

**HEARING OF THE SUBMISSIONS TO THE DRAFT FREEDOM CAMPING
POLICY
HELD AT 1.30PM ON WEDNESDAY 23 AUGUST 2006 IN THE SUPPER ROOM,
MEMORIAL HALL, ESPLANADE, KAIKOURA**

MINUTES

PRESENT: Mayor K Heays, Councillors J Diver, M McChesney, J Macphail, M Pablecheque, S Thomas

IN ATTENDANCE: Stuart Grant (CEO), Sheryl Poulsen (Office Manager), Ann Paterson (Tourism Development Officer)

***Apologies:** Crs B Woods, B Seddon, and J Diver registered leave of absence at 2pm*

Moved by Cr Pablecheque, seconded by Mayor Heays, and hereby resolved that the apologies be accepted.

SUMMARY OF SUBMISSIONS

Introduction – the Mayor outlined the hearings procedure, including the 10 minute time frame for each submission, and that each submission relates directly to the written submission.

P McGahan

Congratulated Cr Thomas for placing the freedom camping policy on the Tourism & Development agenda, and the Council for holding this hearing, which is a substantive issue in a community passionate about its environment.

He stated that the primary issue for the policy is coastal pollution. Council has chosen to ignore the affect of coastal pollution in human waste and rubbish, the health and safety of users, and the protection of the coast – in particular taking of seafood.

He expressed that he is surprised that point blank Council refuses to uphold its own Traffic Control Bylaw in relation to reserves. He stated that it was the Mayor's words at a February 15 meeting that Council would uphold the bylaw. He felt the process in developing the policy is extremely flawed in the state it was in when it went out to public consultation. It is evident that it is inadequate in its current form, based on the quantity and quality of submissions.

Referring to the Summary Report and Recommendations that form part of the agenda for the submissions hearing, he stated that the first page contains major errors. These include the key sites of concern throughout the district, which he claimed incorrectly states that State Highway 1 including Black Miller is managed by Transit NZ, and he further claimed that Point Kean is managed by Council, not Dept of Conservation as stated. He felt this was surprising after having been through this process that this sort of error is still turning up in the document.

He continued that, in reading council minutes and attending council meetings, since it was decided to develop this policy, there has been a lack of understanding of the issues (e.g. only seen as a problem for three weeks of the year).

He stated that the policy is made up of general, very broad comments, give the impression it is in the too hard basket. He is concerned about the process and the appearance that the left hand of Council doesn't seem to know what the right hand is doing. The Tourism & Development Committee seems unaware of how this policy was formulated. The Environmental Development Officer had no fair steer of how to draft the policy.

He stated that he is not confident that Council can produce a robust policy, unless it listens to the submitters. All want the same outcome, which is a pristine environment, He stated the policy contains a lot of mistakes, too much ambiguity. This draft provides no background information with a clear stated objective, and no mention of a bylaw. The policy will fail without Council taking the initiative to uphold the policy and do the education. Without that commitment, it makes a mockery of the policy, and makes a mockery of green globe.

He suggested that Council shouldn't bear the cost of implementation and education on its own, other stakeholders could come to assistance, and user pays. We want to encourage tourism, it is vital to our economy etc, and he stated he is not opposed to freedom camping provided it is sustainable, with boundaries (just like in a house, where you can choose if people smoke inside for example). There is the perception that we offend people by enforcement, but people will accept it if it is for the good of the community and the environment.

Maree Willetts & Thomas Kahu: Te Runanga O Ngai Tahu

Maree introduced herself as the Environmental Advisor for Te Runanga O Ngai Tahu, and that she is commenting on the policy from a wider tribal perspective. The Runanga owns various landholdings within the district, and is aware of many of the issues regarding freedom camping from feedback from Te Runanga O Kaikoura. Generally the Runanga is appreciative and supportive, however it does have concerns about the process and the content of the policy.

First issue – one of the proposed sites for self contained camper vans at Kowhai River mouth; that area is not active in the kohanga but has been set aside as a seasonal camping ground by Ngai Tahu. She advised she has since been able to clarify that it is not the same area, but is still concerned that there will be an increase in visitors to the river mouth, also by users without self contained facilities. She has observed that Councils approach like many other Councils is very permissive, it seems to be that, while there are a lot of camping grounds (not getting full), usually these things aren't provided for within the town. She stated that if Council chooses to do that, that is your prerogative, but it is interesting that Councils have such a permissive approach.

