

# Planning circular

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## PLANNING SYSTEM

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Caravan parks and camping grounds

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| <b>Circular</b> | PS 21-021                     |
| <b>Issued</b>   | 2 December 2021 <sup>1</sup>  |
| <b>Related</b>  | Replaces PS 06-001, PS 10-019 |

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## Caravan parks and camping grounds

The purpose of this circular is to provide information on the approval requirements for camping (e.g. in caravans, campervans, motorhomes or tents) on council or other land. This information is relevant to councils, event organisers, touring groups and private landholders.

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### 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 Chapter 3, Part 9 of *State Environmental Planning Policy (Housing) 2021 (Housing SEPP)*, 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, the Housing SEPP 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 2021 (LG Regulation 2021)*, other legislation<sup>2</sup> or a local approvals policy<sup>3</sup>.

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 2021. 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 2021 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 firefighting 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 2021 (e.g. see section 131 regarding primitive camping grounds and sections 160-172 regarding other camping grounds and caravan parks). For example, certain separation distance requirements apply for reasons of safety and privacy.

Section 4.12 of the *Environmental Planning and Assessment Act 1979* allows an applicant (other than

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<sup>1</sup> Revised 10 August 2023 to include updated references to the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021* and consolidated State Environmental Planning Policies.

<sup>2</sup> For example, an approval under Section 68 of the LG Act is not required for (and the LG Regulation 2021 does not apply to) a caravan park or camping ground on land dedicated or reserved under the NP&W Act 1974.

<sup>3</sup> 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.

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.

### Recent changes – natural disasters and pandemic

On 29 October 2021, changes were made to the LG Regulation 2021 to allow extended stays in a caravan park or camping ground for persons displaced because of a natural disaster or pandemic.

This change has permitted persons unable to return to their homes to stay in caravan parks or camping grounds for a longer period than the original period – of up to a maximum period of two years.

People who have been displaced from their homes because of a natural disaster can install a moveable dwelling, such as a caravan, on their land or on other land with the landowner's consent (section 77). These moveable dwellings can be in place for up to two years without the need for council approval. Longer timeframes may be permitted by the local council.

More information can be found on the Department's website at: <https://www.planning.nsw.gov.au/Policy-and-Legislation/Disaster-and-Pandemic-Recovery/Temporary-accommodation>.

### 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 2021 concerning tents, caravans and annexes in caravan parks and camping grounds must also to be complied with.

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

Under the LG Regulation 2021, 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 section 73(3)(b)). This means, for example, that the park or ground may be excused from having permanent amenities.

### Primitive camping grounds

Primitive camping grounds (PCGs) are a form of camping ground covered by the LG Regulation 2021. PCGs are lower key than conventional camping grounds and are not required to have, for example, sealed roads, hot water or laundries. PCGs are still

required to have approval under the LG Act requirements.

Section 131 of the LG Regulation 2021 specifies the density requirements for PCGs and allows for the approval of either:

- **Designated** camp sites where tents, caravans and campervans may be located and where 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), or
- **Non designated** camp sites where the 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) and with a concession that two or more tents occupied by not more than 12 persons camping together as a group are counted as only one tent.

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.

### Regulating density where camp sites are designated

There is no specified minimum or maximum size for a designated camp site and 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 minimum separation requirements for tents, campervans and caravans as specified in section 131(3)(c) and (d) of the LG Regulation 2021.

Where camp sites are designated in a PCG, camping is not permitted elsewhere within that camp ground (section 131(2) of the LG Regulation 2021).

### Regulating density where camp sites are not designated

Where 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. For example, if a party of 24 people were camping together in tents in a non-designated PCG, they could do so as two groups of 12 and their total number of tents would only count as two.

The minimum separation requirements for tents, campervans and caravans in a PCG under sections 131(3)(c) and (d) of the LG Regulation 2021 also applies to PCGs without designated sites.

A PCG with non-designated camp sites may also identify or have a condition of approval imposed that specifies 'no camping' areas (section 131(2) of the LG Regulation 2021).

### Existing approvals

Approvals for PCGs under former regulations (i.e. prior to 2021) can continue to operate until that approval lapses. Those approvals may also be extended, renewed or amended. The provisions of section 106 of the LG Act allow a council to amend an approval under section 68 of that act.

### 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 issuing of an order (Order No. 1) under section 9.34 of the EP&A Act to cease that use.

This order could be given to the owner of the land or person using the land for the purpose of a caravan park or camping ground (e.g. the operator). Normally, before an order is given, the person who gives it must give a notice of intention in accordance with clause 8 of Schedule 5 of the EP&A Act.

Under section 626 of the LG Act, a person who operates a caravan park or camping ground without required prior approval under Part 1 of Chapter 7 of the LG Act, is guilty of an offence and could be liable to legal action.

### Council approval not required for certain exceptions

There are a number of circumstances where camping in caravans, campervans or tents other than in a

caravan park or camping ground does not require council approval under the LG Act.

### Exceptions under LG Regulation 2021

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 2021 council approval is not required for the installation of:

- Not more than 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.
- Not more than 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 pastoral or agricultural land, provided the caravan or campervan is occupied by seasonally by persons employed in pastoral or agricultural operations on the land.

#### Unconditional exceptions

The LG Regulation 2021 (section 78) provides that installing a caravan, campervan or tent on a Crown reserve or on land reserved or dedicated under the National Parks and Wildlife Act 1974 does not require LG Act approval. Instead, the *Crown Land Management Act 2016* and the *National Parks and Wildlife Act 1974* apply respectively.

### Other exceptions

#### 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 Transport for NSW (or other relevant authority).

### Further information

For further information please contact Service NSW on 13 77 88.

Department of Planning and Environment circulars are available at: <https://www.planning.nsw.gov.au/policy-and-legislation/planning-system-circulars/>

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**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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