

## STAFF REPORT

**TO:** Environment & Planning Committee

**FROM:** Jean Hodson, Regulatory Manager

**REFERENCE:** E402

**SUBJECT:** **FREEDOM CAMPING - ISSUES AND OPTIONS - REPORT EP09/07/07** - Report prepared for meeting of 16 July 2009

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### 1. PURPOSE

At the Environment & Planning Committee meeting of 23 April 2009 the issue of “freedom camping” was raised and the Committee requested additional information to assist with considering the question of whether or not a review of the current policy should be undertaken. This report provides some additional information.

### 2. CURRENT POLICY AND PRACTICE AND ISSUES

In 1999, Council adopted a “**Policy for promoting safe and Environmentally friendly overnight camping for self-contained Motorhomes and Caravans.**” This long name explains the concept (as distinct from “Freedom Camping”), i.e. that the policy only applied to mobile vehicles with a minimum of three days on-board wastewater storage. Any other “freedom camping” arrangements are not provided for by the policy and therefore people without self-containment should be stay in either a registered camping ground or on private property. Note that the Policy and Council’s jurisdiction can only apply to Council owned land.

The Policy (see attached copy of brochure) contains a Schedule of Prohibited Areas that include areas which are inappropriate for even self contained vehicles. It also contains a list of Dump Points and the brochure also lists all registered camping grounds.

Currently the Compliance and Monitoring staff and contractors undertake enforcement/education that is focused mainly on known “hotspots” in the four summer months. Complaints about “illegal camping” are followed up within the constraints of existing resources.

In general terms the approach is based on education. The existence of the policy has enabled a consistent message to be given to visitors regarding “freedom camping” which is much better than the situation prior to the policy being adopted.

The Council has previously considered whether or not a stronger approach could be taken, the possibility of a permit system, a by-law and a charging scheme to assist with cost recovery.

Unfortunately, some people, who may be visitors to the region, do not take a responsible approach to waste disposal and consequently there have been calls for a “review of the Policy” and more enforcement action to ensure environmental degradation does not occur.

- Negative impacts of “Freedom Camping” on local communities are:
  - Environmental damage to sensitive areas particularly along the coast and rivers
  - Health issues due to inappropriate waste disposal (both litter and human waste)
  - Potential fire risks
  - Loss of amenity and privacy for residents living nearby to camping “hot spots”
  - Reduced commercial opportunities for provision of accommodation or camping facilities.
  - Potential safety issues for campers
  - Potential crowding out of other users of parks and reserves
  - High cost of enforcement, signage, compliance and waste management
- Positive Impacts:
  - Freedom campers spend money on supplies and experiences
  - This market sector is predicted to grow strongly.

Both the Motueka and Golden Bay Community Boards have expressed concern about this issue.

### **3. NATIONAL INITIATIVES TO BETTER MANAGE “FREEDOM CAMPING”**

Considerable work has been undertaken jointly by tourism related industry members and local government representatives in recent times to create a unified approach for better managing freedom camping throughout New Zealand. I understand that the work has been led by the Tourism Industry Association (TIA) in conjunction with LGNZ.

A New Zealand Freedom Camping Forum has been created (members include many tourism industry associations and departments, LGNZ, MfE, NZ Transport Agency, NZ Police, DOC, United Campervans, Tourism Holdings Ltd etc) and three meetings have been held. A policy framework and guiding principles are now accepted by the members. (Zone 5/6 included). A sticker identification project is not quite completed (MfE and Standards NZ work programme including certification process and non-compliance penalties). NZ Motor Caravan Association has produced a sticker for its members so that “self-contained” vehicles can be identified as such.

Tasman District Council should be seen to support these national initiatives.

An official “no camping” road sign has been gazetted which councils can now use and is formally recognised.

A “freedom camping” website has been established to assist with disseminating information to travellers. ([www.camping.org.nz](http://www.camping.org.nz) which promotes the slogan “Camping Our Way- Assume Nothing, Always ask a Local.” The Tasman District Council Policy brochure is linked to this site.

However, alongside the aim of creating a “national freedom camping policy”, it is understood that varying circumstances around the country will influence how different Councils achieve their desired outcomes.

