

FREEDOM CAMPING BYLAW (2012) AMENDMENT STATEMENT OF PROPOSAL



Photo sources: Tourism West Coast / Charles Bruning / Punakaiki Beach Camp

SUMMARY OF INFORMATION

The Buller District Council is proposing some changes to its Freedom Camping Bylaw and wants to hear what ratepayers and stakeholders think about them.

The changes being suggested include prohibiting freedom camping in five additional areas (to those prohibited areas that already exist). The proposed new prohibited areas include:

- 1) The Punakaiki township and wider area (from Fox River to the Punakaiki River);
- 2) The end of Hands Road near Charleston;
- 3) The beach access tracks at Dolphin Reserve in Hector;
- 4) Parts of Bridge Street and The Strand in Reefton; and
- 5) All cemeteries within the district.

The changes also provide clarification on how long non-self-contained and self-contained vehicles may stay in a particular area, allowance for non-self-contained freedom camping within 50 metres of a 24-hour public toilet facility, greater guidance on penalties should breaches to this Bylaw be identified, and allowing Council to *temporarily* prohibit or restrict freedom camping in any area within the district.

A key driver for these changes has been consistency in freedom camping rules and requirements across the three districts within the West Coast region, with particular focus on the Punakaiki area. It is anticipated that greater consistency will translate into clearer expectations and understanding around freedom camping, better outcomes, and an improved freedom camping experience.

While recognising the benefits that freedom camping tourism brings to Buller, Council has a responsibility to ensure that environmental values are protected, access to areas is protected and the health and/or safety of people who visit the areas is protected. Council aims to strike a balance between meeting the needs and expectations of freedom campers and that of the Buller community, as well as its responsibilities under the Freedom Camping Act (2011).

HAVE YOUR SAY

Before making any final decisions, we'd like to have your input.

You can make a submission:

Online: www.bullerdc.govt.nz

By post: Freedom Camping Bylaw Submission, Buller District Council, PO Box 21, Westport

Or deliver your submission *in person* to the Buller District Council building, 6 – 8 Brougham Street, Westport.

If you would like to speak to your submission, please indicate this and provide your contact details. We will be in touch to confirm the date and time for verbal submissions.

TIMELINE

Consultation period begins	11 October 2018
Closing date for submissions	12 November 2018
Public hearing to hear oral submissions	14 November 2018
Decision of Council	28 November 2018

INSPECTION OF DOCUMENTS AND OBTAINING COPIES

Copies of this proposal and the draft Bylaw can be obtained, at no cost, from either of the Council offices at 4-6 Brougham Street, Westport or the Reefton Service Centre, 66 Broadway, Reefton, the Sue Thomson Casey Memorial Library, Westport, the Karamea Information and Resource Centre, the Buller Bay Information and Resource Centre and the Punakaiki *i-SITE* Visitor Centre during normal business hours, or the Council website: www.bullerdc.govt.nz.

RIGHT TO MAKE SUBMISSIONS AND BE HEARD

Any person or organisation has a right to be heard regarding this proposal, and Council would encourage anyone with an interest to do so.

Every submission made to Council will be acknowledged in accordance with the Act, will be copied and made available to the public, and every submission will be heard in a meeting which is open to the public.

Section 82 of the Local Government Act sets out the obligations of the Council regarding consultation, and Council will take all steps necessary to meet the spirit and intent of the law.

MAKING AN EFFECTIVE SUBMISSION

Written submissions can take any form (e.g. email, letter) but we recommend your submission be made on a standard submission form available from Council. An effective submission references the clause(s) of the draft Bylaw you wish to submit on, states why the clause is supported or not supported and states what change to the clause is sought.

Submissions on matters outside the scope of the Bylaw cannot be considered by the Council. For example, submissions concerning the contents of the Freedom Camping Act (2011) (e.g. opposing the level of fine) cannot be considered by Council.

STATEMENT OF PROPOSAL

LEGISLATIVE REQUIREMENTS

The Freedom Camping Act (2011)

The Freedom Camping Act (2011) deems freedom camping to be permitted in all local authority areas unless it is restricted or prohibited in a bylaw made under the Act or by another enactment (such as a reserve management plan). Local authority areas include all land within the Buller district that is controlled or managed by Council. This does not include public areas which are controlled and managed by other government agencies such as State Highways or public conservation land administered by the Department of Conservation.

To restrict or prohibit freedom camping within local authority areas, the Council must conduct area-specific assessments to determine whether some level of restriction is necessary to protect either:

- The area;
- The health and safety of those who visit the area; or
- Access to the area.

