



# SOUTH WAIRARAPA DISTRICT COUNCIL EXTRAORDINARY MEETING

AGENDA – 28 October 2015

## A. Conduct of Business

The meeting will be held in the South Wairarapa District Council Chambers, 19 Kitchener Street, Martinborough and will commence at 9.30am. The meeting will be held in public (except for any items specifically noted in the agenda as being for public exclusion).

- A1. Apologies
- A2. Conflicts of Interest
- A3. Public Participation

## B. Decision Papers

- B1. Adoption of Annual Report (2014/15 Annual Report to be tabled) Page 1
- B2. Self-contained Campers at Coronation Park, Martinborough Pages 2-6
- B3. Quarter 1 LTP actions update (to be tabled)

## C. Public Excluded

- C1. Chief Executive Review Report

**PROPOSED RESOLUTION:** That the public be excluded from the following part of the meeting.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

Report/General Subject Matter	Reason for passing this resolution in relation to the matter	Ground(s) under Section 48(1) for the passing of this Resolution
Chief Executive Review Report	Good reason to withhold exists under section 7(2)(a)	Section 48(1)(a)

This resolution is made in reliance on Section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 6 or section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public are as follows:

<b>Reason for passing this resolution in relation to the matter</b>	<b>Ground(s) under Section 48(1) for the passing of this Resolution</b>
<p>b)protect information where the making available of the information – (i) would disclose a trade secret; or (ii) would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.</p> <p>h) enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</p>	<p>Section 7(2)(a)</p>

# SOUTH WAIRARAPA DISTRICT COUNCIL

28 OCTOBER 2015

---

## AGENDA ITEM B1

### 2014/15 ANNUAL REPORT

---

#### **Purpose of Report**

To present for adoption the 2014/15 Annual Report.

#### **Recommendations**

Officers recommend that Council:

1. *Receives the information.*
2. *Adopt the 2014/15 Annual Report.*
3. *Delegate to the Mayor and Chief Executive authority to sign this report.*

#### **1. Executive Summary**

The Draft Annual Report has been previously circulated.

Audit New Zealand has completed their review of the Annual Report and the underlying information.

It is important to note the Annual Report, and the correctness of the disclosures, are the responsibility of the organisation preparing and presenting them.

The audit process is at a high level and provides an opinion on whether the financial statements show a true and fair view of the operations for the year ended 30 June and as at that date.

Internal controls and the detection of fraud are also the responsibility of the organisation and the audit is not designed to specifically look for fraud or irregularity.

#### **2. Discussion**

In general terms this annual report is little different from that presented as the management accounts at year end, apart from the impact of the infrastructural asset revaluation.

Note 35 provide an explanation of the key budget vs actual variances.

Contact Officer: Paul Crimp Chief Executive Officer

# SOUTH WAIRARAPA DISTRICT COUNCIL

28 OCTOBER 2015

---

## AGENDA ITEM B2

### SELF-CONTAINED CAMPERS AT CORONATION PARK MARTINBOROUGH

---

#### **Purpose of Report**

To inform Community Board members of proposed actions in regard to the use of part of Coronation Park for members of the NZ Motor Caravan Association as a fund-raiser for Martinborough JAB rugby.

#### **Recommendations**

Officers recommend that the Community Board:

1. *Receives the information.*
2. *Approves the actions proposed to allow the continuation of the current Martinborough POP until a report on the wider freedom camping issues is submitted to the Infrastructure and Planning Working Party.*

#### **1. Executive Summary**

In 2014 the Martinborough Rugby Club was granted an exemption from the Camping Ground Regulations 1985 to enable them to offer overnight stays for NZ Motor Caravan Association (NZMCA) members in self-contained campers on an unused part of Coronation Park. The NZMCA members pay a donation which goes to junior rugby in Martinborough. The exemption expired on 31 March 2015 and officers propose actions which will allow the continuation of the arrangement for summer 2015/16. A think-piece paper will be prepared for the Infrastructure and Planning Working Party examining the wider issues around freedom camping within the South Wairarapa towns, and this will include the question of park-over points for self-contained campers.

