

Notice is given that an extraordinary meeting of Full Council will be held on:

Date: Thursday 6 September 2018
Time: 1.15 pm
Meeting Room: Tasman Council Chamber
Venue: 189 Queen Street
Richmond

Full Council

AGENDA

MEMBERSHIP

Mayor	Mayor Kempthorne	
Deputy Mayor	Cr King	
Councillors	Cr Brown	Cr McNamara
	Cr Bryant	Cr Ogilvie
	Cr Canton	Cr Sangster
	Cr Greening	Cr Tuffnell
	Cr P Hawkes	Cr Turley
	Cr Maling	Cr Wensley

(Quorum 7 members)

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AGENDA

1 OPENING, WELCOME

2 PUBLIC FORUM

Public Forum will be limited to 3 minutes per speaker. Any matter raised in Public Forum must fall within the terms of reference of the meeting. There will be a maximum of 15 minutes allocated for those who wish to speak in support of the Waimea Community Dam and a maximum of 15 minutes for those wishing to speak in opposition to the Dam.

Anyone wishing to speak during Public Forum must register their intention to do so in writing 24 hours prior to the date of the meeting.

3 APOLOGIES AND LEAVE OF ABSENCE

Recommendation

That apologies be accepted.

4 DECLARATIONS OF INTEREST

5 LATE ITEMS

6 PRESENTATIONS

Nil

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7 REPORTS

7.1 RESPONSIBLE CAMPING FUND PROJECTS

Decision Required

Report To:	Full Council
Meeting Date:	6 September 2018
Report Author:	Alan Bywater, Senior Policy Advisor; Anna Gerraty, Policy Advisor; Sharon Flood, Strategic Policy Manager
Report Number:	RCN18-09-01

1 Summary

- 1.1 Staff responded to a short timeframe request for expressions of interest from the Ministry of Business, Innovation and Employment (MBIE) for funding from the Responsible Camping Fund, in relation to facilities required to address freedom camping issues in the 2018/2019 season.
- 1.2 We recently received notification that we were successful with the majority of our requests and that we will receive \$660,000 of the \$751,000 applied for. The funds will be allocated across a number of projects as detailed in Table 1 below.
- 1.3 The Government Funding is conditional on the work being carried out by 1 December 2018 and consequently there is an urgent need to proceed with these projects.

2 Draft Resolution

That Council:

- 1 **receives the Responsible Camping Fund Projects Report; and**
- 2 **notes the Expression of Interest funding request to the Responsible Camping Fund (Attachment 1) previously forwarded to the Ministry of Business, Innovation and Employment; and**
- 3 **approves the implementation of the list of projects detailed below, to be funded through the Responsible Camping Fund; and**

Project	Funding
Additional monitoring and enforcement capacity	\$35,000
Toilet block at Fittal Street, Richmond (car park near entrance to Richmond Resource Recovery Centre)	\$130,000
Hire portaloos at camping locations (e.g. Taupata Point and McLeans Beach)	\$20,000

Wash-sinks at Motueka Beach Camp Reserve	\$10,000
Waste compactors at camping locations (e.g. Alexander Bluff, Taupata Point and either the KiwiCamp site or Waitapu Bridge)	\$35,000
Site improvements at Waitapu Bridge, the KiwiCamp site, and Alexander Bluff	\$80,000
Waitapu Bridge intersection upgrade	\$50,000
Total	\$360,000

- 4 instructs staff to initiate a review of the Freedom Camping Bylaw to allow camping in non-self-contained vehicles at the Fittal Street car park, near the entrance to Richmond Resource Recovery Centre; and
- 5 instructs staff to further investigate and develop (if possible) a KiwiCamp facility in time to utilise the Responsible Camping Funding, and delegates Council decision making for the project to Councillor _____ and Councillor _____ to expedite the project.

