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Wellington City Council

Draft Camping Bylaw 2013

Hearing Submission

09 December 2013

1. Good morning. My name is James Imlach and I am the Resource Management Planner for the New Zealand Motor Caravan Association. On behalf of the Association, thank you for the opportunity to speak at today's hearing via teleconference. If it will aid the committee I am happy to email a copy of my oral submission to Council.
2. Most of you will be aware that the NZMCA is a national organization representing over 51,000 New Zealanders who are passionate about exploring our country in their purpose built motorhomes and caravans. Our members have an affinity with freedom camping and protecting their ability to freedom camp (responsibly) is their number one priority. The Association supports the Freedom Camping Act's infringement regime along with the Act's permissive intent; however we have serious concerns with the way many local authorities are misinterpreting or ignoring the Act's specific bylaw-making requirements.
3. Because of this issue, the NZMCA is investing significant resource into ensuring camping-related policies and bylaws are consistent with the Act's purpose and intent. And although the Association prefers to engage collaboratively with local authorities, it is prepared and well equipped to litigate if necessary – as you may have seen with our recent court case against the Westland District Council.
4. We have submitted on every known draft camping-related policy and bylaw nationwide since the Act received royal assent in August 2011. We have worked very closely with numerous local authorities, LGNZ, DIA, DOC and the best legal minds in NZ to provide advice

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and guidance on how to create fair, lawful and consistent bylaws. In our written submission to Wellington's proposal we discussed the formation of a model bylaw. This resource is now available through LGNZ's website (<http://www.lgnz.co.nz/home/our-work/our-policy-positions/environment-and-regulation/freedom-camping/>)

5. As noted in our submission, we applaud the Wellington City Council, and in particular their staff working on this project, for undertaking an open and transparent consultative approach, which has ultimately led to a draft bylaw that we can support. I can assure you very few local authorities receive such praise from the NZMCA at hearings on draft camping bylaws. The recommendations we make are designed to enhance the permissive approach Council's is seeking to adopt, and could also provide a model example for other local authorities to follow. At this stage we'd be happy to recommend the Auckland Council considered your approach and proposal when they eventually review their legacy camping-related bylaws later this year.

6. Freedom camping on public land is regulated under various statutes and it is clear, following various legal opinions, that the Freedom Camping Act does not trump the camping-related provisions made under other statutes, e.g. Reserve Management Plans made under the Reserves Act, District Plans under the Resource Management Act, and other bylaws under the Local Government Act. Unfortunately, this has created a complex situation for local authorities to contend with and for the public to make sense of. At the end of the day, we believe Council wants to protect the environment and the welfare of its communities within the parameters of the law, and prospective freedom campers want to be made to feel welcome and know what they can and cannot do when visiting Wellington. The NZMCA also wants to communicate Wellington's camping laws to its large membership base, and so we require sufficiently clear information from Council to enable this.

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7. To help achieve both objectives we believe it would be practical for Council to schedule a list of local authority areas where freedom camping is permitted, restricted or prohibited under other statutes and communicate these through your visitor information guides. For example, freedom camping is automatically prohibited on reserves where the activity is not specifically allowed for under a Reserve Management Plan. If one of these reserves, that could reasonably accommodate campervans, is not captured under this freedom camping bylaw then many could assume it is now, by default, open to freedom camping. We are sure this is not Council's intention and that it would want to avoid the potential for such confusion from the outset.
8. Further to this, we recommend due consideration be given to permitting freedom camping (with or without restrictions) in areas where the activity is currently prohibited under other statutes, taking into account the permissive regime set out in the Freedom Camping Act. We have offered examples in our written submission, and consider it would be useful for Council Officers to further engage with local NZMCA members to investigate prospective sites.
9. As noted in our submission, Wellington is a popular stop-over for members travelling between the North and South Islands and they want to stay close to the CBD, however other than the Waterfront Motorhome Park (which we understand is scheduled to be closed shortly) there is a severe lack of suitable overnight parking locations close to Wellington Central. Ferry records indicate around 30,000 movements per year and given how much the average tourist spends while out and about in a motorhome, we suggest Council and local CBD businesses are missing out on a potentially large revenue stream.
10. If Council is willing to work with the NZMCA to find suitable locations close to the CBD then we could look to promote Wellington as a motorhome friendly destination.

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11. We have read the submissions of those speaking today and note the majority generally support Council's approach. We also note a few submissions oppose freedom camping for reasons that may be inconsistent with the Act's relevant bylaw making powers. In our opinion, the Council has a fairly good grasp on the legislation and that any decisions will be consistent with the requirements of the Act, therefore we do not consider it necessary to address each opposing submission point, which we would disagree with, in turn. The only comment we make, further to our written submission, relates to prohibiting freedom camping in order to protect amenity values. We have read and accept the officer's draft response on this point insofar as it applies to central city parks. Following the outcome of this hearing, we would appreciate notification for comment of any additional sites that may be prohibited under the bylaw, for reasons that relate to the preservation of local amenity values.

12. To conclude, while we have made some recommendations to improve your overall approach, in the main we believe Council genuinely wants to welcome responsible freedom campers, which is greatly appreciated by the Association and its members. We believe your approach can be applied in other districts and sincerely hope their local authorities take note of your example.

Thank you,

James Imlach