

**TAUPŌ DISTRICT COUNCIL
MINUTES OF THE ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBER, 107 HEUHEU STREET, TAUPŌ
ON MONDAY, 13 NOVEMBER 2017 AT 9.30AM**

- PRESENT:** Cr Barry Hickling (in the Chair), Cr John Boddy, Cr Rosanne Jollands, Cr Tangonui Kingi, Cr Anna Park, Cr Christine Rankin, Cr Kirsty Trueman, Cr John Williamson, Cr Maggie Stewart
- IN ATTENDANCE:** Chief Executive, Group Manager, Business & Technology, Democracy & Community Engagement Manager, Corporate Solicitor, Policy Manager, Senior Policy Advisor, Senior Administrator (Policy), Senior Communications Advisor, Democratic Services Officer
- MEDIA AND PUBLIC:** Taupō Weekender
Seven members of the public

1 APOLOGIES

TDC201711/01 RESOLUTION

Moved: Cr John Williamson
Seconded: Cr Rosanne Jollands

That the apologies received from His Worship the Mayor, D Trewavas and Cr Rosie Harvey be accepted.

CARRIED

2 CONFLICTS OF INTEREST

Nil

3 CONFIRMATION OF MINUTES

Nil

4 POLICY AND DECISION MAKING

4.1 DRAFT 2017 FREEDOM CAMPING BYLAW HEARINGS REPORT

The Senior Policy Advisor confirmed that five submissions had been received after the closing date and time for submissions. Members agreed to accept the late submissions.

TDC201711/02 RESOLUTION

Moved: Cr Anna Park
Seconded: Cr John Boddy

That Council:

1. Receives the submissions on the draft 2017 Freedom Camping Bylaw and thanks the submitters.
2. Receives the following late submissions on the draft 2017 Freedom Camping Bylaw and thanks the submitters:
 - Submission No. 39 – Carol Chandler
 - Submission No. 44 – Don Richards, Pukawa Property Owners Association

- Submission No. 45 – Katharine Gebbie
- Submission No. 46 – Ngaio Double
- Submission No. 47 – Rachael & Adam Gresham

CARRIED

The following submitters spoke in support of their submissions and additional points were noted as below.

20 and 38 - Messrs Mike Bowie and Russell Shaw

Mr Shaw (submission 38)

- Council does not have anything to do with the Omori Stream, but this is an example of a place experiencing very real problems as a result of freedom camping. It became a reserve that compliant freedom campers were able to use in 2001. Two years ago there was an influx of all types of campers including non-compliant campers. This included small vans that might technically be self-contained but in reality they receive a refund if their toilet is still wrapped in plastic at the end of the rental period. People regularly wash dishes, clothes and themselves in the stream and leave human excrement, underpants and toilet paper in the environment regularly.
- Freedom campers bring a fire risk which is a threat to native bush.
- Half the vehicles in the area do not comply with the requirement to carry three days of toilet water and washing water.
- The Department of Conservation has been unable to police the area adequately due to lack of resourcing.
- The Department of Conservation is thinking of closing the area around the Omori Stream entirely to freedom campers – where will those people go if not there?
- The five areas outlined in the submission should be included in Schedule 1 of the bylaw – i.e. no freedom camping permitted. Otherwise there will be major problems especially over Christmas and New Year.
- Standards NZ enforce the ‘self-containment’ certification – this is not being done and is causing a major problem throughout New Zealand, with ‘sliding door’ vehicles using blue stickers even though they do not comply.
- We are trying to support the Grey Teal population in the area and this is being compromised by freedom campers washing themselves and their dishes in the Omori area.

Mr Bowie (submission 20)

- Mr Bowie is the Chairperson of the Omori Kuratau Ratepayers Association but is concerned about all south western bay settlements including Pukawa, and therefore speaks in support of the submission lodged by Mr Don Richards, Chair & Treasurer of the Pukawa Property Owners Association.
- Not everybody in the area is against freedom camping, but the vast majority of people are.
- The majority of vehicles displaying self-containment certificates do not comply.
- Had monitored vehicles staying overnight at the Department of Conservation side of the Omori Stream over the last 15 nights. 102 vehicles parked overnight during that period of which 19 complied; 73 did not comply and yet they had the blue sticker displayed.
- There is no current workable freedom camping bylaw in place.
- The Department of Conservation reserve at Omori Stream will close to freedom campers on 20 December.
- Add all this together and we have a perfect storm developing in the south-western bays reserve areas.
- Summarised the background to the South Western Bays Settlement Reserve Management Plan – there was clear support for freedom camping being prohibited in these areas at that time, as it had the potential to take over significant portions of reserve land.