3 Purpose of the Report

- 3.1 To inform Council of the outcome of our expression of interest for funding from Central Government's Responsible Camping Fund.
- 3.2 To seek approval to carry out the projects that have been funded through the Responsible Camping Fund (as detailed in paragraph 4.14 below).
- 3.3 To note that a suitable site has yet to be found for the KiwiCamp facility and determine how best to proceed on this project.

4 Background and Discussion

- 4.1 On 29 June 2018, staff responded to a limited opportunity to submit an expression of interest for funding from the central government's Responsible Camping Fund for facilities to assist with the management of freedom camping for the summer of 2018/2019.
- 4.2 We informed and discussed with Councillors the expression of interest for funding at a workshop on 19 July 2018. A copy of our application is appended in Attachment 1.
- 4.3 The Ministry of Business, Innovation and Employment (MBIE) recently notified Council that we were successful with the majority of our project bids. We are to receive a total of \$660,000, including \$300,000 for the development of a KiwiCamp, with the remainder for the projects detailed below. The funding is conditional on the projects being completed by 1 December 2018, ahead of this peak freedom camping season.
- 4.4 We are one of two Councils (the other located in North Island) that have received funding specifically to pilot the use of a KiwiCamp facility and its associated KiwiCash (online payment) system.
- 4.5 Staff consulted with Councillors on the advantages and disadvantage of several potential sites for the location of a KiwiCamp facility at a workshop on 26 July 2018. Councillors preferred locations were narrowed down to the following sites as listed in order of preference:
 - 4.5.1 the old Mariri landfill site, near Motueka;
 - 4.5.2 land in Wakefield that Council is acquiring as an extension to Wakefield Recreation Reserve; and
 - 4.5.3 a field next to the Lower Moutere Memorial Hall.
- 4.6 On 22 August 2018, Councillors considered further information and ballpark costings for developing the KiwiCamp facility at the two top shortlisted sites – Mariri landfill and Wakefield Recreation Reserve.
- 4.7 This report aims to formalise the decision making around many of the projects to be funded from the Responsible Camping Fund.

Site for KiwiCamp Facility

- 4.8 **Mariri Landfill:** Staff have assessed the suitability of the former landfill at Mariri for the location of the KiwiCamp facility, and have concluded that it is unsuitable for several reasons. These include the high operational costs associated with removing the wastewater from the site (which will need to occur several times per day at times of peak use); the

uncertainty around the contaminated nature of the site and resource consents required for associated testing; iwi concerns; and most significantly that the Kiwicamp provider has indicated that they will not provide their facility at Mariri due to it not being financially sustainable.

- 4.9 **Wakefield Recreation Reserve:** We are currently in the process of purchasing the land in Wakefield as an extension to Wakefield Recreation Reserve. Although a potential location for a Kiwicamp facility, the issue facing Council is that we do not yet own the site and are unlikely to in the near future so that the facility can be set up and running by 1 December 2018. There is a possibility that we could attempt to lease the land until we secure ownership, but the risk is this could further complicate negotiations. Due to past issues of freedom campers using the adjacent Edward Baigent Reserve, we anticipate there will also be some community opposition to using this site.
- 4.10 **Lower Moutere:** The Chair of the Lower Moutere Memorial Hall Management Committee (the Committee) has indicated that the Committee would be opposed to siting the KiwiCamp facility on the paddock below the hall.
- 4.11 The Committee already allows NZ Motor Caravan Association members to camp alongside the hall, and are comfortable with them being there, but definitely do not want the land to become a freedom camping hub. The Chair felt that the neighbours would also not be supportive, as some years ago buses were briefly allowed to camp on the Chings Road Reserve and this resulted in a massive uproar from local community, opposed to this use. The hall is used most nights of the week and maintained well by local community. The Chair is away for five weeks, and feels that he would need to call a management committee meeting when he returns to get a final answer from them (but has the feeling most members would have a similar view to him anyway). Waiting five weeks for this meeting to happen means that the 1 December 2018 deadline could not be achieved.
- 4.12 There is power to the site, and it is serviced by a private bore. However, an onsite secondary wastewater treatment system would need to be installed at considerable cost, to service the facility.
- 4.13 Unless a suitable site can be identified and secured in the short-term, it will not be possible to meet the responsible Camping Fund criteria of having the facility ready to operate by 1 December 2018. If a suitable site can be found, we will need to meet the Local Government Act 2002 decision making requirements (including likely consultation), as well as gaining a resource consent (which is likely to be needed for any site).

