

REGULATORY IMPACT ASSESSMENT – FREEDOM CAMPING BYLAW

The purpose of a Regulatory Impact Assessment (RIA) is to provide an overview of the matters that the Council must consider before determining whether a bylaw is the most appropriate way of addressing the problems relating to the regulation of freedom camping in New Plymouth District. The aim of the Bylaw must be to protect the area, to protect the health and safety of people who may visit the area, and to protect access to the area.

This Regulatory Impact Assessment addresses the following matters:

1. Legislative authority to deal with the perceived problem.
2. Determinations.
3. Current Status of the bylaw.
4. Rationale for review of the bylaw.
5. Problem identification and assessment for the bylaw.
6. Evidence of problems occurring for the bylaw.
7. Options for the bylaw.

1. Legislative authority to deal with the perceived problem

Section 145 and 146b of the Local Government Act 2002 allows the Council to make bylaws.

Section 145 General bylaw-making power for territorial authorities

A territorial authority may make bylaws for its district for 1 or more of the following purposes:

- a) protecting the public from nuisance:*
- b) protecting, promoting, and maintaining public health and safety:*
- c) minimising the potential for offensive behaviour in public places.*

Section 146 Specific bylaw-making powers of territorial authorities

A territorial authority may make bylaws for its district for the purposes

- b) of managing, regulating against, or protecting from, damage, misuse, or loss, or for preventing the use of, the land, structures, or infrastructure associated with 1 or more of the following:*

(vi) reserves, recreation grounds, or other land under the control of the territorial authority:

In addition, the Freedom Camping Act 2011 (FCA) states that:

(1) A local authority may make bylaws—

- (a) defining the local authority areas in its district or region where freedom camping is restricted and the restrictions that apply to freedom camping in those areas:*
- (b) defining the local authority areas in its district or region where freedom camping is prohibited.*

(2) A local authority may make a bylaw under subsection (1) only if it is satisfied that—

- (a) the bylaw is necessary for 1 or more of the following purposes:*
 - (i) to protect the area:*

- (ii) to protect the health and safety of people who may visit the area:*
- (iii) to protect access to the area;*

2. Determinations

Under section 155 of the LGA, Council is required to determine whether a bylaw is the most appropriate way of addressing the perceived problem, determine whether the proposed bylaw is the most appropriate form of bylaw, and determine that the proposed bylaw is not inconsistent with the New Zealand Bill of Rights Act 1990. This assessment undertakes to answer the first part of these determinations, and defines the problem and whether a bylaw is the most appropriate way of dealing with this problem. The other determinations are made by Council throughout the review process.

3. Current status

In 2017, Council adopted the Freedom Camping Bylaw (the Bylaw). The purpose of the bylaw is to regulate freedom camping in the district in order to protect:

- Local authority areas
- The health and safety of people who may visit local authority areas
- Access to local authority areas.

The bylaw was developed, consulted upon and made in accordance with the provisions of the LGA. Under the LGA, the Bylaw must be reviewed no later than five years after the Bylaw was made, as required by section 158 of the LGA.

In addition, in accordance with section 160A, a bylaw that is not reviewed as required is revoked two years after the due date for review. As such, the Bylaw review must be completed by 6 December 2024, to stop it from being revoked.

4. Rationale for review of the Bylaw

As outlined above, the bylaw must be reviewed before 6 December 2024, otherwise it will be revoked. Additionally, the Self-contained Motor Vehicle Legislation Act 2023 came into force on 7 June 2023. The SCMVLA amends the Freedom Camping Act 2011 and the Plumbers, Gasfitters, and Drainlayers Act 2006. This review will incorporate relevant changes into the draft Bylaw.

5. Problem identification and assessment

The problem or matter the bylaw seeks to address is the regulation of freedom camping in order to protect local authority areas, protect the health and safety of people who visit the areas and to protect access to the area. To do this, the Freedom Camping Bylaw regulates where different types of freedom camping vehicles may stay within the district, the areas in which freedom campers may stay and how long they may stay for. These controls aim to conserve the areas, as well as conserving access to the areas and public health and safety for those visiting the areas.

