

Council Briefing Agenda

Date: Tuesday, 15 September, 2020

Time: 1:00 pm

Location: Council Chamber
Forum North, Rust Avenue
Whangarei

Elected Members: Her Worship the Mayor Sheryl Mai
(Chairperson)

Cr Gavin Benney

Cr Vince Cocurullo

Cr Nicholas Connop

Cr Ken Couper

Cr Tricia Cutforth

Cr Shelley Deeming

Cr Jayne Golightly

Cr Phil Halse

Cr Greg Innes

Cr Greg Martin

Cr Anna Murphy

Cr Carol Peters

Cr Simon Reid

For any queries regarding this meeting please contact
the Whangarei District Council on (09) 430-4200.

1. Apologies

2. Reports

2.1 Camping in Public Places bylaw review - draft Statement of
Proposal 2020

1

3. Closure of Meeting

2.1 Camping in Public Places bylaw review – draft Statement of Proposal 2020

Meeting: Council Briefing
Date of meeting: 15 September 2020
Reporting officer: Vita Strohush (Strategic Planner – Bylaws)
 Tony Horton (Manager – Strategy)

1 Purpose

- To seek feedback from Elected Members on the draft Statement of Proposal for the review of the Camping in Public Places Bylaw
- To provide Elected Members a proposed timetable for the adoption of the Statement of Proposal, consultation and hearings

2 Background

Council briefing held on 6 August 2020 completed the statutory assessment for bylaw review under s.13 of the Freedom Camping Act (FCA). Bylaw review assessment under s.11(2) of the FCA determined that the bylaw is still necessary to address the problem, that the bylaw is appropriate and proportionate in relation to the perceived problem, and that it is not inconsistent with the New Zealand Bill of Rights Act 1990.

Reasonably practicable options for the review of the Camping in Public Places Bylaw were discussed. Elected Members indicated comfort for Option 1, which was a full review of the Bylaw and the associated Schedules.

Assessment of all individual areas regulated within the bylaw has been completed to determine whether restrictions or prohibitions for each area are necessary for the purposes under s.11(2)(a) of the Freedom Camping Act:

- (i) to protect the area:
- (ii) to protect the health and safety of people who may visit the area:
- (iii) to protect access to the area

This report will present a draft Statement of Proposal for the review of the Bylaw.

3 Discussion

Staff have prepared a draft Statement of Proposal for the review of the Camping in Public Places Bylaw based on Option 1 – full review of the Bylaw.

The proposed changes to the Camping in Public Places Bylaw fall into two main categories:

- District wide-matters:

- Providing better enforcement capabilities to temporarily close freedom camping sites to protect areas, access to areas or to protect health and safety;
 - Providing clarity in the bylaw as to the temporary nature of camping;
 - Additional provisions related to health and safety.
- Area-specific changes (i.e. changes to the Schedules):
 - Introduction of seasonal restrictions on freedom camping at high-use destination beaches to protect public access;
 - Providing overflow freedom camping sites for peak Christmas season;
 - Further regulation and restriction of areas that have experienced pressure from freedom camping;
 - Providing some additional capacity for freedom camping at suitable locations.

These are discussed in more detail later in the Statement of Proposal.

Additionally, some minor wording changes of a 'tidy up' nature are recommended to clarify or improve the drafting but without substantive effect.

A small related change to the Public Places Bylaw is recommended to provide clarity around the use of public places for the purposes of accommodation.

The draft Statement of Proposal is attached, together with the draft bylaw text with marked up changes and associated draft maps, as well as the proposed amendment to the Public Places Bylaw.

Although this Statement of Proposal mainly highlights the proposed substantive changes, it is recommended that consultation should relate to the proposed (amended) Camping in Public Places Bylaw as a whole, and not just the amendments. Submitters would be able to comment on any part of the proposed amended bylaw.

4 Next steps

Seeking guidance from Council to confirm the content of the Statement of Proposal and the proposed amendments to the bylaw. We expect to be able to bring the finalised Statement of Proposal for adoption at the Council meeting at the end of September.

The tentative timeframe for consultation and hearings would be October-November 2020 as per the review timeline below:

Bylaw review timeline



5 Attachments

1. Draft Statement of Proposal for the amendment of the Camping in Public Places Bylaw and the Public Places Bylaw
2. Draft amended Camping in Public Places Bylaw with tracked changes and maps
3. Draft Summary of Information

DRAFT

REVIEW OF CAMPING IN PUBLIC PLACES BYLAW 2017

Summary of Information

Whangarei District Council is reviewing the Camping in Public Places Bylaw which restricts or prohibits freedom camping activities in certain locations in the District.

We prepared a document called a 'Statement of Proposal' (SOP) which is a legal requirement when Council is proposing to make or amend a bylaw. The SOP sets out what the Council is proposing and the reasons for it. We do recommend you read the SOP in full to understand the context for the proposed bylaw amendments and what the amendments are. The SOP is available online or at our Council Offices.

This Summary of information outlines the proposed amendments to the Bylaw including the lists of locations where camping is to be prohibited or restricted in some way.

Before making any final decisions, we'd like to know your views.

The closing date for submissions is dd/mm/yyyy.

Further information on how to make a submission is included in this document.

Timeline for considering the proposed bylaw

Submissions period dd/mm – dd/mm/yyyy

Hearings dd/mm/yyyy

Council deliberates on submissions and makes decisions on any changes to the draft Bylaw and/or proposed amendments mm/yyyy

Council adopts final bylaw and amendments to existing bylaws month/year

Bylaw and amendments comes into force month/year

How to give us your feedback

There are several ways you can tell us what you think. You can submit in writing, or online, and you can talk to Councillors at the formal hearing. Go to our public consultations page at www.wdc.govt.nz for more information.

Written submissions

You can provide us with a written submission via email or online, or you can fill in the submission form at the back of this document.

- Email us: mailroom@wdc.govt.nz with 'camping in public places' in the subject line
- Submit online: www.wdc.govt.nz
- Fill in the form at the back of this document.

Hearing

We will still hold a formal hearing meeting. This is an option if you are happy to address the full Council and answer any questions Councillors may have in Council Chambers.

The Hearing will be held on **dd/mm/yyyy at between hh and hh** We will confirm a more exact time for you to attend closer to the date.

Information on the hearings process and what to expect if you want to attend the hearing can be found on our website in the public consultations section.

What will happen with your feedback?

All feedback received will be summarised and reported back to Council to support their deliberations on the proposal. They will receive copies of all written submissions and summaries of what people said during the Hearing.

INTRODUCTION.

Camping in public places that are not campgrounds is generally known as ‘freedom camping’. It is a popular summer pastime across New Zealand and an opportunity for an affordable holiday for both domestic and international visitors.

Freedom camping is governed by the Freedom Camping Act 2011 (FCA). The Act restricts what Council can and can’t control in relation to freedom camping. Under the Act Council is not able to completely ban ALL freedom camping, and we can only control activity that occurs on Council land. In 2017 Council adopted the Camping in Public Places Bylaw to provide controls around freedom camping and support responsible camping.

Since the Bylaw was first made in 2017 the number of recorded freedom camping vehicles in Whangarei District has doubled. Increased visitor pressure has led to difficulties maintaining balanced public access to our key coastal destinations. Council received numerous complaints about campers overstaying, blocking access and inappropriate disposal of waste.

To address complex issues around freedom camping Council has decided to bring the review forward from a scheduled review in 2022 in order to address complex issues associated with freedom camping that have arisen since the bylaw was first adopted in 2017.

KEY ELEMENTS OF OUR PROPOSAL

As a result of the review of the Camping in Public Places Bylaw, Council considers that the bylaw should be amended.

The proposed amendments include:

- Including additional provisions related to enforcement and to health and safety
- Introduction of some seasonal restrictions on freedom camping at high-use destination beaches to protect public access
- Providing overflow freedom camping sites for peak Christmas season
- Further regulation and restriction of areas that have experienced pressure from freedom camping
- Providing some additional capacity for freedom camping at suitable locations

Council is also proposing to make some minor wording changes of a ‘tidy up’ nature, to clarify or improve the drafting of the Bylaw.

As a related matter, Council considers that the Public Places Bylaw should also be amended to provide clarity around the use of public places for temporary accommodation. Please see the section “Amendment to Public Places Bylaw” in the Statement of Proposal.

WHAT DO WE WANT TO KNOW?

We would like your feedback on the proposed amended Camping in Public Places Bylaw, and the proposed amendment to the Public Places Bylaw.

What we want specific feedback on is the following:

- Are there any areas which should be added to the prohibited and/or restricted areas? If yes, which ones and why should these be included?
- Should Council impose seasonal restrictions on freedom camping at all, some, or none of the proposed key destination beaches, as listed in the proposal?
- Should Council designate peak-season overflow freedom camping sites at specified Sportsparks as described in the proposal?
- We also want to know if you agree or disagree with anything else in the proposal, both generally or for specific areas.

In giving your feedback please be aware that under the Freedom Camping Act 2011:

Council cannot ban ALL camping in the District. The legislation specifically prohibits this.

Council does not have the power to restrict or prohibit freedom camping for the purpose of protecting commercial campgrounds from competition.

Please note, this consultation relates to the proposed (amended) Camping in Public Places Bylaw as a whole, and not just the amendments. Your submission can comment on any part of the proposed amended Camping in Public Places Bylaw.

AMENDED AREAS WITH SITE SPECIFIC RULES ON CAMPING

Prohibited areas

Schedule 1: Prohibited areas

- Abbey Caves
- Bland Bay Reserve
- Drummond Park Scenic Reserve (Parihaka Lookout carpark)
- Elliott Reserve
- Finlayson Street/ Reyburn House Lane carpark
- Helena Bay
- Herekino Street - service lane and carpark behind 4-22 Herekino Street
- Hikurangi Sportspark
- Hora Hora Sportspark
- Kamo Sportspark
- Kensington Park
- Koropupu Community Sportspark (Springs Flat)
- Langs Beach - Cove Road beach access and carpark area
- Mander Park
- Marsden Point Wharf
- Matapouri - Morrison Road carpark
- McAuslin Road, Matapouri
- McLeod Bay - playground and reserve area
- McLeod Bay – Stuart Road, all road reserve
- Morningside Sportspark
- Moureeses Bay
- Ngunguru School
- One Tree Point Road layby
- Onerahi Beach Reserve – between Cliff Street and Johnson Street
- Onerahi Sportspark
- Otaika Sportspark
- Otamure Bay
- Otangarei No.1 Reserve
- Otangarei Sportspark
- Pataua South Pohe Island
- Port Road - service lane and carpark area behind 11-67 Port Road
- Portland Recreation Reserve Recreation Reserve
- Ruakaka - Princes Road Reserve
- Ruakaka Recreation Grounds
- Taiharuru
- Takahiwai Sportspark
- Teal Bay/Ngawai Bay - Teal Bay
- Tikipunga Sportspark
- Tutukaka Marina Reserve
- Urquharts bay
- Whananaki – Mangaiti Reserve
- Whangaumu Reserve - west (22 Whangaumu Street)
- Whau Valley Dam
- William Fraser Memorial Park on
- Woolleys Bay – eastern carpark

** Organised camping activities at Kensington Park and William Fraser Memorial Park on Pohe Island in accordance with their respective Reserve Management Plans may be applied for in accordance with clause 11 of this Bylaw.*

Schedule 2: Restricted areas for self-contained vehicles

- Onerahi - Beach Road Reserve
- Onerahi Sportspark
- Riverside/Hatea East Carpark
- Ruakaka Beach Reserve
- Ruakaka Riverside Reserve
- Tikipunga Sportspark
- Whangarei Falls Scenic Reserve

** For Onerahi Sportspark and Tikipunga Sportspark camping is restricted to times during peak summer season where it does not conflict with sporting activities from 18 December to 8 February.*

Schedule 3: Restricted areas for self-contained and non self-contained vehicles

- AH Reed Memorial Park – Whareora Road carpark
- Bascule carpark – Port Road
- Kowharewa Bay
- Manaia walkway carpark
- Marsden Bay Reserve
- Matapouri – Wehiwehi Road carpark
- Ngunguru Library
- Ocean Beach carpark
- One Tree Point - boatramp carpark
- Reotahi
- Tarewa I-Site
- Wellingtons Bay – main reserve (Whangaumu Reserve)

** For Kowharewa Bay and Matapouri – Wehiwehi Road carpark camping is restricted to outside peak season only (18 December to 08 February).*

Schedule 4: Restricted areas for all camping

- Parua Bay
- Sandy Bay - toilet block
- carpark/grass area
- Tamaterau
- Waipu Caves
- Whananaki North
- Woolleys Bay – western carpark

** For Sandy Bay and Woolleys Bay camping is restricted to camping is restricted to outside peak season only (18 December to 08 February).*

Proposed Amended Camping in Public Places Bylaw [tracked changes to the bylaw and new maps]

Whangarei District Council

CAMPING IN PUBLIC PLACES BYLAW 2017

Pursuant to the Freedom Camping Act 2011, Whangarei District Council makes the following Bylaw about camping in public places in the Whangarei District.

CONTENTS

1. Title
2. Commencement
3. Application
- PART 1 PRELIMINARY PROVISIONS 19**
4. Purpose
5. Interpretation
- PART 2 PROVISIONS FOR CAMPING, AND RESTRICTED AND PROHIBITED AREAS**
6. Provisions for camping
7. Prohibited areas
8. Restricted areas for self-contained vehicles
9. Restricted areas for self-contained and non self-contained vehicles
10. Restricted areas for all camping
11. Prior consent from Council
12. Temporary ~~closures~~ prohibitions or restrictions
- PART 3 ENFORCEMENT, OFFENCES AND PENALTIES**
13. Offences
14. Penalties
- Schedule 1: Prohibited areas**
- Prohibited areas – maps
- Schedule 2: Restricted areas for self-contained vehicles**
- Restricted areas for self-contained vehicles - maps
- Schedule 3: Restricted areas for self-contained and non self-contained vehicles**
- Restricted areas for self-contained and non self-contained vehicles - maps
- Schedule 4: Restricted areas for all camping**
- Restricted areas for all camping - maps

1. Title

1.1 This Bylaw is the Camping in Public Places Bylaw 2017.

2. Commencement

2.1 This Bylaw comes into force on 21 October 2017.

3. Application

3.1 This Bylaw applies to the Whangarei District.

PART 1 PRELIMINARY PROVISIONS

4. Purpose

4.1 The purpose of this Bylaw is to regulate and manage camping on land controlled and managed by Whangarei District Council to:

- a) protect areas
- b) protect the health and safety of people who may visit areas
- c) ensure appropriate public access to areas is maintained
- d) provide transparency for those wishing to camp in public places in the District
- e) support a positive experience for campers and residents.

Explanatory note: The provisions of this Bylaw only apply to public places owned and/or controlled by Council and which are not managed as a camping ground. The Bylaw does not apply to land owned or controlled by other organisations, for example the Department of Conservation and The New Zealand Transport Agency, or privately owned land.

5. Interpretation

5.1 In this Bylaw, unless the context otherwise requires:

Act means the Freedom Camping Act 2011.

Area means a local authority area that is considered a discrete singular location and which may have multiple parking areas or marked parking spaces contained within it.

Camp or camping has the same meaning as freedom camp/freedom camping as provided in ~~s5-section 5~~ of the Act or any subsequent legislation ~~that amends or replaces that Act, in amendment of, or substitution for, the same.~~

Council means the Whangarei District Council

Designated site means a parking area or marked parking spaces identified within the areas in Schedules 2, 3 and 4 of this Bylaw and indicated by signs erected in the area where camping is permitted subject to any restrictions and conditions.

District means the district of Whangarei District Council

Enforcement Officer means a person appointed as an enforcement officer under the Act.

Infringement offence means an offence specified in ~~Section-section~~ 20(1) of the Act.

Local authority area has the meaning set ~~in-out in section 6 of the Freedom Camping Act 2011~~ or any subsequent legislation ~~that amends or replaces that Act, in amendment of, or substitution for, the same.~~

Reserve management plan means a management plan prepared under section 41 of the Reserves Act 1977 for reserves for which Council is the administering body.

Self-contained vehicle means a vehicle that complies with the New Zealand Standard 5465:2001 (the Standard), incorporating all amendments as at 1 September 2017 or any subsequent New Zealand Standard ~~that amends or replaces that Standard, in amendment of, or substitution for, the same.~~ Evidence of compliance with the Standard is through the display of a current warrant card and the availability on request of the associated self-containment certificate.

Explanatory note: A self-containment certificate is issued for vehicles that have systems to contain both black water (from toilets) and grey water (wastewater from sinks, showers or similar). The warrant that is issued in conjunction with the self-containment certificate should be displayed inside the front window of the vehicle. Any plumber or other suitably qualified person registered under the Plumber, Gasfitters and Drainlayers Act 1976 is eligible to certify compliance with NZS 5465. The standard also provides for other entities to be issuing authorities if they have a suitable scheme for certifying testing officers.

Vehicle has the same meaning as in section 2(1) of the Land Transport Act 1998.

Waste means any kind of waste, including human waste.

5.2 Every Schedule to ~~the~~this Bylaw ~~and the several parts thereof shall be deemed to form~~s part of this Bylaw.

5.3 Any explanatory notes and attachments are for information purposes, do not form part of this Bylaw, and may be changed without formality.

5.4 The Interpretations Act 1999 applies to this Bylaw.

PART 2 PROVISIONS FOR CAMPING, AND RESTRICTED AND PROHIBITED AREAS

6. Provisions for camping

6.1 Camping is permitted in any local authority area within the District, except for those areas where it is prohibited or restricted:

- a) pursuant to this Bylaw; or
- b) under any other enactment.

Explanatory note: The provisions of Council's District Plan, Reserve Management Plans and other bylaws; including, ~~but not limited to,~~ the Parking and Traffic Bylaw 2009, the Liquor Management Bylaw and the Public Places Bylaw 2014, also apply to camping.

6.2 Camping is restricted to self-contained vehicles only in all areas of the District, except for those areas listed in Schedules 3 and 4 of this Bylaw.

Explanatory note: All Schedules of this Bylaw provide specific restrictions for the areas contained in the Schedules, including for self-contained vehicles. For all areas not included in the Schedules, camping is permitted only in self-contained vehicles.

6.3 Except where this Bylaw provides for a lesser period, no person may camp for more than three nights in any four-week consecutive period in any one area, or within 1 kilometre of any area they have previously camped in within that four-week period. The four consecutive weeks ~~period~~period begins ~~on the date the first camping commences from the first stay.~~on the date the first

6.4 All camping activities must comply with the following conditions:

- a) vehicles must park within existing marked parking spaces or within identified parking areas, whichever is present. Where marked parking spaces are present, only one vehicle per marked space is allowed.
- b) vehicles must be legally parked
- c) the site used must be left in a clean and tidy state
- d) the camping ~~activity~~ must not prevent others from undertaking legitimate activities in the area
- e) the camping ~~activity~~ must not restrict public access to public areas
- f) enforcement officers must be able to inspect any site being used for camping and campers must

comply with any reasonable directions of an enforcement officer, including requests to view self-containment certificates and/or warrants.

g) no effluent tanks may be emptied in public toilets.

