

**BEFORE THE WAIPA DISTRICT COUNCIL**

**IN THE MATTER** of the Resource Management Act 1991

**AND**

**IN THE MATTER** of **THE NEW ZEALAND MOTOR CARAVAN  
ASSOCIATION INC**

**AND**

**IN THE MATTER OF** an Application for a land use resource consent  
(LU/0133/22) to operate a private motor caravan park  
at 2 Pirongia Road Te Awamutu

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**BRIEF OF EVIDENCE OF ALAN MICHAEL JOHNSON  
FOR THE NEW ZEALAND MOTOR CARAVAN ASSOCIATION INC.**

**14 SEPTEMBER 2023**

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1. My name is Alan Michael Johnson and I offer this evidence on behalf of the New Zealand Motor Caravan Association Inc. (**NZMCA** or **the Association**) in support of its application to establish and operate a motor caravan park in a Rural Zone at 2 Pirongia Road Te Awamutu – Council reference LU/0133/22.
2. I am currently employed by NZMCA as a senior policy analyst. I hold the degrees of Bachelor of Town Planning and Master of Philosophy (Hons) in Economics both from the University of Auckland. My work experience has mainly been in public policy analysis although I have worked as an urban and strategy planner for Auckland councils. This brief of evidence is not offered as an expert witness but as an employee of NZMCA who has had some involvement in the process of this application. My colleague Mr Wolfgram will offer expert planning evidence. My evidence refers to the content of his evidence although I defer to his expertise on these referenced matters.
3. I have played an interim role in the progress of this application given the intervening departure and appointment of specialist planners employed by NZMCA. I was responsible for responses to various s.92 requests for further information. I was not involved in the preparation of the original application or supporting assessments nor in the negotiations with Waipa District Council which preceded this application. Mr Wolfgram now has responsibility for the planning work relating to this application.
4. Specifically, I was involved in addressing s92 requests for additional information on the status and management of the closed landfill under the subject site. As part of this, I prepared the application for controlled use consent under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NESCS Regulations). That application is now running in parallel with the resource consent application to operate a motor caravan park.
5. My evidence below refers to an additional report prepared for NZMCA by Mr Adam Chung of Acoustics Engineering Services Ltd to assess the possible noise effects of the proposed activity. This report has been made available to Council staff and consultants and to the submitters within the timeframes set by Council's hearing notification.
6. My evidence proposes to do four things:
  - provide the context to the application,
  - offer a limited critique of Mr Inskeep's s.42A report, the conclusions he reaches and the recommendations he makes,
  - comment on the submissions by Mr and Mrs Bosson and Mr Old, and
  - discuss the NZMCA's proposals for consent conditions.

## CONTEXT

7. The New Zealand Motor Caravan Association is a New Zealand-wide club for people interested in travelling and camping in vehicles such as motorhomes, caravans, camper vans and house buses. It was formed in 1956 to advocate for road transport regulations which were in the interests of the then nascent motor caravanning movement. NZMCA's mission is to provide benefits to its members while promoting safe and courteous driving and contributing to environmental sustainability.
8. The Association has more than 116,000 members of whom 1,600 live in Waipa District. These 116,000 members drive or tow more than 62,000 camping vehicles all of which must be certified as self-contained under the self-containment regulation NZS 5465. Throughout New Zealand NZMCA operates a network of 56 motor caravan parks which are known as NZMCA Parks.
9. NZMCA Parks typically cater for 50 to 100 self-contained camping vehicles. Average vehicle occupancy is 1.8 people. Occupancy of the Association's Parks vary seasonally with peak demand occurring during January and early February and a summer season which runs from mid-December to mid-April. It has been difficult to determine recent occupancy patterns at NZMCA Parks because of the disruptions caused by Covid lockdowns ( especially the Auckland lockdown of late 2021) and the weather disruptions in the North Island during early 2023.
10. NZMCA Parks are only open to financial members who must stay in a camping vehicle with a certified self-contained wastewater system. Parks are developed simply with metalled access ways and limited hardstand areas for vehicle parking, Most vehicles park on the grass. Dump stations are provided in Parks where this is feasible as is a supply of drinking water. On several parks electricity supply is being installed.
11. In most areas, NZMCA Parks are run by local members. They accept responsibility for maintenance and minor improvements. Some volunteer as park custodians to oversee the operation of the park especially with the arrival and departure of visitors. This arrangement is anticipated for the proposed park at the Pirongia Road site.
12. Since early 2021 NZMCA and Waipa District Council, as the landowner of the parent lot at 2 Pirongia Road, have worked on the proposal to establish a motor caravan park on the subject site. This initiative was started through local NZMCA members and Council's leadership considering how Te Awamutu could embrace the motor caravanning movement by becoming a Motor Home Friendly Town. Specifically, the initiative began with looking for a place to locate a dump station in the town for travellers (NZMCA members and others) to dispose of their on-board wastewater. Dump stations in towns and cities where there are provided offer benefits to local businesses and community organisations as they encourage people travelling in camping vehicles to visit and stay a while. This outcome has been the objective of this initiative and application since its conception.