6. Evidence of problems occurring

Armourguard Monitoring

The Compliance Team monitor freedom camping across the district. The monitoring regime involves daily checks of various sites across the district. The monitoring is a two pronged approach:

1. Freedom Camping Ambassador evening checks – carried out between 4.00 – 9.00pm from mid-December to Easter Weekend. This involves checking each site to provide education to freedom campers, particularly to those who are unaware that they cannot stay at particular locations / breaking the Bylaw.
2. Morning enforcement – carried out between 5.00 – 7.30am. These checks have taken place almost daily since December 2018. Where offences are observed infringement fines are issued. Where freedom camping is observed on Reserve land the patrols have been instructed to issue a warning in the first instance – promoting an education first approach to the regulation.

Where offences are observed, infringement fines are issued. Below is a breakdown of the recorded campers at various sites over 2023 and infringement fines issued for each site.

Total campers 2023	Self-contained	Non-self-contained	TOTAL
Battiscombe Terrace	396	509	905
Lake Rotomanu	4,781	897	5,678
Greenwood Road	886	62	948
Waiwhakaiho	3	15	18
Kawaroa	6	16	22
Back Beach	323	22	345
Corbett Park	2	6	8
Ahu Ahu	2	14	16
Weld	4	14	18
Fort St George	0	3	3
Bell Block	30	21	51
Tongaporutu	595	6	601
TSB Stadium	453	78	531
Baring Terrace	1	1	2

*Note – this does not include data for the months of April, June, August

Infringements

The compliance team issued 414 infringement fines for the year January – December 2023. Close to 70 per cent of these were for Lake Rotomanu.

Freedom camping infringements	2023												TOTAL
	J	F	M	A	M	J	J	A	S	O	N	D	
Ahu Ahu Road	1												1
Battiscombe Terrace	2	8	10	2	3				1			3	29
Back Beach	4			2						1			7
Corbett Park	2				1				1		2		6
Greenwood Road	17	6	5	4	2				2	4	5	9	54
Kawaroa Park	1	3	3				2			2	1		12
Lake Rotomanu	57	28	37	31	17	6	4	4	8	14	25	49	280
Tongaporutu	6	3	2										11
Waiwhakaiho	1	3					1				1		6
Weld Road	1												1
Rogan Street / TSB Stadium									1	1	4		6
Bell Block Beach												1	1
													414

Freedom Camping Ambassador

The Freedom Camping Ambassador works over the summer period, the position entails visiting freedom camping sites to inform / educate the campers on freedom camping provisions in the district. They do notify Armourguard of non-compliant campers for enforcement. The Freedom Camping Ambassador provided the following summary of observations.

Table Two: Ambassador reports for January – March 2023

Summary of Freedom Camping Ambassador observations at various freedom camping sites

Site	Summary of Ambassador observations
Battiscombe Terrace	Rubbish left, including tyres Noisy at night Graffiti
Lake Rotomanu	Uncertainty of rules; Excess rubbish / need for more bins Broken property / site maintenance needs Missing signage / park markings
Greenwood Road	Suggest signage needed
Waiwhakaiho	Needs cleaning up
Kawaroa Park	Rubbish dumped
Back Beach	Rubbish dumped Needs cleaning up / untidy
Oakura Beach front	Excess rubbish
Corbett Park	Bins need emptying Burnt out car at site Fire at beach

Ahu Ahu Road	Rubbish bins full
Weld Road	Rubbish bins full Excess rubbish Toilets unclean
Fort St George	Rubbish dumped, including mattress Local complained about people damaging dunes
Bell Block Beach	Excess rubbish, bins full
Tongaporutu	Site maintenance / damaged property Swampy grounds Uncertainty on rules
TSB Stadium	Abandoned vehicle Toilet facilities wet and muddy
Wai-iti Beach	Excess rubbish Confusing signs

Service Requests

There were 165 service requests logged in relation to freedom camping between 1 January 2023 and 29 February 2024. A range of matters were raised in relation to freedom camping, as outlined in the below table:

Issues raised	Number of service requests relating to that issue
Reports of freedom campers	36
Illegal camping	11
NSC campers	9
Overcrowding of sites	11
Freedom campers overstaying	9
Homelessness	7
Fine disputes	29
Reports of rubbish / dumped rubbish	19
Issues with signage (confusing / lack of)	9
Reports of defecation / urinating / toilet paper	14
Broken property / site maintenance	13
Enquiry relating to freedom camping	31
Loss of use for locals	4
Infringement queries	3
Oversized vehicles	2
Reports of tenting	10
Compliment	3
NPDC's response / monitoring approach	3

There were additional issues raised, such as one report of a freedom camper abusing people, a freedom camper near a waahi tapu site, a request for more rubbish bins at Okato domain, reports of a freedom camper / homeless person using holiday park showers, traffic safety concerns on Greenwood Road (road upgrade request), misuse of facilities at Lake Rotomanu (washing dishes / hair in the public toilets).