6.5. To avoid doubt, nothing in this Bylaw allows a person to take up permanent or semi-permanent residence on any local authority area.

7. Prohibited areas

7.1 All camping is prohibited in the areas identified in Schedule 1 of this Bylaw.

8. Restricted areas for self-contained vehicles

8.1 In the areas identified in Schedule 2 of this Bylaw, camping is restricted to a designated site or marked parking spaces and is subject to the following restrictions:

- a) camping is restricted to self-contained vehicles only
- b) no person may camp for more than one night in any four-week consecutive period in any one area,

or within 1 kilometre of any area they have previously camped in within that four-week period, unless otherwise provided for in the Schedule. The four consecutive weeks ~~period~~ begins on the date the camping commences from the first stay

- c) all camping must comply with any additional restrictions as provided in Schedule 2
- d) all camping is subject to the conditions listed in clause 6.4.

8.2 Council may, by resolution, change the location of a designated site within a restricted area, and record such changes on the maps to Schedule 2.

Explanatory note: In some instances, a reserve or park may be upgraded or modified in a way that will necessitate relocation of the designated site within an area. The number and maximum length of camping vehicles possible will be limited by the size of each designated site. Signs and/or information will be provided on the maximum length of vehicles permissible at each site.

9. Restricted areas for self-contained and non self-contained vehicles

9.1 In the areas identified in Schedule 3 of this Bylaw, camping is restricted to a designated site or marked parking spaces, and is subject to the following restrictions:

- a) camping is restricted to self-contained and non self-contained vehicles only
- b) no person may camp for more than one night in any four-week consecutive period in any one area, or within 1 kilometre of any area they have previously camped in within that four-week period, unless otherwise provided for in the Schedule. The four consecutive weeks ~~period~~ begins on the date the camping commences from the first stay
- c) all camping must comply with any additional restrictions as provided in Schedule 3
- d) all camping is subject to the conditions listed in clause 6.4.

9.2 Council may by resolution change the location of a designated site within a restricted area, and record such changes on the maps to Schedule 3.

10. Restricted areas for all camping

10.1 In the areas identified in Schedule 4 of this Bylaw, camping is restricted to a designated site within an area and subject to the following restrictions:

- a) no person may camp for more than one night in any four-week consecutive period in any one area, or within 1 kilometre of any area they have previously camped in within that four-week period, unless otherwise provided for in the Schedule. The four consecutive weeks ~~s period~~ begins on the date the camping commences from the first stay
- b) all camping must comply with any additional restrictions as provided in Schedule 4
- c) all camping is subject to the conditions listed in clause 6.4.

Explanatory note: The areas listed in Schedule 4 allow for camping in self-contained and non self-contained vehicles, as well as tents. Any vehicle associated with a tent is subject to the same restrictions and requirements of Clause 6.

10.2 Council may by resolution change the location of a designated site within a restricted area, and record such changes on the maps to Schedule 4.

11. Prior consent from Council

11.1 Consent may be sought from Council for ~~those camping activities that are~~ specifically provided for in Council's Reserve Management Plans. Consent must be applied for in writing to Council.

11.2 Consent may be sought from Council to allow camping in an area listed in Schedule 1. Any consent granted may be subject to such conditions as Council considers appropriate. Consent must be applied for in writing, providing sufficient detail about the proposed camping at least 20 working days in advance of the date planned for the camping ~~activity to commence~~.

11.3 Permission may be sought from Council to waive or modify camping restrictions in an area listed in Schedules 2, 3, or 4 and/or the restrictions as set out in clause 6.4. Any consent granted may be subject to such conditions as Council considers appropriate. Consent must be applied for in writing, providing sufficient detail about the proposed camping, at least 20 working days in advance of the date planned for the camping ~~activity to commence~~.

12. Temporary ~~closures~~ prohibitions or restrictions

12.1 Council may temporarily ~~close prohibit~~ or restrict camping on any area or part of any area where a restriction is considered necessary by Council to:

- a) prevent damage to the area or facilities in the area
- b) allow maintenance ~~to of~~ the area or facilities ~~of in~~ the area
- c) protect the safety of persons or property
- d) enable public access, including in circumstances where events are planned for or occurring in that area.

12.2 Where reasonably practicable, prior notice will be given of any temporary ~~closure prohibition~~ or restriction, and the length of that ~~closure prohibition or restriction~~, or its removal, in a manner appropriate to the circumstances.

12.3 A temporary ~~closure prohibition~~ or restriction ~~pursuant under~~ to clause 12.1 shall not, ~~unless necessary to protect the safety of persons or property,~~ extend for more than 14 consecutive days, however this does not limit Council's power to make a fresh prohibition or restriction under clause 12.1 for the same area where the prerequisites in that clause are satisfied. and shall not be repeated in respect of the area to which it applied, more than twice in any twelve month period

PART 3 ENFORCEMENT, OFFENCES AND PENALTIES

13. Offences

~~13.1 As specified~~ Any person who camps in breach of clause 6, 7, 8, 9, 10 or 12 of this Bylaw commits an offence ~~in~~ under section 20 of the Act.

Explanatory note: Section 20 of the Act provides for offences, including freedom camping in a local authority area in breach of any prohibition or restriction in a bylaw made under the Act. It also includes further offences such as not properly disposing of waste into a waste receptacle, damaging or interfering with the flora and fauna in an area, and obstructing or threatening an enforcement officer.

14. Penalties

~~14.1 As specified~~ The penalties in section 23 of the Act apply to the offence of camping in breach of this Bylaw.

~~Explanatory note: Section 20 of the Act provides for offences, such as not properly disposing of waste into a waste receptacle, damaging or interfering with the flora and fauna in an area, and obstructing or threatening an enforcement officer.~~

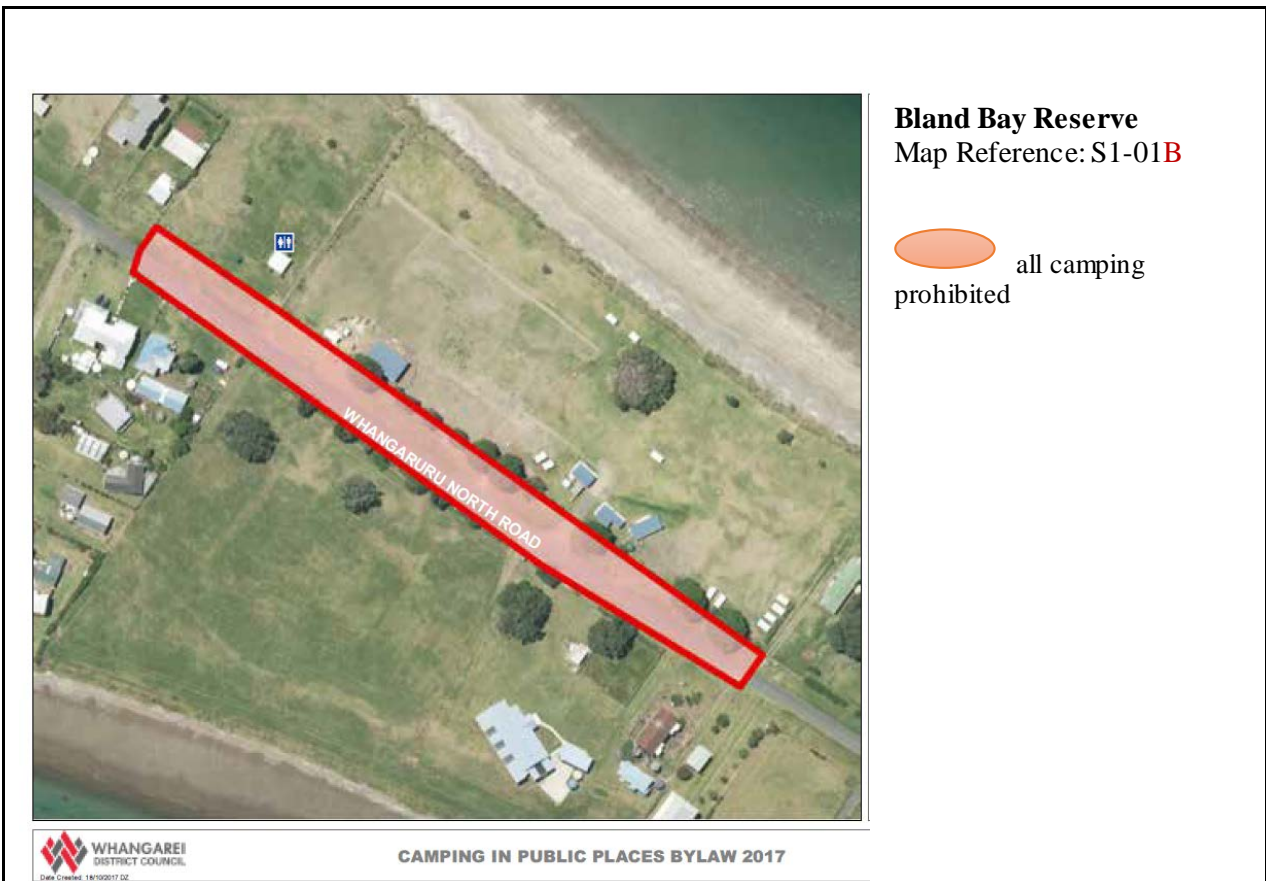
Explanatory note: Camping in breach of a prohibition or restriction contained in this Bylaw is an infringement offence. The penalty is \$200 or any other amount prescribed in regulations. Section 22 of the Act sets out defences to a freedom camping offence. Council officers use their discretion when investigating freedom camping complaints, which will include consideration of any defences that may be available to a person.

Schedule 1: Prohibited areas

Area	Map Reference	Area	Map Reference
<u>Abbey Caves – new carpark</u>	<u>S1-01A</u>	Onerahi Beach Reserve – between Cliff Street and Johnson Street	S1-19
Bland Bay Reserve	S1-01B	Onerahi Sportspark	S1-20
Drummond Park Scenic Reserve (Parihaka Lookout carpark)	S1-02	<u>One Tree Point Road layby</u>	<u>S1-20</u>
Eliott Reserve	S1-03A	Otaika Sportspark	S1-21A
<u>Finlayson Street/ Reyburn House Lane carpark</u>	<u>S1-03B</u>	<u>Otamure Bay</u>	<u>S1-21B</u>
<u>Helena Bay</u>	<u>S1-03C</u>	Otangarei No.1 Reserve	S1-22
Herekino Street - service lane and carpark behind 4-22 Herekino Street	S1-04	Otangarei Sportspark	S1-23
Hikurangi Sportspark	S1-05	Pataua South	S1-24
Hora Hora Sportspark	S1-06	Port Road - service lane and carpark area behind 11-67 Port Road	S1-25
Kamo Sportspark	S1-07	Portland Recreation Reserve	S1-26
Kensington Park	S1-08	Ruakaka - Princes Road Reserve	S1-27
Koropupu Community Sportspark (Springs Flat)	S1-09	Ruakaka Recreation Grounds	S1-28
Langs Beach - Cove Road beach access and carpark area	S1-10	Taiharuru	S1-29
Mander Park	S1-11	Takahiwai Sportspark	S1-30
Marsden Point Wharf	S1-12	Teal Bay/Ngawai Bay - Teal Bay Recreation Reserve	S1-31
Matapouri - Morrison Road carpark	S1-13A	Tikipunga Sportspark	S1-32
<u>McAuslin Road, Matapouri</u>	<u>S1-13B</u>	Tutukaka Marina Reserve	S1-33
McLeod Bay - playground and reserve Area	S1-14	Urquharts bay	S1-34
McLeod Bay – Stuart Road, all road Reserve	S1-15	Whananaki – Mangaiti Reserve	S1-35A
Morningside Sportspark	S1-16	<u>Whangaumu Reserve - west (22 Whangaumu Street)</u>	<u>S1-35B</u>
		Whau Valley Dam	S1-36
Moureeses Bay	S1-17	William Fraser Memorial Park on Pohe Island	S1-37
Ngunguru School	S1-18	Woolleys Bay – eastern carpark	S1-38

Explanatory note: Organised camping activities at Kensington Park and William Fraser Memorial Park on Pohe Island in accordance with their respective Reserve Management Plans may be applied for in accordance with clause 11 of this Bylaw.

Prohibited areas – maps






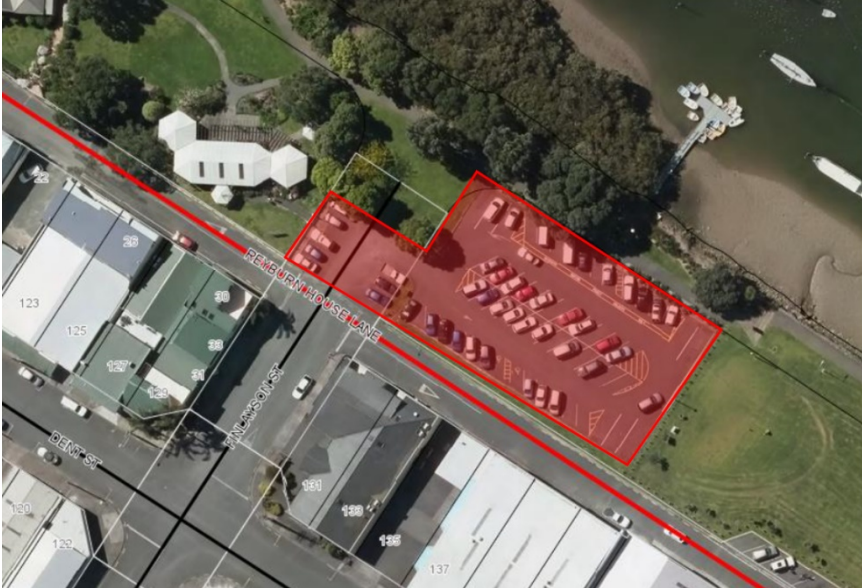
Drummond Park Scenic Reserve
(Parihaka Lookout carpark)
 Map Reference: S1-02

 all camping prohibited



Elliott Reserve
 Map Reference: S1-03 A

 all camping prohibited



Finlayson Street/ Reyburn House Lane carpark

Map Reference: S1-03B

all camping
prohibited




Helena Bay

Map Reference: S1-03C

all camping
prohibited



Herekino Street - service lane
and carpark behind 4-22
Herekino Street
Map ref: S1-04

 All camping prohibited



(C) Crown Copyright Reserved.
Creative Commons Attribution 3.0 New Zealand.
The information in this map was derived from digital databases. Care was taken in the creation of this map, however, Whangarei District Council and its contractors cannot accept any responsibility for errors, omissions or positional accuracy. Not to be used for navigation. Cadastral information sourced from Land Information New Zealand.



Hikurangi Sportspark
Map ref: S1-05

 All camping prohibited



(C) Crown Copyright Reserved.
Creative Commons Attribution 3.0 New Zealand.
The information in this map was derived from digital databases. Care was taken in the creation of this map, however, Whangarei District Council and its contractors cannot accept any responsibility for errors, omissions or positional accuracy. Not to be used for navigation. Cadastral information sourced from Land Information New Zealand.





Hora Hora Sportspark
Map ref: S1-06


 All camping prohibited



(C) Crown Copyright Reserved.
Creative Commons Attribution 3.0 New Zealand.
The information in this map was derived from digital databases. Care was taken in the creation of this map, however Whangarei District Council and its contractors cannot accept any responsibility for errors, omissions or positional accuracy. Not to be used for navigation.
Cadastral information sourced from Land Information New Zealand.



Kamo Sportspark
Map ref: S1-07


 All camping prohibited



(C) Crown Copyright Reserved.
Creative Commons Attribution 3.0 New Zealand.
The information in this map was derived from digital databases. Care was taken in the creation of this map, however Whangarei District Council and its contractors cannot accept any responsibility for errors, omissions or positional accuracy. Not to be used for navigation.
Cadastral information sourced from Land Information New Zealand.



Kensington Park
Map ref: S1-08


 All camping prohibited



(C) Crown Copyright Reserved.
Creative Commons Attribution 3.0 New Zealand.
The information in this map was derived from digital databases. Care was taken in the creation of this map, however, Whangarei District Council and its contractors cannot accept any responsibility for errors, omissions, or positional accuracy. Not to be used for navigation.
Cadastral information sourced from Land Information New Zealand.



Koropupu Community Sportsark (Springs Flat)
Map ref: S1-09

 All camping prohibited



(C) Crown Copyright Reserved.
Creative Commons Attribution 3.0 New Zealand.
The information in this map was derived from digital databases. Care was taken in the creation of this map, however, Whangarei District Council and its contractors cannot accept any responsibility for errors, omissions, or positional accuracy. Not to be used for navigation.
Cadastral information sourced from Land Information New Zealand.



Largs Beach - Cove Road
beach access and carpark area
Map ref: S1-10

 All camping prohibited



(C) Crown Copyright Reserved.
Creative Commons Attribution 3.0 New Zealand.
The information in this map was derived from digital databases. Care was taken in the creation of this map, however, Whangarei District Council and its contractors cannot accept any responsibility for errors, omissions or positional accuracy. Not to be used for navigation. Cadastral information sourced from Land Information New Zealand.



Mander Park
Map ref: S1-11

 All camping prohibited



(C) Crown Copyright Reserved.
Creative Commons Attribution 3.0 New Zealand.
The information in this map was derived from digital databases. Care was taken in the creation of this map, however, Whangarei District Council and its contractors cannot accept any responsibility for errors, omissions or positional accuracy. Not to be used for navigation. Cadastral information sourced from Land Information New Zealand.





