



Memorandum

TO: Lloyd Kennedy
FROM: Jean Hodson
DATE: 18 February 2010
FILE NO: E 402
RE: **Motueka Beach Reserve- (Requirements in relation to Camping Ground Regulations 1985)**

The letter dated 21 January 2010 from Mr Bob Cooke discusses the concerns relating to people in non-self contained vehicles "camping" in various places.

He includes:

- an image of the Motueka Beach Reserve sign which states: *Camping for one night only for self-contained and self-propelled motor vehicles* and
- A form for use by budget campers limiting this to 2 nights at \$5 per vehicle
- A mock up of a brochure (based loosely on the existing TDC policy for promoting safe and environmentally friendly overnight camping for self contained motorhomes and caravans.) This "brochure" explains the concept of "Budget Camping Areas" stating this activity could occur for maximum of 2 nights on any Council controlled public land where toilet facilities exist except for land listed in Schedule 1. The additions to this amended Schedule 1 include Motueka Quay, the Inlet Walkway Reserve Motueka and the Kumera Car Park Staple Street Motueka.

In the letter he makes the suggestion that the Motueka Beach Reserve could be used as a "budget camping area" and suggests extending the car park area, a controlled barrier arm, amendment to the sign, employment of a person or company to issue payment envelopes, record registrations. It is proposed that this work would be funded by the camping fees.

In terms of the use of the Reserve, the suggestions raise policy decisions for Council's Community Services.

There are some practical issues in regards to the suggestion, including the fundamental one that many people who are holidaying in non-self contained vehicles often deliberately choose to not go where they have to pay, even a minimum fee and therefore it is not clear that the "problem" can be addressed by making part of the reserve a budget camp. Many people simply won't pay to stay. The scale of the actual problem linked to irresponsible freedom camping is very large and impacts across the whole district (and country) and therefore this suggestion could only ever provide a minor facility for 20 -30 vans (the real numbers of non-self contained vehicles are far higher.) Also there would be a requirement to clean, service and repair the public facilities that are there as they would have more use.

The suggested amendments to Schedule 1 contained in Council's brochure would be a matter to be determined by the Environment and Planning Committee, but changes would have to be examined in relation to other areas experiencing problems.

The proposal also has implications in regard to the need for compliance with the Camping Ground Regulations 1985.

The Regulations provide Councils with the authority to grant exemptions from some aspects of the requirements for registered camping grounds on the basis of hardship or remote location. In the case of the Motueka Beach Reserve, if the proposal was for short term (2 nights) stays only, for people in campervans (both self contained and non self contained), then a case could be made for some exemptions from full camping ground requirements.

However, certain basic facilities would still be seen as necessary eg.

- Adequate ablution facilities ie correct number of male and female toilets and handbasins and showers, including hot water most probably as there is power supply available.
- Basic laundry facilities eg tubs
- Basic kitchen facilities eg bench area, sinks
- Lighting
- Refuse disposal

There are other camping grounds in the Motueka area and setting up one in opposition on a budget basis could be seen as unfair competition if it was on Council land and did not comply with the requirements others are required to.

I have attached a copy of the Regulations for assistance.

Camping-Grounds Regulations 1985

SR 1985/261
AMENDMENT
SR 1993/403

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PURSUANT to section 120B of the Health Act 1956, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

1 Title and commencement

- (1) These regulations may be cited as the Camping-Grounds Regulations 1985.
- (2) Except as provided in regulation 19 of these regulations, these regulations shall come into force on the 1st day of January 1986.

2 Interpretation

In these regulations, unless the context otherwise requires,—

The Act means the Health Act 1956:

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 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:

Camp plan, in relation to any camping-ground, means the plan required to be provided and kept under regulation 4 of these regulations:

Camp site means any area within a camping-ground set apart or available or used for the erection or placing thereon of a temporary living-place:

Operator, in relation to any camping-ground, means the person to whom a certificate of registration has been granted under regulation 3 of these regulations in respect of the camping-ground, or who is responsible for the daily management of the camping ground:

Relocatable home means a structure comprising a group of rooms occupied or intended to be occupied either permanently or temporarily as the living quarters of a single housekeeping unit (whether consisting of 1 or more persons), which is completely self-contained in respect of domestic equipment and facilities and which is designed to be relocatable and is located in a camping-ground; but does not include a tent:

Relocatable home park means a camping-ground used or intended to be used for relocatable homes, or an area of land within a camping-ground used or intended to be used for relocatable homes:

Remote camp site means a camping-ground in a National Park, State Forest, State Forest Park, or Public Reserve, or on Crown land:

Temporary living-place means a cabin, caravan, vehicle, tent, or other building or structure intended for human habitation for periods not exceeding 50 days in any continuous term of occupancy.

