

Attachment D – Options analysis for Regulatory Committee’s consideration

Analysis of Option 1: Revoke legacy bylaw provisions	
Criteria assessment	Policy position and intended outcomes
Consistency with central government freedom camping policy	<ul style="list-style-type: none"> Freedom camping would by default be permitted everywhere under the Freedom Camping Act, except where regulated under the Reserves Act 1977 The option does not prevent the use of non-regulatory tools.
Potential to manage primary harms and secondary harms	<ul style="list-style-type: none"> Auckland Council compliance officers will be reliant on other bylaws for enforcement Complaints to the council about freedom camping and associated harms are likely to increase There is limited ability to issue immediate infringement notices.
Ability to respond to community and stakeholders	<ul style="list-style-type: none"> The council will use the special consultative procedure to determine if revoking legacy bylaw provisions will have a significant impact on the public.
Longevity/ futureproofing	<ul style="list-style-type: none"> Existing freedom camping controls in popular destinations will no longer be in effect An increase in use may occur at pre-existing sites Possibility that freedom campers could stay permanently in a public space without having to be ‘moved on’.
Ease of implementation	<ul style="list-style-type: none"> There will a regionally consistent approach applied in the region.
Process cost to deliver on implementation	<ul style="list-style-type: none"> An increase in cost is likely if more complaints occur as the activity will be reactively responded to on a case-by-case basis Additional resources are likely required through enhanced monitoring and response to complaints.
Advantages	<ul style="list-style-type: none"> Consistent with local and national tourism strategies which focus on encouraging freedom camping as an alternative form of accommodation Reduces inconsistency between legacy bylaw provisions and Freedom Camping Act 2011.
Disadvantages	<ul style="list-style-type: none"> Overnight parking of freedom campers in parks and public spaces will likely increase, potentially causing conflict between residents and day users of a public place Reactive approach to complaints may become resource intensive for the council Inconsistent with central government policy and guidance on managing freedom camping Freedom camping may be difficult to manage as there will no longer be any designated freedom camping sites in Auckland.
Implementation	<ul style="list-style-type: none"> The council will need to investigate what controls exist on gazetted reserves and consider creating/amending reserve management plans to enable freedom camping.
Risks	<ul style="list-style-type: none"> Significantly increases the supply of sites for freedom campers Freedom camping may become unmanageable If complaints increase sufficiently, the council may need to review its approach There is a risk that camping may increase or occur on mana whenua sites of significance as listed under the Unitary Plan.
Impacts	<ul style="list-style-type: none"> The special consultative procedure will occur and the council will need to consider what impact revoking legacy bylaw provisions will have on areas.

Analysis of Option 2: Maintain status quo and use existing regulations including legacy bylaw provisions until 2020	
Criteria assessment	Policy position and intended outcomes
Consistency with central government freedom camping policy	<ul style="list-style-type: none"> Freedom camping would remain generally prohibited in the region, except in designated areas the council will investigate what controls are available under the Reserves Act 1977 If the council wants to permit or restrict freedom camping on a reserve, additional approvals would need to be considered and included in a reserve management plan.
Potential to manage primary and secondary harms	<ul style="list-style-type: none"> Bylaw compliance staff would continue to enforce legacy bylaw provisions by responding to customer complaints There is limited ability for immediate infringement notices to be issued by council officers Unless there is an increase in site complaints, harms are likely to continue and potentially increase.
Ability to respond to community and stakeholders	<ul style="list-style-type: none"> The council will be responding to complaints reactively With additional funding, the council could introduce temporary controls similar to the pilot to manage the activity.
Longevity/ futureproofing	<ul style="list-style-type: none"> The option is not considered a good long-term approach as the bylaws provisions will lapse in 2020.
Ease of implementation	<ul style="list-style-type: none"> The council will not be required to make any immediate changes An inconsistent approach will be implemented throughout the region Any breaches happening on a reserve would need to be enforced under the Reserves Act 1977.
Process cost to deliver on implementation	<ul style="list-style-type: none"> Likely increase in cost to monitor as freedom camping becomes more popular Additional resourcing will be required if an enhanced approach to management is introduced The council could utilise non-regulatory tools to manage the activity.
Advantages	<ul style="list-style-type: none"> Legacy bylaw provisions will remain until October 2020 unless amended or revoked earlier An enhanced approach to management could be introduced temporarily Existing hot spots are well known giving certainty for management.
Disadvantages	<ul style="list-style-type: none"> Existing legacy bylaw provisions may be inconsistent with the Freedom Camping Act 2011 Enforcement will be difficult to manage as controls are different in areas of Auckland An enhanced management approach (similar to pilot) is likely to be resource intensive.
Implementation	<ul style="list-style-type: none"> The council will not be required to change any rules in the immediate future unless the council chooses to designate new sites through land owner approval process.
Risks	<ul style="list-style-type: none"> Conflict of use between freedom campers and other park users will likely remain Limited supply of sites may increase the risk of primary and secondary harms.
Impacts	<ul style="list-style-type: none"> An additional decision will be required in October 2020.