McAuslin Road, Matapouri

Map Reference: S1-13B



all camping prohibited



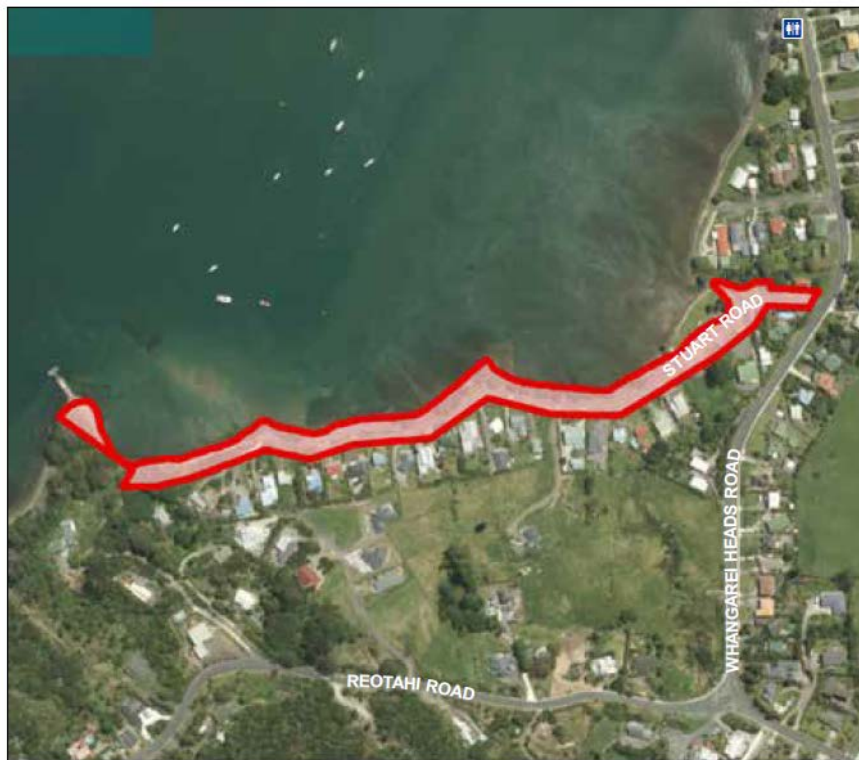
McLeod Bay - playground and reserve area
Map ref: S1-14




All camping prohibited



(C) Crown Copyright Reserved.
Creative Commons Attribution 3.0 New Zealand.
The information in this map was derived from digital databases. Care was taken in the creation of this map, however, Whangarei District Council and its contractors cannot accept any responsibility for errors, omissions or positional accuracy. Not to be used for navigation. Cadastral information sourced from Land Information New Zealand.



Mcleod Bay – Stuart Road, all road reserve
Map ref: S1-15


 All camping prohibited



(C) Crown Copyright Reserved.
Creative Commons Attribution 3.0 New Zealand.
The information in this map was derived from digital databases. Care was taken in the creation of this map, however, Whangarei District Council and its contractors cannot accept any responsibility for errors, omissions or positional accuracy. Not to be used for navigation.
Cadastral information sourced from Land Information New Zealand.



Morningside Sportspark
Map ref: S1-16

 All camping prohibited



(C) Crown Copyright Reserved.
Creative Commons Attribution 3.0 New Zealand.
The information in this map was derived from digital databases. Care was taken in the creation of this map, however, Whangarei District Council and its contractors cannot accept any responsibility for errors, omissions or positional accuracy. Not to be used for navigation.
Cadastral information sourced from Land Information New Zealand.





Onerahi Sportspark S1-20



One Tree Point Road layby Map Reference: S1-20

○ all camping prohibited



Otaika Sportspark

Map Reference: S1-21A

 all camping prohibited

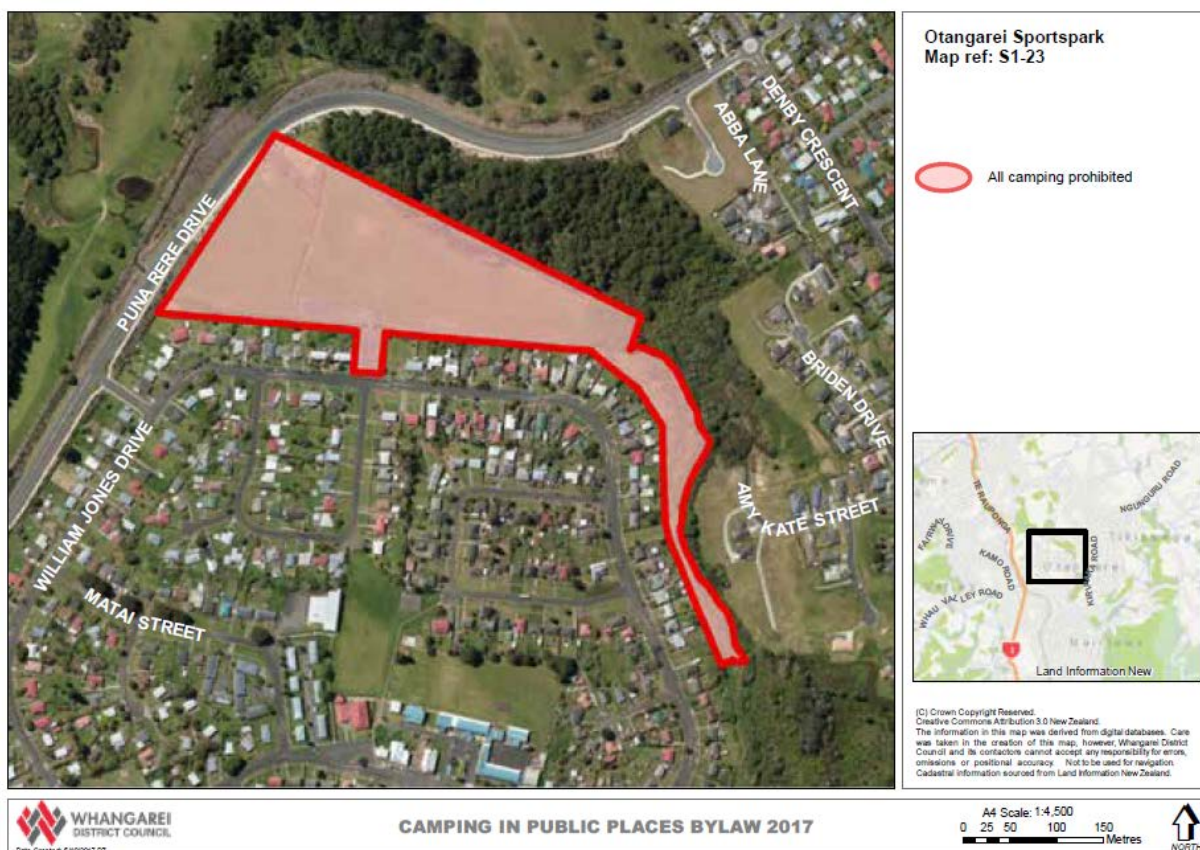


Otamure Bay

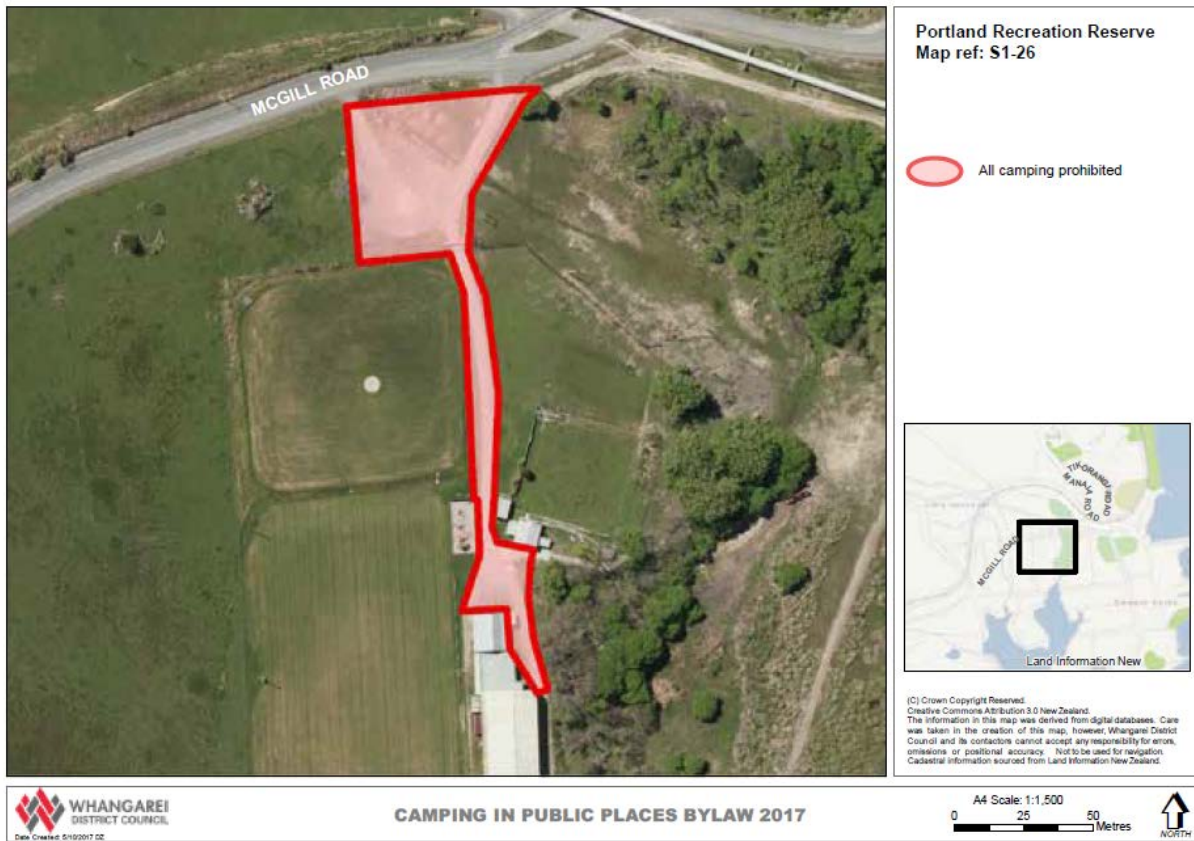
Map Reference: S1-21B

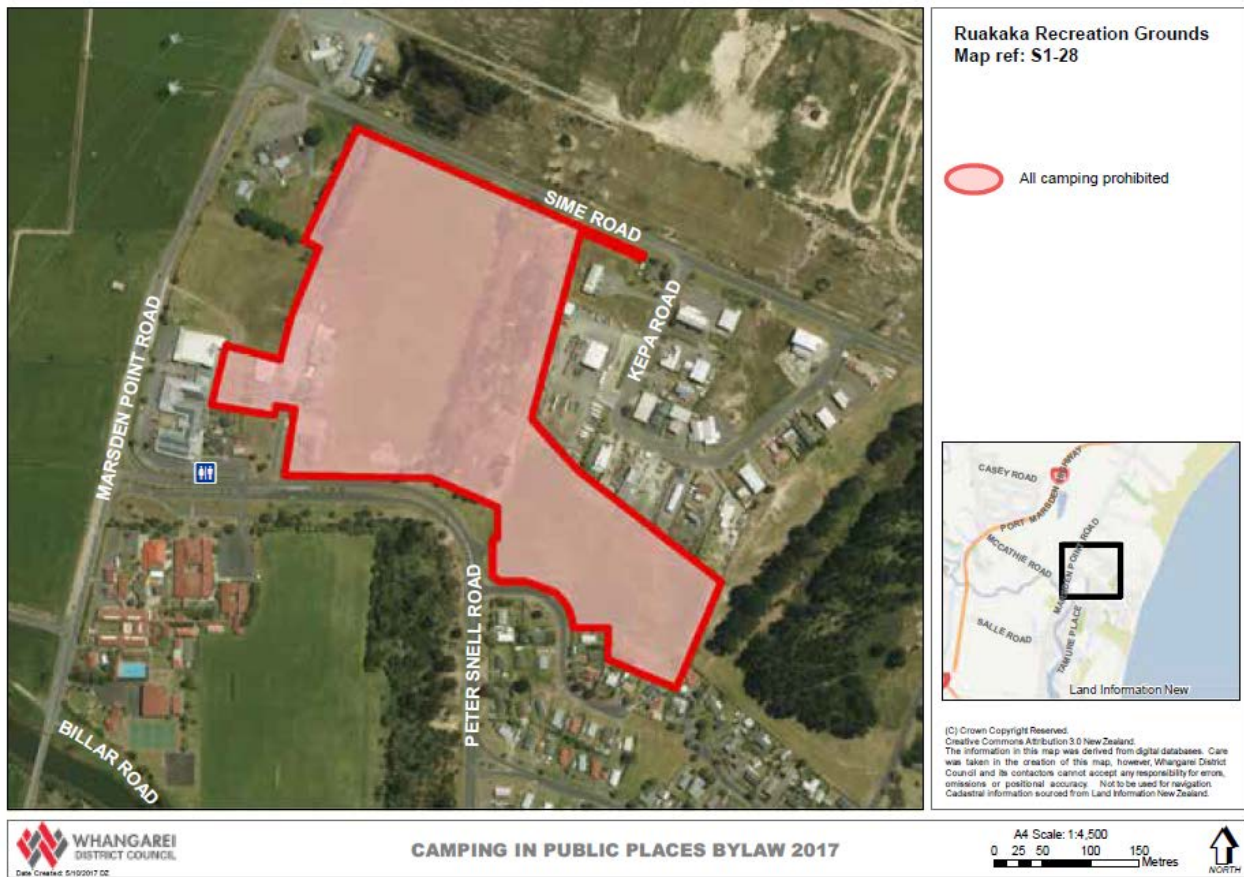
 all camping prohibited

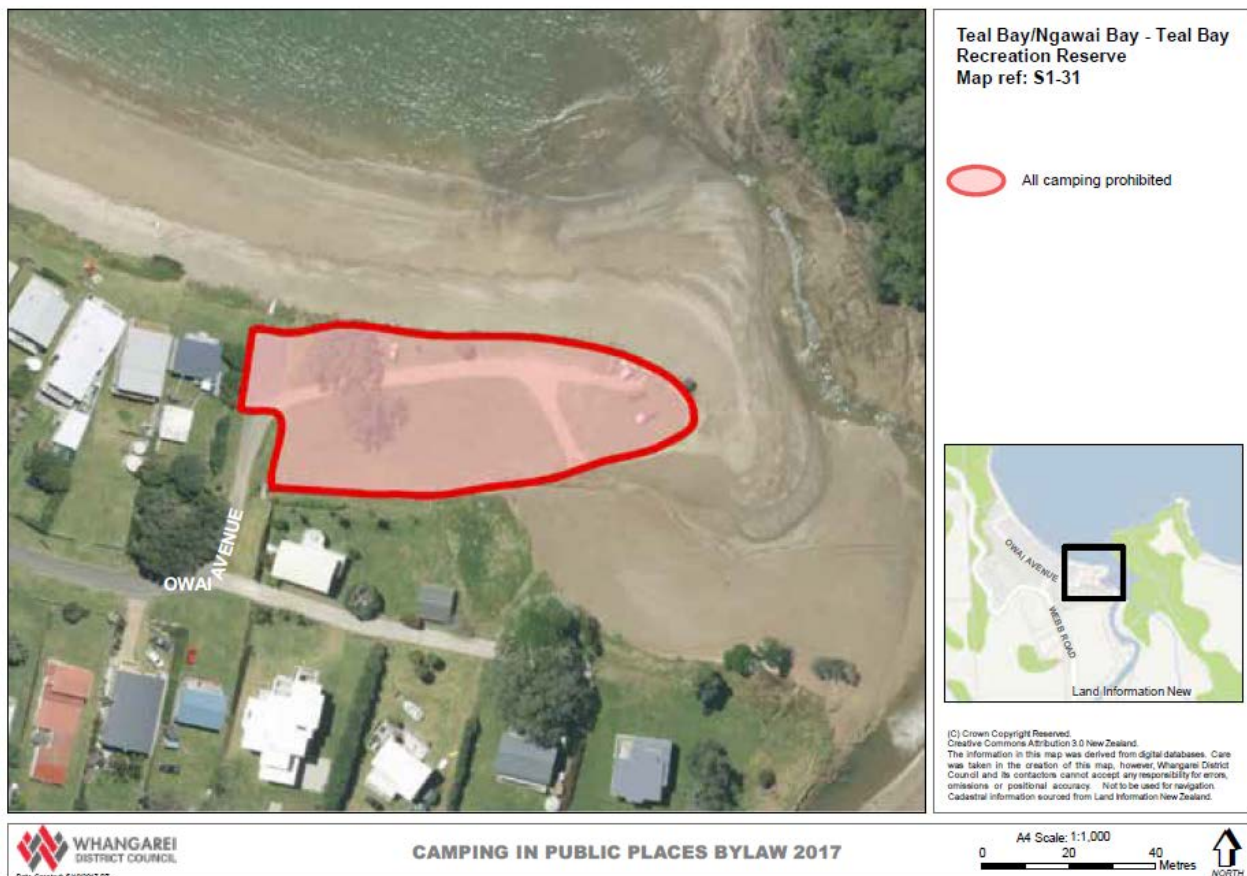
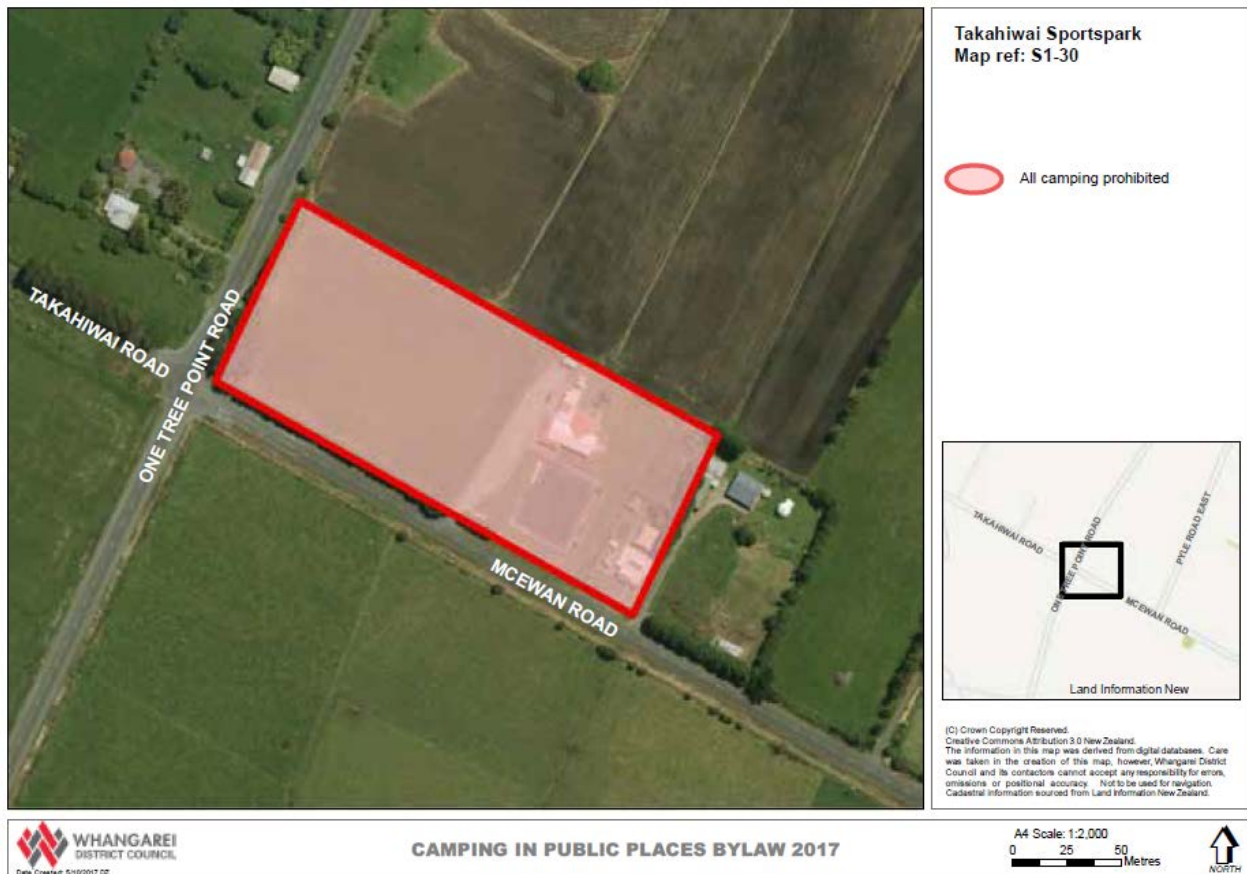
7



