



Department of
**Local Government, Sport
and Cultural Industries**

Nature Based Parks:

Licencing guidelines for developers and local government



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Objectives

This guideline aims to provide guidance to local governments, developers and operators of nature based parks on the process for the licensing of a nature based park under the Caravan Parks and Camping Grounds legislation and also what conditions can be imposed on the licence.

This guideline does not seek to duplicate existing requirements under other legislation but provides a reference point for local governments and developers in understanding the various processes and agencies involved when establishing a nature based park under the *Caravan Parks and Camping Grounds Regulations 1997*.

1. Legislation

In approving a nature based park, the relevant legislation includes:

- *Caravan Parks and Camping Grounds Act 1995*;
- *Caravan Parks and Camping Grounds Regulations 1997*;
- *Land Administration Act 1997*;
- *Planning and Development Act 2005*;
- *Health Act 1911*;
- *Building Act 2011 and Code*; and
- Relevant Local Laws.

2. Management Plan (Schedule 1, Form 1)

A Management Plan for Nature based Park licence applications is required as an attachment to Form 1 (licence application) in Schedule 1 of the *Caravan Parks and Camping Grounds Regulations 1997*.

This, as approved by the local government, will form the basis for the licence issued.

A Management Plan will be required to be submitted by the operator as an attachment to the existing licence application form and will be an ongoing management tool for the operator and local government.

The Management Plan will require the operator to provide essential details on how the proposed nature based park is to be designed and operated, as well as addressing the level of amenities being provided and the mitigation of risks.

Specifically, the Management Plan for nature based parks will need to address:

- (a) market segment being targeted;
- (b) amenities proposed to be provided, or not provided (in light of the market);
- (c) site planning;
- (d) environmental impact and sustainability;
- (e) waste management;
- (f) traffic management;
- (g) risk management; and
- (h) length of stay of occupiers.

It is intended that a flexible approach be taken when assessing the Management Plan, with a focus on the intended market segment for the park and type of facilities required, balanced with environmental sustainability.

When assessing this information, the local government should have primary regard to the sustainability of the site and the environmental impact of the proposed facility. The provision of infrastructure (toilets, showers, water, communications etc.) should be aligned to the market segment targeted. It should take into account the feasibility of providing basic services and the environmental impact.

The local government should consider that nature based parks are meant to be low-cost, small-scale tourist accommodation when requesting further information from the operator.

There needs to be an understanding of the location, condition, attributes and constraints of the site, the overall vision and objective for the facility, and the reasons for providing or not providing particular amenities.

The local government can impose conditions on the licence to reduce environmental impact and mitigate risks including, but not limited to, restricting the length of stay and the number of sites.

It is a condition of licence under the current Regulations that any amendments to aspects of the facility can only be made with prior approval of the local government. This should be reflected in a revised Management Plan.

More information on the content of a Management Plan is included below.

3. Identifying a location

All applications to develop a nature based park on a Crown reserve, unallocated Crown land (UCL) or a pastoral station should be assessed only after contact has been made with the Department of Planning, Lands and Heritage to identify and subsequently secure appropriate tenure for the location of the proposed park. There may be native title considerations which could add considerable time to the approval process.

It is therefore necessary for an operator and the local government to contact the Department of Lands prior to commencing the planning process for a nature based park under the *Caravan Parks and Camping Grounds Regulations 1997*.

The location of a proposed site must also be consistent with local planning schemes and local tourism strategies. An operator should seek this information from the relevant local government prior to preparing an application for a nature based park licence.

4. Definition of a Nature Based Park

Nature based park means a facility in an area that:

- a) is not in close proximity to an area that is built up with structures used for business, industry or dwelling-houses at intervals of less than 100 metres for a distance of 500 metres or more; and**
- b) has been predominately formed by nature; and**
- c) has limited or controlled artificial light and noise intrusion**

When determining whether a nature based park is the appropriate licence category, the prime consideration is whether it is in a primarily undisturbed natural setting surrounded by vegetation. The impact of artificial light and noise should be taken into consideration. A natural landscape can include an agricultural setting if the other criteria are met. The development should be consistent with the surrounding landscape character.

The facility should provide an experience of being close to nature.

Impact on environment

A nature based park could be expected to be a small scale operation as environmental impact is a key consideration. A nature based park may, however, consist of a number of discrete and physically separated nodes. The requirements should be assessed for each of these nodes. One of the key considerations is the environmental sustainability of the site, which restricts a nature based park from being a large operation with high density.

The development should contribute to conserving biological diversity and natural resources. Watercourses should be protected from pollution discharges and effluent systems must be appropriate not only for the protection of human health but in the environmental context.

