

Caravans and camping: legal rights and responsibilities for landowners in 'Paper Subdivisions'



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Shoalhaven
City Council

Introduction

The following information has been compiled to assist with enquiries from land owners and potential purchasers about camping in 'paper subdivisions'.

People interested in camping are encouraged to stay in one of the many caravan parks or campgrounds located across the Shoalhaven which are equipped with appropriate facilities and waste management systems.

While legislation allows limited camping on private land in NSW without Council approval (see below) campers are legally responsible for managing and disposing of their waste. Failure to comply with these legal responsibilities can result in fines and prosecution.

Restrictions on length of stay etc

Section 77(a) of the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005* states:

The prior approval of the council is not required for:

- (a) the installation of not more than 2 caravans, campervans or tents on any land, so long as they are not occupied for more than 2 days at a time and are not occupied for more than 60 days (in total) in any single period of 12 months*

Note: The legal provisions for camping on land that has an approved dwelling are less restrictive (refer to section 77(b) of the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation*.)

What is a 'paper subdivision'?

A 'paper subdivision' is an old, undeveloped subdivision that was registered prior to the land use zoning and the requirement for subdivision infrastructure to be provided before registration of subdivision plans. Although there are paper subdivisions elsewhere in the NSW, the Jervis Bay area is a 'hot spot' because of its link with Canberra's history.

Jervis Bay became the official port for Canberra in 1908. Developers speculatively bought and subdivided land in the Jervis Bay area from the mid-1910s to the early 1920s based on conjecture that the area would extensively be developed as a port for Canberra and be directly linked to Canberra by a railway line.

Why is camping in paper subdivisions discouraged?

Paper subdivisions in the Shoalhaven generally have the following characteristics:

- The individual allotments are relatively small.
- The land use zoning generally does not allow dwellings to be approved due to the small size of the individual allotments. Note that some paper subdivisions have been rezoned to allow some development (e.g. Jerberra Estate).
- The land is not sewered (see information below on responsibilities for dealing with waste)
- Road access is often limited or unavailable
- In many cases, the land is environmentally sensitive and is habitat for native plants or animals that are protected by NSW and/or Commonwealth environmental legislation
- Bushland also provides habitat for snakes, spiders, ticks, leaches etc.
- The land is generally heavily vegetated and bushfire prone
- In some cases, the land is flood prone

Camping in these areas has pollution, health, and environmental issues. Campers have legal responsibilities in respect of these issues and failure to comply can result in heavy fines and/or prosecution.

There have also been numerous cases where landowners have installed structures associated with their 'camping' activity, such as a roof, concrete slab, annexe, water tank etc. These structures require development approval (which is effectively prevented under the Shoalhaven Local Environmental Plan (LEP)). Council has, and will continue to take compliance and enforcement action in respect of unauthorised development.

Waste and sanitation

It is important to be aware of your obligation to minimise pollution and disturbance to the area from camping activities. Under the *Protection of the Environment Operations Act 1995*, Clean Up Notices and Prevention Notices can be issued if an authority suspects a pollution incident has occurred or is likely to occur and can direct an occupier of the premises to take action. Fines may also be incurred for Notices or failure to comply with Notices.

Domestic waste (recyclable and putrescent) should be removed from site and disposed of at a facility licensed to take waste and recycling. Putrescible waste such as leftover food, rubbish that is half burned etc. can attract wildlife and cause injury through ingestion. The area should also be inspected to remove micro-rubbish such as organic litter (egg shells, orange peels, nut shells and bits of rubbish). Cigarette ends should be disposed of in a sealable container such as film canisters and removed at the end of the stay.

This is especially important during bush fire season.

Proper disposal of human waste is important to avoid pollution of water sources, avoid the negative implications of someone else finding it, minimise the possibility of spreading disease and maximise the rate of decomposition. Burying human faeces in the correct manner is the most effective method to meet these criteria. Choose the correct location, far from water, campsites, and other frequently used places. Holes should be located at least 50 metres from water, trails and camp and should be covered when finished. Proper disposal of sanitary products requires that they be placed in plastic bags and removed from camp sites – burial is not appropriate.

In the instance that a fixture such as a "port-a-loo" is placed on the property for the purpose of collection of human waste during camping stays, evidence must be provided to Council that you have engaged a contractor who is licensed to remove, transport and dispose of such waste.

Prepared September 2018

