

Report No:	RCN11-05-07
File No:	E402
Date:	11 May 2011
Decision Required	

REPORT SUMMARY

Report to: Tasman District Council
Meeting Date: 19 May 2011
Report Author: G Caradus, Co-ordinator Environmental Health
Subject: Adoption of the Draft Tasman District Council Consolidated Bylaw: Chapter 11: Freedom Camping 2011

EXECUTIVE SUMMARY

The Draft Tasman District Council Consolidated Bylaw: Chapter 11: Freedom Camping 2011 (*the draft Bylaw*) has passed through the consultative process and a recommendation made by Council's Environment & Planning Committee that the draft Bylaw be adopted by Tasman District Council.

RECOMMENDATION/S

Two small amendments are recommended. The first amendment reflects discussion that occurred during the Environment and Planning Committee's deliberations, but which was subsequently not picked up in the final resolutions. The second is to correct descriptions of the Reserves in paragraph 3 of Schedule 1, describing the areas where Freedom Camping is not prohibited. Otherwise the draft Bylaw as considered by Council's Environment & Planning Committee and recommended for adoption by Council remains unchanged. It is recommended that Council adopt the draft Bylaw.

DRAFT RESOLUTION

THAT the Tasman District Council:

- 1. receives the report "Adoption of the Draft Tasman District Council Consolidated Bylaw: Chapter 11: Freedom Camping 2011" REP11-05-07, and;**
- 2. approves the amendments of clause 2 (d) and paragraph 3 of Schedule 1 of the Draft Tasman District Council Consolidated Bylaw: Chapter 11: Freedom Camping 2011 as contained in Appendix 1 of report REP11-05-07, and;**
- 3. adopts the Draft Tasman District Council Consolidated Bylaw: Chapter 11: Freedom Camping 2011 as contained in Appendix 1 of report REP11-05-07**

THAT the Community Services Committee be requested to consider any funding required for the necessary changes and additions to freedom camping signage at Council reserves.

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1. Purpose

- 1.1 The purpose of the Draft Tasman District Council Consolidated Bylaw: Chapter 11: Freedom Camping 2011 is stated in clause 2 of the Draft Bylaw, which is attached as Appendix 1

2. Background

- 2.1 The statutory obligations of the Local Government Act 2002 have been met in relation to the Council making the Draft Bylaw. Report REP 11-03-06 for the E&P Committee meeting on 10 March 2011 and Report REP 11-04-06 and supplementary report REP11-04-06A for the E&P Committee meeting on 21 April 2011 have contained the necessary detail for the E&P Committee to reach a conclusion.

- 2.2 At the E&P Committee meeting on 21 April 2011, the following resolution was passed:

Moved Mayor Kempthorne/Cr Glover

- 1. THAT having considered submissions and advice on the Draft Tasman District Council Consolidated Bylaw: Chapter 11: Freedom Camping 2011 as contained in report REP 11-04-06, the Environment & Planning Committee of Tasman District Council agrees to the amended Draft Bylaw as outlined in Appendix 2.*
- 2. That the Environment & Planning Committee of Tasman District Council recommends the Draft Tasman District Council Consolidated Bylaw: Chapter 11: Freedom Camping 2011 contained in Appendix 2 of report REP11-04-06 be adopted at the meeting of Tasman District Council to be held on 19 May 2011.*
- 3. THAT the Consolidated Bylaw: Chapter 11: Freedom Camping 2011 be reviewed in 12 months time. CARRIED*

3. Present Situation/Matters to be Considered

- 3.1 No additional information is to be considered.

4. Financial/Budgetary Considerations

- 4.1 In the first instance, it is expected that the funding of Council's contractor to undertake enforcement of the draft Bylaw will be achieved simply by using the funding already provided for enforcement of the current Freedom Camping Policy. That contract is for the period 1 December to 31 March each summer. For times outside the contracted period, Council staff will need to prioritise any freedom camping complaints along with other work demands. No budget provision currently exists to increase enforcement effort.
- 4.2 It is recognised that additional signage will be required, particularly for those Council reserves in which freedom camping is not permitted. The cost of manufacturing and installing signs for the 22 locations in Golden Bay, and 42 locations in Tasman Bay has been estimated at \$18,800, including staff time involved in erecting the signs. This work has not as yet been budgeted for, but a recommendation is made that the Community Services Committee provide the necessary funding for this work.

5. Options

- 5.1 Council may adopt the draft Bylaw as presented in Appendix 1, or make minor or editorial changes to the draft Bylaw that do not substantially alter the meaning or intent of the draft Bylaw prior to adoption. Council may also choose to reject the Draft Bylaw, or to require that substantial change be made to the Draft Bylaw, which may have the effect of requiring the special consultative process is repeated.
- 5.2 Adoption of the Draft Bylaw at this meeting, will allow the proposed Bylaw to be forwarded to the Department of Internal Affairs in time for inclusion in the process that will generate supporting infringement regulations by September 2011.

6. Pros and Cons of Options

- 6.1 This has been dealt with in previous reports to the Environment & Planning Committee.

7. Evaluation of Options

- 7.1 The Environment & Planning Committee has considered that proceeding with a Bylaw is considered reasonable and appropriate in the circumstances in that it will provide Council with access to some freedom camping enforcement provisions, even though there are limitations.

8. Significance

- 8.1 This is not a significant decision according to the Council's Significance Policy because it fails to meet any of the defined thresholds or criteria. However the Draft Bylaw is significant to residents and visitors of Tasman because of the way that it may be used to limit nuisance, public health risk, offensive behaviour or compromise of safety resulting from camping in public places under the control of Tasman District Council.

9. Recommendation

- 9.1 That Council adopts the amended Draft Bylaw as recommended by the Environment & Planning Committee at the meeting of 21 April 2011.

10. Timeline/Next Steps

- 10.1 Bylaw if adopted as per the draft in Appendix 1 will come into force on 31 May 2011.

11. Draft Resolution

THAT the Tasman District Council:

- 1. receives the report "Adoption of the Draft Tasman District Council Consolidated Bylaw: Chapter 11: Freedom Camping 2011" REP11-05-07, and;**
- 2. approves the amendments of clause 2 (d) and paragraph 3 of Schedule 1 of the Draft Tasman District Council Consolidated Bylaw: Chapter 11: Freedom Camping 2011 as contained in Appendix 1 of report REP11-05-07, and;**
- 3. adopts the Draft Tasman District Council Consolidated Bylaw: Chapter 11: Freedom Camping 2011 as contained in Appendix 1 of report REP11-05-07**

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Appendices:

Appendix 1: Draft Tasman District Council Consolidated Bylaw: Chapter 11: Freedom Camping 2011

