

Submission to Proposed Timaru District Plan

Clause 6 of Schedule 1, Resource Management Act 1991

To: Timaru District Council

Name of submitter: New Zealand Motor Caravan Association (Inc.)

This is a submission on the proposed Timaru District Plan

We could not gain an advantage in trade through this submission

We are not directly affected by an effect of the subject matters of the the submission that –

- (a) Adversely effects the environment; and
- (b) Does not relate to trade competition or the effects of trade competition.

The specific provisions of the proposed Plan that our submission relates to are:

1. Part 1 - Introduction and general provision – Statutory Context
2. Part 1 – Interpretation – Definitions
3. Part 3 – Zones – OSRZ Open Space and Recreation Zones

Our submission is

1. Part 1 – Introduction and general provisions – Statutory Context

See attached detailed submission relating the status of freedom camping under the proposed District Plan

2. Part 1 – Interpretation – Definitions

See attached detailed submissions relating to definition of building, camping and camping ground

3. Part 3 – Zones - OSRZ Open Space and Recreation Zones

See attached detailed submissions relating to permitted activities in the Natural Open Space Zone, Policy OSZ-P9 and Rule OSZ-R12.

We seek the following decision for the local authority:

1. Part 1 – Introduction and general provisions – Statutory Context

That freedom camping as an activity is explicitly exempt from coverage under the proposed District Plan. That reference is made at this part of the proposed Plan (or elsewhere if more appropriate) that freedom camping will be managed under the Freedom Camping Act 2011. See attached detailed submission outlining the background argument for this submission.

2. Part 1 – Interpretation – Definitions

- 1 That the definition of building contained in the definitions section be amended to

explicitly exclude non-motorised caravans as follows:

'Building means a temporary or permanent movable or immovable physical construction that is:

- i. partially or fully roofed; and*
- ii. fixed or located on or in land;*

but excludes: any motorised vehicle, or other mode of transport that could be moved under its own power, or non-motorised caravans other than those used for a residential accommodation/business purpose for a continuous period of more than two (2) months.'

See attached detailed submission outlining the background argument for this proposed amendment.

2. That the definition section includes a definition of camping which may be as follows:

Camping is a recreational activity which involves staying overnight in temporary or mobile accommodation on a non-permanent basis.

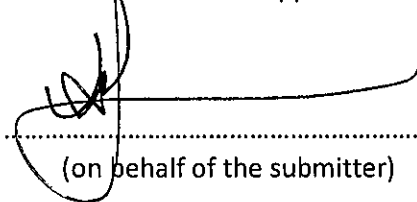
See attached detailed submission outlining the background argument for this proposed additional definition.

3. That the definition section defines camping ground and that this be based on that provided in Camping Ground Regulations. See attached detailed submission outlining the background argument for this proposed additional definition.

3. Part 3 – Zones - OSRZ Open Space and Recreation Zones

1. Natural Open Space Zone – Permitted Activities – that existing camping activities be provided for as permitted activities and that extensions to public use of these areas for walking, cycling and camping should be explicitly provided for as a discretionary activity. See attached detailed submission outlining the background argument for this proposed amendment.
2. OSZ-R12 – Camping grounds and caravan parks are defined as permitted activities subject to compliance with the performance standards proposed for the open space zones. See attached detailed submission outlining the background argument for this proposed amendment.

We wish to be heard in support of our submission



.....
(on behalf of the submitter)

Date: 15th December 2022

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New Zealand Motor Caravan Association Inc.

