

MACKENZIE DISTRICT COUNCIL

MINUTES OF A MEETING OF THE PLANNING AND REGULATION COMMITTEE HELD IN THE COUNCIL CHAMBERS, FAIRLIE, ON THURSDAY, NOVEMBER 27, 2014, AT 1.00PM

PRESENT:

Cr Murray Cox (Chairman)
Mayor Claire Barlow
Cr Graham Smith
Cr James Leslie
Cr Russell Armstrong

IN ATTENDANCE:

Wayne Barnett (Chief Executive Officer)
Nathan Hole (Planning and Regulation Manager)
Garth Nixon (Community Facilities Manager)
Toni Morrison (Senior Planner)
Arlene Goss (Committee Clerk)
Jane Whyte (Consultant)
Jack Montgomerie from the Timaru Herald
6 people who earlier made submissions on the Freedom Camping Bylaw

APOLOGIES:

Resolved that an apology be received from Cr Noel Jackson and Cr Evan Williams.

Claire Barlow/Graham Smith

DECLARATIONS OF INTEREST:

The chairman said two close relatives of councillors have made submissions on bylaws. These are the brother of the chairman and the wife of Cr Armstrong. This does not warrant either of those councillors abstaining from voting, but the interest has been noted.

CONSIDERATION OF SUBMISSIONS:

FREEDOM CAMPING BYLAW AND STRATEGY:

The purpose of this report was to provide the committee with a summary of submissions that have been received to the draft Freedom Camping Bylaw 2014; provide the committee with a summary of submissions that have been received to the draft Freedom Camping Strategy 2014; seek recommendations on any amendments to the draft bylaw before presentation for council adoption; and seek that the committee adopt a final Freedom Camping Strategy following consideration of submissions.

Jane Whyte said the report attempts to group the points made in public submissions. Staff have noted those areas that fit within the legislation for the committee to consider. They have also prepared some maps to assist with decision making.

Jane Whyte took councillors through the points one at a time. The first was the idea of combining the strategy and bylaw. Discussion was held on the purpose of the bylaw and strategy. Garth Nixon said the benefit of having a strategy was that it was possible to amend it without a bylaw review. The chairman said the committee will consider this at the end of the considerations.

The next set of submissions was from submitters who supported specific sites but not some of the sites identified. Those submissions in support of sites are noted.

The next group of submissions said they did not want a change the current system but they also were not very supportive of freedom camping. These people did not appear to understand that under the current system freedom camping is permitted everywhere in the district without any restriction.

One submission is in support of reviewing the strategy in two years.

Signage came through in submissions. In the report from staff an example is provided regarding the type of signage could be used. It's clear in the bylaw that signage is needed. The chairman said signage needs to be consistent with what people are seeing in the districts they are coming from, so it's recognisable.

Car parking concerns. Some people were concerned that freedom campers would cause a conflict with other activities. The staff view is that this is not likely to be a problem. This concern is linked to the decision to put freedom camping in urban areas. Cr Leslie said this problem also comes up on the Lake Ohau foreshore.

Facilities for toilet and waste, fires, health and safety matters featured. The toilet and waste issues came through in almost all of the submissions. The chairman said the strategy was saying all camping areas should be for self-contained vans only. This comes back to policing.

The next group of submissions related to economic considerations, including the effects on holiday parks. Under the Act trade competition is not one of the reasons to justify a bylaw restriction.

Another problem raised was adverse effects on property values. This is often a consequence of other problems like nuisance effects.

Economic contributions. There were submissions that said freedom campers didn't contribute financially and other submissions to say they did contribute economically. The Mayor said this is not a matter we can consider when creating a bylaw.

Visual impact was in some submissions. Visual distraction is not specifically identified in the bylaw. But if you need to protect an area or protect access to the area it's valid to consider this. The Mayor asked if it was appropriate to use a bylaw to limit activity that goes on in the basin because it has been declared an outstanding natural landscape. Jane White suggested that the district plan was a better tool to protect this than a bylaw.

The chairman said it was interesting regarding the Lake Ohau submission that houses had restrictions on things like washing lines but campervans did not.

The next group of submissions was in regards to monitoring and enforcement. This would depend on what the final form of the bylaw is. Policing and monitoring is a very important matter. If you have a bylaw it is a regulation and it is appropriate to enforce it. The chairman said we could use the policing tools under the Local Government Act.

Jane Whyte said under the Act camping is allowed unless it's not. The purpose of the bylaw was to impose restrictions and prohibitions.

The chairman asked regarding sending fines to rental companies - is this in the contract that people sign with rental companies? Garth Nixon said he understands that normally the fine is against the vehicle rather than the person, and then the rental company is responsible for recovering the money.

