

Notice is given that a Submissions Hearing meeting will be held on:

Date: Monday 9 December 2019
Time: 9.30 am
Meeting Room: Tasman Council Chamber
Venue: 189 Queen Street
Richmond

Deliberations

Draft Responsible Camping Strategy

AGENDA

MEMBERSHIP

Chairperson	Deputy Mayor S Bryant	
Deputy Chairperson		
Members	Cr Hill	Cr Maling
	Cr Hutt	Cr Turley
	Mātauranga Māori expert:	To be confirmed

(Quorum 2 members)

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AGENDA

1 OPENING, WELCOME

2 APOLOGIES AND LEAVE OF ABSENCE

Recommendation

That apologies be accepted.

3 REPORTS

3.1 Draft Responsible Camping Strategy - Submissions Summary and Deliberations
Report..... 5

4 HEARING OF SUBMISSIONS

Nil

5 CONFIDENTIAL SESSION

Nil

3 REPORTS

0.0 DRAFT RESPONSIBLE CAMPING STRATEGY - SUBMISSIONS SUMMARY AND DELIBERATIONS REPORT

Information Only - No Decision Required

Report To:	Submissions Hearing
Meeting Date:	9 December 2019
Report Author:	Alan Bywater, Senior Policy Advisor
Report Number:	RSH19-12-2

1 Summary

- 1.1 This report has been prepared to assist the Hearing Panel to hear submitters and deliberate on the Responsible Camping Strategy.
- 1.2 The Draft Responsible Camping Strategy was publicly notified on 14 October 2019 and submissions closed on 18 November 2019. Council received a total of 183 written submissions by the closing date, plus three late submissions, bringing the total to 186.
- 1.3 Staff have sent copies of all submissions and attachments to the Hearing Panel and are these are available on Council's website, at service centres and libraries.
- 1.4 Hearings are scheduled to take place in Takaka on 4 December 2019, starting at 11.30 am, Richmond on 5 December 2019 starting at 11.00 am and in Motueka on 6 December 2019 starting at 1.30 pm. Deliberations are scheduled for 9 December 2019 to begin at 9.00 am in Council's Richmond office.
- 1.5 This report provides the Hearing Panel with a summary of the submissions received and discusses a range of matters raised in the submissions.
- 1.6 Staff appreciate the effort of submitters who responded to the Draft Strategy and the high level of written supporting information. There was a wide range of views expressed by submitters and staff have attempted to capture as many of these as possible in the Submissions Summary and Staff Comments to Assist Deliberations document (Attachment 1). However, there may be some viewpoints not directly referred to in this document, but which have been considered.
- 1.7 Staff seek direction from the Hearing Panel on any changes to the Draft Strategy.
- 1.8 The Strategy and Policy Committee will then need to decide whether to adopt the recommendations of the Hearing Panel.

2 Draft Resolution

That the Submissions Hearing Panel:

1. receives the Draft Responsible Camping Strategy - Submissions Summary and Deliberations Report; and
2. provides staff with recommendations on matters raised in the submissions received on the Draft Responsible Camping Strategy; and
3. notes that the Hearing Panel report will be presented to the Strategy and Policy Committee for consideration and adoption on 27 February 2020.

3 Purpose of the Report

- 3.1 This report provides the Hearing Panel with a summary of the submissions received and discusses a range of matters raised in the submissions on the Draft Responsible Camping Strategy. Staff seek direction on any changes and amendments to the Draft Responsible Camping Strategy. A report from the Hearing Panel, is scheduled to be presented to the Strategy and Policy Committee on 27 February 2020.

4 Background and Discussion

- 4.1 The background to the development of the Draft Responsible Camping Strategy and a copy of the Draft Strategy were provided in Report RCN19-10-2 at the 10 October 2019 Full Council meeting.
- 4.2 At that meeting, Council resolved, pursuant to Section 82 of the Local Government Act 2002, to approve the Draft Responsible Camping Strategy as the basis for public consultation. It further resolved to publicly notify the Draft Strategy on 14 October 2019 with submissions closing on 18 November 2019.
- 4.3 At the Full Council meeting on 31 October 2019 Councillors Bryant (Chair), Hutt, Hill, Turley and Maling, were appointed to the Hearing Panel to consider submissions on the Draft Strategy. Council also agreed that the Mayor could appoint an iwi member to provide a Mātauranga Māori perspective to the Hearing Panel. The Mātauranga Māori expert appointed is Tracey Kingi.
- 4.4 Council received a total of 183 written submissions by the closing date, plus three late submissions, bringing the total to 186. The majority of submissions were received from Takaka, Motueka and Richmond.
- 4.5 For each of the three questions where submitters indicated their support or opposition, the majority supported the Draft Strategy. A number of similar comments and themes were made in response to several of the questions asked in the consultation form. Common themes included:
- 4.5.1 Competition issues for commercial campgrounds;
 - 4.5.2 Concern about ratepayers funding freedom camping facilities and services;
 - 4.5.3 The need for effective enforcement and compliance with regulations;
 - 4.5.4 The preference for freedom camping to be permitted in self-contained vehicles only, with non-self-contained campers being expected to use paid campgrounds.
 - 4.5.5 Increasing the provision of low cost campgrounds;

- 4.5.6 Concerns about non-self-contained vehicles displaying self-containment stickers.
- 4.6 The role of the Hearing Panel is to consider the submissions received and recommend to the Strategy and Policy Committee any changes to the Draft Strategy.
- 4.7 The attached Submissions Summary and Staff Comments to Assist Deliberations document (Attachment 1) provides a discussion of matters raised and, where appropriate, an indication of the staff views. These views have been discussed internally but, dependent on any further information presented by submitters at the hearings, some views may change.
- 4.8 Drop-in sessions were held in Murchison on 14 October 2019, in Motueka on 30 October 2019, in Richmond on 4 November 2019 and in Takaka on 6 November 2019.
- 4.9 The Hearing Panel will be required to write a report to the Strategy and Policy Committee outlining whether each submission point has been allowed or not, and their recommended changes (if any) to the Draft Responsible Camping Strategy.