**YOUR JOURNEY
STARTS HERE**

Timaru District Council

Proposed Timaru District Plan – He Po He Ao Ka Awatea

Submission from the NZMCA

nzmca.org.nz

PO Box 72147
Papakura 2244



SUBMISSION TO Timaru District Council

REGARDING Proposed Timaru District Plan – He Po He Ao Ka Awatea

DATE 15th December 2022

SENT TO Email: pdp@timdc.govt.nz

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WISH TO SPEAK Yes

Introduction

- 1 The New Zealand Motor Caravan Association Inc. (NZMCA) welcomes the opportunity to submit on the Proposed Timaru District Plan (proposed district plan).
- 2 The NZMCA is a non-profit organisation which represents the interests of over 113,000 New Zealanders who enjoy exploring the country at leisure in their self-contained motorhomes and caravans. Over 2400 members live in the Timaru District.
- 3 One of the NZMCA's purposes includes public advocacy for the interests of camping and domestic tourism in Aotearoa New Zealand. This purpose has motivated its interest in the proposed district plan and driven this submission to various aspects of the plan.
- 4 The NZMCA operates 56 private motor caravan parks across the country for its members use.
- 5 Timaru, Geraldine and Temuka are official Motorhome Friendly Towns under a partnership between Timaru District Council and New Zealand Motor Caravan Association. The Motorhome Friendly Town scheme provides a set of amenities and services that guarantee motor caravanners a warm welcome and an enjoyable visit. It also promotes the District to NZMCA members and encourages them to support local businesses and community events.
- 6 This submission covers four specific policy questions:
 - The importance of domestic tourism in the local economy
 - The treatment of freedom camping
 - Definition of buildings
 - Planning for camping and campgrounds.

The Importance of Domestic Tourism

- 7 The NZMCA is a key agent in New Zealand's domestic tourism sector as NZMCA members account for more than 80% of the camping vehicle market. Our members travel extensively in self-contained motorhomes and caravans exploring Aotearoa New Zealand at their leisure. In doing so, they spend money at local businesses, go sightseeing and take part in local activities. NZMCA promotes and supports this activity and encourages its members to not only be responsible campers but to also give something back to the communities which host them.
- 8 It is the NZMCA's submission that camping – in its various forms, is an important recreational and economic activity for Timaru District. As such, the Association believes the proposed district plan should include specific provisions for camping in the plans objectives, policies and rules.
- 9 While district plans are primarily regulatory documents required of local authorities under the Resource Management Act 1991 (the RMA), the Act itself is facilitative

legislation which amongst other things ‘enables people and communities to provide for their social, economic and cultural well-being and their health and safety’. This means that while a district plan must be concerned with managing land uses to avoid, remedy or mitigate any adverse effects of land use activities on the environment, it should still be concerned for community needs and aspirations in doing so. This requires a balance of focus for policy and within this balance NZMCA submits that domestic tourism and its facilitation has relevance.

- 10 The NZMCA is concerned that clear and appropriate provision has not been made in the proposed district plan for opportunities for people to camp responsibly in safe, convenient, and pleasant locations across the district. We see camping in its various forms as a long-practiced activity and pastime which should be acknowledged as such and catered for in the proposed district plan. Council accepts this on its website where it suggests that *‘Camping - the most Kiwi pastime and an activity we treasure in the Timaru District. We have some of the most beautiful camping sites in the country and invite all visitors and locals to camp responsibly and to enjoy the best of our great outdoor’*¹

Freedom Camping

- 11 Most of the zones in the proposed district plan require a discretionary resource consent for ‘activities not otherwise provided for’ in the plan. As such, camping including freedom camping is captured under this “catch all” rule.
- 12 Timaru District Council does not currently have a freedom camping bylaw in place under the Freedom Camping Act 2011 (FCA). However, an overview of the freedom camping sites and facilities available in the Timaru District is provided on Council’s website² which NZMCA applauds.
- 13 At some time in the future Council may decide to introduce a Freedom Camping Bylaw. If such a bylaw does not restrict or prohibit freedom camping in an area, freedom camping in that area may still be prohibited by virtue of the proposed district plan. That is until such time as a resource consent has been granted to allow it. This can be seen as an unnecessary expense as it will most likely require Council itself to apply for consent to itself to allow freedom camping on land it already controls. Until such time as such consents are approved, visitors doing their best to comply with these freedom camping bylaws may unknowingly be in breach of the proposed district plan.
- 14 We submit it would be more appropriate to explicitly exclude freedom camping from the proposed district plan and avoid the need for land-use consent in areas where a council bylaw, policy or reserve management plan permits freedom camping. For

¹ <https://www.timaru.govt.nz/community/facilities/camping>

² Timaru District Freedom Camping sites: <https://www.timaru.govt.nz/community/facilities/camping>

example, the definition section of the Dunedin City Council's second-generation plan explicitly notes freedom camping is not managed by the plan, rather it is managed through a DCC bylaw³. In Timaru's case it may need to be noted in the district plan that freedom camping is not managed in the plan and will be regulated through a freedom camping bylaw if the need for this arises.

- 15 We recommend that freedom camping be defined in the proposed plan's interpretation chapter, that this definition be based on or refer to the definition set out in s.5 of the Freedom Camping Act and that mention is made in the Interpretation section of the exclusion of freedom camping from the provisions of the plan.

