



PLANNING SYSTEM

Act and Regulation changes

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Regulation of camping density in primitive camping grounds

This Circular provides further information on the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 in relation to the camping density provisions that apply to land used for primitive camping grounds. The Regulation commenced on 1 September 2005.

What are primitive camping grounds

Primitive camping grounds (PCGs) are one type of camping ground covered by the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 (the new Regulation). PCGs are lower key than conventional camping grounds. The new Regulation does not require PCGs to have, for example, sealed roads, hot water or laundries. There are about 50 PCGs in NSW — ranging in size from approximately 0.5 hectares to over 600 hectares. They are often in scenic locations such as in bushland, near rivers or on the coast.

Approval to operate a primitive camping ground

The new Regulation applies to applications for approval to operate a PCG under section 68 of the *Local Government Act 1993* (LG Act) that are determined on or after 1 September 2005.

Former approach to camping density

Under the Local Government (Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 1995 (the former Regulation), which was repealed on 1 September 2005, the maximum number of tents, caravans and campervans permitted to use a PCG at any one time was two for each hectare of the camping ground.

New approach to camping density

The new Regulation (see especially clauses 73 and 132) provides two options, and more flexibility, in regulating camping density for PCGs. Under the new Regulation an approval to operate a PCG can either:

- **designate** camp sites where tents, caravans and campervans may be located — in which case the maximum number of camp sites is not to exceed an *average* of two per hectare (that average being calculated over the total area of the PCG)¹, or
- **not designate** camp sites — in which case the maximum number of tents, caravans and campervans permitted to use the ground at any one time is not to exceed an *average* of two per hectare (that average being calculated over the total area of the PCG); with a concession that two or more tents occupied by not more than 12 persons camping together as a group are to be counted as only one tent.

Both options increase the opportunity for families and other groups to camp together in a number of tents.

As *average* density is used to calculate the number of camp sites permitted (where the approval designates camp sites) and the permitted number of tents, caravans and campervans (where the approval does not designate camp sites), camping might be concentrated in some PCGs and more evenly spread in others.

Examples:

- In a five-hectare PCG with designated camp sites there might be ten sites all within a two-hectare section of the camping ground.
- In another five-hectare PCG there might be ten designated camp sites that are evenly distributed over the camping ground.

¹ 'Camp site' is defined in clause 4(1) of the new Regulation.

Regulating density where camp sites are designated

The new Regulation does not stipulate a minimum or maximum size for a designated camp site. In Planning Circular PS 05-007 the Department suggested sites should be fairly small to encourage the quiet enjoyment of camping. It is acknowledged, however, that some variety in size and configuration of camp sites may be appropriate so as to accommodate different group sizes, the lie of the land and other factors.

Some ways in which camp sites might be delineated 'on-the-ground' are by signs, pegs or perimeter logs. It is desirable that the location of camp sites allows campers easy access to the camping ground's water supply, toilet and rubbish disposal facilities.

There is no specific limit on the number of tents, campervans or caravans that may be sited in a designated camp site in a PCG. There are, however, requirements that apply to each kind of moveable dwelling in regard to separation [clause 132(2)(c) and (d)]. For example, a tent may not be located closer than three metres to any other tent, and a campervan or caravan not closer than six metres to any other caravan, annexe, campervan or tent. These requirements are for reasons of safety and privacy.

If the PCG approval designates camp sites, camping is not permitted elsewhere within that ground [clause 132(2)(a)]. This is intended to help conserve the natural environment and encourage campers to make use of the facilities required by clause 132(2)(e).

Regulating density where camp sites are not designated

The new Regulation provides that where an approval for a PCG does not designate camp sites, two or more tents occupied by up to 12 people camping together as a group are to be counted as one tent. This recognises that families and other groups will often wish to camp together using more than one tent. Also certain tents might be used solely for storage or for a shower or bush toilet.

If a party of 24 people wanted to camp together in tents in a PCG where camp sites are not designated, they could do so as two groups of 12 for purposes of the new Regulation. Their total number of tents would then count as only two tents.

PCGs that do not designate camp sites are likely to have cleared or semi-cleared areas in which many or most campers tend to locate. The separation requirements in clause 132(2)(c) and (d) apply, and good access to the ground's facilities will again be important.

In addition, a PCG approval that does not designate camp sites may impose 'no camping' in particular areas within the PCG [clause 132(3)] for reasons of health, safety, ensuring consistency with the principles of ecologically sustainable development or for another purpose.

Existing approvals

PCG approvals granted under the former Regulation (i.e. pre- 1 September 2005) can continue to operate until the approval lapses. Those approvals may also be able to be extended or renewed. Alternatively, a PCG approval-holder could apply for an amendment to their existing approval to bring their camping ground under one of the more flexible arrangements permitted under the new Regulation.

Under section 106 of the LG Act a council may amend a LG Act section 68 approval if it:

- is satisfied that the approval as amended will be substantially the same as the original approval, and
- is satisfied that no prejudice will be caused to any person who made a submission concerning the original approval, and
- has consulted with any person or authority whose concurrence to the original approval was required to be obtained and the person or authority has not, within 21 days after being consulted, objected to the amendment to the original approval.

Example: An operator of a five-hectare PCG approved for ten tents, campervans or caravans under the former Regulation might wish to apply for an amendment to that approval so that ten existing cleared areas within the ground are designated as camp sites. If that amendment were granted, the number of tents, campervans and caravans permitted to locate in the designated camp sites may not be specifically limited other than by the separation requirements in clause 132(2)(c) and (d). The council may approve this scenario, subject to section 106 being complied with.

Example: A PCG operator who has a pre- 1 September 2005 approval that does not designate camp sites (and who does not want to designate camp sites), may apply for an amendment to insert the camping density concession in clause 72(3) of the new Regulation into their approval. The granting of that amendment would mean that in the subject PCG two or more tents occupied by a group of not more than 12 persons camping together are to be counted as only one tent.

Other general matters

Councils need to ensure that they are familiar with the approval provisions in Part 1 of Chapter 7 of the LG Act concerning, among other things, which activities generally require approval, matters for consideration, amendment and renewal of approvals, as well as the making of objections to the application of the regulations or a local policy.

Councils and applicants are reminded that under State Environmental Planning Policy No. 21 — Caravan Parks (SEPP 21), development for the purposes of a caravan park may only be carried out with the consent of the council. Under SEPP 21, a caravan park means '...land (including a camping ground) on which caravans (or caravans and other moveable dwellings) are, or are to be, installed or placed.'

Further information

For further information about the Local Government (Manufactured Home Estate, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005, contact:

Planning Reform Unit
Department of Planning
GPO Box 39, Sydney 2001.

The new Regulation may be accessed on the Parliamentary Counsel Office's website at www.legislation.nsw.gov.au — see 'In force' database.

Authorised by:

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Important note

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