

Deliberations for the Standards of Camping Bylaw

TO	Judicial Committee
FROM	Emma Wright - Strategic Planner and Policy Analyst
DATE	24 November 2015
SUBJECT	Deliberations for the Standards of Camping Bylaw

1 Purpose of Report

This report contains analysis of feedback received throughout the consultation of the Standards of Camping Bylaw and the proposed bylaw for deliberation.

2 Background

Consultation

At their meeting on 16 September 2015, Council approved a draft Standards of Camping Bylaw for consultation through a special consultative procedure. Consultation ran from 18 September 2015 to 19 October 2015. The consultation for amendments to the Freedom Camping Bylaw was held at the same time for efficiency reasons.

The consultations were managed using Council's online submission system 'Objective' and both staff and submitters benefited from the additional web based option for providing feedback on top of traditional submission methods, as well as in the increased accuracy of data.

The advertising of the bylaw had good reach to the community through both online and traditional methods as per the communications plan approved by Council at their meeting on 16 September. The bylaw was advertised on Council's website and through the media including radio, newspaper, e-newsletters and social media. In particular, two updates on the bylaw made on the Council's Facebook page had far greater reach than Council's usual online updates (4,408 people and 2,400 people respectively, compared to the average of approximately 500 people).

On top of the Council's communications the draft bylaw was also picked up by the Hauraki Herald and the Waikato Times, featuring on the front page of each paper on 16 October 2015 and 17 October 2015 respectively.

As a result of the successful online advertising campaign and the articles in the Hauraki Herald and Waikato Times, news of the consultation was able to reach more people from both inside and outside the district.

Submissions

Council received 47 submissions to the draft Standards of Camping Bylaw. Submitters were asked to provide their thoughts on the proposal in an open ended comment field. Submissions were received predominately from private individuals (41 submitters) with 6 submissions received from companies or organisations.

Hearing

Two submitters attended a Judicial Committee hearing for the bylaw which was held on 12 November 2015. Unconfirmed minutes of these hearings are included as **Attachment B**.

3 Issue

Through analysis of the submissions, several themes have emerged, on which Council should consider options and make decisions. These are:

- a) Rural or large sections included in the bylaw
- b) Distances from boundaries
- c) Sanitary requirements
- d) Other submissions
- e) Whether or not to make a Standards of Camping Bylaw

Analysis and options are presented in the discussion section of this report.

4 Discussion

a) Rural or large sections included in the bylaw

Summary of issue

Situations in which the bylaw has been used to give warnings to campers have all been located in residential or urban areas. The proposed bylaw provided a separate schedule of sanitary requirements for properties more than 2,000 square metres to acknowledge the lower level of sanitation or nuisance risk associated with larger properties but to still enable compliance staff to respond to complaints in rural areas or on larger sections if necessary.

Summary of feedback

Many submissions question the need for the bylaw to apply to rural properties. Reasons for this included that the same sanitation and nuisance concerns are not prevalent on rural land, that it is often impractical to access sanitary facilities when camping on isolated rural land, and that rural sites often have alternative systems in place to support camping which are appropriate for the area. No submissions were received which specifically agreed with the inclusion of sites over 2,000 square metres in the bylaw.

Staff analysis and recommendation

Staff agree with submitters that rural area and much larger sites have not been where previous problems have occurred, and not the area where compliance staff have been called to for reasons relevant to the bylaw. While there have been a limited number of requests for service to address issues from campers in rural areas, these have only related to noise and therefore have been a matter for enforcement of the Resource Management Act and the District Plan rather than the previous iteration of this bylaw.

It is recommended that the Standards of Camping Bylaw apply to all private property in the Thames-Coromandel District which is not in a Rural Area as defined in the Thames-Coromandel District Plan. The bylaw is worded to reflect whichever District Plan has legal effect.

b) Distances from boundaries

Summary of issue

The proposed Standards of Camping Bylaw for consultation included three provisions relating to the distance of temporary living spaces from neighbouring dwellings and property boundaries. These were:

- no closer than 1.5 metres to the boundary of any neighbouring property;
- no closer than 6 metres to any neighbouring dwelling;
- no closer than 3 metres to the front boundary of the property where the camping was taking place.

The intention of these provisions was to ensure camping is located at a satisfactory distance from neighbours and members of the public so that their health and safety was not compromised and to reduce the risk of nuisance to them from campers.

