



Statement of Proposal on the PROPOSED AMENDMENTS to the FREEDOM CAMPING BYLAW 2018

TELL US WHAT YOU THINK ABOUT THE PROPOSED AMENDMENTS TO THE FREEDOM CAMPING BYLAW 2018

Consultation closes: **Monday 31 July 2019**

Submissions can be made via:

Our website: www.hurunui.govt.nz/news-and-views/have-your-say

Emailed to: submission@hurunui.govt.nz

Posted to: PO Box 13, Amberley 7441

Hand delivered to: 66 Carters Road, Amberley or any of the Council's Service Centres.

BACKGROUND

Freedom camping is a popular way to travel and see New Zealand. While freedom camping can bring benefits to communities, such as increased business and security, it can also put pressure on infrastructure. For smaller communities the environmental and economic costs can be significant and the infrastructure struggles to cope.

In 2018 the Council made a new bylaw to help manage the impact of freedom camping across the District. This included removing some of the previous restrictions put in place under the Local Government Act and making the bylaw consistent with the Freedom Camping Act.

During the 2018/2019 summer season feedback was gathered which raised concerns about some of the locations where the number of freedom campers had far exceeded expectations.

Scope of Amendment

This amendment specifically considers the changes proposed in the table below. Submissions should relate directly to these changes. These changes are shown in the attached Bylaw as follows:

Text to be deleted: ~~this text will be deleted~~

Text to be added: this text is being added

All text to be amended is shown in red.

The remainder of the Bylaw is not being reviewed at this time and a full review is scheduled for 2023 in line with the Local Government Act.

PROPOSED CHANGES

The Council is proposing to amend the Freedom Camping Bylaw 2018 to address problems identified over the 2018/2019 summer period. The Freedom Camping Bylaw 2018 (including the proposed amendments) is included as Attachment A. The key changes are set out below; additional consequential changes are not included below but are shown in track changes in Attachment A.

Area	Current	Proposed
Scargill-Motunau Reserve – Greta Valley	<ul style="list-style-type: none"> Freedom camping is only permitted within the designated area at the southern end of this reserve. Freedom camping is prohibited elsewhere in the reserve. Non-self-contained vehicles and tents permitted. 	Insert: No more than 6 vehicles or tents at any time.
Glenmark Reserve – Waipara	<ul style="list-style-type: none"> Freedom camping is not permitted in the plantation area. Non-self-contained vehicles and tents permitted. 	Insert: <ul style="list-style-type: none"> Freedom camping is only permitted in the signposted area. Freedom camping is prohibited elsewhere in the reserve. No more than 10 vehicles or tents at any time.
Chisholm Park Carpark – Hanmer Springs	<ul style="list-style-type: none"> Freedom camping permitted during the hours of 8pm to 8am only. Non-self-contained vehicles permitted. No more than 2 vehicles camping at any time. Tents are prohibited. 	Delete from Schedule 2: Restricted areas. The area then becomes a prohibited area as it is located within the Hanmer Springs settlement area where freedom camping is prohibited.
War Memorial Hall Carpark – Hanmer Springs	<ul style="list-style-type: none"> Freedom camping permitted during the hours of 8pm to 8am only. Non-self-contained vehicles permitted. No more than 2 vehicles camping at any time. Tents are prohibited. 	Delete from Schedule 2: Restricted areas. The area then becomes a prohibited area as it is located within the Hanmer Springs settlement area where freedom camping is prohibited.

Area	Current	Proposed
Hanmer Springs River Reserve – Hanmer Springs	<ul style="list-style-type: none"> • Certified self-contained vehicles only. • Freedom camping permitted during the hours of 8pm to 8am only. 	<p>Amend to read:</p> <ul style="list-style-type: none"> • Freedom camping is only permitted in the signposted area. • Freedom camping is prohibited elsewhere in the reserve. • No more than 10 vehicles or tents at any time. • Certified self-contained vehicles only (until such a time that a more suitable toilet is installed. At this time non self-contained vehicles and tents will be permitted).
Old School Reserve – Gore Bay	<ul style="list-style-type: none"> • Freedom camping permitted during the hours of 8pm to 8am only. • Non-self-contained vehicles permitted. • No more than 2 vehicles at any time. • Tents are prohibited. 	<p>Delete from Schedule 2: Restricted areas.</p> <p>The area then becomes a prohibited area as it is located within the Gore Bay settlement area where freedom camping is prohibited.</p>
Cheviot Rest Reserve / Cheviot Service Centre	<ul style="list-style-type: none"> • Freedom camping only permitted between 8pm and 8am. • No more than 2 vehicles at any time. • Non-self-contained vehicles permitted. • Tents are prohibited. 	<p>Increase the number of vehicles permitted from 2 to 4.</p>

REASONS FOR PROPOSAL

What exactly is freedom camping?