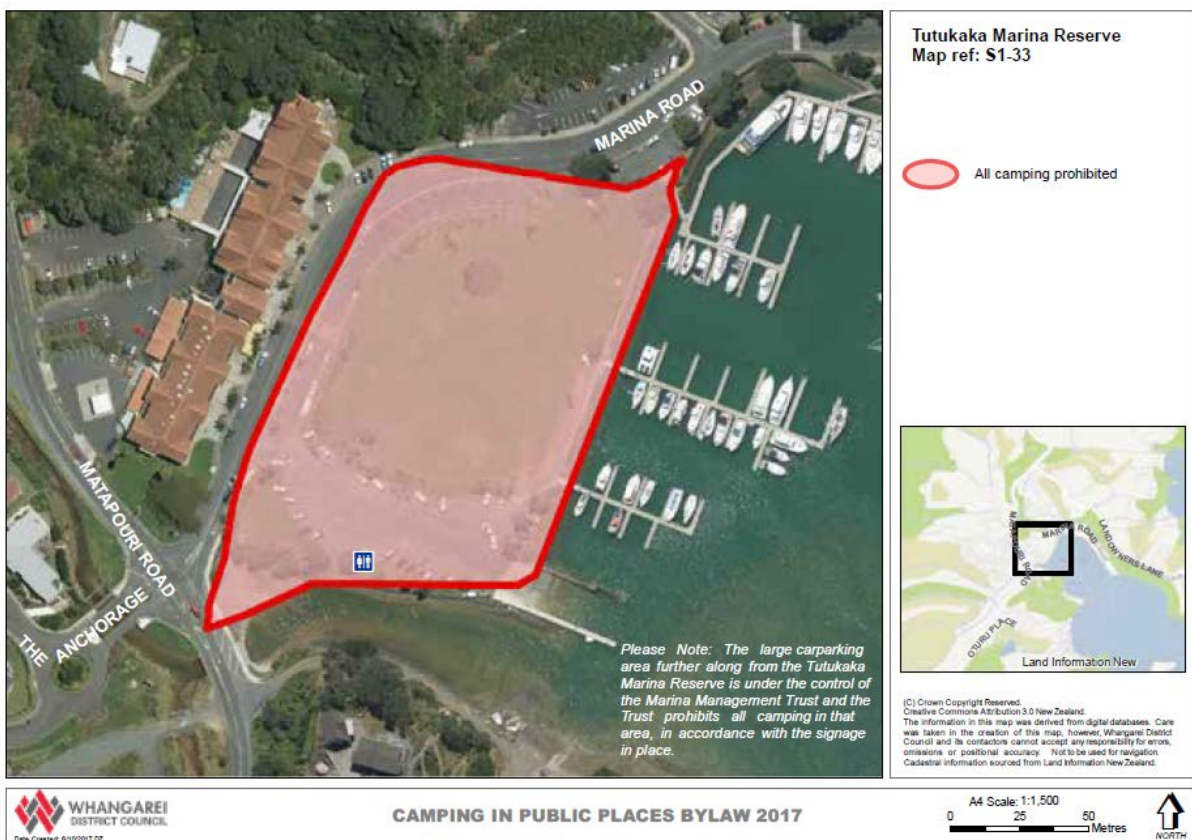








Tikipunga Sportspark S1-32








Whangaumu Reserve - west
(22 Whangaumu Street)

Map Reference: S1-35B

 all camping
prohibited



Whau Valley Dam
Map ref: S1-36

 All camping prohibited



(C) Crown Copyright Reserved.
 Creative Commons Attribution 3.0 New Zealand.
 The information in this map was derived from digital databases. Care
 was taken in the creation of this map, however, Whangarei District
 Council and its contractors cannot accept any responsibility for errors,
 omissions or positional accuracy. Not to be used for navigation.
 Cadastral information sourced from Land Information New Zealand.



**William Fraser Memorial Park
on Pohe Island**
Map ref: S1-37

 All camping prohibited



(C) Crown Copyright Reserved.
Creative Commons Attribution 3.0 New Zealand.
The information in this map was derived from digital databases. Care
was taken in the creation of this map, however, Whangarei District
Council and its contractors cannot accept any responsibility for errors,
omissions or positional accuracy. Not to be used for navigation.
Cadastral information sourced from Land Information New Zealand.



Woolleys Bay - eastern carpark
Map ref: S1-38

 All camping prohibited



(C) Crown Copyright Reserved.
Creative Commons Attribution 3.0 New Zealand.
The information in this map was derived from digital databases. Care
was taken in the creation of this map, however, Whangarei District
Council and its contractors cannot accept any responsibility for errors,
omissions or positional accuracy. Not to be used for navigation.
Cadastral information sourced from Land Information New Zealand.

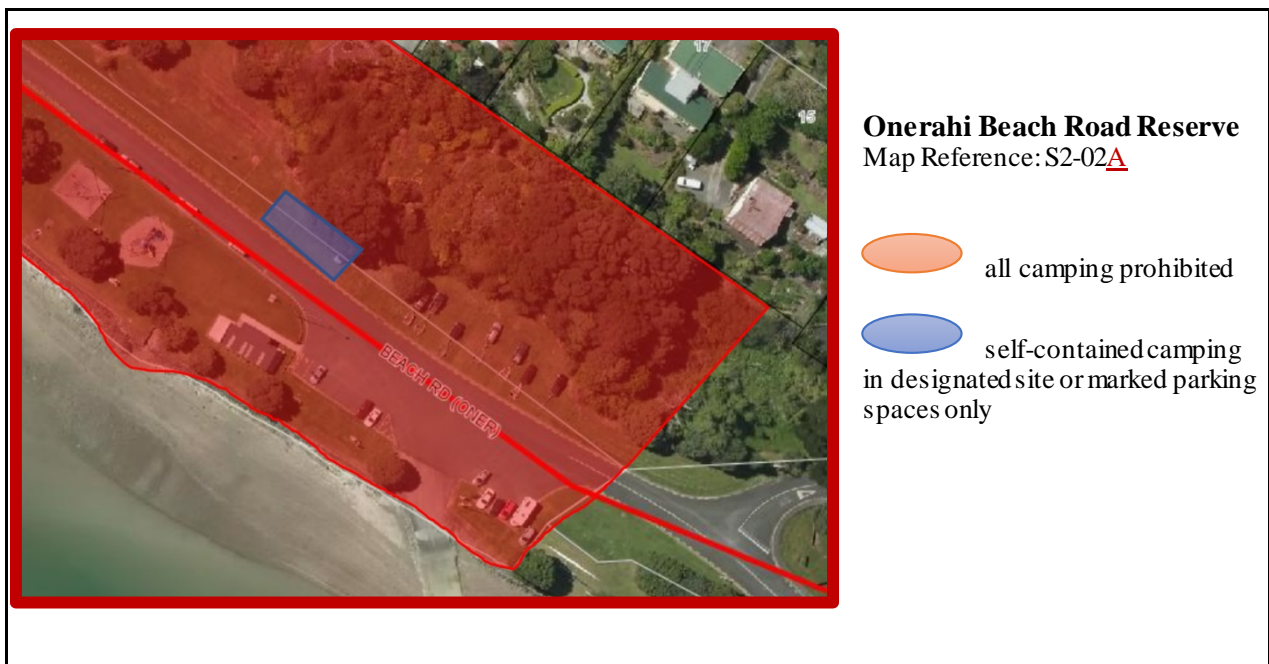
Schedule 2: Restricted areas for self-contained vehicles


Camping is subject to the restrictions stated in the table.

Area	Restriction	Map Reference
Finlayson Street/Reyburn House Lane carpark	Restricted to the marked parking spaces as indicated on the referenced map. Parking permitted for a maximum of 3 nights.	S2-01
Onerahi - Beach Road Reserve	Restricted to the designated site as indicated on the referenced map.	S2-02 <u>A</u>
<u>Onerahi Sportspark</u>	<u>Restricted to times when Sportspark is not being used for sporting activities from 18 December up until Northland/Auckland Anniversary Day.</u>	<u>S2-02B</u>
<u>Riverside/Hatea East Carpark</u>	<u>Restricted to the marked parking spaces as indicated on the referenced map.</u>	<u>S2-03A</u>
Ruakaka Beach Reserve	Restricted to the designated site as indicated on the referenced map.	S2-03 <u>B</u>
<u>Ruakaka Riverside Reserve</u>	<u>Restricted to the designated site as indicated on the referenced map.</u>	<u>S2-03C</u>
<u>Tikipunga Sportspark</u>	<u>Restricted to times when Sportspark is not being used for sporting activities from 18 December up until Northland/Auckland Anniversary Day.</u>	<u>S2-03D</u>
Whangarei Falls Scenic Reserve	Restricted to the marked parking spaces as indicated on the referenced map.	S2-04


Restricted areas for self-contained vehicles – maps


Finlayson Street/Reyburn House Lane carpark






Onerahi Sports park
Map Reference: S2-02B


 all camping prohibited


 self-contained camping in designated site or marked parking spaces only

Camping restricted to times when Sports park is not being used for sporting activities from 18 December up until Northland/Auckland Anniversary Day.



Riverside/Hatea East Carpark
Map Reference: S2-03A

 all camping prohibited



 self-contained camping in parking marked parking spaces only

Camping restricted to the hours between 6pm-8am. One night stay maximum. Parking rules apply after 8am.



Ruakaka Beach Reserve



Map ref: S2-03B

-  all camping prohibited
-  self-contained camping in designated site or marked parking spaces only



Ruakaka Riverside Reserve

Map ref: S2-03C


-  all camping prohibited
-  self-contained camping in designated site only



Tikipunga Sportspark

Map Reference: S2-03D

 all camping prohibited

 self-contained camping
in designated site or marked parking
spaces only

Camping restricted to times when
Sportspark is not being used for
sporting activities from 18
December up until
Northland/Auckland Anniversary
Day.



Schedule 3: Restricted areas for self-contained and non self-contained vehicles

Camping is subject to the restrictions stated in the table.

Area	Additional Restrictions	Map Reference
AH Reed Memorial Park – Whareora Road carpark	Restricted to the designated site as indicated on the referenced map.	S3-01
Bascule carpark – Port Road	Restricted to the designated site as indicated on the referenced map. Parking permitted for a maximum of 3 nights.	S3-02
Kowharewa Bay	Restricted to the designated site as indicated on the referenced map. <u>Camping restricted to outside the peak season (which runs from 18 December to 08 February)</u>	S3-03
Manaia walkway carpark	Restricted to the designated site as indicated on the referenced map.	S3-04
Marsden Bay Reserve	Restricted to the designated site as indicated on the referenced map.	S3-05
Matapouri – Wehiwehi Road carpark	Restricted to the designated site as indicated on the referenced map. <u>Camping restricted to outside the peak season (which runs from 18 December to 08 February)</u>	S3-06
Ngunguru Library	Restricted to the designated site as indicated on the referenced map.	S3-07
Ocean Beach carpark	Restricted to the designated site as indicated on the referenced map.	S3-08
One Tree Point - boatramp carpark	Restricted to the designated site as indicated on the referenced map.	S3-09
Reotahi	Restricted to the designated site as indicated on the referenced map.	S3-10
Tarewa I-Site	Restricted to the designated site as indicated on the referenced map.	S3-11
Wellingtons Bay – main reserve (Whangaumu Reserve)	Restricted to the designated site as indicated on the referenced map. <u>Camping restricted to outside the peak season (which runs from 18 December to 08 February)</u>	S3-12

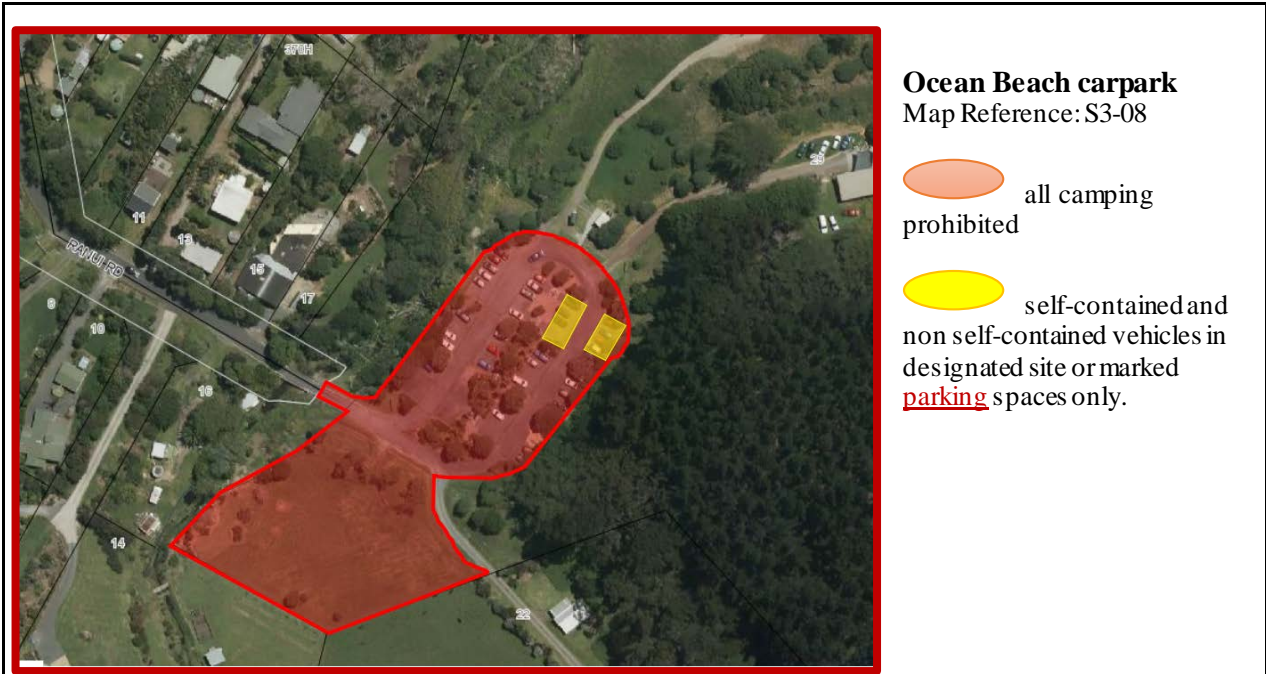
Restricted areas for self-contained and non self-contained vehicles – maps