Mr Bowie tabled a petition with 187 signatures of people opposed to freedom camping in Omori/Kuratau (A2079672). These signatures had been obtained in three hours at a market day on Labour Weekend. He concluded by asking Council to include all south western bay settlement reserves in Schedule 1 of the freedom camping bylaw. Failure to do this would lead to confusion between the bylaw and the Reserves Management Plan.

In answer to questions Messrs Shaw and Bowie advised that:

- There was a disproportionate amount of non-compliant vehicles. The Department of Conservation area had been available since 2001 but it was only in the last two or three years that the number of non-compliant vehicles had increased dramatically. When the Department of Conservation site is closed, the problem will be shifted next door.
- There should be a total ban – i.e. no freedom campers should be allowed to stay overnight in these small reserves – the tension between users of the reserves would continue even if only certified self-contained vehicles were permitted.
- Council needs to exhibit signs saying there is a total ban on overnight camping in the area.
- The Department of Conservation would have a history of instances where mess left by freedom campers had been reported.
- The alternative freedom camping zone at the beginning of the Desert Road was disgusting.
- The opposition was to freedom camping on reserves, not *per se* in the south western bay settlements.

27 - Mr David Buxton

- Concerned resident of Taupō and keen motor-homer. The issue of freedom camping and motor homing was not going to go away, but would increase at an exponential rate.
- Taupō was a popular tourist destination and a lot of tourists were travelling in a variety of vehicles. These travellers were vital to Taupō's economy.
- A ban is not the way forward – people will take the bypass and go elsewhere.
- Ferry Road was very popular with freedom campers who brought a lot of business to town. Banning campers from staying at Ferry Road would be a concern to a lot of businesspeople.
- It was concerning that there was nothing in Council's draft plans to provide alternatives.
- Another concern was the fact that Taupō would most likely lose its 'motor home friendly' status from the NZMCA.
- Identifying certified self-contained vehicles was problematic – the blue sticker means nothing.
- Effective policing and fining was needed – current compliance arrangements were ineffective.
- Most self-contained motor-homers were prepared to pay a small fee to camp, for example \$5 per night. They do not generally want to pay camping ground fees because they do not require facilities.
- If freedom camping areas are developed, Council should consider areas close (i.e. within walking distance) to the CBD shops and night entertainment.
- A lot of European cities provide areas for motor homes to park in return for payment of a small fee.
- The draft bylaw was disappointing and a 'quick fix'. If Council prohibits freedom camping on part or all of Ferry Road, the Department of Conservation will follow with the area by the float plane – where will these people go then? They will bypass Taupō or park where we do not want them to park. Other areas should be developed to attract motor-homers.

In answer to questions Mr Buxton advised that:

- Ferry Road could be closed to parking when events were on.
- A camping ground at the airport with a bus into town – that is the sort of thinking we need, that would cater for a lot of certified motor-homers. That still leaves the problem of non-certified people and rental vans who need access to toilets overnight.
- A fee of \$3 per night per person could be charged to stay at a camping ground at the airport. A limit of two or three nights could be imposed.
- Signage is not as clear as it could be. If you do have a ban, it has to be policed. Even then, you have your hands tied – if you do not issue instant fines and/or clamping, tourists will just ignore infringement notices.
- Slidey-doors have tarnished the reputation of responsible campers. The new self-containment regulations are trying to address that, but most people view all freedom campers as one group. There has to be very strict policing for self-contained camping areas but we also need to somehow provide facilities for people travelling in non-self-contained vehicles.
- If we ban freedom camping on Ferry Road, we will see a drop in business. And by providing no alternative will result in people parking where they should not.

The meeting adjourned at this point (10.18am) and reconvened at 10.36am.

