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COUNCIL MANAGEMENT OF CAMPING IN PUBLIC PLACES

Purpose

The purpose of this Circular is to remind councils of the legislative obligations and options available to manage illegal camping in public places.

Issue

From time to time, the issue of illegal camping arises. It can cause health and safety issues, disturbance to adjoining land users, environmental damage and unfair competition to commercial businesses. There are a range of options available to councils to manage this issue. These include:

- Ensuring camping on council-managed land meets approval requirements.
 - Approval may only be granted when relevant health, safety and amenity requirements are met under the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005* (see the Regulation and Department of Planning and Infrastructure Circulars PS 06-001 and PS 10-019 at www.planning.nsw.gov.au for further information).
 - Communicating that camping in roadside rest areas is not permitted. This may be reinforced by signs erected by Roads and Maritime Services.
 - Consulting the relevant legislation and/or administering agency to ensure compliance with legislative obligations particularly where approval exemptions may apply such as under Local Approvals Policies, the Regulation for very low levels of very infrequent camping and other legislation for camping on Crown reserves, in State forests or in National Parks.
- Preventing unfair competition between illegal camping operations and legitimate, approved caravan and camping businesses. The *Pricing and Costing for Council Businesses – A Guide to Competitive Neutrality* available on the Division's website provides additional guidance.
- Utilising management and enforcement options including:
 - Erecting signs prohibiting camping in unsafe locations, such as local road sides.
 - Issuing Penalty Infringement Notices for unauthorised operation or use of a camping ground under the 2005 Regulation, acting contrary to a sign under the *Local Government Act 1993*, or acting contrary to

other laws such as the *Protection of the Environment Operations Act 1997*.

- Prosecuting for operating a camping ground without required prior approval under the *Local Government Act 1993*.
- Issuing an Order to cease use of a camping ground for which development consent has not been sought under the *Environmental Planning and Assessment Act 1979*.

Action

Councils are encouraged to monitor illegal camping in their areas and to use the range of options available to ensure that health, safety, environmental and other associated risks are well managed.



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