

SOUTH WAIRARAPA DISTRICT COUNCIL

29 JUNE 2016

AGENDA ITEM C1

CHANGE TO SCHEDULE 2 OF BYLAW FOR CAMPING IN COASTAL AREAS 2009: NGAWI AND NGAWI SURF BREAK

Purpose of Report

To change the Coastal Camping Bylaw (Schedule 2) so as to permit dogs to accompany campers using the Ngawi and Ngawi Surf Break sites, subject to conditions.

Recommendations

Officers recommend that the Council:

1. *Receive the information.*
2. *Resolve to adopt the attached Statement of Proposal and Amended Bylaw for public consultation under the Local Government Acts special consultative procedure.*

1. Executive Summary

Over the last two summers concerns have been expressed about the inability of campers to take their dogs with them to the Ngawi and Ngawi Surf Break free camping areas.

The ban on dogs had arisen due to past problems, however Council has agreed to trial readmission of dogs to these sites after receiving a number of requests to do so.

This report is the second step in that process.

2. Discussion

2.1 Background

Over the last few summers the coastal ranger has had to enforce the ban on taking dogs to Council reserves where free camping is permitted. In the main this ban has worked with few campers being identified with dogs.

Those found to have dogs with them have cooperated with staff when the ban was made known to them by removing themselves and their dog from the camping areas.

However, a number of letters about this rule have been received which were critical of the rule and/or requested Council to review the policy.

Council has subsequently done so and the outcome was a decision to trial allowing dogs back onto the Ngawi and Ngawi Surf Break freedom camping areas.

2.2 Change to Bylaw

In order to allow dogs to accompany their owners who camp on the Ngawi and Ngawi Surf Breaks camping areas, Council has to resolve to change Schedule 2 to the bylaw.

This schedule identifies the sites which Council has made available for freedom camping activities and sets the terms of that use.

The following clauses need to be added to Schedule 2 for the Ngawi and Ngawi Surf Break Camping Areas to enable campers to bring their dogs onto these sites and to provide adequate controls;

"Dogs are permitted within the camping area subject to compliance with the following conditions,

- a. Dogs are on a leash at all times within the camp ground;*
- b. Dogs are accompanied at all times (not left alone on the campsite while the owner is elsewhere).*
- c. Sufficient food, water and shelter are available.*
- d. There is sufficient space between dogs and neighbouring campers.*
- e. Dog excrement is cleaned up and disposed of correctly.*
- f. No aggressive dogs allowed on the campsite"*

2.3 Consultation

Because the Camping in Coastal Areas 2009 Bylaw is not part of the consolidated bylaws, these changes to schedule 2 must go through the full public consultation procedures, rather than being adopted by simple Council resolution.

The applicable public consultation process is specified in the Local Government Acts "special consultative procedures" provisions under Sections 83(1)(a) and 87(2)(a) of the Local Government Act 2002.

This includes public notification and if necessary the holding of hearings to consider any submissions on the proposal. Because this is a long process it needs to be started this month if the change is to be in place for the next summer season.

A Statement of Proposal has been prepared along with the revised draft Bylaw provisions for this process and are attached in Appendix 1 and 2.

3. Conclusion

Council wishes to trial allowing dogs to accompany campers at the Ngawi and Ngawi Surf Breaks camping areas.

The necessary documentation has been prepared and a formal resolution is now required to commence the legal process.

4. Appendices

Appendix 1 – Statement of Proposal

Appendix 2 - Draft Amended Coastal Camping Bylaw 2009

Contact Officer: Murray Buchanan, Group Manager Planning and Environment

Appendix 1 – Statement of Proposal

Statement of Proposal to

alter Coastal Camping Bylaw 2009 (as amended 2013) so as to permit dogs to accompany campers when staying at the free camping sites located at Ngawi and Ngawi Surf Breaks.

South Wairarapa District Council

29 June 2016

STATEMENT OF PROPOSAL

This statement of proposal has been prepared under Section 83 of the Local Government Act 2002.

