



Nelson City Council

te kaunihera o whakatū

Statement of Proposal for the proposed Nelson City Council Freedom Camping Bylaw

June 2017

**This document constitutes the Statement of Proposal for the purposes of
Section 83(1)(a) of the Local Government Act 2002.**

1. Introduction

- 1.1. Nelson City Council proposes to make a bylaw under the Freedom Camping Act 2011 (the Act) to regulate freedom camping in the Nelson City Council area.
- 1.2. This Statement of Proposal includes a summary of the proposed bylaw, the full text of the proposed bylaw (Attachment 1), the reasons for the proposed bylaw and legal considerations. A detailed site assessment document is also attached to this statement of proposal (Attachment 2).
- 1.3. Council is seeking your views on this proposed bylaw until 14 July 2017.

2. Summary of proposed bylaw

- 2.1. In summary, the proposed bylaw:
 - Prohibits freedom camping in non-self-contained vehicles throughout the Nelson City Council area;
 - Prohibits any freedom camping in in specified areas (described in Schedule 1 and coloured red on the maps in Schedule 3 of the proposed bylaw).
 - Provides for freedom camping in self-contained vehicles and some tenting in specified areas, subject to restrictions such a maximum periods of stay and numbers of vehicles (described in Schedule 2 and coloured purple on the maps in Schedule 3 of the proposed bylaw).
 - Provides for Council permission to waive or modify freedom camping restrictions in any area on a temporary basis in relation to one-off events;
 - Provides for Council to temporarily close or restrict freedom camping in any area in certain circumstances.
- 2.2. A detailed site assessment of local authority areas has been carried out and provides the basis for the prohibitions and restrictions on freedom camping in the specified areas. A copy of this site assessment document is attached to this Statement of Proposal (Attachment 2).
- 2.3. The proposed bylaw only applies to land controlled by the Council in the Nelson City Council area. It does not apply to private land or land owned by government ministries such as Department of Conservation and New Zealand Transport Agency (for example State Highways).
- 2.4. The full text of the proposed bylaw is attached to this statement of proposal, including the schedules describing and mapping the proposed prohibited and restricted areas and specifying the restricted conditions.

3. Reasons for proposed bylaw

- 3.1. Nelson is a popular visitor destination. It has experienced significant growth in tourist numbers over recent years, and with that there has been significant growth in the numbers of freedom campers coming to the area.
- 3.2. Tourism brings economic benefits to the region, but also put pressure on community infrastructure and the environment. This is particularly true of freedom camping. Council has previously sought to manage these effects under the Nelson Resource Management Plan (NRMP) and other bylaws and enactments.
- 3.3. This approach has proven to be difficult for visitors to understand, and difficult for the Council to enforce.
- 3.4. Council undertook a strategic review of options for managing freedom camping in 2016¹. This included a history of Council's consideration of freedom camping issues, a review of issues and limitations of the current regulatory approach and recommendations for future management of the issues.
- 3.5. The strategic review noted a range of current issues and opinions surrounding freedom camping including:
 - Community issues included self-containment, inner-city profile, hygiene and public standards, environmental, funding issues, lack of perceived enforcement, facilities issues, signage and competition for space with the Saturday Market.
 - Commercial feedback: In 2016, campground owners were united in their advice to Council that the City needs to be supporting its own campgrounds and promoting their use to non-self-contained vehicles. They do not support any non-self-contained vehicles parked in the City or surrounding environs. This view is also shared by the Nelson Hospitality Association and The Regional Tourism Organisation.
 - Customer Complaints: In the 2015/16 year, there were 79 complaints relating to freedom camping in Council's service request system. The complaints were located across the city from Tahunanui through to numerous Council reserves, inner-City carparks, urban and residential streets, and even freedom campers camping in cemeteries and playgrounds. Almost all related to non-self-contained vehicles.

¹ Nelson City Council Freedom Camping Strategic Plan (A1567359 – available at nelson.govt.nz)

- 3.6. The review identified that the current regulatory regime was not fit-for-purpose to manage the freedom camping issues facing the City. Identified disadvantages of the current regime included lack of suitable enforcement options under the Resource Management Act 1991 (RMA), the Nelson Resource Management Plan (the NRMP) and the Reserves Act 1977 and the inadequate scope of the Parking and Vehicle Control Bylaw 2011 to manage freedom camping issues.
- 3.7. A bylaw under the Freedom Camping Act 2011 was recommended that would enable the Council to specifically manage issues such as:
- Length of stay of motorhomes and campervans in the City at a site;
 - Hours of overnighting;
 - Locations for non-self-contained and self-contained;
 - Prohibitions or restrictions of freedom camping on reserves and other public areas.

