

AGENDA for a hearing by the Policy & Regulatory Committee (to hear and consider submissions and make recommendations on the Proposed Waikato District Council Freedom Camping) to be held in the Council Chambers, District Office, 15 Galileo Street, Ngaruawahia on **WEDNESDAY 6 JULY 2016** commencing at **9.00am**.

Information and recommendations are included in the reports to assist the Board in the decision making process and may not constitute Council's decision or policy until considered by the Board.

1. APOLOGIES AND LEAVE OF ABSENCE

2. CONFIRMATION OF STATUS OF AGENDA ITEMS

3. DISCLOSURES OF INTEREST

4. REPORTS

- 4.1 Freedom Camping Act 2011 – Proposed Freedom Camping Bylaw 2016 2

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CHIEF EXECUTIVE
Agenda2016/160706 P&R Bylaw

Open Meeting

To	Policy & Regulatory Committee
From	Sue Duignan General Manager Customer Support
Date	23 June 2016
Prepared by	Craig Birkett Monitoring Team Leader
Chief Executive Approved	Y
DWS Document Set #	1536564
Report Title	Freedom Camping Act 2011 - proposed Freedom Camping Bylaw 2016

I. EXECUTIVE SUMMARY

On 19 April 2016 Council resolved to consider and approve the Proposed Waikato District Council Freedom Camping Bylaw 2016 for public notification and consultation, in accordance with section 11 of the Freedom Camping Act 2011, and section 83 of the Local Government Act 2002 (special consultative procedure).

The proposed bylaw was notified for public consultation on 27 April 2016, with submissions closing on 27 May 2016. Public notices to this effect were placed in the Waikato Times, North Waikato News, Franklin County News and Raglan Chronicle. In addition to this, a summary document and submission form was sent to key stakeholders.

In total, 90 submissions have been received on the proposed bylaw, with 29 submitters indicating that they wish to be heard.

The purpose of this meeting is to hear and consider submissions on the Proposed Waikato District Freedom Camping Bylaw 2016.

The following documents are included as appendices to this report:

- Appendix 1 - A summary report incorporating staff comments on submissions to the Proposed Waikato District Council Freedom Camping Bylaw 2016. (attached separately)
- Appendix 2 - Copies of Original Submissions on the Proposed Waikato District Council Freedom Camping Bylaw 2016. (attached separately)
- Appendix 3 - Revised Waikato District Council Freedom Bylaw 2016. (incorporating suggested changes as a result of submissions) (attached separately)
- Appendix 4 - Details of perceived problems in Prohibited and Restricted areas and response that is appropriate and proportionate.

2. RECOMMENDATION

THAT the report of the **General Manager Customer Support – Freedom Camping Act 2011- proposed Freedom Camping Bylaw 2016** be received;

AND THAT pursuant to sections 83 and 150 of the **Local Government Act 2002**, the Committee consider and, where requested, hear submissions on the notified **Proposed Waikato District Council Freedom Camping Bylaw 2016**.

AND FURTHER THAT subject to any amendments, the proposed bylaw will be further considered by the Committee at its meeting on 12 July 2016, with a view to recommending the **Waikato District Council Freedom Camping Bylaw 2016** for adoption at the Council meeting on 12 September 2016.

3. BACKGROUND

During the review of the Public Places Bylaw earlier this year, clauses relating to freedom camping were removed. It was identified that it was more appropriate to have issues associated with freedom camping addressed in separate bylaw. Council determined at its meeting on the 18 March 2016 to create a bylaw under the Freedom Camping Act 2011.

Following consultation with Community Boards and other stakeholders staff drafted the proposed Freedom Camping Bylaw 2016. At the meeting on the 19 April 2016 Council determined to notify the proposed Freedom Camping Bylaw 2016 (the proposed bylaw).

The bylaw contains schedules that inform people where freedom camping is prohibited and where restrictions are put in place. A map and description of the location where the prohibited or restricted areas are is also contained in the bylaw.

3.1 SCOPE OF THE BYLAW

Section 11 of the Freedom Camping Act 2011 identifies that Council must be satisfied that the bylaw is necessary for one or more of the following purposes:

(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 section also identifies that the bylaw must be the most appropriate and proportionate way of addressing the perceived problem in relation to that area.

Section 11 of the Freedom Camping Act 2011 allows Council to adopt a freedom camping bylaw using the special consultative procedure identified in the Local Government Act 2002. The Bylaw can only restrict or prohibit freedom camping and cannot have the effect of prohibiting freedom camping in all local authority areas within the district.

3.2 PRE-CONSULTATION CARRIED OUT

Reports were written to Community Boards regarding the issues commonly associated with freedom camping and feedback was sought on areas where issues associated with freedom camping may have occurred. 132 letters were also sent to stakeholders including community committees, surf lifesaving clubs and iwi. Feedback that was received was then used to draft the proposed bylaw.

3.3 NOTIFICATION OF THE PROPOSED BYLAW

On 27 April 2016, the proposed bylaw was publically notified in accordance with section 83 of the Local Government Act 2002, with submissions closing on 27 May 2016.