14 - Gary Traveller

- Responsible motor-homer who leaves no rubbish or mess, but who does spend money.
- Should Taupō be a motor-home friendly town and encourage tourism or not?
- Fortunately the first draft of the bylaw had been changed and the new draft would allow freedom camping everywhere for self-contained vehicles. The new standard of self-containment would help hopefully.
- Ferry Road – no better place to camp and enjoy the great lake, post on social media and go into town and spend money.
- Agrees with the draft bylaw except for the prohibition on Ferry Road. Self-contained vehicles should be able to camp there.
- Vehicles with no facilities on board should be at camping grounds.
- Council's approach to Ferry Road does not meet the Freedom Camping Act standards for reasons to prohibit. It is beyond Council's powers and will be unenforceable. If someone requests a judicial review of Council's decision to prohibit freedom camping on Ferry Road, Mr Traveller will support that. A judicial review would waste even more ratepayers money.
- There is a tourism boom at the moment. Overseas and local tourists contribute to the economy of Taupō. A self-proclaimed motor-home user who camped responsibly and spent money in the area, Council needed to find the right balance as this has the potential to provide huge benefits to the town if supported properly.
- Based on the new standards being brought in, agrees with the restriction to allow only self-contained vehicles i.e. a proper motor-home with proper facilities. Also agrees with not allowing slidey-door type or private cars with mattresses in the back to be able to camp. This is the problem area.
- Disagrees with the restriction on Ferry Road as there is no evidence to support this therefore it is beyond Council's power to implement. Any proposed restrictions could be implemented in other ways; it is inappropriate to do it via this bylaw. Council has been listening to a vocal minority. There is no evidence to support those views. You have to have evidence.
- Supports managed economic growth. Tourism is a 'jewel in the crown' for this town. Sign 'No tourists' does not benefit the people and ratepayers of Taupō. Be more open minded. Think about ways to stop the problem element of freedom campers who are the minority only – not by banning everyone. Ensure responsible campers in self-contained motor-homes are accommodated in a proper area.
- Will support any challenge to prohibition in relation to Ferry Road, and will also support council on restricting to self-contained vehicles only. Do not waste ratepayers money having to deal with challenges.

In answer to questions, Mr Traveller advised that:

- There are lots of areas already available for freedom campers although some do behave badly. Ferry Road is a fantastic area but there should be a time limit.
- Would not like to see any more spaces available in Ferry Rd – Attractiveness is its intimacy. Small areas dotted around the place is a much better way of managing things. Council should be encouraging people to park in certain areas.
- Regarding charging a nightly fee for Ferry Road, has travelled extensively throughout Europe and did not hesitate to pay any small amount required. With charging comes a responsibility to justify what facilities and / or provisions you are charging for. Take Clifton Beach for example, all they had was a toilet. Although he did not personally need it, it was still good to have one available so for that reason, he gave a donation. Reiterated that if charging, you have to justify. In Germany, there are areas close to town that have sealed roads, fresh water and electricity available, and dumping of grey / black waste. It is charged on a coin operated basis. People are prepared to pay for all the provisions made available there. It is a good way of controlling and encouraging people to pay.
- Council could build near Waikato Street and can then charge because you would be providing something that people use. Councils often also provide rubbish collection. User pays is more appropriate.
- Ferry Road is a lovely area. Would not want to see it extended beyond the current 29 parks which is a nice number. Campers spend money in town and have a beautiful view; a great memory to have of Taupō.

- Pass the bylaw without the restriction, spend time gathering evidence then address any problems that may arise.
- Erect large notices to encourage people to park where you would like them to. You can achieve a lot by putting signage up and encouraging people to go to areas you consider appropriate.

31 - James Imlach on behalf of NZ Motor Caravan Association – teleconference

Mr James Imlach addressed the Council via teleconference (speaker phone) on behalf of NZ Motor Caravan Association. He subsequently provided a full copy of his speaker notes (A2084678). Submission points included:

- NZMCA generally supported the Council's revised proposal. The Freedom Camping Act's permissive regime was so important for New Zealanders. The Act provided local authorities with practical tools to manage specific problems. Freedom camping is an activity valued by New Zealanders and the right to go camping on public land should only be curtailed where good reason exists.
- The term "freedom camping" has a wide meaning – it is not merely an activity undertaken by young foreigners. Tens of thousands of New Zealanders stay in self-contained motor homes in a variety of areas throughout the country. Be open minded about where people may wish to camp.
- Council should reconsider the proposed prohibition on freedom camping along Ferry Road. It was a struggle to see how freedom campers are dominating and severely affecting views in that area. Adopt a proportionality test for Ferry Road – a complete ban is not a proportionate response to the perceived problems.
- There were no plans to revoke clause 43 of the Reserves & Public Places Bylaw. Parliament expected that local authorities would revoke inconsistent policies when adopting bylaws, and other local authorities have done this in relation to freedom camping bylaws.
- The process Council has followed to issue \$200 fines was incorrect and invalid.
- In summary, Council is on the right path overall – based on available evidence, Council should maintain restricted freedom camping at Ferry Road and define the area clearly; ensure bylaws are consistent; and stop issuing invalid fines.

In answer to a question, Mr Imlach advised that the NZMCA was not asking Council to review all reserve management plans in relation to freedom camping, although that would be a good exercise at some stage. He cautioned against having two bylaws in place and relying on the Freedom Camping Act infringement regime in relation to the Reserves & Public Places Bylaw.