Freedom camping means to stay overnight in any form of moveable, portable or temporary accommodation at a council controlled public area that is not a designated accommodation facility. This includes on the side of roads or at a council reserve.

The Bylaw identifies three forms of freedom campers:

1. **Certified self-contained vehicles** – these vehicles are required to comply with New Zealand Standard 5465:2001: Self Containment of Motor Caravans and Caravans. This requires vehicles to carry four litres of freshwater per person per day for a minimum of three days; equivalent wastewater carrying capacity and a toilet that is able to be used even when the bed is made up. For all requirements please refer to NZS 5465:2001.
2. **Non-self-contained vehicles** – these vehicles are often station wagons or vans but can also include larger vehicles that do not comply with the self-containment standard as above.
3. **Tents** – these users rely on a temporary external structure for accommodation. Most concrete carparks are not likely to be suitable for tents.

Hurunui District Council Freedom Camping Bylaw

On 26 July 2018 Council made the Hurunui District Council Freedom Camping Bylaw 2018. This became operative on 1 September 2018. During the summer of 2018/2019 Council undertook the following research:

- reviewed complaints and reported on these monthly
- proactive monitoring runs were introduced where resource allowed
- drop-in sessions were held in Gore Bay, Waiau, Hanmer Springs and Waipara
- an online survey was prepared and advertised on Facebook
- emails were sent to previous submitters.

During this process several problems were identified.

Concern raised by local residents through the drop in sessions included:

- **Freedom camper numbers:** The high number of freedom campers have a cumulative impact on the environment, infrastructure and the community.
- **Undertaking camping activities in public place:** The most commonly cited issues were the hanging of washing in public places or using the abolition block to wash themselves and/or dishes. The comments referred to the dominating nature of these activities and many residents felt that using public places to camp in residential areas was not acceptable.

LEGISLATIVE REQUIREMENTS

The Freedom Camping Act 2011 regulates freedom camping on land controlled or managed by local authorities. Section 10 states that *“freedom camping is permitted in any local authority area unless it is restricted or prohibited in an area – in accordance with a bylaw made under section 11.”*

“Section 11: Freedom camping bylaws

- (1) *A local authority may make bylaws—*
- (a) *defining the local authority areas in its district or region where freedom camping is restricted and the restrictions that apply to freedom camping in those areas:*
 - (b) *defining the local authority areas in its district or region where freedom camping is prohibited.*
- (2) *A local authority may make a bylaw under subsection (1) only if it is satisfied that—*
- (a) *the bylaw is necessary for 1 or more of the following purposes:*
 - (i) *to protect the area:*
 - (ii) *to protect the health and safety of people who may visit the area:*
 - (iii) *to protect access to the area; and*
 - (b) *the bylaw is the most appropriate and proportionate way of addressing the perceived problem in relation to that area; and*
 - (c) *the bylaw is not inconsistent with the New Zealand Bill of Rights Act 1990.”*

Section 12 states that: *“a local authority may not make bylaws under section 11 that have the effect of prohibiting freedom camping in all the local authority areas in its district.”* The Act does not regulate freedom camping on private land (s3) nor does it regulate resting or sleeping at the roadside in a caravan or motor vehicle to avoid driver fatigue (s5).

