide certain facilities and comply with an extensive range of standards related to health, safety and amenity considerations.

Examples of enforcement options

If development for a caravan park or camping ground occurs on land where that use is prohibited, or requires but does not have development consent, a

council may initiate the giving an order no 1 under section 121B of the EP&A Act to cease that use.

This order could be given to the owner of the premises or person using the premises for the purpose of a caravan park or camping ground (eg. the operator). Normally, before an order is given, the person who gives it must give a notice of intention in accordance with 121H.

Given the provisions in section 626 of the LG Act, if a person operates a caravan park or camping ground without required prior approval under Part 1 of Chapter 7 of the LG Act, that person is guilty of an offence. Court action could be taken in respect of this. The maximum penalty the court may impose for an offence of this type is 50 penalty units (\$5,500).

Council approval not required for certain exceptions

There are a number of circumstances in which camping in caravans, campervans or tents elsewhere than in a caravan park or camping ground does not require council approval under the LG Act.

1. Exceptions under LG Regulation 2005

For land elsewhere than in a caravan park or camping ground, the LG Regulation provides the following conditional and unconditional exemptions from the requirement for council approval.

Conditional exemptions

Under the LG Regulation 2005 council approval is not required for the installation of:

- up to two caravans, campervans or tents on any land (with the landowner's permission), provided they are not occupied for more than two days at a time and are not occupied for more than 60 days (in total) in any 12 month period
- one caravan or campervan on land on which there is a dwelling house, provided the caravan or campervan is occupied by the owner of the dwelling house or members of the household, and the caravan or campervan is maintained in a safe and healthy condition
- a caravan or campervan on agricultural land, provided the caravan or campervan is occupied by seasonal workers on the land.

Unconditional exceptions

The LG Regulation 2005 (clause 78) provides that installing a caravan, campervan or tent on a **Crown reserve** or in a **State forest** does not require LG Act approval. Instead, the *Crown Lands Act 1989* and the *Forestry Act 1916* apply respectively.

Information about camping in Crown reserves and where to find Crown land holiday parks is available from the NSW Land and Property Management Authority (see www.caravanandcampingnsw.com.au). Enquiries about camping in NSW state forests may be made to Forests NSW (T: 1300 655 687) or see www.dpi.nsw.gov.au/forests/recreation.

2. Other exceptions

National Parks

The use of caravan parks, campervans and tents on lands reserved or dedicated under the NP&W Act is regulated under that Act. Approval under the LG Act is not required for those uses on those lands.

Information on camping opportunities within lands subject to the NP&W Act may be obtained from the National Parks and Wildlife Service (see www.environment.nsw.gov.au and select Visiting a Park).

Roadside rest areas

Camping in a roadside rest area may be permitted, unless a 'no camping' or 'no overnight stays' sign has been placed there by a council or the Roads and Traffic Authority (RTA) (or other relevant authority). Enquiries about the use of rest areas along roads administered by the RTA may be made to that agency.

Further information

For further information on the regulation of caravan parks and camping grounds see the Department of Planning website at www.planning.nsw.gov.au

Copies of the *Environmental Planning and Assessment Act 1979*, the *Local Government Act 1993*, *State Environmental Planning Policy No 21 – Caravan Parks*, the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005* and other State legislation are available on the NSW legislation website at <http://www.legislation.nsw.gov.au>.

If you have queries about this Planning Circular please contact the Department's Information Centre 02 9228 6333 or email information@planning.nsw.gov.au.

Authorised by:

Sam Haddad
Director-General
NSW Department of Planning

Important note: This circular 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 circular.

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