



Te Kaunihera-ā-Rohe o Ngāmotu

NEW PLYMOUTH DISTRICT COUNCIL

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## MEETING AGENDA

# COUNCIL

**Wednesday 6 December 2017  
at 4pm**

**or at the conclusion of the Planning  
Committee meeting whichever is the later**

**COUNCIL CHAMBER  
LIARDET STREET  
NEW PLYMOUTH**

<b>Chairperson:</b>	Mayor Neil Holdom
<b>Members:</b>	Cr Richard Jordan (Deputy)
	Cr Shaun Biesiek
	Cr Gordon Brown
	Cr Murray Chong
	Cr Harry Duynhoven
	Cr Richard Handley
	Cr Stacey Hitchcock
	Cr Colin Johnston
	Cr John McLeod
	Cr Alan Melody
	Cr Mike Merrick
	Cr Marie Pearce
	Cr Roy Weaver
	Cr John Williams

**Purpose of Local Government**

The reports contained in this agenda address the requirements of the Local Government Act 2002 in relation to decision making. Unless otherwise stated, the recommended option outlined in each report meets the purpose of local government and:

- Will help meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses;
- Would not alter significantly the intended level of service provision for any significant activity undertaken by or on behalf of the Council, or transfer the ownership or control of a strategic asset to or from the Council.

END

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**APOLOGIES**

Cr Richard Jordan

## **ADDRESSING THE MEETING**

*Requests for public forum and deputations need to be made at least one day prior to the meeting. The Chairperson has authority to approve or decline public comments and deputations in line with the standing order requirements.*

## **PUBLIC FORUM**

*Public Forums enable members of the public to bring matters to the attention of the committee which are not contained on the meeting agenda. The matters must relate to the meeting's terms of reference. Speakers can speak for up to 5 minutes, with no more than two speakers on behalf of one organisation.*

- None advised

## **DEPUTATIONS**

*Deputations enable a person, group or organisation to speak to the meeting on matters contained on the agenda. An individual speaker can speak for up to 10 minutes. Where there are multiple speakers for one organisation, a total time limit of 15 minutes, for the entire deputation, applies.*

No deputations or speakers on this matter will be accepted as the submission period has closed. Submitters were given an opportunity to verbally present their submissions at the Council meeting on 27 November 2017.

## **REPORTS**

- 1 Proposed Freedom Camping Bylaw Deliberation and Adoption

END

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## **PROPOSED FREEDOM CAMPING BYLAW DELIBERATION AND ADOPTION**

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### **MATTER**

The matter for consideration by the Council is the submissions on the draft Freedom Camping Bylaw, and whether or not to approve the Freedom Camping Bylaw for adoption.

### **RECOMMENDATION FOR CONSIDERATION**

**That having considered all matters raised in the report the Council:**

- a) **Notes that it has considered all submissions to the proposed Freedom Camping Bylaw.**
- b) **Determines that it has followed the required special consultative procedure as set out in the Local Government Act 2002**
- c) **Determines that the Freedom Camping Bylaw is the most appropriate and proportionate way of addressing the perceived problem in relation to the New Plymouth District**
- d) **Determines that the Freedom Camping Bylaw does not give rise to any implications under the New Zealand Bill of Rights Act 1990.**
- e) **Determines the following site specific restrictions to freedom camping**
  1. **Tongaporutu: No additional restrictions proposed for self-contained freedom camping from the existing reserve management plan**
  2. **Urenui Domain and Recreation Reserve: No restrictions to self-contained freedom camping other than the requirements of the existing reserve management plan in relation to the Urenui camp ground.**
  3. **Onaero: No restrictions to self-contained freedom camping other than the requirements of the existing reserve management plan in relation to the Onaero camp ground.**
  4. **Battiscombe Terrace: Restrict self-contained freedom camping to four specified parks from 1 November to 30 April. No restrictions to self-contained freedom camping from 1 May to 31 October.**
  5. **Waiwhakaiho Beach: Restrict self-contained freedom camping to eight specified parks from 1 November to 30 April. No restrictions to self-contained freedom camping from 1 May to 31 October.**

