



**I give notice that
an Extraordinary Meeting of Council will be held on:**

Date:	Thursday, 14 September 2017
Time:	1.00pm
Location:	Function Room Taupo Events Centre 26 AC Baths Avenue Taupo

AGENDA

MEMBERSHIP

Chairperson Mayor David Trewavas

Deputy Chairperson Cr Rosie Harvey

Members

- Cr John Boddy
- Cr Barry Hickling
- Cr Rosanne Jollands
- Cr Tangonui Kingi
- Cr Anna Park
- Cr Christine Rankin
- Cr Kirsty Trueman
- Cr John Williamson
- Vacancy

Quorum 6

**Gareth Green
Chief Executive Officer**

Order Of Business

- 1 **Apologies**
- 2 **Conflicts of Interest**
- 3 **Policy and Decision Making**
 - 3.1 Draft Freedom Camping Bylaw Adoption for Public Consultation3
- 4 **Confidential Business**
 - Nil

3.1 DRAFT FREEDOM CAMPING BYLAW ADOPTION FOR PUBLIC CONSULTATION

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PURPOSE

The purpose of this report is to adopt a revised draft Freedom Camping Bylaw in accordance with section 11 of the Freedom Camping Act 2011 for public consultation.

EXECUTIVE SUMMARY

Council has heard from the community that there are a range of issues associated with freedom camping in the district. There are various views in the community about whether freedom camping should be encouraged or more actively managed. However, there is recognition that in some areas there is pressure on access to the margins of Lake Taupō and the Waikato River, and a more general concern about the impacts on the environment and people's health and safety from waste from campers.

The Freedom Camping Act provides Council with the ability to develop a bylaw to manage freedom camping activities where there is evidence of issues. This report suggests that such a bylaw would be an appropriate way to manage the waste issues through a restriction requiring freedom camping to be in self-contained vehicles in most parts of the district.

The issues around access can be better managed through enforcement of the camping prohibition on most reserves around the margins of Lake Taupō and the Waikato River. Council can also utilise the existing Traffic Bylaw to manage the location and timing of vehicle parking on road reserves.

In addition, Council can implement relatively inexpensive operational changes, like erecting signs to show where camping is not permitted. Council can also provide facilities, like rubbish bins and dump stations, which make the stay more pleasant for freedom campers and reduce impacts on the environment and people's health and safety.

This report recommends that Council adopts, in accordance with section 83 of the LGA, a statement of proposal on freedom camping, including the draft freedom camping bylaw, for consultation and invites the public to make submissions.

RECOMMENDATION(S)

That Council

1. Agrees, in accordance with section 11(2)(a) of the Freedom Camping Act 2011, that a Freedom Camping Bylaw is necessary to protect areas of the district and the health and safety of people visiting the district.
2. Agrees, in accordance with section 11(2)(b) of the Freedom Camping Act 2011, that the Freedom Camping Bylaw is the most appropriate and proportionate way to address the issues associated with freedom camping.
3. Agrees, in accordance with section 11(2)(c) of the Freedom Camping Act 2011, that the Freedom Camping Bylaw is not inconsistent with the New Zealand Bill of Rights Act 1990.
4. Adopts, in accordance with section 83 of the Local Government Act 2002, the Statement of Proposal on freedom camping, including the draft Freedom Camping Bylaw, for consultation and invites the public to make submissions.

BACKGROUND

Council has been considering options to manage freedom camping since 2014. In May 2016 Council directed officers to investigate the freedom camping issues and in particular the potential for a bylaw under the Freedom Camping Act 2011.

To help better understand the nature and extent of the issues associated with freedom camping Council surveyed the community and utilised a working group of stakeholders. In response to that information Council developed a draft Freedom Camping Bylaw and consulted the community. That draft bylaw proposed a restrictive approach designating specific sites where freedom camping could occur.

Council received substantial feedback from different parts of the community and specific interest groups. There was a wide range of views expressed by those who were interested with no consensus on how best to manage freedom camping.

During deliberations on the draft bylaw Council considered a number of different ways to manage freedom camping including restricting camping in different parts of the district, creating prohibited areas and introducing time restrictions. A further report was presented to Council on 1 August 2017.

This report builds on the background investigation that Council has previously undertaken to better understand the issues and recognises that Council may wish to re-examine the extent of a freedom camping bylaw and the potential to also utilise other tools to manage the effects of freedom camping.

WHERE IS FREEDOM CAMPING CURRENTLY PERMITTED?

Freedom camping is currently permitted in all areas controlled or managed by Council with the exception of most reserves managed under the Reserves Act 1977. Practically, campers have tended to locate in four recreation reserve areas specifically set aside for camping:

- Hipapatua/Reid's Farm Recreation Reserve
- Mangakino Recreation Reserve
- Whakamaru Domain
- Whakamaru Recreation Reserve

They also make use of the off-street parking on Ferry Road in Taupō that has been specifically designed for campervans.

Freedom camping is currently promoted at the Five Mile Bay reserve managed by the Department of Conservation and at the Landing Reserve in the Taupō Boat Harbour managed by the Department of Internal Affairs. The Department of Conservation has also opened Whakaipo Bay to freedom camping. All three areas are restricted to self-contained freedom campers.