1. Introduction and reasons for proposal

1.1. In 2009 Council introduced a Coastal Camping Bylaw to manage and regulate the activities of “freedom Campers” in the district. This bylaw was amended in 2013 in the light of the Freedom of Camping Act 2011.

1.2. The bylaw reflected the need to limit camping activities to suitable areas along the coastline. This was to protect and maintain the natural qualities of that area.

1.3. The bylaw also established conditions under which the free camping areas could be occupied /used by campers. Among those controls (refer section 10 of Bylaw) there was a prohibition on dogs within the camping areas identified in the bylaw (Schedule 2).

1.4. This bylaw has successfully managed camping activity over the past 7 years. A coastal ranger monitors the use of the designated sites through the summer period to ensure the conditions are complied with to the benefit of all campers.

1.5. Over the past two summer seasons Council has however, been approached by a number of potential campers about the ban on dogs at the Ngawi and Ngawi Surf Break sites.

1.6 While these requests were relatively few in number when compared to the numbers using the free camping sites, they were persuasive in establishing that the ban has resulted in upset to a number of actual and potential campers who see themselves as responsible dog owners. These campers wished to have their dogs accompany them.

1.6 Consequently Council took the opportunity to question and obtain feedback from many campers over the last summer season to ascertain general attitudes to the presence or otherwise of dogs at the Ngawi and Ngawi Surf Break sites.

1.7 The responses once collated, showed that there was reasonable support for a relaxation of the current ban at those sites, but subject to the imposition of suitable behavioural controls for owners of dogs and their dogs.

1.8 Council has therefore agreed that the necessary steps to allow dogs at these sites should be proceeded with but still on a trial basis.

1.9 The bylaw cannot however be changed to reflect this approach without proceeding under the special consultative procedures of the Local Government Act to seek wider community views on the proposal.

2. Statutory Process

2.1. The South Wairarapa District Council is proposing to change the bylaw by modifying existing **Clause “10. Dogs”** so as to read;

“10. Dogs

10.1 Dogs are not permitted within the Camping Areas listed in Schedule 2 with the exception of the sites located at Ngawi and Ngawi Surf Breaks.

10.2 Any dog owner or person with an accompanying dog and camping at the Ngawi or Ngawi Surf Breaks sites shall comply with the following conditions at all times;

- a) every dog shall be registered and micro chipped as required under the Dog Control Act*
- b) all dogs shall be on a leash at all times and not left alone on the campsite while the owner is elsewhere*
- c) sufficient food, water and shelter shall be available for the dog*
- d) there shall be sufficient space / separation between any dog and neighbouring campers*
- e) all dog excrement shall be immediately removed and appropriately disposed of or stored for removal from the site*
- f) no aggressive dogs shall be allowed on the campsites*
- g) should an authorised officer of Council deem that one or more of conditions a) to f) above has been breached, the owner and accompanying dog shall be required to leave the site within a time specified by the officer, which shall not exceed 24 hours.*

10.3 Except as stated above, South Wairarapa District Council’s Control of Dogs Bylaw 2013 applies to all Public Places at all times.”

2.2. The Act requires that the Special Consultative Procedure under Section 83 of the Local Government Act 2002 be followed. Council has therefore prepared and approved this Statement of Proposal.

2.3 The proposed change to the bylaw is to be advertised in the *(to be inserted)* and placed on Council’s website, the Council offices at Martinborough and libraries at Featherston and Greytown.

2.4. Written submissions may be made to the South Wairarapa District Council from (*date to be inserted*) until 4.30pm on (*date to be inserted*). Oral submissions will be heard by Council on (*date to be inserted*) if required.

3. Proposal

3.1 The proposal is straightforward.

3.2 It is to modify the bylaw to allow a dog to accompany an owner who is freedom camping at either the Ngawi or Ngawi Surf breaks free camping sites owned and operated by Council.