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6. **Lake Rotomanu: No restrictions for self-contained freedom camping.**
  7. **Fitzroy Beach carpark: Prohibit all self-contained freedom camping from 1 November to 30 April. No restrictions to self-contained freedom camping from 1 May to 31 October.**
  8. **East End Beach carpark: Prohibit all self-contained freedom camping from 1 November to 30 April. No restrictions to self-contained freedom camping from 1 May to 31 October.**
  9. **Buller Street carpark: No additional restrictions proposed for self-contained freedom camping from the existing reserve management plan noting that the car park gate is locked overnight from 8.30pm to 6.00am.**
  10. **Kawaroa Park: Restrict self-contained freedom camping to fifteen specified parks.**
  11. **Belt Road: No restrictions to self-contained freedom camping.**
  12. **Back Beach Top: Restrict self-contained freedom camping to two specified parks from 1 November to 30 April. No restrictions to self-contained freedom camping from 1 May to 31 October.**
  13. **Back Beach Middle: Restrict self-contained freedom camping to three specified parks from 1 November to 30 April. No restrictions to self-contained freedom camping from 1 May to 31 October.**
  14. **Back Beach Bottom: Prohibit all self-contained freedom camping from 1.**
  15. **Corbett Park: Restrict self-contained freedom camping from 1 November to 30 April. No restrictions to self-contained freedom camping from 1 May to 31 October.**
  16. **Oakura Beach front: Prohibit all self-contained freedom camping from 1 November to 30 April. No restrictions to self-contained freedom camping from 1 May to 31 October.**
  17. **Ahu Ahu Road: No restrictions to self-contained freedom camping.**
  18. **Weld Road: No restrictions to self-contained freedom camping.**
  19. **Fort St. George/Tataraimaka Reserve: Prohibit self-contained freedom camping.**
  20. **Lake Mangamahoe: No additional restrictions proposed for self-contained freedom camping from the existing reserve management plan noting that the car park gate is locked overnight from 8.30pm to 6.00am.**
  21. **Mangorei Road/Pouakai Hut walk entrance: Prohibit self-contained freedom camping.**
- f) **Adopts the Freedom Camping Bylaw 2017 subject to the decisions contained in item e above as included as Appendix One of this report to be operative from a date advised by public notice;**
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- g) Revokes Clause 22 of the New Plymouth District Council Bylaw 2008 Public Places as per Appendix Two to be revoked on a date advised by public notice.**
- h) Delegates to the Manager Customer and Regulatory Solutions and the Compliance Lead, the power to grant dispensation by way of a permit as contained in clause 6 of the Freedom Camping Bylaw.**
- i) Notes that all other required delegations under the Freedom Camping Act are already in place within the Council delegations register.**
- j) Notes the proposed 2017/18 summer regulation of the new Freedom camping Bylaw through an educating and informing approach to all freedom campers with infringements fines being an enforcement tool of last resort.**
- k) Notes that continuing investigations into the provision of site specific non-self-contained freedom camping will be reported back to the Council in early 2018 and may require consultation on an amendment to the Freedom Camping Bylaw and the approval of funding through the LTP2018.**

<b>COMPLIANCE</b>	
Significance	This matter is assessed as being some importance
Options	<p>This report identifies and assesses the following reasonably practicable options for addressing the matter:</p> <ol style="list-style-type: none"> <li>1. Adopt the proposed Freedom Camping Bylaw providing for self-contained-vehicle freedom camping only and continue to investigate provision for non-self-contained freedom camping</li> <li>2. Adopt the proposed Freedom Camping Bylaw providing for all freedom camping and do not continue to investigate provision for non-self-contained freedom camping</li> <li>3. Adopt the proposed Freedom Camping Bylaw providing for all freedom camping only and continue to investigate provision for non-self-contained freedom camping.</li> <li>4. Status quo until completion of investigations into the provision of non-self-contained freedom camping.</li> </ol>

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<b>COMPLIANCE</b>	
Affected persons	The persons who are affected by or interested in this matter are freedom campers, visitors and users of freedom camping sites and the wider community.
Recommendation	This report recommends option one for addressing the matter.
Long-Term Plan / Annual Plan Implications	No
Significant Policy and Plan Inconsistencies	No

### **EXECUTIVE SUMMARY**

The Council has consulted on a Freedom Camping Bylaw (the FC Bylaw) proposed under the Freedom Camping Act 2011 (the Act). The FC Bylaw reflected the existing long-standing Council position within the New Plymouth District Council Bylaw 2008 Public Places Bylaw (the Public Places Bylaw) that restricted freedom camping within the New Plymouth District to self-contained vehicles (SCV). The consultation also sought views on:

- potential additional site specific restrictions to SCV freedom camping; and
- whether Council should consider provision for non-self-contained (NSC) freedom camping.

Following the consideration of all submissions this report recommends the adoption of the FC Bylaw to provide for SCV freedom camping only as attached within Appendix One. The FC Bylaw within Appendix One contains amendments to:

- the definition of a designated carpark;
- include a requirement to comply with reserve management plans;
- the definition of certified-self-contained; and
- the additional site specific restrictions to SCV freedom camping.

The report outlines the proposed welcoming, informing and educating approach to regulation of the new FC bylaw over the 2017/18 summer.

The report also notes that continuing investigations into the provision of site specific NSC freedom camping will be reported back to the Council in early 2018 and recommends only continuing with provision in the vicinity of existing public toilets at this time. The provision of site specific NSC freedom camping would require consultation on:

- an amendment to the Freedom Camping Bylaw regarding the appropriateness of the sites; and
- the approval of funding through the LTP2018.

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## **BACKGROUND**

### *Rationale for a bylaw*

Over the last few years, the Council has observed significant ongoing increases in:

- The number of freedom campers recorded in the Council's monitoring data; and
- The number of freedom camping related complaints received from the public.

The increases in freedom camping numbers and complaints has resulted in the Council considering the most appropriate and proportionate way of addressing the perceived problems in relation to freedom camping.

### *Proposed regulation of freedom camping*

The FCA provides that freedom camping is permitted in any local area unless it is restricted or prohibited in an area in accordance with a bylaw under section 11 of the FCA (Appendix Three) or under any other enactment.