The areas referenced in the service request are listed below:

Area / site	Number of service requests
Lake Rotomanu	33
Greenwood Road	7
Wai-iti	9
Battiscombe Terrace	6
Paritutu	6
Weld Road	5
Fort St George / Tataramaika Pa	4
Corbett Park	5
Tongaporutu	8
Belt Road	6
District wide	8
Kawaroa	4
Inglewood	3
Rogan Street	4
Waiwhakaiho	2
Shearer reserve	3
Motukari place (Onaero)	3
Baring Terrace	3
Hine Street	2
Onaero Domain / Holiday Park	2

In addition to the above sites, a single service request was received for the following areas:

- Ahu Ahu Road
- Barretts Domain
- Bell Block Beach
- Buller Street
- Calvert Street
- Currie Street
- Hickford Park walkway area
- Hine Street
- Koromiko
- Mountain Road / Sentry Hill Motel
- New Plymouth CBD
- Ngamotu Beach
- Oakura
- Okato Domain
- Otaraoa Road
- Outside Auto Lodge
- Puke Ariki carpark
- Tarata Domain
- Tiromoana Crescent
- Te Rewa Rewa Carpark
- The Warehouse carpark
- Tukapa Rugby Club
- The Walkway (near the Wind Wand)
- Urenui Domain / Holiday Park

As indicated above, Council receives a large number of service requests relating to freedom camping and the associated impacts of this activity across a wide range of areas. The Freedom Camping Bylaw is the main tool used by the Council for addressing, enforcing and informing the public in relation to these matters.

Campermate data

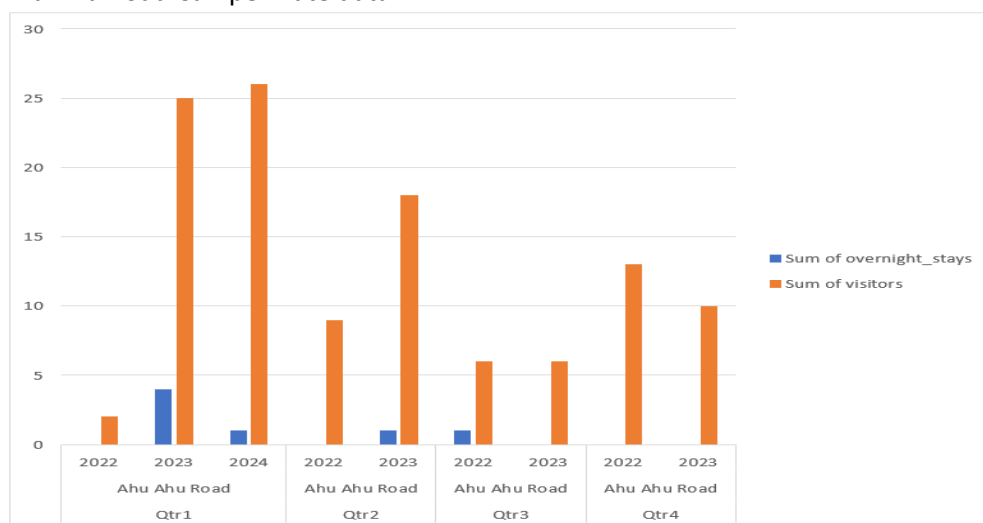
In addition to Council’s own monitoring data, a report was requested from Campermate on freedom camper visits at particular sites in the district. Campermate is an application used by freedom campers. It provides information about local facilities to campers / travellers throughout New Zealand. The table below shows data from January 2022 to end of March 2024 for some of the sites where Council officers had been informed that there may be some issues related to freedom camping – from Iwi, service requests and word of mouth.