Definition of Building

- 16 We note the proposed district plan has adopted the definition of Building from the National Planning Standards (NPS).
- 17 The NPS definition of 'building' captures non-motorised caravans which are not capable of moving under their own power. NZMCA members use non-motorised caravans for the same purpose as motorised motorhomes, campervans, and house buses (which are not captured by the NPS definition). For the NZMCA and its more than 113,000 members (many of whom travel with non-motorised caravans), the NPS definition creates a number of potential implications, which stem from the fact that members with non-motorised caravans will, by definition, be using and parking in a 'building'.
- 18 To address this issue and provide consistency and clarity, we recommend amending the definition of 'building' as suggested in the **attached advice** from Simson Grierson Lawyers.
- 19 Our suggestion is consistent with the NPS and the way in which Council currently defines 'building' in the operative district plan. Introducing a sub-category is one possible option, which other councils have relied on. A recent example is the notified Porirua City District Plan and the New Plymouth District Plan. The NPS definition of *educational facility* means "land or buildings used for teaching or training by *childcare services*, schools, or tertiary education services, including any ancillary activities". Both Porirua District Plan and New Plymouth District plans have decided to include a separate definition of the term "childcare services", on the basis that this subcategory is required to assist with plan interpretation.
- 20 The NZMCA have been involved in and made submissions on several district plan reviews where we have recommended a sub-category to the definition of Buildings is adopted. In this case, we would recommend a similar approach is adopted and a subcategory to the definition of Buildings is adopted to exclude non-motorised caravans.
- 21 We think it would clearer for readers of the proposed district plan if the definition of "building"

³ Dunedin City Council – 2GP: Definition of campgrounds
<https://2gp.dunedin.govt.nz/plan/pages/plan/book.aspx?exhibit=DCC2GP>

explicitly excludes non-motorised caravans as follows:

means a temporary or permanent movable or immovable physical construction that is:

- i. partially or fully roofed; and*
- ii. fixed or located on or in land;*

but excludes: any motorised vehicle, or other mode of transport that could be moved under its own power, or non-motorised caravans other than those used for a residential accommodation/ business purpose for a continuous period of more than two (2) months.

Planning for Camping and Campgrounds

- 22 This section focuses on camping as a recreational activity provided for in the district plans and the provisions made for camping and camping grounds in the relevant objectives, policies and rules of the proposed district plan.
- 23 Camping is a recreational activity pursued outdoor where people relax, enjoy themselves and connect with nature. NZMCA believes that camping in its broadest sense falls in the proposed plan's definition of recreational activity which is *'the use of land, water bodies and/or buildings for the purpose of the active or passive enjoyment of organised sports (excluding motorsport), recreation or leisure, whether competitive or non-competitive, and whether a charge is made for admission or not.*
- 24 Camping especially, if is provided for on a commercial basis or through some expectation of payment (such as with NZMCA parks), can be interpreted as visitor accommodation. Visitor accommodation is defined to mean *'land and/or buildings for accommodating visitors, subject to a tariff being paid, and includes any ancillary activities'*. Camping may also be interpreted as a commercial activity which is defined in the proposed plan as *'any activity trading in goods, equipment or services. It includes any ancillary activity'*.
- 25 The problem with such numerous interpretations is the ambiguity it creates and alongside this the uncertainty over consenting procedures. In our experience these procedures can often be determined by definitions solely decided by a consent planner. Applicants as well as the general public deserve more certainty in our view.
- 26 NZMCA propose that camping as an activity is specifically defined in the Interpretations section of the proposed plan. This definition may be as follows:
Camping is a recreational activity which involves staying overnight in temporary or mobile accommodation on a non-permanent basis.
- 27 NZMCA further propose that it may be useful to also define camping grounds in the proposed plan since they are referred to in proposed Policy OSZ- P9. This definition could be based on that provided in the Camping-Ground Regulations⁴.

⁴ This definition is as follows *'Camping-ground means any area of land used, or designed or intended to be used, for rent, hire, donation, or otherwise for reward, for the purposes of placing or erecting on the land*