Assessment under s11 of the Freedom Camping Act

The Council has identified that the proposed amendments are necessary to address the following perceived problems in relation to each identified area:

	Protect the area s11(2)(a)(i)	Protect the health and safety of visitors to the area – s11(2)(a)(ii)	Protect access to the area – s11(2)(a)(iii)
Greta Valley – Scargill Motunau Reserve	The reserve is a centre for sporting, recreation and social activities including a sports domain and nine-hole golf course.	Freedom camping has been unrestricted. The septic tank system is struggling to cope with the increased use which will lead to unsanitary conditions.	Camping at the Scargill Motunau Reserve is near the Pavilion. There are current plans to upgrade the Pavilion. Upgrading the Pavilion will make it better for use by local community

	Protect the area s11(2)(a)(i)	Protect the health and safety of visitors to the area – s11(2)(a)(ii)	Protect access to the area – s11(2)(a)(iii)
		<p>Without adequate toilets freedom camping at the Reserve is not appropriate.</p> <p>The Reserve is also on a restricted water supply. This limits the amount of freshwater that is available for visitors to the area.</p>	<p>groups. Access will be required during the evening as well as through the day and parking will be required to facilitate this.</p>
<p>Proposed amendment: Restrict freedom camping within the Scargill Motunau Reserve to a maximum of 6 vehicles and/or tents within the marked area.</p> <p>Appropriate: The Council considered a range of measures that could be used to address the perceived problems. Details are contained in the section 155 assessment in the Council Paper dated 27 June 2019. Having considered these options it is felt that restricting the number of freedom campers is appropriate as it will enable the local residents to access the Pavilion and ensure the number of campers does not exceed the capacity of the septic tank, or the Reserve’s ability to provide freshwater both to campers and day users. Non-regulatory changes such as improved signage will help manage and reduce freedom camping issues.</p> <p>Proportionate: Reducing the number of permitted campers but continuing to allow freedom camping is a balanced solution which provides for freedom camping but protects both access to the area and protects the health and safety of those visiting the area. If the septic tank fails the site might have to be closed to everyone, this ensures freedom camping is viable longer term.</p>			
<p>Waipara - Glenmark Reserve / Domain</p>		<p>Freedom camping has been unrestricted and the demand has far surpassed expectations. On 22 March 2019 the septic tank reached capacity and the toilets overflowed which created unsanitary conditions.</p>	
<p>Proposed amendment: Restrict freedom camping within Glenmark Reserve to a maximum of 10 vehicles and/or tents</p> <p>Appropriate: The Council considered a range of measures that could be used to address the perceived problems. Details are contained in the section 155 assessment in the Council Paper dated 27 June 2019. An amenity funded project is underway to repair the septic tank. The capacity of the septic tank is anticipated to provide for approximately 22-</p>			

	Protect the area s11(2)(a)(i)	Protect the health and safety of visitors to the area – s11(2)(a)(ii)	Protect access to the area – s11(2)(a)(iii)
	<p>25 people per day. With the assumption that an average freedom camping vehicle has 2 people 10 vehicles is appropriate. This leaves some remaining capacity for day visitors. Non-regulatory changes such as improved signage and the provision of a rubbish bin and collection will help to manage and reduce freedom camping issues.</p> <p>Proportionate: Setting a limit on the number of visitors is a proportionate response to the available facilities and to protect the health and safety of those visiting the site.</p>		
Hanmer Springs – Chisholm Carpark	This carpark is adjacent to a children’s playground. The playground has been used to dry washing.	There is noise pollution for neighbouring residents. The limited size of this carpark makes it inappropriate for large vehicles. The frequency of children in the car park to use the playground when combined with large vehicles increases the risk of an accident.	
	<p>Proposed amendment: Prohibit freedom camping from the Chisholm Crescent carpark.</p> <p>Appropriate: The Council considered a range of measures that could be used to address the perceived problems. Details are contained in the section 155 assessment in the Council Paper dated 27 June 2019.</p> <p>Proportionate: Prohibiting freedom camping from this site is a proportionate response due to the noise created and the effect of this on neighbouring properties.</p>		
Hanmer Springs – War Memorial Hall / Library			Due to the high demand of carparks near the local pubs in the evening the freedom camping parks are rarely available for freedom campers.
	<p>Proposed amendment: Prohibit freedom camping from the War Memorial Hall carparking area on Cheltenham Street.</p> <p>Appropriate: The Council considered a range of measures that could be used to address the perceived problems. Details are contained in the section 155 assessment in the Council Paper dated 27 June 2019. This is appropriate as these parks are not often available for freedom campers and the access to the local businesses needs to be protected.</p>		