The chairman agreed that the NZMCA should be a stakeholder in the strategy.

Jane Whyte said the issue of self-contained vehicles was a key matter because self-containment would solve many of the other problems such as toilet facilities. The committee agreed to discuss this.

In the draft bylaw the areas identified are restricted to self-contained vehicles. Non self-contained vehicles will be directed towards appropriate campgrounds. The Mayor asked 'can you put a blanket ban on non-self-contained camper vans'. Yes potentially. But the bylaw can only be enforced on council land, not on all land in the district. Cr Smith said this would be a good stance for council to take. The chairman said if this decision was made the strategy would say that only self-contained campers are welcome in the district, and the bylaw would enforce this on council land.

The two key reasons would be to provide for public health and safety and the preservation of natural areas. Toni Morrison asked if there were areas with public toilets such as at Lake Opuha where non self-contained camping would be appropriate.

Garth Nixon said people can go camping with their portaloo and tent and he cautioned against only allowing self-contained vehicles. Jane Whyte said currently the bylaw talks about self-contained camping, which includes vehicles and tent camping in the definitions.

Toni Morrison asked if it was possible to attribute waste and litter to freedom campers or could it come from day trippers. Active monitoring is needed to determine this.

The Mayor said if the intent is to protect the area, protect it from what. Jane Whyte said this was not explained further in the Act. She believes it's about protecting the area being used, rather than the whole environment of the Mackenzie basin.

The chairman said if you are camping you need to be self-contained, whether in a tent or a vehicle. A public toilet is a toilet, not a bathroom or kitchen or laundry. Even if there is a public toilet it does not make you self-contained. A pup tent and a sleeping bag next to a toilet are not self-contained.

Councillors were asked if they want to include in the bylaw that freedom camping is only permitted for self-contained camping under this bylaw? The chairman said this would address many of the problems put forward in submissions.

Garth Nixon said there is a need to look at the definition for self-contained. The chairman said this would include having your own water and waste water.

Councillors agreed to introduce a new restriction that freedom camping within the Mackenzie District is self-contained camping only in the areas that can be enforced by council.

Jane Whyte said a group of submissions suggested no freedom camping anywhere, or none in urban areas. Council cannot prohibit it everywhere in the basin. Council does not own the whole basin so there is no legal tool that can achieve this.

Regarding no freedom camping in urban areas, Garth Nixon put a map of central Twizel on the screen and asked if there were any areas in the strategy that people are happy with as camping areas. The chairman said the public are not ready for it and we don't have a policing in place to give people confidence that it will be managed. The Mayor said we can't police them unless we have an effective bylaw in place.

Garth Nixon looked at council land in Twizel. He suggested removing the parking space behind the events centre. If the whole town centre was banned where do we send them? The Mayor said her reading of submissions was that people don't want them anywhere in the town centre. She asked how Queenstown frame their bylaw to prevent freedom camping in urban areas. Jane Whyte said each area of Queenstown has been looked at in a piece by piece approach.

Garth Nixon said there were concerns about people camping in Market Place. This could be banned except for self-contained campers and could be policed.

Cr Leslie gave an example from Westland but this was a policy, not a bylaw. Jane Whyte explained the difference between a policy and a bylaw. Cr Leslie asked if the bylaws could be the same in neighbouring areas. Yes if the problems are the same.

The Mayor asked regarding an area to the southwest of Twizel has been suggested by a submitter. If we have a single area like this can we say this is the only place you can camp? Cr Armstrong suggested a single area would make monitoring and enforcement easier. He suggested an area of land near the industrial area. Further discussion was held on the various locations in Twizel and whether the overall approach should be to restrict freedom camping as much as allowed in the bylaw or take a different approach.

The Mayor read from the Queenstown bylaw and asked if we could do similar. Discussion was held on whether this approach could be taken. She said banning camping in Twizel was a safety issue related to children being safe to go where they want.

Garth Nixon suggested banning freedom camping in the area around Market Place and behind the events centre and encourages it elsewhere. Cr Armstrong suggested the area near the golf course which is currently leased by the golf club.

The committee agreed to ban all freedom camping in Market Place, which is central Twizel. Other parts of Twizel were considered. Garth Nixon suggested also banning freedom camping in the lagoon area on the shore of Lake Ruataniwha next to the commercial campground. This is about protecting access to the lake. Councillors supported this.

Regarding Tekapo, Garth Nixon suggested extending the restricted area in Tekapo to include the whole lakefront area near the Church of the Good Shepherd. Can we prohibit camping in that particular area? Jane Whyte said yes there is a reason that falls within the reasons in the bylaw. The committee agreed to ban freedom camping in this area.