It is noted that the data only represents freedom campers who use the Campermate app, so not all freedom campers are captured. In addition, the counts are dependent on a number of variables, as stated below:

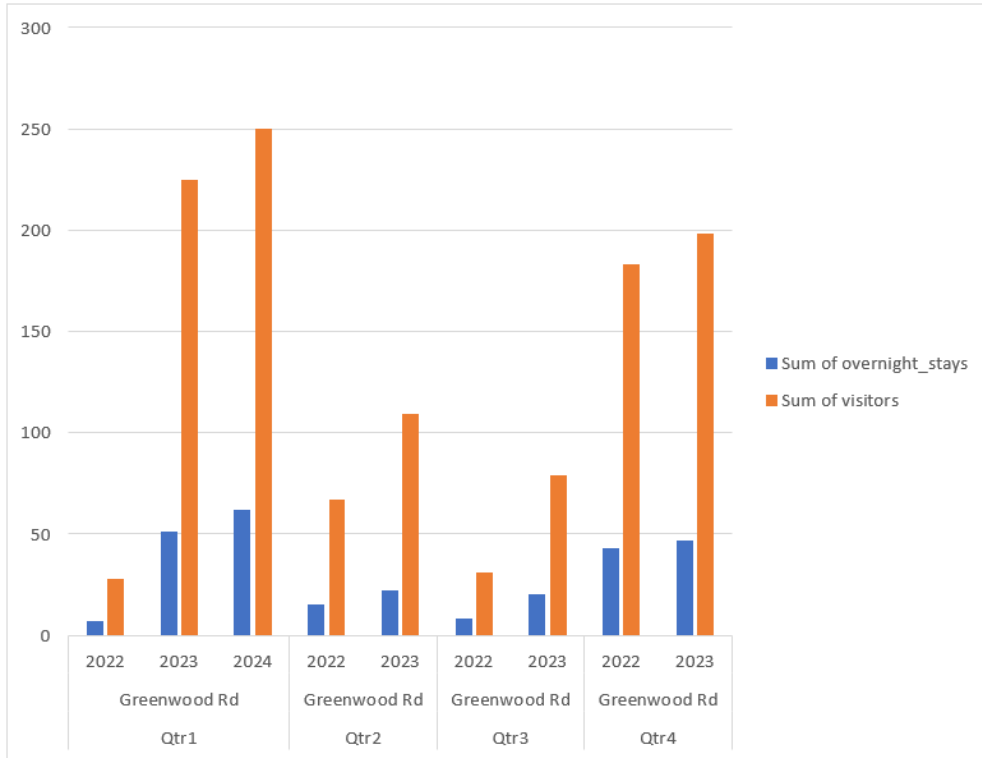
- User must be sharing their location whilst in the designated reporting zone
- User must be using the app, searching, viewing, booking
- Or, app is running in background of the users phone with shared location
- Overnight stays: a user is recorded in a designated zone using the app, running in the background. Then seen the next day within 100m of the same location.

Campermate Monitoring Data 1 January 2022 – 31 March 2024		
Site	Number of overnight stays	Number of visitors
Ahu Ahu Road	7	115
Fort St George	0	26
Greenwood Road	275	1,170
Weld Road Lower	5	100

