

# ASSESSMENT OF LOCAL GOVERNMENT REGULATION 2005

MANUFACTURED HOME ESTATES, CARAVAN PARKS, CAMPING GROUNDS & MOVEABLE  
DWELLINGS

43 SYNOTTS LANE OCEAN SHORES 2483  
Lot 3 DP710680

29<sup>TH</sup> OCTOBER 2020

This document has been prepared to address the provisions of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds & Moveable Dwellings) Regulation 2005 as applicable to a 'primitive camping ground' proposal. This information is provided to support a Development Application for a 'camping ground' within the subject site, as defined under Byron Local Environmental Plan 2014. In this circumstance the proposal is nominated as a 'primitive camping ground' as per the definition under the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds & Moveable Dwellings) Regulation 2005. Table 1 below summarises the applicable legislation and analyses its relevance through the following comments.

Table 1	
Legislative Provision	Comment
<b>Definitions</b>  <b>Camp site</b>  means an area of land within a camping ground on which a campervan or tent may be installed or, in the case of a primitive camping ground, on which a campervan, tent or caravan may be installed, and that is designated as a camp site by the approval for the camping ground.  <b>primitive camping ground</b>  means a camping ground that is specified in its approval as being a primitive camping ground.	It is intended to clarify upon approval that the camping is a primitive camping ground.
<b>Division 2 Approvals and exemptions</b>	Noted.

<p><b>Subdivision 1 Operation of caravan parks and camping grounds</b></p> <p>Note. Section 68 of the Act prohibits a person from operating a caravan park or camping ground without the prior approval of the council. Part 1 of Chapter 7 of the Act deals generally with the granting, amendment, extension, renewal, revocation and modification of approvals. Approvals may be granted subject to conditions, including conditions prescribed by the regulations. Section 626 makes it an offence to fail to obtain an approval. Breach of any condition of an approval constitutes an offence under section 627 of the Act.</p>	
<p><b>Clause 71 - Factors for consideration before approval is granted</b></p> <p>(1) The council must not grant an approval to operate a caravan park or camping ground unless it is satisfied that it will be designed, constructed, maintained and operated:</p> <p>(a) in accordance with the relevant requirements of Subdivisions 1–8 of Division 3, or</p> <p>(b) in the case of a primitive camping ground, in accordance with the relevant requirements of Subdivision 9 of Division 3.</p>	<p>As the proposal comprises a primitive camping ground the provisions of Subdivision 9 of Division 3 apply – see comments below.</p>
<p>2) In deciding whether or not the approval for a caravan park or camping ground should allow the installation of a relocatable home, rigid annexe or associated structure on flood liable land, the council must have regard to the principles contained in the Floodplain Development Manual.</p>	<p>Noted</p>
<p><b>Clause 72 - Matters to be specified in approval</b></p> <p>(1) In addition to any other matters it must contain, an approval to operate a caravan park or camping ground must specify the following:</p>	<p>The proposal intends for its approval to consist of an operation of a camping ground only.</p>

<p>(a) whether the approval allows:</p> <p>(i) the operation of a caravan park only, or</p> <p>(ii) the operation of a camping ground only, or</p> <p>(iii) the operation of both a caravan park and a camping ground,</p>	
<p><b>b)</b> in the case of an approval that allows the operation of a caravan park:</p> <p>(i) the number, size and location of long-term sites allowed by the approval, and</p> <p>(ii) the number, size and location of short-term sites allowed by the approval, and</p> <p>(iii) the number, size and location of dwelling sites (whether long-term or short-term) to be reserved for self-contained moveable dwellings, and</p> <p>(iv) the location of any off-site parking spaces for dwelling sites,</p>	<p>The proposal does not seek development consent for any long term stays in the proposed eco-tourism facility.</p> <p>The proposed development comprises 10 primitive camping sites that consist of 800m<sup>2</sup> each and permit the use self-moveable dwellings.</p> <p>Off site parking is not necessary as the site provides large spacious lots that can let visitors park with the guests own site.</p>
<p>(c) in the case of an approval that allows the operation of a camping ground:</p> <p>(i) whether the camping ground is to be a primitive camping ground, and</p>	<p>The proposal consists of a primitive camping ground</p>
<p>ii) in the case of an approval for the operation of a primitive camping ground that designates camp sites, the number, size and location of the camp sites allowed by the approval, and</p>	<p>Refer to attached Site Plan.</p>
<p>(iii) in the case of an approval for the operation of a primitive camping ground that does not designate camp sites, the maximum number of caravans, campervans and tents that are permitted to use the camping ground at any one time, and</p>	<p>The proposal has designated set camping areas for its operation.</p> <p>(Refer to Site Plan)</p>