#### 4. CURRENT AND PROPOSED STRATEGIES BY OTHER LOCAL AUTHORITIES

TDC	Allow two nights for self- contained only, some prohibited areas identified, Policy only, no by-law
Central Otago	As for TDC
Westland	As for TDC
Clutha	As for TDC but they have a Public Places By-Law (under the LGA) stating \$500 fines for non-compliance
Queenstown	As for TDC but self-contained vehicles not permitted to stay in town areas. Traffic and Parking By-law used (Transport Act). A recent consultation document has been released* (see below)
Rotorua	Have a By-law which prohibits freedom camping (not found on website)
Far North	By-Law prohibits camping and parking campervans on Council reserves including beaches
Central Hawkes Bay	Camping allowed (with a permit required during high season) at one beach, self-contained vans at another beach , but nowhere else.
Southland	By-Law controls but allows camping and Freedom Camping, sites in schedule
Gisborne	Allow camping- charge for rubbish collection service, must have chemical toilet
Kaikoura	Allows freedom camping for two days with access to toilet facilities

- “Freedom Camping” defined by the TIA as any camping (tents, campervans, caravans etc) away from a places where camping facilities exist. This is why

we do not refer to our policy as a Freedom Camping Policy as it was only intended to cover fully self-contained vehicles.

#### **4.1 Queenstown Lakes District Council (QLDC)**

I have been advised by LGNZ that the QLDC draft policy is the most progressive and comprehensive approach to date among Local Authorities. They have recently released a draft policy report (28 pages) for public submissions (closed 15 May) suggesting various initiatives to better manage freedom camping. The report identifies 50 “hot spots” and the facilities and impacts at those locations. It also highlights the results of an eight week monitoring study to determine the effectiveness of erecting the official gazetted “no camping” sign. Sadly the number of vehicles parked during the weeks the sign was up was slightly higher than when no sign was present!!!

The QLDC currently uses a Traffic and Parking By-law (fines \$40) for parking infringements including campervans. This is enforced mainly in the commercial and residential areas. Currently two contractors patrol hot spots morning and evening although they are not authorised to issue infringement notices. The current contract cost is \$30,000. The media release regarding the proposal indicates the QLDC is wishing to “take a hard line over campers”.

The proposed initiatives include;

- Better signage
- More published information for visitors through various outlets
- Establish Information kiosks
- Identifying areas where self-contained camping can occur and where it can not
- Provide rubbish disposal at appropriate places
- Provide improved dump station facilities
- Monitor “hotspots” and report annually
- Actively enforce Traffic and Parking By-Laws and raise infringement fine from \$40 to \$100 when legislation permits
- Amend Traffic and Parking By-Law to better reflect “Prohibited” areas
- Provide delegation to suitable staff and community wardens to issue infringement notices
- Take prosecutions under Litter Act, RMA or Reserves Act where sufficient evidence of littering or dumping of human waste occurs
- Maintain involvement with Freedom Camping Forum, local community and holiday park operators
- Develop low cost Council owned camp options (Glendu Bay)

- Review opportunities for low impact small scale self registration camps on Council land in association with local communities
- Encourage DOC to do same as above

## 5. BY-LAW IMPLICATIONS

If we take the view that self contained vehicles will be covered by a proposed “sticker system”, the challenge for councils will be camping outside of prohibited areas where no facilities exist. A bylaw could be used to regulate this activity but does have implications, not the least of which would be the enforcement implications of a by-law. Here in Tasman District, the “hot spots” are not easily definable; there are extensive areas of river berm land, coastal areas and roads that are used by freedom campers. If a by-law was created it would require signage to alert people to their legal obligations and would be expected to be enforced, which means having sufficient resources (contractors or staff) to cover the whole district (morning and night) issuing Infringement Notices for illegal parking. A by-law could also only ever have effect on Council land; as opposed to DOC, Transit or LINZ land.

Another significant issue is the problem with following up on the Infringement Notices once they are issued. We would have difficulty tracing the drivers of rental vans as the rental companies take no responsibility for tickets and may well be giving us an overseas address to follow up. The Transport Act does not allow us to make rental companies responsible for unpaid parking tickets.

In order for a Traffic and Parking By-Law to be enforceable, it is necessary to have clear signage indicating the extent of the parking restriction at each location. This in itself would make a parking by-law quite impractical as a method of managing our freedom camping. However, this problem may be able to be overcome if a by-law like Clutha DC was created, which is a “Public Places” by-law under the LGA.

In a legal sense, the only difference between the approach TDC is taking and the one that QLDC (through a Traffic By-Law) and Clutha DC (through a Public Places By-Law) have taken is that they have the ability to enforce their Policy through the use of a By-law. In the case of QLDC this means that they have allocated a greater level of resourcing for the enforcement function. Interestingly, Clutha DC acknowledge that they do not have the resources to enforce the by-law, that they rely on informing visitors and residents and encouraging compliance, but the by-law is there in case legal backing is required.