Limited facilities

A nature based park will often have limited facilities. This should be linked to the targeted market segment and their needs, and the location or remoteness of the nature based park which makes provision of a higher level of facilities unreasonable.

Consideration should be given to the location of the nature based park and how far it is from access to facilities such as power and water. Alternative solutions should be explored such as solar power and composting toilets.

The local government is to ensure consistency in granting exemptions for a nature based park to have limited facilities.

Appropriate licence

Before granting a nature based park licence, the local government needs to consider if there is a more appropriate licence for the application – caravan park, camping grounds etc. This should not be used as an opportunity for operators to reduce the facilities provided where a more appropriate licence category could apply.

If the nature based park is proposed to be substantially extended or redeveloped after initial licensing, the local government should consider if conditions have changed and whether it is still appropriate as a nature based park.

If a nature based park has been approved with lesser facilities than laid out in the regulations, the local government should review the licence conditions on licence renewal. This will also be the case where the built up area has encroached on the park and/or access to services (power, water and sewerage etc) is now available.

5. Public Health Impacts

Every developer and operator of a nature based park must undertake an 'environmental health risk' assessment as part of any approvals process. The assessment is to include any potential impacts on human health, the impact of the site on the immediate environment and the mitigation strategies/actions to avoid any adverse impacts on both human health and the environment. This is particularly important in relation to mosquito borne diseases such as Ross River virus and Barmah Forest virus.

Nature based park operators should also be aware of and inform occupiers at their park of any regional media health warnings relating to mosquito-borne diseases and other health issues that are sent out by the Department of Health.

More information can be obtained from the Environmental Health Directorate, within the Department of Health.

6. Calculation of camping sites

Regulation 51 provides that the maximum number of camping sites endorsed by a local government on a licence for use as a nature based park is not to exceed one site per 50 square metres of camping ground available at the facility.

This is half the density of a caravan park and will add to the natural experience and minimise potential risks to the occupants.

A local government can specify a lower density (that is, each site requiring a greater area) taking into consideration the site, environmental sustainability, fire risk and other safety issues.

7. Licence area

The nature based park licence may apply to a designated area which is part of a larger area owned by the operator. The regulations do not apply to areas that are not covered by the licence, providing that there is reasonable separation.

For example, if the nature based park is on a farm, the existing buildings can be excluded from the nature based park licence.

It is important to note that due to the requirement of a nature based park to be in a natural setting, it is unlikely that a nature based park can co-exist with a caravan park or permanent buildings such as holiday cabins and chalets unless those facilities are themselves in a natural setting or defined in the Regulations.

8. No permanent accommodation or certain buildings

Schedule 7, Clause 11(4): The only buildings allowed on a nature based park are a manager's house, toilets, an ablution block, washing up facilities and a campers kitchen (if approved) and there will be no buildings allowed on an individual site.

Regulation 34 (4): A rigid annexe is not to be on a nature based park unless it is attached to the residence of the manager.

Regulation 39 (3): No carport or pergola is to be on a nature based park unless it is attached to the residence of the manager.

Regulation: 40 (3): No storage shed is to be on a nature based park except one that is associated with the operation of the facility. Only one storage shed is permitted on the nature based park.

The natural setting of a nature based park is critical.

It is expected that people staying at a nature based park will bring their portable accommodation with them. This will ensure that there will be minimal or no impact on the environment after they leave.

If the proposed nature based park is on a farm or there is a mixed use of land, the Regulations in relation to nature based parks only apply to the designated licence area. Other accommodation should not be part of the nature based park licence. The natural setting must not be impacted by these other buildings.

(Savings provisions are in place for those nature based parks licensed prior to 1 January 2015 where the buildings have been constructed with the necessary approvals).

9. Length of stay

Schedule 7, Clause 5A: Maximum length of stay to be 28 days in any three month period in a nature based park.

Length of stay is determined based on the information provided in the Management Plan but can be no longer than 28 days in any three month period. There needs to be a balance between the number of people that will be in the park and whether there are sufficient facilities to cater to that number of people. The local government can limit stays to shorter periods than 28 days if basic facilities are not provided, such as toilets or waste disposal, or it is considered that there will be adverse environmental impacts. This will become a licence condition.

Factors to consider when determining whether a licence condition further limiting the length of stay should be imposed:

- sustainability of the site (per licence application);
- infrastructure to be provided, as outlined in the Management Plan;
- if there are no communal toilets, whether every caravan and camp is fully self-contained, including with a chemical toilet;
- access to drinking water;
- the provision of a communal chemical soil waste dump point (dump points are not necessarily part of the nature based park but can be in logical proximity);
- hard waste management;

- the environment impact on the site;
- seasonal weather conditions (ie cyclonic period, hot weather); and
- any other health and safety issues.