Funded Projects

- 4.14 The remaining projects funded by the Responsible Camping Fund are located across the District. Several projects are for new facilities and/or are aimed at improving existing freedom camping sites. The funded projects are listed in the following table:

Project	Funding
Additional monitoring and enforcement capacity	\$35,000
Toilet block at Fittal Street, Richmond (car park near entrance to Richmond Resource Recovery Centre)	\$130,000
Hire portaloos at camping locations (e.g. Taupata Point and McLeans Beach)	\$20,000
Wash-sinks at Motueka Beach Camp Reserve	\$10,000
Waste compactors at camping locations (e.g. Alexander Bluff, Taupata Point and either the KiwiCamp site or Waitapu Bridge)	\$35,000
Site improvements at Waitapu Bridge, the KiwiCamp site, and Alexander Bluff	\$80,000
Waitapu Bridge intersection upgrade	\$50,000
Total	\$360,000

Table 1: Responsible Camping Funded Projects

- 4.15 We discussed the projects listed above with Councillors at workshops. We now request a formal decision from Council to proceed, to enable implementation of the projects by 1 December 2018, as required by MBIE.
- 4.16 We need to obtain a resource consent to locate the toilet facility at Fittal Street in Richmond, and we have initiated the process to prepare an application.
- Freedom Camping Bylaw Review**
- 4.17 Council reviewed its Freedom Camping Bylaw (Bylaw) in 2017, after significant public consultation and engagement.
- 4.18 Schedule 3 of the Bylaw identifies a list of locations where freedom camping in non-self-contained vehicles can take place. In order to allow freedom camping at the Fittal Street site, we will need to undertake an amendment to the Bylaw to include the site in Schedule 3. Similarly, if we find a suitable location for KiwiCamp facility, it is likely this will also require a Bylaw amendment.
- 4.19 In order to do this, we propose to undertake a review of the Bylaw, so that consultation can take place on including Fittal Street and the KiwiCamp facility site (provided one is identified) into Schedule 3. Given the issues that have arisen at Decks Reserve over the last summer season, if the Kiwicamp is located in Motueka, there is an opportunity to reconsider the Decks Reserve site and consult on its use.
- 4.20 The entire bylaw effectively forms the statement of proposal for the Special Consultative Procedure therefore we must accept and deliberate on any submissions received on any part of the Bylaw. In order to review the Bylaw under the Freedom Camping Act 2011, Council must follow a Special Consultative Procedure.
- 4.21 Staff request Council agrees to initiate the Bylaw review process.

5 Options

Projects to be Funded by the Responsible Camping Fund (excluding KiwiCamp)

- 5.1 Option 1 (Preferred Option) – Approve implementation of all projects identified in Table 1 of this report.

Advantages: The facilities to be developed will help to manage the effects of freedom camping; Government funding is utilised with little or no impact on rates.

Disadvantages: Staff time will be utilised in managing and implementing the projects; there is likely to be some limited capital and operational costs not covered by the Government funding.

- 5.2 Option 2 – Approve implementation of selected projects only. Staff would require direction as to which projects you do not support and we would decline to accept the funding from MBIE.

Advantages and disadvantages are similar as for Option 1 for the projects to be implemented. The opportunity to benefit from Government funding to help manage freedom camping will be missed for any projects not to be implemented.

- 5.3 Option 3 – Not approve implementation of any projects.

Advantages: Staff time will not be utilised in managing and implementing the projects; no capital or operational costs to be funded by Council.

Disadvantages: The opportunity to utilise Government funds to better manage the effects of freedom camping will be missed and another opportunity to do so may not be forthcoming.