WHAT ISSUES HAVE BEEN IDENTIFIED?

Council undertook community surveys in June and November 2016 and engaged with a working group of stakeholders. Council also received additional feedback on the issues associated with freedom camping through the previous consultation on the draft Freedom Camping Bylaw earlier in 2017.

The main issues that have been identified are:

- Increasing pressure for access to recreational places particularly close to the margins of Lake Taupō and the Waikato River.
- Environmental and health and safety concerns related to freedom campers depositing waste, particularly either into waterways or in recreational space.

THE FREEDOM CAMPING ACT 2011

The Freedom Camping Act 2011 (the Act) enables freedom camping on any land controlled or managed by Council unless it is otherwise restricted by another piece of legislation. The Act also allows a local authority to make a freedom camping bylaw, which can restrict or prohibit freedom camping from an area within the district if it is satisfied that one of the following reasons is met:

- a. to protect the area;
- b. to protect the health and safety of people who may visit the area; and/or
- c. to protect access to the area.

Infringement notices can be issued for people who fail to comply with a bylaw. This enables timely and cost effective enforcement action to be taken. The Act identifies the offences enabling councils to take enforcement action, including:

- breaching any prohibitions or restrictions in a freedom camping bylaw, or making preparations to freedom camp in breach of the freedom camping bylaw;
- interfering with or damaging any area, its flora or fauna, or any structure in the area;
- depositing waste in or on any area (other than into an appropriate waste receptacle), or depositing waste, generated while freedom camping, in an area other than into an appropriate waste receptacle; or

- failing or refusing to leave a local authority area when required to do so by an enforcement officer.

A key part of the management of the ill effects of freedom camping is the easy and effective enforcement regime allowed by the Act. However, Council needs to be mindful that any possible freedom camping bylaw does not negate the purpose of the Act and effectively ban freedom camping from the district.

WHAT ALTERNATIVE TOOLS DOES COUNCIL HAVE TO ADDRESS THESE ISSUES?

In addition to a freedom camping bylaw Council has a number of other tools to manage the effects of freedom camping.

Operational measures

Signs indicating that freedom camping is not permitted in an area are a simple and cost effective way of directing campers away from undesirable areas. Council can also encourage freedom camping in areas where there is appropriate infrastructure to manage issues like access and the management of waste.

Traffic Bylaw

The existing Traffic Bylaw (2014) enables Council to manage where and how people park vehicles on road reserve. If areas of road reserve are being used for freedom camping, and there are undesirable impacts on public access, Council could limit overnight parking through the Traffic Bylaw by way of a resolution.

Litter Bylaw

The existing Litter Bylaw (2016) provides Council with the ability to issue infringement notices when people are observed littering. This could apply to freedom campers who deposit waste.

Reserves Act

The Reserve Act 1977 prohibits the use of reserves for the purposes of permanent or temporary personal accommodation which would include freedom camping. A reserve management plan made under the Reserves Act can also define areas where camping is allowed. Council currently has four reserves where camping is allowed, including Hipapatua/Reid's Farm Recreation Reserve, and the reserves at Mangakino and Whakamaru.

Officers can ask people camping illegally to leave a reserve and if necessary could undertake a prosecution or trespass someone. There are no infringement notices under the Reserves Act.

Reserves and Public Places Bylaw

The existing Reserves and Public Places Bylaw (2016) reiterates the prohibition on camping in reserve areas unless specifically allowed by a reserve management plan. That prohibition could be extended to other public land if there was an identifiable need, however the Freedom Camping Act provides a more appropriate means to deal with those situations.

HOW CAN THIS RANGE OF TOOLS BE USED TO ADDRESS THE ISSUES?

It is recommended that Council use a mix of these different tools to manage the issues around access, health and safety and the environment.

Addressing access issues

Geographically the concerns around access to recreational places tends to be focused around the margins of Lake Taupō and the Waikato River. In most of those areas there is public reserve where freedom camping is prohibited by the Reserves Act. This curtails the need for creating restricted areas. There are some areas of road reserve where access may become an issue in the future. Council could consider using the Traffic Bylaw to manage parking in those areas as necessary.

Addressing the health and safety and the environmental issues

Using a freedom camping bylaw to restrict freedom camping to self-contained vehicles in most areas of the district would ensure that freedom campers had the ability to contain their own waste. While such an approach does not guarantee that there will be no waste deposited by campers, it does significantly reduce the potential and enables Council to be more proactive compared to issuing infringement notices under the Litter Bylaw.

Certified self-contained vehicles are designed and built for the purpose of camping and have ablution and sanitation facilities that can be used for a minimum of three days without requiring any external services or discharging any waste. To be certified self-contained they must comply with New Zealand Standard Self Containment of Motor Caravans and Caravans and must display a current self-containment warrant, a blue sticker with a campervan on it.