(iv) the location of any off- site parking spaces for camp sites,	No off-site parking spaces are proposed. Vehicles will park within the general camping areas adjacent to tents.
(d) the location of any flood liable land in the caravan park or camping ground.	The location of flood affected land is specified within the plans submitted with the Development Application.
(2) The numbers, sizes and locations referred to in subclause (1) must be specified by reference to a community map.	Community Map is provided as Attachment 2 to this document.
(3) The approval is to specify that, in the calculation for the purposes of subclause (1) (c) (iii) of the number of tents using a camping ground, 2 or more tents occupied by a group of not more than 12 persons camping together as a group are to be counted as only one tent.	Noted
<p><b>73 Conditions of approval to operate caravan park or camping ground</b></p> <p>(1) An approval to operate a caravan park or camping ground is subject to the following conditions:</p> <p>a) the caravan park or camping ground must be designed, constructed, maintained and operated:</p> <p>(i) in accordance with the relevant requirements of Subdivisions 1–8 of Division 3, or</p> <p>ii) in the case of a primitive camping ground, in accordance with the relevant requirements of Subdivision 9 of Division 3,</p>	As the proposal seeks development consent for a primitive camping ground the provisions of Subdivision 9 of Division 3 apply – see comments below.
b) a person must not be permitted to stay in a moveable dwelling that occupies a short-term site or camp site for a total of more than 150 days in any 12 month period, unless the moveable vehicle is a holiday van and the person is the owner of that holiday van,	Noted

(c) the owner of a holiday van that occupies a short- term site or camp site must not be permitted to stay in the holiday van for a total of more than 180 days in any 12 month period,	Noted
d) a person must not be permitted to stay in a moveable dwelling in a primitive camping ground for a total of more than 50 days in any 12 month period.	Noted
2) For the purposes of this clause, only overnight stays are to be counted in calculating the number of days a person spends in a moveable dwelling.	Noted
(3) This clause does not apply to the operation of a caravan park or camping ground for a period of not more than 6 weeks if the caravan park or camping ground is being operated solely in connection with the use of the land for a sporting, recreational or cultural event.	Noted
4) Subclauses (1) (b), (c) and (d) and (2) do not apply to a resident owner, manager, operator or caretaker of the caravan park or camping ground.  Note. The council may also impose conditions on the grant of an approval under section 94 of the Act.	Noted
<p>Subdivision 9 Primitive camping grounds</p> <p>132 Primitive camping grounds</p> <p>(1) If an approval to operate a primitive camping ground designates one or more camp sites within that ground, then the maximum number of designated camp sites is not to exceed a mean average of 2 for each hectare of the camping ground (where that figure is the average calculated over the total area of the primitive camping ground).</p>	<p>The proposal includes the provision of general camping areas within the 15-hectare property. Recent approvals for primitive camping areas issued within the Byron Local Government Area have calculated the maximum number of camp sites as the total site area multiplied by 2.</p> <p>(15 hectares X 2 = 30 Sites)</p> <p>this allowance, up to 30 camp sites could be applied for within the site. However, the owner does not intend to provide any more than 10 camp sites as part of the proposal.</p> <p>A Land Use Plan is provided as an Annexure to this report which allocates 10 hectares of land as part of the proposed camping area. However, note that camping will only occur generally within the areas nominated as primitive camping sites within the attached Community Plan.</p>
(2) The following conditions apply to a primitive camping ground:	Noted