KiwiCamp

- 5.4 Option 1 (Preferred Option) – Assist staff to identify a suitable site for KiwiCamp, instruct staff to further investigate and develop (if possible) a KiwiCamp facility in time to utilise the Responsible Camping Funding, and delegate Council decision making for the project to two Councillors to expedite the project.

Advantages: KiwiCamp (if it can be successfully developed) will help to manage the effects of freedom camping; Government funding is utilised with little impact on rates; could provide the opportunity to remove freedom camping from more sensitive locations; delegating Council decision making to two councillors will increase the speed and flexibility of decision making and increase the likelihood that the project can be developed by the 1 December 2018 deadline..

Disadvantages: Staff time will be utilised in managing and implementing KiwiCamp; there is likely to be some limited capital and operational costs not covered by the Government funding; some members of the community may see Council as encouraging freedom camping and/or creating competition for commercial providers; the site selected will not be available for other uses.

- 5.5 Option 2 – Conclude that it is not going to be possible to develop a KiwiCamp by 1 December 2018 and instruct staff to negotiate with MBIE to see whether there is any option to utilise the funding to either develop a KiwiCamp at a later date or to use for alternative responsible camping facilities. It is fairly likely that this will not be acceptable to MBIE.

Advantages: May retain the possibility of being able to utilise the Government funding to

manage freedom camping without being locked into using KiwiCamp.

Disadvantages: It is quite likely that the Government funding will only be available to implement KiwiCamp; if other alternative uses of the funding are available there will be staff time and potentially other costs involved in determining how to use the funding and implementing the project(s).

- 5.6 Option 3 - Conclude that it is not going to be possible to develop a KiwiCamp by 1 December 2018 and decline the funding for this project from the Responsible Camping Fund.

Advantages: Staff time will not be utilised in managing and implementing the KiwiCamp project; no capital or operational costs to be funded by Council.

Disadvantages: The opportunity to utilise Government funds to better manage the effects of freedom camping through KwiCamp will be missed and another opportunity to utilise this funding may not be forthcoming.

Freedom Camping Bylaw Amendment

- 5.7 Option 1 (Preferred Option) - Agree to initiate a process to review our Freedom Camping Bylaw with a view to including the Fittal Street carpark and a site for KiwiCamp (should one be identified) into Schedule 3 to allow non-self-contained vehicles to camp in these locations.

Advantages: Enables the toilet facilities at Fittal Street and the KiwiCamp to be legally used by freedom campers in non-self-contained vehicles; provides an opportunity for Council to reconsider any other parts of the bylaw at the same time by including them in its statement of proposal.

Disadvantages: There are costs involved in carrying out the process to review the bylaw including the Special Consultative Procedure; initiating a bylaw review will present the opportunity for the public to make submissions on all elements of the bylaw which Council will be required to further consider through hearings and deliberations.

- 5.8 Option 2 – Agree not to review Council's Freedom Camping Bylaw.

Advantages: There would be no costs involved in carrying out the process to review the bylaw including the Special Consultative Procedure; Council will be not required to further consider a broad range of freedom camping issues through hearings and deliberations.

Disadvantages: The toilets to be developed at Fittal Street and KiwiCamp (should it be developed) will be of very limited use in managing freedom camping as only self-contained vehicles could utilise the areas for freedom camping; the use of the Government's funds would be largely inconsistent with the purpose of the funding; there would be no opportunity for Council to reconsider any other parts of the bylaw at this time.

6 Strategy and Risks

- 6.1 As set out in the Freedom Camping Act 2011, Council is unable to prohibit freedom camping in the District unless it has a Bylaw in place. Our Bylaw defines areas where freedom camping is restricted and the restrictions that apply in those areas.
- 6.2 When selecting the sites where non-self-contained vehicles are permitted we have enabled them to camp where there are suitable toilet and rubbish disposal facilities. Work we are

undertaking, with support of the Tourism Infrastructure Fund and now through the Responsible Camping Fund, involves providing facilities for freedom camping specifically.

