



ATTACHMENTS

Extraordinary Council Meeting

14 September 2017

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First adopted:	Date to be inserted
Next review date:	Date to be inserted
Document number:	A2029848?
Sponsor/Group:	Group Manager: Finance & Strategy



Draft Freedom Camping Bylaw (date to be inserted)

Purpose and Scope

1. The purpose of this Bylaw is to manage **freedom camping** in parts of Taupō district to ensure that, where necessary:
 - the local authority areas are protected
 - the health and safety of people visiting the local authority areas are protected, and
 - access to the local authority areas is protected.
2. The Bylaw is made under the authority of section 11 of the Freedom Camping Act 2011. In addition freedom camping is also regulated and controlled by other Acts, regulations, standards, rules, bylaws, Taupō District Plan, policies, and reserve management plans, which should be referred to in conjunction with this Bylaw (refer to www.taupo.govt.nz for information).

Commencement

3. The Bylaw will come into force throughout the district on (date to be inserted)

Definitions

4. Any words, phrases or expressions used in this Bylaw have meanings assigned to them by the Freedom Camping Act 2011, unless inconsistent with the context in which such words occur.
5. In this Bylaw, if not inconsistent with the context

Act	The Freedom Camping Act 2011
Chief Executive	The chief executive of the Council and any person delegated to perform any duties of the chief executive
Council	Taupō District Council
Enforcement officer	A person appointed under section 32 of the Act for the purposes of the Act
Freedom camp	The same meaning as the Act
Local authority area	The same meaning as the Act
Self-contained vehicle	Is a vehicle designed and built for the purpose of camping which has the capability of meeting the ablutionary and sanitary needs of occupants of that vehicle for a minimum of three days without requiring any external services or discharging any waste and is certified that it complies with New Zealand Standard Self Containment of Motor Caravans and Caravans, NZS 5465:2001 (NZS 5462:2001). This is as evidenced by the display of a current self-containment warrant issued under NZS 5465:2001.

Permitted Freedom Camping Areas

6. **Freedom camping** is permitted within the **local authority area** unless it is restricted or prohibited in an area in accordance with:
 - a. this Bylaw; or
 - b. any other act.

Restricted Freedom Camping Areas

7. A person may **freedom camp** in any **local authority area** in a **self-contained vehicle**. All other freedom camping is restricted to the areas outlined in Schedule 1: Open Freedom Camping Areas.
8. A person may **freedom camp** for a maximum of two nights/three days, unless different restrictions are outlined in the relevant reserve management plan. If asked by an **enforcement officer** to move on from a site a person must move at least 500m from the original site.

Exemptions/Defences

9. The Bylaw does not include the following activities:
 - a. temporary and short-term parking of motor vehicles;
 - b. day trip recreational activities; and
 - c. parking on the roadside to avoid driver fatigue.
10. A person is not in breach of this Bylaw if that person proves the act was conducted reasonably to:
 - a. save or protect life and health;
 - b. prevent injury;
 - c. prevent serious damage to property; or
 - d. avoid actual or likely damage to the environment.
11. Any person may apply in writing to the **Chief Executive** for permission for any freedom camping that would be in breach of any prohibition or restriction under this Bylaw.
12. Fees may be prescribed for processing these permissions. This fee may be refunded, remitted, or waived at the **Chief Executive's** discretion.

Offences/Penalties/Powers

13. A person commits an offence under this Bylaw, or section 20(1) of the **Act**, if that person **freedom camps**, or makes preparations to **freedom camp**, contrary to the prohibitions and restrictions of this Bylaw.

Penalties

14. A person who commits an infringement offence is liable to the following fee:
 - a. the amount prescribed by regulations made under section 43 of the **Act** as the infringement fee for the offence; or
 - b. \$200, if no fee is prescribed.

Powers

15. **Council** may require any permitted or restricted areas for **freedom camping** to be closed because of events occurring in an area. Notice of **Council's** intention to close an area will be made publically.

Public Availability

16. This Bylaw, and any supporting documentation, is available for public inspection.

THIS BYLAW WAS MADE BY RESOLUTION (date to be inserted) OF COUNCIL AT AN ORDINARY MEETING OF THE TAUPŌ DISTRICT COUNCIL HELD ON (date to be inserted).

The Common Seal of Taupo District Council
was hereto affixed in the presence of:

Mayor

Chief Executive

DRAFT

Schedule 1: Open Freedom Camping Areas

Hipapatua/Reid's Farm Recreation Reserve

Mangakino Recreation Reserve

Whakamaru Domain

Whakamaru Recreation Reserve

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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.

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

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.

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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

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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.

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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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