The Council must also be satisfied that regulation under the Bylaw is the most appropriate and proportionate way of addressing the perceived problem.

The Freedom Camping Act (2011) requires Council to use the special consultative procedure in the Local Government Act 2002 to make, amend, or revoke a freedom camping bylaw.

Local Government Act (2002)

The Local Government Act (2002) sets out the special consultative procedure Council must follow to make, amend, or revoke a bylaw. To make a bylaw, Council must be able to show that the bylaw is the most appropriate and proportionate way of addressing the perceived problem in relation to a specific area.

New Zealand Bill of Rights (1990)

There is also a requirement that the Bylaw is not inconsistent with the NZ Bill of Rights Act (1990).

Everyone lawfully in New Zealand has the right to freedom of peaceful assembly (section 16), association (section 17), and movement (section 18) in New Zealand. The Act provides a specific statutory framework for local authorities to manage camping by only restricting these rights in areas where it is justified and necessary. The Council considers that the proposed Bylaw is not inconsistent with the New Zealand Bill of Rights Act (1990), and does not unlawfully interfere with the rights of people to move and reside in the Buller district. Sufficient freedom camping options are provided in the proposed Bylaw that it is not considered to significantly infringe on the rights granted under the New Zealand Bill of Rights Act (1990).

Are changes to the Bylaw the most appropriate and proportionate way to address the perceived problems?

Council is required to complete an analysis against the three criteria (access, health and safety, and protection of the area) when making or amending the Bylaw. This analysis has demonstrated that changes to the Bylaw are needed and that the proposed changes are the most appropriate way of dealing with the issues described.

However, the proposed amendments to the Bylaw will form only a part of a wider approach to managing and providing opportunities for freedom camping within the Buller district. This more comprehensive approach will:

- Provide for more facilities to support freedom camping;
- Employ wider use of informative signage and freedom camping brochures;
- Use the Campermate app to provide information on prohibited and restricted freedom camping sites across the district;
- Seek to develop a consistent approach with both the Grey District Council Bylaw and Westland District Council Bylaw, as well as working with the Department of Conservation and the New Zealand Transport Agency; and
- Employ additional compliance resources for the 2018/19 peak season to further improve compliance.

BACKGROUND INFORMATION

Council recognises that some visitors choose overnight camping as their preferred accommodation and that this activity has associated economic and social benefits for the district. Some visitors to the district overnight camp responsibly and Council wishes to welcome and support such freedom camping.

The Buller district is an increasingly popular destination for freedom campers, particularly in the summer months. Some visitors who do not have self-contained vehicles are camping in public areas rather than in camping grounds and are leaving behind personal and domestic waste. This activity is a public nuisance, a risk to the health and safety of both the public and the people who are camping and has an adverse effect on the environment. Even in self-contained vehicles, freedom campers can put pressure on our environment. Issues identified with freedom campers in self-contained vehicles include blocking access to certain recreational areas and facilities, health and safety concerns associated with high traffic flows and the inappropriate disposal of personal and domestic waste.

The Freedom Camping Act (2011) allows Council to manage freedom camping in our district. In 2012, Council introduced a Freedom Camping Control Bylaw that prohibited freedom camping in some areas and placed restrictions on others. Council's current Bylaw prohibits freedom camping in 11 areas. Issues with access, waste management, and/or health and safety due to high vehicle numbers have occurred at a number of other areas within the district, prompting the proposal to prohibit freedom camping at an additional five areas in the district, and tightening some of the restrictions in areas where freedom camping is permitted.

This is a statement of proposal prepared in accordance with section 83(1)(a) Local Government Act 2002 (LGA), and includes:

- An explanation around the Freedom Camping Act requirements;
- The reasons for the proposal;

- The proposed draft amended Freedom Camping Bylaw; and
- Information on how to make a submission and the associated forms.

NEWLY PROHIBITED AREAS

Council has been monitoring freedom camping in Buller since the introduction of its Bylaw in 2012. Council has also received many complaints from the local community with concerns about the impact that freedom campers have on areas within the district. This evidence is showing that a review of the Bylaw is necessary. This review has identified an additional five areas in which it is proposed that freedom camping be prohibited. These are:

1. Punakaiki, from the Fox River market area to the district boundary at the Punakaiki River mouth;
2. The beach access tracks at the Dolphin Reserve in Hector;
3. The end of Hands Road, Charleston;
4. Bridge Street from Broadway to The Strand, and The Strand from Bridge Street up to, and including, the swimming pool carpark in Reefton; and
5. All cemeteries within the Buller District.