- 6.3 The Government has recognised that local authorities need assistance to manage freedom camping effectively and has provided funding for this purpose. In providing facilities for freedom camping, Council runs the risk of being perceived by some to be encouraging the activity.
- 6.4 Advice to date is that resource consents will be required for the Fittal Street site and is likely to be required for any site identified for the KiwiCamp. We will not know the results of these resource consent processes until after Council has made a decision on initiating a review of the Bylaw.
- 6.5 Council runs the risk that, either through the Bylaw review or resource consent processes, one or more of the sites for the projects will not be able to be used for freedom camping. However, in order to meet the 1 December 2018 deadline (i.e. the funding condition specified by Government), there is a need to proceed.

7 Policy / Legal Requirements / Plan

- 7.1 In making decisions, Council is required to comply with the relevant sections in the Local Government Act. These include section 78, which states that Council must consider the views and preferences of person likely to be affected by, or have an interest in, the matter.
- 7.2 The current Freedom Camping Bylaw effectively allows freedom camping in self-contained vehicles in local authority areas, except those specifically excluded in the Bylaw. However, the Bylaw effectively prohibits freedom camping in non-self-contained vehicles in local authority areas except those specifically identified in the Bylaw.

8 Consideration of Financial or Budgetary Implications

- 8.1 The expression of interest was prepared in a short timeframe and staff have attempted to ensure that the full costs of providing the facilities were included in the application. However, as we implement these facilities, some project costs may exceed the funding received from the Responsible Camping Fund.

9 Significance and Engagement

- 9.1 Staff consider that the decision to approve implementation of the projects funded by the Responsible Camping Fund (other than the KiwiCamp), and to initiate a review of the Freedom Camping Bylaw, are of low significance.
- 9.2 A subsequent report will be presented with the draft changes to the Freedom Camping Bylaw and details of the Special Consultative Procedure to be undertaken.
- 9.3 Staff consider that if a suitable site can be identified for the KiwiCamp the decision on the site and to proceed with the project is of medium significance.
- 9.4 If Council decides to proceed with trying to develop KiwiCamp at a particular site and delegating decision making to two Councillors, the appropriate form and timing of consultation should be determined depending on the site concerned.

Issue	Level of Significance	Explanation of Assessment
Is there a high level of public interest, or is decision likely to be controversial?	Low. Medium if KiwiCamp proceeds.	Freedom camping generally has a high level of public interest, largely because of the nuisance issues associated with this activity. The projects to be funded by the Responsible Camping Fund are designed to reduce these nuisances. Most of the projects are at locations already used for freedom camping and public interest is likely to be low. If Council is able to proceed with a KiwiCamp public interest is likely to be higher with particular interest from camp ground operators and nearby residents (depending on the location).
Is there a significant impact arising from duration of the effects from the decision?	Low	The decisions will lead to facilities being located at specific sites, some on a permanent basis. However, in all cases Council could choose to remove them at any time. The KiwiCamp facility is re-locatable but any investment in site works would be lost if the site was subsequently altered. Further reviews of the Freedom Camping Bylaw can be carried out at Council's discretion.
Does the decision relate to a strategic asset? (refer Significance and Engagement Policy for list of strategic assets)	N/A	
Does the decision create a substantial change in Council's levels of service?	Low	The facilities effectively increase the level of service being provided at these specific locations only.
Does the decision substantially affect debt, rates or Council finances in any one year or more of the LTP?	Low	The effect on rates, debt and Council finances is likely to be minor, as most funding is from Government. There may be some capital and/or operational costs that have to be funded from other sources but these are considered minor.