Hearings

- 4.10 Hearings are scheduled to take place in Takaka on the 4 December 2019, starting at 11.30 am, Richmond on the 5 December 2019 starting at 11.00am and in Motueka on the 5 December 2019 starting at 1.30pm.
- 4.11 Deliberations are scheduled for the 9 December 2019 to begin at 9.00am in Council's Richmond office.

5 Options

- 5.1 The role of the Hearing Panel is to hear and deliberate on the submissions received. Two options exist as a consequence of the public consultation process that has been undertaken. These are:
- 5.1.1 Option 1: (Recommended) recommend to the Strategy and Policy Committee any changes to the Draft Strategy, based on the comments made by submitters. Staff consider that a number of valid points that have merit have been raised in the submissions. This option will satisfy those submitters whose points have resulted in changes to the Strategy.
- 5.1.2 Option 2: Recommend to the Strategy and Policy Committee to proceed with the Final Strategy with no changes from the Draft Strategy. No change to the Draft Strategy would be seen as a failure to listen and will not lead to the most appropriate outcome. This is not the option recommended by staff.

6 Strategy and Risks

- 6.1 The Responsible Camping Strategy aims to provide guidance to Council on managing responsible camping in a way that balances a number of the Council's community outcomes, namely:
- Our unique natural environment is healthy, protected and sustainably managed;
 - Our urban and rural environments are people-friendly, well-planned, accessible and sustainably managed;

- Our communities are healthy, safe, inclusive and resilient;
 - Our communities have opportunities to celebrate and explore their heritage, identity and creativity;
 - Our communities have access to a range of social, cultural, educational and recreational facilities and activities;
 - Our region is supported by an innovative and sustainable economy.
- 6.2 The Responsible Camping Strategy will be used to guide a range of Council decisions and actions to manage responsible camping in the District.
- 6.3 Given the wide range of views on responsible camping and in many cases the lack of understanding of the current statutory framework by some people, there is a risk that many in the community will not support Council's management of responsible camping. This could negatively impact on Council reputation with members of the community.
- 6.4 Responsible camping activities are dynamic and Council will need to continue to monitor these activities and potentially revisit the Responsible Camping Strategy to respond to changes over time.

7 Policy / Legal Requirements / Plan

- 7.1 Council has developed the Draft Responsible Camping Strategy in accordance with the Local Government Act 2002. The Strategy has close links with the Freedom Camping Act 2011 and other relevant legislation, e.g. the Camping Ground Regulations 1985.
- 7.2 The options available to Council in managing responsible camping are constrained to a significant degree by national legislation and regulations. Over time these may be subject to change, at which points Council should further consider its Responsible Camping Strategy.
- 7.3 Staff anticipate that following the adoption of the Strategy, the site assessment criteria will be used to reconsider the sites that Council makes available for freedom camping and, depending on the outcome of that process, initiates a review of the Council's Freedom Camping Bylaw 2017.

8 Significance and Engagement

- 8.1 The decision is whether to recommend to the Strategy and Policy Committee any changes to the Draft Strategy, based on the comments made by submitters or to recommend the Draft Responsible Camping Strategy be adopted as the final Responsible Camping Strategy without any change.
- 8.2 The significance of the decision is considered to be low.
- 8.3 Māori are being included in the decision making process (consistent with s81 of the LGA) through the participation of a Mātauranga Māori expert on the hearing panel.

9 Conclusion

- 9.1 There has been a good level of community interest and feedback on the Draft Responsible Camping Strategy. In total 183 submissions were received between 14 October and 18 November 2019. An additional three late submissions were received after 18 November 2019.
- 9.2 The attached report provides a summary of the submissions received and staff comment and where appropriate recommendations on each of the key areas and issues.

10 Next Steps / Timeline

- 10.1 Following hearings, deliberations, and recommendations on the matters raised in this report, staff will prepare a Hearing Panel report to the Strategy and Policy Committee for its meeting on 27 February 2020. The Hearing Panel will have an opportunity to review the draft report before it is included on the agenda.

11 Attachments

1. [Download](#) Submission Summary and Staff Comments to Assist Deliberations

11

Submission Summary and Staff Comments to Assist

SUMMARY OF SUBMISSIONS RECEIVED

The Draft Responsible Camping Strategy was publicly notified on 14 October 2019 and was open for submissions until 18 November 2019. Council received a total of 183 written submissions during this time period. Three late submissions were received bringing the total to 186.

Most submitters answered some of the questions posed on the consultation form. Council received a number of the same or similar comments in response to more than one of the questions asked. In addition submitters made a range of other comments which did not respond directly to the consultation questions.

Table 1 below provides a summary of the number of submitters supporting or opposing different components of the Draft Strategy as identified in the questions posed. In addition the table notes the number of submissions received on each question.

