

Camping in Public Places Bylaw review



Purpose of this briefing

- Define the scope of review
 - Statutory review process under s.11 and s.13 of the Freedom Camping Act
- Discuss reasonably practicable options



Key points from last briefing

- Increased pressure on our key destinations
- Persistent problem areas – cannot be remedied by resolution
 - Kowharewa Bay, Woolleys Bay, Ocean Beach, Ruakaka, Wellington's Bay
- Freedom camping survey (June 2020)
 - self-containment, impact on commercial campgrounds, cost to ratepayers
- Funding cuts – funding for enforcement uncertain post Covid-19
- Non-regulatory methods
 - Dispersion of campers throughout the District
 - Infrastructure improvements
- Areas for consideration - report in agenda section 3.1
 - Whananaki, Tikipunga, Reotahi, McAuslin Road, Ruakaka, central city car parks

Statutory requirements for review

Under s.13 of the FCA Council must review a bylaw made under the Act by making the determinations required by section 11(2) of the FCA.

- Attachment 1
- The Bylaw is **necessary** for the purposes of s.11(2)(a) FCA
 - protect the area: not just ecological damage – also infrastructure and reserve purposes.
 - protect human health and safety: human waste, vehicle maneuvering, hazards on site
 - protect access: maintenance, sports, events, markets, boating, day visitors.

Statutory requirements for review

- Bylaw under the FCA is the most **appropriate** form of bylaw
 - Option A – amend bylaw under the FCA. Recommended option
 - Option B – revoke bylaw under the FCA and make a new bylaw under the LGA. May be ultra vires and repugnant to legislation.
 - Option C – revoke bylaw. Non-regulatory methods less effective, no instant fines
- Current Bylaw approach is **proportionate**
 - restrictions on freedom camping are justifiable in relation to the nature and scope of the problems being experienced
 - further refinement of restrictions and/or prohibitions needed

What are the options?

Ban all freedom camping

We can't.

Freedom Camping Act s12:

(1) A local authority may not make bylaws under section 11 that have the effect of prohibiting freedom camping in all the local authority areas in its district.

Ban all non self-contained camping

We thought about that in 2016

- Opposition through submissions
- Started process again
- Feedback important

They will anyway.....

- Clear information on where its ok
- 24/7 toilets only
- Some for tents too
- Most for only self-contained vehicles

Provide only a limited number of sites

‘Unintended consequences’

- “Freedom camping numbers 'out of control' at Christchurch park”
- "On the weekend, French Farm had 45 buses there. It was mayhem."

Dispersal of campers a better approach?

Taupo District Council

- Bylaw proposed 13 sites only
- NZMCA legal threat

Provide infrastructure/facilities

Great idea, but:

- not a bylaw issue

Visitor Strategy discussed in 2017

- Assesses issue within a broader context (e.g. commercial and DOC campgrounds, Tourism/Economic Development Strategies)
- Looks at options to aid/mitigate not just limit – such as pay-to-use facilities
- Includes budgets for **capital cost** to build infrastructure and **ongoing maintenance** (Long Term Plan funding)

Provide more intensive enforcement

- **We tried**

- Intensified approach in 2019-2020 season
- Priority monitoring of 23 sites
- Twice-daily visits to 7 problem sites in peak season
- **98%** of vehicles compliant

- **Responsible Freedom Camping Ambassadors**

- Education
- Building relationships

- **Instant fines**

- To camper – not rental company
- For rubbish/waste too

- **Limited scope under FCA**

- protect area
- protect human health and safety
- protect access
- ~~• amenity effects on nearby properties~~
- ~~• commercial activities~~

- **Budget cuts post-Covid**

- reduction in budget - insufficient to provide even a complaints based enforcement
- sites very spread out – officer time lost driving
- MBIE funding uncertain

“Reasonably practicable options”

- s.13(4) of the FCA
- s.77 of the LGA
- Briefing agenda – section 3.2

Option 1 - Full review

Option 2 - Partial review

Option 3 - Technical amendments only

Option 4 - Continue without amendment

Staff recommendation:

Option 1 – full review

- general provisions the Camping in Public Places Bylaw
- all 4 schedules
- amendment to the Public Places Bylaw.
- full scope of public consultation
- consideration of all areas in the District
- flexibility in response to submissions

Matters for review

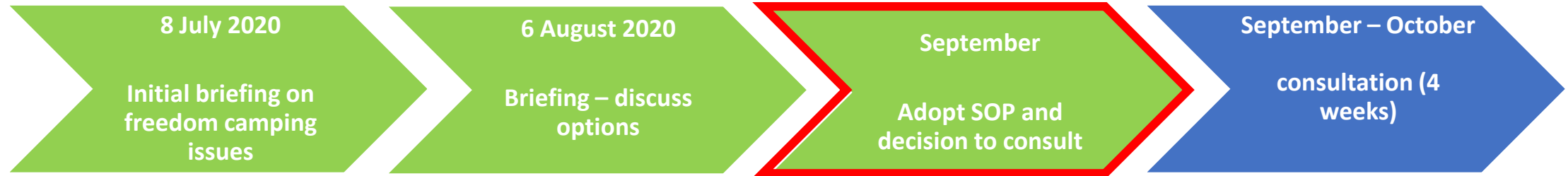
- **District-wide**
 - Extend temporary closures of sites
 - One vehicle per marked space
 - Is expansion of freedom camping capacity desired? Enforcement budget?
- **Place-specific options**
 - Attachment 2 – district-wide assessment under **s.11(2)(a) of the FCA**
 - Attachment 3 – options analysis for problem areas

Topics for direction

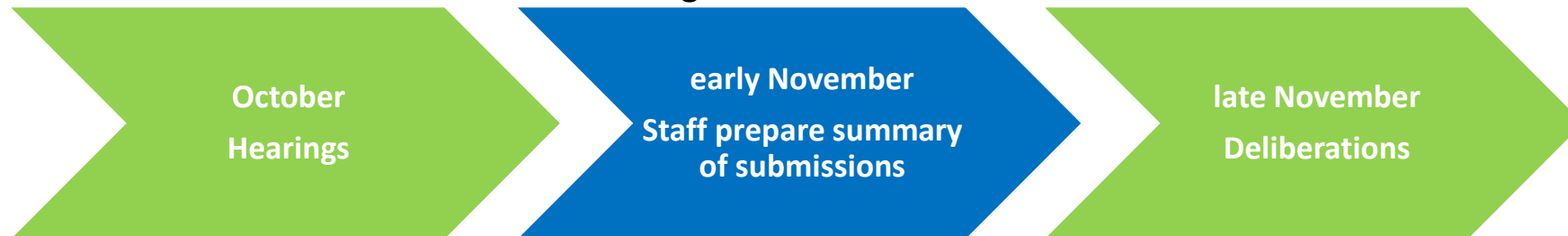
- **Make bylaw review determinations under s.11(2) of the Freedom Camping Act (FCA):**
 - The Bylaw is necessary
 - Bylaw under the FCA is the most appropriate form of bylaw
 - Current Bylaw approach is proportionate, but further refinement of restrictions and/or prohibitions needed
- **Reasonably practicable options**
- **Next – draft Statement of Proposal for Councillor input**

Next steps

Consultation



Hearings and Deliberations



Adoption