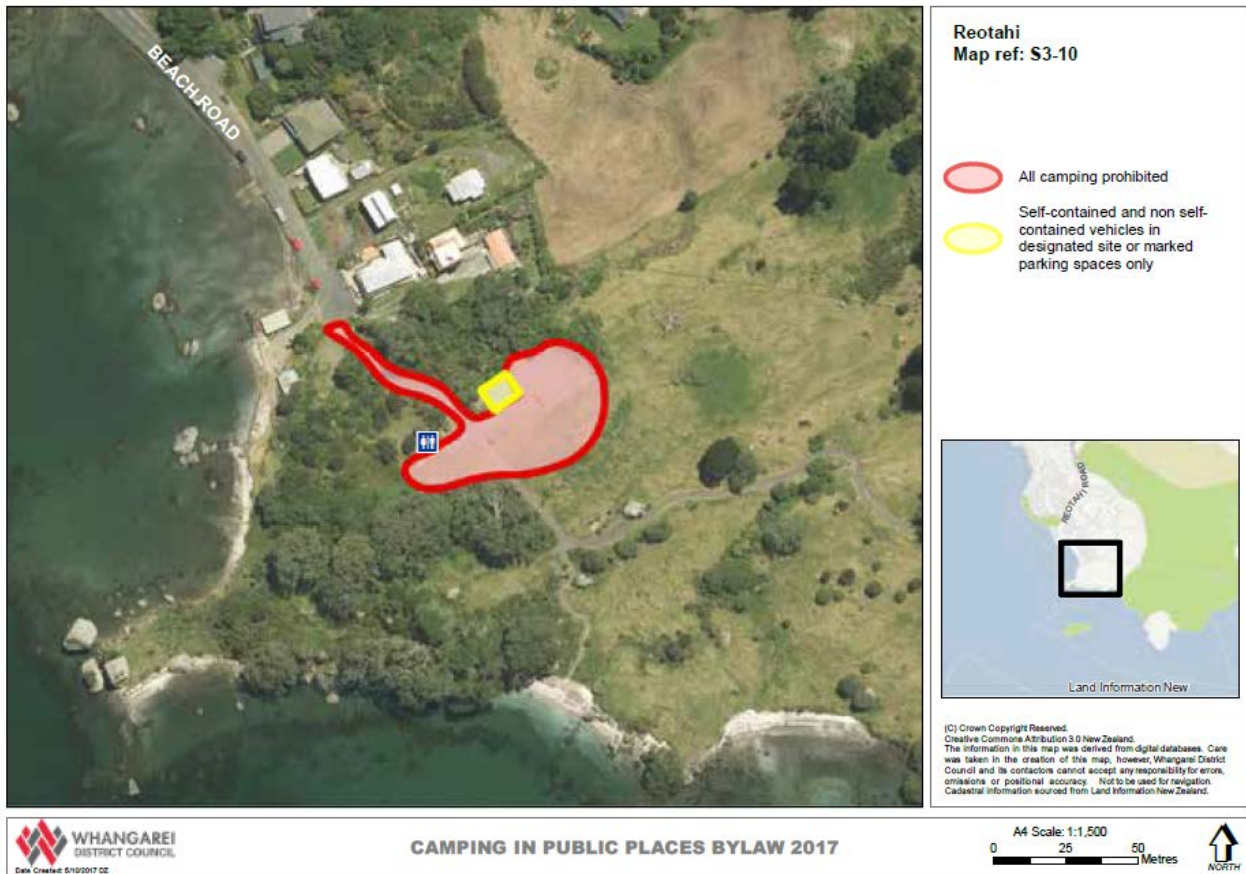


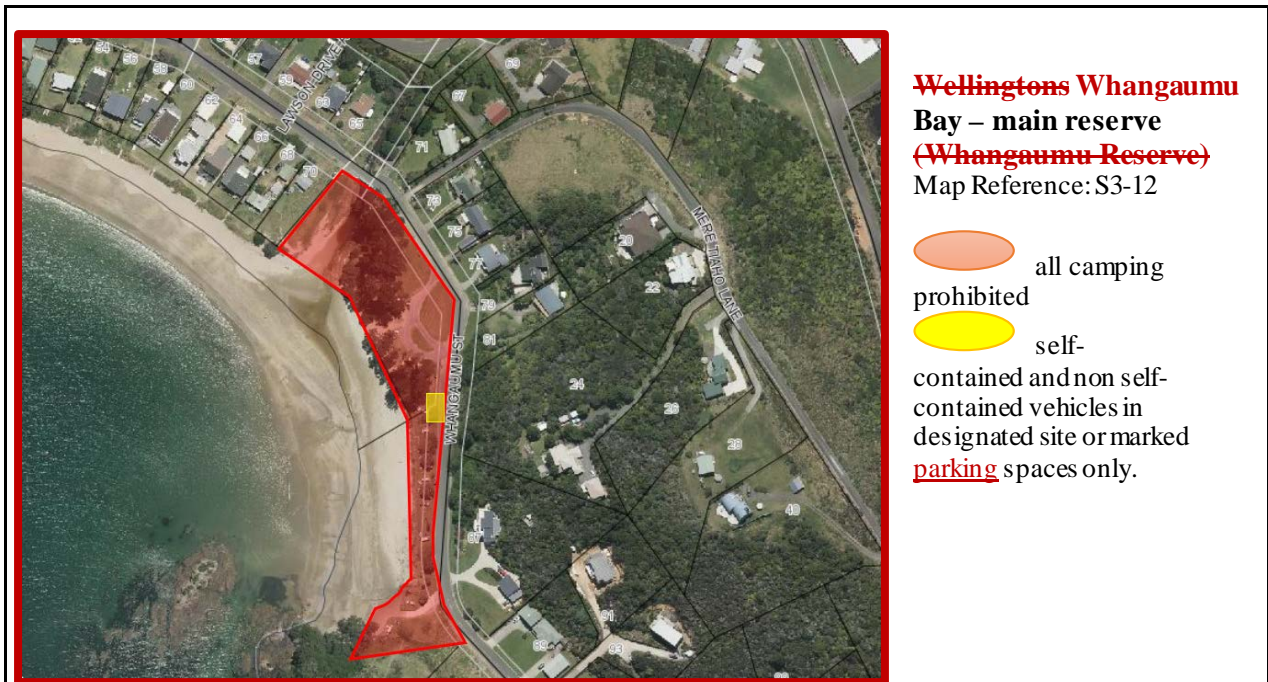










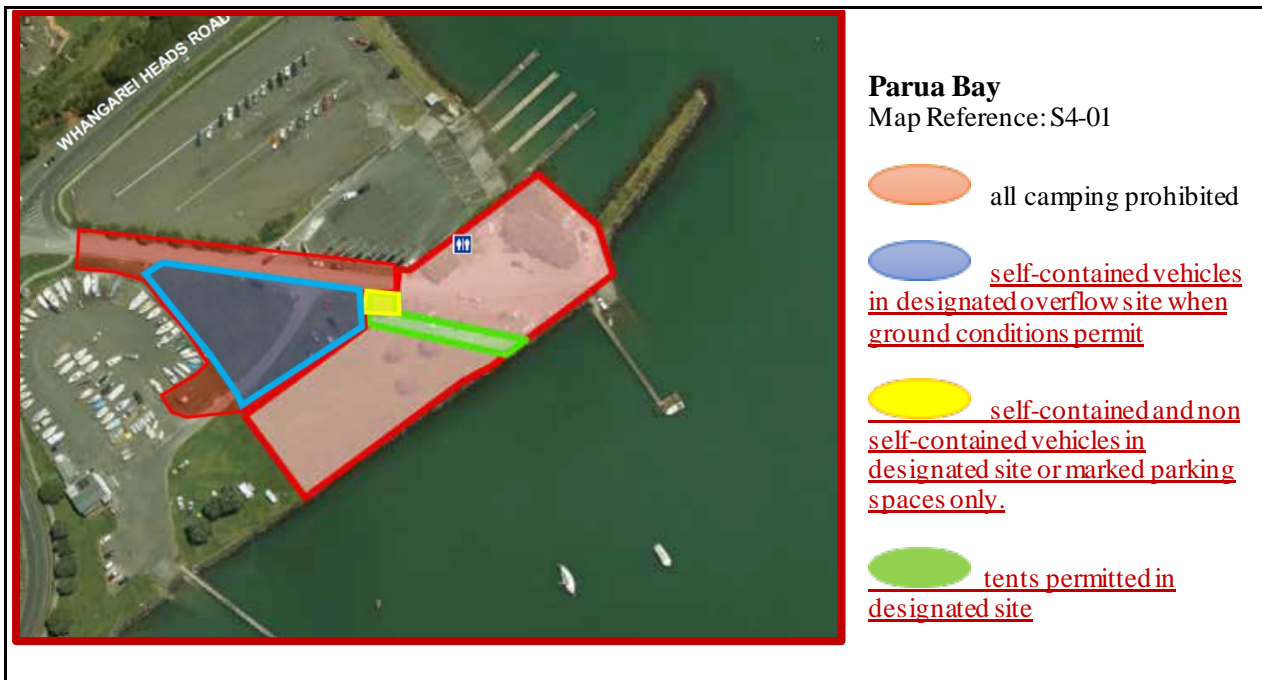


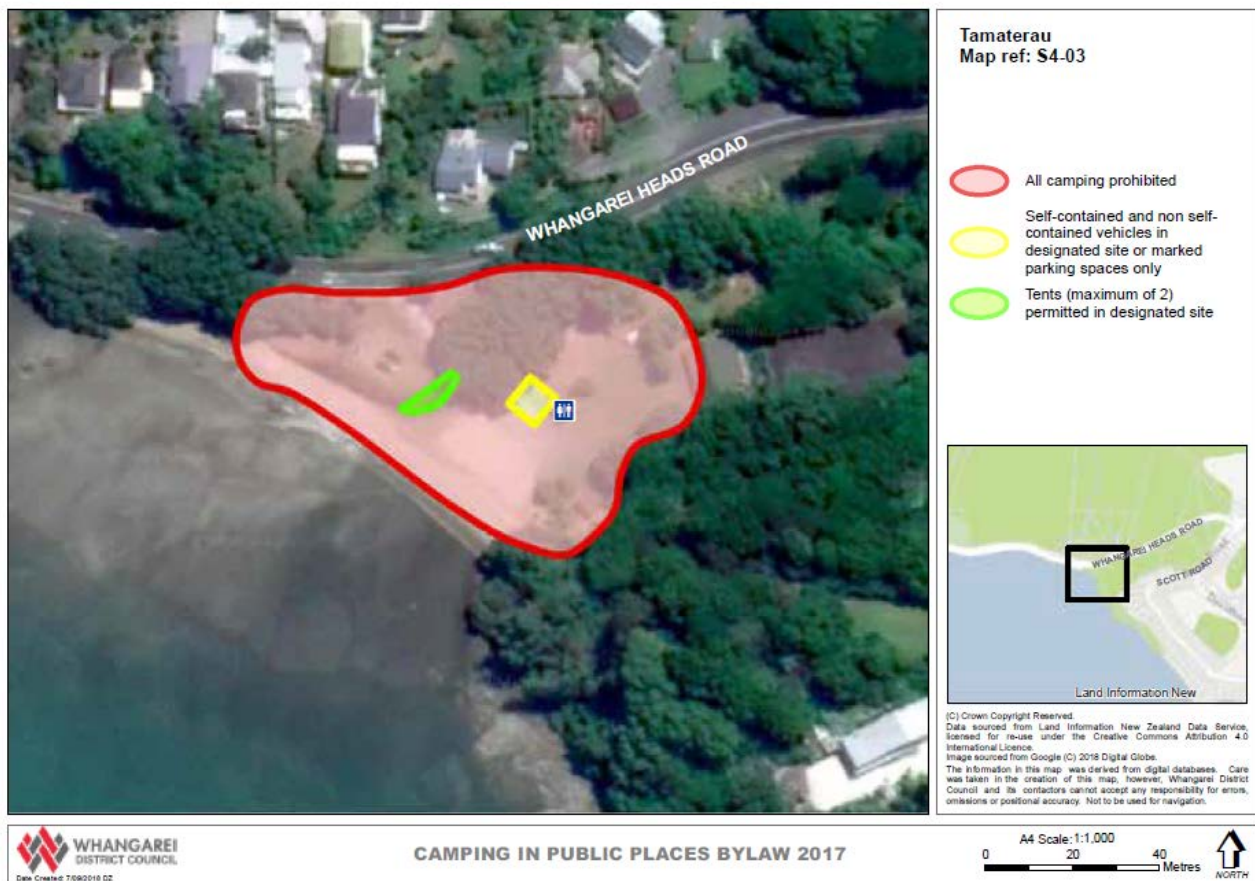
Schedule 4: Restricted areas for all camping

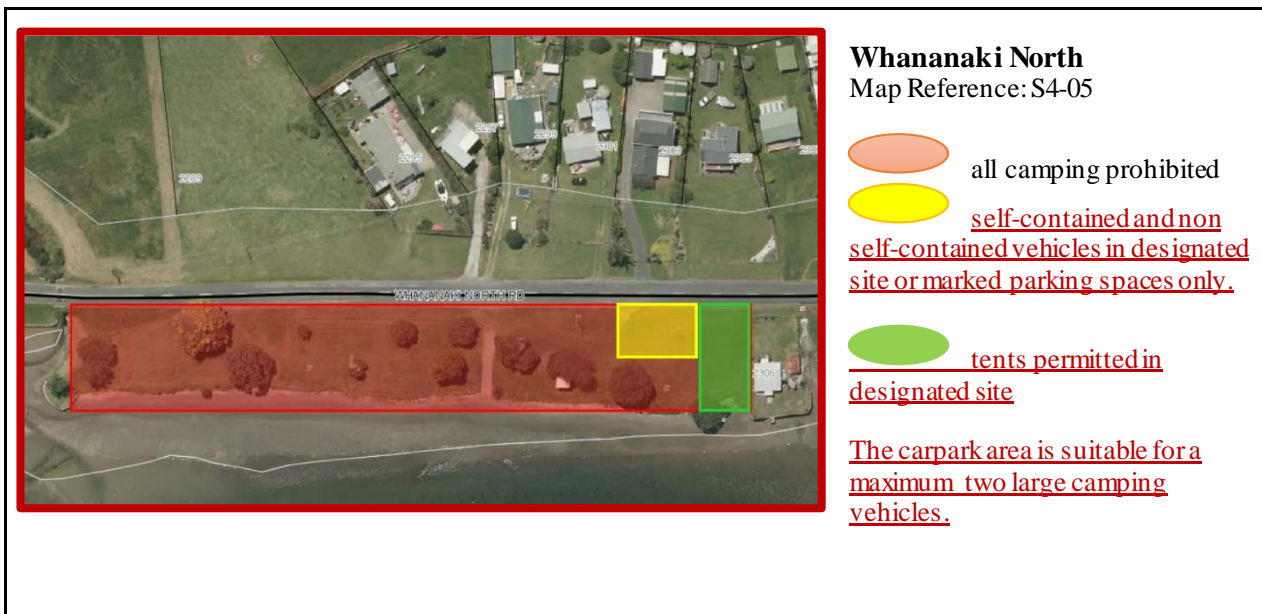
Camping is subject to the restrictions stated in the table.

Area	Restriction	Map Reference
Parua Bay	<u>All camping restricted to a maximum of 3 nights, except where Council has determined, due to problems with overcrowding, there should be a 2-night maximum. The permitted stay period will be indicated on a sign displayed in the area.</u>	S4-01
Sandy Bay - toilet block carpark/grass area	Restricted to the designated site as indicated on the referenced map. <u>Camping restricted to outside the peak season (which runs from 18 December to 08 February).</u>	S4-02
Tamaterau	Restricted to the designated site as indicated on the referenced map.	S4-03
Waipu Caves	Restricted to the designated site as indicated on the referenced map.	S4-04
Whananaki North	Restricted to the designated site as indicated on the referenced map.	S4-05
Woolleys Bay - western carpark	Restricted to the designated site as indicated on the referenced map. <u>Camping restricted to outside the peak season (which runs from 18 December to 08 February).</u>	S4-06

Restricted areas for all camping – maps







Additional information to Camping in Public Place Bylaw 2017

This document is for information purpose only and **does not form part of this Bylaw**. It contains matters made pursuant to this Bylaw and information to help users to understand, use and maintain this Bylaw. The document may be updated at any time.

[... copy from template during final editing...]

Statement of Proposal

Amendment of the Camping in Public Places Bylaw and the Public Places Bylaw

Introduction

Council's Camping in Public Places Bylaw was first created in 2017 to provide controls around freedom camping in order to support responsible camping in a way that balances the needs of campers with the protection of the environment, residents and the wider community. At its meeting on dd/mm/yyyy, Council decided to consult with the community on proposed changes to the Bylaw to better regulate freedom camping in Whangarei District.

A 'Statement of Proposal' (SOP) is a legal requirement when Council is proposing to make or amend a bylaw. The SOP sets out what the Council is proposing and the reasons for it.

We do recommend you read this SOP in full to understand the context for the proposed bylaw amendments and what the amendments are.

As well as this SOP, we have also prepared a shorter document called a Summary of Information, which explains the key matters in the proposal. This is available from our Council offices or online. If something in the Summary is not clear, you can always come back to this SOP for a more detailed explanation.

Timeline for considering the proposed bylaw

Submissions period dd/mm – dd/mm/yyyy

Hearings dd/mm/yyyy

Council deliberates on submissions and makes decisions on any changes to the draft Bylaw and/or proposed amendments mm/yyyy

Council adopts final bylaw and amendments to existing bylaws month/year

Bylaw and amendments comes into force month/year

Background

Camping in public places that are not campgrounds is generally known as ‘freedom camping’. Camping on public land is a popular summer pastime across New Zealand and an opportunity for an affordable holiday for both domestic and international visitors.

Freedom camping is governed by the Freedom Camping Act 2011 (FCA).

Under this Act Council can prohibit or restrict freedom camping only for one or more of the following purposes (criteria) per s11(2)(a):

- to protect the area
- to protect the health and safety of people who may visit the area
- to protect access to the area

This means that camping on public land is generally allowed unless it is restricted or prohibited on the basis of the purposes above. Council cannot take other criteria into account when deciding whether to prohibit or restrict freedom camping in certain areas. For example, competition with commercial campgrounds is not one of the criteria Council can use to prohibit freedom camping.

The permission to stay overnight on public land applies to freedom camping activities. As freedom camping is inherently a temporary activity it does not include living permanently in a vehicle in a public place.

Since the adoption of the Camping in Public Places Bylaw in 2017 Council put in place an extensive monitoring and enforcement programme for freedom camping. We have seen a significant increase in the number of freedom campers at monitored sites. Data to 25 March 2020 has shown the number of recorded freedom camping vehicles has doubled. The population of our District has also increased markedly. As a result, increased visitor pressure at our key coastal destinations has led to difficulties maintaining fair and balanced public access to public spaces and facilities. This is also reflected in the nature of complaints council receives in relation to freedom camping. Most complaints are about campers overstaying, blocking access and inappropriate disposal of human and solid waste.

Under the Freedom Camping Act 2011 Council is required to review its Camping in Public Places Bylaw within five years of first making the bylaw and every 10 years thereafter. The Camping in Public Places Bylaw was due for review by 2022. Council has decided to bring the review forward to address complex issues associated with freedom camping that have arisen since the bylaw was first adopted in 2017.

Before finalising the proposed amendments to the Bylaw, Council wants to hear your views. This Statement of Proposal provides you with the background and reasons for the proposed amendments as well as the statutory issues Council is required to take into consideration.

What the current Camping in Public Places Bylaw does

The Bylaw regulates freedom camping on land controlled or managed by the Council, by providing for five categories of land, and specifying the land in each category:

- Prohibited areas – where no camping is allowed (Schedule 1 of the Bylaw);
- Restricted areas for self-contained vehicles – where camping in self-contained vehicles only is permitted, subject to conditions (Schedule 2);
- Restricted areas for self-contained and non self-contained vehicles – where camping in such vehicles is permitted, subject to conditions (Schedule 3);
- Restricted areas for all camping – where camping in self-contained vehicles, non self-contained vehicles and tents is permitted, subject to conditions (Schedule 4);
- “Default” areas where camping is permitted subject only to the general provisions of the Camping in Public Places Bylaw – these are the local authority areas not within any of Schedules 1 to 4.

The Bylaw also contains general provisions relevant to all freedom camping, and provides for exceptions to and waivers of restrictions, and temporary closures, as well as enforcement provisions.

The current bylaw is available online at www.wdc.govt.nz or call us on 09 430 4200 or 080 932 463 if you would like to be sent a copy. The bylaw attached to this SOP also shows the proposed amendments marked up on the current bylaw.

Proposed changes

As a result of the review of the Camping in Public Places Bylaw, Council considers that the bylaw should be amended. At its meeting on dd/mm/yyyy, Council made its review determinations and resolved to progress the Bylaw amendments set out in this SOP. Council also decided to make a small related change to the Public Places Bylaw, which is discussed at the end of this SOP.

The proposed changes to the Camping in Public Places Bylaw fall into two main categories:

- District-wide matters:
 - Providing better enforcement capabilities to temporarily close freedom camping sites to protect areas, access to areas or to protect health and safety;
 - Providing clarity in the bylaw as to the temporary nature of camping;
 - Including additional provisions related to health and safety.
- Area-specific changes i.e. changes to the Schedules:
 - Introduction of some seasonal restrictions on freedom camping at high-use destination beaches to protect public access;
 - Providing overflow freedom camping sites for peak Christmas season;
 - Further regulation and restriction of areas that have experienced pressure from freedom camping;
 - Providing some additional capacity for freedom camping at suitable locations.

These are discussed in more detail later in this SOP.