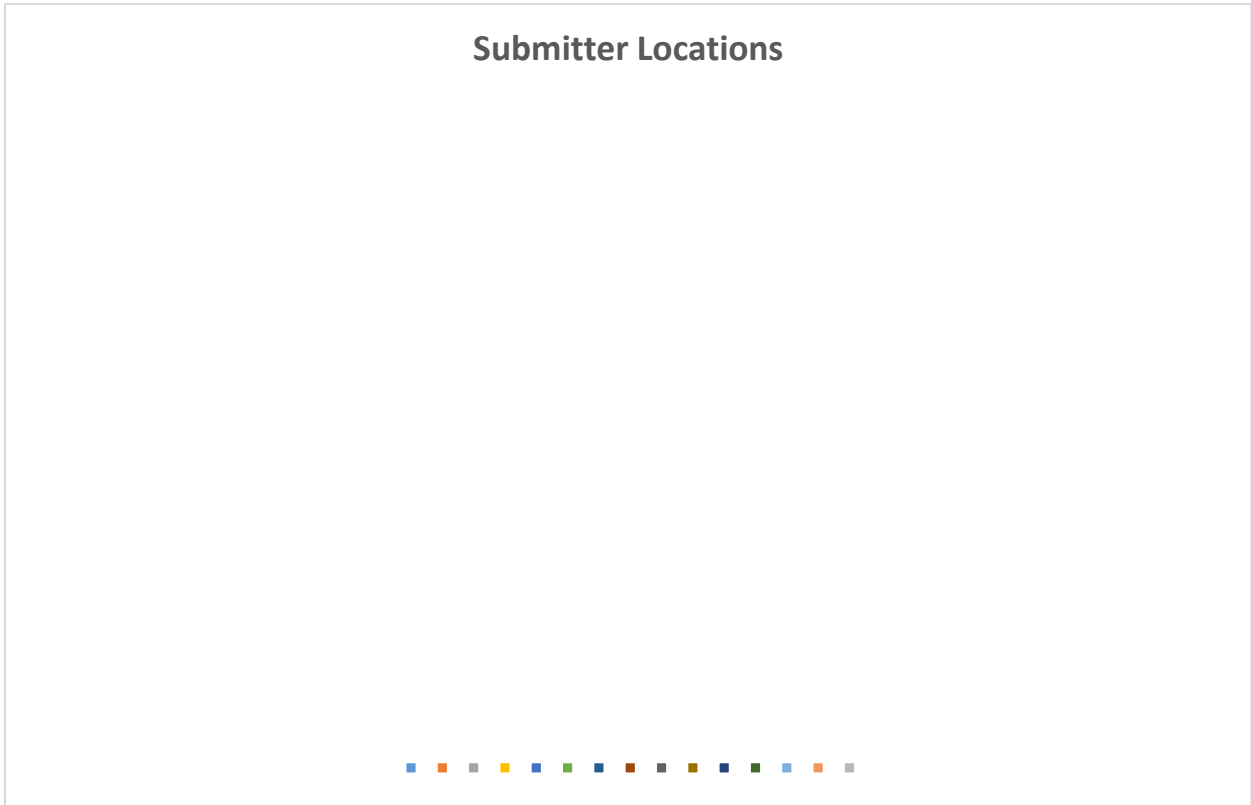
This Table does not include the three late submissions received.

Table 1 – Summary of Submissions Received

Question	Fully Support	Mostly Support	Neither/Not Sure	Mostly Oppose	Fully Oppose	Comments only	Total number who answered or commented
1. Do you support or oppose the vision, goals and objectives (page 10)?	38	55	10	16	33	5	157
2. Do you support or oppose our management approach (pages 11-13)?	17	33	4	8	12	0	74
4. Do you support our key areas for action (page 16)?	20	31	5	7	6	0	69

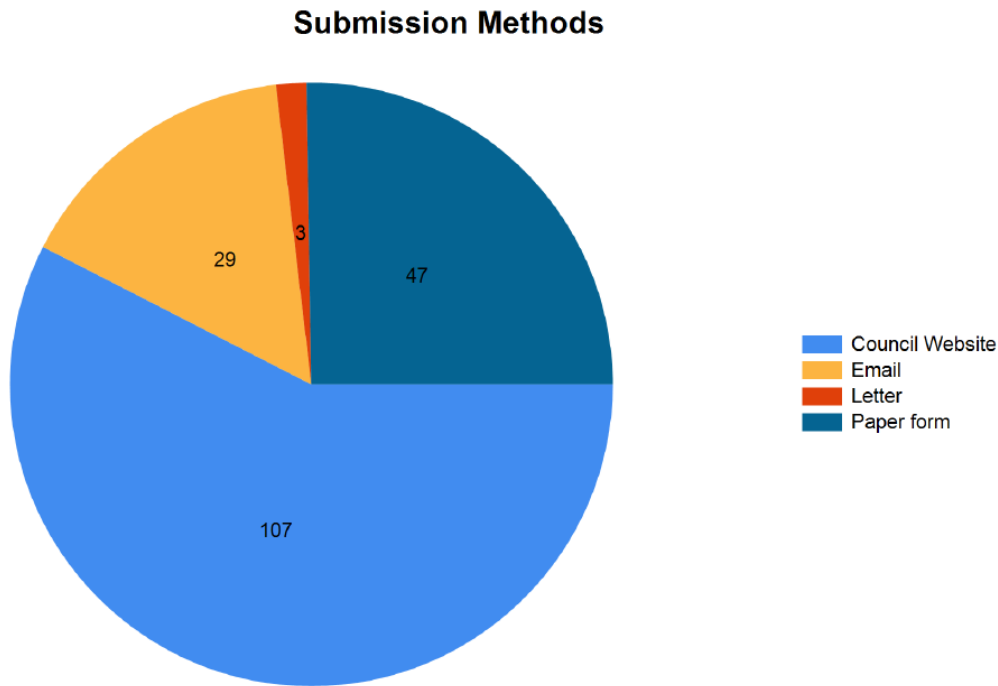
Questions	Total number who answered or commented
3. What do you think about our site assessment criteria to help us identify suitable sites for freedom camping (page 14 and 15)?	72
5. Do you have any other comments about the Draft Responsible Camping Strategy?	122

