

30 AUGUST 2012

Meeting Status: **Public**

Purpose of Report: For Decision

MANAGING FREEDOM CAMPING IN KĀPITI

PURPOSE OF REPORT

- 1 Council approved the release for consultation of a draft Kapiti Coast District Council Freedom Camping Bylaw on 12 April 2012 (Report SP-12-486 refers).
- 2 Over May and early June 2012 the Council implemented the Special Consultative Procedure in accordance with section 11(5) of the Freedom Camping Act 2011 and received sixteen submissions. On 2 August the Council heard oral submissions from a number of submitters wishing to be heard in support of their written submissions.
- 3 This report seeks approval for a recommended way forward in terms of managing freedom camping on the Kāpiti Coast.

SIGNIFICANCE OF DECISION

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

BACKGROUND

Freedom Camping Policy 2010

- 5 When consulting with the public in 2010 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.
- 6 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...”*.
- 7 On 2 December 2010 the Kāpiti Coast District Council adopted a Freedom Camping Policy (the Policy) after extensive consultation with key stakeholders and the general public. It was introduced as an interim measure until suitable legislation was developed to replace it. The Policy became active on 7 February 2011 following signage and brochures being printed and publicly displayed.

Freedom Camping Act 2011

- 8 The Freedom Camping Act 2011 (the Act) came into force on 30 August 2011. The Act 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. The presumption of the Act is that freedom camping will be widely permitted with restrictions only in certain circumstances.
- 9 This intent is emphasised by the fact that section 12 of the Act prevents local authorities from implementing blanket freedom camping bans. Further, section 11 of the Act limits local authorities to only making a bylaw if it 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; and
 - iii. to protect access to the area.
- 10 The Act provides no particular clarification on the specific intent of the words ‘to protect the area’. Section 11(2)(a)(i) focuses on the protection of tangible assets of high value, such as the local ecology, landscape or public infrastructure. It could also be interpreted to mean the intangible protection of the existing socio-economic harmony in the area, such as resident’s views, the quiet laid back feel, and the commercial sensitivities of surrounding ratepayer’s businesses.
- 11 Section 11(2)(a)(ii) however, specifically focuses on ‘visitor’ health and safety and Section 11(2)(a)(iii) on protecting access rights (assumingly for all). No mention is made regarding the health and safety of local residents who live in the area, nor the need to minimise the potential for offensive behaviour or nuisance complaints resulting from conflict with local ratepayers and to ensure the quality of the public place experience is not diminished for others as a result of freedom camping.
- 12 Section 11 was drafted to prevent territorial authorities imposing unreasonably restrictive freedom camping bylaws. However, the limitations of section 11 also creates the potential for serious conflict between locals and freedom camping visitors when territorial authorities can’t consider sight line impacts, noise, the unauthorised use of nearby campground facilities, or the potential for inappropriate behaviour in highly visible, scenic and popular public areas.
- 13 The Act provides some additional enforcement tools for local authorities - in particular the ability to issue \$200 infringement offence fees for any person freedom camping in breach of prohibitions or restrictions described or mapped in a bylaw made under section 11 of the Act.
- 14 As a transitional measure, Section 47 of the Freedom Camping Act 2011 gives the Council the authority to issue \$200 infringement fees for breaches of clause 20.3 of the Public Places Bylaw. The ability to issue infringement notices under this clause expires on 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 notices for policy breaches.

- 15 In all of the above listed circumstances a bylaw made under section 11 of the Act can only be justified if a local authority can also prove that it is the most appropriate and proportionate way of addressing the perceived problem in that area, and is not inconsistent with the Bill of Rights Act 1990.