She questioned the use of land, and suggested it is not clear from the draft policy what was going on. She continued that it is appropriate to comment on Mangamaunu; this is not a tourist area, users are there for a different purpose. There are a lot of issues around development and growth.

She stated there is a lack of clarity in the policy, it is unclear how many nights self contained and not self-contained camper vans could stay. Regarding Point 3 camping on public land with permission, does this mean you can stay for longer if you have

Council permission. She found the policy very confusing, difficult to identify specific sites, how far away do you need to be from the main road.

Second issue is monitoring and enforcement, there seems to be a lack of commitment to following up, signage etc. Mark Solomon joined the submission, advised that Kowhai River mouth is potential mahinga kai, and asked is this a proposed site for toilets, some human behaviour in the area is distasteful. There is a pa within 400-500 metres from that site. He stressed that these are community wide issues, and that the Runanga is keen to sit down and participate in a review of the policy.

He was asked to clarify the pa location, and confirmed Elms Creek is probably closer to the proposed site, there is an area that has been recently dug out, they were digging right alongside the pa site, and near the area used for pulling a waka to shore. It is a culturally significant site.

Digby & Eve Parkin: Peketa Beach Holiday Park

Digby clarified that it is Peketa Beach Holiday Park (not Kaikoura Holiday Park as illustrated on their letterhead). He stated that freedom camping is something you do out in the wops, it is not done on a domain. Kaikoura is second to none on the quality and quantity of the camping grounds within the district. The Peketa Beach Holiday Park has never turned away trade for lack of available sites. Camping grounds deserve protection from Council.

He had read in the report where it was suggested that people who do not spend money on camping ground accommodation will spend money in town. Camping grounds are part of this town, why are we excluded from the local economy. We pay rates in this town, why support people who have sold up their properties and bought a house bus, they are not paying rates.

He continued that he doesn't want Kaikoura to become a pit stop town, with people dumping their rubbish and waste here and then moving on.

He has done some research of neighbouring councils, Hurunui, Nelson, Queenstown. Nelson City Council has a policy of NO freedom camping, one area allows camping with lots of strings attached. Hurunui District Council has a policy of NO freedom camping within the Hanmer reserve areas, Queenstown Lakes District Council has a policy of NO freedom camping; campers must be 10kms from any residential area. He continued that, particularly with the Queenstown example, brochures are available, with maps clearly showing the areas.

In summary, he requested that Council draw a circle around the town (to exclude camping within that area), people will stay where they are meant to be staying.

Lynda Kitchingham

Lynda introduced herself, she has been living at Clarence and within the district for 20 years. She stated she does not wish to see freedom camping limited to the extent that this policy does. There is a need a robust enforceable policy that allows responsible visitors to enjoy this environment, and for as many people as possible to enjoy it. Restricting visitors to the five areas limits how these people can enjoy it.

She continued she does not want to lose the freedom to camp around the district. She stated the document has been very poorly thought out, where is the background. Specifically, use of the words “not appropriate” is too ambiguous, if you mean banned, say so.

She asked can tired drivers no longer stop for a rest? And continued that “may” be sign posted, are you going to put up signs or not. She is aware that there is already a bylaw relating to freedom camping in this district, and proposed to Council that this policy be considered a work in progress. More public toilets need to be provided; Transit NZ should put these in at rest areas.

Lynda recommended that well posted I-sites be stationed at entrances to the district, with toilets and information on the district, including where to camp and where not. She continued that camping should not be allowed in the town, there should be a perimeter of 10kms around the town for NO freedom camping. The town is pushing green globe and zero waste; these can be explained at these I-sites, with the message to visitors to leave only your footprints.

She stated that any policy is going to need enforcement, an recommended there be a person who travels the coastline preaching the green message, and explaining about the freedom camping policy.

Lynda was asked what are your views on what happened at Black Miller, she responded it was confusing, some people claimed it was a major problem, others felt it was fine. But three weeks is too long, a couple of nights is OK.

