

This draft statement of proposal is for Council purposes only. It will go through a design process prior to consultation with the community.

## Front page

### **Council logo.**

**Large text:** Have your say – proposed Freedom Camping Bylaw

**Smaller text:** Statement of Proposal

## Statement of Proposal for the review of the proposed Taupō District Council Freedom Camping Bylaw

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### INTRODUCTION

Taupō District Council is working towards creating a Freedom Camping Bylaw to manage freedom camping in certain areas of the Taupō District.

Before the bylaw has been finalised, we'd like to know your views.

This document outlines the issues we think need to be addressed, how we can do that through our proposed bylaw on freedom camping, and what other tools we are looking to use.

### HOW TO HAVE YOUR SAY

We would love to hear your views on the proposed bylaw by 5pm on Friday, **20 October 2017**. You can either fill out our survey here **ADD LINK TO SURVEY**, or email us at [freedomcamping@Taupo.govt.nz](mailto:freedomcamping@Taupo.govt.nz).

If you need further information you can contact us at:

In person at our offices:

Taupō office, 46 Horomatangi Street, Taupō.  
Turangi office, Town Centre, Turangi.  
Mangakino office, Civic Centre, Rangatira Drive, Mangakino.

By phone:

07 376 0899 or 0800 ASK TDC (0800 275 832)

By post:

Taupō District Council, Private Bag 2005, Taupō 3352.

Online:

[taupo.govt.nz/consultation](http://taupo.govt.nz/consultation)

Please note all submissions are made available to the public and will be heard in a meeting which is open to the public.

All submissions will be considered. Submitters wanting to present their submission in person will be invited to a hearing to be held in the week beginning 13 November 2017.

## **What are the reasons for the proposal?**

Freedom camping has become a popular option offering an affordable holiday for domestic and international visitors. In the Taupō District there has been a noticeable increase in the presence of freedom campers in the recent years, which has raised concerns about how best to manage some of the adverse effects.

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 a previous consultation process 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.

## **What can we do under the Freedom Camping Act?**

The intent of the Freedom Camping Act 2011 is to enable freedom camping on any land controlled or managed by Council unless it is otherwise restricted by another piece of legislation such as the Reserves Act. The Freedom Camping Act also allows local authorities to develop a freedom camping bylaw as an appropriate way to address any issues.

A freedom camping bylaw can't ban freedom camping from a district or negate the purpose of the Freedom Camping Act, but it can control where freedom camping can be prohibited or restricted if there are defined issues associated with an area.

In order to develop a freedom camping bylaw, we need to be satisfied that a bylaw is necessary for one or more of the following purposes:

- a) to protect an area,
- b) to protect the health and safety of people who may visit the area, and
- c) to protect access to an 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.

## **Why are we proposing to implement a Freedom Camping Bylaw?**

We believe the proposed Freedom Camping Bylaw is the most effective way to manage the environmental and health and safety issues associated with freedom camping activities.

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.

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 and has been included in the proposed bylaw.

### **What other tools can we use to manage the issues?**

#### **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 areas where camping is undesirable. Council can also encourage freedom camping in areas where there is appropriate infrastructure to manage issues like access and the management of waste.

#### **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, however Council believes that it is more effective to require freedom campers to be in self-contained vehicles in most areas of the district.

#### **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.

#### **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.

#### **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.

#### **New Zealand Bill of Rights Act 1990**

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.

## TIMELINE

Requirements	Outcomes	Timing
Council meeting	Adopt draft freedom camping bylaw and statement of proposal for consultation.	14 September 2017
Formal consultation	Special Consultation Procedure (one month).	19 September to 20 October 2017
Hearings	Submitters have the opportunity to present their views to Council	13 November 2017
Deliberations	Council decision	16 November 2017

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