A summary document was produced and distributed to Community Committees, surf lifesaving clubs, Iwi, and other interest groups. It was also available to the public on Council's website. Following a press release there were a number of news articles regarding the bylaw published in papers that are circulated within the district including the Herald and Waikato Times. There was also significant social media on Facebook regarding the proposed bylaw and its contents.

During the submission period 90 submissions were received.

Appendix one of this report provides a list of submitters, the issues they raised and staff comments (where appropriate).

A copy of each original submission for the proposed bylaw is provided as Appendix 2 of this report in numerical order of submitter number.

Council must consider each submission, and make a determination on each of the issues raised. Each submitter is entitled to be informed of the outcome of their submission, including the reasons for the decision.

All submissions to the proposed bylaw have been acknowledged and each submitter will receive a written response following Council's adoption of the proposed bylaw.

4. DISCUSSION

4.1 DISCUSSION

The proposed bylaw has been developed to address problems associated with freedom camping and to provide clear guidance to freedom campers within the District.

A district wide requirement for freedom campers to be self-contained is generally accepted as the most appropriate way to protect council areas as other vehicles do not have appropriate sanitary facilities and poor cooking facilities. This can lead to inappropriate activities that threaten both the environment and the health and safety of people who visit the area.

4.2 SUMMARY OF SUBMISSIONS RECEIVED AND STAFF COMMENTS

Submitters commented on a variety of issues included in the proposed bylaw. While each submission point is addressed in Appendix I, the main points of concern include:

- A large number of submitters do not support the permitted areas identified in Raglan. The reasons for the objections include concerns regarding safety, noise, access to the area by emergency personal and rubbish. In response to these submissions staff recommend that the permitted areas in Raglan should be removed.
- Submissions were also received requesting that Raglan township be identified as a prohibited area. This is not in keeping with the mobile home friendly approach that Council has chosen to take.
- Additional areas where it was appropriate to prohibit freedom camping in Raglan were also put forward. Where the purpose for placing a prohibition fitted with the Act they have been included in the bylaw. These have been included as tracked changes on the bylaw that was put out for consultation.
- The submission from the New Zealand Motor Caravan Association Inc (NZMCA) identified that clause 9.2 may be ultra vires. Following further review by staff it is considered appropriate to remove this clause.
- The NZMCA have also submitted on removing some of the prohibited areas and replacing them with provisions to restrict freedom camping to self-contained vehicles only in designated areas.

In areas that are designated reserve it is considered that it is more appropriate to manage freedom camping through the reserve management plan development process, where all future and current use of the reserve is carefully considered.

Where freedom camping occurs on a public road and there is competition with other road users or users of that area, there is a need to protect these areas so that access can be preserved. Other issues that have been identified in submissions are freedom campers parking inappropriately affecting residents' ability to access the area or in some cases their property.

5. CONSIDERATION

5.1 FINANCIAL

Additional resourcing for enforcement is likely to be required in order to monitor and undertake enforcement of the bylaw. There is currently limited patrolling of freedom camping activities in Raglan however this does not occur in other parts of the District.

New signage will need to be developed to inform freedom campers of the restrictions that have been put in place through the bylaw. Some of this cost can be covered by existing budgets.

Additional revenue may be created by the issuing of infringements.

5.2 LEGAL

Section 155 of the Local Government Act 2002 requires a local authority to undertake an assessment before commencing the process of making a bylaw. The review process to date has identified what the perceived problem is and concluded that the use of a bylaw is an appropriate mechanism to manage issues associated with Freedom Camping in the Waikato District.

Section 155A(2) of the Local Government Act 2002 compels the Council to consider whether a proposed bylaw is the most appropriate form of bylaw. The proposed bylaw has been shaped to focus on readily identifiable problems and customised to suit the particular circumstances of the Waikato District. It is therefore concluded that the proposed bylaw is the most appropriate form of bylaw.

Section 11(2)(b) of the Freedom Camping Act 2011 requires the bylaw to be the most appropriate and proportionate way of addressing the perceived problem in relation to that area. Consideration has been given to the problems identified with freedom camping in the district and the bylaw is considered to be the most appropriate and proportionate way of addressing the perceived problems.

5.3 ASSESSMENT OF SIGNIFICANCE AND ENGAGEMENT POLICY AND OF EXTERNAL STAKEHOLDERS

The proposed bylaw triggers Council's Significance and Engagement Policy as the Special Consultative Procedure was required and undertaken.

Highest levels of engagement	Inform	Consult	Involve	Collaborate	Empower
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

State below which external stakeholders have been or will be engaged with:

Planned	In Progress	Complete	
		✓	Internal
		✓	Community Boards/Community Committees
		✓	Waikato-Tainui/Local iwi
		✓	Other Please Specify

Letters were sent to stakeholders and reports were prepared for Community Boards in the pre-consultation phase of the bylaws development.

Letters have been sent to Community Boards, Community Committees, Iwi, surf lifesaving clubs, residents and ratepayer groups and the NZMCA as part of the special consultative process.

6. CONCLUSION

The proposed bylaw has been notified for public consultation. 90 submissions were received and are summarised in this report. Council will decide the final bylaw following consideration of all submissions.

7. ATTACHMENTS

The following documents are included as appendices to this report:

- Appendix 1 - A summary report incorporating staff comments on submissions to the Proposed Waikato District Council Freedom Camping Bylaw 2016. (attached separately)
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