3 Registration

- (1) Subject to regulation 14(1) of these regulations, no person shall use or permit to be used any land as a camping-ground unless that person is the holder of a current certificate of registration in respect of that land issued by the local authority in accordance with the Health (Registration of Premises) Regulations 1966.
- (2) No local authority shall register or renew the registration of any premises as a camping-ground that do not comply with the requirements of these regulations.
- (3) Notwithstanding the provisions of the Health (Registration of Premises) Regulations 1966¹, the local authority may refuse to—

- (a) Grant a certificate of registration in respect of any land; or
- (b) Permit the use of an existing camping-ground for a relocatable home park,—
if it is of the opinion that the locality, position, or condition of the land makes it unsuitable for the purpose of a camping-ground or a relocatable home park.

General requirements

4 Camp plan

- (1) For every camping-ground there shall be prepared and maintained a camp plan showing the following matters:
 - (a) The position and boundaries of the camping-ground;
 - (b) The position and boundaries of every camp site;
 - (c) The number of each camp site;
 - (d) The position of every building, access road, path, cookhouse, caravan drainage point, ablution place, toilet, sewage tank, and disposal system within the camping-ground;
 - (e) The position and boundary of any relocatable home park;
 - (f) The position and boundaries of every relocatable home site.
- (2) Two copies of the camp plan shall, if required, be lodged with the local authority on the first application for a certificate of registration, and on any subsequent alteration of the plan.
- (3) The camp plan shall be made available on request at all reasonable times for examination by an inspector.

5 Marking of sites

The boundaries of every camp site and every relocatable home site shown on the camp plan shall be kept plainly marked to the satisfaction of an inspector, and the number of every camp site shall be permanently displayed on, at, or near, the boundary of each camp site.

6 Camp sites

- (1) No area shall be used as a camp site unless it—
 - (a) Is shown on the camp plan; and
 - (b) Is not less than 53 square metres in area; and
 - (c) Is not less than 8 metres wide; and
 - (e) Is accessible by an all-weather footpath, road, or other access way.
- (2) No temporary living-place shall be erected or placed on any camp site within 3 metres of any other temporary living-place, or within 1.5 metres of any camp site boundary, as the case may be.
- (3) No building or structure shall be placed on the camp site unless permitted in writing by the local authority.
- (4) Nothing in subclause (2) of this regulation shall apply to separate temporary living-places within a building containing 2 or more such places.

7 Cabins

The floor area of a cabin shall be not less than 7.5 square metres, plus an additional 3.5 square metres for each additional person in excess of 2 that the cabin is designed to accommodate.

8 Lighting

- (1) Lighting shall be provided, to the satisfaction of the local authority, in buildings, at entrances to, and footpaths, roads, and other access ways within, the camping-ground.
- (2) The lighting required under subclause (1) of this regulation shall be kept on during the hours of darkness in the occupied areas of the camp.

9 General standards

- (1) The following requirements shall be complied with:
 - (a) The requirements specified in the Schedule to these regulations;
 - (b) *Revoked.*
 - (c) The camping-ground shall be maintained, at all times, in a clean and sanitary condition to the satisfaction of the local authority;
 - (d) All rubbish receptacles shall be emptied at least once in every 24 hours when the camping-ground is occupied, and all refuse shall be disposed of in a sanitary manner;
 - (e) Ablution, kitchen, laundry, and toilet facilities shall at all times be kept clean and in good repair;
 - (f) The camping-ground shall be provided with safeguards against fire, and means of escape in case of fire, to the satisfaction of the local authority.
- (2) Notwithstanding anything in subclause(1)(c) of this regulation, in the event of a conflict between any of the provisions of these regulations and any of the provisions of the bylaws of the local authority, the provisions of these regulations shall prevail.

10 Records

- (1) There shall be provided and maintained records showing the following:
 - (a) The name and address of the person occupying any camp site, or the person responsible for the group where there is more than 1 person;
 - (b) The number of the camp site occupied by that person;
 - (c) The date upon which occupation commenced;
 - (d) The number of persons occupying each camp site;
 - (e) The date upon which occupation terminated.
- (2) All records kept under this regulation shall be made available on request at all reasonable times for examination by an inspector.

*Relocatable homes***11 Site requirements of relocatable home park**

- (1) No relocatable home shall be erected or placed on a relocatable home park site without the written consent of the local authority.
- (2) No relocatable home shall be erected or placed on any site within a camping-ground other than on a site that is part of the land set aside as a relocatable home park.
- (3) The relocatable home park shall be separate from that part of the camping-ground used for camp sites unless otherwise permitted by the local authority.
- (4) The relocatable home park shall be serviced with reticulated sewerage, storm water drainage, and a reticulated water supply, to the satisfaction of the local authority.