The Council is also proposing to make some minor wording changes of a ‘tidy up’ nature, to clarify or improve the drafting but without substantive effect.

Although this SOP mainly highlights the proposed substantive changes, please note that this consultation relates to the proposed (amended) Camping in Public Places Bylaw as a whole, and not just the amendments. Your submission can comment on any part of the proposed amended bylaw.

Before making a final decision on the proposed amended Bylaw, Council wants to hear your views. This Statement of Proposal provides you with the reasons for the proposed amendments as well as the relevant determinations under the statutory review process. A copy of the proposed amended Bylaw is also included in this document, with the changes marked up so you can compare them against the current bylaw.

What do we want to know?

We would like your feedback on the proposed amended Camping in Public Places Bylaw, and the proposed amendment to the Public Places Bylaw. Once you have read through this SOP and the draft amended Bylaw, come back here to have a look at the key topics we want your feedback on. Council is satisfied that a Bylaw under the Freedom Camping Act remains the most appropriate and proportionate way to address the actual and likely problems associated with freedom camping in the District. The Bylaw provides the most appropriate tools to regulate freedom camping in local authority areas. The overall balance of the prohibited and restricted areas in the District provides for conditions under which camping can take place. The Council considers recommended prohibitions and restrictions on freedom camping are justifiable, in light of the nature and scope of the problems being experienced in each individual area.

While the overall framework of the Bylaw is considered proportionate to address the perceived problem, further restrictions in specific areas are proposed based on enforcement and monitoring data collected over three years since the adoption of the Bylaw. As well, additional freedom camping capacity (including overflow sites at peak times) is desirable for some locations, in response to issues experienced over the past few years since the Bylaw was made.

What we want specific feedback on is the following:

- Are there any areas which should be added to the prohibited and/or restricted areas? If yes, which ones and why should these be included?
- Should Council impose seasonal restrictions on freedom camping at all, some, or none of the proposed key destination beaches, as listed in the proposal?
- Should Council designate peak-season overflow freedom camping sites at specified Sportsparks as described in the proposal?
- We also want to know if you agree or disagree with anything else in the proposal, both generally or for specific areas.

In giving your feedback please be aware that under the Freedom Camping Act 2011:

- Council cannot ban ALL camping in the District. The legislation specifically prohibits this.
- Council does not have the power to restrict or prohibit freedom camping for the purpose of protecting commercial campgrounds from competition.

How to give us your feedback

There are several ways you can tell us what you think. You can submit in writing, or online, and you can talk to Councillors at the formal hearing. Go to our public consultations page at www.wdc.govt.nz for more information.

Written submissions

You can provide us with a written submission via email or online, or you can fill in the submission form at the back of this document.

- Email us: mailroom@wdc.govt.nz with 'camping in public places' in the subject line
- Submit online: www.wdc.govt.nz
- Fill in the form at the back of this document.

Hearing

A formal hearing meeting will be held after the submissions period closes. This is an option if you are happy to address the full Council and answer any questions Councillors may have in Council Chambers.

The Hearing will be held on dd/mm/yyyy in Council Chambers at Forum North.
We will confirm a more exact time for you to attend closer to the date.

Information on the hearings process and what to expect if you want to attend the hearing can be found on our website in the public consultations section.

What will happen with your feedback

All feedback received will be summarised and reported back to Council to support their deliberations on the proposal. They will receive copies of all written submissions and summaries of what people said during the hearings.

Legal Considerations

Under s.13 of the Freedom Camping Act (FCA) Council must review a bylaw made under the Act by making the determinations required by section 11(2) of the FCA. To make this assessment Council must consider whether a bylaw is necessary for one or more of the statutory purposes (to protect the area, to protect the health and safety of people who may visit the area, or to protect access to the area), whether the bylaw is appropriate and proportionate way of addressing the perceived problem in each area, and whether or not it is inconsistent with the New Zealand Bill of Rights Act 1990.

The Council has undertaken the review of the current Camping in Public Places Bylaw by reference to these matters.

The bylaw is necessary

The Freedom Camping Act 2011 requires that a bylaw be necessary for one or more of the specified purposes. These purposes relate to protection of an area, protection of the health and safety of visitors to an area, and protecting access to an area. An analysis in accordance with these criteria has concluded that continued regulation of freedom camping through the Bylaw is necessary for the purposes in s.11(2)(a) FCA, but with some tightening of restrictions required in specific areas to address demonstrated problems.

Appropriate and proportionate

Council is satisfied that a Bylaw under the Freedom Camping Act remains the most appropriate and proportionate way to address the actual and likely problems associated with freedom camping in the District. The Bylaw provides the most appropriate tools to regulate freedom camping in local authority areas. The overall balance of the prohibited and restricted areas in the District provides for conditions under which camping can take place. The prohibitions and restrictions on freedom camping are justifiable, in light of the nature and scope of the problems being experienced in each individual area as described in this proposal.

While the overall framework of the Bylaw is considered proportionate to address the perceived problem, the Council believes that further restrictions in specific areas are appropriate based on enforcement and monitoring data collected over three years since the adoption of the Bylaw. As well, it is considered desirable to provide additional freedom camping capacity (including overflow sites at peak times) for some locations, in response to issues experienced over the past few years since the Bylaw was made.

New Zealand Bill of Rights Act 1990

Both the current and proposed amended Camping in Public Places Bylaws are considered to be consistent with NZBORA. The restrictions on camping are reasonable and limited to those areas that require protection, both for the area and visitors to the area.

In Council's view, the bylaw does not affect the right to freedom of movement in section 18 of the New Zealand Bill of Rights Act 1990 (NZBORA) as the right to freedom of movement does not encompass a right to remain in a certain place for the purpose of camping overnight. But even if this right is affected, the interference with the right is minor and justifiable, and is based on a rational link between the bylaw provisions and the objective of controlling the adverse effects of freedom camping. The expansion of proposed areas for prohibition remains a proportionate control.

Feedback options

After completing the statutory review process the Council has decided that the Bylaw should be amended. Under section 13(4) of the FCA, the Council is now required to use the special consultative procedure in the LGA to make those amendments. This SOP is part of that process.

In seeking feedback on the proposal, the Council has the option of limiting consultation to the proposed bylaw amendments only, or seeking views on the amended bylaw as a whole. These options are discussed in Table 1.

Table 1: Feedback Options

Feedback options			
Option	Description	Advantages	Disadvantages
Option 1 - Seek feedback on all aspects of the proposed amended Camping in Public Places Bylaw	Public can make submissions on any matter in the bylaw – the provisions which are not changing as well as those that are. In particular, all restrictions and prohibitions in Schedules 1-4 to the bylaw are within the scope of the consultation.	This option provides for the fullest assessment of all parts of the bylaw and the widest range of options for the final amended bylaw.	Will require more time and resources.
Option 2 - Seek feedback on proposed amendments only.	Engagement limited to proposed bylaw changes only. Anything in the bylaw which is not proposed to be changed is outside the scope of the consultation.	This option would provide for a more restricted engagement process. Keeps the scope of consultation focussed on addressing the changes only.	Any additional issues identified through public consultation would be beyond the scope of the consultation process. This risks having to restart consultation or leave issues unresolved. Proposed amendments may consequentially affect other provisions. Issues can be interrelated and may be difficult to limit consideration simply to proposed amendments.

The Council has determined to proceed with **Option 1 - Feedback on Proposed Amended Bylaw as a Whole**. The reason for this is to allow for the full scope of public consultation and consideration of all areas in the District affected by demand for freedom camping.

Council will still be limited by the criteria under section 11(2) of the Freedom Camping Act, which specifies that Council can regulate freedom camping through a bylaw only for the purposes of protecting the area, protecting the health and safety of people who may visit the area, and/or protecting access to the area. Council does not have the power to restrict or prohibit freedom camping for the purpose of protecting commercial campgrounds from competition.

Further information on proposed amendments

District-wide matters

1. Temporary prohibitions or restrictions on camping

Currently clause 12.3 of the bylaw limits temporary closures of camping areas to not more than 14 consecutive days and not more than twice in any twelve-month period. Feedback from the Health and Bylaws department has been that this rule is not adequate to address the perceived problem.

There is no legal requirement that closures be limited to only twice in a 12-month period. Council considers that extensions of temporary closures on a reasonable basis and for no more than 14 days each time would be legally allowable – so long as the prerequisite for the closure (as provided in clause 12.1) is satisfied at the start of each such period. However, a maximum period for each single temporary restriction (e.g. 14 days) should be retained in order for the temporary closure provision to be reasonable.

The Freedom Camping Act does not authorize the making of a bylaw that provides for closure of local authority areas, as opposed to prohibition of freedom camping in those areas. Therefore, referring to temporary “prohibitions or restrictions” is a more accurate than referring to “temporary closures”.

It is recommended to amend cl.12 of the Bylaw and remove the restriction as to the frequency of temporary closures (cl 12.3).

“12. Temporary prohibitions or restrictions

12.1 Council may temporarily ~~close~~ prohibit or restrict camping on any area or part of any area where a restriction is considered necessary by Council to:

- a) prevent damage to the area or facilities in the area*
- b) allow maintenance of the area or facilities in the area*
- c) protect the safety of persons or property*
- d) enable public access, including in circumstances where events are planned for that area.*

12.2 Where reasonably practicable, prior notice will be given of any temporary ~~closure~~ prohibition or restriction, and the length of that ~~closure~~ prohibition or restriction, or its removal, in a manner appropriate to the circumstances.

12.3 A temporary ~~closure~~ prohibition or restriction under clause 12.1 shall not extend for more than 14 consecutive days, however this does not limit Council’s power to make a fresh prohibition or restriction under clause 12.1 for the same area where the prerequisites in that clause are satisfied. ~~and shall not be repeated in respect of the area to which it applied, more than twice in any twelve month period.~~”

2. Protect health and safety

Feedback received over the three summer seasons of the operation of the Bylaw is that two health and safety matters need to be addressed in the bylaw. These are around safe parking and dumping of effluent.

One vehicle per marked space

In designated sites with marked parking spaces there have been reports of freedom camping vehicles parking very close together, tandem parking, or otherwise parking in a way that results in having more than one vehicle per parking space. This raised concerns about maintaining balanced access to the relevant carparks for all types of users as well as concerns about overcrowding. The safety of using gas cookers in crowded conditions has implications for the safety of visitors to the freedom camping areas.

The reason behind having the restriction on parking within marked parking spaces was to control the number of freedom camping vehicles at each site in order to protect access to these carparks and to protect the health and safety of visitors. Specifying one vehicle per marked space will assist in improving public safety and access.

Dumping of effluent

The Water and Drainage department has advised there have been instances of motorhome users dumping effluent into public toilets. Signage had to be put up to discourage this behavior. It is proposed to include no dumping of effluent in the list of conditions that all camping activities must comply with.

The proposed amendments to cl. 6 of the Bylaw are as follows:

"6. Provisions for camping..."

6.4 All camping must comply with the following conditions:

- a) vehicles must park within existing marked parking spaces or within identified parking areas, whichever is present. **Where marked parking spaces are present, only one vehicle per marked space is allowed.***
- b) vehicles must be legally parked*
- c) the site used must be left in a clean and tidy state*
- d) the camping must not prevent others from undertaking legitimate activities in the area*
- e) the camping must not restrict public access to public areas*
- f) enforcement officers must be able to inspect any site being used for camping and campers must comply with any reasonable directions of an enforcement officer, including requests to view self-containment certificates and/or warrants.*
- g) **no effluent tanks may be emptied in public toilets.***

3. Temporary nature of camping

The term “camp” is not defined in the FCA and will therefore when used in the Bylaw its ordinary meaning applies. Camping is inherently a temporary activity, often for the purpose of holidaying. Living permanently in a vehicle, whether by choice or due to homelessness, is outside the scope of a freedom camping bylaw. Homelessness in particular is a complex social issue which needs solutions that sit outside bylaws.

The Council proposes that the bylaw be amended to clarify that any reference to a right to “camp” or “freedom camp” provided for under the Bylaw does not include taking up permanent or semi-permanent residence. The following additional clause 6.5 is proposed:

“6. Provisions for camping

....

6.5. To avoid doubt, nothing in this Bylaw allows a person to take up permanent or semi-permanent residence on any local authority area”

As a related matter, Council considers that the Public Places Bylaw should also be amended to provide clarity around the use of public places for temporary accommodation: see the section “Amendment to Public Places Bylaw” at the end of this SOP.

Area-specific matters

All public areas, including parks, reserves, road reserves and other land under the control of Whangarei District Council were assessed in 2017 against the criteria in section 11(2) of the Act. This resulted in Schedules 1 to 4 of the current Bylaw.

The areas included in Schedules 1 to 4, and any associated restrictions, have now been reviewed with input from Parks and Recreation, Infrastructure Projects and Support and Health and Bylaws departments of Council. Enforcement and monitoring data collected over the past three years has also been included in this assessment. Some areas to which the general district-wide rule applies under the bylaw (i.e. ‘default areas’) have also been reviewed.

As a result, Council proposes some changes to the Schedules. The tables and maps below detail the findings and proposals for specific areas in the District where it is considered appropriate for camping to be prohibited or restricted, and, if restricted, what restrictions should apply.

The types of restriction proposed take into consideration the nature, topography and location of the area, including signage location requirements. The restrictions provide for camping to occur either in designated sites (generally where there are no marked parking spaces present) or in one or more marked parking spaces.

Schedule 1 – Prohibited areas

(a) Areas already in Schedule 1 in current Bylaw

Area	Protect the area – s.11(2)(a)(i)	Protect the health and safety of visitors to the area – s.11(2)(a)(ii)	Protect access to the area – s.11(2)(a)(iii)	Proposal and reasons
Ngunguru School Map reference: S1-18			Area prohibited to camping in response to the 2017 submitters' concerns regarding school usage requirements. Self-contained camping available on remaining road reserve area.	Extend prohibited area further along the road to protect access to the school for drop-off. As the school drop off area has become busier since 2017 there is a need to extend the prohibited area
Onerahi Sportspark New map reference: S2-02B	Non self-contained freedom camping is not recommended in this location, as there are no shower facilities. Washing dishes in toilet sinks could lead to blocked drains from food scraps and oils.	Onerahi Sportspark is currently underutilised and could accommodate freedom camping during peak season utilising the existing facilities.	Onerahi Sportspark could be a suitable overflow site for self-contained freedom camping in summer outside the sporting season.	Designate as a peak-season overflow site for self-contained vehicles only from 18 December up until Northland/Auckland Anniversary Day and when Sportspark not being used for sporting activities. This could help alleviate pressure at other sites.
Tikipunga Sportspark New map reference: S2-03D		There are some safety concerns in the area, however freedom campers themselves could provide some passive visual surveillance which could offset this concern.	Site is quite busy during the football and cricket seasons. The site could be suitable for a small number of self-contained freedom camping vehicles outside the sporting seasons.	Designate as a peak-season overflow site for self-contained vehicles only from 18 December up until Northland/Auckland Anniversary Day and when Sportspark not being used for sporting activities. This could help alleviate pressure at problem sites.
William Fraser Memorial Park on Pohe Island Map reference: S1-37		The Reserve's Management Plan identifies potential landfill gas issues due to its former purpose as district landfill.	The central carpark is expected to get busy in the near future with events and sports.	Not suitable for freedom camping. Although area was used as a temporary freedom camping location during Covid19 lockdown, concerns about landfill gas remain. The area is also expected to become busier once a playground is built next to the old pump track and balanced public access to the area needs to be maintained. Retain as a prohibited area.
All other areas identified in Schedule 1 to the current Bylaw	Reasons identified during the 2017 process apply to protect the identified areas, protect health and safety and to maintain balanced public access.			no change - current rules provide appropriate and proportionate regulation (as per FCA criteria)

Schedule 1 – Prohibited areas – continued

(b) New areas proposed to be added to Schedule 1

Area	Protect the area – s.11(2)(a)(i)	Protect the health and safety of visitors to the area – s.11(2)(a)(ii)	Protect access to the area – s.11(2)(a)(iii)	Proposal and reasons
Abbey Caves – new carpark Map reference: S1-01A			High use mountain bike park with limited parking options as no safe parking on the side of the road. New carpark will also serve as spill over parking for Abbey Caves - one of Whangarei's iconic destinations.	Prohibit area to camping to protect public access.
Helena Bay Map reference: S1-03C	Complaints of dotterel nesting grounds disturbed by visitors.	Complaints about non self-contained campers on the reserve at the end of Helena Bay Road leaving toilet paper. There are no public toilets on the reserve. Area is remote and difficult to enforce.		Recommended for prohibition to protect the area and to protect health (sanitation).
McAuslin Road, Matapouri Map reference: S1-13B		Windy road, no safe parking.	Protect public and vehicle access to the DOC reserve.	Prohibit freedom camping along the length of the road reserve which is under Council control to protect public safety and access. The adjacent DOC marginal strip is not under Council control. The road is windy and narrow and unsafe for parking. Numerous complaints received for this area since the bylaw came into force.
One Tree Point Road layby Map reference: S1-20		Unsafe to park on unstable cliff top. Shortly beyond the two wire fences is a sizeable drop. Special signs have been ordered to discourage camping there (that do not conflict with the bylaw rules).		Prohibit camping to protect health and safety
Otamure Bay Map reference: S1-21B	Fragile dunes. WDC reserve borders DOC reserve.	Complaints about non self-contained camping by the dunes.		Prohibit camping to protect the area. DOC camping already available in the area.
Whangaumu Reserve - west (22 Whangaumu Street) Map reference: S1-35B		Small area with no public toilets.	The picnic table at the front is one of only a few in Tutukaka area that can be accessed by people with disabilities to enjoy the sea view. Reported issues with freedom campers blocking access for people with disabilities.	Prohibit area to camping to protect access and parking in the area for people with disabilities to be able to drive up to the picnic table. A designated freedom camping site is available at the main reserve on the east end of Whangaumu Bay.