CONSIDERATIONS

Review of the Freedom Camping Policy 2011

- 16 The Policy has now been in force for over one year. It provides for 35 freedom camping vehicles in 12 freedom camping sites located throughout the District. In all other public locations freedom camping is prohibited.
- 17 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.
- 18 In accordance with the Council's request, the Policy was reviewed in March/April 2012. The policy review team considered feedback from the Council's Regulatory and Leisure and Open Space teams, along with correspondence and service requests from the general public regarding freedom camping activities over the previous 12 months.
- 19 The compliance team has been monitoring some key freedom camping sites since 12 January 2012 (see Table 1 below). In summary this indicates a reasonable level of activity. The Waikanae, Te Horo and Otaki sites appear to be the most popular.

Table 1: Freedom camping site monitoring results for 12 January – 12 June 2012

Approved freedom camping site	Total monitoring visits made	Number visits with campers at sites	Number visits with no campers at sites	Number vehicles at sites*	Number of compliant vehicles	Number of non-compliant vehicles**
Te Horo Beach	167	73	94	126	107	19
Te Horo Sims Rd	162	51	111	77	72	5
Otaki Tasman Rd	65	27	38	50	46	4
Otaki North	6	0	6	0	0	0
Paraparaumu 54 Marine Parade	42	9	33	11	11	0
Paraparaumu 62 Marine Parade	42	13	29	18	18	0
Paraparaumu 69 Marine Parade	42	15	27	18	18	0
Waikanae Tutere St	173	89	84	166	161	5
Raumati Beach	37	6	31	6	6	0
TOTAL	739	282	453	472	439	33

* includes all vehicles, for example, cars parked temporarily and not intending to camp

** includes vehicles which may not be intending to camp

20 There have been a number of service requests that reported breaches to the Freedom Camping Policy's rules. Table 2 provides a summary of the nature of these requests.

Table 2: Freedom Camping Service Requests June 2011 – April 2012

Service Requests Received	Number
Vehicles parking in the wrong area or too far away from freedom camping signs	29
Vehicles staying too long at freedom camping sites	5
Vehicles exceeding the vehicle limit at freedom camping sites	5
Freedom camping signs damaged	2
Vehicles not self contained	17
Requests for information and freedom camper's thank you	5
Total	63

Note: Table 2 does not include repeat complaints received from the same complainant on the same matter.

- 21 In summary, the most common complaints received related to:
- vehicles parking in the wrong area or too far away from freedom camping signs; and
 - vehicles not self-contained.
- 22 It is interesting to note that 739 monitoring visits were made between 12 January – 12 June 2012 and only 33 non-complying vehicles were identified, some of which could be cars or other vehicles not planning to camp the night. Over that period there were 472 vehicles at the sites. By comparison over a longer time period of June 2011 – April 2012, 63 service requests reporting breaches of the Policy were received.
- 23 However, it would still appear from Table 2 that freedom camping is still causing concern despite the new management regime in place.
- 24 By comparison with previous years the volume of service requests specifically relating to freedom camping has substantially increased. However, this could be because of:
- the public advertising of legalised freedom camping in this district over the last 18 months and a corresponding increase in visitor numbers;
 - increased public awareness of the new rules; and
 - better Council record keeping of freedom camping complaints because there are specific freedom camping rules that they can be recorded against.
- 25 The nature of the complaints are mainly for relatively minor policy breaches rather than more serious offending such as illegal dumping or offensive behaviour, although there have been some continued instances where freedom campers have been blamed for encroaching into sensitive ecological areas and causing damage.
- 26 However, the presence of non-self contained freedom camping vehicles appears to be an issue. With respect to non self-contained freedom camping vehicles, with or without the adoption of a bylaw, section 20(1) and 20(2) of the Freedom Camping Act 2011 can still be used by the Council to enforce the inappropriate discharge of waste from freedom camping activities.
- 27 These service requests, along with submissions received during this latest freedom camping review have helped to identify problem areas and gaps in the current rules, signage, parking, patrol times and the need to provide better feedback to complainants.

Draft Bylaw

- 28 Following the Policy review, work started on preparing a draft bylaw in order to ensure Council had the opportunity to have access to the additional enforcement tools provided by the Act - in particular the ability to issue \$200 infringement fees for the breach of any prohibition or restriction described or mapped in a bylaw made under section 11 of the Act.