Ted Howard: Royal Forest & Bird Protection Society

Ted stated that the ability to freedom camp is an asset, he personally freedom camps over 25 nights per year, and the thought that irresponsible users could result in him losing that right, is not something he intends to give up easily. On coastal areas now he takes away bag after bag of rubbish, and has to step around human waste. The stated that the only way to fix that, one through education, one through a big stick – an enforceable policy.

He recommended that there be no campervans around the town, this interferes with the amenity value to locals, but in the wild areas freedom campers should be entitled to carry on camping as they have been, enjoy this country that we have. There is a need to deal with the major issues of waste and litter. Transit NZ has a responsibility, there are too many road side rest areas without facilities. He suggested Council take a strong case to Transit NZ to start providing toilet facilities.

He was asked where does the wild begin? Ted responded when you can't see a house. The Mayor enquired has Forest & Bird got any thoughts on how to mitigate human waste issues. Ted responded that instant fines would be a start, the message would soon get out. He stated it's an education thing, just talk to people about being responsible with the environment. He clarified that it is not something Forest and Bird has specifically thought through.

He suggested Council take the Gisborne approach, allow camping as long as they have a chemical toilet and take their rubbish away.

Marie Simpson

Marie was unable to attend, and Paul Turner spoke to her submission. He stated that freedom camping should be restricted to 5km outside town limit. There is rubbish at South Bay everyday, we need more than just a camping ground at South Bay Reserve. South Bay has enough traffic woes now without big campervans, we don't want to see camping in there. He stated that residents will never be able to use that reserve again.

There are traffic and rubbish hotspots in areas within South Bay. Ocean Ridge won't like campervans parked smack in their view. It would save a lot of trouble if campers use the camps made available.

He continued that South Bay corner is much improved since the trees have been taken out, but all sorts of rubbish is regularly left there, including bottles, there can be 15-16 campers squashed in there overnight.

Kevin Gough: NZ Top 10 Holiday Parks

Kevin stated that as commercial operators, NZ Top 10 are not fundamentally opposed to freedom camping, but are opposed to it occurring within the town area.

Specifically he is opposed to two of the five sites. He stated that freedom camping should be a wilderness experience. Providing for freedom camping within the town is anti-tourism. Camping grounds are nowhere near full, this policy seeks to undermine them. Particularly in relation to the race course corner and South Bay domain site. Both of these areas are well within the urban area close to accommodation facilities providing for a wide range of budgets. This policy is undermining the viability of the accommodation and tourism sector. Council will be providing free or very cheap accommodation and undercutting its own economic infrastructure.

Other councils have chosen to take a very strong stance against freedom camping. He was asked where would you call the town limits, and replied that 10km has been raised. He clarified not South Bay, not racecourse corner, the Kowhai River mouth is questionable, but has no problem with wilderness areas.

Some councils have taken an aggressive stance and had to employ security people to move campers on. Council needs to be seen not to be fostering freedom camping.

Gerald & Lynne Nolan: Kaikoura Top 10 Holiday Park

Gerald stated that the freedom camping issue has been very well publicised, and as a consequence of that publicity they met with council and some staff, representing holiday park owners. He suggested that the Rolls Royce solution is that there should be no freedom camping in the district in light of Councils green globe philosophy. He accepts that this is not the go, freedom camping is peoples right, and they have dropped down a bit from the ultimate perspective.

He clarified they don't have a problem with remote wilderness camping, but do have a problem with it being within the urban area. Education would certainly help people understand the issues.

He continued there needs to be the will from Council, a bylaw, or some form of enforcement or we are wasting our time.

It's not only the environmental impact, it's the economic impact, particularly South Bay domain, he stated they strongly object to the use of that reserve for freedom camping, with new toilet facilities, and new bins; if it was promoted it would become a very popular place, and it would be free. He stated that somebody pays; it would be the ratepayer that ends up paying. He suggested that any cost recovery would involve charging pretty much the same as a commercial camping ground.

He summarised his submission, that the South Bay domain should be expressly excluded from freedom camping, and the policy provide for 10km restriction radius from the urban area. If campers want that wilderness experience it is available outside that area.

He was asked if Kaikoura Top 10 Holiday Park ever has to turn campers away, and replied that for 10 days of the year people are turned away from Top 10, but are referred to other camps. More capacity is being added to Kaikoura camping grounds, so this is not really an issue.