Self contained

These guidelines do not seek to provide a definitive determination on what constitutes self-contained but some examples from around Australia include:

A vehicle that has internal cooking facilities, sleeping facilities plus water tanks for drinking and other purposes, holding tanks for 'grey water' and holding tanks for toilet effluent and shower facilities. (Devonport City Council)

A vehicle that is fully self-contained with respect to shower, toilet, washing, cooking and sleeping facilities and must have holding tanks for all toilet waste and sullage water sufficient for at least 48 hours use by the occupants. (Latrobe Council)

Even if only self-contained vehicles will be allowed at a site (and this is actively controlled), it must be remembered that these vehicles are unlikely to be able to be fully self-supporting in relation to water and waste for more than three to seven days.

Purpose of stay

Nature based parks are intended for use by tourists, particularly people who want to experience nature. One of the key considerations in developing and licensing a facility is to ensure there is minimal or no impact on the environment. As such, permanent or long-stay occupation is not appropriate. This form of licence is inappropriate for worker's accommodation, or any long-stay tenants. If this type of occupancy is proposed, the facility should meet the requirements for, and be licensed as, a caravan park.

10. Length of stay

Schedule 7, Clause 4 of the Regulations

A site is defined as an area in a facility marked or intended for the use of one caravan or camp.

Schedule 7, Clause 4 states that no more than 10 people, or such lesser number as is approved, are to camp at a site at any one time unless the licence holder of

the facility agrees that the tents of a group of people who are associated may be pitched together on the site.

This affects the overall number of people staying at the nature based park, and hence the impact on the environment.

The local government can approve a lesser number of people to be allowed to camp at a site in line with the environmental sustainability of the location and other relevant considerations.

A facility will consist of a number of sites and can be made up of a number of discrete nodes each of which contains a number of sites.

11. Distance between caravans and campsites

Schedule 7, Clause 8 states that there must be at least three metres between a caravan/camp and another caravan/camp. There must also be at least three metres between a caravan/camp and a building on the facility that is not on a site.

Schedule 7, Clause 7 allows the local government or licence holder to increase minimum distances between camps in particular cases.

This decision should be based on the environmental impact and the need to maintain the 'natural' sense of a nature based park. It should follow an assessment of risk, particularly from fire. This will be a tool to mitigate risk in fire prone or forested areas, particularly where access to water and firefighting equipment is limited.

12. Marketing and advertising materials

Regulation 19(1)(m): All advertising materials for nature based parks are to accurately identify any exemptions provided under this legislation in relation to key amenities such as toilets, showers, hand basins, washing up facilities, laundry facilities, hot water, lighting and power.

This is to ensure that prospective users are aware of any key infrastructure or amenities that may not be provided to allow them to make an informed decision prior to planning a stay.

Advertising requirements can be imposed as a licence condition to ensure compliance. This could include what facilities should be listed on signboards, the website, pamphlets etc.

The advertising and promotional material will also need to detail any seasonal weather risks and the time of year that this is likely to occur.

A sign at a nature based park should advise of the contact details for the licensee or manager and the times they are available. A manager or other responsible person must be accessible at all times in case of emergency.

13. Roads

Schedule 7, Clause 16A:

- 1. A facility entrance road is to be at least 6 metres wide or a narrower width that is approved.**
- 2. A facility road which is a one way road is to be at least 4 metres wide or a narrower width that is approved.**
- 3. A facility road which is a 2 way road is to be at least 6 metres wide or a narrower width that is approved.**
- 4. A local government may approve of a narrower width under 1, 2 or 3 above if it is satisfied that the management plan for the facility adequately deals with traffic access and egress.**
- 5. A facility road is to be constructed and maintained as is approved but need not be paved or sealed.**

In assessing the traffic management plan, consideration should be given to the market segment being targeted, the size and the type of vehicles that will be accessing the park. If the facility access road does not meet the existing width requirements, then alternative access requirements can take the form of requiring:

- passing points every 500 metres;
- a turning circle at the end of the facility entrance road to enable all vehicles with caravans to turn; or
- other site specific requirements.

Depending on the terrain and site specific characteristics, construction of a loop road (one way road) is suggested in difficult terrain. There should also be clear designation of ingress and egress for ease of vehicle manoeuvring and in case of emergency.

Safety and ability to quickly leave in an emergency should be key considerations. For this reason, every site must allow immediate egress, without the need to move other vehicles.