- 29 The Draft Bylaw was modelled on the Freedom Camping Policy. A copy of the proposed Draft Bylaw is attached as Attachment 1. The existing Freedom Camping Policy's rules were not fundamentally changed. The draft bylaw proposed two key changes to the current Policy:
- 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.
 - 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. Similar consideration was given to all other camp ground operators when developing the Freedom Camping Policy and the Council should remain consistent with this approach. This will mean the loss of four freedom camping vehicle parking bays - but Ōtaki will still be left with a freedom camping site on the north bank of the Ōtaki River for up to 6 freedom camping vehicles.
- 30 Council approved the release for consultation of a draft Kapiti Coast District Council Freedom Camping Bylaw on 12 April 2012 (Report SP-12-486 refers) including approving the two changes identified above. The Council proposed the draft bylaw as its preferred management option during the consultation process.
- 31 Over May and early June 2012 the Council implemented the Special Consultative Procedure in accordance with section 11(5) of the Freedom Camping Act 2011 and received sixteen submissions. On 2 August the Council heard oral submissions from a number of submitters wishing to be heard in support of their written submissions.

Submissions on the draft bylaw

Submissions requesting a more permissive freedom camping management approach

- 32 Ten submissions wanted reduced restrictions on freedom camping in the Kāpiti Coast District and pointed out the permissive intent of the new Freedom Camping Act 2011. They felt that the proposed bylaw was far too restrictive and not in keeping with the Act. Collectively they emphasised the economic benefits of freedom camping, its increasing popularity, and how the vast majority of legitimate freedom campers were certified self-contained, environmentally conscious and only too happy to obey reasonable bylaws.
- 33 Six submissions raised concerns that the Council's Statement of Proposal justified restrictions (such as the protection of local camp ground operators) that were outside the scope of section 11 of the Freedom Camping Act 2011. Indeed, as a result of this feedback the Council may face a legal challenge if it approves a bylaw (under the authority of the Freedom Camping Act) which removes the existing Tasman Road car park on account of nuisance caused to Byrons Resort.
- 34 They also raised concerns that the intent of the Act was to specify prohibited and restricted zones on the basis that any public areas outside of these zone were

available for unrestricted freedom camping. With regard to this issue, the intent of the Act remains less clear.

Submissions requesting a more restrictive freedom camping management approach

- 35 Six submissions were received that wanted a more restrictive freedom camping management approach. Of these submissions two were from camp ground operators and the balance from Te Horo Beach residents living in close proximity to the freedom camping sites at Sims Road and Sea Road, Te Horo Beach. While no submitters supported an outright ban, almost every submission wanted a reduction in freedom camping numbers and locations, and sites moved to more isolated areas.
- 36 All except one submitter in this category supported the recommended option of a bylaw, particularly if it meant improved enforcement of freedom camping rules.
- 37 The one submitter who did not support the recommended option was Byron's Resort. They indicated that they were happy with the current Freedom Camping Policy and Council's enforcement efforts in general. Like a couple of other submitters in this category they noted that once informed of the rules, most freedom campers willingly complied with them. Their main concern was the close location of the Tasman Road freedom camping site which can host up to 4 self contained freedom camping vehicles at any one time. They felt that this freedom camping site was too close to their business and resulted in unfair competition and unauthorised use of their facilities by freedom campers. They also felt that the Freedom Camping Act 2011 was biased toward freedom camping and did not provide any provision to manage nuisance or adverse impacts caused by freedom camping activities in close proximity to camp ground businesses.
- 38 Almost every submitter in this category insisted that freedom camping should be located well away from residential areas and campgrounds, not popular beachfront car parks near or in front of residential properties. The problem with this approach is the shortage of inland parking spaces or reserves in isolated locations suitable for this purpose and the lack of guardianship in these areas.
- 39 Residents adjacent to the Sims Road and Sea Road car parks at Te Horo Beach submitted that they did not support these sites as freedom camping locations. They provided very detailed submissions outlining the adverse impacts resulting from freedom camping, and expressed frustration at:
 - the increase in freedom camping numbers since the Policy was introduced;
 - damage, noise, litter and encroachment into sensitive ecological areas;
 - general disruption to sight lines and the quality of the beachside experience for local residents and other users; and
 - ineffective Council enforcement of the existing Policy.
- 40 These submitters felt that over the last year the Freedom Camping Policy had aggravated rather than helped resolve the freedom camping problem. Although, as commented on earlier in this report, the majority of complaints reported were