47 - Mrs Rachael and Mr Adam Gresham

Mrs Gresham read aloud and then tabled her speaker notes (A2079671). Submission points included:

- Council did not engage with the Omori community and thus they were never advised about the submission period until finding out at the Omori market held over Labour Weekend, at which time submissions were closed. As ratepayers, would have expected notification given the adverse effect on them. Subsequently wrote a submission which was one working day late.
- Council needs to find a method of engagement that reaches people and engage meaningfully with the many ratepayers who live out of the Turangi-Tongariro ward.
- Prohibited freedom camping areas should include all local authority areas in Kuratau. Residential areas / environments are not appropriate to allow unsupervised access and parking to overnight tourists. Issues can include disorderly behaviour and the safety of children will be compromised.
- The limited street lighting and footpaths put further pressure on the infrastructure which already cannot cope during peak periods of seasonal influxes. Allowing heavy vehicles in the residential environment with unrestricted, unsupervised access is dangerous but will also restrict access to people who have paid for the privilege. Kuratau is already overflowing with cars and boat trailers.
- FCA is a national knee jerk reaction as there is an increasing number of people driving around New Zealand who do not want to pay camping ground fees.
- Access rights for ratepayers and boat users should be the priority. Rubbish left behind by freedom campers is unacceptable and one cannot enjoy reserve areas because of human faeces and waste. Dishes are also washed in the lake. The DOC area is closed to freedom campers for these reasons.
- Questions posed for council thought were:
 - Had Council thought about operating constraints in this area?

- Does the council intend to install rubbish bins? Will vehicles leave no rubbish?
- Campers will use the existing toilets and not the toilets on board their motor-homes. Does the infrastructure have the capacity for this and, will the toilets be cleaned daily?
- How often will staff monitor the area for enforcement purposes?
- A high state of cleanliness is needed. Providing access to a large number of vehicles will compromise health and safety and ratepayers will bear the costs of people using facilities for free.
- Kuratau has unique characteristics. A line up of self-contained vehicles will alter the intrinsic values of the settlement.
- Council does need to provide for freedom camping in the district but not in all areas. The lawmakers recognise that freedom camping will not be appropriate in all areas hence the ability to implement a bylaw on a district by district basis. Council can prohibit if it is satisfied to protect an area for reasons such as the health and safety of residents and visitors. Is not after prohibition everywhere, just the Omori and Kuratau areas.

In answer to questions, Mr & Mrs Gresham advised that:

- They would like a total ban on freedom camping in the Omori/Kuratau area whether it is a self-contained vehicle or not. It is not a campground in the middle of a busy car park for cars and boats. Traffic is already congested and dangerous but everyone is careful. Why add to it by letting motor-homes there? There is only one toilet and no rubbish bins.
- The only difference between a self-contained and non-self-contained vehicle is a small toilet and a small rubbish bin. Motor-home owners still stay in camp grounds because the rubbish and toilets are not big enough.
- Self-contained motor-homes are normally heavy vehicles. Space, facilities, and roading network requirements cannot cater for that.
- Suggested way to communicate with out-of-towners was to include any communication in the rates invoice envelope or by email. The Council website was okay but it would be of no use if you did not know how to navigate a website.

Members asked for the following information to be provided prior to deliberations:

- Council's Reserves & Public Places Bylaw
- Economic assessment in relation to Ferry Road freedom campers
- Clarification of Council's ability to issue infringement notices
- Clarification from the Department of Conservation of its intentions in relation to permitting freedom camping on the area around the landing reserve in Taupō; and the Omori stream.
- Council's Traffic Bylaw

In answer to a question, the Chief Executive advised that staff will enforce the bylaw once it comes into force. Changes to the security contract will be made if appropriate, depending on the final bylaw.

The meeting adjourned again at this point (11.50am) and reconvened again at 9.30am on Thursday 16 November 2017.

