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UPDATE to the Omaha Community on Freedom Camping

The Auckland Council has passed a proposal last month that would allow for an unlimited number of certified vans and caravans to live indefinitely across residential suburbs of Auckland. Please note our Councillor Greg Sayers raised his serious concerns with this proposal with council officers but was knocked back.

Auckland Council have passed this proposal while allocating only limited extra funds to monitor compliance of the Freedom Camping bylaw.

History

Back in 2019, OBC, with the backing of the Omaha Community, successfully stopped Auckland Council's proposed Freedom Camping Bylaw that would have made Omaha the location of the highest number of Freedom Camping sites in any one community. This, together with opening all our roads to unlimited and unrestricted living in vehicles across the residential streets in our community. After Auckland wide protest and the Omaha legal challenge, Auckland Council, at that time, passed a unanimous motion to develop a new bylaw which is now proposed.

New Freedom Camping Proposal from Auckland Council, passed in September, to go for consultation October/ November 2021

The key aspects of the bylaw currently proposed for Auckland are:

- (a) All roads across the whole of greater Auckland (except where there are currently parking restrictions) will become "restricted freedom camping sites", with the only restrictions being on the number of nights in a carpark on a single road, and allowing only for self-contained vehicles displaying a blue sticker.
- (b) There will be no limit on vehicle numbers in a street.
- (c) There will be no limit on vehicle numbers in a broader residential area, as long as that area has 7 or more streets, a certified van will be able to live indefinitely on the streets in that suburb or locality.
- (d) There is provision for only limited additional resources for enforcement or for monitoring compliance.

- (e) Auckland Council has not followed other cities that have had a bylaw for some years. In Tauranga there are restrictions on freedom camping outside houses and businesses, and in Gisborne and Queenstown, there are prohibitions in their urban limits. All these cities meet their freedom camping requirements to the Act by opening up a selection of designated FC sites within their city boundaries.
- (f) Reserves protected under the Reserves Act are excluded under this Freedom Camping bylaw and normal management of reserves, as allowed in their individual reserve plans, continues unchanged.

The OBC's position is that the Auckland Councils' proposal with regard to opening the streets of Auckland to unlimited and unrestricted camping in a blue stickered vehicle is flawed, unreasonable, unworkable and unlawful.

The proposed bylaw would fail to contain "freedom camping", or to protect residential areas, at all.

The consequence will be that "campers" in a self-contained stickered van can live on the residential streets of any suburb across Auckland indefinitely. In practice the coastal suburbs of Auckland and nearby suburbs will be most popular for living in a vehicle. Theoretically, the "campers" are entitled to park on a street only for a determined number of days/nights before having to move. Technically they can then move to a neighbouring street and they are not entitled to return to the same street for 14 days. But common sense tells you that such theoretical restriction will be impossible to police and enforce. Even if the restriction were observed, so long as there are seven streets in any given residential area, the "freedom camper" can live in the same area indefinitely.

It is also obvious that in practice the proposed bylaw would be impossible for the Council to enforce over much of greater Auckland, particularly so for the more distant parts of Auckland like Omaha and even the East Coast Bays, but also for all of the other Maritime suburbs of Auckland where "campers" may like to park up for a time.

It seems to us that the proposed bylaw would place serious pressure and cost on local communities and their amenities, both in terms of unwanted camping in the streets, and in terms of additional strain on infrastructure and resources such as reserves, toilet blocks, and rubbish collection. It could also affect the availability of short-term parking for residents and their visitors, and access to private residential properties and it could well make some roads inappropriately congested and partially obstructed.

An important final observation we would make in regard to the Councils' proposed bylaw is that at no time has the community at large, being the residents and ratepayers of Auckland, ever been asked if they are happy for Freedom Campers on the streets outside their residential properties. The proposed "consultation" is flawed.

Action from OBC

The OBC, representing the small residential community at Omaha, vehemently opposes the proposed bylaw and in our view, many other residential communities across Auckland should be just as opposed as we are. We have obtained a QC legal opinion that states this is unlawful. Our only way to stop this is to take a legal challenge and we will reach out to the community in the near future with regard to this process. While the bylaw consultation process may allow for a small tweak on say number of nights for vehicles to be on one road, the bylaw will remain fundamentally unchanged, with the

Auckland Council already stating any additions to prohibited areas would not be considered for 2 years or more.

The High Court in *New Zealand Motor Caravan Assoc Inc v Thames-Coromandel District Council* (TCDC) decision held that the TCDC proposal for various restrictions on freedom camping, including the protection of residential areas, was lawful. The Auckland Council official's advice to its Councillors to the effect that the Freedom Camping Act does not permit such restrictions is plainly incorrect