At present the Council regulates freedom camping through the Public Places Bylaw, adopted under the Local Government Act 2002 (the LGA). The Public Places Bylaw restricts freedom camping within the New Plymouth District to SCV.

With increasing numbers of, and complaints relating to, freedom camping, the enforcement of freedom camping through the Public Places Bylaw under the LGA is no longer considered to be as effective and efficient as the ability to issue infringement fines with the FC Bylaw under the FCA.

The FC Bylaw was therefore proposed being reflective of the existing long-standing Council position within the Public Places Bylaw that restricted freedom camping within the New Plymouth District to SCV. The consultation also sought views on:

- potential additional site specific restrictions to SCV freedom camping; and
- whether Council should consider provision for NSC freedom camping.

## **SUBMISSIONS RECEIVED**

110 submissions were received during the consultation period. A large range of views and perspectives were expressed in these submissions. A high-level overview of the submissions is outlined below, a more comprehensive summary is in Appendix Four, and full submissions are available in the attached submission report.

### **Proposal to restrict freedom camping to SCV freedom campers.**

#### Against:

52 submitters did not support the proposal to restrict freedom camping to SCV campers. Comments related to the New Zealand culture of being able to responsibly enjoy the natural environment and that the Council's rules are punishing the majority for an irresponsible few. It was also highlighted that NSC campers contribute to the economy, and we should be welcoming these people to our district. There was also concern that by banning these campers from the District, they will overflow into neighbouring / surrounding districts – causing greater impact on them, and resulting

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in confusion for campers at the lack of a regional approach. It was also highlighted that prohibiting NSC campers is limiting freedom camping to the wealthy.

For:

47 submitters supported this proposal. Comments related to freedom campers contributing to the economy, and that tourists are a good source of income for the district. A number of submitters in support of SCV only also had feedback on where SCV freedom camping was permitted, and the importance of providing as many parking spaces / areas as possible for these visitors. Further consideration of the potential additional site specific restrictions to SCV freedom camping, and the number of sites for SCV freedom campers is contained within Appendix Five. In addition, there were comments in regard to the different impact that SCV and NSC campers have on the environment, and that they should not be categorised together. Some submitters wanted even greater restrictions for freedom campers, and others highlighted the importance of protecting local areas for community use.

Conversely, submitters noted they were against allowing NSC freedom campers for the following reasons as the cost of providing for this group is high compared to the benefits they bring to the community, and others noted that there are campgrounds in the District that these campers can use.

**Provision for NSC freedom camping in New Plymouth District**

Submitters were asked if Council should make provisions for NSC freedom campers. The majority of submitters supported some sort of provision for NSC freedom camping. However, it appears that the community would prefer a restricted approach to – 74 per cent supported allowing NSC freedom camping where the appropriate infrastructure is in place (i.e. near public toilets or in a designated freedom camping site). 20 per cent did not support allowing NSC freedom camping at all. Seven per cent of submitters thought NSC freedom camping should be permitted anywhere on council controlled or managed land. Nine per cent of submitters did not answer this question. See table 1 for results.

Table 1 – Support for NSC freedom camping in New Plymouth District

Do you think the Council should consider making provisions for people camping in NSC vehicles / caravans / tents to be allowed to freedom camp in New Plymouth District?	Number of submitters supporting this option
No	22
Yes – near public toilets only	31
Yes – anywhere on Council controlled or managed land	8
Yes – a site set up specifically for non-self-contained campers (e.g. with toilets, fresh water etc.)	46
Other – please state	3
Did not answer	10

\* Note: some submitters selected multiple answers to the above question

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Submitters provided a range of suggestions for where this NSC freedom camping may be permitted – see Appendix Six. There were also suggestions for 'pay-to-stay' options, and subsidised campground sites freedom campers. It was noted that the correct infrastructure would be necessary for NSC freedom camping to work.

### **OFFICERS RESPONSE**

The ability to issue infringement fines with the FC Bylaw under the FCA is considered to be more effective and efficient than the existing enforcement options under the Public Places Bylaw and LGA. This report therefore proposes to adopt a FC Bylaw under the FCA and revoke section 22 of the Public Places Bylaw relating to camping. Delegation to the Manager Customer and Regulatory Solutions and the Compliance Lead to grant dispensation by way of a permit as contained in clause 6 of the FC Bylaw is also recommended. It is noted that all of the other required delegations under the Freedom Camping Act are already in place within the Council delegations register.

As discussed above a large range of views and perspectives were expressed in submissions. There is also divergent approach by local government through-out New Zealand to freedom camping. A generally agreed position is that SCV freedom camping is provided for with the exception of some specific sites.

The variation in approach relates to the provision for NSC freedom camping. The responses throughout New Zealand reflect the various council's perception to the perceived problems of freedom camping within their districts:

- no FC Bylaw in place; or
- FC Bylaw allows NSC freedom camping with the exception of specific sites; or
- NSC freedom camping only at specific sites; or
- prohibition of all NSC freedom camping.