Submitter locations are shown in Figure 1 below.



Golden Bay Ward	
Takaka	58
Collingwood	8
Motueka Ward	
Motueka	48
Marahau	1
Moutere Waimea Ward	
Mapua	7
Wakefield	4
Brightwater	3
Tasman	3
Upper Moutere	3
Lakes Murchison Ward	
Murchison	6
St Arnaud	3
Tapawera	2
Richmond Ward	
Richmond	19
Nelson	10
Outside Nelson Tasman Region	9
Not specified	2

Figure 2 shows the method by which submissions were received.



Question 1. Do you support or oppose the vision, goals and objectives (page 10)?

In total 157 submitters answered this question, 93 supported (either fully or mostly) the vision, goals and objectives, 49 were opposed (either fully or mostly), 10 neither supported nor opposed or weren't sure and 5 provided comment only.

Of those fully or mostly in support:

- A number of submitters indicated that campers should pay towards the cost of providing sites and facilities rather than being able to camp for free. Some of these submitters also noted that Council should provide low cost campsites.
- Several submitters commented on the inadequacies of the current self-containment certification system and the use of self-containment stickers on vehicles that do not meet the containment standard.
- A number of submitters advocated for good levels of enforcement and/or increased levels of enforcement to ensure that the regulations put in place are followed and that those who transgress are penalised.
- Some submitters specifically noted their support for freedom camping and freedom campers, with one submitter suggesting that Council pursue designating Motueka as a Motorhome Friendly town.
- Other submitters advocated for the interests of local people to be a higher priority than meeting the needs of campers. Submitters cited a number of examples where they considered campers needs are currently being given priority, as follows: ratepayers having to fund facilities/services/enforcement for campers, local people's access to public spaces being restricted due to the presence of campers, and services e.g. rubbish disposal being provided for free to campers when local people have to pay for them.

- A few submitters noted their observation of misbehaviour by campers with some noting that campers were ignoring signs.

Of those fully or mostly opposed:

- More than half noted concerns about competition with commercial accommodation providers and/or a desire that campers should be required to use commercial accommodation.
- Some noted that ratepayers should not pay for facilities and sites for freedom campers. There were also comments that freedom campers receive some services e.g. rubbish collection, which local people have to pay for.
- Some submitters noted the need for and/or supported greater enforcement and compliance against freedom campers who transgress the regulations.
- Some submitters considered that freedom camping should only be allowed in self-contained vehicles.
- A few submitters commented that the Draft Strategy was unrealistic and unlikely to achieve its aims.
- A few submitters expressed doubt about the economic benefits of freedom campers to the District.

STAFF COMMENT

Campers to Pay for Facilities and Services

A number of submitters indicated that campers should pay towards the cost of providing sites and facilities rather than being able to camp for free. Campers paying for facilities and services is not an alternative to freedom camping in the District. If charges are made for visitors to stay the night the activity is not freedom camping (under the Freedom Camping Act). Council cannot prohibit freedom camping across the District. So freedom camping would still have to be able to take place on some Council land within the District.

Freedom campers could be charged for using facilities, rather than for staying the night. Staff consider that charging for basic facilities such as toilets and rubbish disposal is not advisable because some campers will refuse to pay to use these facilities and leave waste on the ground or in bushes etc.

For discretionary facilities that are provided in the District for example Takaka showers, fees and charges already apply. Such facilities are provided to help reduce the environmental impacts of campers washing themselves and/or dishes in rivers or public toilets. There are associated costs with servicing these facilities and careful consideration is required as to their location and necessity.

Staff Recommend that:

An additional bullet point in the Key Areas of Action under: **Provide free or low cost-low facility sites where not provided adequately by others**, be added as follows:

- Consider the provision of facilities in addition to toilets and rubbish disposal (e.g. hot water, showers) at suitable locations on a cost recovery basis where a significant need has been identified.

Council Provision of More Low Cost Campgrounds

Some submitters advocated for Council to provide camping sites with low prices rather than providing free camping sites. Council currently provides two campgrounds with low prices, at Kina and McKee reserves. These benefit from exemptions from the Camping Ground Regulations and are categorised as 'remote' campgrounds under these Regulations.

The Draft Strategy notes in the Management Approach section (page 11-12) that where possible, a small fee for facilities use should be payable, however, under existing legislation there are challenges in being able to apply charges for basic camping sites without triggering significant camping ground compliance requirements. The Key areas for action for Council (page 16) also keep the option open for Council to provide low cost – low-facility sites where not provided adequately by others.

