



Statement of Proposal

**PROPOSAL TO INTRODUCE A FREEDOM CAMPING BYLAW FOR THE
KĀPITI COAST DISTRICT**

April 2012

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INTRODUCTION

This Statement of Proposal has been prepared in accordance with section 83 of the Local Government Act 2002 and gives public notice of a Council proposal to introduce a Draft Kāpiti Coast District Council Freedom Camping Bylaw (see Attachment 1). The Draft Kāpiti Coast District Council Freedom Camping Bylaw (the Freedom Camping Bylaw) has been made under the authority of section 11 of the Freedom Camping Act 2011.

The objective of the Freedom Camping Bylaw is to better manage freedom camping in the District. Improved management of local freedom camping will help to:

- preserve the right of individuals to freedom camp in this District;
- ensure the quality of the freedom camping experience;
- reduce nuisance complaints;
- reduce damage or degradation of the environment; and
- reduce conflict with local residents and commercial interests.

In achieving this objective, the Freedom Camping Bylaw acts as both a regulatory and informational tool that will help to ensure visitors and locals have a clear understanding of where freedom camping is permitted, the conditions for doing so, and the services available to make it successfully happen.

DEFINITION OF FREEDOM CAMPING

Freedom camping is defined by the Freedom Camping Act 2011 as camping (other than at a camping ground) within 200 metres of a motor vehicle accessible area or the mean low-water springs line of any sea or harbour, or on or within 200 metres of a formed road or a Great Walks Tract, using one or more of the following:

- (a) a tent or other temporary structure;
- (b) a caravan;
- (c) a car, campervan, housetruck, or other motor vehicle.

Freedom camping does not include:

- (a) temporary or short-term parking of a motor vehicle;
- (b) recreational activities commonly known as day-trip excursions;
- (c) resting or sleeping at the roadside in a caravan or motor vehicle to avoid driver fatigue.

WHY DO PEOPLE FREEDOM CAMP?

People generally freedom camp:

- to enjoy the feeling of being independent and able to 'get away from it all';
- to save money on accommodation and therefore travel for longer or spend more money on other goods and services;
- when camp grounds are full or not available in a certain location;
- when people want to stay overnight in an isolated scenic area.

FREEDOM CAMPING IN THE KĀPITI COAST DISTRICT

There are no statistics on freedom camping in the Kāpiti Coast District. Anecdotal evidence suggests that freedom campers are both domestic and international tourists. A large number of freedom campers are believed to be 'empty nesters', retired or semi-retired people in self contained campervans. Campervans are the most common and regular freedom camping visitors to the Kāpiti Coast and predominantly stay in car parks, along the road edge or in beachside reserve areas throughout the year. The summer months see a peak in freedom camping.

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 unfairly interrupting sight lines, leaving waste, causing damage and creating a general nuisance.

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...”*.

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 prescriptive 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 a less regulatory information tool in the first instance.

When Drafting the Freedom Camping Policy the Council was aware that the Government was in the early planning stages toward 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.

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

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.

The Policy also establishes conditions for the use of these areas by freedom campers; conditions include:

- a requirement that only self contained campervans can freedom camp;
- a maximum continuous freedom camping period in any one location of two nights unless a permit for longer has been obtained; and
- a requirement that all freedom campers must remove all rubbish, solid and liquid waste from the camping site at the end of their stay.

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 of 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. Although 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.

Overall the most common complaints still being received include vehicles staying too long, 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 current Policy is being able to effectively deal with these minor breaches with an effective penalty to change non-compliant behaviour promptly.

FREEDOM CAMPING ACT 2011

The Freedom Camping Act 2011 (the Act) received royal assent on 29 August 2011 and came into force the following day on 30 August 2011. The Freedom Camping Act clearly defines what it means to freedom camp and also what it doesn't 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.

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 of Council enforcement officers to issue \$200 infringement fines for minor breaches to freedom camping bylaws made under section 11 of the Act.

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.

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 not lose this new capability. For more serious offending the Act still provides the Council with more severe enforcement options such as impounding offending vehicles/caravans and pursuing Court action.

CONSIDERATIONS

There is still a need to have some form of regulatory control to manage freedom camping activities in the Kāpiti Coast District. Even with a Freedom Camping Policy in place over the last year there are still occasional reports of conflict between freedom campers and local residents/business or damage to the environment. Without a formal management tool which carries with it some consequences, there are limited means to adequately monitor, direct or enforce freedom camping in this District to resolve these issues.

The Draft Bylaw does not propose many changes to the current Freedom Camping Policy except for the following amendments:

- (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 spreading into the coastal reserve and causing damage or nuisance.
- (2) The removal of the Tasman Road freedom camping site in Otaki Beach from Schedule 1 of the Bylaw to reduce pressure on the nearby Byron's Resort campground. This will mean the loss of four freedom camping vehicle parking bays. However, Ōtaki will still be left with a freedom camping site on the north bank of the Ōtaki River for up to six freedom camping vehicles.

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 appear to have become embedded and 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 that more space is 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, community and local camp ground operators.