Tonya Patchett & John Reader: Waipapa Bay Camp

Sheryl Hayman spoke on behalf of Tonya Patchett and John Reader, and read her submission; they speak as residents of the district and as owners of Waipapa Bay Camp. Their business relies on campers using the camp. She stated she is having difficulty understanding the difference between overnight parking and freedom camping in the policy. Freedom camping should not be permitted at all. She continued that she can cite instances of campers using the road side reserve and entering Waipapa camp using their facilities, even leaving with containers of hot water, and stated this is unfair on our clients who pay to stay with us.

She stated that Black Miller campers have been aggressive and preventing other people having access to the beach. There have been problems with illegal poaching and over fishing.

She stated that if Council must proceed with encouraging this activity, it must be closely monitored and consider the needs of camping ground owners. With Council advertising areas where freedom camping is permitted, this will impact on camping ground businesses. She warned that Council will need to comply with the same legal requirements as commercial camping grounds.

Sheryl continued that Transit NZ suggests that no camping be within 9 metres of the road, and suggested this should be more like 15 metres. There is a fire danger by having people camping on the coastline, these fires can not be covered by running around with buckets, it takes a long time for a fire fighting response to these areas.

Council will need to specify exactly what area Black Miller covers. The suggestion that no freedom camping within 500m of a camping ground should be 5km. There is really only 2 weeks of the year when camping grounds are anywhere near to full. She stated that freedom camping will affect the financial viability of our business, and result in possible camp closures. She asked that Council support us, do not go into

competition with us, and do not provide for visitors that do little to contribute to the community.

She clarified that Waipapa Bay is 32km from Kaikoura, and that Council will effectively be advertising by putting its policy on the internet, which includes the freedom camping sites. Black Miller campers perpetually cause problems every year, running in and out of Waipapa camp, there can be tents within a metre of our fence line, we have had freedom campers coming in having a shower at 2am, there seems to be the expectation that camping grounds are public facilities.

Lee & Struan Boot: Alpine Pacific Holiday Park

Did not attend.

Joanie Throssell: East Coast Community Organisation (ECCO)

Chris Lidgard spoke on Joanie's behalf. He clarified that ECCO extends from Kekerengu to Ohau Bluff, has been an entity for nine years, and has in the past raised the issue with Council about camping. He was given assurance then from Council that they were working with Transit NZ and DoC. ECCO had a subcommittee meeting early in the year with the Mayor discussing our issues, and the general feeling from the group was that the problem is not the overnighters, it is the people choosing to camp over the holidays, and they seem to be extending their whanau. Last year there was a big issue with access into Black Miller, precluding anybody else access into that area of the beach.

He continued that after the draft policy was sent out, there had been another meeting to talk about not to stop overnighters, the whole issue of people setting up camp as a long term site. With regard to the draft policy, he stated he feels Council is being very permissive, saying "great, come and camp in Kaikoura", instead of encouraging people to use the camping grounds. He stated that, after hearing the camping ground representatives talk about how their camps are not full, Council seems to be becoming a de facto camping ground operator.

He recommended that the policy needs to be much more simplified, either you can camp anywhere or you can't (as long as it is outside the town boundary). There is a need for education; it seems as though it won't work unless there is somebody telling people to move on. This could be tied in to a fisheries officer, not just a designated camping officer. That person could have other duties like litter control, etc. There is a lot more rubbish accumulating, if somebody sees rubbish dumped, they will put their rubbish there too.

Last year the big camp (Black Miller) tidied up amazingly well, it had a lot of interest from councillors and the media etc, but the previous summer he had emptied out four toilets which had been left in the bushes by his boundary fence; one was a non-draining bucket.

Chris summarised his submission; keep the draft policy simple, and enforce it.

He was asked how many km's is he from town, and replied 27km. He was then asked so the blanket 10k wouldn't work? Chris replied that he is within 1km from Waipapa Bay, so if there was also a perimeter around existing camping grounds it could work.

He was asked can you see long ranging problems with freedom camping? He replied that, at Black Miller, he counted 17 vehicles, consider that there would be a couple of people per vehicle, and they are here to go fishing and diving. One day he found piles of paua and crayfish left lying in the sun and the campers were out fishing for more.