## PLANNER'S REPORT

13. In general, NZMCA finds the s42A report prepared by Mr Inskeep to be accurate and balanced. It fairly represents the intent and effects of our application and accurately represents the processes followed to date and the policy questions at stake. The Association however has three comments on the balance of the perspectives offered in Mr Inskeep's report and on the impact of these on the recommendations he has made.
14. **Site contamination.** Getting to this occasion of having the Association's application considered by a Commissioner has been fraught because of a significant difference of opinion between NZMCA and Council (as a regulator) over the relevance and significance of the closed landfill beneath the subject site. The landfill has been closed for 50 years and monitoring of its condition has repeatedly shown that decomposition of waste within the landfill has ended and that the site is stable in geotechnical terms. Despite this evidence, NZMC has been required to commission two further investigations of a landfill which is not its responsibility and to make a further application for controlled use consent under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NESCS Regulations). These investigations confirmed the benign nature of the landfill's effects and its physical stability. Despite this evidence, Mr Inskeep has continued to insist that a heavy-handed approach is taken to managing NZMCA's occupation on the landfill. NZMCA's concerns in this respect are offered below in the discussion on consent conditions.
15. **Change of land use and rural amenity.** NZMCA acknowledges that the principal planning question at stake in this application is the change in land use which our proposal represents. This change and its associated amenity effects are the bases of the submitters' legitimate concerns about our proposal. In addressing these amenity effects and these concerns Mr Inskeep has not really got to the core of the issue at stake here. In particular, he has not identified what amenity effects are being compromised by the proposal to have camping vehicles parked on an open piece of residual rural land on the urban fringe of Te Awamutu. Consequently, he has not, in my opinion, accurately identified the extent of the submitters' legitimate expectations to have what they have now protected from change. In this context it should be noted that the submitters' properties are also zoned Rural and that their activities on these properties are also non-rural in nature. Mr Inskeep, in my opinion has not acknowledged this context in his analysis.
16. **Noise effects.** Mr Inskeep's assessment of the noise effects generated by the proposed activity is fair and reasonable given the information he was provided with in the application. His suggestion (p.24) that NZMCA advise members to arrive at the camping ground prior to 10pm as a way of complying with night-time noise thresholds is sound. As discussed below, following a visit to the subject site in August 2023 and on reflection over the possible vehicle movement noise impacts on Mr and Mrs Bosson and their family, I commissioned an expert assessment of these impacts

and their possible mitigation. This advice has been provided to Council as part of the required evidence/submission exchange process and is available to the submitters.