3.3 This new right will be subject to compliance with conditions designed to minimise the risk of disturbance or nuisance arising from the change which allow dogs onsite, for other campers.

4. Options Considered

Option	Advantages	Disadvantages
1) Status quo – No change made.	Council not put in situation of having to enforce a more complex regulatory situation. Minimum involvement for Council, time and cost savings.	May continue to receive complaints about the ban and spend time explaining why a ban is in place. Discourages public access and use of free camping sites, may affect tourism adversely
2) Allow a dog to accompany an owner camping at Ngawi or Ngawi Surf Breaks.	Enables all members of the community to stay at these sites regardless of whether a dog is accompanying them while they are on holiday. Conditions enable reasonable control of dogs to be maintained.	Time and costs incurred if dog owner / dog not properly supervised / controlled on sites. May upset and discourage other campers at site if dog behaves poorly, may also cause complaints. Chosen locations may face adverse effects arising from a concentration of dog owners taking advantage of the removal of the ban. May result in dog owners assuming same rule for dogs applies at other sites still subject to ban.
3) Allow a dog to accompany an owner camping at any free camping site under Council control.	No potential for confusion over where dogs are allowed or banned. Would reduce the risk of a site being “taken over” by owners with accompanying dogs. Improved accessibility, for a group in the community who want to take their dogs with them when camping.	Likely increased time and costs incurred to control dogs at all free camping sites. Camping sites may face adverse effects arising from conflicts between dog/dog owners and other campers. Possible risk of transmission of disease through presence of dogs at all sites.

6. Submissions

6.1. Any interested person or body can make submissions or comments on the proposed change to the bylaw.

6.2. Copies of the Statement of Proposal are available from Public Libraries, the main Council offices at Martinborough and the Council website www.swdc.co.nz (*search phrase = to be inserted*).

6.3. Council in making its decision will take account of all the submissions made and the statutory provisions of the Act. There will be a Council hearing on (*date to be inserted*) for submitters who indicate they wish to speak in support of their submission.

6.4. After visiting Council's website www.swdc.govt.nz (*search phrase = to be inserted*) to obtain the available information (and to download the submission form), submissions can be lodged by:

- Dropping in your submission form to: Counter, Council Office, 19 Kitchener Street, Martinborough or,
- Posting your submission form to: Draft Amended Coastal Camping Bylaw , South Wairarapa District Council, PO Box 6, Martinborough 5741
or,
- Emailing your submission to: feedback@swdc.govt.nz

Submissions must be received no later than 4.30pm on (*date to be inserted*).

6.5. All enquiries should be directed to Murray Buchanan, Group Manager, Planning and Environment, on phone 306 9611 or email: murray.buchanan@swdc.govt.nz

Attachments

1. Proposed Bylaw as modified by proposal
2. Submission Form

Appendix 2 – Draft Amended Coastal Camping Bylaw 2009

SOUTH WAIRARAPA DISTRICT COUNCIL BYLAW FOR CAMPING IN COASTAL AREAS 2009 (AMENDED 2013)

1. Title

This bylaw may be cited as the South Wairarapa District Council Bylaw for Camping in Coastal Areas 2009.

2. Commencement

This bylaw shall come into force on 17 December 2009.

Update 2013: South Tora camping area reduced, and Ngawi Surf Breaks camping area added 31 July 2013.

3. Applicability

This Bylaw shall apply only to those areas of the District described in Schedule 1 to the Bylaw.

4. Interpretation

For the purpose of this bylaw, unless the context otherwise requires:

'the Act' means the Local Government Act 2002.

'Authorised Officer' means a person appointed by the Council to act on its behalf with its authority

'Camp' means staying overnight in any public place or in any building, structure, or tent on a public place or in any vehicle including campervan, caravan, or any other vehicle that is capable of use for accommodation purpose parked on a public place (and 'camping' has a corresponding meaning).

'Camping area' means areas designated for camping as listed in Schedule 2 to this Bylaw.