Council could explore providing further low cost campgrounds. To provide for non-self-contained campers significant investment in the campgrounds and facilities would be required (as significant exemptions to the requirements of the Camping Ground Regulations are unlikely). Council would be providing sites similar in characteristics to those provided by the private sector and would be competing more directly with the private sector campgrounds. In order to keep prices low enough to persuade people not to choose to freedom camp subsidies may be required.

For Council land to qualify as a 'remote' camping ground under the Freedom Camping Act 2011, it would have to be on a public reserve. A remote camping ground could be eligible for further exemptions from the Camping Ground Regulations.

As previously noted, Council cannot prohibit freedom camping across the District. So freedom camping would still have to be able to take place on some Council land within the District in addition to any low cost camping grounds.

Staff Recommend that:

The Strategy retains the option for Council to provide further low cost camping sites where this can be done in a means that will not create direct competition with private camping grounds. No change is required to the Strategy.

Self-Containment Standard

Submitters noted that some campers use fake self-containment stickers on vehicles. Council enforcement staff check self-containment by viewing the certification documentation rather than relying on stickers. If in doubt enforcement staff will normally issue a ticket and consider any further evidence as part of the appeal process. Enforcement officers cannot enforce entry to a vehicle to inspect the facilities but often there is external evidence of the vehicle's self-containment status.

The New Zealand Standard for self-containment of motor caravans and caravans (NZS 5465:2001) was reviewed in May 2017 with amendments requiring a fixed toilet being transitioned in by 2020. Staff do not consider that there are any fundamental issues with the standard itself.

There is an issue with some campers choosing not to use the on-board toilet facilities. Some submitters commented on campervan hire companies having returnable bonds for non-use of the self-contained toilet facilities. Staff understand this is not current practice by the hire companies.

Staff recommend that:

An additional subsection is added to the to the Management Approach page 11-12) section of the document, explaining Council's enforcement and compliance practice, including how self-containment is checked.

Enforcement and Compliance

In relation to the submissions highlighting the need for good enforcement and compliance and/or requesting further compliance and enforcement, the resources for enforcement are as follows. During summer i.e. 1 November to 31 March staff anticipate our contractor spending an average of 40 hours of enforcement per week across the District. The contractor has the flexibility to vary the weekly hours but must report to the Regulatory Manager on the time allocated every week. For the remainder of the year (i.e. outside the summer period) staff allocate the contractor no more than 120 hours in total specifically to this role.

The Government has provided additional funding to support the enforcement and compliance function. Last year Council spent an additional \$19,000 from the Responsible Camping Fund (RCF) allocation to increase policing of high fire risk areas during the drought. This year we will increase enforcement and compliance activity during festivals e.g. Bay Dreams, and where any additional effort is identified through intelligence. The Responsible Camping Fund has allocated Council \$68,000 this year for enforcement. This funding will be used for additional enforcement work and to reduce the burden on rates if possible.

The Draft Strategy identifies enforcement as one of the key areas of action (page 16). Council can review the success of enforcement on a regular basis and make decisions on the extent of resourcing to devote to this activity on an annual basis.

Staff recommend that:

An additional subsection is added to the to the Management Approach page 11-12) section of the document, explaining Council's enforcement and compliance practice.

Competition with Commercial Campgrounds and other Accommodation Providers

Council cannot create a bylaw that prohibits freedom camping across the District. Staff consider that if Council does not provide free sites, then many freedom campers will camp illegally at a wide range of locations with associated environmental damage and sanitary issues. They are unlikely to pay to stay at a private campground or backpacker accommodation instead.

Council's freedom camping sites provide much more limited facilities (normally a toilet and rubbish disposal) than provided by commercial camping grounds. This lower quality of offering helps to limit the direct competition with private camping grounds as much as possible.

There have been other changes in the New Zealand market for overseas visitors with the advent of Air B'n'B and changes to the length and nature of backpacker visits to New Zealand. These are likely to have contributed to the reduction in business noted by some accommodation providers.

The Draft Strategy includes an objective: *A range of camping and other accommodation options remains available for visitors.* This objective is intended to convey the aspiration that a variety of different camping options (including both free and paid camping opportunities) provided by a range of different organisations and individuals are available to visitors.

One of the key areas for actions (page 16) for Council is to: *Provide free or low-cost-low facility sites where not provided for adequately by others. Design and operate sites that complement existing provision, protect the environment and encourage responsible camping behaviour.*

This signals Council as a provider of free or low cost sites and as a provider of last resort i.e. providing only where there is not sufficient free or low cost provision by others.

The Site Assessment Criteria (page 14-15) includes a secondary criterion: *Is the site way from existing camping grounds or accommodation providers, with available capacity, that provide a low cost-low facility option?*

Staff consider that competition issues have been well considered in the Strategy given the inability to prohibit freedom camping across the District and the environmental and sanitation issues likely across a wide range of sites if Council does not provide freedom camping sites. However, that these considerations might be better communicated by improving the wording in the document.

Staff Recommend that:

A paragraph is added in the section on Reasons for this Management Approach (page 13-14) to explain how Council's provision of facilities at freedom camping sites and the site assessment criteria attempt to limit the direct competition with commercial accommodation providers.

Only allowing freedom camping in self-contained vehicles

A number of submitters suggested that freedom camping only be permitted in self-contained vehicles, as this was considered to have less impact on the environment and needs fewer facilities. Nelson City and Buller District Councils use this approach.