Essentially the way things are operating at the moment is that we have certain Prohibited Areas for self-contained vehicles, otherwise overnight camping in self contained vehicles can take place where it is safe to do so. Other forms of overnight camping, including in non-self-contained vehicles should take place in designated camping grounds but the reality is that this does not happen. For a bylaw to be effective in controlling this latter form of overnight camping it would have to clearly demarcate people’s legal obligations. Given the widespread pattern of our “hot spots”, jurisdictional uncertainty, and the cost implications (which would be significant and are unbudgeted) a bylaw would not be an easy solution.

## **6. IF NOT A BY-LAW, THEN WHAT ARE THE OPTIONS?**

### **6.1 More toilets**

Calls have been made for the provision of more public toilets and other facilities e.g. rubbish disposal to “serve the travellers”. This suggestion comes from the perspective that if we do not want to discourage travellers in our region, then we should be considering providing facilities so people can “do the right thing.” This could be referred to the Community Services Committee, but in the past proposals for new public toilets have been rejected by the local communities because of the fear of attracting freedom campers, plus RMA issues can arise in coastal locations, adding to already costly self-contained facilities where no sewer connection is available. There is already provision for some new toilets in the proposed LTCCP.

### **6.2 Informal Camping Ground**

A suggestion has been received from the Keep Motueka Beautiful Committee that an informal freedom camping area be established at the Motueka Beach Reserve. Currently this area is used by campervans, (both self contained and non-self contained) although our Policy is such that only self-contained vans should be doing so. It is noted that to create a “camping ground” and provide facilities for this purpose involves complying with the Camping Ground Regulations. This would require substantial investment and it was considered by the Community Services Manager, that with existing commercial camping grounds in the area, the suggestion is not feasible. However, providing low level toilet facilities at known “hot spots” like has already happened at Waitapu Bridge, Takaka, while carrying a cost, may be a partial solution to managing waste implications.

### **6.3 Lobby Government**

The Community Services Committee has recommended (CS09/04/06) that the Environment & Planning Committee consider the issue of small non-self contained camper vans with a view to making representation to the appropriate Minister and LGNZ. As can be seen from the discussion about national initiatives, the matter is well recognised and various actions are in train.

### **6.4 Allocate Additional Resources**

More resources could be put towards illegal camping enforcement. Currently there is an annual allocation of \$4,000 Control Services (Nelson) Ltd to patrol known hot spots during the summer period in conjunction with their other work for Council. Additional resourcing may have some beneficial result in relation to more quickly moving people on, but it needs to be said that in all probability based on experience and in the absence of a punitive bylaw regime, this will result in creating a similar problem in another location.

### **6.5 Review Policy to extend “Prohibited Areas”**

If the problem is associated with non-self contained vehicles and generally lazy/disrespectful behaviour of a few, then increasing “prohibited areas” for any form of overnight camping may assist. However if more and more signs are scattered about, this could lead to the assumption that if there is no “no camping” sign visible, it

is ok to camp. While this is so for self-contained overnight camping it may send the wrong message to those in non-self contained vehicles.

## **7. CONCLUSION**

The consequences of “illegal camping” are caused by poor behaviour, exhibited by some individuals/visitors who make up a mobile and transient population, spread over an extended summer season and occurring over expansive geographic and “hidden” areas. All these factors contribute to the difficulties and frustrations experienced by those who attempt to minimise undesirable camping behaviour.

The issues are being dealt with through the national body of the “Freedom Camping Forum” which has a wide membership including the vehicle hire companies. It is considered that the most appropriate action is to support the national initiatives that will emerge and modify them to suit our District where necessary. Building understanding and awareness within the visitor sector regarding appropriate camping behaviour is an important function at the first point of contact.

In the meantime Council can continue with its monitoring and enforcement programme recognising this has not to date prevented problems being raised with Council.

## **8. RECOMMENDATIONS**

1. That this report be received.
2. That the current Council “Policy for promoting safe and Environmentally friendly overnight camping for self-contained Motorhomes and Caravans” be retained
3. That Council support the national initiatives for self-contained freedom camping and that contact be made with the Freedom Camping Forum to pass on information about the issues being experienced in our area and to encourage a hastening of their work so the education of visitors can be done consistently at the first point of contact.
4. That Council agree that no further work on the issue of a by-law to regulate overnight camping be undertaken at this time.
5. That the current programme of monitoring and enforcement of “illegal camping” be continued.



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