Schedule 2 – Restricted areas for self-contained vehicles only

Area	Protect the area – s.11(2)(a)(i)	Protect the health and safety of visitors to the area – s.11(2)(a)(ii)	Protect access to the area – s.11(2)(a)(iii)	Proposal
Finlayson Street/Reyburn House Lane carpark Map reference: S1-03B			Busy, high use at all times carpark. Carpark is used for weekly and monthly markets in summer. Whangarei Events Strategy 2019-2024 directs a focus on large events at the Town Basin and on the Hatea Loop. The designated areas limit the parking available for other vehicle users in peak times, particularly on the weekend and during events.	Prohibit area to camping to protect public access. The Waterfront Precinct Plan is currently reviewing the waterfront area and this site, with open space and markets indicated as anticipated future uses of this area.
Onerahi - Beach Road Reserve Carpark Map reference: S2-02A	Issues with overcrowding and damage to signage. To protect the area only self-contained camping is allowed.	Area has 24/7 public toilets; however, location has been subject to significant numbers of complaints from the community.	Year-round high use recreation area by local users with boat ramp and associated vehicle and trailer parking requirements. Limited carparking spaces.	Expand the designated site by 2 self-contained vehicles. Grass area is considered suitable, as campers have been parking there and is away from boat/trailer parking. Self-containment means campers would not create added pressure on the public toilet capacity.
Riverside/Hatea East Carpark Map reference: S2-03A		No toilets on this site – not suitable for non self-contained camping. Currently a general area with 3-night maximum stay for self-contained vehicles only. Parking rules apply.	Currently carpark is underutilised and campers park there on occasion. However, it is expected that carpark will become busier for commuters and weekend visitors once the playground is constructed next to the Hundertwasser centre and parking on that side is lost.	Restrict area to provide 2-3 spaces for self-contained vehicles only. To protect access, restrict camping to the hours between 6pm-8am. One night stay maximum. Parking rules apply after 8am. This option has the benefit of providing balanced access to the Town Basin for day visitors who travel in large motorhomes, while dispersing demand by limiting stay to one night only as compared to 3 nights under the general rule.
Ruakaka Beach Reserve Map reference: S2-03B	Area has 24/7 public toilets; however, location has been subject to significant numbers of complaints from the community. To protect the area only self-contained camping is allowed.	Landward side is too sandy, large vehicles get stuck. Site not level and hence unsuitable for large motorhomes. Currently limited to vehicles not exceeding 4 meters. High demand for toilets near the Surf-Lifesaving club - this means non self-contained camping is not feasible.	High use area in summer by day excursions and recreational visitors as well as local usage. Considered a key 'destination' beach for many visitors and a popular surfing beach. Reports of campers removing designated site signage and moving the signs to increase the designated site area. This limits other users' access to the area	Prohibit the landward side of the designated site at Ruakaka Beach Reserve due to parking safety concerns. Retain the seaward side of the designated freedom camping site and amend the maps.

Schedule 2 – Restricted areas for self-contained vehicles only – continued

Area	Protect the area – s.11(2)(a)(i)	Protect the health and safety of visitors to the area – s.11(2)(a)(ii)	Protect access to the area – s.11(2)(a)(iii)	Proposal
Ruakaka Riverside Reserve Map reference: S2-03C	Frequent complaints about non-compliant camping at Ruakaka Riverside Reserve. This is a recreation reserve and currently a default area. Parking on the grassy area of reserve breaches the "legal parking" requirement in cl.6 of the Bylaw.	There are no public toilets on the reserve.	Overcrowding and overstaying at Ruakaka Riverside reserve being a general/default area	Establish a designated site for self-contained vehicles. This would allow for improved management compared to the status quo, as it would allow control of the number of vehicles and encourage their turnover by limiting stay to one night (as compared to 3 nights under the general rule currently). The size and location of the recommended site has been determined by ground suitability and access considerations and is expected to accommodate 3-4 vehicles.
Whangarei Falls Scenic Reserve Map reference: S2-04			Busy, high use at all times carpark with limited carparking spaces. Overstaying has been main complaint since 2017.	no change - current rules provide appropriate and proportionate regulation (as per FCA criteria)

Schedule 3 – Restricted areas for self-contained and non self-contained vehicles

Area	Protect the area – s.11(2)(a)(i)	Protect the health and safety of visitors to the area – s.11(2)(a)(ii)	Protect access to the area – s.11(2)(a)(iii)	Proposal
A H Reed Memorial Park – Whareora Road carpark. Map ref: S3-01		24/7 toilets available. Designated site within 50 m of toilets to support usage.	Busy, high use at all times carpark. No suitable area for tents	no change - current rules provide appropriate and proportionate regulation (as per FCA criteria)
Bascule carpark – Port Road Map Reference: S3-02		24/7 toilets available. Designated site is within 50 m of toilets to support usage. Current carpark layout was chosen to accommodate oversized camper van turning requirements and raingardens for managing stormwater runoff. Opposite side of carpark by Ray White deemed unsuitable as close to a 24hour truck wash.	Busy, high use at all times carpark. High usage site for campers accessing CBD/Town Basin. Popular with locals walking the Loop. Current option maximises parking capacity for all users including recreational users of the Hatea Loop and the surrounding businesses.	no change - current rules provide appropriate and proportionate regulation (as per FCA criteria).
Kowharewa Bay Map Reference: S3-03	Persistent overcrowding by high numbers of freedom campers leads to a loss of amenity within the carpark itself, which is part of the recreation reserve. This impacts on the beauty of the area and enjoyment of the public that are the purposes of the reserve under the Reserves Act.	24/7 toilets available. Designated site within 50 m of toilets to support usage. Area remains suitable for NSC vehicles but too small to also accommodate tents.	This is a popular site, in high demand by locals and visitors in peak season. Local population has gone up significantly since 2017, contributing to demand. Frequent reports of overstaying, overcrowding, campers blocking parking or access.	Restrict camping to outside the peak season (which runs from 18 December to 08 February) to maintain appropriate public access to the area and to protect the area.
Manaia walkway carpark Map ref: S3-04		Designated site immediately adjacent to toilets.	Retains 17 parking space for daytime arrivals.	no change - current rules provide appropriate and proportionate regulation (as per FCA criteria)

Schedule 3 – Restricted areas for self-contained and non self-contained vehicles - continued

Area	Protect the area – s.11(2)(a)(i)	Protect the health and safety of visitors to the area – s.11(2)(a)(ii)	Protect access to the area – s.11(2)(a)(iii)	Proposal
Marsden Bay Reserve Map ref: S3-05		24/7 toilets available. Designated site within 50 m of toilets to support usage.	Recreation reserve. Prohibits vehicles on northern end of reserve which is the area predominantly subject to complaints and submitter feedback.	No bylaw changes recommended because physical works can resolve problems.
Matapouri - Wehiwehi Road carpark Map Reference: S3-06		Toilets experiencing high demand during peak season. Cleaning contractor reports sanitary bins filled with food scraps.	High use recreation area with limited carparking spaces, popular camping area. Local population has gone up significantly since 2017, site in strong demand during peak season. High numbers of freedom campers - this conflicts with a competing use for parking by day visitors. Reports of overcrowding and overstaying. A project is underway to address visitor and parking demand across the entire Matapouri area - Restoring the Mauri of Matapouri (Matapouri beach carparks).	Restrict camping to outside the peak season (which runs from 18 December to 08 February) to maintain appropriate public access and to protect health and safety.
Ngunguru Library Map ref: S3-07		24/7 toilets available. Designated site within 50 m of toilets to support usage.	Carpark area only. Tents would hinder access.	no change - current rules provide appropriate and proportionate regulation (as per FCA criteria)
Ocean Beach carpark Map reference: S3-08	Grassy overflow carpark has drainage issues and is unsuitable for parking during wet conditions.	Existing toilet facilities in high demand during peak season. Spill-over parking along Ocean Beach Road during busy season creates safety concerns. Reports of self-contained camping outside designated area.	High use area year-round. Demand increased drastically since 2017 due to population growth in Whangarei Heads. 'Destination' surf beach. Although Ocean Beach is very busy and popular with day users as well as freedom campers, there are few alternative camping options in the area and therefore prohibiting or significantly restricting freedom camping capacity could create unintended consequences.	Expand the designated site close to the toilets and prohibit camping on the grassy overflow carpark at Ocean Beach. Prohibiting camping on the grassy overflow area would be proportionate under s.11(2) FCA due to the need to protect the area and to protect balanced access to the area for all types of visitors. The overflow carpark is intended for use during peak summer season for day visitor parking. This option would provide more certainty to enforcement, campers and locals.
One Tree Point - boatramp Map ref: S3-09		The designated site is within 50 metres of public toilets.	Carpark area only. Tents would hinder access. Designated area ensures other parking spaces available for vehicles and boat trailers. Restrict to one night maximum to protect balanced access	Extend the designated site. By resolution of Council in 2019 the site was moved to another side of the carpark and there is now room to add 1-2 more marked parking spaces.

Schedule 3 – Restricted areas for self-contained and non self-contained vehicles - continued

Area	Protect the area – s.11(2)(a)(i)	Protect the health and safety of visitors to the area – s.11(2)(a)(ii)	Protect access to the area – s.11(2)(a)(iii)	Proposal
Reotahi Map reference: S3-10	Scenic reserve - camping in tents does not align with the purpose of this reserve. Te Araroa walkers are arriving on foot and pitching tents in the area while waiting for a ferry to the other side. The walkers have no transport and no reasonable options to move on.	Allowing non self-contained tent camping under schedule 4 is not advisable, as vehicles with trailers carrying camping equipment would create a safety hazard accessing the carpark via a long narrow uphill driveway with limited visibility.	Recreation reserve. High use area in summer. Beach road below is very busy with boat launching activities and limited parking.	Keep the current rules under Schedule 3 to protect the area and protect access. Recommended to establish a separate arrangement for limited carry-in tenting for Te Araroa Trail walkers under reserves legislation.
Tarewa I-Site Map reference: S3-11	Carpark area only - no suitable location for tents.	The designated site is within 50 metres of public toilets.	Carpark is well utilised by day visitors and café customers. With the designated site now moved closer to the road there is capacity to extend the existing designated site.	Recommended to extend the designated site by 2-3 additional marked freedom camping spaces.
Whangaumu Bay – main reserve (Whangaumu Reserve) Map Reference: S3-12	Reports of campers parking on the far western side of the main reserve which is a fragile sandy area. The designated site is on a recreation reserve - purposes of the reserve under Reserves Act include enjoyment of the reserve by the public and protecting beauty of the area. Overcrowding and camper's personal effects causing general loss of amenity of the reserve at the current designated site as negatively perceived by other campers, dog walkers, and day visitors who are parking and picnicking in the same area.	The current toilet facilities are in high demand during peak season. Portaloos had to be used in the past to meet demand.	High use area in summer by day excursions and recreation visitors as well as local usage. Difficulties with parking and overcrowding. Considered a key 'destination' beach for many visitors. The area at far eastern side of the reserve (part of Esplanade Reserve) currently a default area and had issues with camping vehicles obstructing access to the boat ramp.	Restrict camping to outside the peak season (which runs from 18 December to 08 February) to maintain appropriate public access to the area and protect the area (amenity within the reserve itself). Extend the prohibited area to cover the far eastern end of the reserve in order to protect access to the area for boat launching. Extend the prohibited area to the far western side to protect safety and ecology, as area is sandy.

Schedule 4 – Restricted areas for all camping

Area	Protect the area – s.11(2)(a)(i)	Protect the health and safety of visitors to the area – s.11(2)(a)(ii)	Protect access to the area – s.11(2)(a)(iii)	Proposal
Parua Bay Map Reference: S4-01		24/7 toilets available. Designated non self-contained site is within 50 m of toilets. Proposed self-contained site is located further from the toilets.	A grassy "triangle" next to the designated site is currently a general (default area). This needs to be regulated as camping on the grass triangle creates access and overstaying issues. Usage of area increased as local population increased. Conflicts of use between freedom camping and boat trailer parking.	Restrict all camping to a maximum of 3 nights, except where Council has determined, due to problems with overcrowding, there should be a 2-night maximum. The permitted stay period will be indicated on a sign displayed in the area. Designate specific sites for tents, non self-contained vehicles and self-contained vehicles. Restrict camping on the "triangle" to self-contained vehicles only to protect balanced access to the area. This will provide proportionate regulation and address the overstaying problem.
Sandy Bay - toilet block carpark Map Reference: S4-02	No grass to erect tents. Fragile dunes.	Sand trap in the middle of site - vehicle safety concern. Limited manoeuvrability for large vehicles. Increasing pedestrian safety risks.	Public access issues during peak season. Confined high use area in summer by day visitors. Considered a key 'destination' beach for many visitors. Popular surf beach. Usage has increased drastically since 2017 due to population growth in the district. Te Araroa Trail exit point - sites full by the time walkers arrive late afternoon.	Restrict camping to outside the peak season (which runs from 18 December to 08 February) to maintain appropriate public access to the area and to protect health and safety. Limit maximum length of vehicles to 4 meters due to safety issues (sand trap).
Tamaterau Map Reference: S4-03	Frequent instances of non self-contained camping outside designated area are causing environmental pressure on the area.	Persistent sewage smell. 24/7 toilets available. Designated site within 50 m of toilets to support usage.	The carpark is to be sealed and individual parking spaces will be marked. This has been approved by resolution of Council in October 2019. The parking and tenting provisions for freedom camping will remain the same after sealing.	No change. Physical works and carpark sealing will address the overcrowding issues.
Waipu Caves Map Reference: S4-04	Bollards have been installed to protect grass.	24/7 toilets available. Designated site within 50 m of toilets to support usage.		no change - current rules provide appropriate and proportionate regulation (as per FCA criteria)

Schedule 4 – Restricted areas for all camping – continued

Area	Protect the area – s.11(2)(a)(i)	Protect the health and safety of visitors to the area – s.11(2)(a)(ii)	Protect access to the area – s.11(2)(a)(iii)	Proposal
Whananaki North Map Reference: S4-05		Grassy area gets very soft in wet conditions. Carpark has been gravelled in 2018 to improve vehicle safety. Safety and vehicle manoeuvring requirements require to limit carpark capacity to maximum two large vehicles.	The size of the designed site has been reduced in 2018 following community feedback and to protect access. Very popular area with campers, day visitors. Access to picnic tables becomes limited in summer.	Amend the map for the area to reflect the true capacity of the carpark. Specify maximum two large vehicles in the gravelled carpark. Designate the location of the tenting area on the map (as was done for Tamateraui) to provide clarity to campers and protect access to picnic tables.
Woolleys Bay - western carpark Map Reference: S4-06	Persistent overcrowding by high numbers of freedom campers leads to a loss of amenity within the parking area itself, which is part of the recreation reserve. This impacts on the beauty of the area and enjoyment of the public that are the purposes of the reserve under the Reserves Act.	24/7 toilets available. Designated site within 50 m of toilets to support usage.	High use recreation area, popular camping area. Local population has increased significantly since 2017, contributing to demand. Reports of overcrowding, overstaying and blocking parking.	Restrict camping to outside the peak season (which runs from 18 December to 08 February) to maintain appropriate public access to the area.

Other areas

Two other areas in the District have experienced issues associated with pressure from freedom camping: Cobham Oval and Matapouri Estuary. These are the general “default” areas where freedom camping in self-contained vehicles is permitted for up to three nights subject to conditions under cl.6 of the Bylaw.

Cobham Oval is currently a gravelled carpark and has been used by large campervans. There have been issues with camping hindering public access to the area for parking during events and sports. The sealing plans for Cobham Oval do not provide for large campervans as the line marking will be standard vehicle size. The sealing of the car park is a requirement of the resource consent conditions and it is used as an overflow carpark for the stadium. The original Cobham Oval consent provided for 311 car parks, however is now further reduced to provide for the amenity of the carpark with stormwater management. There is no capacity to create an area for parking for large campervans as this would further reduce the number of car parks. It is recommended to retain this area as a “default” area (i.e. not a prohibited or restricted area under Schedules 1-4). Freedom camping may take place under district-wide rules, including the requirement that vehicles must be legally parked and the camping activity must not prevent others from undertaking legitimate activities in the area.

Matapouri Estuary has experienced ecological damage from vehicles disturbing fragile dunes. Planned installation of bollards will resolve the problem of all types of vehicles disturbing the dunes (not just

vehicles used in freedom camping). As physical works will resolve the problem there is no need for further regulation.

Note also that camping may also be regulated under other legislation and bylaws (not part of this SOP). Camping on William Fraser Memorial Park on Pohe Island and Kensington Park is also regulated through their respective Reserve Management Plans. This allows for certain types of organised camping activities which are at the discretion of Council and for which consent is required.

Camping at Whau Valley Dam is prohibited unless permitted in writing by Council under the Water Supply Bylaw 2012.