Garth Nixon raised the commercial business area in Tekapo. There are three suggested parking areas in the bylaw. The committee asked for these sites to be removed. Regarding the parking/rest area on Hamilton Drive, discussion was held on this site as a possible alternative. The chairman suggested this site could be trialled and monitored. The chairman said the concerns were around litter, if this was policed it could be maintained. Garth Nixon asked if members were happy to bump the number of campervan spaces up from five parks to 10. The committee decided to leave it at five and monitor. Any overflow could go to the commercial campground. There are also other areas outside the township.

There were two public submissions regarding camping in Murray Park, Tekapo. Is Murray Park a reserve? The chairman suggested a clause regarding parks and reserves to protect public access to all reserves, playground and recreational parks. Discussion was held on this and the implications of it. It would affect plans to use the sports park in Fairlie for freedom camping. It was decided to ban freedom camping at Murray Park and deal with other parks and reserves as problems arise.

There was one submission related to Fairlie, asking for a ban in the urban area at page 80 of the submissions. This is submission number 38 representing the holiday park in Fairlie. We have had no submissions from the residents of Fairlie to say they want a ban and we reserve the right to monitor and address a problem if it arises. The committee took no action on this.

Regarding the lakefront set back zone, there was one submission asking for a greater setback area than the current 20m from the shore at Lake Opuha. The committee was happy with 20m.

Regarding Lake Ohau, having to be self-contained solves many of the issues raised by submitters. Cr Smith asked if a similar restriction to Lake Opuha, regarding not camping at the peak time in Christmas, was appropriate at Lake Ohau. Garth Nixon said this area hasn't been raised with us previously in terms of rubbish or clean up. There is an Alps2Ocean toilet in the area.

The chairman asked if council would consider having a rubbish skip at Lake Ohau. Garth Nixon said he would prefer to put in signage asking campers to take away their rubbish. Cr Leslie suggested a limit on long-term camping. Cr Armstrong said the biggest problem was people camping 2-3 weeks at a time. Garth Nixon suggested a one week limit but Toni Morrison asked how this would be enforced.

Cr Smith is reluctant to have a lot of different rules for different places. Cr Leslie said the main purpose of the Lake Ohau site was for boat access. This is an access problem. He doesn't want Freedom Camping there at all. Garth Nixon suggested leaving the status quo because including Lake Ohau in the strategy would mean it was promoted and attract more people than it does currently.

The committee agreed no freedom camping would be allowed at all in an area around the boat ramp to allow public access to the boat ramp and lake. This area goes from where the road reaches the foreshore to 200m past the boat ramp.

Jane Whyte raised the issue of the length of time for freedom camping. Submissions suggested five nights. The reason for this restriction would be to allow public access and access for other campers. The committee discussed this and agreed on a seven day restriction.

Regarding a submission to remove a toilet at Haymans Road, this is on LINZ land and out of council control. Regarding an area called the Pines, this is also LINA land at Lake Pukaki and a good spot for camping. It's always tidy and well organised and we need to encourage camping on this site. The car park at the Lake Pukaki Visitor Centre is Meridian land with no opportunity to control freedom camping in this area. A couple more areas listed on page 18 of the report are also out of council control.

Jane Whyte asked for clarification regarding urban areas generally. Do councillors want to seek a full ban on urban areas? The committee decided not to do so, because this would not work in Fairlie where campervans are encouraged in the urban area.

The committee then considered monitoring and enforcement. This matter is of concern and has been raised a number of times by submitters. Garth Nixon said we currently have a number of volunteer officers around the district. In terms of issuing infringement notices and fines, he is not sure that voluntary officers would be able to do that. His opinion was to employ contractors in Twizel and Tekapo for 2-3 evenings a week. They would monitor, police, and provide education and feedback to council.

Cr Smith said it's important that we monitor and enforce this. The chairman said we need to collect data on where vans are and any problems. Cr Leslie suggested a lead in period of a year to educate people without fining them, and bringing in a contractor after that. Garth Nixon said volunteers cannot be relied on to collect accurate information because they were limited in how often they could go out. He also saw immediate enforcement as a way to recover the costs of things like signage. Queenstown issues 10,000 fines per annum with a 70% success rate in recovering payment.

The chairman said fining someone would send the message out on social media that we are firm. Cr Leslie asked about the community patrol. They would be keen to help. Cr Armstrong suggested offering them a percentage. Garth Nixon said we have not done enforcement before so need to learn how to do it correctly. He raised the possibility of collaboration with Timaru District Council.

Nathan Hole said there is no reason why volunteers couldn't be trained to issue an infringement notice, but we would need to make sure they understand what's required. The person issuing the notice needs sufficient evidence to back it up.