12 Access

All-weather access from the entrance to the camping-ground to the site of every relocatable home shall be provided and maintained to the satisfaction of the local authority.

13 Standard of compliance

Subject to regulation 14(2) of these regulations, the owner of a relocatable home situated in a relocatable home park shall ensure that it complies with [the requirements of the Building Regulations 1992].

*Miscellaneous provisions***14 Certificates of exemption**

- (1) Where a local authority is satisfied that undue hardship would be caused by the application of regulation 3 of these regulations to any camping-ground, it may grant the operator a certificate of exemption from such requirements of that regulation as it specifies in that certificate.
- (2) Where a local authority is satisfied that undue hardship would be caused by the application of regulation 13 of these regulations to any relocatable home, it may grant the owner a certificate of exemption from such requirements of that regulation as it specifies in that certificate.
- (3) A local authority may grant the operator of a remote camp site a certificate of exemption from such requirements of these regulations as it specifies in that certificate.
- (4) A certificate of exemption granted under subclause (1) or subclause (2) or subclause (3) of this regulation shall have effect for such period as the local authority specifies in that certificate, and may be renewed from time to time, but may not be transferred from the operator, or owner or occupier of a relocatable home, to the succeeding operator, or owner or occupier.

15 Duty of local authorities

- (1) Every local authority shall—
 - (a) Enforce the provisions of these regulations within its own district; and
 - (b) Cause a regular inspection to be made of all camping-grounds.
- (2) Any local authority may cause a regular inspection to be made of all relocatable homes.
- (3) Nothing in subclause (1) of this regulation shall derogate from any function, power, or duty conferred or imposed on a local authority by any other enactment, or conferred or imposed on any person in the service of the Crown.

16 Appeals to Medical Officer of Health

- (1) An operator who is aggrieved by any decision of the inspector of the local authority under these regulations may appeal in writing to the Medical Officer of Health within 14 days after being notified in writing of the decision of the inspector.
- (2) On hearing the appeal, the Medical Officer of Health may confirm, reverse, or modify the decision of the inspector.
- (3) Every decision of the Medical Officer of Health under this regulation shall be in writing, stating the reasons for that decision, and copies of the decision shall be supplied to the appellant, and to the inspector of the local authority whose decision was the subject of the appeal.

17 Appeals to District Court

- (1) An operator who has had an appeal decided under regulation 16 of these regulations by a Medical Officer of Health may appeal against the decision to a District Court within 14 days after being notified in writing of that decision.
- (2) No appeal shall lie under subclause (1) of this regulation against a refusal to register any camping-ground or to renew or revoke the registration of any premises, in accordance with the Health (Registration of Premises) Regulations 1966¹.
- (3) An operator who is aggrieved by a decision of the local authority pursuant to regulation 14(3) of these regulations may appeal against that decision to a District Court within 14 days after being notified in writing of that decision.
- (4) An appeal under this regulation shall be made by way of an originating application in accordance with the District Courts Rules 1948¹, and shall be filed in the office of the Court nearest to the place of business in respect of which the decision appealed against was made.
- (5) On hearing an appeal brought under this regulation, the Court may confirm, reverse, or modify the decision made by the Medical Officer of Health or local authority, and the decision of the Court on the appeal shall be final.

18 Offences

- (1) Every operator of a camping-ground commits an offence against these regulations who—
 - (a) Contravenes regulation 3 of these regulations; or
 - (b) Fails without reasonable excuse to ensure that the camping-ground complies at all times with the requirements of regulations 4 (1), 5 to 9, 10(1), and 11 to 13 of these regulations; or
 - (c) Fails without reasonable excuse to comply with subclause (2) or subclause (3) of regulation 4 of these regulations or with regulation 10(2) of these regulations.

¹ SR 1966/73

¹ SR 1948/197

(2) Every owner of a relocatable home commits an offence who contravenes or fails to comply with any of the provisions of subclauses (1) and (2) of regulation 11, and regulation 13, of these regulations.

19 Transitional provision

In respect of any land that was being used lawfully immediately before the 1st day of January 1986 as a camping-ground, it shall, until the 1st day of September 1986, be sufficient for the purpose of regulation 3(2) of these regulations if the camping-ground complies with all the requirements of the Camping Ground Regulations 1936, so far as they applied to that camping-ground immediately before that date.

