

Camping in Paper Subdivisions

Legal requirements and
landowner responsibilities



Introduction

This Fact Sheet contains information to assist landowners and potential purchasers to understand NSW planning laws and regulations about camping; specifically on vacant land in 'paper subdivisions' in the Shoalhaven. 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. There are also [Free and Low-Cost Camping](#) options available.

What is a paper subdivision?

A paper subdivision is an old, undeveloped subdivision registered before land use zoning was introduced. They pre-date the requirement for infrastructure to be provided before registration of a subdivision plan. Paper subdivisions therefore typically lack formed roads, drainage, reticulated water, sewer or electricity.

Although there are paper subdivisions elsewhere in NSW, the Jervis Bay area is a 'hot spot' because of its link with Canberra's history. When Canberra was selected as the site for the nation's capital in 1908, elaborate plans for Jervis Bay as the 'port for Canberra' were put forward. 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 be extensively developed and be directly linked to Canberra by a railway line.

Together, paper subdivisions in the Shoalhaven comprise thousands of individual lots without dwelling entitlements due to their small size and inability to meet minimum area requirements. Refer to Council's [Paper Subdivisions](#) web page for more information.

What is camping?

Camping usually involves the use of a tent, *caravan* or a *campervan*. A *campervan* includes a camper trailer. These categories of shelter are all types of *moveable dwellings* defined in the Local Government Act 1993.

A 'tent' is not defined in legislation but is commonly described as a portable shelter made of cloth, supported by one or more poles and stretched tight by cords or loops attached to pegs driven into the ground.

Key terms defined in legislation and referred to in this Fact Sheet are *italicised in bold*. For easy reference and better understanding, they are set out below under 'Explanation of Terms' heading below.

Tiny houses or tiny homes

Tiny houses and tiny homes are popular names for a type of *caravan*.

Some people own or hire a shelter on wheels which they call a 'tiny house' or 'tiny home'. By definition, a 'tiny house' or 'tiny home' is a *moveable dwelling*. Caravans, including tiny houses, have emerged as an attractive form of accommodation for landowners looking to generate income from their property.

You need approval to use a tiny house or any form of caravan on your property. Council's webpage [Tiny Houses & Camping Grounds](#) has more information.

Do I need Council approval for camping or tiny houses on my property?

YES. NSW legislation provides limited opportunities for camping on private land without Council approval.

The use of any *moveable dwelling* on land requires development consent from Council and usually also requires a separate approval to be installed under the Local Government Act.

Unless camping is ancillary to an approved use (such as an approved dwelling) development consent is required. Vacant lots in paper subdivisions generally do not have a 'dwelling entitlement' and, with very few exceptions, there are no existing approvals. **Camping cannot be legally undertaken on these properties without approval under the Environmental Planning & Assessment Act (EP&A Act) 1979.**

Can I clear vegetation from the land?

NO. Clearing land for any purpose requires development consent under the EP&A Act.

Land in a paper subdivision is routinely affected by numerous threatened biodiversity constraints. Certain species may be listed as vulnerable, endangered or critically endangered and protected under either (or both) the NSW Biodiversity Conservation Act 2016 (BC Act) or the Environment Protection and Biodiversity Conservation Act 1999 (Cwlth) (EPBC Act). Some locations also contain threatened ecological communities, where all native ground cover, shrubs and trees are protected under either (or both) the BC Act or the EP&A Act.

If a property is inaccessible by vehicle from a public road, vegetation cannot be cleared or disturbed to access or use the property without approval.

Landowners and potential buyers should be aware that the land has important biodiversity values which are **protected under law** and that penalties apply for harming vegetation without the necessary approvals. This information is particularly important to owners and anyone considering buying land in a paper subdivision.

Can I erect a structure on my property?

NO. There are numerous cases where landowners have erected/installed structures associated with their unauthorised 'camping' activity, such as shelters, concrete slabs, annexes and water tanks. Unless they are ancillary to an existing approved dwelling, these structures require development approval (which is effectively prevented under the [Shoalhaven Local Environmental Plan 2014](#) (SLEP 2014)). Council has, and will, continue to take compliance and enforcement action in respect to unauthorised development.

What about farm stay accommodation and agritourism?

These uses are only permitted when ancillary to a **commercial farm** where agriculture is undertaken.

There are no commercial farms in the Shoalhaven within a paper subdivision. Therefore, **farm stay accommodation** and **agritourism** are not uses that could be approved.