OPTIONS

1. The Council could repeal section 20.3 of the Public Places Bylaw 2010 and the Freedom Camping Policy 2011 and not adopt a new bylaw to replace them. This would mean that there are no local conditions in place to manage freedom camping in the Kāpiti Coast District. Under this option the Council could still rely on many of offences listed in section 20 of the Freedom Camping Act 2011 but would have to accept that freedom camping can potentially occur in any public area within the District. This is not likely to be popular with many local residents and campground operators or provide much protection to vulnerable ecological areas or sites unsuitable for freedom camping.

2. The District could retain section 20.3 of the Public Places Bylaw 2010 and the Freedom Camping Policy 2011. The Bylaw and Policy have been in place for some time and the conditions imposed have become reasonably embedded and understood. However, in certain locations within the District a number of relatively minor freedom camping breaches are still regularly occurring. Currently Schedule 3 of the Freedom Camping Act gives the Council the interim power to issue infringement fines to deal with these minor offences, but this capability will be withdrawn on 1 September if the Council does not adopt a Freedom Camping Bylaw under section 11 of the Freedom Camping Act 2011.

3. The Council could repeal section 20.3 of the Public Places Bylaw and the Freedom Camping Policy 2011 and adopt a new Freedom Camping Bylaw under section 11 of the Freedom Camping Act 2011. This would ensure that the Council had the full suite of enforcement options provided by the Act, and the ability to establish local conditions to ensure the freedom camping experience is safe, of high quality, and can be appropriately managed to avoid conflict with local residents, business or damage to the environment.

It is recommended that the Council adopt Option 3.

NEW ZEALAND BILL OF RIGHTS IMPLICATIONS

The Local Government Act 2002 requires that the Council determine whether there are any implications for the bylaw under the New Zealand Bill of Rights Act 1990. No bylaw or policy may be made that is inconsistent with that Act. It is not foreseen that the proposed bylaw will contain any provisions that will be in conflict with the New Zealand Bill of Rights Act 1990.

The final draft of the bylaw will be considered by the Council following the prescribed special consultative procedure and the Council may then consider the final format of the bylaw and its New Zealand Bill of Rights Act 1990 implications, if any.

CONSULTATIVE PROCEDURE

Section 11(5) of the Freedom Camping Act 2011 states that the special consultative procedure as set out in section 83 of the Local Government Act 2002 must be followed. This procedure requires the initiation of a formal submission process.

The proposed consultation plan is as follows:

TASK	DATE
Council approval of Statement of Proposal for public consultation	12 April 2012
Submissions Open	18 April 2012
Submissions Close	25 May 2012

TASK	DATE
Hearing of Public Submissions	TBA*
Council Decision	5 July 2012
Effective Date of Bylaw	1 September 2012

* Meeting date is still to be confirmed.

METHODS FOR MAKING SUBMISSIONS

Submissions may be made in writing. A submission form is attached. Additional forms can be obtained from the Council website: www.kapiticoast.govt.nz, at Council service centres or requested through the mail.

THE PERIOD WITHIN WHICH SUBMISSIONS CAN BE MADE

The closing date for submissions is **4pm on Friday 25 May 2012.**

Submissions can be posted to:

Kapiti Coast District Council
Private Bag 60601
PARAPARAUMU

And marked: **“Draft Freedom Camping Policy 2010”**

Or fax to 04 296 4830 or e-mail: kapiti.council@kapiticoast.govt.nz

HEARING OF SUBMISSIONS

Persons making submissions who wish to be heard by Council will be given the opportunity to do so. The time and venue for the hearing of submissions will be advised later. Submitters wishing to be heard will be advised individually but must indicate on their written submission that they wish to also present an oral submission.

ATTACHMENTS

Appendix 1: **Draft** Freedom Camping Bylaw 2012

Appendix 2: Submission form

APPENDIX ONE:

**Kapiti Coast District Council
DRAFT Freedom Camping Bylaw 2012**

APPENDIX TWO:

Submission Form

Freedom Camping Act 2011

SUBMISSION to the Draft Kapiti Coast District Council Freedom
Camping Bylaw 2012

Name:

Address:

.....

.....

Phone Number:

Fax Number:

Email Address:

Do you wish to be heard in support of your submission?

Yes

No

If others wish to make a similar submission would you be
prepared to consider presenting a joint case?

Yes

No

I have attached pages to this submission

Signature:

(Signature of person making submission or person authorised to sign
on behalf of person making submission)

Date:

Please note that all submissions (including names and contact details) may be
made publicly available at council offices, public libraries and on the Kapiti
Coast District Council website. A summary of submissions, including the name
of the submitter may also be made available. Personal information will also be
used for administration relating to the subject matter of the submissions,
including notifying submitters of subsequent steps and decisions. All
information will be held by the Kapiti Coast District Council at 175 Rimu
Road, Paraparaumu, with submitters having the right to access and correct
personal information.



Office Use only

File Ref:

**Draft KCDC Draft Freedom
Camping Bylaw 2012**

Submission No:

Date Received:

Submissions close:

Friday 25 May 2012 at 4pm

Please send your submission to:

*Kapiti Coast District Council
Private Bag 60601
PARAPARAUMU*

Fax: 04 296 4830

Email: kapiti.council@kapiticoast.govt.nz