for relatively minor policy breaches rather than more serious illegal dumping or long term overstaying.

- 41 The problems being encountered at both Sims Road and the Sea Road car park are ongoing issues that cannot be blamed solely on freedom campers. They have a history of problems resulting from illegal use of the beach front reserve by vehicles such as motorbikes, whitebaiters, picnickers, local residents cutting private tracks from their homes to the beach and freedom campers. Both sites have poorly defined car park locations with a coastal reserve track running through them.

Options

- 42 Given the substantial issues raised by submitters, consideration has been given to a range of options for Council to consider in addition to adoption of the bylaw.
- 43 Three options are available to Council for managing freedom camping. These options are:
1. *No bylaw or Policy* - revoke clause 20.3 of the Public Places Bylaw and the Freedom Camping Policy. No new Bylaw introduced to replace them;
 2. *Retain current Freedom Camping Policy* - operate under the Local Government Act 2002 - clause 20.3 of the Public Places Bylaw and the Freedom Camping Policy; and
 3. *New bylaw under the Freedom Camping Act 2011* – new Bylaw adopted under section 11 of this Act.

Option 1 – no bylaw or Policy

- 44 Under Option One, freedom camping would become a permitted activity in all parts of the district. There would be no restrictions or capacity to manage the activity.
- 45 Given the regular complaints being received regarding freedom camping activities and the issues outlined by submitters, a more permissive approach would not be appropriate until these complaints are better managed or resolved. It should be noted that the Council's current policy and proposed bylaw is already very permissive in comparison to most other territorial authorities.
- 46 It is not recommended that the Council adopt a more permissive approach toward freedom camping at this stage.

Option Two – retain status quo of the Freedom Camping Policy established under the LGA 2002

- 47 Under Option Two the Council would retain the status quo of the Freedom Camping Policy established under the LGA 2002. However, it could also adopt the changes to the Policy identified during the review and incorporated in the consultation on the draft bylaw.
- 48 Freedom camping could continue to be a prohibited activity except where explicitly allowed in those parts of the District which have been identified as

freedom camping sites. However, there would be no access to instant fines for bylaw breaches.

- 49 The existing Policy is an effective tool for educating locals and visitors on acceptable freedom camping behaviour. It is also effective in providing a means to deal with serious offending such as long term overstaying or illegal dumping. The penalties for such behaviour range from property or vehicle impoundment to Court action using either the Local Government Act 2002 or new Freedom Camping Act 2011.
- 50 However, for minor offending, such as vehicles exceeding the overnight freedom camping limit or parking too far away from the designated location, the existing Policy is less effective. Although it is again emphasised that in the vast majority of cases over the last year, once freedom campers were advised that they were in breach of the rules they generally complied with them voluntarily without the need of a threat of a fine. Taking this approach, Council would be able to continue to monitor implementation and take some compliance and enforcement activity, such as moving on non-complying campers. Council could introduce a bylaw under the Act at a later date if the evidence suggested it was needed.
- 51 There are also issues with the new Freedom Camping Act that still need to be resolved. In particular, its lack of consideration for managing nuisance issues caused by freedom camping. This and other concerns have been raised with Local Government New Zealand by many local authorities trying to introduce balanced bylaws under the authority of the Freedom Camping Act.
- 52 These concerns have resulted in a number of options being explored to try and rectify the issues surrounding the implementation of this new piece of legislation including:
 - the New Zealand Motor Caravan Association considering legal action against a number of local authority bylaws recently introduced under the authority of the Freedom Camping Act 2011;
 - LGNZ organising a meeting between territorial authorities and the New Zealand Motor Caravan Association to try and find some common ground in the interpretation of the provisions within the new Act;
 - various territorial authorities seeking legal advice on using both the Local Government Act 2002 and Freedom Camping Act 2011 to regulate freedom camping in their respective districts;
 - the New Zealand Motor Caravan Association developing a model bylaw for territorial authorities to consider and follow; and
 - LGNZ assessing the justification and level of support for a submission to central government requesting an urgent review of the Freedom Camping Act 2011.
- 53 When considering these issues and the management options available Council staff believe retaining the status quo still provides the best short to mid-term option for this District. The existing policy enforced via the Public Places Bylaw 2010 is working reasonably well and has some good enforcement options