20 Revocations

The following regulations and notice are hereby revoked:

The Camping Ground Regulations 1936¹;

The Camping Ground Regulations Extension Notice (No 2) 1949¹;

The Camping Ground Regulations 1936, Amendment No 1¹.

Schedule
Standards for camping grounds

(cl 1 to cl 7)

Reg 9(1)(a)

1 Buildings

The buildings shall be ... maintained in good repair.

2 Water Supply

1 There shall be an adequate water supply of wholesome and potable water provided to the satisfaction of the local authority.

2 There shall be an adequate supply of hot water, provided to the satisfaction of the local authority, to ablution, kitchen, and laundry facilities.

3 Water shall be reticulated throughout the camping-ground to taps, which shall be located not more than 25 metres from any camp site.

4 Water shall be reticulated to every relocatable home site.

3 Ablution and Sanitary Fixtures

1 Ablution and sanitary fixtures shall be provided in accordance with the following table:

Table — Numbers of Sanitary Fixtures

<i>Nature of Fixture</i>	<i>Number of Fixtures</i>	<i>Maximum No of Persons to be Served</i>	
		Male	Female
Water Closet Pans	1	25	12
	2	50	25
	3	100	50
	4		75
	5		100

An additional fixture shall be provided for each 40 persons of either sex, or part thereof.

Urinals 1 For each 50 males or part thereof

Note: Every 600 mm length of continuous wall urinal shall be the equivalent of 1 urinal stall.

		Male	Female
		Washhand Basins	
	1	25	25
	2	50	50
	3	100	100
	4	150	150
	5	200	200
	6	250	250

An additional washhand basin shall be provided for each additional 50 persons of either sex, or part thereof.

		Male	Female
		Showers	
	1	25	25
	2	60	60
	3	100	100
	4	140	140
	5	180	180
	6	220	220

1 SR 1936/89
1 SR 1949/124
1 SR 1975/64

	<i>Nature of Fixture</i>	<i>Number of Fixtures</i>	<i>Maximum No of Persons to be Served</i>
	An additional shower shall be provided for each additional 50 persons of either sex, or part thereof.		
2	It shall be assumed that the persons to be served by the sanitary fixtures consist of equal numbers of either sex, unless the purposes for which the premises are generally used or other special circumstances otherwise require.		
3	In calculating the occupancy of a camping-ground or relocatable home park, no site shall be deemed to accommodate less than 3.5 people.		
4	Ablution and sanitary fixtures shall be readily accessible, and shall be located not more than 75 metres from any camp site or relocatable home site that they are required to serve.		
5	Surfaces of internal walls of buildings containing sanitary fixtures shall be constructed of materials that are durable and capable of being readily cleaned.		
6	Sanitary fixtures, in temporary living-places or relocatable homes, for the exclusive use of occupants shall not be counted for the purpose of this Schedule.		
7	Every room or compartment containing a bath, shower, urinal, or water-closet pan shall be so constructed and situated as to ensure the privacy of the user.		
4	Refuse Disposal		
1	Refuse containers shall be provided not more than 50 metres from every camp site.		
2	Refuse containers shall be of either a single-use disposable type, or constructed of metal or other materials that are durable and capable of being readily cleaned, and shall have close-fitting lids.		
5	Cooking Places		
1.	Cooking places of a type, number, and location shall be provided to the satisfaction of the local authority.		
2.	Each cooking place shall be provided with adequate hot water, sinks, benches, and cooking facilities.		
3.	Surfaces of internal walls of kitchens shall be constructed of materials that are durable and capable of being readily cleaned.		
6	Laundry Facilities		
	Clothes washing and drying facilities for the use of campers shall be provided so that the number of fittings is not less than 2 laundry tubs and 1 washing machine for every 200 persons, or part thereof.		
7	Drainage		
	A drainage system for the removal and disposal of foul water, waste water, and storm water shall be provided in accordance with the [building code set out in Schedule 1 to the Building Regulations 1992], or to the satisfaction of the local authority, as may be required.		

P G MILLEN,
Clerk of the Executive Council.

Explanatory Note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations replace the Camping Ground Regulations 1936, and their amendments. They prescribe new standards in accordance with accepted practice, and prescribe new requirements in respect of relocatable homes placed or erected in camping-grounds.

PROMULGATION

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 10 October 1985.

These regulations are administered in the Department of Health.

Publisher's Note

This PDF contains information as at 21 September 2009 and is consolidated to include all amendments processed by Brookers editors before that date. The time taken to process legislative consolidations varies according to the size and complexity of amendments. To check for more recent or future amendments to this piece of legislation, please go to www.brookersonline.co.nz