'Contaminant' has the meaning given to it by section 2(1) of the Resource Management Act 1991.

'Council' means the South Wairarapa District Council or any officer authorised to exercise the authority of the Council.

'Cycle' means a vehicle that has at least 2 wheels and that is designed primarily to be propelled by the muscular energy of the rider, and includes a power-assisted cycle.

'District' means the district of the South Wairarapa District Council.

'Fauna' means animals of any kind.

'Flora' means plants of any kind.

'Licensed Camping Ground' means a camping ground for which there is a current certificate of registration issued under the Camping Ground Regulations 1985.

'Litter' has the meaning given to it by section 2(1) of the Litter Act 1979.

'Natural water body' means any naturally occurring body of water, including a river, creek, stream, or drain, and includes coastal waters.

'Public Place' means all lands, buildings or facilities owned or administered by the Council and to which the public has access, whether by right or usage, and includes all roads whether formed or unformed, foreshore, beaches and lake and watercourse margins. Licensed Camping Grounds are excluded from the definition of Public Place. The definition of Public Place shall only apply to those areas of the District described in Schedule 1 of the Bylaw.

'Registered' in relation to a vehicle, means registered under the Transport (Vehicle and Driver Registration and Licensing) Act 1986.

'Vehicle' has the meaning given to it by section 2(1) of the Land Transport Act 1998 but does not include cycles.

5. Restrictions on Camping

5.1 No person shall, without the prior written permission of Council, camp in a Public Place, except in the Camping Areas specified in Schedule 2.

5.2 No person shall camp for a period longer than specified for any Camping Area in Schedule 2.

6. Behaviour in Camping Areas

6.1 No person may, in any Camping Area –

- (a) Damage, bury, disturb or remove anything in a Camping Area;
- (b) Plant any tree, shrub or plant, or sow or scatter the seed of any tree, shrub or plant of any kind, or introduce any substance that may be injurious to animal or plant life in the area;
- (c) Fix or place any placard, sign, or noticeboard

Unless –

- (d) Prior approval in writing has been granted by the Council; or
- (e) The activity is required for authorised maintenance purposes.

7. Vehicle Controls within Camping Areas

7.1 No person may drive or ride in any vehicle within any Camping Area in a manner which, having regard to all the circumstances, is or might be dangerous to any person.

7.2 No person may drive or ride any vehicle within any Camping Area in a manner which, having regard to all the circumstances, causes or might cause damage to structures, facilities, flora or fauna.

7.3 No person may drive any vehicle in any Camping Area at a speed in excess of 10km/h or at a speed contrary to the intent of clause 7.1 or such other

speed limit as the Council from time to time may indicate by a sign or signs. This limit does not apply to cycles.

- 7.4 No person may stop or park any vehicle within any Camping Area in such a manner that it causes or is likely to cause an obstruction to any entrance, thoroughfare, path or walkway.
- 7.5 Where, in the opinion of any Authorised Officer, a vehicle (whether complete or not) has been abandoned in any Camping Area, the officer may take possession of the vehicle and dispose of it in the same manner as provided by Section 356 of the Local Government Act 1974.

8. Pollution

- 8.1 No person shall, in any Camping Area wilfully or carelessly -
- (a) Spill oil, petrol or a similar substance
 - (b) Cause oil, petrol or a similar substance to be spilled
 - (c) Discharge human waste to land or water
 - (d) Discharge any other contaminant to land or water.
- 8.2 Human waste may be disposed of at Council-approved dump stations only.

9. Litter

- 9.1 No person shall, in any Camping Area, bury litter or leave litter.
- 9.2 However, a person may leave litter in a bin that is provided in any of the Camping Areas listed in Schedule 1, if the bin is provided by Council for the kind of litter that the person leaves in it.

10. Dogs

“ 10.1 Dogs are not permitted within the Camping Areas listed in Schedule 2 with the exception of the sites located at Ngawi and Ngawi Surf Breaks.

