

SUBMISSION TO Hurunui District Council

REGARDING Amendments to the Freedom Camping Bylaw 2018

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WISH TO SPEAK Yes

Executive Summary

1. The New Zealand Motor Caravan Association Inc. (**NZMCA**) welcomes the opportunity to submit on the proposed amendments to the Freedom Camping Bylaw 2018 (**the bylaw**). The NZMCA is a ratepayer within the Hurunui District and operates low-cost campsites in Parnassus and Hanmer Springs.
2. The NZMCA has reviewed the public note and statement of proposal (**the proposal**), along with Council agenda documents pertaining to freedom camping dated 2 May 2019 (**the May Report**) and the 27 June 2019 (**the June Report**), and the Council meeting minutes dated 2 May 2019 (**the May minutes**).
3. The NZMCA is generally opposed to the proposal and argues key amendments to the bylaw are neither appropriate nor proportionate to the perceived problems.
4. To be frank, it seems the Council is pandering to the constant and largely irrelevant cries of a 'squeaky wheel', and its clandestine attempt to oil the wheel through this review places the bylaw in a precarious position. As a ratepayer and representative of tens of thousands of New Zealanders who will be significantly affected by this proposal, we are disappointed with the proposal and argue the Council has a statutory duty to remain impartial and undertake a fairer assessment.
5. The NZMCA strongly recommends:
 - a. Retaining the restricted freedom camping areas at Chisholm Park carpark and War Memorial Hall carpark in Hanmer Springs (to avoid a blanket ban and **likely judicial review** of the bylaw);
 - b. Retaining the restricted freedom camping areas at Old School Reserve in Gore Bay (to avoid a blanket ban and **likely judicial review** of the bylaw); and
 - c. Controlling numbers within a restricted area by re-defining the space as opposed to capping the maximum number of vehicles (this is designed to improve enforcement).

About the NZMCA

6. Formed in 1956, the NZMCA is not-for-profit club representing the interests of over 90,000 individual New Zealanders who share a passion for exploring our country at leisure in the certified self-contained motorhomes and caravans. Over 2,800 individual members reside in North Canterbury, many of who enjoy freedom camping in their own backyard.
7. The NZMCA is one of (if not the) largest domestic tourism organisations in New Zealand and is projected to surpass 100,000 individual members in 2021.
8. The NZMCA and its members pay property rates, GST and income tax all of which help fund public infrastructure enjoyed by visitors and New Zealanders nationwide. The NZMCA actively supports public-private partnerships. Over the past two decades we have partnered with dozens of local authorities to co-fund the construction of hundreds of public dump stations and other tourism facilities nationwide. The NZMCA continues to work alongside Local Government New Zealand and its members, financially supporting community projects that benefit local authorities and the tourism sector generally, e.g. the development of guidance material to improve decision-making and encourage a more holistic approach to managing camping and tourism growth.
9. In early 2014, the NZMCA spearheaded the 'off the beaten track' campaign – an initiative later adapted by Tourism New Zealand. Working in close partnership with the Department of Conservation, local authorities, and regional tourism operators nationwide, the NZMCA's campaign actively drives motorhome tourism to regional and provincial New Zealand encouraging visitors to explore and support some of the country's lesser known areas while helping to reduce pressure at popular camping sites.
10. The NZMCA's Motorhome Friendly Town's scheme (www.mhftowns.com) operates alongside the 'off the beaten track' campaign and local events promotional programme. Since 2010, some 54 towns throughout New Zealand have been awarded motorhome friendly status. The number of certified towns is steadily increasing as more communities express an interest in participating and financially benefiting from the scheme.

Freedom camping – a traditional and beneficial activity

11. The Council must appreciate that freedom camping is not purely an activity undertaken by young overseas tourists travelling on a shoestring budget. Parliament has recognised, through the enactment of the Act, that freedom camping is a traditional activity enjoyed by many Kiwi families¹. NZMCA members value the opportunity to explore New Zealand and freedom camp in a variety of locations, including sites within city, urban, residential, town centre, rural, and remote areas.

12. When discussing the presumption of the Act the then Minister of Conservation, Hon Kate Wilkinson, stated

“Freedom camping is a valued tradition in New Zealand, as we have heard, and this Government wants to ensure that it stays that way....The presumption is that people can camp unless a location is specifically restricted....This bill is purposely pro-camping, as we recognise that the majority of freedom campers are responsible and take great care to clean up after themselves.”

13. Furthermore, when discussing the benefit of the Act to New Zealand families the MP for Christchurch Central, Nicky Wanger, stated

“The [Act] for the first time, enshrines the right of New Zealanders to go freedom camping as a default setting. New Zealanders can camp as of right on public land and Department of Conservation land, unless there is a good reason not to allow it...In creating these by-laws, [local] authorities need to prove that there is a real problem. This bill ensures that they can no longer impose blanket bans and it will give consistency across the country...[Local] authorities can impose those by-laws within only very limited geographical areas.”

14. The National MP for Taupo, Hon Louise Upston, also gave Parliament a personal account when discussing the purpose of the Act:

“...the main point I want to make is that [the Act] is about protecting the right of New Zealand families to camp, I want to give a personal example. I was raised camping by the lakes, by the rivers, and by the beaches. I remember times with my son when staying in a camping ground was not affordable at the time. So we would pack up the borrowed tent, jump in the car, and drive to a place that was yet undiscovered.”

“This bill protects the right of New Zealanders to have those kinds of adventures in this country because it will stop the blanket [ban] by-laws.”