- 28 Such definitions can resolve some of the ambiguity which may arise around how camping as a recreational activity and camping grounds as a formal land use are regulated under the proposed plan. Some ambiguities however remain in some of the zone rules.
- 29 The proposed plan anticipates a very restrictive management regime for the Natural Open Space Zone. This might be seen to be consistent with the objectives for the Zone which are about maintaining a conservation focus for land covered by it and maintaining and improving its visual, natural and cultural values. There appears, within the policy mix for this zone, an antipathy for people which we believe is not only ill-informed but inconsistent with some of its own policies and with how conservation land is managed in most of the Crown's conservation estate. Such an antipathy is also inconsistent with how these areas of land appear to have been managed until now.
- 30 The Department of Conservation's strategy is in part based on the idea that '*connection with nature and cultural heritage enriches peoples' lives*' and that it has an obligation to ensure that people are able to make and maintain these connections. In our view the same ethos should apply to managing conservation assets in Timaru District.
- 31 In effect the only permitted activity proposed for the NOS Zone are planting of indigenous species of flora and walking and cycling on existing tracks. No provision is made in these rules for camping either as an existing activity or as a possible future activity. We note that Council presently allows for freedom camping at Waitohi Bush and Te Moana Gorge which are now proposed to be zoned NOS. NZMCA submits that existing camping activities be provided for a permitted activities and that extensions to public use of these areas for walking, cycling and camping should be explicitly provided for as a discretionary activity.
- 32 The open space zone provides for camping grounds and caravan parks as a specific land use activity. We believe this is a subset of recreational activity in this zone. Policy OSZ – P9 allows for camping grounds or caravan parks where these are compatible with the character and qualities of the zone and avoids significant adverse effects on amenity values in the surrounding area. However, the rules in this chapter of the proposed plan do not align with the objectives and policies in place.
- 33 Camping grounds or caravan parks are provided for as a Discretionary and Non-complying Activity in Rule OSZ – R12. This is directly contradicting the objectives and policies of this zone. It would be more appropriate to provide for camping grounds and caravan parks as a permitted activity with performance standards in place.

temporary living places for occupation, by 2 or more families or parties (whether consisting of 1 or more persons) living independently of each other, whether or not such families or parties enjoy the use in common of entrances, water supplies, cookhouses, sanitary fixtures, or other premises and equipment; and includes any area of land used as camping ground immediately before the commencement of these regulations.'

Conclusions

- 34 The Association submits that the proposed district plan should adopt a more deliberate and permissive stance toward camping; including freedom camping and amend several of the proposed district plan provisions as suggested above.
- 35 We hope Timaru District Council will take our feedback and recommendations into consideration prior to the finalisation of the proposed district plan.
- 36 NZMCA would like an opportunity to make a verbal submission in support of this submission.

To James Imlach, New Zealand Motor Caravan Association Incorporated (**NZMCA**) **9 September 2020**

From Sarah Scott, Mike Wakefield

Subject Advice addressing the definition of “Building” in the National Planning Standards

The Issue for NZMCA

1. At issue for the NZMCA is the definition of “Building” included in the first National Planning Standards (**NPS**),¹ which captures non-motorised caravans because they are not capable of moving under their own power. The full definition is as follows (**Definition**):

means a temporary or permanent movable or immovable physical construction that is:

- (a) Partially or fully roofed; and*
- (b) Fixed or located on or in land;*

but excludes any motorised vehicle or other mode of transport that could be moved under its own power.

2. The capture of non-motorised caravans by the Definition creates a number of potential implications for NZMCA and its members, including that members will, by definition, be operating a ‘building’ when using and storing their non-motorised caravans. This could, depending on the approach taken by district plans, trigger the need for resource consent to be obtained, including when members are either staying at NZMCA-operated motor caravan parks, or storing their caravans when not in use.

Background to the Definition

3. When developing the Definition, the Ministry for the Environment (**MfE**) recognised that non-motorised caravans would be captured. Relevantly, the Recommendation Report notes (our emphasis):²

RMA plans seek to manage effects from buildings in the main where those effects are more long term than from, for example, a car parked on a section and used every day. However, **where those vehicles no longer move** (likely no longer used for transportation but for activities such as business, storage or accommodation) **we consider they would have similar effects as buildings and should be captured**

1 Which were developed in accordance with sections 58B to 58J of the RMA, published in April 2019 and came into force on 3 May 2019.

2 Ministry for the Environment.2019. *21 Definitions Standard - Recommendations on Submissions Report for the first set of National Planning Standards* Wellington: Ministry for the Environment, at 51.

by the definition. We therefore recommend excluding motorised vehicles or any other mode of transport that could be moved under its own power...

We acknowledge that there are other items that are moveable and have a roof and so could meet the recommended definition of a building. In particular, tents, caravans, and marquees would be included. We acknowledge that the definition of building is broadly crafted and councils will need to use subcategories or narrower application definitions and rules to manage or permit these items where required.