10.2 Any dog owner or person with an accompanying dog and camping at the Ngawi or Ngawi Surf Breaks sites shall comply with the following rules at all times:

- a) every dog shall be registered and micro chipped as required under the Dog Control Act*
- b) all dogs shall be on a leash at all times and not left alone on the campsite while the owner is elsewhere*
- c) sufficient food, water and shelter shall be available for the dog*
- d) there shall be sufficient space / separation between any dog and neighbouring campers*
- e) all dog excrement shall be immediately removed and appropriately disposed of or stored for removal from the site*
- f) no aggressive dogs shall be allowed on the campsites*

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10.3 Should an authorised officer of Council deem that one or more of conditions in section 10.2 a) to f) above has been breached, the owner and accompanying dog shall be required to leave the site within a time specified by the officer, which shall not exceed 24 hours.

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10.4 Except as stated above, South Wairarapa District Council's Control of Dogs Bylaw 2013 applies to all Public Places at all times."

11. Fire

- 11.1 Fires will only be permitted in accordance with the rural fire seasons, as directed by the Wairarapa Chief Rural Fire Officer.
- 11.2 The use of gas fire barbeques is permitted.
- 11.3 Despite Clause 11.2, the Rural Fire Officer may prohibit the use of gas barbeques in a prohibited fire season in specific areas when, in his or her opinion, such prohibition is reasonably necessary and is in the interests of public safety.
- 11.4 Fireworks and flares are prohibited in the Camping Areas listed in Schedule 2.

12. Ordering Off

- 12.1 An Authorised Officer may order any person to leave a Camping Area if that person has committed a breach of this Bylaw. Anyone ordered off by an Authorised Officer to leave a Camping Area must comply with that order immediately and remove all vehicles and effects.

13. Offences and Penalties

- 13.1 Every person who breaches this Bylaw commits an offence and is liable on summary conviction to a fine not exceeding \$20,000; and
- 13.2 Every person who is convicted of an offence against this Bylaw may be liable for the costs of remedying any damage caused in the course of committing the offence.

Schedule 1 – Public Places

Public places are within the areas described below and illustrated on the following maps.

Tora Coast – the area of land bound by the following features:

- Oterei River (northern boundary)
- Pukemuri Stream (southern boundary)
- Mean High Water Springs (eastern boundary)
- One kilometre inland from Mean High Water Springs (western boundary)

Ngawi –the area of land bound by the following features:

