

Chairperson and Committee Members  
**REGULATORY MANAGEMENT COMMITTEE**

12 APRIL 2012

Meeting Status: **Public**

Purpose of Report: For Decision

**APPROVAL TO RELEASE THE DRAFT KĀPITI COAST  
DISTRICT COUNCIL FREEDOM CAMPING BYLAW**

**PURPOSE OF REPORT**

- 1 This report introduces the Draft Kāpiti Coast District Council Freedom Camping Bylaw and seeks Committee approval for it to be released for public consultation.

**SIGNIFICANCE OF DECISION**

- 2 This report does not trigger the Council's Significance Policy.

**BACKGROUND**

- 3 When consulting with the public to identify issues that needed to be addressed in the Public Places Bylaw it became evident that certain areas of the District were experiencing problems with unregulated freedom camping. There were complaints that some freedom campers were camping for prolonged periods in front of residential addresses or in vegetated areas of the coastal reserve and interrupting sight lines, leaving waste, causing damage and creating a general nuisance.
- 4 The Public Places Bylaw 2010 introduced a specific freedom camping section (clause 20.3) which established a requirement that: *“all persons wishing to freedom camp in the Kāpiti Coast District must abide by the conditions as set out in the Kāpiti Coast District Council Freedom Camping Policy 2010...”*.
- 5 Developing a Freedom Camping Policy to add background detail to a bylaw section is not a new process. The Trading in Public Places Policy, Natural Burial Policy and Dog Control Policy all perform similar functions by providing more detail to give effect to relevant sections within Council bylaws. A policy supporting a section or sections of a bylaw helps to make bylaws less cumbersome and difficult to read and acts as an information tool.
- 6 When Drafting the Freedom Camping Policy the Council was aware that the Government was in the early planning stages of developing freedom camping legislation. However, at the time of drafting the Policy it was unknown when or even if this legislation would be adopted. The Rugby World Cup was only six months away and the Council wanted to have rules in place to manage an anticipated increase in freedom camping vehicles. A Freedom Camping Policy to give effect to clause 20.3 of the Public Places Bylaw was introduced as an interim measure until suitable legislation was developed to replace it.

- 7 On 2 December 2010 the Kāpiti Coast District Council adopted a Freedom Camping Policy after extensive consultation with key stakeholders and the general public. The Policy became active on 7 February 2011 following signage and brochures being printed and publicly displayed.

### Freedom Camping Policy 2011

- 8 The Freedom Camping Policy 2011 has now been in force for over one year. The Policy provides provision for 35 freedom camping vehicles in 12 freedom camping sites spaced throughout the District. In all other public locations freedom camping is prohibited.
- 9 The Policy also establishes conditions for the use of these areas by freedom campers. The requirements include:
- only self contained campervans can freedom camp;
  - the maximum continuous freedom camping period in any one location is two nights unless a permit for longer has been obtained; and
  - all freedom campers must remove all rubbish, solid and liquid waste from the camping site at the end of their stay.
- 10 Shortly after the Policy was adopted a brochure was produced outlining the Policy conditions and the Council approved locations for freedom camping in the District. This brochure was distributed widely within and outside the District and has had a positive impact on ensuring visitors understand the rules and comply with them. There were initial concerns amongst local residents, particularly those living close to freedom camping sites, that they would be inundated with noise, nuisance and litter problems as a result of freedom campers. Council compliance staff indicate that as a general rule this has not been the case. Some sites, such as Te Horo Beach, are still reporting some problems, in particular vehicles camping too far away from the freedom camping sign and encroaching into the coastal reserve.
- 11 The most common complaints being received include vehicles staying too long, the number of vehicles exceeding the vehicle limit for the freedom camping site or parking too far away from the freedom camping sign. None of these offences are extreme, but a weakness in the Policy is being able to effectively deal with these minor breaches with an available penalty to change non-compliant behaviour promptly.
- 12 In addition to the above complaints, a number of freedom camping signs have been vandalised or stolen in the Te Horo Beach area. There has also been a complaint made by Byron's Resort in Otaki regarding the Tasman Road freedom camping site being located too close to their camp ground business. They see the freedom camping site at Tasman Road as unfair competition which is having an adverse impact on their business.
- 13 When developing the Freedom Camping Policy there was a strong emphasis on locating freedom camping sites well away from the districts' commercial camp ground operators. Freedom camping sites in close proximity were seen as unfair

competition. It is for this reason that freedom camping sites proposed at Paekākāriki and at Ngapotiki Street in Paraparaumu's north beach area were removed from the Draft Freedom Camping Policy.

- 14 At the time of adopting the Tasman Road freedom camping site there was no opposition from Byron's Resort because the owner/operator was selling the business and moving on. However, the new owner/operator is concerned by its close proximity and would like it closed as a freedom camping site.
- 15 The Tasman Road freedom camping site has provision for four freedom camping vehicles and is just over 100 metres from Byron's Resort. In contrast, the proposed Ngapotiki Street freedom camping site in Paraparaumu Beach had provision for two freedom camping vehicles and was over 250 metres away from the nearest camp ground operator. A significant factor in the Ngapotiki Street freedom camping site not being approved was the site's close proximity to a local camp ground business. In light of this decision, it would be consistent for Byron's Resort to be given this same consideration, and it is recommended that the Committee removes the Tasman Road freedom camping site from Schedule 1 of the Draft Bylaw. Ōtaki would still have a freedom camping site on the north bank of the Ōtaki River for six self contained freedom camping vehicles.