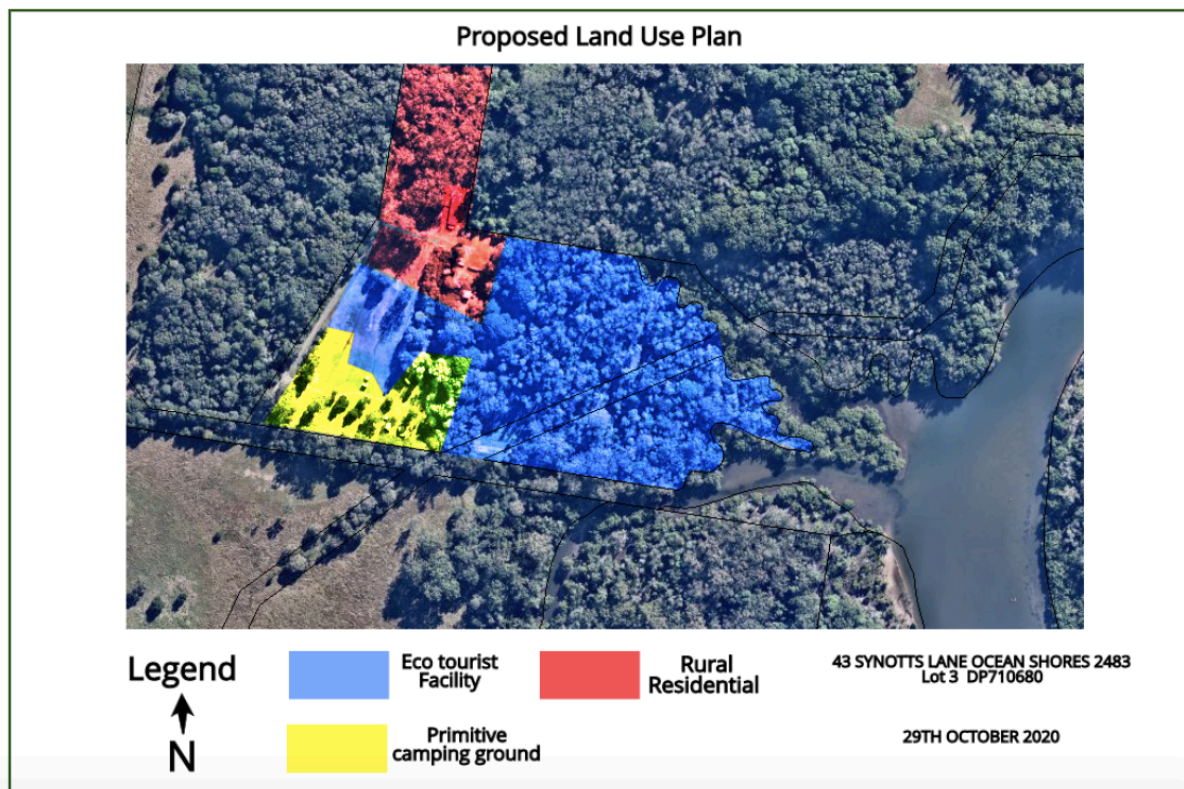
(a) if the approval to operate the primitive camping ground designates one or more camp sites within that ground—camping is not permitted within the primitive camping ground other than on those designated camp sites,	
(b) if the approval to operate the primitive camping ground does not designate one or more camp sites within that ground—the maximum number of caravans, campervans and tents permitted to use the camping ground at any one time is not to exceed a mean average of 2 for each hectare of the camping ground (where that figure is the average calculated over the total area of the primitive camping ground)	Refer to Clause 132(1) above.
(c) a caravan, annexe or campervan must not be allowed to be installed closer than 6 metres to any other caravan, annexe, campervan or tent,	Given the proposals design consisting of large camping sites It is proposed to maintain a separation distance of 6 metres between tents.
(d) a tent must not be allowed to be installed closer than 6 metres to any caravan, annexe or campervan or closer than 3 metres to any other tent	As above.
(e) the camping ground must be provided with a water supply, toilet and refuse disposal facilities as specified in the approval for the camping ground,	Water supply, toilet areas are proposed within the camping ground.
f) unoccupied caravans, campervans and tents are not to be allowed to remain in the camping ground for more than 24 hours,	The proposed camping ground will comply with this requirement.
g) if a fee is charged for camping, a register must be kept that contains entries concerning the same matters as are specified in clause 122 and, in addition, that specifies the size of the group (if any) with whom the person listed in the register camped,	All requirements of Clause 122 will be complied to.
(h) such fire fighting facilities as may be specified in the approval are to be provided at the primitive camping ground.	A bush fire assessment provides for adequate bush fire protection measures within the development site.

3) If the approval to operate a primitive camping site does not designate camp sites, a council may impose as a condition of the approval that the installation of tents, caravans, campervans and annexes is not permitted on a particular area or areas of land within the primitive camping ground, for reasons of health or safety or to ensure consistency with the principles of ecologically sustainable development or for any other purpose.	The proposal intends to designate camp sites.
4) The provisions of Subdivisions 1–8 do not apply to a primitive camping ground.	Noted
5) For the purposes of subclause (2) (b), in the calculation of the number of tents using a camping ground, 2 or more tents occupied by not more than 12 persons camping together as a group are to be counted as only one tent.	Noted

## Conclusion

The proposal provides satisfactory intel to comply with the requirements of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds & Moveable Dwellings) Regulation 2005.

## Land Use Map



Site Plan