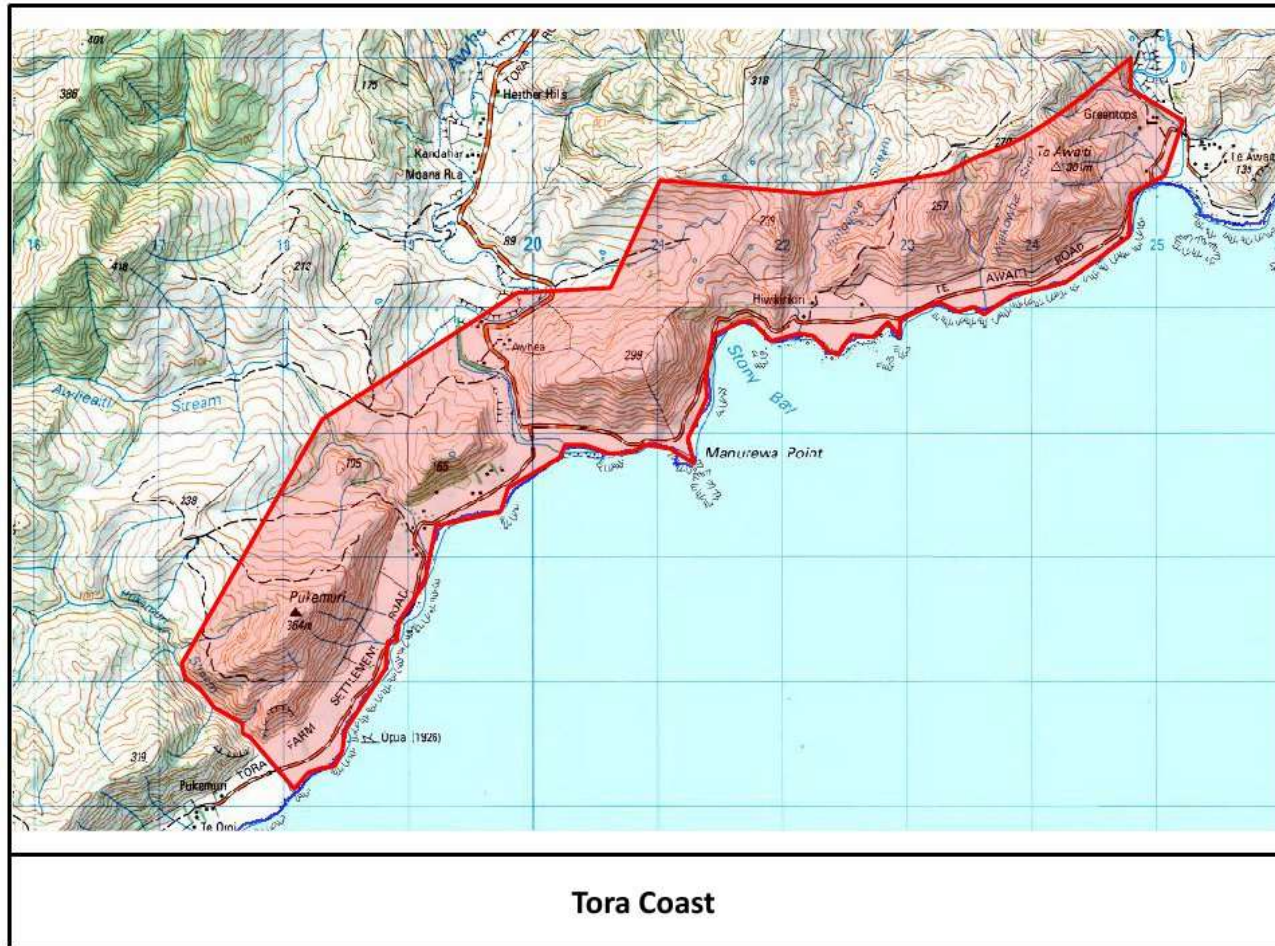
- Blueslip Creek (northern boundary)
- 500m south of Ngawi settlement (southern boundary)
- One kilometre inland from Mean High Water Springs (eastern boundary)
- Mean High Water Springs (western boundary)