### Freedom Camping Act 2011

- 16 The Freedom Camping Act 2011 (the Act) came into force on 30 August 2011. The Act clearly defines what it means to freedom camp and also what it does not mean - such as temporary short term parking, resting or sleeping at the roadside to avoid driver fatigue, or recreational activities commonly known as day-trip excursions.
- 17 The main intent of the new statute was to provide local authorities with access to a more effective range of enforcement tools to better manage the nuisance created by errant freedom campers. A significant enforcement improvement is the ability for Council enforcement officers to issue \$200 infringement fines for minor breaches to freedom camping bylaws made under section 11 of the Act.
- 18 As an interim measure, Schedule 3 of the Freedom Camping Act 2011 gives the Council the authority to issue \$200 infringement fines for breaches to section 20.3 of the Public Places Bylaw, but this provision will only last until 1 September 2012. After that date, unless the Council adopts a new Bylaw in accordance with Section 11 of the Freedom Camping Act 2011, the Council will no longer be able to issue infringement fines for Policy breaches.
- 19 The ability to issue infringement fines significantly improves the capacity of Council officers to enforce compliance in a real-time sense and removes the need to go through an often slow and expensive Court process to impose a minor penalty. Infringement fines are one of the Council's most effective enforcement tools to quickly deal with freedom campers who refuse to voluntarily change their behaviour after reasonable information or warnings have been given. It is recommended that the Council adopts this new capability. For more serious offending the Act still provides Councils with more severe enforcement options such as impounding offending vehicles/caravans and Court action.

## CONSIDERATIONS

- 20 The Draft Bylaw is included within the Statement of Proposal (Attachment 1) and proposes some minor changes to the current Freedom Camping Policy as follows:
- (1) A requirement that in freedom camping sites where camping bays are not clearly marked, freedom camping vehicles must not park further than 25 metres from the freedom camping signpost. This provision will help to manage large open spaces like the Te Horo beach car park, by preventing vehicles encroaching into the coastal reserve.
  - (2) The removal of the Tasman Road freedom camping site in Otaki Beach from Schedule 1 of the Bylaw to reduce the impact on the Byron's Resort business.
- 21 Other than the Tasman Road site being removed the Draft Bylaw does not propose adding or removing any additional freedom camping sites. The Freedom Camping Policy has been in place now for over a year and the Schedule 1 freedom camping sites listed in the Policy have become reasonably accepted by most people in the community. The District is well served with camp grounds and there has been no indication from freedom campers (over the last year that that the Policy has been in place) that more freedom camping sites are required. As it stands, the current Freedom Camping Policy and now the proposed Draft Freedom Camping Bylaw provide a reasonably acceptable balance between provision for freedom camping and protection of the environment, the local community and camp ground businesses.

### Financial Considerations

- 22 There are no significant financial considerations for the Council to consider in approving the Draft Freedom Camping Bylaw for public consultation, other than the standard costs of legal review, advertising and making copies of the Bylaw available to the public. These costs will be met from existing budgets.
- 23 Once approved there will be some costs associated with reproducing a Freedom Camping Brochure, these costs can also be met by existing budgets.

### Legal Considerations

- 24 This Bylaw has been made under the authority of section 11 of the Freedom Camping Act 2011.
- 25 The Draft bylaw has been reviewed by the Council's Legal Counsel.

### Delegation

- 26 Section B.2.7.11 of the Kāpiti Coast District Council Governance Structure and Delegations 2010-2013 Triennium states that the Committee has:

*Authority to review all or any Council bylaws, to approve draft bylaws for public consultation, to hear submissions, and to recommend to the Council amendments to the bylaws.*

## Consultation

- 27 Section 11(5) of the Freedom Camp Act 2011 establishes a requirement that the local authority must use the special consultative procedure as set out in section 83 of the Local Government Act 2002. This involves the production of a Statement of Proposal and Summary of Information (Attachment 2).

## Policy Implications

- 28 The Adoption of the Freedom Camping Bylaw will mean that section 20.3 of the Public Places Bylaw and the current Freedom Camping Policy must be repealed at the time of adoption. This will also result in some minor editorial amendments to Schedule 1 of the General Bylaw 2009.

## Tāngata Whenua Considerations

- 29 Like the Freedom Camping Policy the Freedom Camping Bylaw will be of interest to Tāngata Whenua as it concerns a change to the planned use of a number of public areas, many of them in the vicinity of the coastal reserve.
- 30 When consulting on the Freedom Camping Policy 2010 each iwi representative was mailed a copy of the Statement of Proposal early in the consultation period. However, no feedback was received from any of these representatives through this process. Due to the fact that the Draft Bylaw proposes few changes to the current Freedom Camping Policy it is proposed that staff discuss the Draft Bylaw at an appropriate meeting of Te Whakaminenga o Kāpiti.

## Publicity Considerations

- 31 The Draft Bylaw will be advertised in the local newspaper, on Council's website and service centres. Once adopted the Bylaw will be available on Council's website and a new brochure will need to be produced and distributed via the i-SITE network within and outside of the District.

## RECOMMENDATIONS

- 32 That the Committee approves a new parking provision in the Draft Freedom Camping Bylaw restricting freedom camping vehicles from parking further than 25 metres from the Council's freedom camping signpost.
- 33 That the Committee approves the removal of the Tasman Road freedom camping site in Ōtaki Beach from Schedule 1 of the Draft Freedom Camping Bylaw.
- 34 That the Committee approves the release of the Statement of Proposal (Attachment 1 to report SP-12-486) and Summary of Information (Attachment 2 to report SP-12-486) on the Draft Freedom Camping Bylaw for public consultation, subject to any amendments made by the Committee.

**Report prepared by:**

**Approved for submission by:**

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## ATTACHMENTS:

Attachment 1: Statement of Proposal  
Attachment 2: Summary of Information