## SUBMISSIONS

### Mr Old's submission

17. The submission by Mr Old is somewhat general and non-specific. It refers to his concerns that the proposed camping ground will diminish his property value and interrupt his outlook. His proposed solution is straightforward – the size of the camping ground should be reduced so he can't see it.
18. NZMCA has already agreed to reduce the extent of the proposed camping ground to placate Mr Old. The extent of this reduction is provided in Figure 1 below. The area shaded yellow was included in the first concept design which was discussed with Council in mid-2021. The boundary currently proposed represents a 20% reduction in the camping ground's area against this initial proposal. Figure 1 provides an indication of the likely camping ground boundary to comply with Mr Old's submission. This indicates that the camping ground's area would be reduced to about 50% of that originally proposed. NZMCA submits that such a reduction is unreasonable especially against the extent of any effect suffered by Mr Old.

**Figure 1: Extent of original proposal for motor caravan park at Pirongia Road**



19. Our observations on the site suggest that the orientation of Mr Old's house is toward the north and not the north-west which is the direction of views over the proposed camping ground. This can be seen somewhat in Figure 1. In effect there appears to be few views from Mr Old's house toward the camping ground, so it is difficult to accept that his concerns for his views are even moderately justified. NZMCA agrees with the conclusion drawn by Mr Inskeep

'While these aspects will go some way to reducing the level of effects, in my view there is still a residual effect on rural amenity which is considered minor' (p.23)

20. Mr Old submits that the proposed camping ground will diminish the value of his property. Neighbours are under no obligation to maintain the value of adjacent properties although they must refrain from causing nuisances which may diminish an owner's or occupant's enjoyment of their property. The activities proposed by NZMCA do not constitute a nuisance but merely a change of land use.

#### **Mr and Mrs Bosson's submission**

21. Mr and Mrs Bosson's opposition to the application is based on their concerns over the generated noise effects, the loss of privacy, traffic safety effects, barking dogs and loss of property values. The remedies they seek are the construction of an over height solid fence for reasons of privacy and noise reduction, the sealing of the access way to limit traffic noise, limitation of operating hours, movement of communal areas away from their property and a ban on people bringing dogs into the proposed camping ground.
22. I visited the Pirongia Road site on 11<sup>th</sup> August 2023 with Mr Wolfram and other NZMCA people. While there Mrs Bosson approached us and discussed her concerns around noise and privacy effects and potential road safety issues from camping vehicles entering and exiting the site from Pirongia Road. From this conversation and from our experience with similar NZMCA camping grounds, we gained an appreciation that noise effects – especially along the access driveway, may cause problems for Mr and Mrs Bosson and their family. This appreciation led us to commission Acoustics Engineering Services (AES) to undertake a noise impact assessment of the proposed activities. The subsequent report from AES has been submitted to Council as supplementary expert advice and is discussed above. The provision of a 2.5 metres high acoustic type fence along the access driveway as recommended by Mr Inskeep is accepted as necessary mitigation for noise effects from vehicles moving along the access driveway.
23. NZMCA disagrees with Mr and Mrs Bosson's proposal to seal accessways and driveways on the proposed site and opposes any condition to require this. This position is discussed in detail in Mr Wolfram's evidence.

24. NZMCA concurs with the advice offered by Mr Hudson to Mr Inskeep (at p.28) that the sightlines and proposed entrance are appropriate for the volumes of vehicles anticipated to be visiting the camping ground. I note that it is proposed that further engineering advice will be available to the Commissioner during the hearing to offer him further guidance on traffic safety questions. NZMCA is concerned that such advice may introduce additional evidence or need for further assessments. We believe this would be unfair on procedural grounds. NZMCA asks that it be given notice of any further assessments so that it is able to offer an informed response to these.
25. NZMCA members are allowed to bring their pets into most NZMCA motor caravan Parks subject to strict rules around their restraint, behaviour and care. These rules are contained in the Association's bylaws and have served the organisation and its members well in ensuring that conflicts over dogs and other pets are avoided. Based on these experiences the Bosson's concerns over barking dogs are ill founded.
26. While the Bossons raise the idea of limits around operating hours for the proposed camping ground, they offer no suggestions on what these might be and how they may be imposed. As noted elsewhere in my evidence, NZMCA is not opposed to a general restriction on people arriving at the camping ground after 10pm but believes that such restrictions cannot practically be applied absolutely.