He was asked has ECCO considered any way they can join and perhaps help with monitoring and enforcement? He replied everyone who lives around there gets to see what is going on, who is camping there and how long they are there for. The local people could educate the people who are there, once the campers know there is a policy they will tell their friends, just leaving pamphlets at stores won't reach them.

He was then asked what do you say to wilderness camping having heard these earlier submissions? He replied he is not opposed to overnighers – the problem is people who stay there for longer terms. Overnight is not an issue, but a week at a time restricts access for everyone else.

Sim Bell: Clarence Fire Party

Chris Lidgard continued from the previous submission, and advised that Sim Bell was unable to attend and that he had been asked to speak on Sim's behalf.

He clarified that this submission is from the Clarence Fire Party. The Party wants to give Council the message that freedom camping is freeloading, it appears this is similar to the camping ground operator's opinions. A lot of the fire callouts along the coast are to camp fires on the beach. Campers try to cover smouldering wood with sand and then leave, then the wind picks up. A lot of the coastline has long grass, and lupins. He noted that with fisheries offences, similar people have been the offenders and the people littering as well.

Graham Gibson: NZ Motor Caravan Association

Graham stated that the theme he wants to push is the difference between a certified campervan and a non-certified one. He tabled a certificate that should be displayed on the campervan. He stated that the NZ Motor Caravan Assn is in the business of leasing or buying camping grounds. He continued that Kawerau allows freedom camping, and Nelson has overnight stays available right in Trafalgar Street. He supports the recommendation that Council needs to clarify areas that are not appropriate.

He continued that many Councils permit the NZMCA to use areas, and that the definition of freedom camping needs clarification. The NZMCA has an agreement with Dept of Conservation to use DoC reserves. NZMCA provides members with information on how to dispose of grey water and black water, and gathers data on expenditure of its members while staying, on rallies, etc.

He was asked do you try and negotiate a bulk deal with camping grounds? Graham replied yes, the NZMCA had tried but could not get even \$1 reduction. He was then asked so you buy your own facilities to keep costs for members down? He confirmed yes, and non members pay usual rate. He continued that the NZMCA is currently searching for a camping ground around Marlborough.

He was asked if there was land available in the Kaikoura district would NZMCA be interested in purchasing, and he confirmed yes, very interested. He was then asked are members lifestylers? Graham replied that the majority are retired, not many members are still working, and a certain percentage live in house buses.

He was asked in areas where there is an urban perimeter, do you use the towns public facilities or do you keep driving, he confirmed he would keep driving until he finds somewhere, a riverbed, whatever. He reiterated that the NZMCA provide regular updates to its members on what is available.

He was asked you have heard that there is plenty of camping ground facilities available in Kaikoura, is there a philosophical reason your members don't use them? Graham replied that members play cat and mouse with the camping grounds, they don't want to use them.

Liz & John Mahoney: Kaikoura Coastal Camping Grounds

Liz confirmed that their major concern is the areas mentioned for freedom camping; the South Bay reserve and the Kowhai River. South Bay in particular has fabulous new toilet facilities paid for by Council, the area would fit 60 campervans in one night, and it is such a beautiful area. Unfortunately it will be in direct competition to each of the commercial camping grounds in this area. She suggested that freedom campers don't contribute to the economy at all. They have a freeloader mentality; her husband has to be up by 6am in the morning to catch the campers who have plugged in overnight without paying.

She expressed her concern that once these freedom camping areas are set up, Council will have to hire someone to monitor them, once again at ratepayers expense.

She continued that at Rosy Morn, the rock art and Oaro, there needs to be signs forbidding camping, these areas are too close to the road. She stated that she appreciates the problem, but Council needs to consider NO freedom camping within 10km of the urban area. She clarified they have never turned a campervan away, there is always room for one more.

She stated that, regarding the rock art area, if a sign is there displaying no camping, they may heed it, they may not, and once one campervan is there another one will park there too. The area needs signage to deter campers, one day a truck will go through there and take out two campervans in one go.

The Mayor clarified that ratepayers have not funded the South Bay toilets, these were developed using a grant received from the Ministry of Tourism.

Liz was asked in regard to house buses, are there any issues with those being parked on camping grounds, she replied most go to Omihi, it is easy to get in and out, there are plenty of facilities, and plenty of room. She was asked do you negotiate bulk rates, and replied they have never been approached.

Maurice Manawatu: Te Tai O Marokura

Did not attend.