4. The above excerpts indicate that the issue that the Definition is trying to address is the use of non-motorised caravans as permanent buildings and for a business or accommodation, rather than for their normal intended use. Treating non-motorised caravans in this way may be entirely appropriate where they are being used as, for example, a residential dwelling for an extended period of time. However, that is a temporal 'use' issue, rather than an outcome determined by whether they can move under their own power, and it is this nuance that the Definition has not, in our view, captured.
5. The consequence is that the Definition has created something of an arbitrary distinction between motorhomes and non-motorised caravans, based on whether they can move under their own power or not, which does not recognise that the use is essentially the same. Importantly however, MfE recognised this issue and suggested that councils will need to address it through individual district plans.
6. While adopting the NPS definitions is mandatory (as they are comprised in Part 14 of the NPS), local authorities can develop more refined solutions for certain definitions. This is subject to a requirement that any solution is consistent with the primary definition, and not widen its scope.
7. We have identified several ways in which the Definition could be refined to address the identified issue.

An additional exclusion

- 7.1 An additional exclusion to the Definition could be added for non-motorised caravans. If this approach were adopted, the Definition could be reformatted as follows:

means a temporary or permanent movable or immovable physical construction that is:

- (a) Partially or fully roofed; and*
- (b) Fixed or located on or in land;*

but excludes:

- i. any motorised vehicle;*
- ii. other mode of transport that could be moved under its own power; and*
- iii. non-motorised caravans (and tents)³...*

7.2 This approach would add a new subcategory to the exclusions without widening the application of the Definition, which was an approach recognised by MfE in its Recommendations Report.

A qualified 'use' exclusion

7.3 The second solution is to include a 'use' qualifier in the additional exclusion, relevant to non-motorised caravans. For example:

but excludes:

- i. any motorised vehicle;*
- ii. other mode of transport that could be moved under its own power; and*
- iii. non-motorised caravans...other than those used for a [residential accommodation / business purpose] for a continuous period of more than XX months.*

7.4 The effect of this type of qualifier would be to ensure that non-motorised caravans that are not being used for their intended purpose, in light of a temporal measure, are captured by the Definition. This approach is similar to that taken by a number of territorial authorities across the country.

7.5 The adoption of a 'use' qualifier does come with the potential that it could be seen as a departure from the Definition. It could also be considered that specific rules and standards of zone provisions will provide a more appropriate way to address land use issues.

Practice note / guidance document

³ The focus of our advice has been on non-motorised caravans, but an exclusion could also be sought for tents, acknowledging that the Definition technically captures these items as well.

- 7.6** A third option, which would sit outside the district plan, would be to develop a practice note / guidance document specific to non-motorised caravans. Given the signals in relation to 'vehicles' in the MfE guidance and recommendations, in our view it would be prudent in any case to clarify how non-motorised caravans are treated by district plans.
- 7.7** Our recommendation is that either of the first two options above are better outcomes as it avoids any confusion or potential for debate as to whether the district plan captures non-motorised caravans in the definition of 'Building'.

Jane Marine

From: Alan Johnson <Alan@nzmca.org.nz>
Sent: Thursday, 22 December 2022 2:20 pm
To: PDP
Subject: RE: Submission to proposed Timaru District Plan
Attachments: NZMCA Summary submission to Timaru PDP.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Please find attached NZMCA's summary submission to the proposed Timaru District Plan – this is in the format of Form 5 of Schedule 6 of the RMA. Please add this to the submission lodged last Friday

Regards

From: PDP <pdp@timdc.govt.nz>
Sent: Monday, 19 December 2022 1:04 PM
To: Alan Johnson <Alan@nzmca.org.nz>
Subject: RE: Submission to proposed Timaru District Plan

Good Morning Alan,

Thank you for your submission. Find attached Submission Form 5 that is required to be filled for the submission for be complete. Please fill it and email it with the submission so that your submission can be processed. Thank you.

Regards



Timaru District Council | PO Box 522 | Timaru 7940
P: 03 687 7200 | W: www.timaru.govt.nz

From: Alan Johnson <Alan@nzmca.org.nz>
Sent: Thursday, 15 December 2022 4:44 pm
To: PDP <pdp@timdc.govt.nz>
Subject: Submission to proposed Timaru District Plan

Kia ora – please find attached New Zealand Motor Caravan Association's submission to the proposed Timaru District Plan. He Po. He Ao. Ka awatea

We are keen to make a verbal submission in support of this written on

Regards

Alan Johnson

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