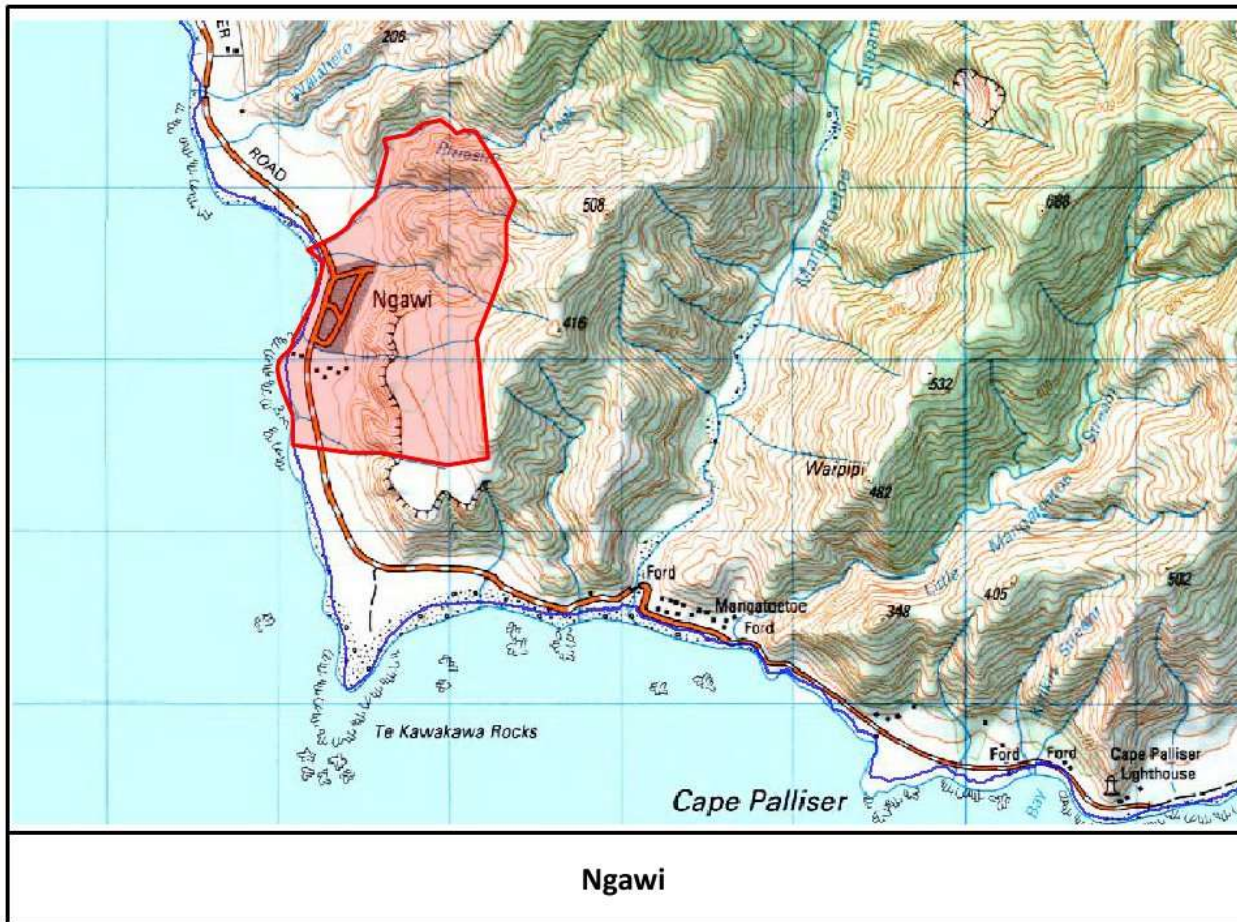
Ngawi surf breaks esplanade reserve – the area of land legally described as follows:

- Lot 2 DP 70767

Te Awaiti esplanade reserve – the area of land legally described as follows:

