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# OFFICER'S RESPONSE TO QUESTIONS FROM THE HEARINGS PANEL

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**DATE:** 1 April 2022

**HEARING:** Temporary Activities

**HEARING DATE:** 7 April 2022

**PREPARED BY:** Carlo Botha

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## Introduction

The purpose of this report is to provide a written response to the questions posed by the Hearings Panel on the respective Section 42A report for the Temporary Activities Chapter.

## Questions and Answers

Paragraph or Plan reference	Question from the Hearings Panel
15.3	<ul style="list-style-type: none"><li>Does your text for the revised definition of 'Camping Ground Facility' derive from the Camping Ground Regulations 1985?</li><li>Given your intent to amend the definition of 'Camping Ground Facility' to include 'freedom camping' (with freedom camping being where no fee is paid), does that rely solely on the words "or no reward" in the revised definition?<ul style="list-style-type: none"><li>If so, is that sufficiently clear and certain for PDP users and decision makers?</li></ul></li><li>Is it appropriate to constrain 'freedom camping' to "2 or more families" "living independently of each other"?</li><li>Given your statement that "Freedom camping is not managed by District Plans", why are any PDP amendments at all necessary in response to NZMCA DPR-0464-002?</li></ul>
Officer response:	<ul style="list-style-type: none"><li>Yes, I can confirm that reference to "camping ground" within the recommended revised definition of "camping ground facility" derives from the Camping-Grounds Regulations 1985 definition of "camping ground", which has been altered as follows (additions are underlined and in bold and deletions are struck out):  <i>"<b>camping ground</b> means any area of land used, or designed or intended to be used, for rent, hire, donation, or otherwise for reward <u>or no reward</u>, for the purposes of placing or erecting on the land 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;<del> and includes any area of land used as a camping ground immediately before the commencement of these regulations</del>"</i></li></ul>

Paragraph or Plan reference	Question from the Hearings Panel
	<ul style="list-style-type: none"> <li>• <i>Yes, I can confirm that it does rely solely on the words “or no reward” in the reference to “camping ground” in the recommended revised definition.</i> <ul style="list-style-type: none"> <li>○ <i>I consider that the words “or no reward” in the revised definition of “camping ground facility” should make it clear to plan users and decision makers that this definition also includes freedom camping (where no fee is required to be paid), and that freedom camping is also managed by the relevant camping ground facility rules in the PDP (i.e., Rules LRZ-R15, SETZ-R15 and GRUZ-R31, etc.). This is because the camping ground facility rules in the PDP require plan users to refer to the definition of “camping ground facility” when reading and interpreting the rules.</i></li> </ul> </li> <li>• <i>As mentioned above, the reference to “camping ground” in the recommended revised definition of “camping ground facility” derives from the Camping-Grounds Regulations 1985 definition of “camping ground”, which has been altered slightly as shown above. The wording used in the revised definition that refers to “.. 2 or more families or parties (whether consisting of 1 or more persons) living independently of each other” is the same wording used in the definition of “camping ground” in the Camping-Grounds Regulation 1985. Given this, I consider it appropriate to retain the proposed wording for the revised definition of “camping ground facility”.</i></li> <li>• <i>The amendments to the PDP are considered necessary, as the PDP as notified only contains rules for managing visitor accommodation and camping ground facilities within the District where a fee is required to be paid, but does not contain any rules for managing or permitting freedom camping ground facilities where no fee is required to be paid. For clarification purposes, it is important to note that the amendments to the PDP will manage freedom camping in those areas in the District where it is undertaken within/as part of a camping ground facility and will only be permitted in those areas (i.e. on Council reserves) where it is permitted under an approved Reserve Management Plan (RMP) under Rules LRZ-R15, SETZ-R15 and GRUZ-R31 in the PDP. As the PDP is an activities based plan, it is therefore important to ensure that freedom camping is permitted under the PDP in those areas where it is permitted under an approved RMP to avoid the need for resource consent as a Discretionary Activity under the “catch all” rules in the PDP.</i></li> </ul> <p><i>I note that the provisions in the Temporary Activities Chapter (Rule TEMP-R1 in particular) will manage one-off short duration freedom camping activities which occur randomly throughout the District on sites where freedom camping is not undertaken on a permanent basis (i.e., on private properties and Council reserves which do not allow freedom camping to be undertaken on a permanent basis). In order for one-off short duration freedom camping activities to be permitted under Rule TEMP-R1 in the PDP, any one-off short duration freedom camping activity must comply with the requirements of TEMP-REQ1 and TEMP-REQ2 (i.e., that any one-off short duration freedom camping activity must not exceed a duration of five consecutive days on any site, no more than twelve activities can be undertaken on any site within any calendar year, and the site must be returned to its original condition within five consecutive days of the activity ceasing).</i></p>