Accepting the position that the ability to issue infringement fines with the FC Bylaw under the FCA is the preferred regulatory approach to freedom camping then the Council essentially has three possible approaches with respect to the Bylaw and NSC freedom camping:

- **NSC freedom camping:** allow for NSC freedom camping throughout the district and apply the proposed additional site restrictions to all freedom camping;
- **Site specific NSC freedom camping:** provision for NSC freedom camping at specific sites; or
- **SCV freedom camping:** district wide NSC prohibition/restriction reflective of current Council position.

A mix of approaches is proposed in relation to the options available to the Council.

Option one is to adopt the proposed Freedom Camping Bylaw providing for SCV freedom camping only and continue to investigate provision for NSC freedom camping. This is the recommended option.

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Option two is to adopt the proposed Freedom Camping Bylaw providing for all freedom camping and do not continue to investigate provision for NSC freedom camping.

Option three is to adopt the proposed Freedom Camping Bylaw providing for all freedom camping only and continue to investigate provision for NSC freedom camping.

Option Four is the status quo until completion of investigations into the provision of non-self-contained freedom camping. This option is not recommended as the ability to issue infringement fines under the FCA is considered to be more effective and efficient than the existing enforcement options under the Public Places Bylaw and LGA.

### **NSC freedom camping**

NSC freedom camping is not currently provided for within the existing Public Places Bylaw. However, enforcement is considered to be cumbersome and relatively ineffective under the LGA. Therefore it is acknowledged that NSC freedom camping is currently occurring throughout the district at increasing levels.

The ability to issue infringement fines under the FCA is considered to be more effective and efficient than the existing enforcement options under the Public Places Bylaw and LGA. This report therefore proposes to adopt a bylaw under the FCA and revoke section 22 of the Public Places Bylaw relating to camping.

The Council could determine that the perceived problems with NSC freedom camping either do not exist or can be adequately managed through:

- general parks, open space and toilet management/maintenance; and
- the ability to issue infringement fines with the FC Bylaw under the FCA.

The advantages of this approach include:

- potential benefit to the district by welcoming all visitors and may take advantage of other NZ district restrictions to NSC freedom campers;
- disperses NSC freedom campers across the district and avoids potential issues with restricting NSC to a specific site or sites;
- immediately provides for NSC freedom campers throughout the district

The disadvantages include:

- potential increase in frequency and cost to general parks, open space and toilet management/maintenance;
- potential increase in frequency and cost to regulate/enforce including increased frequency and coverage of patrols and response to complaints; and
- potential for disgruntled residents who do not agree with the decision.

It is considered that there is the ability for the Council to take this approach given that the FC Bylaw consultation specifically requested views on NSC freedom camping. If proposed then it is recommended that the proposed additional site restrictions for self-contained freedom camping would need to be updated to simply site restrictions for freedom camping. Consideration should also be given to limiting NSC freedom camping to only 1-2 days per location rather than the 3 days proposed for SCV.

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It is also noted that investigations into site specific NSC Freedom Camping are continuing and are discussed further in the report below. Therefore, this approach could be adopted as either:

- a final position with the discontinuation of investigations into site specific NSC Freedom Camping; or
- an interim position until final decisions are made regarding site specific NSC Freedom Camping in 2018.

Options Two and Three to adopt the proposed Freedom Camping Bylaw providing for all freedom camping is not recommended. However an alternative resolution and bylaw are contained in Appendix Seven, should the Council determine to adopt this position. The recommendations also include options regarding the continuation of investigations into site specific NSC Freedom Camping.

### **Site specific NSC freedom camping**

It is acknowledged that a number of site specific NSC freedom camping sites around New Zealand have been closed down (eg Christchurch and Nelson) due to ongoing issues including over-crowding and anti-social behaviour. Therefore, the proposed approach is that the provision for site specific NSC freedom camping requires careful consideration of site selection, set-up, maintenance, management and regulation/enforcement. Further it is critical that it is adequately funded through both capex and opex budgets.

Council has resolved (Planning Committee 23 August with the approval of the statement of proposal for the FC Bylaw) to investigate the provision of site specific NSC freedom camping in the vicinity of public toilets and/or through dedicated NSC freedom camping sites. This approach recognises that provisions for NSC freedom camping would be a shift from the current Council position. Provision for site specific NSC freedom camping would potentially require additional budget including capex and opex costs to set up, maintain, manage and regulate NSC freedom camping.

These investigations are continuing and will be reported back to the Council in early 2018. The provision of site specific NSC freedom camping would require both:

- consultation on an amendment to the Freedom Camping Bylaw in relation to the proposed sites; and
- the approval of funding through the LTP2018.

The advantages of this approach are:

- investigating the provision for site specific NSC freedom camping;
- may make use of existing public toilets;
- ensures the provision for site specific NSC freedom camping is adequately resourced by the Council.

The disadvantages of this approach are:

- will require consultation on an amendment to the FC Bylaw;
  - will require approval of funding through the LTP2018;
  - will not be implemented over summer 17/18;
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- likely to attract NIMBY opposition to proposed sites; and
  - can result in other issues by herding NSC freedom camping into specific sites.