	Protect the area s11(2)(a)(i)	Protect the health and safety of visitors to the area – s11(2)(a)(ii)	Protect access to the area – s11(2)(a)(iii)
	<p>Proportionate: The prohibition is a proportionate response as it reflects what is happening in practise. It provides certainty for campers and ensures access to local businesses.</p>		
<p>Hanmer Springs – River Reserve</p>		<p>The toilet is currently not fit for purpose and the septic tank is insufficient for any increased usage (including freedom camping). Overuse creates unsanitary conditions.</p> <p>Some campers wash clothes and dishes in the Hanmer River which creates pollution.</p> <p>Properties neighbouring the site have complained about the noise and light pollution from the site.</p>	
<p>Proposed amendment: Restrict freedom camping within the Hanmer Springs River Reserve to a maximum of 10 self-contained vehicles until such a time when the toilet is upgraded, at which time vehicles and/or tents will be allowed.</p> <p>Appropriate: The Council considered a range of measures that could be used to address the perceived problems. Details are contained in the section 155 assessment in the Council Paper dated 27 June 2019. Council has applied for funding to upgrade the toilet at this location. The capacity of the septic tank is expected to provide for approximately 22-25 people per day. With the assumption that an average freedom camping vehicle has 2 people 10 vehicles is appropriate. This leaves some remaining capacity for day visitors. It has been suggested that the new toilet should have an outdoor sink to provide a location for dishes to be washed.</p> <p>Proportionate: Setting a limit on the number of visitors is a proportionate response based on the facilities available to protect the health and safety of those visiting the site.</p>			
<p>Cheviot Rest Reserve / Cheviot Service Centre Carpark</p>		<p>Due to this site being located in a carpark on SH1 tents are not appropriate.</p>	<p>This medium sized off-street carpark provides parking for the Service Centre, library and public toilets. The carpark is required to access the service centre, library and</p>

	Protect the area s11(2)(a)(i)	Protect the health and safety of visitors to the area – s11(2)(a)(ii)	Protect access to the area – s11(2)(a)(iii)
			<p>public toilets during the day and occasionally for evening meetings.</p> <p>Access to the bins needs to be available both for those using the bins and the rubbish trucks to empty the bins.</p>
<p>Proposed amendment: Increase the number of carparks from 2 to 4 (carparks available to self-contained or non-self-contained vehicles but no tents).</p> <p>Appropriate: The Council considered a range of measures that could be used to address the perceived problems. Details are contained in the section 155 assessment in the Council Paper dated 27 June 2019. It is appropriate to restrict the numbers of freedom campers within the Reserve to ensure access is still available to the public and rubbish trucks. Over the past eight month period two freedom camping parks have been available at this location. Council is not aware of any issues at this site. As the area can be busy during the day and parking is required for the public toilets and for those attending evening events some restriction is appropriate.</p> <p>Proportionate: As there are no current issues at the site the proposed amendment proposes an increase in the number of car parks available.</p>			
Gore Bay – Old School Reserve Carpark	<p>This medium sized off-street carpark serves as the major off-street parking for public access to the beach at Gore Bay.</p> <p>There is no cellphone coverage in Gore Bay which means it is hard to find a suitable alternative once the parks are full.</p>	<p>In the first eight months after the bylaw became operative 42 (of 69) complaints related to Gore Bay. These were predominantly for parking in a prohibited area. The further 16 related to overcrowding at the Old School Reserve.</p> <p>There are complaints that freedom campers monopolise the carpark and public toilets and campers have been using the ablutions block for washing both themselves and dishes</p>	<p>Popular day excursion and holiday area used throughout the year by a number of recreational users creating potential access issues particularly during the main tourist periods.</p>

	Protect the area s11(2)(a)(i)	Protect the health and safety of visitors to the area – s11(2)(a)(ii)	Protect access to the area – s11(2)(a)(iii)
		which creates unsanitary conditions.	
<p>Proposed amendment: Prohibit freedom camping from the Old School Reserve carpark.</p> <p>Appropriate: The Council considered a range of measures that could be used to address the perceived problems. Details are contained in the section 155 assessment in the Council Paper dated 27 June 2019. Prohibiting parking as this site is appropriate due to the ongoing complaints regarding the site and the knock on effect of people camping in other prohibited locations within Gore Bay. Having one rule for Gore Bay will help to simplify the messaging.</p> <p>Proportionate: Due to on-going complaints regarding the freedom camping area and the difficulties in responding to all of these immediately prohibiting freedom camping from this site is a proportionate response.</p>			