14. Recreational areas

Schedule 7, Clause 18(1) of the Regulations, at least 1/10 of the total area of a facility is to be recreational area.

For nature based parks, it is expected that the natural setting will form the recreational area. No recreational facilities are required to be provided.

15. Water

Tap at a nature based park

Schedule 7, Clause 40, there is to be a centrally located tap at a transit park and a nature based park for use by all occupiers unless otherwise approved.

If it is not feasible to provide water at a site, the licensee can be exempted from this requirement.

The exemption must be given by the local government under delegation (see Schedule 7, Clause 42). If the water is not potable, this must be clearly labelled.

Potable water for sites

Schedule 7, Clause 42, if potable water can be readily made available then it should be provided. There is a health requirement that an adequate supply of drinking water be provided; if not, the operator needs to seek an exemption.

Application for exemption is to be made to the local government and will be dealt with on a case by case basis.

Every effort must be made to notify potential visitors if no potable water is available – this includes on all advertising materials, websites and on signs at the entrance to the facility.

16. Washing up facilities for campers

Schedule 7, Clause 31: A nature based park may be exempted from having a washing-up facility for campers.

Potable water must be made available if there is a camp kitchen. Local government should consider whether potable water can be obtained before granting an exemption.

17. Toilets and Showers

Number of showers, toilets and hand basins

Schedule 7, Clause 23:

(1) A nature based park is to have two toilets for every 20 sites, unless otherwise approved.

(2) A nature based park is to have as many showers and hand basins as is approved.

If fewer toilets are provided than specified under (1), a communal chemical soil waste dump point is to be available in logical proximity: Clause 47 (see below).

Toilets may be uni-sex or single sex. The toilets and any showers need to comply with disability access requirements.

The type of toilets and showers should be determined with attention to their environmental impact and availability of services (water and power etc).

In determining the number of toilets, there needs to be consideration of the market segment and whether the facility only caters for fully self-contained vehicles. If no toilets are provided, the nature based park should only cater to fully self-contained vehicles with either a communal chemical soil waste dump point in logical proximity or a restricted length of stay of three days.

If there is a mixed market segment where not all vehicles are fully self-contained, the local government needs to balance the needs of the segment and consider how many toilets are needed before granting approval for any lesser number under subclause (1).

The words 'unless otherwise approved' allows local governments discretion in situations where extreme remoteness or major impracticalities prevent an operator from providing these amenities. It should also be considered for nature based parks that are catering entirely for fully self-contained vehicles.

(1) above does not apply to a nature based park licenced prior to 1 January 2015, until the licence is transferred or a new licence granted.

Location

Schedule 7, Clause 19: The new provisions allow the location of toilets and showers in a nature based park to be as approved.

Under the current Regulations, there is to be at least one toilet and one shower within 90 metres of each site, however, the requirement does not apply to nature based parks.

The nature based park operator can make an application to the local government to increase the distance of a toilet to a site.

The local government should consider any environmental issues, whether the vehicles are to be self-contained and the feasibility of having a toilet within 90 metres of each site in the context of the Management Plan before granting a variation.

Hot water and power point requirements

Schedule 7, Clause 24(1) and 26(1): Showers and/or hand basins are to have hot water, unless otherwise approved.

Schedule 7, Clause 27: An ablution block is to have at least one power point, unless otherwise approved.

Showers, hand basins and toilets should be provided if a nature based park has ready access to power, water and waste disposal. If water is reasonably available at the facility and grey water can be appropriately dealt with, showers should be required under the licence.

The local government is to consider access to power sources to generate hot water in giving an exemption for the provision of hot water.

There are a number of alternative means of generating hot water and these should be investigated for feasibility if mains power is not available.

18. Wastewater management and waste disposal

Wastewater (effluent) management

The waste management section of the Management Plan is to provide details of the number of toilets, if less than the Regulation specifies. It should also include how the toilets are to be serviced and maintained and the frequency of servicing.

The Department of Health's website contains information and a list of approved systems including composting toilets.

Greywater (sullage) disposal

Schedule 7, Clause 46, Sullage waste water dump points should be provided especially if there is water provided.

The local government, and in some instances the Department of Health approves the installation of greywater systems. The Department of Health's website contains information and a list of approved greywater systems.

The disposal of wastewater (effluent and greywater) needs to be addressed in the Management Plan.

Communal chemical soil waste dump point

Schedule 7, Clause 47: If a nature based park has less than 2 toilets for every 20 sites there is to be a communal chemical soil waste dump point available.