although there will be no ability to issue infringement fees for the breach of any prohibition or restriction described or mapped in a bylaw made under section 11 of the Act.

54 Retaining the existing Policy and Bylaw for another twelve to eighteen months would allow the Council the opportunity to:

- join in discussions with LGNZ, other territorial authorities and the New Zealand Motor Caravan Association on the operational implications of the new Freedom Camping Act and ultimately reduce the Council's exposure to legal challenge over interpretation of the new Act;
- review other Councils' bylaws introduced under the Freedom Camping Act;
- consider the New Zealand Motor Caravan Association's model bylaw;
- give consideration to current nuisance issues and make changes to the current regulations to help resolve or at least better manage them; and
- review current enforcement practices and consider if changes are needed to improve effectiveness.

55 This is the recommended option.

Option Three – adopt draft bylaw under the Freedom Camping Act 2011

56 Under Option Three, Council would adopt the draft bylaw. The main benefit obtained would be access to instant fines for bylaw breaches.

57 When developing the draft Bylaw Council, staff considered Local Government New Zealand's advice, other Council Freedom Camping Bylaws and the wording of section 10 and 11 of the Freedom Camping Act and concluded that the current Policy's approach of highlighting safe, high quality freedom camping locations remained the best approach for the new draft Bylaw. The benefits of the current [Schedule 1] approach include:

- advertising freedom camping opportunities in a positive rather than negative manner (e.g. highlighting where freedom campers can stay rather than where they can't stay);
- helping to ensure freedom campers camp in safe, high quality, suitable locations that could be easily monitored; and
- reducing the chance of freedom camping visitors selecting inappropriate or unsafe locations – such as narrow road verges, busy parking spaces or ecologically sensitive reserves.

58 As it stands, the Council's approach remains far more permissive toward freedom camping than almost anywhere else in the lower North Island and many other popular tourist regions such as Tauranga City and Thames-Coromandel. By comparison, the new Thames-Coromandel Freedom Camping Bylaw is far more restrictive. This bylaw (developed under the authority of the Freedom Camping Act 2011) prohibits freedom camping from almost every town and village in the district, provides three restricted freedom camping sites for a total of 6 self

contained vehicles (which are not available during the summer months), and in areas outside of these zones freedom campers must obtain written consent and give 20 days notice.

- 59 However, it has become apparent that this Council may face a legal challenge because the proposed draft bylaw may not comply with the Freedom Camping Act 2011. This issue has been highlighted through the submission process. Some submitters have indicated they are prepared to take this step.
- 60 Schedule 1 of the draft Bylaw complies with section 12 of the Act by not banning all freedom camping in the District. However, the issue is whether section 10 and 11 of the Act allow a bylaw to be made that defines areas where freedom camping is permitted by reference to a map showing areas where freedom camping is permitted and providing that anywhere else it is prohibited.
- 61 Until the implications of the new legislation are tested in Court, this option is not recommended.