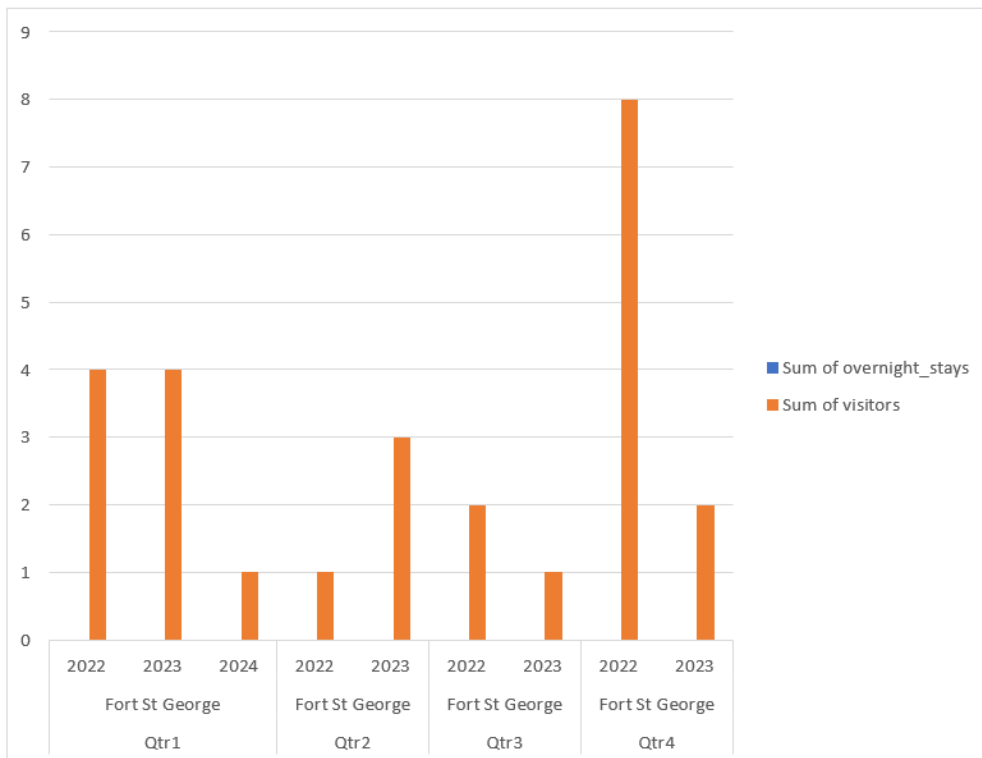
Ahu Ahu Road Campermate data

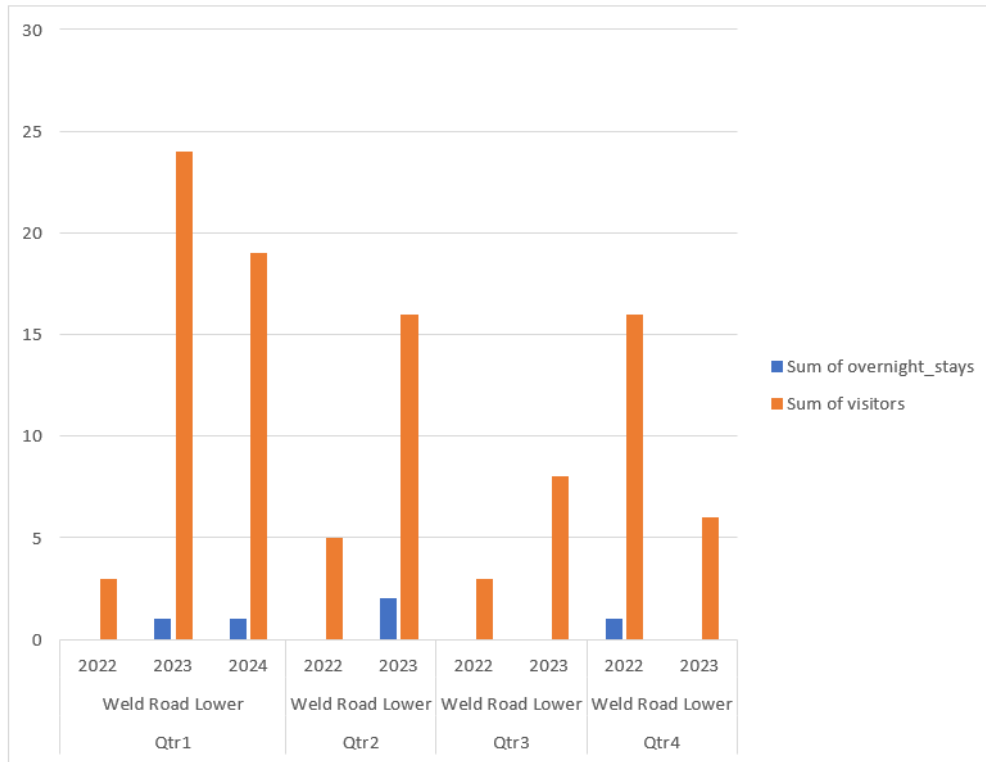


Greenwood Road Campermate data



Fort St George Campermate data





Pre-consultation with Iwi and Hapu

A pre-consultation letter was sent to Iwi and Hapu – this letter advised that the Bylaw was due for review and questioned whether there were particular areas of concern for Iwi and Hapu in relation to freedom camping, and offered the opportunity to discuss these areas, or any issues they had with the Bylaw in general.

- Ngāti Mutunga advised that they were concerned about Okoki Reserve, having received reports of freedom campers there over the summer months.
 - This area is administered by Ngati Mutunga, therefore NPDC does not have authority to regulate this area.
- Information request for Ōākura Pā regarding sites in between Paritūtū and the Hangatahua awa – where freedom camping is permitted and the monitoring statistics. Corbett Park, Ōmata Domain and Tataraimaka Pā were of particular interest.
 - This information was provided in response to the request.
- Attendance at Ngā Kaitiaki meeting on 6 March 2024 – staff provided a presentation and answered questions. The following feedback was received at this meeting:
 - Concern in relation to homelessness and freedom camping – wanting to prevent those who are homeless from being infringed.
 - Concern about Otupaia / Marine Park
 - The increasing number of non-self-contained campers using the new community facilities (barbeque areas) and potential loss of use of these facilities for the community.
 - Large freedom camping vehicles in an area that is highly used by children and whanau.