## **PROPOSED CONDITIONS**

27. NZMCA accepts all the consent conditions recommended by Mr Inskeep except for the following.
28. **Condition 2 – hours of access.** NZMCA is happy to limit arrivals to the proposed camping ground to before 10pm but is not able to practically enforce this. This is because the NZMCA Parks' operating model does not have paid staff checking guests in on arrival. This means that members can arrive at any time and self-check in. Members arriving at a Park after 10pm is very rare and those arriving after 8pm are expected to settle in with minimal noise or fuss. NZMCA is prepared to accept a condition which requires to it to manage arrivals at the Pirongia Road Park to minimise arrivals after 10pm. Such management could include notification on the NZMCA Travel App that the Park and with signs at the entrance that the Park closes at 10pm. This condition could be amended as follows.

**The consent holder shall include information on its members' only Travel App and signage on the kiosk and at the entrance of the site advising members that the movement of vehicles in and out of the site during the hours of 10pm – 6am should be avoided.**

29. **Condition 2 – length of stay.** The suggested condition limiting a vehicle's stay at the proposed camping ground to five consecutive days is out of sync with other NZMCA Parks where this limitation is for 10 days in any 30-day period. This later limitation

has served NZMCA well in avoiding small groups of people dominating occupancy - especially during times of peak demand. **This five-day restriction should be deleted** as it serves no effects-based purpose. NZMCA is happy that a 10 days in 30 days condition is applied, however.

30. **Condition 9 – Ongoing Site Management Plan (OSMP).** NZMCA submits that the extent of requirements and obligations within the requirement in condition #9 to prepare an OSMP are excessive. Condition 9 (c), which requires NZMCA to accept the monitoring requirements for the original landfill, are disproportionate to the effects on the closed landfill from the proposed activity or the risk that the change of activity poses to people staying at the camping ground. The extent of these effects and risks have been demonstrated by the site investigations undertaken in the preparation of this application. I note that Ministry for the Environment's Contaminated Land Management Guideline No 1 does not require such monitoring requirements. Rather it suggests.

'The scope of possible activities covered by an OSMP should be realistic. Rather than accommodating for all possible future activities, it may be appropriate to emphasise the need for specific plans and risk re-assessment in the event of major earthworks, change of use and redevelopment activities' (p.28)

NZMCA accepts the need to prepare a OSMP on completion of the development but believes specification of what this plan must contain is beyond the scope of what should be included in the consent condition. **The Association asks that sub clauses a) b) and c) and references to these should be deleted from condition 9.**

31. **Condition 19 – fencing on southern boundary. NZMCA seeks the deletion of this condition.** The suggested fence serves no purpose. Advice on noise effects from AES suggest that the planned operation of the camping ground will not lead to a breach of District Plan noise rules (Rule 4.4.2.15) during daytime or night-time providing portable generators are not used within 24 metres of the boundary with the properties at 4 and 5/28 Pirongia Road (p.5). The required fence on this boundary is not therefore needed to mitigate excessive noise effects. NZMCA is proposing screen planting along the southern boundary of the proposed camping ground to offer privacy to both camping ground visitors and neighbours. In his report (at para 10.12) Mr Inskeep acknowledges the value of this proposed planting and that it 'will assist in the visual integration of the development into its rural environment'. He continued 'While these aspects will go some way to reducing the level of effects, in my view there is still a residual effect on rural amenity which is considered minor'.

32. Paragraph 10.14 of Mr Inskeep's report proposes that NZMCA should be obliged to construct a fence along the Bosson's northern boundary 'to maintain more effective privacy for their (the Bosson's) lifestyle property'. This may be how Mr Inskeep anticipates that 'the residual effect on rural amenity' can be mitigated to a point of it being less than minor. NZMCA has two objections to this as an idea. Mr and Mrs Bosson's property is zoned Rural not rural residential or rural lifestyle so a suggestion

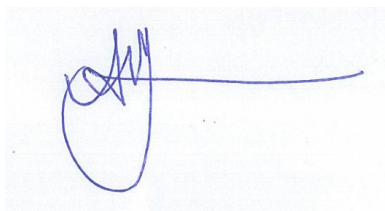


that NZMCA has an obligation to maintain the amenity of their lifestyle property is inconsistent with the zone in which they have chosen to live. Secondly, close boarded 2.5 metres high wooden fences are inconsistent with commonplace appreciations of rural amenity which Mr Inskeep here is seeking to protect. Such fences are visually intrusive in a rural setting and are suited more to suburban landscapes. Post and wire or post and rail fences with hedging are commonplace in rural landscapes and more consistent with expectations of rural amenity.