Jane Whyte said council can tell submitters that it intends to monitor and enforce the bylaw. The chairman asked staff for a future report to council on how they are going to do that and how much it will cost.

The issue of fire danger can be included in the signage.

Jane Whyte returned to the first question and asked if the councillors saw a need for both a bylaw and a strategy. Yes, the strategy allows us to address the whole district, including areas that are not our land. We cannot control this land but we can say what we want to see.

One submission asked for a definition of licenced campground. This definition is no longer needed given the changes that have agreed to. Jane Whyte said several submissions also asked for changes to specific clauses and these would be addressed when the changes were made. A final version of the bylaw and strategy would go to the council meeting on December 9 for councillors to approve.

Resolved:

1. That the report be received.

Graham Smith/Russell Armstrong

2. That the committee, having considered all submissions and heard from submitters who wished to speak to their submission, makes decisions in regard to the submissions, notes its reasons for those decisions and recommends any appropriate changes to the draft Freedom Camping Bylaw 2014.

Graham Smith/Claire Barlow

3. That the committee directs staff to make any changes identified in 2. above and presents the revised draft Freedom Camping Bylaw 2014 along with the committee's reasons for its recommendations, to Council for consideration at its meeting on 9 December 2014.

Claire Barlow/James Leslie

4. That the committee having considered all submissions and heard from submitters who wished to speak to their submission, makes decisions in regard to the submissions, notes its reasons for those decisions and adopts a final Freedom Camping Strategy 2014 with the changes noted above.

Graham Smith/Russell Armstrong

DOG CONTROL BYLAW AND POLICY AND MOBILE SHOP AND TRADER BYLAW:

The purpose of this report was to provide the committee with a summary of submissions that have been received to the draft Dog Control Policy and draft Dog Control Bylaw 2014; provide the committee with a summary of submissions that have been received to the draft Mobile Shop and Trader Bylaw 2014; and seek recommendations on any amendments to the draft bylaw before presentation for council adoption.

There were five submissions on mobile shops and traders, four from Twizel and one from Tekapo. The one from Tekapo was in support. All the Twizel submissions opposed the bylaw and did not want traders anywhere in Twizel. Most are from business owners and most of the concerns are related to trade competition. There is a level of restriction in the bylaw regarding distance from other shops at 200m.

The chairman said completely prohibiting mobile traders would prevent market days from taking place. Cr Smith asked if there were any pressing problems in Twizel.

Nathan Hole said a mobile shop selling fish and chips has been the subject of concerns from one business. Most of the issues are related to people trading from rural areas like the Lake Pukaki Lookout. We get complaints about 2-3 times a year related to mobile traders.

We need to have a bylaw, but it's up to us how we monitor and enforce it. One person has suggested extending the 200m to 300m. Nathan Hole says the 200m has worked well in the past.

Regarding the dog bylaw and strategy there are two submissions, both addressing dogs in Twizel. One says dogs should be on a lead in the shopping area and people need to be picking up after their dogs. This is a prohibited area so dogs should not be allowed in there already. The bylaw does have provisions that people pick up after their dogs. The chairman said the problem is signage letting people know that dogs are not allowed in Market Place. The Mayor said you also need to enforce this. The dog officer does do regular checks of Market Place. The Mayor said we could put information in the local newspapers detailing that fines will be issued.

Resolved:

1. That the report be received.

Graham Smith/Claire Barlow

2. That the Committee, having considered all submissions recommends the follow draft bylaws be adopted without amendment:

- a. the draft Dog Control Bylaw and Policy 2014,

- b. the draft Mobile Shops and Traders Bylaw 2014

Claire Barlow/James Leslie

CONSIDERATION OF OTHER DRAFT BYLAWS:

The purpose of this report was to: provide the committee information arising from the Special Consultative Procedure Consultation undertaken with respect to a number of draft bylaws and seek recommendations on any amendments to the draft bylaws before presentation for council adoption.

Resolved:

1. That the report be received.

Claire Barlow/Russell Armstrong

2. That the committee note that no submissions were received on the following draft bylaws:

- a) Draft Market Place Liquor Ban Bylaw

- b) Draft Wastewater Network Bylaw

- c) Draft Water Supply Bylaw

- d) Draft Downlands Water Supply Bylaw

Graham Smith/Russell Armstrong

3. That the committee recommends the draft bylaws be adopted without amendment and direct staff to present the draft Bylaws along with the committee's reasons for its recommendations, to Council for consideration at its meeting on 9 December 2014.

Graham Smith/Russell Armstrong

**THERE BEING NO FURTHER BUSINESS THE
CHAIRMAN DECLARED THE MEETING CLOSED AT 4.00PM**

CHAIRMAN: _____

DATE: _____