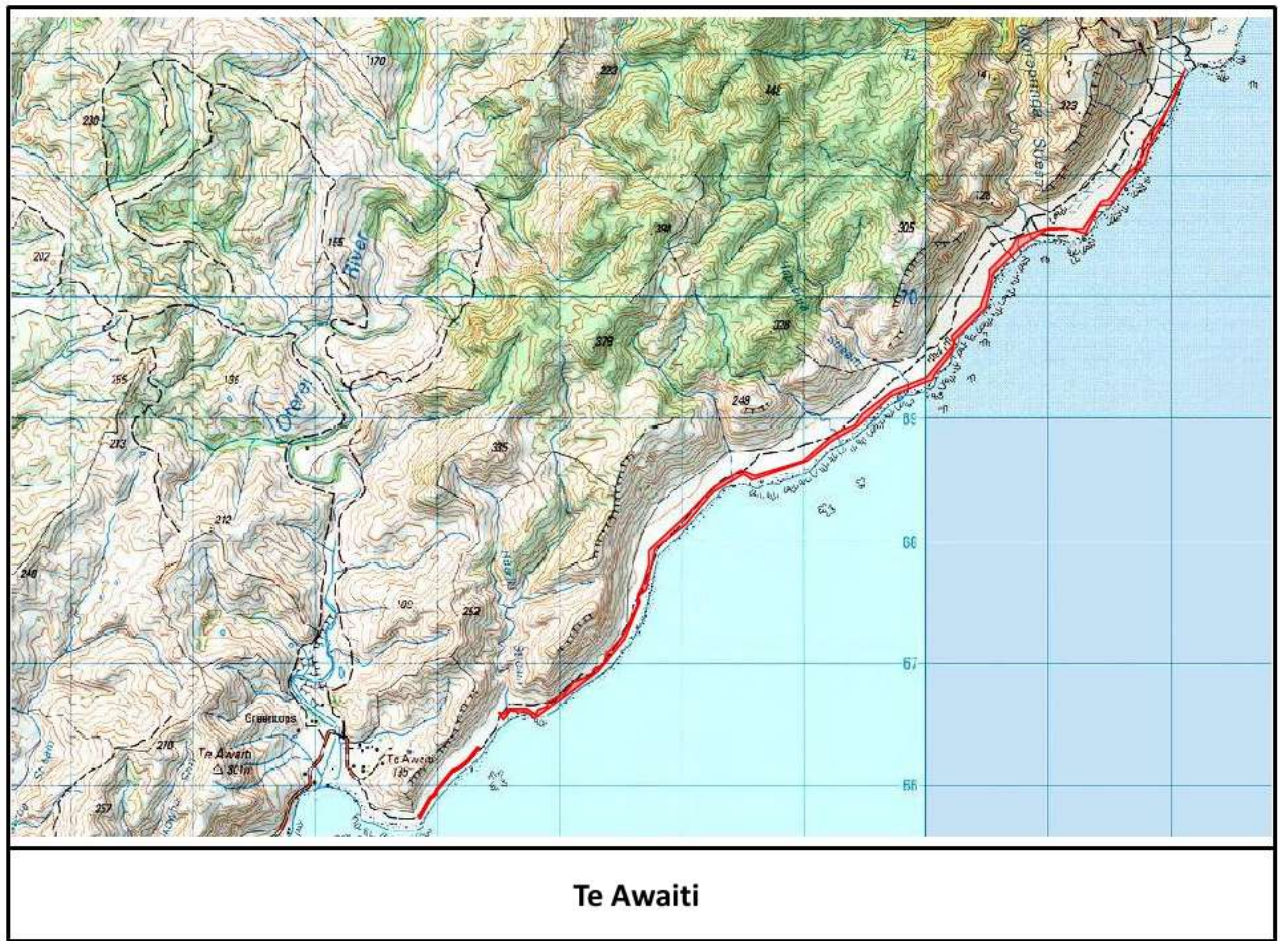
- Lots 3 and 4 DP 87044







Ngawi Surf Breaks - Lot 2 DP 70767



Schedule 2 – Camping Areas

Camping area	Legal description	Site description (see maps)	Authorised camping period and requirements
Ngawi	Lot 101 DP 29304	Coastal side of Cape Palliser Road, opposite settlement area	Camping for up to 21 days is permitted. Camping is only permitted in the area marked on plan and signposted on site.
Ngawi Surf Breaks	Lot 2 DP 70767	Coastal side of Cape Palliser Road, 2.5km north of settlement.	Camping for up to 21 days is permitted. Camping is only permitted in the area marked on plan and/or signposted on site.
North Tora	Sec 303 Awhea District	Coastal side of Tora Farm Settlement Road, south of Awhea River	Camping for up to 21 days is permitted. Camping is only permitted in the area marked on plan and signposted on site.
South Tora	Sec 304 Awhea District	Coastal side of Tora Farm Settlement Road, south of Awheaiti Stream	Camping for up to 21 days is permitted. Camping is permitted in signposted areas only. No camping in campervans or caravans is permitted.
Te Awaiti	Sec 299 Awhea District	Between Te Awaiti Road and Oterei River	Camping for up to 21 days is permitted. Camping is permitted in signposted areas only.



Ngawi Camping Area