Farm Stay Accommodation is a type of **tourist and visitor accommodation** use and is permitted with development consent in the following zones: RU1 Primary Production, RU2 Rural Landscape and RU4 Primary Production Small Lots. **Farm stay accommodation** is only permitted where it is located on the same lot as an existing lawful dwelling house or land with a lot size of 40ha or greater.

Are there any exemptions?

NO. Both the exempt and complying pathways for **farm stay accommodation** under the [State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008](#) relating to the use of land for campervans, caravans and temporary shelters require that the landholding must have an area of at least 15 ha. There are also numerous other development standards that preclude this type of development.

Exemptions under the [Local Government Act](#) relate to the approval requirements under that legislation. These exemptions do not negate or circumvent the requirement for development approval under the EP&A Act for camping in a paper subdivision.

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](#) (Regulation)).

However, these exemptions do not apply to land within a paper subdivision because, as outlined above, vacant lots in paper subdivisions do not generally have a 'dwelling entitlement' and, with very few exceptions, there are no existing approvals.

It is important to also be aware that the provisions outlined in Section 77 of the Regulation do not imply permission for any associated impacts such as, vegetation clearing, on-site waste disposal or connection to services (i.e. water and electricity). All associated works would require development approval and, waste disposal systems, for example, also require additional approvals under the Local Government Act.



Why is camping not permitted in paper subdivisions?

Paper subdivisions in the Shoalhaven commonly share the following characteristics that make the land unsuitable for this type of activity:

- **Generally, 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 provides a habitat for snakes, spiders, ticks, leaches etc.**
- **The land is generally heavily vegetated and bushfire prone.**
- **In some cases, the land is also flood prone.**

Camping in these areas has potential to create pollution, health, and environmental issues. Campers are legally responsible for managing and disposing of their waste. Failure to comply with these legal responsibilities can result in fines and prosecution.

Waste and sanitation

If visiting a property, it is important to be aware of your obligation to minimise pollution and disturbance to the area. 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 to take action to clean up the premises. 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 pieces of rubbish). Cigarette ends should be disposed of in a suitably sealed container and removed at the end of the visit. This is especially important during the 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 and other frequently used places. Holes should be located at least 50 metres from water, roads and trails and should be covered when finished. Proper disposal of sanitary products requires that they be placed in plastic bags and removed – burial is not appropriate. Similar obligations apply in relation to pet waste.

When visiting, if a “port-a-loo” or similar fixture for the purpose of collecting human waste is placed on the property, evidence must be provided to Council that you have engaged a contractor who is licensed to remove, transport and dispose of such waste.



Explanation of terms

The following definitions are provided for information only. The information in this Fact Sheet is current at the date of publication, however NSW legislation is frequently updated. Whilst Council endeavours to ensure that public information is current at all times, users of this Fact Sheet are encouraged to access the relevant links.

[Local Government Act 1993](#)

A **moveable dwelling** is defined as:

- any tent, or any caravan or other van or other portable device (whether on wheels or not), used for human habitation
- a manufactured home, any conveyance, structure or thing of a class or description prescribed by the regulations for the purposes of this definition.

Relevant local approvals policy, for a moveable dwelling or associated structure - the local approvals policy adopted by Council in accordance with the Local Government Act, Chapter 7, Part 3.

Under the [Local Government \(Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings\) Regulation 2021](#):

- a **campervan** is a **moveable dwelling**, other than a **caravan**, designed to be capable of being registered as a motor vehicle, and includes a camper trailer.
- a **caravan** is a **moveable dwelling** designed to be capable of being registered as a trailer, within the meaning of the NSW Road Transport Act 2013 but does not include a camper trailer.

[Shoalhaven Local Environmental Plan 2014](#)

Agritourism means:

- (a) farm gate premises,
- (b) farm experience premises.

Farm stay accommodation means a building or place:

- (a) on a commercial farm, and
- (b) ancillary to the farm, and
- (c) used to provide temporary accommodation to paying guests of the farm, including in buildings or moveable dwellings.

Commercial farm means a farm on which agriculture is undertaken that is:

- (a) on land categorised as farmland under the [Local Government Act 1993](#), section 515 or
- (b) a primary production business within the meaning of the [Income Tax Assessment Act 1997](#) of the Commonwealth, or part of a primary production business, including a business that:
 - i. was a primary production business, and
 - ii. has temporarily ceased to be a primary production business because of a natural disaster, including a drought, flood or bush fire.

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