Nightly limit

To ensure that the freedom campers in vehicles do not set up camp for extended periods a nightly limit could be imposed. A two night limit is in line with the New Zealand Standard for self-contained vehicles, although the three night limit is in line with the requirement for Hipapatua/Reid’s Farm recreation reserve and would ensure consistency across the district. The proposed bylaw has been drafted with a two night limit.

CONSULTATION/ENGAGEMENT

If Council decides to proceed with the proposed draft Bylaw a special consultative procedure will be undertaken in accordance with section 83 of the Local Government Act (LGA).

OPTIONS

Option 1. Do nothing

Doing nothing means that freedom camping is permitted on council controlled and managed land in all parts of the district except on reserves, unless specifically allowed within the relevant reserve management plans.

This option would rely on using the other tools to manage any adverse effects from freedom camping such as operational management and the Litter Bylaw.

Advantages	Disadvantages
<ul style="list-style-type: none"> • This approach could encourage freedom campers and is likely to recognise the potential economic benefits. • No further costs to Council except potentially infrastructure and signage. 	<ul style="list-style-type: none"> • There may be criticism from some parts of the community concerned that Council is not actively trying to address an identified issue. • Council is not able to fully utilise the infringement regime of the Freedom Camping Act as an enforcement tool. • Increasing problems with freedom campers may impact on the district’s reputation as a visitor destination. • Council may experience pressure to provide more toilet and waste facilities to cater for non-self-contained freedom campers.

Option 2. Adopt a draft freedom camping bylaw for consultation

This approach would see the introduction of a freedom camping bylaw which would include:

- A restriction to certified self-contained vehicles across the district recognising that non-self-contained freedom campers do not have the facilities to manage their waste to the same extent;
- A nightly limit being two nights/three days.

Advantages	Disadvantages
<ul style="list-style-type: none"> • Enables Council to proactively managing the potential depositing of waste by non-self-contained freedom campers. • Council is able to utilise the infringement regime of the Freedom Camping Act as an enforcement tool. 	<ul style="list-style-type: none"> • May discourage freedom campers and may not recognise the potential economic benefits.

Analysis Conclusion:

Issues associated with freedom camping have continued to escalate over the last few summers. This has coincided with generally higher numbers of visitors.

Issues around the deposition of waste by freedom campers have been raised by the community. Council could utilise the existing Litter Bylaw to manage this issue, however that approach has limitations due to the need to observe the offence occurring. In contrast, the proposed Freedom Camping Bylaw can restrict where non-self-contained campers can go as a means to minimise the potential for the depositing of waste. The proposed bylaw makes provision for specific areas where non-self-contained campers can go with appropriate waste management facilities.

Accordingly the proposed freedom camping bylaw will be an appropriate way to manage the issues related to non-self-contained campers depositing waste. It is recommended that Council adopts the proposed freedom camping bylaw for public consultation.

CONSIDERATIONS

Financial Considerations

Implementing the proposed bylaw may necessitate additional monitoring and enforcement work after hours which could impact contracts for those services.

New Zealand Bill of Rights consideration

The ability to camp on public land is not a 'right' under the New Zealand Bill of Rights Act 1990 (NZBORA). However, the limitations proposed by the Freedom Camping Bylaw only seek to impose limits on freedom of movement that are justifiable and reasonable and therefore not inconsistent with the New Zealand Bill of Rights.

SIGNIFICANCE OF THE DECISION OR PROPOSAL

Council's Significance and Engagement policy identifies the following matters that are to be taken into account when assessing the degree of significance of proposals and decisions:

- a. The level of financial consequences of the proposal or decision;
- b. Whether the proposal or decision will affect a large portion of the community or community of interest;
- c. The likely impact on present and future interests of the community, recognising Maori cultural values and their relationship to land and water;
- d. Whether the proposal affects the level of service of an activity identified in the Long Term Plan;
- e. Whether community interest is high; and
- f. The capacity of Council to perform its role and the financial and other costs of doing so.

Officers have undertaken a rounded assessment of the matters in clause 11 of the Significance and Engagement Policy (2016), and are of the opinion that the matters covered in this paper affect a large portion of the community and are of high community interest. As a result, the decision on whether to propose the bylaw is considered a significant decision.

COMMUNICATION/MEDIA

This matter is of significant public interest and officers will ensure the decision and ongoing processes are clearly communicated through the appropriate channels.

CONCLUSION

Council has been considering how to manage freedom camping for several years. Over that time Council has collected information from the community and stakeholders about the issues related to freedom camping. Parts of the community have expressed strong views including concerns about access to recreational areas, and concerns about negative impacts on the environment and people's health and safety from campers depositing waste.

Council can utilise a freedom camping bylaw to proactively manage the waste issues by requiring freedom campers to be self-contained. The issues around access can be managed through enforcement of the camping prohibition on reserves and the use of the Traffic Bylaw on road reserve.

It is recommended that Council adopts, in accordance with section 83 of the LGA, a statement of proposal on freedom camping, including a draft freedom camping bylaw, for consultation and invites the public to make submissions.

ATTACHMENTS

1. 2017 Draft Freedom Camping Bylaw (A2029848) 
2. 2017 Statement of Proposal - Freedom Camping Bylaw Review (A2029471) 