Owen Woods: Kaikoura Coastal Marine Protection Society

Paul McGahan spoke on Owen's behalf, and introduced himself as secretary of Kaikoura Coastal Marine Protection Society. He stated the Society's goals are to protect and promote sustainability of the marine environment and resources, to obey and observe customary rights, etc, and to strengthen the links between people and the environment.

The society has been extensively involved in the clean up of this coastline over a number of years. The big issues are coastal pollution, human waste and rubbish. He stated that the policy as it stands will do little to protect the sustainability of the community, preventing pollution, and enhancing open spaces.

He continued that the policy will amount to little more than a document that Council could sign off; the four core principles outlined in the draft policy will not be upheld or achieved unless there is significant overhaul of the policy as it now stands. Council will have failed in meeting its own environmental goals.

He recommended that Council attach its policy to a bylaw, and employ a person, and continued this is not just up to Council to do, plenty of volunteers could take this on board. If Council is willing to employ a ranger, uniformed and badged, and be given a vehicle, 80% of this problem could be overcome quite quickly. There is opportunity to explore other stakeholders for funding, and user pays is an important consideration as well.

He continued that the Society's submission is a need for policy document to have background information so people understand the scope of the issue, there should be a set of objectives, and a clear framework. The policy won't work without a bylaw, or giving affect to the bylaw, and referred Council to sec 2.1 of the Traffic Control Bylaw, which is about overnight parking.

He expressed concern about the potential affects of freedom camping on marine life, particularly marine mammals, resulting in displacement or risk of injury from plastic bags, etc. He stated that terms within the draft aren't useful, use of "may be" throughout the document doesn't give any sense of commitment, it gives an out.

Education is very much a key part of the policy success, it is important to get to the commercial operators hiring out these vans. Get to the source and influence these people. He stated freedom camping is a national issue, not just a Kaikoura issue, and suggested there is scope to influence at a national level through the Local Govt Association, etc. Council needs to bring its issues to the Tourism Industry Association, Ministry for the Environment, Local Govt Assn, and work together; freedom camping is a growing issue nationwide.

He continued that, in relation to funding, he has looked at council budgets, and considers that what we are asking for is not that significant compared to (for example) the Tourism budget. He conceded that this is well spent money, but its all very well marketing a place, but unless we look after the tourism product, which is keeping the environment pristine, all the marketing in the world will not make a difference.

He summarised his submission by stating the key thing is that freedom camping needs to be responsible, we can't have the rubbish, and we can't have the sewage. Employ somebody, and certainly have volunteers. He stated that Ministry of Fisheries officers have been suggested, but he thinks this is an unfair ask of these people. He concluded that it is a challenging project to refine this policy, and suggested that Council still work with its stakeholders and have another go at it.

Dave Hayes: Department of Conservation

Did not attend.

Steve Higgs: Transit NZ

Richard Shaw presented his submission on behalf of Steve Higgs, and introduced himself that he works in the planning dept within Transit NZ. He gave a background on Transit NZ, it is the controlling authority for state highway network, and because the state highway goes along the coast, we can assume that access to these freedom camping reserves will be via that state highway.

He stated Transits interest in the policy is the need to acknowledge potential traffic safety considerations, and also to have perspective as a land owner, these camping areas will be on road reserve - Transit NZ has responsibility to manage road reserves for the Crown.

He continued that camping areas must be accessed and serviced safely, the draft policy is heading down that line, but there needs to be some work as to how the policy will be implemented. There are diverse users of the state highway network. Users who have to stop because they are tired, and users who are setting up camp for long time. He stressed that Transit don't want to lose the ability for people to stop if they are tired, driver fatigue causes a high number of accidents.

His specific comments are primarily focussed on safety issues, from Transit NZ's perspective, such as the potential for obstructions within the roading corridor, as campervans and tent structures can be substantial. They have a potential for distraction to drivers, due to lights, pedestrian movements, camp fires, etc. Many pull off to the wrong side of the road, this is a distraction to drivers and lights cause confusion. He is concerned about erratic driving behaviour while people try to identify a suitable freedom camping site, or trying to access that site. Pull off areas are provided for users of the roads to have a rest, if these are occupied by campers this could be an issue.

