

Comprehensive Report: Determination Report to Review the Standards of Camping on Private Property Bylaw

1 Background

The Standards for Camping on Private Property 2015 Bylaw (the Bylaw) was developed and adopted by Council in 2015. It was determined that the perceived problem was:

‘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.’

From an analysis of the complaints in our request for service system (RFS) since the implementation of this bylaw, and from speaking to Regulatory staff, there is no indication that there is any significant ongoing issue with camping on private property. The Bylaw has never been used to resolve sanitation or water supply issues associated with camping on private property.

The collected relating to complaints about camping on private property since 2015. Shows we received no more than two complaints per year since 2016. The bylaw was not required to be used for any of these complaints.

2 Discussion

The purpose of the bylaw is to:

- Prevent people from creating nuisances on private property which can lead to increases in public health risk or reduce the ability of the public to go about their business; and
- Allow the public quiet enjoyment of their properties and of public amenities.

The Bylaw applies to those camping on private property, which is not located in the Rural Zone, and on property which is not otherwise controlled by the Camping Ground Regulations 1985 or Reserves Act 1977.

It requires those camping on private property to have access to:

- a) Sanitation facilities that meet the minimum standards prescribed by the Council, and;
- b) An adequate supply of drinking water.

Council is not required by legislation to have a Standards of Camping on Private Property Bylaw, but is able to make one in accordance with the Local Government Act 2002 (the Act), 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.

If Council revokes the bylaw it will mean that Council will be reliant on other mechanisms, such as the Health Act and Police powers, to uphold standards of camping on private land in the district.

3 Assessment of options and risk analysis

- **Option 1 – do nothing and allow the Bylaw to lapse**

If no action is taken, the current bylaw will lapse in 2022 (two years after it was due for review). Letting a bylaw lapse would have no direct cost implications for Council. However, allowing a bylaw to lapse is not best practice. It does not allow for public input into the process and it may damage Council's reputation.

- **Option 2 – determine to revoke the Bylaw and undertake public consultation (recommended option)**

If Council considers there is no longer a need for the Bylaw, the best option is to adopt a statement of proposal which proposes that the Bylaw be revoked and undertake public consultation on that proposal. This option involves some cost for advertising and staff time, but it represents a more robust process than option one and enables local decision making.

- **Option 3 – determine to review and continue with the existing Bylaw**

Choosing this option indicates that Council is deciding that a bylaw is still the best way to manage the perceived issue. If this option is preferred, staff propose to continue with the current bylaw with no changes. Consultation would still be required.

4 Significance and engagement

When considering whether to review, revoke or amend a bylaw, the LGA requires Council to assess the significance of the changes against the Council's Significance and Engagement Policy and, if found to be significant, the special consultative procedure must be used.

Staff have assessed the significance of the revocation of this Bylaw and consider that a revocation would be somewhat significant. Therefore, it is recommended that consultation be undertaken in line with the special consultative procedure. The statement of proposal and communications plan for option two are attached (**Attachments B and C**). It is proposed to begin consultation in July 2021.