

Waitaki District Responsible Freedom Camping Bylaw Review

CONSULTATION DOCUMENT

Have
your say



Council is currently reviewing the Responsible Freedom Camping Bylaw (2016) for the Waitaki district. Your feedback will help us make the best possible decision on how effective the current bylaw is in managing freedom camping issues.

Purpose

The *Waitaki District Responsible Freedom Camping Bylaw 2016* enables Council to effectively deal with issues caused by freedom camping through identifying district-wide standards for freedom camping, and specific locations within the Waitaki District where freedom camping is prohibited or restricted on Council managed land.

Background

Freedom camping is defined in the *Freedom Camping Act 2011* (the Act) as camping in a tent or other temporary structure, a caravan, car, campervan, house-truck, or other motor vehicle in locations other than at a camping ground within 200 metres of a motor vehicle area, formed road, Great Walk or mean low-water springs.

Currently, the *Waitaki District Responsible Freedom Camping Bylaw 2016* provides for freedom camping in all areas of the Waitaki District, except in areas designated as 'Restricted and Prohibited in Part 2 and Schedule 1 & 2 of the bylaw (except for reserves where camping is managed and restricted under the *Reserves Act 1977* through the *Waitaki Reserves Management Plan*). A bylaw can only regulate freedom camping in defined locations - no district-wide blanket ban is allowed under the Act. A bylaw cannot regulate freedom camping on non-Council land e.g., Department of Conservation, Land Information New Zealand, New Zealand Transport Agency e.g., Katiki Strait.

In reviewing the need for a bylaw, Council must be satisfied that a bylaw is necessary for one or more of the following reasons (under the Act) at specified locations in the district:

1. To protect the area; and/or
2. To protect the health and safety of people who may visit the area; and/or
3. To protect access to the area.

Other non-regulatory management options that Council have undertaken to complement the freedom camping bylaw include education, signage, provision of additional facilities, liaison with other agencies and territorial authorities, sharing of services with other agencies, and on-going monitoring of the issue.

Since the implementation of the 2016 Bylaw, the number of community-generated complaints have declined from 32 in 2017 to 10 in 2020. From 2016 to 2018, officers issued 513 infringements, with only 2 infringements being issued from 2019 to 2021.

Monitoring of freedom camping sites has shown high levels of compliance and a good knowledge and understanding of the *Waitaki District Responsible Freedom Camping Bylaw 2016*. The Freedom Camping Ambassador initiative has allowed Council to identify areas of high usage and to target education to those areas. For these reasons Council officers believe the Bylaw is working as designed and that no changes are proposed. However, we welcome the community's input if they feel some areas of the bylaw are not working.

Statement of Proposal

The full Statement of Proposal and supporting attachments for the *Waitaki District Responsible Freedom Camping Bylaw 2016* can be viewed on the Consultation page on Council's website, at Council offices in Ōamaru and Palmerston or at Waitaki district libraries.

The Statement of Proposal is prepared pursuant to sections 83, 86, 155 and 156 of the *Local Government Act 2002* (LGA). This is a proposal to review the Responsible Freedom Camping 2016 Bylaw under the *Freedom Camping Act 2011*.

The Council recognises that freedom camping is regulated by the *Freedom Camping Act 2011*. Under this Act, freedom camping is permitted on all public land controlled or managed by it unless the Council prohibits or restricts freedom camping at specific locations through a bylaw, for one or more of the following purposes:

- to protect the area
- to protect the health and safety of people who may visit the area
- to protect access to the area.

Restrictions cannot be imposed for any reason other than those outlined above. It is recognised that the Council may not make a bylaw that has the effect of prohibiting freedom camping on all of its land in the District.

Council has carefully considered that the current bylaw is necessary and proposes that current regulatory approaches are maintained in particular areas of the District. Council is proposing to maintain the areas where freedom camping is restricted and prohibited and continue to apply restrictions on freedom camping in some areas.