If freedom camping is only permitted in self-contained vehicles, staff consider that non-self-contained freedom camping will continue in an illegal manner at a wide range of sites (generally with no facilities) across the District. Significantly greater enforcement and compliance activity would be required. Staff consider that these campers in general would choose to pay to use private campgrounds.

Only allowing freedom camping in self-contained vehicles could deny anyone unable to afford a self-contained vehicle the opportunity to freedom camp. It would also stop local people from occasionally pitching a tent by a road end or river.

For these reasons staff do not consider that limiting freedom camping to self-contained vehicles only is the best option.

Staff Recommend that:

Further information is added to the advantages and disadvantages of Option 3 in Appendix 3: Management Approach Options Considered to better capture these considerations.

Question 2. Do you support or oppose our management approach (pages 11-13)?

In total 74 submitters answered this question, 50 supported (either fully or mostly) the proposed management approach, 20 were in opposition (either fully or mostly) and 4 neither supported nor opposed or weren't sure.

Of those fully or mostly in support:

- A number of submitters noted the importance of adequate monitoring, compliance and enforcement of the regulations.

- A few submitters noted that non-self-contained campers should only be permitted to stay in paid campgrounds and a few more noted a preference for the provision of low cost sites over free sites.

Of those fully or mostly opposed:

- A number of submitters considered that freedom camping should only be allowed in self-contained vehicles.
- A few submitters noted concern about competition with commercial accommodation providers and/or a desire that campers should be required to use commercial accommodation.
- A few submitters noted the desire for the total prohibition of freedom camping with some of these noting the Council could advocate to Central Government about this.

STAFF COMMENT

A number of the issues in submissions in response to question 2 are the same/similar to those for question 1. Staff comments on the further issues notes are provided below.

Prohibition of Freedom Camping

A number of submitters indicated a desire for freedom camping to be prohibited in total. This is something that is expressly discounted through a bylaw in the Freedom Camping Act 2011. The section in the Draft Strategy on Management Approach (page 11) makes it clear that the Freedom Camping Act explicitly prevents Council from enacting a bylaw that has the effect of prohibiting freedom camping.

Council could advocate for changes to the Freedom Camping Act to enable either a total prohibition of freedom camping by territorial local authorities and/or other changes to this Act.

The combined Central Government, Local Government and tourism industry, Responsible Camping Working Group recommended the review of the Freedom Camping Act (as well as the Camping Ground Regulations) in July 2018. However staff have been notified by MBIE that more recently the Working Group has decided that *short-term practical actions, combined with longer term policy and system changes, can improve the responsible camping system and that these should be pursued before considering changes to the Act.*

Staff Recommend that:

No change is required to the Strategy.

Council continues to take the opportunities to advocate to Central Government on responsible camping issues.

Question 3. What do you think about our site assessment criteria to help us identify suitable sites for freedom camping (page 14 and 15)?

72 submitters commented on the site assessment criteria.

A number of submitters provided positive comments about the set of criteria in the Draft Strategy for site assessment. A few made negative comments about the set of criteria.

A number of submitters noted that one or more of Council's existing freedom camping sites do not meet the criteria for site assessment, with some commenting that it will be hard to find any sites that fully meet the criteria.

Item 3.1

Several submitters commented that the application of the criteria to a particular site requires consultation with affected parties and the public in general.

A few submitters commented that the criteria are too subjective with questions asked about how far from an existing campground or accommodation provider is far enough and what qualifies as a 'low cost' accommodation option in the secondary criteria.

A few submitters questioned the legality of using criteria for site assessment that are not specifically identified in the Freedom Camping Act as reasons that a local authority can make a bylaw to restrict freedom camping.

Suggested additional criteria were as follows:

- Distance from walking/cycling tracks and trailheads;
- Implications/relationship to liquor bans;
- Fire risk;
- Protecting public health and sanitation;
- Not close to rivers and beaches.

Suggestions to improve some of the existing criteria were as follows:

- Expand the criterion about managing the actual or perceived negative effects on nearby residents, to encompass impacts on nearby private land more broadly.
- Broaden the criteria from traffic safety of vehicles entering and leaving the site to consider the safety of all road users including pedestrians and cyclists, not just those entering/leaving the site. Further it was suggested that the criteria should consider how people safely travel between the camping site and nearby facilities.

A number of submitters have made comments about specific sites, namely:

- Taupata Point;
- Waitapu Bridge;
- Alexander Bluff.

A number of submitters noted freedom camping issues in Alex Ryder Reserve/Little Kaiteriteri with several asking for the prohibition of freedom camping in this area.

STAFF COMMENT:

Overall the site assessment criteria were positively received by submitters.

In response to submissions about the subjectivity of the criteria, it should be noted that the criteria have been developed to provide a general guide for the assessment of freedom camping sites. Staff tested the criteria on some sample sites as part of developing the Draft Strategy and they provided a useful framework for considering potential sites. They are a guide to decision making and an appropriate level of judgement will be required when applying them.

With regards to the submissions about public consultation on sites for freedom camping, the removal of any existing freedom camping sites or addition of any new ones requires the amendment of the Tasman District Council Freedom Camping Bylaw 2017 (the Bylaw). Community

Attachment 1

consultation through a Special Consultative Procedure is required to make any changes to that Bylaw.

In response to the submissions that questioned the legality of some of the criteria, these are intended to be used by Council to consider the suitability of sites for freedom camping. Whilst the Primary Criteria have been categorised under the three reasons Council has for making a freedom camping bylaw in the Freedom Camping Act 2011, they do not need to be directly linked to these reasons. Any site identified as having the potential to be used as a freedom camping site will have to be assessed against the reasons in the legislation before any restrictions on freedom camping at the site can be applied through the Bylaw.