33. **Condition 21 – ban on cats.** The proposal to ban cats from the proposed camping ground is in NZMCA's view unreasonable and inconsistent the absence of a similar ban for neighbouring properties. NZMCA members travelling with animals are required to always have them under their control. This means either leashed or confined to their camping vehicles. This expectation applied to dog owners as well as cat owners. Cats visiting the proposed camping ground will be under closer control than those living in adjacent residential properties. These local cats are a bigger danger to the biodiversity of the nearby riparian scrubland. **NZMCA seeks the deletion of this condition.**
34. **Condition 24 – responsibility for underground water infrastructure.** This condition is a poorly worded and multi-faceted requirement which places significant responsibility on NZMCA to maintain the integrity of assets which have been laid in previously unstable ground with rigid materials up to 60 years ago. Moreover, it appears incumbent on NZMCA to undertake 'additional survey of the depth and condition of Council's assets' to identify the integrity of these assets. NZMCA accepts the need to protect the water infrastructure running under the proposed site and its obligation to ensure that its activities do not compromise this integrity. The assets however belong to Council and they are located on Council owned land so the primary responsibility to maintain, survey and assess these assets is Council's. Any responsibility which NZMCA has as a leasee of the land should be determined by a condition in the lease not as a consent condition. **NZMCA submits that condition 24 is deleted.**
35. **Conditions 25 and 28 (c) – dust.** NZMCA has no objections to the general condition around dust nuisance contained in condition 25 and the advice notes which is proposed to be applied to this condition. Condition 28(c) subsequently picks up this dust nuisance question in a prescriptive way by proposing that design/construction plans for any access way, internal circulation driveway or parking area must have dust-free surface treatment. This implies sealing. Under condition 25, the responsibility for managing any dust nuisance rests with NZMCA as the consent holder and as the consent holder it should have the right to determine how it meets this obligation. **NZMCA submits that condition 28(c) is deleted.**

## CONCLUSIONS

36. Several of the proposed consent conditions are in the NZMCA's opinion onerous and unnecessary. These conditions cover a range of areas and possible effects from, lengths of stay, to responsibility for old landfills, to building fences for neighbour's privacy, to surveying Council's infrastructure assets, to how internal driveways should be constructed. Together these conditions add up to a considerable burden and risk for NZMCA and as such may mean that the project is no longer viable. While it is not the responsibility of regulators to ensure that private businesses and their projects remain viable, they do have a responsibility to ensure that their regulatory function is administered proportionately to the effects and risks at stake.
37. Except for Mr and Mrs Bosson's concerns about the noises effects of vehicles using the access driveway, NZMCA believes that the submitters' grievances are vague and non-specific or not relevant to their legitimate interests as neighbours. It is important, we believe, to remember that the neighbouring properties are also zoned Rural, that their activities are also non-rural in nature and that expectations around amenity should be relative to rural activities not those of lifestyle property owners.
38. Most of the proposed consent conditions are either sensible or standard for the nature of the activities NZMCA anticipates during the development and operation of the motor caravan park. The proposed conditions discussed above which NZMC takes exception to are in my view either disproportionate to the effects or risks they are relevant to or outside of the scope of what should be regulated under the Act. It is not NZMCA's role to be responsible for duties or obligations which are properly those of Waipa District Council as the landowner and infrastructure provider. Any duties and obligations which NZMCA may have to the landowner and infrastructure provider should be addressed in leases and service agreements.



Alan Johnson

14<sup>th</sup> September 2023