Analysis of Option 3: Manage freedom camping by developing a regional bylaw under the Freedom Camping Act 2011	
Criteria Assessment	Policy position and intended outcome
Consistency with central government freedom camping policy	<ul style="list-style-type: none"> Freedom camping is permitted everywhere by default, except where prohibited or restricted under a bylaw developed under the Freedom Camping Act 2011 or other enactments A bylaw may be developed to prohibit or restrict freedom camping to: <ul style="list-style-type: none"> protect an area protect the health and safety of people who may visit an area protect access to an area The council will investigate further what controls may exist under the Reserves Act 1977 to control the activity on gazetted reserves.
Potential to manage primary and secondary harms	<ul style="list-style-type: none"> Compliance staff will be more effective and efficient with compliance monitoring with improved deterrence through the infringement process
Ability to respond to community and stakeholders	<ul style="list-style-type: none"> Staff will engage with communities and stakeholders to assess where freedom camping may be restricted or prohibited, including where non-self-contained campers may go A statement of proposal will be presented to the council, and subsequent formal consultation will occur in the first quarter of 2018, with adoption of a bylaw likely to take place by October 2018.
Longevity/ futureproofing	<ul style="list-style-type: none"> The legacy bylaw provisions will be revoked in order to meet assessment and investigation criteria under the Freedom Camping Act 2011. The implementation of a bylaw will be considered a long-term solution for the council, until the next review.
Ease of implementation	<ul style="list-style-type: none"> A regional bylaw will be created resulting in a more consistent approach to manage the activity.
Process cost to deliver on implementation	<ul style="list-style-type: none"> Under this option, bylaw compliance officers will be able to issue immediate infringement notices for any breaches of the controls defined in the bylaw. Resources from compliance officers may be more targeted to go to areas where harms are prevalent than in other areas.
Advantages	<ul style="list-style-type: none"> A regionally consistent approach will assist with managing freedom camping as people become aware of the rules Reduces the risk of inconsistency with the Freedom Camping Act 2011 Allows further investigation as to where freedom camping should be restricted or prohibited according to the views of communities and stakeholders Aligns with central government policy and guidance on managing freedom camping May reduce the number of complaints if the council can manage primary and secondary harms more proactively.
Disadvantages	<ul style="list-style-type: none"> Recovering fees from infringement notices may be problematic.
Implementation and cost	<ul style="list-style-type: none"> Engagement may be expensive and resource intensive and may require multiple iterations using the Special Consultation Procedure There may be costs associated with developing non-regulatory tools There will be costs with investigating sites and presentation of findings, particularly through signage and maps for a bylaw.
Risks	<ul style="list-style-type: none"> Some communities may not be willing to consider freedom camping in any form.

Analysis of Option 3: Manage freedom camping by developing a regional bylaw under the Freedom Camping Act 2011	
Criteria Assessment	Policy position and intended outcome
Impacts	<ul style="list-style-type: none"> Existing legacy bylaw provisions will continue to be operative until a new bylaw is adopted.
Analysis of option 4: Manage freedom camping under a Local Government Act 2002 bylaw	
Criteria Assessment	Policy position and intended outcomes
Consistency with central government freedom camping policy	<ul style="list-style-type: none"> The council will look beyond national policy in relation to a bylaw under the Local Government Act 2002 The council will consider how a bylaw under the Local Government Act 2002 corresponds with other laws, including the Freedom Camping Act 2011.
Potential to manage primary and secondary harms	<ul style="list-style-type: none"> There is no ability to issue immediate infringement notices for the activity of freedom camping.
Ability to respond to community and stakeholders	<ul style="list-style-type: none"> Staff will engage with communities and stakeholders to understand how a bylaw could manage harms If a bylaw is approved, subsequent formal consultation will likely occur in the first quarter of 2018.
Longevity/futureproofing	<ul style="list-style-type: none"> This option may be considered a suitable long-term approach for the council The council will need to review the bylaw five years after adopted.
Ease of implementation	<ul style="list-style-type: none"> A regionally consistent approach will be introduced through a bylaw.
Process cost to deliver on implementation	<ul style="list-style-type: none"> Proactive management approaches may be resource intensive to implement Resources from compliance officers may be more targeted to areas where harms are more prevalent than in other areas.
Advantages	<ul style="list-style-type: none"> A regionally consistent approach to manage freedom camping will be investigated Reduces inconsistency between legacy bylaw provisions and the Freedom Camping Act 2011 Allows further investigation as to where freedom camping may be controlled May reduce the number of complaints if the council can effectively manage primary harms through supplying sites for freedom campers or influencing demand.
Disadvantages'	<ul style="list-style-type: none"> There is no ability to issue immediate infringement notices for the activity of freedom camping Does not align with central government guidelines and policy.
Implementation and cost	<ul style="list-style-type: none"> Non-regulatory tools could also be developed to manage the activity Costs will be associated with formal consultative procedure and implementation of signs.
Risks	<ul style="list-style-type: none"> The council will need to consider how a bylaw under the Local Government Act 2002 interacts with the Freedom Camping Act 2011 Some communities may not be willing to consider freedom camping in any form.
Impacts	<ul style="list-style-type: none"> Legacy bylaw provisions will remain while the bylaw is being developed.