7. Options

The following options exist for addressing the problem:

1. Review and amend the Freedom Camping Bylaw (preferred).
2. Rollover the current Freedom Camping Bylaw with the minimum changes required to align with the Self-Contained Motor Vehicles Legislation Act 2023.
3. Let the Freedom Camping Bylaw lapse, and have no specific regulations.

Option one: Review and amend the current Freedom Camping Bylaw

This option involves reviewing the Bylaw in light of operational findings and in response to issues occurring in the district since the Bylaw was last reviewed / amended. This option would also allow Council to incorporate amendments from the Self-Contained Motor Vehicles Legislation Act, to ensure that the Bylaw was up-to-date and compliant with the current legislation. Consultation with the community via special consultative procedure, as per section 83 of the Local Government Act, is part of this review.

Advantages	Disadvantages
Allows Council to take into consideration new information in the sector since the last review, including legislative changes.	Council resources required to undertake the review.
Allows current issues arising in the district in relation to freedom camping to be addressed.	There are costs and issues associated with monitoring and enforcing a bylaw.
A bylaw review taking into account public feedback from a consultation process can address some of the perceived community concerns regarding the regulation of freedom camping in the district and create an updated and fit for purpose regulatory instrument.	There is risk of over regulation, as there is a limit to how far a bylaw can go to regulate freedom camping before it becomes overly restrictive.
Provides Council with a tool to address issues arising from Freedom Camping in the district – ensuring public health and safety is protected, as well as the environmental areas and access to these areas.	Regulation of the proposed bylaw, with some changes to the regulated areas, would require increased resource for the Compliance Team.
Consistent with Council’s previous approach.	
Rules will be in one place, clear and known to key stakeholders and the public.	
Proactive approach to regulation.	
Community views and preferences will be collected.	

Option two: Rollover the current Freedom Camping Bylaw with the minimum changes required to align with the Self-Contained Motor Vehicles Legislation Act 2023

This option involves updating the Bylaw in light of the legislative changes. It would ensure that the Bylaw is compliant with the current legislation and meets the review requirements of section 158 of the LGA. There would be no changes to the rules / regulations of the Bylaw in terms of areas of focus etc. Consultation with the community via special consultative procedure, as per section 83 of the Local Government Act, is part of this review.

Advantages	Disadvantages
Allows Council to incorporate legislative changes into the Bylaw.	The regulations within the Bylaw may be out of date in terms of area controls.
Retains a consistent approach to the Bylaw, providing for public certainty in the rules.	Feedback from initial discussions and data analysis indicate there is a need for amendments to the regulations within the Bylaw. Therefore, community concerns may not be addressed and the Bylaw may not be fit for purpose.
A bylaw clearly articulates the Council's position which gives regulatory certainty to the public in regard to freedom camping.	Does not allow current issues arising in the district in relation to freedom camping to be addressed.
This approach would not require any change to the current regulatory approach. Resource increase would only be required in response to changes in freedom camping behaviour / increase in freedom camping numbers.	

Option three: Let the Freedom Camping Bylaw lapse, and have no specific regulations.

If the Bylaw is not reviewed within the required timeframe, it will lapse under section 160A of the LGA. The Freedom Camping Bylaw would lapse on 6 December 2024. Council would then rely on the Freedom Camping Act 2011, the Reserves Act 1977 and the Resource Management Act 1991 to regulate freedom camping in the district.

Advantages	Disadvantages
There will be no Council resource required to carry out a review.	Council will not have a tool to address issues arising in the district in relation to freedom camping.
No cost associated with monitoring and enforcing a bylaw.	The public and visitors to the district may be unclear as to the rules on freedom camping in the district.
	Community views and preferences will be unknown.
	Does not allow current issues arising in the district in relation to freedom camping to be addressed.
	Unknown impact on regulation of freedom camping in the district – may result in increased demand on regulation, as issues may increase and there will not be a standard Council approach for addressing these issues.