Summary of feedback

The majority of submissions which related to these provisions wanted to see them less restrictive, particularly around how close temporary living places could be to neighbouring dwellings. A key motivation behind these submissions was that coastal properties are often long and narrow and that the need to be at least six metres from the neighbouring dwelling on each side of the property would preclude any camping at all from being sited on that property, irrespective of how many campers might be involved. A number of submitters noted that this bylaw would make it illegal for parents and young children to camp if they were within 1.5 metres of their boundary.

However, the Holiday Accommodation Parks Association of New Zealand and one other submitter recommended an additional provision be added which would require temporary living spaces be located at least three metres from each other, in line with the Camping Ground Regulations. The intention of this was to ensure camping on private property has the same fire safety requirements in place as there are for commercial camping grounds.

This was expressly opposed by the New Zealand Motor Caravan Association in their submission and at the hearing, on the grounds that the Camping Ground Regulations were designed for the scale of commercial camp grounds and that camping on private property does not have the same volume of campers, structures and the associated fire risks. The NZMCA further submitted that if the Council was to include this provision, then they considered this was a significant enough departure from the initial proposed bylaw to require a further round of consultation.

Staff analysis and recommendation

Following consultation, staff agree with many of the submitters that the distance requirements are overly restrictive and not directly related to the sanitation issues at the heart of this bylaw. Removal of the distance requirements makes the bylaw more accurately targeted to the issues identified in the determinations report for making the bylaw and set out in the scope and purpose of the bylaw itself.

Staff recommend that these provisions be removed from the bylaw.

c) Sanitary requirements

Summary of issue

The proposed bylaw for consultation included four separate provisions for basic sanitation requirements to be provided in order to support the needs of campers on private property. These included access to a toilet, access to a wash basin, access to a shower or bath and access to a laundry tub. As noted previously, the sanitation requirements proposed were also differentiated for properties under 2000 square metres and those over 2000 square metres, with larger properties being allowed a larger number of people per sanitary facility.

Summary of feedback

Many submitters who supported the bylaw, and some of those who opposed the bylaw but sought amendments, were supportive of Council's proposed sanitation requirements. A number of submitters suggested these requirements were too restrictive though, particularly the requirement for a laundry tub, and argued that these were unnecessary for the short camping stays which are typical for those in the Coromandel. Several submitters noted there should be no requirements for showers as campers can use the sea or streams, and that a wash basin may simply be a bucket of water. One submitter suggested that the number of toilets required for a group of people was too high, recommending instead one toilet per 20 people. Another submitter described the sanitation requirements as too generous.

Staff analysis and recommendation

Staff agree with ensuring that the sanitation requirements are the bare minimum to maintain good health and to stop the spread of disease, and leaving it up to individual discretion as to requirements for laundry and showering facilities. Staff consider that it is possible to maintain good health without these requirements and as such recommend that the requirement for a laundry tub, and for a shower, bath or shower-bath be withdrawn from the schedule.

Staff also recommend that the sanitation requirements for properties 2,000 square metres or larger be removed from the schedule as this no longer aligns with the scope of the bylaw.

d) Other submission points and proposed response

Additional submission points were received requesting the following:

- The title of the bylaw be changed to clarify its application to private property.
- That bottled water be considered an acceptable source under the water supply provisions.
- The bylaw should be updated to reflect that it does not include certified self-contained vehicles.
- The bylaw should be explicit in that it does not regulate those camp sites which are managed by the Camping-Ground Regulations 1985.

Staff have amended the proposed bylaw for adoption in response to each of these points.

The following submission points were received and were not included in the amended bylaw:

- *That long drops be allowable.* By excluding rural properties from the bylaw, the reason for including long-drops no longer exists.
- *That the bylaw provide for the recycling of grey water.* The bylaw does not extend to the provision of grey-water but does not explicitly forbid it, and as long as potable drinking water is available grey water is able to be recycled.

e) Whether or not to make a Standards of Camping Bylaw

Summary of issue

The Council is not required to make a Standards of Camping Bylaw, but is able to make one in accordance with the Local Government Act 2002 which states that the Council has general bylaw making powers to;

- protect the public from nuisance,
- protect, promote and maintain public health and safety, and
- minimise the potential for offensive behaviour in public places.

Summary of feedback

Statistics:

- 19 submitters supported Council making a Standards of Camping Bylaw. The majority of these submitters suggested amendments.
- 21 submitters opposed Council making a Standards of Camping Bylaw. The majority of these submitters did not suggest any amendments.
- 7 submitters suggested amendments to the Standards of Camping Bylaw without stating whether or not they supported or opposed Council making a Standards of Camping Bylaw.