#### **2. Background**

In December 2012, a paper to Council on dump stations raised the issue that a POP for Greytown could be considered, and Council resolved to consider the longer term implications of this through the 2013/14 annual plan process. Issues to be considered included the possible impact on revenue at the Council's own camping ground, and whether the Council

should be taking some responsibility for providing facilities for the freedom camping community.

However, these issues were not raised in the 2013/14 annual plan, and were not considered again until late 2013 when the Martinborough Rugby Club approached Council for permission to operate a park-over point (POP) for NZMCA members in an unused part of the rugby grounds.

The NZMCA had planned to lease land in Martinborough to provide a site away from Martinborough Square for overnight stays for members in self-contained vehicles. Instead, in 2014 an arrangement was made with the Martinborough Rugby Club to set up an unused area of Coronation Park for this purpose, with the Rugby Club to operate it, and to collect donations for JAB rugby in Martinborough from the NZMCA members.

The Council granted an exemption to the Camping Ground Regulations 1985 to allow Martinborough Rugby to host NZMCA members until 31 March 2014. This covered the period of summer events including the Martinborough Fairs, but did not limit the operation of the POP to events only. Martinborough Rugby made approximately \$420 in donations for junior rugby. At \$5 per vehicle per night, equates to 84 camper nights over approximately four months. The camper nights do not include the Vans and Vines event, which was held on the main rugby ground and did not include the POP.

In May 2015, Martinborough Rugby Club approached Council for a renewal of the exemption to allow the POP to continue. On 3 June 2015, Council instructed that approval of the renewal of the exemption was to be withheld until further consideration of the provision of a POP site was undertaken by the Martinborough Community Board and Council (Council 2015/354).

On 22 June 2015 Martinborough Community Board agreed to hold over a recommendation to Council until district-wide consideration of motor caravans and park over properties was undertaken in August by the Infrastructure and Planning Working Party. This work has not yet been completed, and with summer approaching, Martinborough Rugby and the NZ Motor Caravan Association are eager to find a resolution which would allow the POP to operate over summer 2015/16 ahead of the wider issues being discussed.

### **3. Discussion**

#### **3.1 Camping Ground Regulations 1985**

The Camping Ground Regulations define a "camping ground" as :

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 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 a camping ground immediately before the commencement of these regulations.

The NZMCA POP scheme is intended to provide members with a network of locations for overnight stays throughout New Zealand, and is comprised of private properties, businesses, clubs and organisations which make space available for no charge. The reason that an exemption from the Camping Grounds Regulations was required for the Martinborough POP was that, by charging a small fee, the POP would have technically met the definition of a camping ground above. If no fee had been proposed, the regulations would not apply – as is the case in Featherston where the POP is merely an open carpark.

### **3.2 Complaints and concerns about the POP**

In March 2014, a complaint was made by a New York Street resident to the proprietor of Martinborough Top 10 Holiday Park about the POP. The complainant was concerned about the comings and goings of vehicles, and also that someone had been camping there in a tent. The campground proprietor, Frank Cornelissen, raised the issue with Environmental Health at SWDC, along with his own concerns that the ongoing operation of an exempt camping ground was unfair to his business, which had to be compliant with the regulations.

The incident with the tent was investigated, and Martinborough Rugby installed a gate with a coded lock to prevent access by non-NZMCA members. A letter to Mr Cornelissen outlined the basis on which the exemption had been granted.

In February 2015, a neighbouring property owner complained to Council about the operation of the POP. The basis of his complaint was that visitors in campervans should be using the Top 10 Holiday Park, and that the provision of the POP was depriving the campground proprietors of income. A verbal response to this complaint was to the effect that access to the POP was restricted to NZMCA members, and these were not tourist vehicles, but self-contained units owned by New Zealand residents who were freedom campers and unlikely to use campgrounds.