A continuation of investigations into the provision for site specific NSC freedom camping is recommended as an integral part of Option Three recognising that implementation would take place post 1 July 2018.

### **SCV freedom camping**

This is the recommended option along with continuation of investigations into the provision for NSC freedom camping in the vicinity of existing public toilets.

Complaints and monitoring have consistently demonstrated that perceived problems with NSC camping exist. The data demonstrates that sites which NSC campers frequent have issues including overcrowding, public defecation and litter. This indicates that the continuation of current restrictions could be considered by the Council to protect the area, the health and safety of visitors and access to areas within the district. The evidence is therefore considered to support a continuation of the existing Council position under the Public Places Bylaw within a FC Bylaw under the FCA. That is to restrict freedom camping within the New Plymouth District to SCV. This is considered to be justified under section 11 of the FCA to:

- protect the area of the New Plymouth District; and
- protect the health and safety of people that may visit the new Plymouth District.

The advantages of this approach are:

- reflects the existing Council position;
- mostly implemented within existing budgets; and
- protects the area and health and safety of the district.

The disadvantages of this approach are:

- Not welcoming to all visitors; and
- May result in reduction of tourist revenue to the district.

Option one is to adopt the proposed Freedom Camping Bylaw providing for SCV freedom camping only (and continue to investigate provision for NSC freedom camping) is the recommended option.

The recommended option is considered to meet the requirements of section 12 of the FCA in that it does not have the effect of prohibiting freedom camping in all the local authority areas in the New Plymouth District. This approach is reflected in similar bylaws in Tauranga, Christchurch, Nelson, Waitaki, Queenstown Lakes District, Clutha, Western Bay of Plenty, Manawatu, Tasman and Buller.

It is also noted that a similar approach is reflected in a number of other bylaws with the exception that NSC camping is only provided through specified locations or within the vicinity of public toilets. For example, the South Taranaki bylaw prohibits NSC freedom camping throughout the entire district with the exception of twelve (12) sites for vehicles (9 sites also allow for tenting) and one (1) site for tenting.

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Although the FC Bylaw would restrict freedom camping to SCV, the FCA states that freedom camping does not include temporary and short term parking of motor vehicles, recreational activities commonly known as day-trip excursions, or resting or sleeping at the roadside in a caravan or motor vehicle to avoid driver fatigue. The bylaw would provide the Council with the regulatory tools to address issues with NSC freedom camping when they arise.

### **Additional site specific SCV freedom camping considerations**

The consultation also sought views on potential additional site specific restrictions to SCV freedom camping. The consideration of these are contained in Appendix five including an indicative monitoring regime.

The recommendations reflect:

- the requirements of the FCA
- the existing reserve management plans
- the seasonal pressure of locations in relation to protecting access to the areas.

#### Reserve Management plans

With respect to the Buller Street carpark and Lake Mangamahoe, no additional restrictions are proposed for SCV freedom camping as these areas are already locked at night, including a request for all vehicles to leave prior to closure and locking.

For a number of reserves (Tongaporutu, Urenui, Onaero, Lake Rotomanu, Ahu Ahu Road, and Weld Road) the recommendation is a continuation of the current practice under the existing reserve management plans with no further restrictions proposed for SCV.

Should freedom camping issues arise it is also suggested that possible future reviews of the reserve management plans could further consider the management and possible restriction of freedom camping in an integrated manner with the management of all reserve activities along with alignment and amendment of the FC Bylaw.

#### Areas of high public use

For Fitzroy, East End, Corbett Park and Oakura the recommendations recognise the high levels public use during the summer season. Therefore, the recommendation for these high summer public use areas is to prohibit all SCV freedom camping from 1 November to 30 April. No restrictions to SCV freedom camping are recommended from 1 May to 31 October.

For Battiscombe Terrace, Waiwhakaiho, and Back Beach restrictions to SCV are recommended through designated parking SCV freedom camping from 1 November to 30 April. No restrictions to SCV freedom camping are recommended from 1 May to 31 October. For Back Beach bottom car park the recommendation is to prohibit SCV freedom camping.

For Kawaroa the recommendation is to restrict self-contained freedom camping to designated parks year round.

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### Other

No restrictions for SCV are recommended for Belt Road.

With respect to Mangorei Road end the restriction to SCV is recommended to protect access to the area. It should also be noted that the Council has purchased land for a carpark, and further consideration to freedom camping will be considered to coincide with the opening of the carpark.

For Fort St. George/Tataraimaka Reserve the recommendation is to prohibit SCV freedom camping.

### **Feedback from Iwi**

Ngati Tairi were the only iwi to provide a submission – this submission agreed that freedom camping should be restricted to SCV throughout the district. They supported the proposed restrictions / prohibitions for Corbett Park, Oakura Beach front, Ahu Ahu Road, Weld Road and Fort St. George / Tataraimaka Pa area between Greenwood Road and Katikara River. They also requested that Ahu Ahu Road, Weld Road, Corbett Park and Tataraimaka Pa areas be exempt from the permit clause in the bylaw, but noted that day use is ok. Ngati Tairi supported providing for NSC campers through a site set up specifically for that purpose.