PRESENT 16 NOV: Mayor David Trewavas (in the Chair), Cr John Boddy, Cr Rosie Harvey, Cr Barry Hickling, Cr Rosanne Jollands, Cr Tangonui Kingi, Cr Anna Park, Cr Christine Rankin, Cr Kirsty Trueman, Cr John Williamson, Cr Maggie Stewart

IN ATTENDANCE: Group Manager, Business & Technology, Group Manager: Operational Services, Group Manager: Corporate & Community, Strategic Development Manager, Democracy & Community Engagement Manager, Corporate Solicitor, Policy Manager, Senior Policy Advisors, Senior Administrator (Policy), Senior Communications Advisor, Infrastructure Manager, Finance Manager, Financial Analyst, Economic Relationship Manager, Business Development Coordinator, Democratic Services Officer

Mr Damian Coutts, General Manager, Destination Great Lake Taupō

Ms Julie McLeod, General Manager, Towncentre Taupō

MEDIA AND PUBLIC: Taupō Weekender

4.2 DRAFT 2017 FREEDOM CAMPING BYLAW DELIBERATIONS REPORT

The Senior Policy Advisor confirmed that documents requested on 13 November had been provided. The economic study had been undertaken by a New Zealand Motor Caravan Association member and it showed that 92% of the 84 respondents would not stop in Taupō if Ferry Road was not available for freedom camping.

In answer to a question, the Corporate Solicitor advised that as His Worship the Mayor and Cr Rosie Harvey were not present for the hearings, the best course of action was to abstain from voting. They could however participate in the debate if other members were in agreement.

The Senior Policy Advisor advised that staff had contacted the Department of Conservation (DOC) for clarification of the Department's intentions in relation to permitting freedom camping on DOC land. DOC representatives had advised that they were planning on banning freedom campers from the Omori stream over the summer period and eventually altogether.

The Corporate Solicitor explained that in relation to the landing reserve, the proposal was to prohibit freedom camping in those car parks in front of marina berths; and to restrict freedom camping in the Taupō Yacht Club car park to a four night stay over a one month period, from 7pm to 9am. Those restrictions would be gazetted and notified and DOC and Council would be responsible for enforcing them.

The Corporate Solicitor also addressed concerns raised by the New Zealand Motor Caravan Association about infringements issued by Council. He advised that this was under review and that no further infringements had been issued since the matter was raised.

In addition, he confirmed that there was no conflict between the Reserves & Public Places Bylaw and the proposed bylaw. Under the Reserves Act freedom camping is prohibited in reserves unless provided for through reserves management plans – and there are some examples of such exceptions within the Taupō district.

In answer to questions staff advised that:

- Further consultation would not be required if Council decided to remove the prohibition on freedom camping on Ferry Road, Taupō from the bylaw. It is unlikely that people who were concerned about Ferry Road would not have submitted on the current draft bylaw which went out for consultation.
- Issues related to vehicle access on Ferry Road could be managed via parking bylaws if deemed appropriate.

The Policy Manager added that if Council prohibits freedom camping on Ferry Road, it needs to make the reasons for that prohibition clear. The Freedom Camping Act provides three reasons to prohibit freedom camping – to protect the area; health and safety of people; and/or to protect access. In addition, Council should be sure that it has evidence to support the assertion there is a problem; and that prohibition is a proportionate response to that.

Members asked staff to investigate options for bigger vehicle parks to accommodate large motor homes visiting the Taupō district.

The meeting adjourned again at this point (10.40am) and reconvened again at 10.44am.

His Worship the Mayor advised that there was a need for members to receive confidential legal advice.

TDC201711/03 RESOLUTION

Moved: Cr Anna Park

Seconded: Cr Tangonui Kingi

RESOLUTION TO EXCLUDE THE PUBLIC

I move that the public be excluded from the following parts of the proceedings of this meeting.

The general subject matter of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for the passing of this resolution
<p>Agenda Item No: 5.1 Freedom Camping Legal Advice</p>	<p>Section 7(2)(g) - the withholding of the information is necessary to maintain legal professional privilege</p>	<p>Section 48(1)(a)(i)- the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 7</p>

CARRIED

Cr Rosanne Jollands re-entered the meeting at this point (10.45am). She was not present for resolution TDC201711/03 above.

CONFIDENTIAL

The public were re-admitted at this point (10.57am).

TDC201711/04 RESOLUTION

Moved: Cr Barry Hickling
 Seconded: Cr Rosanne Jollands

That Council adopts and makes the Freedom Camping Bylaw 2017 (A2029848) (effective 1 December 2017), including the prohibition on freedom camping on Ferry Road for the reasons in s11 of the Freedom Camping Act, specifically:

- To protect NZ's most picturesque vista;
- To protect health & safety of people who may visit the area; and
- To protect access to the area.

CARRIED

Notes: (i) *His Worship the Mayor, David Trewavas and Cr Rosie Harvey abstained from voting.*
 (ii) *Crs Anna Park, Maggie Stewart, Kirsty Trueman and John Williamson requested their dissent to resolution TDC201711/04 above be recorded.*

The meeting closed at 11.00am.

The minutes of this meeting were confirmed at the ordinary Council meeting held on 1 February 2018.

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CHAIRPERSON