The statement of proposal contains information on how the bylaw was developed, key issues that the bylaw seeks to address and the outcomes achieved by adopting the current Responsible Freedom Camping Bylaw. It also contains information on **Prohibited** and **Restricted** freedom camping locations in Waitaki.

Why are we reviewing the bylaw?

Council has chosen to review the *Waitaki District Responsible Freedom Camping Bylaw 2016*, with community consultation as it will continue to provide appropriate levels of protection while providing clear and transparent information about where visitors and locals are able to freedom camp in the District.

A bylaw review provides Council with the continued ability to set district-wide expectations around freedom camping and provide a greater certainty around the level of controls on freedom camping at defined “hot spot” locations. It also allows enforcement to take place with Council having the ability to collect revenue from infringement fines.

In addition to a regulatory response, Council will provide non-regulatory support to the bylaw and maintain the ability to issue infringement notices, which supports increased compliance with the rules of the bylaw, supporting the overall objective of the current bylaw.

Process to date

Council has worked through a process to consider the review of the *Waitaki District Responsible Freedom Camping Bylaw 2016* in accordance with the requirements of the *Local Government Act 2002*. This process has included:

- review of current Council practice and relevant bylaws and policies with respect to freedom camping management
- review of other territorial authority freedom camping management approaches across New Zealand
- consideration of the *New Zealand Bill of Rights Act 1990*

It is now time to consult with the community.

What we want you to do

This is your opportunity to have a say on the proposed *Waitaki District Responsible Freedom Camping Bylaw 2016*. Please read the full Statement of Proposal available on Council’s website then let us know if you support, or don’t support, the current bylaw and your reasons why.

Please note: This consultation is only about Waitaki’s bylaw and not the Freedom Camping Act, which we have no power to change.

You can make a submission by completing the submission form (at the end of this document) and getting it back to us, or you can fill in our online submission form available through the ‘Consultation’ page at www.waitaki.govt.nz.

Submissions close 5pm, Monday 2 August 2021.

Please also clearly state on the submission form if you wish to speak to your submission.

Hearings take place on Monday 16 August 2021. If you indicate that you would like to speak to your submission, we will contact you to arrange a time. You will need to keep your presentation to 5 minutes maximum for individuals and 10 minutes for organisations/groups. Councillors will have read your written submission prior to the meeting.

Key dates

Consultation opens	Friday 2 July 2021
Consultation closes	Monday 2 July 2021 (by 5pm)
Council Hearing	Monday 16 August 2021
Council Decision - Bylaw is amended or continues without amendment	Wednesday 8 September 2021
Letters sent to submitters	By mid-October 2021
Implementation of reviewed bylaw and confirmation of non-regulatory approaches	By 21 October 2021

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SUBMISSION FORM

Have your say



Please ensure that your submission is with us by 5pm on Monday 2 August 2021.

How to lodge your submission:

Fill in our online submission form at www.waitaki.govt.nz or

- Email:** consult@waitaki.govt.nz
- Post:** Freedom Camping Bylaw Review Consultation, Waitaki District Council, Private Bag 50058, Ōamaru 9444
- Deliver:** Council offices at 20 Thames Street, Ōamaru or Waihemo Service Centre, 54 Tiverton Street Palmerston

Your contact details: (please print clearly)

Full name:

Organisation (if applicable):

Postal address:

Email: Phone:

Do you wish to present your submission at a Council hearing? Yes No

Do you support the Responsible Freedom Camping Bylaw (2016)?

- Yes - I / we generally support the bylaw
- No - I / we do not generally support the bylaw

My submission is mostly concerned with: (tick as many as required)

- Self-contained freedom camping (vehicles with on-board water and wastewater facilities)
- Non-self-contained camping (tents and other vehicles)
- All forms of freedom camping
- Freedom Camping in one or more specific areas in the Waitaki District (please list):

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