A communal chemical soil waste dump point should be available in logical proximity, including an off-site location that can be readily accessed by users of the nature based park. The chemical waste point may be provided in conjunction with a local government or owner/operator of another facility. In these circumstances, the applicant must provide evidence and details of the agreement with the owner of the chemical waste point for use by users of the nature based park.

The above does not apply to a nature based park licenced prior to 1 January 2015, until the licence is transferred or a new licence granted.

Solid waste management

The Management Plan must also address the means and frequency of disposal of solid waste.

The Department of Water and Environmental Regulation deals with solid waste management, with information available on its website.

Rubbish

Schedule 7, Clause 49, Rubbish bins at nature based parks are to be provided as is approved by the local government.

The Waste Management component of the Management Plan should address how hard waste (rubbish) is to be managed. This includes the frequency of service of any receptacles and how and where the material collected will be disposed of.

If the occupiers are expected to take their own rubbish with them, the advertising material and information provided by the operator should ensure that the occupiers are well-informed of this fact. The Management Plan must still provide for periodic inspections and clean-up of the facility and surrounding areas.

19. Napkin disposal units

Schedule 7, Clause 29, Each building containing toilets is required to have an approved napkin disposal unit and an area set aside for changing babies.

The Waste Management component of the Management Plan should address how these disposal units, where required, are to be serviced and maintained.

20. Lighting and electricity

Schedule 7, Clause 32(4): A nature based park may be exempted from the requirement of providing light if a power source is not reasonably available.

Schedule 7, Clause 37 also allows local government to exempt a nature based park from supplying electricity to caravan sites. There is no requirement to provide electricity to camping sites.

The local government should encourage operators to incorporate solar lighting. This can be for public areas such as toilets to improve safety.

The Management Plan should address how the park will mitigate any risks associated with exemption from the provision of electricity (such as night access to toilet buildings). Any exemptions to providing electricity and lighting should be reflected in the advertising and promotional material for the park.

21. Fire management

Schedule 7, Clause 35(5): A nature based park will be required to have at least one fire extinguisher in an area accessible to all persons in the facility.

As nature based parks are located in natural surrounds, it is unlikely that fire extinguishers will be effective for anything other than a small spot fire. This and the high cost to provide and maintain fire extinguishers in remote areas are the reasons for reducing the current requirement for there to be at least one fire extinguisher for every six sites.

The Risk Management component of the Management Plan should specifically address the risk of fire, how this will be mitigated and what fire-fighting equipment will be available. The regular maintenance of this equipment should also be addressed.

If the nature based park is in a fire-prone area, the local government should impose a higher level of fire management in the licence condition. It is also recommended that warning signs be installed and advertising material inform visitors of fire risk and this

should be included in the Management Plan. The parking of vehicles within the site should also be considered so that all vehicles are able to independently leave the site in case of a fire.

22. Cyclone activity

Schedule 7, Clause 48(2): Nature based parks may be exempted from the requirement for anchor points.

The use of anchor points applies to nature based parks unless otherwise approved, but the local government is not to give its approval unless it is satisfied, having regard to the facility's risk management strategy, that anchor points are not necessary.

Tie down points require concrete slabs, which may be impractical in remote areas and could take away from the natural setting. Occupiers are only permitted to stay for a maximum of 28 days, which will mean that they will not have the same issues with transportability as many structures in traditional caravan parks have.

The licence holder must ensure that the caretaker or manager of the facility is accessible at all times in case of an emergency, as required under section 13 of the *Caravan Parks and Camping Grounds Act 1995*.

The licence holder should ensure that the caretaker or manager has access to communications (whether by radio or other means) and then notify occupants as early as possible if there is a cyclone pending, to allow occupants to move.

23. Telephone and emergency contacts

Schedule 7, Clause 50 states that there is to be at least one telephone available at all times for the use of occupiers at a facility, unless otherwise approved.

A licensee can be exempted from the requirement of providing a telephone. This will be necessary in areas that are beyond telephone coverage.

In remote areas, a High Frequency radio should be readily accessible to all users within the facility at all times. High Frequency radios require minimal infrastructure and are capable of communicating over long distances.

To safeguard against unexpected emergencies, the contact details of management should be lodged with local emergency services. It is also recommended that an emergency contact list is readily accessible to all patrons who may have a satellite phone.

A sign at the facility should provide emergency contact details, including of the manager of the facility.

Communications in an emergency situation may be addressed in the Risk Management component of the Management Plan.

24. How to apply

A nature based park operator is to fill in a Licence Application under Schedule 1, Form 1 of the *Caravan Parks and Camping Grounds Regulations 1997* and submit it to the local government for approval. The Management Plan will be an attachment to Form 1.

Disclaimer

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