### Officer response

It is not recommended to restrict the permit clause from the sites requested. The additional site specific SCV freedom camping considerations are detailed within the report below. The recommendations (with the exception of Tataraimaka –St Georges redoubt) differ from the position of Ngati Tairi. The restrictions proposed for Corbett Park and Oakura Beach front are for the peak summer period only. For Ahu Ahu Road, Weld Road the recommendation is a continuation of the current practice under the existing reserve management plans with no further restrictions proposed for SCV.

Should freedom camping issues arise a future review will consider possible further restriction of freedom camping in an integrated manner with the management of all reserves and public activities in these locations.

Council is also still open to work with all iwi and hapu at any time should they wish to identify sites of cultural significance where the Council should consider additional restrictions to SCV freedom camping. The Council would need to consider the proposed sites under the FCA and undertake consultation before amending the FC Bylaw.

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### **Additional feedback**

Submitters provided a large range of feedback including suggestions for sites that freedom camping should be permitted – some of these suggestions reflect the the FC Bylaw, as SCV freedom camping is effectively permitted everywhere on Council controlled or managed land, apart from where it is explicitly prohibited from (to be determined by Council).

Submitters provided suggestions for sites that freedom camping should also be prohibited from. It is proposed that Council keep a record of these sites and any issues that arise. This information along with feedback from Parks will help to inform any further considerations for amendment at future reviews of the bylaw. These sites can be found in Appendix Eight.

A number of submitters suggested time constraints to SCV freedom camping to allow camping at night in locations provided car parks were vacated through the day. This is not recommended as day use by SCV is not proposed to be regulated or differentiated from other day visitors.

A number of submitters requested adequate sizing of designated car parks for SCV freedom camping and adequate spacing for safety. The designated carparks are provided as SCV freedom camping parking locations rather than camp sites. The recommendation is for the designated parking sites to be separated, and sizing to be fit for purpose as far as practicable suited to the areas concerned.

NZMCA has requested a change to the definition of SCV. The requested definition is recommended.

One submitter has requested that the Council allocate up to \$25,000 to hand out vouchers for camp grounds as an integral part of the regulation of freedom camping to encourage NSC freedom campers to head to camp grounds. This is not recommended.

### **SUMMARY AND RECOMMENDATION**

Council officers recommend that Council adopt the FC Bylaw as per Appendix One which restricts freedom camping in New Plymouth District to SCV only, and in doing so determine any additional restrictions or prohibitions for particular sites. Council officers have provided recommendations and rationale for additional restrictions / prohibitions in Appendix Five. The bylaw would provide the Council with the regulatory tools to address issues with NSC freedom camping when they arise.

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Additionally, as there was notable support for allowing NSC freedom campers in the district it is recommended that investigations into the provision of site specific NSC freedom camping Continue. A report back on options early in 2018 would determine the most efficient provision site specific NSC freedom camping subject to:

- consultation on an amendment to the Freedom Camping Bylaw in relation to the proposed sites; and
- the approval of funding through the LTP2018.

#### Proposed approach to the bylaw

It is proposed that the 2017/18 summer regulation of the FC Bylaw should be through an educating and informing approach to all freedom campers with infringements fines being an enforcement tool of last resort.

There will be continuation of regular summer patrols between December and March, within existing budgets. This is a continuation of previous summer's schedules – taking place three nights per week (Thursday, Friday and Saturday) at 13 sites.

As the Bylaw is new, there may be additional response required, so the approach will be flexible in order to respond to issues as they arise.

As noted above Council will keep a record of issues that arise from freedom camping. This information along with feedback from the Parks and Open Spaces team (who manage and maintain parks and open spaces areas) will help to inform any future considerations for amendments of the FC Bylaw.

#### Regional considerations

Regional discussions regarding freedom camping are continuing. Stratford do not have a bylaw under the FCA. The South Taranaki bylaw prohibits NSC freedom camping throughout the entire district with the exception of twelve (12) sites for vehicles (9 sites also allow for tenting) and one (1) site for tenting.

Current regional considerations include consistent signage and messaging. Consideration is also being given to a regional approach to NSC freedom camping locations.

### **SIGNIFICANCE AND ENGAGEMENT**

In accordance with the Council's Significance and Engagement Policy, this matter has been assessed as of some importance because of the perceived problems freedom camping impacts on areas in the District and the wide range of community views.

Freedom camping is a popular tourism trend, therefore, regulation and management of the activity is important for maintaining the natural integrity and public amenity of the District, but also in maintaining and building on New Plymouth as a tourist destination.

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Freedom camping can be contentious with the community and there has been a lot of local and national media attention directed at freedom camping. The special consultative procedure was carried out to gain community feedback on the proposed bylaw.

## **OPTIONS**

Option one is to adopt the proposed Freedom Camping Bylaw providing for SCV freedom camping only and continue to investigate provision for NSC freedom camping. This is the recommended option.

Option two is to adopt the proposed Freedom Camping Bylaw providing for all freedom camping and do not continue to investigate provision for NSC freedom camping. This is not the recommended option.