Amendments to maps





Schedule 1

Changes to current prohibited areas

Ngunguru School

Map Reference: S1-18


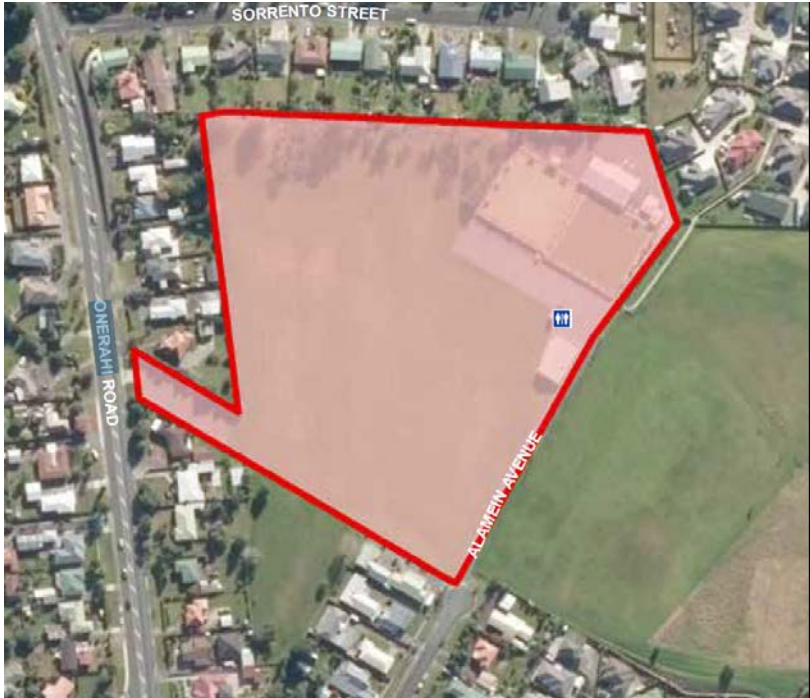



Proposal: Extend prohibited area further along the road to protect access to the school for drop-off. As the school drop off area has become busier since 2017 there is a need to extend the prohibited area

Current	Proposed
<p data-bbox="203 630 577 683">  all camping prohibited </p> 	<p data-bbox="1039 630 1413 683">  all camping prohibited </p> 

Onerahi Sportspark






Map reference S2-02B

Proposal: designate as a peak season overflow site for self-contained vehicles only under Schedule 2

Current	Proposed
<p data-bbox="203 379 577 427">  all camping prohibited </p> 	<p data-bbox="1084 379 1462 427">  all camping prohibited </p> <p data-bbox="1084 427 1995 480">  self-contained camping in designated site or marked parking spaces only </p> <p data-bbox="1084 507 2002 571"> Camping restricted to times when Sportspark is not being used for sporting activities from 18 December up until Northland/Auckland Anniversary Day. </p> 

Tikipunga Sportspark
Map Reference: S2-03D

Proposal: designate as a peak season overflow site for self-contained vehicles only under Schedule 2

Current	Proposed
<p data-bbox="203 357 577 405">  all camping prohibited </p> 	<p data-bbox="1084 357 1995 459">  all camping prohibited  self-contained camping in designated site or marked parking spaces only </p> <p data-bbox="1084 485 1995 549"> Camping restricted to times when Sportspark is not being used for sporting activities from 18 December up until Northland/Auckland Anniversary Day. </p> 

New prohibited areas

Abbey Caves

Map Reference: S1-01A

Proposal: prohibit area to freedom camping to protect public access.

 all camping prohibited



Helena Bay

Map Reference: S1-03C

Proposal: prohibit area to freedom camping to protect the area and to protect health (sanitation).

 all camping prohibited

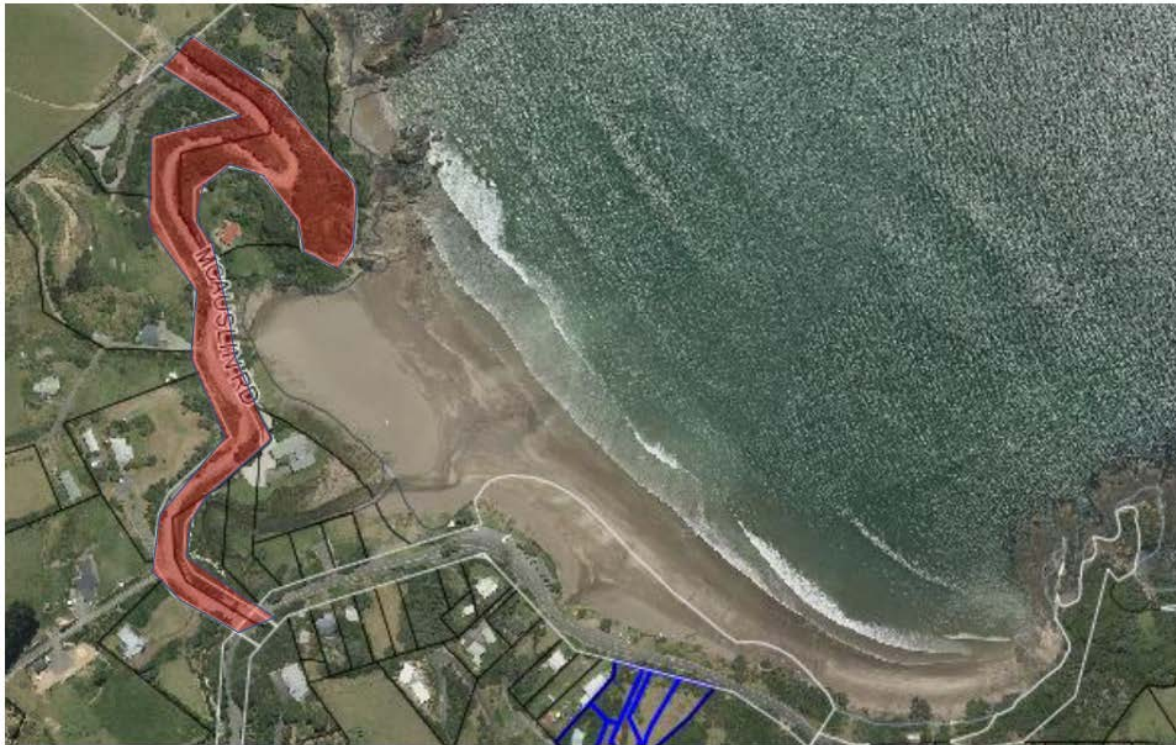


McAuslin Road, Matapouri

Map Reference: S1-13B

Proposal: prohibit area to freedom camping along the length of the road reserve which is under Council control to protect public safety and access.

 all camping prohibited



One Tree Point Road layby

Map Reference: S1-20B

Proposal: prohibit to camping to protect health and safety.



all camping prohibited



Otamure Bay

Map Reference: S1-21B

Proposal: prohibit area to freedom camping to protect the area. DOC camping already available in the same area.

 all camping prohibited



Whangaumu Reserve - west (22 Whangaumu Street)

Map Reference: S1-35B

Proposal: prohibit area to freedom camping to protect access and parking in the area for people with disabilities to be able to drive up to the picnic table. A designated freedom camping site is available at the main reserve on the east end of Whangaumu Bay.



all camping prohibited



Schedule 2

Changes to current areas

Finlayson Street/ Reyburn House Lane carpark

Map Reference: S1-03B

Proposal: prohibit area to freedom camping to protect public access.

Current	Proposed
<p data-bbox="203 469 1023 603">  all camping prohibited  self-contained camping in designated site or marked parking spaces only </p> 	<p data-bbox="1050 469 1422 520">  all camping prohibited </p> 

Onerahi - Beach Road Reserve Carpark

Map Reference: S2-02A






Proposal: expand the designated site by 2 self-contained vehicles.

Current	Proposed
<p data-bbox="203 480 981 560">  self-contained camping in designated site or marked parking spaces only </p> 	<p data-bbox="1055 480 1429 531">  all camping prohibited </p> <p data-bbox="1055 560 1957 611">  self-contained camping in designated site or marked parking spaces only </p> 

Ruakaka Beach Reserve

Map ref: S2-03B

Proposal: prohibit the landward side of the designated site at Ruakaka Beach Reserve due to parking safety concerns. Retain the seaward side of the designated freedom camping site and amend the maps.






Current	Proposed
<p data-bbox="203 395 981 480">  self-contained camping in designated site or marked parking spaces only </p> 	<p data-bbox="1068 395 1440 448">  all camping prohibited </p> <p data-bbox="1068 480 1973 533">  self-contained camping in designated site or marked parking spaces only </p> 

Add new designated sites to Schedule 2

Onerahi Sportspark

Map Reference: S2-02B

Proposal: designate as a peak season overflow site for self-contained vehicles only under Schedule 2

Current	Proposed
<p data-bbox="203 416 577 469">  all camping prohibited </p> 	<p data-bbox="1077 416 1984 520">  all camping prohibited  self-contained camping in designated site or marked parking spaces only </p> <p data-bbox="1077 549 1984 611"> Camping restricted to times when Sportspark is not being used for sporting activities from 18 December up until Northland/Auckland Anniversary Day. </p> 

Riverside/Hatea East Carpark

Map Reference: S2-03A

Proposal: restrict freedom camping to self-contained vehicles only in a designated site to protect access to the area. Maximum one-night stay limit applies under Schedule 2.



all camping prohibited



self-contained camping in marked parking spaces only

Camping restricted to the hours between 6pm-8am. One night stay maximum. Parking rules apply after 8am.



Ruakaka Riverside Reserve

Map ref: S2-03C

Proposal: restrict freedom camping to self-contained vehicles only in a designated site to protect the area and access to the area. Maximum one-night stay limit applies under Schedule 2.



all camping prohibited








self-contained camping in designated site only



Tikipunga Sportspark
Map Reference: S2-03D

Proposal: designate as a peak season overflow site for self-contained vehicles only under Schedule 2

Current	Proposed
<p data-bbox="203 357 577 408">  all camping prohibited </p> 	<p data-bbox="1084 357 1989 459">  all camping prohibited  self-contained camping in designated site or marked parking spaces only </p> <p data-bbox="1084 485 1995 549"> <i>Camping restricted to times when Sportspark is not being used for sporting activities from 18 December up until Northland/Auckland Anniversary Day.</i> </p> 

Schedule 3

Changes to current areas

Kowharewa Bay

Map Reference: S3-03

Proposal: restrict camping to outside the peak season (which runs from 18 December to 08 February) to maintain appropriate public access to the area and to protect the area.

No changes to the map.

Matapouri – Wehiwehi Road carpark

Map Reference: S3-06







Proposal: restrict camping to outside the peak season (which runs from 18 December to 08 February) to maintain appropriate public access to the area and to protect health and safety.

No changes to the map.

Ocean Beach carpark

Map Reference: S3-08







Proposal: Expand the designated site close to the toilets and prohibit camping on the grassy overflow carpark to protect the area and access to the area.

Current	Proposed
<p data-bbox="201 359 1030 486">  all camping prohibited  self-contained and non self-contained vehicles in designated site or marked spaces only. </p> 	<p data-bbox="1052 359 2027 486">  all camping prohibited  self-contained and non self-contained vehicles in designated site or marked parking spaces only. </p> 

One Tree Point - boatramp carpark

Map Reference: S3-09





Proposal: extend the designated site. The site was moved in 2019 to another side of the carpark and there is now room to add 1-2 additional marked spaces.

Current	Proposed
<p>  all camping prohibited  self-contained and non self-contained vehicles in designated site or marked spaces only. </p> 	<p>  all camping prohibited  self-contained and non self-contained vehicles in designated site or marked parking spaces only. </p> 

Tarewa i-Site

Map Reference: S3-11







Proposal: extend the designated site by 2-3 additional marked freedom camping spaces.

Current	Proposed
<p data-bbox="203 355 1046 486">  all camping prohibited  self-contained and non self-contained vehicles in designated site or marked spaces only. </p> 	<p data-bbox="1072 355 2004 486">  all camping prohibited  self-contained and non self-contained vehicles in designated site or marked parking spaces only. </p> 

Whangaumu Bay – main reserve (Whangaumu Reserve)

Map Reference: S3-12

Proposal: restrict camping to outside the peak season (which runs from 18 December to 08 February) to maintain appropriate public access to the area and to protect the area. Extend the prohibited area to cover the far eastern end of the reserve in order to protect access to the area for boat launching. Extend the prohibited area to the far western side to protect safety and ecology, as area is sandy.



Current	Proposed
<p data-bbox="203 432 1041 563">  all camping prohibited  self-contained and non self-contained vehicles in designated site or marked spaces only. </p> 	<p data-bbox="1068 432 2018 563">  all camping prohibited  self-contained and non self-contained vehicles in designated site or marked parking spaces only. </p> <p data-bbox="1068 566 2018 635">Camping restricted to outside the peak season (which runs from 18 December to 08 February)</p> 

Schedule 4

Parua Bay

Map Reference: S4-01

Proposal: extend the prohibited and designated area to cover the "triangle" to protect balanced access to the area. Designate specific sites for tents, non self-contained vehicles and self-contained vehicles. Restrict all camping for a maximum of 3 nights, except where Council has determined, due to problems with overcrowding, there should be a 2-night maximum. The permitted stay period will be indicated on a sign displayed in the area.

Current	Proposed
<div><div></div> all camping prohibited</div> <div><div></div> all camping permitted in designated side or marked spaces only</div> <div></div>	<div><div></div> all camping prohibited</div> <div><div></div> self-contained vehicles in designated overflow site when ground conditions permit</div> <div><div></div> self-contained and non self-contained vehicles in designated site or marked parking spaces only.</div> <div><div></div> tents permitted in designated site</div> <div><div>All camping restricted to a maximum of 3 nights, except where Council has determined, due to problems with overcrowding, there should be a 2-night maximum.</div></div>

Whananaki North

Map Reference: S4-05

Proposal: Amend the map for the area to reflect the true capacity of the carpark. Designate the location of the tenting area on the map (as was done for Tamateraui) to provide clarity to campers and protect access to picnic tables.

Current	Proposed
<div data-bbox="203 395 309 443"> </div> <div data-bbox="322 416 577 448">all camping prohibited</div> <div data-bbox="203 448 309 496"> </div> <div data-bbox="322 469 1010 501">all camping permitted in designated side or marked spaces only</div> <div data-bbox="203 619 1025 1150"> </div>	<div data-bbox="1046 395 1151 443"> </div> <div data-bbox="1164 416 1420 448">all camping prohibited</div> <div data-bbox="1046 448 1151 496"> </div> <div data-bbox="1164 469 1977 528">self-contained and non self-contained vehicles in designated site or marked parking spaces only.</div> <div data-bbox="1046 528 1151 576"> </div> <div data-bbox="1164 549 1529 580">tents permitted in designated site</div> <div data-bbox="1046 608 1827 639"> <p>The carpark area is suitable for a maximum two large camping vehicles.</p> </div> <div data-bbox="1046 699 2033 1198"> </div>

Sandy Bay

Map Reference: S4-02

Proposal: restrict camping to outside the peak season (which runs from 18 December to 08 February) to maintain appropriate public access to the area and to protect health and safety.

No changes to the map.

Woolleys Bay – western carpark

Map Reference: S4-06

Proposal: restrict camping to outside the peak season (which runs from 18 December to 08 February) to maintain appropriate public access to the area.

No changes to the map.

Amendment to the Public Places Bylaw

To provide clarity around the use of public places for the purposes of accommodation, the Council is also proposing an amendment to clause 19 of the Public Places Bylaw. At present clause 19 prohibits (amongst other things) any tent or structure in a public place, however that is potentially contrary to any rights to camp pursuant to the Freedom Camping Act and Camping in Public Places Bylaw. Further, the Public Places Bylaw does not expressly prohibit living in vehicles in public places. The Council wishes to provide that the Public Places Bylaw prohibits the use of public places for living accommodation, except for camping permitted under the freedom camping legislation or as otherwise authorised by the Council.

The following amendment is therefore proposed:

19 ~~Buildings Structures and Living Accommodation in Public Places~~ Prohibited

1. No person shall ~~,except with the prior written consent of the Chief Executive or delegate:~~
 - a. erect, construct or place any temporary or permanent building, tent or other structure whatsoever, or any part thereof, under, over or across any public place, ~~except with the prior written consent of the Chief Executive Officer or delegate;~~
 - b. use any building, tent, caravan or vehicle on any public place for the purpose of living accommodation.
2. Subclause 1 does not apply to any use of the public place for the purposes of freedom camping permitted in that place pursuant to the Freedom Camping Act and any bylaw under that Act.

The Council considers that this amendment is the most appropriate way of clarifying that public places may not be used for living accommodation which is not camping (including in vehicles) and of addressing the interface between the Public Places Bylaw and the Camping in Public Places Bylaw.

Statement of Proposal

***Review of the
Camping in Public Places Bylaw***

Purpose of this briefing

- Discuss the draft Statement of Proposal
 - Option 1 – full review
 - Changes to specific areas
- Updated bylaw review timeline

Last briefing on 6 August 2020

- Full bylaw review recommended
 - full scope of public consultation - reassess all areas in the District
 - flexibility in response to submissions
- Clearly define matters out of scope of review
 - **Provision of infrastructure/facilities** - budgets for capital cost and ongoing maintenance must come through Long Term Plan funding
 - **Vehicle dwellers and homeless persons** - as freedom camping is inherently a temporary activity it does not include permanently living in a vehicle. The permission to stay overnight on public land applies to camping activities but does not allow campers to use public land for permanent living accommodation.
 - **Competition with commercial campgrounds** – not one of the bylaw-making criteria under s.11(2) of the Freedom camping Act

Key elements of the review proposal

- District-wide matters
 - More flexibility around temporary closures
 - Additional health and safety provisions (parking, effluent)
 - Providing clarity in the Bylaw as to the temporary nature of camping
- Area-specific changes
 - Seasonal restrictions at popular beaches to protect public access;
 - Overflow freedom camping sites for the peak summer season;
 - Further regulation and restriction of areas that have experienced pressure from freedom camping;
 - Providing some additional capacity for freedom camping at suitable locations.
- Associated amendment to the Public Places Bylaw

Seasonal restrictions

Restrict camping to outside peak season (which runs 18 December to 08 February) to maintain appropriate public access to the area and to protect the area.

- **Kowharewa Bay**
- **Matapouri – Wehiwehi Rd carpark**
- **Whangaumu Bay – main reserve**
- **Sandy Bay**
- **Woolleys Bay – western carpark**

Overflow summer sites

Designate as a peak season overflow site for self-contained vehicles only under Schedule 2.

Camping restricted to times where it does not conflict with sporting activities from 18 December up until Northland/Auckland Anniversary Day.

- **Onerahi Sportspark** *Map Reference: S2-02B*
- **Tikipunga Sportspark** *Map Reference: S2-03D*

New prohibited sites

- **Abbey Caves**
 - prohibit camping to protect public access to key district recreational attractions
- **Helena Bay**
 - prohibit camping to protect the area and to protect health (sanitation).
- **McAuslin Road, Matapouri**
 - prohibit camping along the length of the road reserve which is under Council control to protect public safety and access
- **One Tree Point Road layby**
 - Prohibit to protect health and safety (unstable cliff face)
- **Otamure Bay**
 - prohibit camping to protect dunes. DOC camping already available in the same area.
- **Whangaumu Reserve - west (22 Whangaumu Street)**
 - prohibit camping to protect access and parking in the area for people with disabilities to be able to drive up to the picnic table. A designated freedom camping site is available at the main reserve on the east end of Whangaumu Bay.
- **Finlayson Street/ Reyburn House Lane carpark**
 - prohibit camping to protect public access and use for markets

New designated sites

- **Ruakaka Riverside Reserve**

- restrict to self-contained vehicles only in a designated site to protect the area and access to the area.
- maximum one-night stay limit applies under Schedule 2.
- restriction will allow for improved management compared to the status quo, as it would allow control of the number of vehicles and encourage their turnover by limiting stay to one night (as compared to 3 nights under the general rule currently).

- **Riverside/Hatea East Carpark**

- restrict camping to self-contained vehicles only in a designated site to protect access to the area. Maximum one-night stay limit applies under Schedule 2.
- camping restricted to the hours between 6pm-8am. One night stay maximum. Parking rules apply after 8am.
- restriction will help disperse demand by limiting stay to one night only as compared to 3 nights under the general rule.
- benefit of providing balanced access to the Town Basin for day visitors who travel in large motorhomes

Further restrictions at areas under pressure

- **Ruakaka Beach Reserve**

- prohibit the landward side of the designated site at Ruakaka Beach Reserve due to parking safety concerns.
- Retain the seaward side of the designated freedom camping site and amend the maps.

- **Ocean Beach carpark**

- expand the designated site close to the toilets
- prohibit camping on the overflow grass carpark to protect the area and access to the area.

- **Whangaumu Bay – main reserve**

- seasonal restrictions see above
- extend the prohibited area to cover the far eastern end of the reserve in order to protect access to the area for boat launching. Extend the prohibited area to the far western side to protect safety and ecology, as area is sandy.

- **Whananaki North**

- Carpark was gravelled in 2018 and designated site was reduced by half due to soft ground issues
- Amend maps to reflect true location of parking and tenting area
- The carpark area is suitable for a maximum two large camping vehicles.

Next steps

- Feedback to staff to finalise the draft SOP and bylaw
- Council meeting – adopt SOP and decision to consult

Bylaw review timeline

Consultation



Hearings and Deliberations



Adoption

