

Memorandum

To: Regulatory Committee Members and Local Board Chairs
CC: All Councillors and Local Board Members
Subject: **Update on development of the freedom camping bylaw**
From: Kataraina Maki, General Manager, Community & Social Policy

Purpose

1. To provide an update on the development of a bylaw under the Freedom Camping Act 2011.

Summary

- Staff as directed by the committee are developing a bylaw under the Freedom Camping Act 2011.
- Over 1000 initial site assessments to determine a freedom camping management approach for the bylaw have been completed.
- Staff have now completed workshops and received formal feedback from all local boards on recommendations for approximately 530 sites. Local board resolutions supported approximately 90 per cent of the freedom camping management approaches staff suggested across these sites.
- Staff need to undertake further work of site specific feedback received through local board resolutions and address legal implications of the Reserves Act 1977.
- Additional work will delay adoption of a freedom camping bylaw by summer 2018-2019.
- The current rules under legacy bylaws will continue to apply.
- Adoption of a statement of intent and draft bylaw by December 2018, public consultation and final adoption of the bylaw December 2018 -March 2019.

Context/Background

1. In August 2017 the Regulatory Committee (the Committee) decided to manage freedom camping by developing a bylaw under the Freedom Camping Act 2011 (the Act) [REG/2017/72].
2. Under the Act, the council can only restrict or prohibit the activity if it is satisfied that it is necessary to:
 - protect the area, and/or
 - protect the health and safety of people who may visit an area, and/or
 - protect access to the area.
2. The draft bylaw and statement of proposal will come to the Committee for endorsement before going to the Governing Body to be approved for public consultation.

Discussion

Over 1000 initial site assessments now completed and approximately 530 sites workshopped with local boards

3. Staff have completed initial site assessments of all council managed land to understand the sites that need to be protected from the activity of freedom camping through a bylaw.
4. Staff attended the Parks and Recreation Mana Whenua Regional Forum in March 2018. The forum requested staff return with more site-specific information once completed.

5. Community workshops were held in April 2018 to test the principles guiding the bylaw development. Attendees were individuals or groups who had previously expressed an interest in the issue.
6. In April and May 2018 workshops were held with all local boards. The purpose of these workshops was to provide an overview of the bylaw development and to seek feedback on the initial site assessments to help inform the draft bylaw.
7. Staff reported to each local board's June business meeting, the last of which was 28 June. Reports incorporated the feedback received through workshops into recommendations for approximately 530 sites across Auckland.

Further work required to reconsider site assessments and address legal implications of the Reserves Act 1977

8. Local board resolutions supported approximately 90 per cent of the freedom camping management approaches staff suggested across 530 sites. Several local boards also included additional information about specific sites in their resolutions.
9. Staff are responding to these local board decisions. A process has started to reconsider the information, evidence and analysis underpinning site assessments. Staff recommendations for the freedom camping management approach are also being reviewed.
10. The reassessments are necessary as it is important for the success of the bylaw to get a high level of agreement from governance about the freedom camping management approach for sites.
11. A key freedom camping issue is that under-supply of freedom camping sites often causes overcrowding of designated areas and increased tension with local residents.
12. The review also found that more pro-active management of the activity is required. This can be achieved by advising campers of where the activity can occur, and the restrictions which apply to these sites.
13. In order to provide an adequate number of suitable sites for freedom camping, some restricted sites may be required on land held under the Reserves Act. Staff are currently working with Legal Services on the available options to enable freedom camping to occur on land held under the Reserves Act. This includes the ability to use ministerial consent to allow the activity to occur.
14. Legal advice is due by the end of July. The outcome of this is likely to have significant implications on the process and number of areas that can be scheduled as restricted in the bylaw.

Additional work will delay adoption of a freedom camping bylaw by summer 2018-2019

15. Freedom camping is a controversial issue which evokes strong and divergent views. As the draft bylaw is likely to attract significant interest, there is a need to comprehensively work through issues prior to bringing a draft to the Committee.
16. Staff consider that two meetings with the Committee are required to discuss the issues and receive direction prior to presenting a draft bylaw and statement of proposal.
17. Staff were working towards decisions, consultation and adoption of the bylaw for the 2018-2019 Summer period. The timeline to achieve this was very tight. The additional work for site assessments and the need for more detailed legal advice has disrupted the existing timeline.
18. A revised timeline has been developed. An adopted bylaw will not be able to be delivered in time for this summer 2018-19. The current rules under legacy bylaws will continue to apply.
19. The following table outlines the high-level process and timeline for bylaw adoption.

<p>August and September 2018</p>	<ul style="list-style-type: none"> • Staff present site-specific considerations at the August Committee meeting • Staff seek input on the detail of the drafting of the bylaw at the September Committee meeting
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By December 2018	<ul style="list-style-type: none"> • Staff report to the Committee with the draft bylaw and statement of proposal for consideration and endorsement • If endorsed, staff report to Governing Body for adoption
December 2018-March 2019	<ul style="list-style-type: none"> • If adopted, draft bylaw and statement of proposal open for public consultation • Hearings where local boards can present their views • Staff report summary of submissions to Hearings Panel • Hearings Panel deliberations • Hearings Panel report to Governing Body for bylaw adoption

Revised timeline will ensure robust analysis and advice

20. Extending the timeframe for final adoption beyond summer 2018 will enable:

- further steps to be taken following legal advice
- more comprehensive implementation and enforcement planning (a key issue identified by local boards and stakeholders)
- full consideration of all feedback received from local boards
- further engagement with internal and external stakeholders
- consideration of any developments made by the Government's responsible camping working group

Next steps

21. Staff will work through identified issues and proposed sites for inclusion in the draft bylaw at Committee meetings on 9 August and seek input about the detail of the drafting on 13 September 2018.
22. Staff are working with Communications and Engagement to minimise any confusion that may arise out of consultation on the bylaw that may occur during the summer period. This will include clear communication of the application of current rules this summer.