Option three is to adopt the proposed Freedom Camping Bylaw providing for all freedom camping only and continue to investigate provision for NSC freedom camping. This is not the recommended option.

Option Four is the status quo until completion of investigations into the provision of non-self-contained freedom camping. This is not the recommended option.

### **Option 1 Adopt the proposed Freedom Camping Bylaw providing for SCV freedom camping only and continue to investigate provision for NSC freedom camping**

- a) Financial and Resourcing Implications  
Signage and designated car park marking costs will be met out of existing operational budgets. No changes are proposed to Parks and Open Spaces maintenance and management budgets. Monitoring and enforcement of freedom camping sites will also be covered by existing operational budgets including summer patrols at 13 sites through December to March.

It is recognised that the change in approach may result in some opex cost variations associated with the cleaning / maintenance required at freedom camping areas, and enforcement. Having said that there are already significant numbers of freedom campers such that existing budgets should be adequate.

Officer time will be required to continue investigations into NSC freedom camping options.

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- b) **Risk Analysis**  
There is a potential that NSC tourists may be deterred from New Plymouth District. However, the Council is recommending a welcoming, educating and informing approach to all freedom campers with infringements fines being an enforcement tool of last resort, which may help to mitigate this risk through summer 17/18. Provision of NSC freedom camping options for summer 18/19 would further reduce his risk.
  - c) **Promotion or Achievement of Community Outcomes**  
This option promotes People, Place and Prosperity through supporting the community and protecting community spaces for community use while still providing for freedom campers, and Council is providing for tourists / visitors through the provision of the Freedom Camping Bylaw.
  - d) **Statutory Responsibilities**  
The Freedom Camping Act 2011 requires Council to undertake the special consultative procedure in order to develop a freedom camping bylaw – this requirement has been met.
  - e) **Consistency with Policies and Plans**  
Section 22 Restricted Activity Camping of the NPDC Public Places Bylaw will need to be revoked.
  - f) **Participation by Māori**  
Iwi and Hapu were notified of the proposed Freedom Camping Bylaw and the consultation period. Council will also consult with Iwi when carrying out the investigations of NSC freedom camping options. One hapu did provided a submission and this has been taken into consideration when making final recommendations.
  - g) **Community Views and Preferences**  
Council received 110 submissions on the proposed bylaw. Of which 52 did not agree with the proposal to restrict freedom camping to SCV only and 47 did agree with this proposal, 11 submitters did not answer this question. Community views and preference will be sought regarding site specific NSC freedom camping should these proposal proceed.
  - h) **Advantages and Disadvantages**  
The advantages of this option are that the Council will have a FC Bylaw made under the FCA. The FC Bylaw will be consistent with the existing position of the Public Places Bylaw and can be implemented within existing budgets. The Council will have time to undertake thorough investigation of options for NSC freedom camping, and run a special consultative procedure to understand
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communities' views and preferences for NSC freedom camping in the District and at particular sites.

The disadvantage of this option is that, apart from camping grounds, NSC freedom campers will not be accommodated for in the District for the upcoming summer. This may impact visitor numbers. Decisions on the provision for NSC freedom camping would not be implemented until after 1 July 2018.

**Option 2 Adopt the proposed Freedom Camping Bylaw providing for all freedom camping and do not continue to investigate provision for NSC freedom camping**

- a) **Financial and Resourcing Implications**  
Financial implications as for option 1 above, however, there is also a possibility that additional maintenance, cleaning and enforcement costs will be required for the provision of NSC freedom campers. Having said that there are already significant numbers of freedom campers such that existing budgets should be adequate. No ongoing staff time will be required for continued investigations.
  - b) **Risk Analysis**  
Council did consult with the community as to whether they believed that Council should consider making provisions for NSC freedom camping (whether that be a designated site, near public toilets, throughout the District or not), there is some minor risk of challenge to the process and/or community frustration with this approach.  
  
Risks associated with allowing NSC freedom camping throughout the District are the impact on the environment, health and safety, and on access to community areas for local community use. These are partially mitigated through a recommended continuation of the additional site specific restrictions applying to all freedom camping rather than just SCV freedom camping.
  - c) **Promotion or Achievement of Community Outcomes**  
This option supports people and prosperity, as it is supporting all visitors to the District and promoting a vibrant economy. This option may be viewed by some members of the community as a potential compromise to the community outcome of place and people – as the environment could be perceived to be impacted on by NSC freedom campers.
  - d) **Statutory Responsibilities**  
As for option 1.
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- e) Consistency with Policies and Plans  
As for option 1.
- f) Participation by Māori  
Iwi and Hapu were notified of the proposed Freedom Camping Bylaw, the consultation period. One hapu did provide a submission and they supported site specific NSC freedom camping over rather than the district wide approach covered by this option.
- g) Community Views and Preferences  
From consultation the following feedback was received on NSC freedom campers:
- 22 said no, Council should not consider making provisions for NSC freedom camping
  - 30 supported NSC freedom camping near public toilets
  - 8 supported NSC freedom camping anywhere on Council controlled or managed land
  - 45 supported NSC freedom camping at a site set up specifically for NSC campers
  - 3 supported something else
  - 10 did not answer.
- h) Advantages and Disadvantages  
The advantage of this option is that the FC Bylaw, made under the FCA, is in place. This allows the existing NSC freedom camping occurring within the district to continue along with the ability to issue infringement fines where issues arise. The disadvantage is that thorough investigation into site specific NSC freedom camping options has not been undertaken to inform the Bylaw on a more informed position regarding provisions for NSC camping. Additionally, officers believe that further consultation with the community would be valuable for consideration and final determination for NSC camping options, including restrictions to numbers, proximity to public toilets, location of sites etc.