He stated the key issues in relation to safety are driver distraction, the need to maintain a clear zone outside the road way, and to include the requirement for a 9 metre clear zone, which he noted is in the policy.

Richard stressed that there are issues where Transit is the landowner; there is the potential for major administration problems regarding land owner approval for stays longer than two days, etc. He advised that Transit NZ doesn't have a procedure for dealing with giving approval to freedom campers, and he is not sure of delegated authorities, etc. He continued that approval if it is given is likely to be given with conditions, which will then require somebody from Transit to go out and make sure the conditions have been complied with.

He stated there is a need to provide campers with information on the facilities available, and the expected behaviours of campers, otherwise Transit have major concerns.

He continued that all issues come back to the appropriate enforcement mechanisms. It is important to be informing, and guiding people, but need enforcement to ensure these measures are put in place. He stated it is unclear what the target of this policy is. He considered it was originally meant to lead to a bylaw, but the implementation arm of the policy seems to have fallen away.

In terms of enforcement, Transit NZ considers that under the Transit NZ Act, if there is camping occurring on the roading corridor then Transit NZ has a role to play with respect to enforcement, particular for clear zone requirements. Transit could use section 51 of the Transit NZ Act, but this has never been tested by the courts, and he suggested it would need to be a serious offence for Transit NZ to use these powers.

He confirmed Transits support for the minimum setback from the state highway, etc, but expressed concern over the status of the policy and the ability to enforce its provisions.

He was asked regarding funding, would Transit NZ consider funding a ranger, and he replied subsidies are generally related to works instead of potentially funding a person. He continued there was possibly funding available if there was works associated with providing access to a freedom camping site. But he suggested he would struggle in terms of Transit NZ's mandate, to fund the employment of a ranger.

He was asked what about funding for signs, or is that all Council responsibility. Richard replied signs are generally limited to traffic signs or tourist information signs, and tend to be positive (i.e. camping, rather than no camping signs).

He was asked what is Transit NZ's policy on camping on road reserves, and replied it is all part of the continuum of allowing people to pull off the road to have a sleep, which would fit as freedom camping in terms of the draft policy. In terms of long term freedom camping, there would need to be setback to avoid driver distraction, obstruction, etc. He clarified there is no clear policy currently from Transit NZ.

Cr Thomas sought clarification, where it has been suggested to provide for a 5km or 10km exclusion zone, and some of that area is road reserve, does Council have any authority to prevent camping on that land, when in fact Transit NZ has jurisdiction over that land not Council. Richard responded that S51 of the Transit NZ Act talks about damage to roads and bridges, but it also gives Transit NZ powers in relation to the imposition of an obstruction on a road reserve.

He was then asked if somebody is camped beyond the 9m limit from the road on a road reserve area, and therefore Transit NZ can't use the provisions of s51, can Council legally control it. Richard replied that no, it would appear not. He continued that Transit NZ has attempted to work out if they have any scope to assist, and it appears to be limited. It was suggested that the policy will never have any teeth if Transit NZ & DoC are not prepared to back it.

It was further discussed whether or not the policy should be a bylaw, and whether this would give Council more enforcement options. Richard replied he was unsure whether a bylaw would have any jurisdiction over Transit NZ's powers on the state highway. The Chief Executive Officer advised his understanding is that a bylaw would not have any affect on Crown law.

The Chief Executive Officer continued, Bylaws that generally affect public spaces only affect public spaces under council jurisdiction, in order for this policy to work, you would need full support of Transit NZ and DoC, all parties will need the same terms of reference.

The Chief Executive Officer continued that there are mechanisms under the Local Govt Act in terms of vesting areas into Council control, but he is unsure what is available under the Transit NZ Act. For example if Transit NZ has a policy to remove rubbish bins, and Council want to put more in, Transit NZ could say yes put in more bins but you (council) have to manage them.

He continued that on lay-bys or rest areas on the state highway, there is not a lot Council could actually do to stop campers if they decide to stay there long term. He clarified in relation to Hurunui District Council's policy on Hanmer areas; this policy is only talking about the local roads and road reserves, not the state highway.

The Chief Executive Officer further clarified that DoC, Transit NZ and Ngai Tahu entered into discussions with council in formulating the draft policy.

Richard suggested he could give feedback to Council once legal advice had been obtained as to what potential there was for the policy to be enforceable on Transit NZ land. It is currently unclear what mechanisms (if any) are available.