Improvements to the implementation of the Freedom Camping Policy

- 62 Submitters have raised a number of issues about freedom camping which will not necessarily be resolved simply by adopting a policy or bylaw. There are a number of improvements to the overall management of freedom camping which could be made.
- 63 Council can continue to explore new freedom camping opportunities within the District that could be incorporated into the policy during future reviews. In particular, the Council should consider freedom camping opportunities in its Management Plans when planning the upgrade or development of public areas. This will help to ensure that the District has the capacity to proactively cater to the demands of this growing activity group, and avoids situations where the Council is left scrambling to find additional space within reserves or car parks not designed to cater for large vehicles or overnight stays.
- 64 The current Schedule 1 freedom camping sites are predominantly coastal with few opportunities for inland freedom camping close to State Highway One or the proposed Expressway route. One potential option highlighted by the pro-freedom camping lobby group is a camping site within the new Howarth Block south of the Waikanae River. A freedom camping site in this location would be close to communication routes, away from residential housing and campground operators and could have the capacity to accommodate large vehicles. However, any site on the Howarth Block would be relatively isolated and careful consideration would need to be given to the security of the site and the security of other facilities on the Block. It would also need to be subject to the development of a management plan for the Howarth Block.
- 65 Any potential development of this and any other new sites should be done in consultation with the New Zealand Motor Caravan Association and local residents to ensure they are safe, appropriate and unlikely to cause conflict between different user groups.
- 66 The Te Horo Sims Road reserve and Sea Road car park are popular freedom camping sites for small numbers of overnight self contained vehicles subject to

containment and effective compliance monitoring. However, submitters have raised serious concerns about the behaviour of campers at these sites.

67 Improvements to the Council compliance response and some site improvements at both locations would help manage freedom camping better but also manage other activity causing damage to the wider reserve area. Required improvements include:

- more targeted patrol times during peak days and seasons;
- improved feedback to complainants;
- an accurate register of freedom camping offences and offenders;
- clarification through local outcome statements on what the Te Horo community's vision is for the coastal reserve including the potential use of timber bollards or some kind of barriers to prevent encroachment and define the car park boundaries;
- better placement of signage;
- installing marker posts to identify within car parks where freedom camping vehicles can stop for overnight stays; and
- information signs on dune restoration and the impact of vehicles on sensitive coastal ecology.

68 In addition to some improvements to the existing Policy or draft Bylaw (as recommended by submitters) many of the above operational improvements would help to considerably improve the management of freedom camping in not only Te Horo, but in other freedom camping sites experiencing similar problems.

Financial Considerations

69 Should Council choose to stay with the Policy, there are unlikely to be any financial implications. Any improvements to signs and so forth will be made within existing budgets. However, if it chooses the bylaw option, there may be a legal challenge incurring additional legal costs.

Legal Considerations

70 Should Council choose the bylaw option, there may be a legal challenge. This report has been reviewed by Council's senior legal advisor.

Delegation

71 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

- 72 Section 11(5) of the Freedom Camping 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.

Policy Implications

- 73 If Council decides to retain the Freedom Camping Policy and clause 20.3 of the the Public Places Bylaw, policy implications will be limited to the revision of some parts of the Policy.
- 74 However, if Council should decide to adopt the Freedom Camping Bylaw, section 20.3 of the Public Places Bylaw and the current Freedom Camping Policy would need to 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

- 75 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.

Publicity Considerations

- 76 Communications and press releases will be prepared once a decision on the way forward is made. The aim will be to ensure that all interested parties are informed of the decision and any new rules and requirements that have been introduced.