¹ https://www.parliament.nz/en/pb/hansard-debates/rhr/document/49HansD_20110817_00000001/freedom-camping-bill-in-committee-third-reading

Comments on the proposal

Prohibiting freedom camping in Hanmer Springs Township and Gore Bay

15. From the outset, the NZMCA is opposed to prohibiting all certified self-contained freedom camping within these two popular areas. We do not agree with the Council's justification nor do we accept the decisions uphold the overriding premise of the Freedom Camping Act 2011.
16. The existing bylaw prohibits freedom camping throughout the Hanmer Springs Township area save for four individual carparks, therefore a maximum of four self-contained motorhomes can lawfully freedom camp throughout the entire township of Hanmer Springs at any one time. The existing bylaw also prohibits freedom camping throughout Gore Bay save for two carparks at the Old School Reserve. At all three sites, freedom camping is restricted to two nights within a 30-day period.
17. The proposal, if adopted, removes an existing right enjoyed by the vast majority of responsible campers and effectively creates a blanket ban on all freedom camping throughout the Hanmer Springs township and Gore Bay – popular destinations for visitors and freedom campers alike.
18. On the face of it, the proposal largely relies on community concerns as justification for prohibition, including “rubbish”, difficulty distinguishing between campers and day trippers, “washing lines”, proximity to a playground, “conflict between campers and local bars”, and “lack of cell phone reception to look for alternative sites”. These are tenuous reasons to prohibit freedom camping and will result in unreasonable and unlawful blanket bans. Rubbish and washing lines, if at all significant issues, can be easily addressed through additional restrictions and the provision of more bins, noting day visitors and residents also make use of these facilities. Not all campers rely on cell phones to search for freedom camping sites. The NZMCA provides each of its 90,000 members with access to a Travel App alongside a published travel directory that specifies where people can freedom camp. Nevertheless, there is only one area in Gore Bay that permits freedom camp, therefore the cell phone argument seems irrelevant.
19. Having read the Council reports and May minutes, it seems the overriding need to find a justifiable reason to prohibit freedom camping is the catalyst behind this review. Furthermore, there appears to be a misguided assumption that simply providing a table of assessments will satisfy the Council's statutory obligations, regardless of whether the assessments are robust and critically review the issues and options available to Council. The proposed outcomes will remove an existing right that campers currently enjoy and therefore the depth and critique of the policy analysis deserves to be proportionate to those outcomes.
20. Figure 1 (below) makes it difficult to comprehend that freedom camping must be prohibited in a designated public carpark at Chisholm Crescent, when the same types of vehicles used to freedom camp are lawfully permitted to park there during the day, arguably when the vast majority of children will be using the playground. We don't imagine many (if any) children use the playground late into the evening or at night, when freedom camping generally takes place.

Furthermore, there is at least 12m of sealed carpark and grass verge between the playground and two designated freedom camping carparks, which should mitigate any risk of an accident. Surely the Council expects responsible parents will ensure their children, at risk of causing an accident, do not play within or cross the designated public carpark unattended.

21. We are not convinced the Freedom Camping Act enables bylaws to prohibit freedom camping in favour of providing carparks for local pubs, who have no priority or ownership over public space, or justify the need for prohibition simply because the restricted areas are rarely available anyway. More importantly, given there are only four spaces available to freedom camp in town, by confirming half of these permitted sites are unusable anyway would further our previous argument of an unreasonable and substantive blanket ban. And if the Council is prepared to review it bylaw by further limiting freedom camping in public areas to manage conflict with other users, surely it must also consider protecting the two freedom camping sites at War Memorial Hall through similar measures, or at least relocating the sites to an area of equal desirability?
22. Page 35 of the June Report notes “a potential risk to the Council proposal is that in some areas the proportionality of this response imposed by the bylaw may be debateable”. In our view, not only is the proposal debateable it is unreasonable, clearly in breach of section 12 of the Freedom Camping Act, and a disproportionate response to the perceived problems.
23. Page 41 of the June Report also acknowledges that prohibiting these sites “further limits the freedom camping opportunities in Hanmer Springs and Gore Bay.” In reality, the proposal seeks to deny all opportunities to freedom camp both areas.



Figure 1: Chisholm Park, Hanmer Springs

Background discussion

24. The proposal acknowledges “freedom camping is a popular way to travel and see New Zealand”, however it confines the benefits to “increased business and security”, while suggesting the activity is a burden on communities and infrastructure with “significant environmental and economic costs”.
25. While the noted benefits are relevant and important to communities, the Council must also recognise the significant social benefits that freedom camping offers New Zealanders and Hurunui residents alike. Council policies seek to promote opportunities that support cultural and social well-being throughout the district, however these policies appear to be conveniently overlooked when debating the merits of freedom camping.
26. Significant weight is placed on the ‘cost’ of freedom camping to Hurunui, however to the best of our knowledge there is no credible or independent analysis, or at least a high-level comparison, on what exactly the attributable costs and benefits are to the district. For the most part, the Council appears to rely on anecdotal feedback from stakeholders with a vested financial interest in opposing freedom camping.

Restricting vehicle numbers

27. The proposal seeks to resolve capacity concerns by specifying the maximum number of vehicles permitted at restricted sites, e.g. Scargill-Motunau Reserve, Glenmark Reserve, Hanmer Reserve, and Cheviot Rest Reserve / Service Centre.
28. From experience, unless the individual sites are demarcated, there is a high risk that limiting vehicle numbers will complicate enforcement and inevitably lead to further public consternation. Without demarcated sites, it will be difficult for enforcement officers to determine who arrived last if the restriction is breached, leaving the enforcement officer in the precarious position. This type of restriction is set up to fail, and if applied it will eventually lead to another review of the bylaw, most likely including further restrictions/prohibitions.
29. One solution, where it is not possible to demarcate individual sites, is to simply define the restricted parking area and let it operate on a first-come, first serviced basis. Anyone camping beyond the permitted boundaries will clearly be in breach of the bylaw and liable for an infringement notice.