Does the decision involve the sale of a substantial proportion or controlling interest in a CCO or CCTO?	N/A	
Does the decision involve entry into a private sector partnership or contract to carry out the delivery of any Council group of activities?	N/A	
Does the decision involve Council exiting or entering into a group of activities?	N/A	

10 Conclusion

- 10.1 MBIE has advised that Council will receive \$660,000 from the Responsible Camping Fund for a range of freedom camping projects. The funding is on the condition that we complete the projects by 1 December 2018. In order to meet this deadline a series of decisions are required by Council.
- 10.2 At this time we have still not found a suitable location for the KiwiCamp facility, with the three preferred sites found to be unsuitable. Unless we can find a location shortly, we will have to forego the \$300,000 of funding for this purpose.

11 Next Steps / Timeline

- 11.1 Staff will enter a funding agreement with MBIE for the Responsible Camping Funding.
- 11.2 Staff will continue to work on finding a suitable location for the KiwiCamp if instructed to do so.
- 11.3 Staff will undertake the remaining projects to be funded by the Responsible Camping Fund.
- 11.4 Staff will commence a limited review of the Freedom Camping Bylaw and seek decisions from Council on the Statement of Proposal and Special Consultative Procedure.

12 Attachments

1. Responsible Camping Fund Expression of Interest 15

Expression of Interest in Funding Local Solutions for Responsible Camping – Peak Season 2018/19

Tasman District Council have identified projects totalling \$751,000 that we would like to have considered for inclusion in this funding opportunity. Implementation of these projects would help us to address issues we're currently experiencing relating to camping in our region.

Basic details about each of the proposed projects and their rough estimated costs are provided in the following table.

Project	Cost estimate
Additional monitoring and enforcement of freedom camping across District over the 2018/19 peak season (temporary contract enforcement staff)	\$50,000
Development of additional educational material / information on freedom camping in Tasman District (for use on signage, websites, apps etc)	\$10,000
Purchase of a portable purpose-built 'KiwiCamp' ablution block facility, plus installation costs (connection to power, water, sewer/containment tank) and servicing costs for this coming summer season (choice of location still to be determined – site will be promoted as a responsible freedom camping hub)	\$300,000
Installation of a new two-pan toilet block at a potential new freedom camping site in Richmond (near the Fittal Street carpark, alongside Richmond Resource Recovery Centre). Sealed carparks, water, dumpstation, waste and recycling facilities already onsite.	\$140,000
Hire and service portaloos at designated freedom camping sites (four at Decks Reserve, two at Taupata Point)	\$20,000
Installation of a standalone sink and wash basins at Motueka Beach Camp Reserve designated freedom camping area.	\$10,000
Purchase and service waste compactor bins for designated freedom camping sites (four at Decks Reserve and one additional bin at Alexander Bluff)	\$70,000
Hire and service of two portable showers, to be used at a designated freedom camping sites (choice of locations still to be determined)	\$6,000
Site works and improvements (e.g.levelling site, gravelling muddy areas, marking parking spaces, fencing and signage) at two+ designated freedom camping sites (Waitapu Bridge and Alexander Bluff)	\$80,000
End-of-season cleanup and disposal of dumped material/belongings at designated freedom camping sites	\$10,000
Upgrade of intersection of state highway and Waitapu Bridge designated freedom camping site (we've received TIF funding to install toilets and waste compactor bins at this site, but subsequently been notified that NZTA will not approve their installation until the intersection is upgraded).	\$50,000
Data for free WiFi hotspots that are installed in waste compactor bins at freedom camping locations (to reduce congestion of freedom campers at our libraries)	\$5,000
TOTAL	\$751,000

8 CONFIDENTIAL SESSION

8.1 Procedural motion to exclude the public

The following motion is submitted for consideration:

That the public be excluded from the following part(s) of the proceedings of this meeting. The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution follows.

This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 6 or section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public, as follows:

8.2 Waimea Community Dam

Reason for passing this resolution in relation to each matter	Particular interest(s) protected (where applicable)	Ground(s) under section 48(1) for the passing of this resolution
The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.	s7(2)(h) - The withholding of the information is necessary to enable the local authority to carry out, without prejudice or disadvantage, commercial activities.	s48(1)(a) The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.