The Freedom Camping Act and the Local Government Act both require an analysis of whether a bylaw impacts on rights protected by the New Zealand Bill of Rights Act 1990. Everyone lawfully in New Zealand has the right to freedom of peaceful assembly (s16), freedom of association (s17), and freedom of movement (s18). This assessment is included in the s155 analysis

Local Government Act section 155 determinations

As part of reviewing a bylaw under the Local Government Act Council must determine:

- a. whether a bylaw is the most appropriate way of addressing the perceived problem;
- b. whether the proposed bylaw is the most appropriate form of bylaw and determine that the proposed bylaw does not give rise to any implications under the New Zealand Bill of Rights Act 1990;
- c. that the bylaw is not inconsistent with the New Zealand Bill of Rights Act 1990.

The assessment under s155 of the Local Government Act 2002 can be found attached to the Council Paper dated 27 June 2019 or by following this [link](#).

CONSULTATION AND SUBMISSIONS

Anyone can make a submission on the Proposed Amendments to the Freedom Camping Bylaw 2018 and we encourage you to let us know your views.

What is a submission?

Submissions are a record of your views on a particular issue. Making a submission ensures your views will be heard and considered by Councillors as part of their decision-making.

Some of the things you could consider including:

- How do the amendments affect you? – Are you a local resident, a freedom camper, a frequent visitor to a particular area?
- What are your experiences? – What have you witnessed? What are your own experiences?
- Note: freedom camping can only be prohibited or restricted to:
 - Protect the area
 - Protect the health and safety of visitors to the area
 - Protect access to the area.
- Restrictions or prohibitions must also be proportionate to the perceived problem.

Where can I find information?

The Proposed Amendments to the Freedom Camping Bylaw are attached. Further information can also be accessed by:

- visiting a Council library or Service Centre.
- the Council's website: www.hurunui.govt.nz/news-and-views/have-your-say/
- requesting further information from Council Officers.

How can I make a submission?

Any person, group or organisation can make a submission on the content of the Proposed Amendments to the Freedom Camping Bylaw.

Submissions must be received in writing by **5pm on Wednesday 31 July 2019**. Those who file a written submission have the option to present their views to the council in person. Submitters wishing to be heard in support of their written submission must clearly state this in their submission.

Submissions can be:

Emailed to: submissions@hurunui.govt.nz

Posted to: Hurunui District Council; PO Box 13; Amberley 7441

Delivered to: Hurunui District Council; 66 Carters Road; Amberley or any of the Council's service centres.

Please note, submissions will be publicly available on the council's website, through inclusion in council agendas, and/or retrievable by request under the Local Government Official Information and Meetings Act 1987. Private and personal details can be redacted on request.

WHAT HAPPENS NEXT?

1. **Prepare your submission**

To have your say you need to prepare a submission and get this to Council by 31 July 2019. If you don't prepare a submission your voice won't be heard. A submission doesn't have to be long or complicated, even a few sentences clearly outlining your issues and proposed solutions can be effective. Include in your submission if you wish to speak at the hearing.

2. **Acknowledgement from Council Officers**

At the end of the submission period you will receive an email acknowledging your submission. If you have requested to be heard this email will include further information about the hearing. All submissions will be available on the Council's website at:

www.hurunui.govt.nz/news-and-views/have-your-say.

3. **Council hearing**

Council is required to consider all submissions; this is done in a formal Council meeting. At this time Council will also hear from anyone who indicated they wished to be heard. This will be as informal as possible and you are welcome to contact Council Officers in advance of the meeting if you have any questions regarding the process.

4. **Council decision**

After submissions have been heard and considered Council will decide if any additional changes to the Freedom Camping Bylaw are required. The Amendment to the Bylaw will then be made operative through a Council resolution and publically advertised.

5. **Changes operative**

As part of the decision a date will be set which determines when the changes will take effect.

Attachments

- A. Proposed Amendments to the Freedom Camping Bylaw 2018
- B. Submission form