CONCLUSION

- 77 Three options are available to Council for managing freedom camping. These options are:
1. *No bylaw or Policy* - revoke clause 20.3 of the Public Places Bylaw and the Freedom Camping Policy. No new Bylaw introduced to replace them;
 2. *Retain current Freedom Camping Policy and Bylaw* - operate under the Local Government Act 2002 - clause 20.3 of the Public Places Bylaw and the Freedom Camping Policy;
 3. *New bylaw under the Freedom Camping Act 2011* – new Bylaw adopted under section 11 of this Act.
- 78 The recommended option is Two – retain the current Freedom Camping Policy and Public Places Bylaw. This approach enables Council to continue to manage freedom camping appropriately while not opening itself up to the risk of legal challenge. There is insufficient evidence at the present time to suggest freedom camping is such a problem in the District that a Bylaw is justified. Council may wish to review the situation again in 12-18 months at which point it could consider a bylaw if the evidence suggested it was necessary.

79 In addition to this, it is recommended that Council adopted the two changes to the Policy recommended during the consultation on the draft Bylaw:

- A requirement that in freedom camping sites where camping bays are not clearly marked that freedom camping vehicles must not park further than 25 metres from the freedom camping signpost.
- 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.

80 Clause 6.1.4 of the Draft Policy provides the recommended wording for this provision.

81 Further recommended changes to the Policy are:

- that the length of stay at the Sims Road and Sea Road freedom camping sites is reduced from 48 hours to 24 hours on account of their popularity.
- that the default length of stay in instances where no signs are available (i.e. they have been damaged) should also be reduced to 24 hours.
- that the Council retain the existing Policy for a further eighteen months and then review the situation again to see if a new management option is required.
- that the Council modifies clause 6.1.6 in the new Policy so that it provides greater flexibility for temporary freedom camping outside of Schedule 1 locations or for longer durations than the prescribed limit in exceptional circumstances, such as a special event. So long as suitable conditions are in place to manage these exceptions and local residents are advised, this dispensation power could be left at a warranted enforcement officer level for the sake of efficiency and expediency.

82 Other minor editorial changes recommended by submitters are also included and are highlighted via tracked changes. They each require Council approval before being formally adopted.

83 Improvements to the Council compliance response and some site improvements at both locations would help manage freedom camping better and also manage other activity causing damage to the wider reserve area. Required improvements include:

- more targeted patrol times during peak days and seasons;
- improved feedback to complainants;
- an accurate register of freedom camping offences and offenders;
- clarification through the preparation of local outcome statements of the Te Horo community's vision is for the coastal reserve including the potential use of timber bollards or some kind of barriers to prevent encroachment and define the car park boundaries;
- better placement of signage;

- installing marker posts to identify within car parks where freedom camping vehicles can stop for overnight stays; and
- information signs on dune restoration and the impact of vehicles on sensitive coastal ecology.

RECOMMENDATIONS

- 84 That the Committee adopts the revised Freedom Camping Policy as set out in Attachment 2 to Report SP-12-663.
- 85 That the Freedom Camping Policy is reviewed by June 2014 to ascertain if further changes are required including the possible preparation of a bylaw under the Freedom Camping Act 2011.
- 86 That the Committee instructs staff to implement improvements to monitoring and enforcement of the Freedom Camping Policy. Required improvements include:
- more targeted patrol times during peak days and seasons;
 - improved feedback to complainants; and
 - an accurate register of freedom camping offences and offenders.
- 87 That the Committee approves site improvements at the Sims Road and Sea Road freedom camping sites to improve management of freedom camping and also manage other activity causing damage to the wider reserve area. Required improvements may include some or all of the following:
- clarification through the preparation of local outcome statements of the Te Horo community's vision for the coastal reserve including the potential use of timber bollards or some kind of barriers to prevent encroachment and define the car park boundaries;
 - better placement of signage;
 - installing marker posts to identify within car parks where freedom camping vehicles can stop for overnight stays; and
 - information signs on dune restoration and the impact of vehicles on sensitive coastal ecology.

Report prepared by:

Approved for submission by:

Philippa Richardson

Tamsin Evans

Strategic Projects Manager

Group Manager Community Services

ATTACHMENTS:

Attachment 1: Draft Freedom Camping Bylaw

Attachment 2: Draft Freedom Camping Policy