Staff make the following comments about suggested changes to the site assessment criteria:

- Liquor bans are in place where there has been a high level of crime and disorder associated with alcohol consumption. It is considered appropriate to amend the criteria incorporate this risk.
- Considering the safety of road users more broadly than just from vehicles entering or leaving the site is a sensible suggestion.
- The impacts on private land should be considered in the secondary criteria alongside the impacts on nearby residences.
- Fire risk is already included under the natural hazards criterion.
- Public health and sanitation is addressed within the Natural hazards, Built environment hazards and Human hazards criteria. Public health and sanitation are also a major consideration in how a site will be managed once selected.
- The potential effects of freedom camping sites being in close proximity to rivers and beaches are adequately addressed through the criteria under the category: To protect the area; namely Conservation values, Natural resource values, Cultural values Historical values, Landscape and amenity values and Recreation assets..

Staff recommendations on the Site Assessment Criteria:

- Amend the Human Hazards criterion as follows: *Risk of verbal or physical abuse, crime and disorder, and safety of road users at and in close proximity to the site.*
- Amend the secondary criteria as follows: *Can the site be located, designed, and managed to minimise actual or perceived negative effects on nearby residences or use of nearby private land?*

Specific Sites

In response to submissions about specific sites, the purpose of the Draft Strategy is to provide a broad strategic/policy approach. It does not address the appropriateness or use of specific sites or locations for freedom camping, within our Freedom Camping Bylaw. These submissions will be retained to help inform any future review of the Bylaw.

With regards to Alex Ryder Reserve, freedom camping is already prohibited in this Reserve. The issues of non-compliance with this prohibition have been passed on to Council's enforcement staff for compliance and enforcement attention.

Question 4. Do you support our key areas for action (page 16)?

In total 69 submitters answered this question, 51 supported (either fully or mostly) the key actions, 13 were in opposition (either fully or mostly) and 5 neither supported nor opposed or weren't sure.

Only a few comments were received in relation to this question. The comments from those that either fully or generally supported the key areas for action and those that either fully or generally opposed them covered similar areas, as follows:

- Several submitters suggested that the word 'free' be removed from the Key Action: Provide free or low cost-low facility sites where not provided adequately by others.
- Several submitters commented on the need for more low cost campgrounds and several noted competition issues when Council provides free camping sites.
- A number of submitters advocated for good levels of enforcement and/or increased levels of enforcement to ensure that the regulations put in place are followed and that those who transgress are penalised.

STAFF COMMENT

The issues in submissions in response to question 4 are the same/similar to those for other questions. Staff comments have been provided on these above.

Question 5. Do you have any other comments about the Draft Responsible Camping Strategy?

122 submitters provided comments in response to this question.

Submitters noted several themes in response to question 5 that had also been noted in response to other questions, as follows:

- Enforcement
- Ratepayers should not pay for facilities and sites for freedom campers
- Freedom camping should only be allowed in self-contained vehicles
- Inadequacies of the current self-containment certification system
- A desire for campers to be charged (rather than having free camping options)
- Competition with commercial campgrounds
- Council should provide low cost, paid campgrounds instead of free sites

In addition a number of other issues and comments were received as follows:

- Freedom camping should be prohibited in total and that campers should be required to use paid campgrounds.
- Council should encourage private landowners to provide low cost, paid campgrounds.
- Freedom campers have a negative impact on the environment and wildlife.
- The presence of freedom campers negatively affects local people's enjoyment of public places or make them feel excluded from those places.

- The level of economic impact of freedom campers on our District is questionable, although a few submitters noted that those who freedom camp in NZ as young people return later in life when their stays make a larger economic contribution.
- Council should advocate to Central Government to change the legislation to enable better management of freedom camping.
- Campervan hire companies incentivise the non-use of on board toilet facilities in self-contained vehicles by returning bonds if the toilets are not used.
- Freedom campers create a fire risk.
- Council should apply higher fines and utilise wheel clamps to help enforce regulations, with a few submitters noting the need for a better system to ensure overseas visitors pay freedom camping fines before leaving the country.
- Overseas visitors in general and freedom campers in particular flying to NZ and driving around in vehicles creates significant greenhouse gas emissions contributing to climate change.
- Avoid restricting New Zealanders freedom of movement and ability to enjoy the country.
- Council should improve the standards at its freedom camping sites, with some submitters specifically mentioning limiting the numbers at sites.
- Freedom camping should be allowed in tents
- Preference should not be given to self-contained campers.
- One submitter promoted an alternative accreditation programme based on camper's knowledge of responsible camping rather than the standard of facilities associated with a vehicle.

STAFF COMMENT

Encourage Private Provision of Low Cost Camping Grounds

A number of submitters encouraged Council to make it easy for private landowners to provide basic campgrounds that can charge a low fee.

The Camping Ground Regulations apply to any campgrounds that charge visitors to stay. Only limited exemptions to these regulations are likely to be available to camping grounds providing for non-self-contained campers.

Council could make the process for private landowners to register as a camping ground as simple and straightforward as possible. One way to contribute to this is to develop an exemptions policy that would make it clearer what exemptions from the Camping Ground Regulations might typically be available in different types of situations. This may be a useful option but is unlikely on its own to lead to the provision of significantly more lower priced campgrounds.