It also recommended a wider suite of management tools including education, signage, and working with Council's camping grounds and accommodation providers.

- 3.8. Following consideration of this strategic review and assessment of options, Council determined that a bylaw under the Freedom Camping Act 2011 is the most appropriate and proportionate regulatory method to manage freedom camping alongside those other non-regulatory management tools.

4. Legal considerations

- 4.1. Under the Freedom Camping Act 2011, freedom camping is generally permitted. The Act enables the Council to develop a bylaw to regulate freedom camping. Under section 11 of the Act, the Council may only make such a bylaw if it is satisfied that:
- the bylaw is 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 bylaw is the most appropriate and proportionate way of addressing the perceived problem in relation to that area;
 - the bylaw is not inconsistent with the New Zealand Bill of Rights Act 1990 (NZBORA).

Necessary for specified purposes

- 4.2. The Council is satisfied that the prohibitions and restrictions in the proposed bylaw are necessary for the purposes identified in section 11 of the Act.
- 4.3. The site assessment document (Attachment 2) includes the detailed assessment of why the proposed prohibitions or restrictions are considered necessary for one or more of the specified purposes for each area.

Appropriate and proportionate

- 4.4. The Council is satisfied that the proposed bylaw is the most appropriate and proportionate way of addressing the problems associated with freedom camping in the Nelson City Council area because:
- The current regulatory regime including the RMA, NRMP, Reserves Act 1977 and Parking and Vehicle Control Bylaw is inadequate to effectively regulate freedom camping;
 - A bylaw under the Act enables the Council to specifically regulate freedom camping issues on an area by area basis;
 - A bylaw under the Act provides certainty and clear direction for visitors and residents;
 - The proposed bylaw strikes a reasonable balance between providing for freedom camping and protecting the environment, the health and safety of people and public access.
- 4.5. In determining that the proposed prohibitions and restrictions under proposed bylaw are the most appropriate and proportionate way of addressing the problems associated with freedom camping:
- In relation to the areas identified as prohibited and restricted in Schedules 1 and 2, Council considered a range of options in accordance with the criteria in the Freedom Camping Act (Attachment 2);
 - Council considered making some areas available for freedom camping in non-self-contained vehicles. However, any site without ablutions poses risks to health and safety of people in that site and is also likely to negatively impact on the area where the camping is taking place. Where public toilets are provided by Council, they have not been designed to support camping activities, particularly those associated with campers who have no on-board facilities. Council found no suitable location in its area other than campgrounds to support non self-contained freedom campers.

- Council considered the extent of the central city zone where any freedom camping is proposed to be prohibited. It believes that the zone identified strikes a reasonable balance between the protection of the central city area and accessibility to that area by campers in self-contained vehicles in some locations.

New Zealand Bill of Rights Act 1990

- 4.6. The NZBORA affirms, protects and promotes human rights and fundamental freedoms in New Zealand. These include rights in relation to life and security of the person, democratic and civil rights, and non-discrimination and minority rights.
- 4.7. The Council is satisfied that the proposed bylaw is consistent with the NZBORA. The proposed bylaw only seeks to impose justifiable and reasonable limits on people in the interests of reducing the impacts of freedom camping on the natural environment, public health and public access.

5. Submissions

- 5.1. Any person or organisation is welcome to make a submission on this Statement of Proposal for a Nelson City Council Freedom Camping Bylaw. Council will be taking account of all submissions made when it decides on whether to implement the Bylaw.
- 5.2. Submissions must be received by Council no later than 5pm on 14 July 2017.
- 5.3. An online submission form is available on the Nelson Council website <http://nelson.govt.nz/council/consultations/> or may be obtained from Nelson City Council offices at 110 Trafalgar Street Nelson.

Submissions can also be sent in letter or email form and should be:

Posted to: Freedom Camping Bylaw: Consultation
Nelson City Council
PO Box 645
Nelson 7040

Emailed to: submissions@ncc.govt.nz

Or hand delivered to any Nelson City Council office or library.

Please state in your submission whether or not you wish to speak at a hearing in support of your submission.

- 5.4. Council will contact all submitters who wish to be heard, in writing to advise the confirmed time, date and venue of the hearing

- 5.5. Submitters should note that all written and electronic submissions will be made available to the public, including the name and address of the submitter, after the submission period closes.
- 5.6. All enquiries should be directed to Mr. Chris Ward, on telephone 545 8729 or by email to submissions@ncc.govt.nz. Further information is available from the Council website: www.nelson.govt.nz

6. Attached Documents

- 6.1. Attachment 1: Draft Nelson City Council Freedom Camping Bylaw (A1749074)
- 6.2. Attachment 2: Nelson City Freedom Camping Site Assessment (A1748801)

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