### **3.3 Loss of revenue to campgrounds**

These complaints indicate that there is a view that the provision of POPs is depriving campgrounds of potential revenue. NZMCA members comprise a significant proportion of campervan users – the Association has approximately 60,000 individual members. They are New Zealand residents rather than overseas tourists. There are approximately 5500 campervans and mobile homes owned by the rental vehicle industry available to local and overseas tourists, so the overall market for the provision of services to motor caravan users is reasonably large.

While many of NZMCA members use campgrounds, those who own self-contained vehicles have made the financial investment to give themselves the freedom to camp anywhere because they carry their own facilities with them.

Other freedom campers are either New Zealand or overseas tourists whose vehicles may or may not be self-contained. They have no access to NZMCA POPs. While many of them choose to stay in campgrounds, many others

choose to park overnight anywhere they are permitted by council by-laws (or the lack thereof).

### **3.4 Exemption to Camping Ground Regulations and unfairness to regulated campground operators**

The exemption for the Martinborough Rugby POP was granted on the basis that while a fee is charged for use of the POP, it does not in other respects need to comply with the requirements of the Camping Ground Regulations, because no facilities are provided. It can only be used by vehicles which are certified self-contained.

There are two issues of unfairness to the Martinborough campground operators cited by the complainants. The first, the potential loss of income, has been discussed under 3.3 above. No camper, whether in a self-contained vehicle or not, can be compelled to stay in a camping ground; where an alternative such as a POP is not provided, campers will park on the street, in public carparks, and generally wherever they think they can get away with.

The second issue was raised by the Martinborough Top 10 proprietor, and that is that while he must meet the requirements of the Camping Ground Regulations as well as insurance and rates, at a cost to his business, the Martinborough POP has no such costs. The Camping Ground Regulations are made under the Health Act 1956 and their purpose is to set standards for campground facilities in terms of health and hygiene. Martinborough Top 10 provides facilities such as toilets, showers, cooking areas and a laundry to its users, and for this the campground operator is able to charge a fee commensurate with the quality of the facilities and the operating costs of the campground. The Martinborough Rugby cost provides no facilities, has no operating costs, and charges a small donation which is directed to supporting junior rugby. It is not a commercial operation, and the exemption to the Regulations recognises that.

### **3.5 Proposed actions for the Martinborough POP**

Council has recently registered part of the Tauherinikau Racecourse as a camping ground *for self-contained vehicles only* ie while registered as a campground, it has been exempted from most of the provisions of the Camping Ground Regulations as no facilities are provided. Instead of renewing the current blanket exemption for the Martinborough POP, the same model could be followed – registration as a campground for self-contained vehicles only. The registration year is August to July, so any such registration granted now would lapse at 31 July 2016, by which time the larger issues will have been addressed by Council.

Martinborough Rugby only leases that part of Coronation Park occupied by the clubrooms and community gym. The sportsgrounds and POP area do not form part of the lease. A licence to occupy would need to be granted to Martinborough Rugby to regularise the use of the POP area; this would be conditional on Martinborough Rugby obtaining campground registration as outlined above, and also on it remaining a secure facility for NZMCA members only, with a low donation for a nightly stay. To assist council to obtain better information of use for tourism and reporting, the Martinborough POP operators would be required to maintain and submit a

log of vehicles and duration of stay. This will assist council in forming any policy or future reporting on the use.

#### **4. Conclusion**

Officers propose that the Martinborough POP be allowed to operate over the 2015/16 summer, and that this is achieved by :

- (a) granting a licence to occupy to Martinborough Rugby Club for that part of Coronation Park; and
- (b) as a condition of the licence, requiring Martinborough Rugby to seek registration as a campground for self-contained vehicles only until 31 July 2016.

The proposed paper covering both POPs and the wider issues around freedom camping in south Wairarapa is to be prepared for the first meeting of the Infrastructure and Planning Working Party in 2016. Possible outcomes may require community consultation as part of the 2016/17 annual plan process.

Contact Officer: Helen McNaught, Amenities Manager

Reviewed By: Mark Allingham, Group Manager Infrastructure Services