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The description Primitive Camping Ground (PCG) is being applied to two very similar proposals for luxury glamping facilities - DA 20/1621 for 260 Mount Hay Road, Broughton Vale and DA19/2165 for 15 Vallon Rd, Woollamia.

The DPIE Guide on PCGs states,

* PCGs are lower key than conventional camping grounds and are not required to have, for example, sealed roads, hot water or laundries.
* A PCG is generally remote from urban areas with only a limited range of facilities

Throughout the DAs however, the terms ‘Primitive Camping’ and Glamping are used interchangeably, when in fact they are at opposite ends of the camping spectrum. A typical genuine PCG charges around $10 a night, whereas glamping sites fetch $400 a night.

It is clear that planning firms believe they have discovered another flaw in planning provisions that can be exploited at the expense of neighbouring property owners. Residents cannot comprehend how legislation intended for the most basic, low cost 'primitive camping' activity can be shamelessly misused as a vehicle to exploit provisions of Subdivision 9 of Part 3, Division 3 of the Local Government Camping Ground Regulation 2005.

The purpose of Subdivision 9 is to allow a genuine application for primitive camping to avoid the costs of satisfying the requirements for public safety in camping grounds, as specified in Subdivisions 1 to 8. These requirements include -

* **128** Fire hydrants - No part of a camp site or community building within a camping ground may be situated more than 90m from a fire hydrant. Any fire hydrant located within a camping ground must be a double-headed pillar-type fire hydrant
* **129** Fire hose reels must be installed so that each camp site in the camping ground can be reached by a fire hose. The fire hose reels must be constructed in accordance with AS/NZS 1221:1997*, Fire hose reels*
* **94** The width of an access road must beat least 6m for a two-way access road
* **95** The speed limit applicable to an access road must not exceed 15 kph
* **100** All access roads must be adequately lit between sunset and sunrise
* **124**A camping ground must not be used for any commercial purpose
* **131** The approval for a camping ground is not to allow the erection of a community building (other than an ensuite facility) on a camp site.

In 2015, the Department of Planning and the Office of Local Government issued a discussion paper that proposed improvements to the regulation of camping grounds. In Section 7.1 it raised concerns about the luxurious accommodation and facilities afforded by glamping and the "*need to provide controls around these forms of more permanent structures to differentiate them from the traditional tents.*"

A Berry resident who has consulted to NSW Government departments over many years has advised that the term 'primitive' is common language that is covered by the plain language policy adopted by the NSW Government for all legislation in 1986. This makes the intent of the legislation of what is meant by a PCG perfectly clear and that it is inconceivable that an application for a glamping site could be assessed under Subdivision 9.

**Shoalhaven LEP Definition of a Camping Ground**

“*Means an area of land on which tents or similar portable and lightweight temporary shelters are placed.”*

However, both applications propose large permanent timber platform structures for the six tent sites. The Mt Hay application also includes permanent ensuite amenities and luxury outdoor bath.

The SLEP definition requires the portable, lightweight shelter to be placed on the land. To comply with the definition, the platform would need to somehow be lightweight and portable and be part of the tent structure that is placed on the land.

**Local Government Regulation for Camping 2005 (Part 3, Division 3)**

Subdivision 9: Primitive Camping Ground –

*(2f) Unoccupied tents are not allowed to remain in the camping ground for more than 24 hours*

This clause requires the removal of the tent and platform whenever it is unoccupied. This is clearly physically not possible, whatever the applicant promises.

**Council Assessment**

The Berry Forum requested that Council determine how the Mt Hay applicant proposed to comply with the SLEP definition of a camping ground. Subsequently, staff requested the following additional information from the applicant –

*“Written clarification as to how the proposed development would be characterised as ‘camping grounds’. The structures do not appear to be temporary or portable and lightweight.”*

However, in the case of Vallon Rd no information was requested and the assessment just stated-

*“The proposed development is consistent with the relevant clauses of SLEP 2014 as it relates to the development and the site.”*

*“Recommended conditions of consent require the primitive campground shall comply with the Local Government Regulation 2005.”*

**Conclusion**

To the community, this 'clever' manipulation of the law bears all the characteristics of a rort that would endanger lives and enable the subject site to be used for a commercial purpose that would be detrimental to the amenity of neighbouring properties.

By approving these applications, Council would effectively be colluding in a scheme aimed at putting the lives of glamping clients at risk in order for the applicants to avoid the costs of providing vital safety measures. The clients would be unaware of their lack of protection.

The Berry Forum Committee

<http://berryforum.org.au/>

2 October 2020