**Option 3 Adopt the proposed Freedom Camping Bylaw providing for all freedom camping and continue to investigate provision for NSC freedom camping**

- a) Financial and Resourcing Implications  
Financial implications as for option 1 above, however, there is also a possibility that additional maintenance and cleaning costs will be required for the provision of NSC freedom campers over the upcoming summer period. Having said that there are already
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significant numbers of freedom campers such that existing budgets should be adequate. Officer time will be required to continue investigations into NSC freedom camping options.

- b) **Risk Analysis**  
Issues from NSC freedom camping may arise, however these issues will inform the ongoing investigations into site specific NSC freedom camping options. Further investigations and community consultation is required for site specific NSC camping options along with potential amendments to the FC Bylaw.
- c) **Promotion or Achievement of Community Outcomes**  
As for option 2
- d) **Statutory Responsibilities**  
As for option 1.
- e) **Consistency with Policies and Plans**  
As for option 1.
- f) **Participation by Māori**  
As for option 1.
- g) **Community Views and Preferences**  
As per option 1 and 2.
- h) **Advantages and Disadvantages**  
The advantage of this option is that Council will have a FC Bylaw made under the FCA in place for the upcoming summer. In addition, this option allows for appropriate investigations and a special consultative procedure to understand communities views and preferences for NSC freedom camping in the District. NSC freedom camping over the upcoming summer period will inform any potential amendments to the FC Bylaw. Another advantage is that NSC campers will not be discouraged from visiting the District this summer.

The disadvantage of this option is that NSC freedom camping would be permitted throughout the district, this may have an impact on the health and safety, the environment and access to areas for local community use.

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**Option 4 Retain the status quo Public Places Bylaw for regulating freedom camping in the District, pending further consideration of NSC Freedom camping**

- a) **Financial and Resourcing Implications**  
Continuation of the current monitoring will be covered by existing operational budgets. Additionally, officer time will be required to continue investigations into NSC freedom camping options.
  - b) **Risk Analysis**  
There is a risk that the current freedom camping provisions will not be adequate for addressing any arising issues with freedom campers – i.e. Council officers will not be able to issue infringement fines as a deterrent to non-compliant freedom campers. This could be problematic if there is a large number of freedom campers in the District over the summer period.
  - c) **Promotion or Achievement of Community Outcomes**  
This option may compromise the Community Outcomes of Place and People, as the current Bylaw does not allow infringement fines for regulating non-compliant behaviour / campers (i.e. NSC), therefore, the environment may be impacted on, nor does it protect local community access to specific high value and high use areas.
  - d) **Statutory Responsibilities**  
As part of further consideration for NSC freedom camping, the Council will carry out a special consultative procedure in regard to NSC camping with the community.
  - e) **Consistency with Policies and Plans**  
This option is consistent with current policies and plans.
  - f) **Participation by Māori**  
Council would consult with Iwi when carrying out the investigations of NSC freedom camping options.
  - g) **Community Views and Preferences**  
Community views and preference will be sought regarding site specific NSC freedom camping should these proposals proceed.
  - h) **Advantages and Disadvantages**  
The advantage of this option is that a final FC Bylaw can be adopted, inclusive of thorough NSC freedom camping investigations and outcomes.
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The disadvantage of this option is that the Council will not have a FC Bylaw made under the FCA for regulating freedom camping over the upcoming summer. Additionally, apart from camping grounds, NSC freedom campers will not be accommodated for in the District for the upcoming summer, this may impact visitor numbers.

### **Recommended Option**

This report recommends option One for addressing the matter.

### **APPENDICES**

Appendix one	Recommended Freedom Camping Bylaw
Appendix two	Amended Public Places Bylaw
Appendix three	Section 11 of the Freedom Camping Act 2011
Appendix four	Summary of submissions a) Online Submissions b) Hard copy submissions
Appendix five	Consideration of potential additional site specific restrictions to SCV freedom camping, including submission feedback
Appendix six	Suggested sites for NSC freedom camping
Appendix seven	Alternative recommendation and Freedom Camping Bylaw
Appendix eight	Submitters suggestions on further SCV freedom camping site restrictions

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### **Report Details**

Prepared By:	Jo Eagar (Policy Adviser)
Team:	Policy Development
Approved By:	Mitchell Dyer (Policy Development Lead)
Ward/Community:	District Wide
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-----*End of Report*-----

#### PLEASE NOTE:

Due to the size of the above files they have not been incorporated into this agenda but can be located via Council's website under "Hearings::  
<http://www.newplymouthnz.com/Council/Meetings/Hearings>