Council could also consider reducing the fees charged for registration and monitoring of camping grounds. However these are based on the costs of administering the regulations and so any fee reduction would have to be subsidised by ratepayers.

Staff Recommend that:

Council develops a Camping Ground Regulations Exemptions Policy as a specific way of *working cooperatively with others to encourage a range of camping opportunities.*

That reducing fees for registration and monitoring of camping grounds is not included in the Strategy.

Responsible Camper Accreditation

The Responsible Camper Association advocated for the use of its alternative accreditation system. They claim that the behaviour of the camper is more important than a specific standard that applies to the vehicle. Consequently this accreditation is based on testing the knowledge of the camper about responsible camping.

Whilst supporting the education of campers, staff do not consider that Council should use this accreditation system as an alternative to the self-containment standard. The responsible camper accreditation is a standard established by volunteers in the Association and can be amended at any time. It is not seen as a reliable or credible system compared to the national standard. Using this accreditation system could permit accredited campers to stay at sites with no toilet when some may not have self-containment facilities in their vehicle or tent.

Staff Recommend that:

No change is required to the Strategy.

Heavier Fines and Wheel Clamping

The application of heavier non-compliance fines and wheel clamping was suggested in some submissions. The Government establishes the level of fines nationally and Council does not have the option to alter the level. Wheel clamping is permitted in limited circumstances however as it will often result in the offending vehicle remaining in the same place for longer staff do not consider it a useful tool in most situations.

Staff Recommend that:

The way in which fines levels are established and the limited opportunities to utilise wheel clamps are explained in the proposed new subsection on enforcement and compliance in the Management Approach Section of the Strategy.

Concerns about ratepayers funding freedom camping facilities and services

A number of submitters raised concerns about ratepayers funding facilities and services for freedom camping. Staff consider that not providing basic facilities and services at the freedom camping sites will lead to unacceptable levels of damage to the environment and unsanitary conditions. Apart from the Central Government funding that we have received to put in new facilities, there are few alternatives for funding these facilities from rates.

Council has been successful in its bids for funding from Central Government to assist in paying for the development of facilities and services for freedom camping over the last few years. It is not clear how long funding will continue to be available. Of more importance is that funding is not currently available to support the ongoing operational costs of cleaning and maintaining these facilities.

Staff Recommend that:

No change is required to the Strategy.

Impact of freedom campers on wildlife, the environment and enjoyment of public places

A number of submitters articulated concerns about freedom campers disturbing wildlife (particularly birds) and damaging the environment through actions such as washing themselves and/or dishes in rivers. In addition some submitters stated that they do not use some public places because of the presence and/or behaviour of freedom campers.

Staff acknowledge that the behaviour of some freedom campers can have negative impacts and some of these are recorded in the Introduction (page 8). Not all the negative effects of freedom camping noted by submitters are incorporated into the current list in the document. The Draft Strategy attempts to moderate these effects through the application of the site selection criteria to help choose the most appropriate sites.

The Draft Strategy also acknowledges that Council needs to manage freedom camping sites better. Managing the numbers at sites is one important means of improving site management. Demarcating a limited number of camping sites is easier to achieve on some of our freedom camping sites than others due to the physical condition of the sites.

Limiting numbers at the designated freedom camping sites is likely to increase the number of freedom campers attempting to find other illegal areas to camp because they cannot find space at the designated sites.

Staff Recommend that:

An additional bullet point is added to the list of experiences of member of the community from freedom camping to acknowledge the impact on wildlife and environment more broadly.

Submissions from Campground and Accommodation Providers

Ten submissions were received from accommodation providers with seven of these from campground operators and one from an association representing campground operators. The remaining submissions were from a backpackers and a bed and breakfast. The main issues raised included:

- Competition with their businesses from freedom camping and Council providing freedom camping sites. Three submitters noted that their business has contracted markedly in the past few years and considered that this was a result of freedom camping.
- Council's freedom camping sites are located too close to their businesses, with one suggesting Council freedom camping sites should be at least 10 Km from any other campgrounds.
- Freedom camping should only be allowed in self-contained vehicles, and that their business would improve if this was the case.
- Greater enforcement and compliance against freedom campers that transgress the regulations.
- Double standards - as Council expects accommodation providers to meet the standards in the Camping Ground Regulations whereas the standards at Council's freedom camping sites are significantly lower.
- As an alternative to providing freedom camping sites, Council should introduce a voucher system to subsidise freedom campers to stay at commercial campgrounds .

STAFF COMMENT

Many of these issues have been commented on earlier in this document.

Council freedom camping sites operating to different standards than commercial campgrounds

The Camping Ground Regulations (which Council administers in the District) do not apply to free camping sites. The Draft Strategy notes that Council will provide low facility sites where not adequately provided by others and recognises the need for better manage its freedom camping sites.

Staff Recommend that:

A sentence is added to the Reasons for this Management Approach section that notes that the standards of facility provision required under the Camping Ground Regulations do not apply to free campsites and that Council does not provide facilities to these standards at free camping sites to reduce direct competition with commercial accommodation providers.

Voucher system to incentivise use of commercial campgrounds

A voucher system has the potential benefits of using existing facilities that are not fully utilised for most of the year. It also helps to support the financial sustainability of the campground businesses in the District. However, it raises several issues including an equity issue with other accommodation providers as it would involve ratepayers subsidising selected businesses (campgrounds).

Staff Recommend that:

No changes are required to the Strategy.