Reasons for supporting Council making a Standards of Camping Bylaw:

Many submitters agreed that the bylaw should be in place to address health and safety of campers and neighbours, with the sanitation requirements within the proposed bylaw. Several submitters agreed the bylaw should be in place to help reduce the impact of camping on private property on neighbours and the community including nuisance,

disorderly behaviour and congestion or parking issues. A number of submitters noted their general support for the purpose and scope of the proposed bylaw. Two submitters agreed the bylaw should be in place for smaller urban sections.

Reasons for opposition of Council making a Standards of Camping Bylaw:

Many submitters stated that the bylaw would negatively impact families trying to camp in their back yard and enjoy the Thames-Coromandel camping tradition. A number of submitters questioned whether there was a problem in the first place which warranted a bylaw. Several submitters suggested the problem could be dealt with within communities through complaints to the owner of the property or through noise control measures. Many submitters noted in their submissions that the problem the bylaw is designed to prevent will occur whether or not the bylaw exists, and that the problem is not just caused by campers.

Submissions noted that the bylaw was a broad brush approach to a relatively small problem which would penalise people who are not causing a nuisance or a public health risk and prevent them from camping in their backyard, in order to regulate people who do. It was noted that the problem described could be dealt with outside a bylaw, for example through police or neighbourly intervention, the enforcement of the Thames-Coromandel District Plan, for example noise control provisions, and through the enforcement of the Council's nuisances bylaw.

Staff analysis and recommendation

Historically, bylaws relating to standards of camping on private land have been enforced on a complaints basis, as per the annual level of service agreements with each of the Community Boards. Despite the number of incidents in which the bylaw has needed to be enforced being very low, this bylaw does give compliance staff an additional tool to deal with unsanitary or anti-social behaviour by campers on private property should these situations arise.

Given the feedback received by submitters and the subsequent discussions at staff level, it is recommended that the Judicial Committee recommend to Council as to whether or not it should make a bylaw given the above reasons. The implications of not making the bylaw are set out below. Staff consider the best option is to make the bylaw as recommended to the Judicial Committee in this report.

Making a bylaw

If Council chooses to make a bylaw, the attached proposed bylaw in **Attachment A** addresses many of the concerns raised by submitters as described earlier in this report. The changes from the consultation version of the bylaw are captured in strikethrough.

Not making a bylaw

If it chooses *not* to make a bylaw, the Council must revisit their determinations report, where it determined to make a bylaw as per section 155 of the Local Government Act 2002. In the determinations report which was received by the Council on 16 September 2015, the perceived problem the bylaw aimed to fix was expressed as:

Due to the influx of people staying in the Thames-Coromandel District over the summer period and during events, large groups of people stay in temporary structures, for example tents, on private property, especially in areas used for residential purposes. This can have public health and safety implications as well as cause overcrowding, pollution, littering, and nuisance to neighbouring properties.

Two options were suggested in this determinations report. One was to consult on a draft Standards of Camping Bylaw, which Council approved.

The second option was to not make a Standards of Camping Bylaw, and instead educate the community as to what a nuisance is under the Nuisances Bylaw and use the Nuisances Bylaw to infringe any person who, through camping on private property, creates a nuisance.

Relevant District Plan provisions would also apply and be enforced. This approach would cover many of the situations the bylaw aims to fix and allows for an alternative way of addressing the perceived problem, in using an educational approach. This option means that Council will no longer have a Standards of Camping Bylaw and will be reliant on the other limited mechanisms available to it to uphold standards of camping on private land in the district should incidents arise.

5 Suggested Resolution(s)

That the Judicial Committee:

1. Receives the Deliberations for the Standards of Camping Bylaw report.
2. Notes that it has considered all submissions to the Council's proposed Standards of Camping Bylaw 2015.
3. Recommends to Council that it has followed the required special consultative procedure as set out in the Local Government Act 2002.
4. Recommends to Council that the bylaw does not give rise to any implications under the Bill of Rights Act 1990.
5. Recommends to Council the adoption of the Standards of Camping Bylaw 2015 included as a strikethrough version in **Attachment A**.

References-Tabled/Agenda Attachments

Attachment A *Draft Standards of Camping Bylaw for Adoption*

Attachment B *Unconfirmed minutes of the Standards of Camping Hearings*

Attachment A
Attachment A - Draft Standards of Camping Bylaw for adoption

Attachment B
Attachment B - Hearing minutes for Standards of Camping Bylaw