He was asked what about Transit NZ providing toilets at lay-bys, and replied at a national level Transit NZ is not pursuing providing toilets. Transit NZ's position is that those facilities are best located where there are always people, instead of being out in the rural areas where they are susceptible to vandalism and criminal activity.

Council deliberations

The Mayor advised submitters and public that Council now has the opportunity to consider these submissions. He thanked all submitters, and stated the hearings have given council very apt points to consider. He clarified that all are welcome to stay (all left).

It was discussed that the policy needs clear definitions, what is the difference between tired drivers stopping for a sleep and a freedom camper.

It was also generally discussed that it doesn't matter what policy we've got without buy in from Transit NZ and the Dept of Conservation, its unenforceable.

The Chief Executive Officer advised Council can get buy in from these parties insofar as principles, but it falls over with enforcement, Council simply can't limit individuals access to DoC land for example.

It was discussed that it has gone beyond the need for policy, it is now looking like we need a bylaw.

The Chief Executive Officer advised that a couple of other Councils have put bylaws in place, but they are not being enforced because it is too difficult.

The suggestion was made to keep freedom campers out of the town and the bulk of the problem will go, however it was debated that camping in town is not the problem, the problem is pollution along the coastline.

The comment was made that all submitters seem to be in the same boat, the same waka, just some were paddling faster than others.

The Chief Executive Officer suggested that freedom camping is a way of life, they're not going to come into town to ask where they can camp, they will camp whether we have a bylaw, a policy, or whatever. He asked of Council, what is the issue at the end of the day, is the key issue the pollution on the coast, is it the loss of dollars going into camping ground owners pockets, is it both. Whatever the key issue is, that's fine, but it needs to be clearly identified.

It was suggested that there is a visual issue as well – campervans parked all over the place, campers washing strung up on lines, rubbish, etc.

The four key points at the start of the policy were read aloud, and it was suggested that the key issues are stated there. It was further suggested that the best way to move forward is a bylaw with NO camping, and DoC, Transit NZ and Ngai Tahu could give us the mandate to carry on.

As far as monitoring goes, it seems the camping ground people are on the spot, they know exactly who is there and how long they've been there, and they have a vested interest in monitoring the policy.

The question was asked; if we go down the road of a bylaw, are we committed to funding the employment of a monitoring officer?

The Chief Executive Officer was asked how often are the rubbish and recycling bins collected, could the collectors do the monitoring, he replied yes, this service is done regularly, but the area needs to be policed after hours, probably after 10pm at night.

The Chief Executive Officer continued that if you want to pursue the bylaw option, yes we could start to draft something for Kaikoura, but the bylaw process does take time and it will not happen by Christmas. Currently the policy relies on the other party complying (it has no teeth), but with a bylaw, if those 90% who have good intentions do move on and you're stuck with 10% who refuse, a bylaw gives Council the power to enforce it. He suggested that by May of next year, Council would have identified all the issues by having had the policy in place over summer, to be in a better position to revisit the bylaw option for next year.

The intention is to have something in place by Christmas, and the policy does give the opportunity to assess where it worked well, where it didn't, so we can resolve that for the next season.

He was asked are you suggesting we put in place a policy that we know is flawed, and the Chief Executive Officer replied that Council could be struggling trying to get something better by summer, and having to sit around with stakeholders again. He considered that many of the submissions today were in relation to implementation, who will educate, how will we fund signs etc. Let's get the policy right and worry about how to implement it later. He confirmed yes, I'd rather put in place something that is not 100% than not put in anything at all.

He continued that, on the other side of the coin, some businesses in the West End love the campervans parked in the town centre, they are the only business they get after 6pm at night.

It was then discussed that it would not be possible to make any decisions today, and that there is a brief special meeting scheduled for the Friday afternoon, this could be an opportunity to come back to the issue quickly rather than delay the process any longer.

Moved by Cr Macphail, seconded by Cr Pablecheque, and hereby resolved that the Mayor be appointed to the Development Contributions Review committee in the absence of Cr Seddon.

Moved by Cr Macphail, seconded by Cr Pablecheque, and hereby resolved to adjourn meeting to 2pm Friday 25 August.

The meeting closed at 5.20pm.