Punakaiki

Punakaiki is a significant 'hot-spot' for freedom camper activity within the Buller district. Recent visitor survey data from Punakaiki indicated nearly 25% of visitors travelled to Punakaiki in a campervan. With an average 2.3 persons per vehicle (same survey) and more than 500,000 visitors to Punakaiki in 2017, then as many as 50,000 campervans are estimated to be passing through Punakaiki each year. This data is unlikely to address tourists that freedom camp in non-self-contained vehicles.



Currently, high vehicle numbers during the peak tourist season create congestion and associated safety issues and compromise access to various facilities, recreational areas, beaches, State Highway rest areas and look-out points. Equally, environmental impacts and hygiene risks arise from the inappropriate disposal of waste. Freedom camping in the Punakaiki township and the wider Punakaiki area is currently not regulated under the Freedom Camping Act (2011). The Punakaiki community has identified the current situation as one of their most important concerns. As it is projected that tourist numbers to the West Coast (and therefore Punakaiki) area will continue to increase with time, it is of utmost importance that freedom camping across the Punakaiki area be regulated to avoid negative impacts. It is recommended that an area-wide ban on freedom camping be put in place from the Fox River market carpark junction with State Highway 6 in the north to the district boundary at Punakaiki River in the south.

Dolphin Reserve, Hector



Freedom camping in the 'Dolphin Reserve' on the northern side of the Ngakawau River bridge in Hector results in access to the beach being blocked. As such, it is proposed that all freedom camping be prohibited along all of the beach access tracks in this area. Instead, a freedom camping facility with purpose-built toilet will be provided to keep freedom campers away from the tracks and maintain access to the adjacent beach.

Hands Road, Charleston

At the far end of Hands Road, freedom campers have been using the small and narrow turn-around area for over-night camping. This area is not suitable for this purpose as there is no toilet facility nor waste disposal bin in the area. This has resulted in considerable waste, both personal and domestic, being deposited at the site. As such, it is proposed that freedom camping in this area be prohibited so that the local environment is protected as well as the health and safety of people who visit the area.



Parts of Bridge Street and The Strand, Reefton



The primary concern with freedom camping in the Bridge Street / The Strand area is the impact that freedom camping can have on access to a number of facilities in the surrounding area.

On Bridge Street near the Broadway public toilets, the angle parks are there primarily for people using the toilet block. However, these are frequently fully utilized by campervans which can limit access to, and use of, the toilets.

The parts of The Strand that are adjacent to the Reefton Motor Camp and along to the front of the skate park and swimming pool are intended for parking for those using those facilities. However, access to these areas has been impacted by freedom campers staying overnight, and utilising the Broadway public toilets.

Prohibiting freedom camping in this area and encouraging freedom camping traffic to flow west along The Strand to a dedicated facility is expected to significantly reduce these access issues.

Cemeteries

Public complaints against freedom camping within Buller district cemeteries have been recorded for both Utopia Road and Reefton cemeteries. Cemeteries are physically, culturally and historically sensitive sites, and do not contain the facilities necessary to support freedom camping activities. As such, prohibiting freedom camping in all cemeteries within the district is deemed appropriate and is proposed in this Bylaw review.



ADDITIONAL AMENDMENTS AND RESTRICTIONS TO FREEDOM CAMPING

The review undertaken by Council has identified additional changes and restrictions that will help promote responsible freedom camping in the Buller district. These are as follows:

1. Freedom camping in **non-self-contained vehicles** is permitted *within* 50 metres of a 24-hour public toilet, and limited to no more than one (1) consecutive night per site/toilet facility, and no more than ten (10) days in total in any 30 day period.

Reason: to support responsible freedom camping where toilet facilities are provided, and to encourage movement between freedom camping sites such that undue pressure is not put on any one site/toilet facility for extended periods of time.

2. Freedom camping in **self-contained vehicles** at any one location, or within 500 metres of that location, is limited to no more than three (3) consecutive days per location, and no more than ten (10) days in total in any 30 day period.

Reason: to encourage movement between freedom camping sites such that undue pressure is not put on any one site for extended periods of time.

3. Allowing Council the right to temporarily close an area to freedom camping, particularly during times of heavy usage, such as Buller Marathon weekend.

Reason: to prevent damage to an area or facilities, to allow maintenance to the area or facilities, to protect the health and/or safety of persons or property, or to provide for better access (or to temporarily secure access) to areas that may become overwhelmed with freedom camping vehicles on a temporary basis.

4. The definition of an offence under the Bylaw is given.

Reason: to provide clarity around what constitutes an offence under the Bylaw.