

Freedom Camping Waterways Parade Pauanui

TO Tairua-Pauanui Community Board
FROM Paul Davies - Legal Counsel
DATE 2 April 2015
SUBJECT Freedom Camping Pauanui Waterways

1 Purpose of Report

To report to the Board in accordance with an agreement reached with the Brew Family Trust on matters relating to the restricted freedom camping area located on Waterways Parade, Pauanui.

2 Background

The Freedom Camping Act 2011 (Act) creates regime where freedom camping is permitted on local authority area (which is an area of land that is within the district and that is controlled or managed by the local authority), unless it is prohibited or restricted in accordance with a bylaw made in accordance with the Act.

In 2014 Council undertook the process of looking at how it regulated freedom camping within the District. As a result the Freedom Camping Bylaw 2014 (the Bylaw) was adopted and came into force on 1 December 2014.

The Bylaw firstly restricts any freedom camping within the district to certified self-contained vehicles only. Further, there are a number of areas where freedom camping is prohibited, and finally there are a number of areas across the district where freedom camping is restricted.

In the case of restricted areas, the Community Board that has responsibility for the restricted area is tasked with the decision of locating specific areas within the larger restricted area where freedom camping may be undertaken subject to certain conditions. These conditions stipulate the length of stay, and the time of departure.

The process for locating the designated areas within a restricted area is determined by the Board in accordance with the provisions of section 11(2)(a) of the Act. Simply put the restriction must be necessary to protect the area, or to protect the health and safety of people who may visit the area, or to protect access to the area.

The restricted area that is the subject of this report is located at the northern end of Waterways Parade Pauanui, adjacent to the Tangitori Reserve. The area was identified as requiring some level of restriction because there are a number of carparks provided adjacent to the reserve which are quite heavily used during the summer months by people using the reserve. It was considered appropriate to restrict the number of spaces available for freedom camping to ensure that other users of the reserve and parking spaces would be able to access the area.

3 Issue

Shortly before the adoption of the Bylaw, Council was approached by the representatives Brew Family Trust regarding the restricted area on Waterways Parade. The Trust believed that there were inadequacies in the bylaw promulgation process and that restricted area

should be a prohibited area. Ultimately the Trust lodged judicial review proceedings in support of its claims.

Shortly before Christmas 2014, the Trust and Council agreed that the proceedings should be placed on hold during the summer peak to enable both Council and the Trust to assess the effect of the restriction.

Officers have agreed to report the result of this monitoring to the Board and then subsequently to Council.

4 Discussion

Council bylaws enforcement officers have made regular monitoring visits to the restricted site. These have been part of their normal enforcement duties and have focussed on the morning period as freedom campers must vacate the designated areas by 9.00am. Over the four month period the monitoring visits have been on all days of the week.

Between the three officers that have been undertaking the visits there has been just two days where the designated site has been occupied by a self-contained freedom camping vehicle, on the 5th of February, a Thursday morning and on the 23rd of March, a Monday morning.

There have been no reports or complaints regarding the activities undertaken by freedom campers either within the designated area, elsewhere within the restricted area, or in the general vicinity of the northern end of Waterways Parade, which is an area where freedom camping is permitted under the Act.

Accordingly officers are of the view that restricting the area of the carparks has been effective in terms maintaining and protecting access to the Tangitori Reserve associated with the carparks. Further the observation is that the single designated site is not utilised very often by freedom campers.

Mr Kerry Brew who addressed the Board at its meeting on 24 November has indicated that he wishes to address the board again when it considers this report.

In terms of the ability to change the currently restricted area to a prohibited area the only means that this can be undertaken is by reviewing Bylaw. This would require a special consultative process in accordance with the Local Government Act 2002.

5 Suggested Resolution(s)

That the Tairua-Pauanui Community Board:

1. Receives the report.
2. Endorses its decision of 24 November 2014 to locate one freedom camping space at the south end of the formed car parks adjacent to the toilet block located at the northern end of Pauanui Waterways, Pauanui ,