



**Port Marlborough**

# **Freedom Camping Bylaw 2020**

27 August 2020

**Submission by Port Marlborough**

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*Use of Memorial Park adjacent to Picton Marina as a freedom camping site is ill-considered and Port Marlborough strongly opposes the proposal.*

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## **INTRODUCTION**

Port Marlborough (PMNZ) is a port company under the Port Companies Act 1988. Port Marlborough is the regional port operator and owns and operates marinas at Picton, Waikawa and Havelock.

Picton Marina is a significant marina with high amenity value. It comprises 206 recreational berths with power and water, ablution facilities and a launching ramp. The marina facilities are maintained to a very high standard and services include laundry facilities, waste disposal and recycling.

Picton Marina has strong positive economic, recreational and social benefits for the community of Picton. It is a 'jewel in the crown' for Picton and redevelopment of the inner marina basin during the 2000's was instrumental in securing Picton's reputation as a world class harbour, foreshore and marina precinct.

Marlborough District Council's (MDC) proposed Freedom Camping Control Bylaw 2020 proposes use of land at Memorial Park, immediately adjacent to Picton Marina, for freedom camping.

PMNZ is deeply concerned by this proposal. If enacted, it will have very significant adverse effects on Port Marlborough's Picton Marina operation, and the utility and amenity of our customers and local community members.

In particular, the proposal would negatively and unreasonably impact our operations from a health, safety and security perspective and will damage our customer's experience. Further, it will have deleterious effect on community amenity and impinges PMNZ's existing use rights.

PMNZ has not been consulted at any point regarding the proposal and was extremely surprised to see the announcement in the media.

## **HEALTH AND SAFETY - MARINA OPERATIONS**

Section 4.2 of the Bylaw states that one of three purposes of the proposal is to protect the health and safety of people who may visit the area.

PMNZ is the sole operator of the marina, including car parking area, launch ramp and overflow parking. As such we have responsibilities, obligations and duties of care for the health and safety of workers, contractors and visitors to our site as per the Health and Safety at Work Act 2015.

It is our firm belief that introducing freedom camping spaces at the site will have a negative impact on the health and safety of people visiting the area.

A reoccurring theme at each of Port Marlborough's marina facilities is that the presence of freedom campers presents a safety risk to PMNZ's workers and customers. Freedom campers frequently attempt to use marina facilities intended only for the use of berth holders and launching ramp users, often resulting in confrontations. Misuse of amenities for food preparation, washing dishes and even cleaning pet animals are the types of occurrences that we experience. PMNZ staff and customers who have challenged this behaviour have been threatened on numerous occasions. PMNZ is committed to providing safe and healthy working conditions and to eliminate and reduce risks, due to its locality to Picton Marina the proposed freedom camping area will significantly increase the level of risk to PMNZ workers.

The Picton Marina access road was carefully designed to meet traffic flow and capacity requirements. A key consideration was also to provide adequate access for the emergency vehicles based at the St John and Coastguard sites adjacent to the proposed freedom camping site. Placing additional traffic flow on this network, particularly with the nature of the traffic being large slow moving vehicles, will result in increased risk of vehicle collisions and obstruction to emergency vehicles responding to call outs.

One of PMNZs identified Critical Risks' is the interface between pedestrians and vehicles. Collisions between plant/vehicle and pedestrians is one of the biggest causes of serious harm and fatalities in New Zealand's places of work. The proposed freedom camping site will increase the likelihood of incidents occurring. This again undermines PMNZ in meeting their duty to provide a safe and healthy place of work.

It is also highlighted that Memorial Park is used for the landing of the ambulance helicopter and not only would the reduction of available space create a hazard but litter discarded by freedom campers would pose a FOD hazard to the aircraft.

## **SECURITY**

Section 4 of the Bylaw states that two of three purposes of the proposal is to protect the area and protect access to the area.

PMNZ provides management and security oversight of the area. It is our view that the introduction of freedom camping spaces will have a negative effect on the area, in terms of 4.1 and 4.3, from a security perspective.

The area proposed is not well lit and is contiguous with an area where high value property and vehicles are kept.

The proximity to a paid parking area is also another issue for PMNZ. There is the obvious temptation for freedom campers to use marina parking at times where the 10 proposed spaces are fully occupied.

In our opinion the proposal will increase the requirements for security in the area; it will require 24/7 coverage to ensure health, safety and security compliance.

## **EXISTING USE RIGHTS**

PMNZ has an existing right to use Memorial Park for overflow Marina parking. This right dates from 1996 and is formalised through an agreement between PMNZ, MDC and the Picton Returned Service's Association (RSA). This agreement remains in place currently until 2021 and we anticipate that a further extension of the agreement will be available. The terms of the agreement currently provide the Picton Memorial Trust with a \$4,500 per annum contribution to its funds set up to benefit young people in Picton.

The proposed freedom camping area therefore impinge PMNZ's existing use rights and is inconsistent with section 4.3 of the Bylaw.

PMNZ uses the Memorial Park area to accommodate overflow parking of paying marina customers using the marina launch ramp. Demand for these overflow facilities has increased over the years and all of the available space is required, as during peak times this overflow parking area reaches maximum capacity of 240 cars and trailers. If an area of the park is designated for freedom camping the displaced cars and trailers will be forced to park on the roadside causing congestion, increased risk of road accidents and access issues for local residents. The original justification for making Memorial Park available as an overflow park was to prevent these complications. Trailer boating is rapidly increasing in popularity and is generally enjoyed by Marlborough residents and visitors alike.

## **CUSTOMER EXPERIENCE**

Picton Marina provides ablution facilities for its paying customers. We accept that members of the public will occasionally use some of these facilities. However, it is very important to our customers and to our commitment to the marina environment that these facilities are kept scrupulously clean.

Our experience is that once knowledge of freely available high quality ablution facilities are made public there is an influx of non-approved users. We have direct evidence of this in Havelock where tour buses regularly pulled into the marina to use our customer facilities leaving a mess and creating other health and safety issues (mentioned above) with their presence. Unfortunately these facilities now have card access control, with a subsequent loss of amenity value to casual marina customers and the local community.

By introducing freedom camper spaces nearby with no other facilities, the MDC are in effect relying on privately owned facilities to be used by campers with additional costs being incurred by the Port. It is PMNZ's opinion that even if limited public facilities are provided the problem will still exist.

Our marina customers hold licences over berths and pay for facilities. The introduction of freedom campers will negatively impact the rights of our berth tenants to quiet enjoyment of these facilities.

## **ENVIRONMENT**

From an environmental perspective the proposed location for the freedom camping area is likely to result in contamination of the adjacent Hampden St stream and the marina area due to litter and discharge of grey and black water, whether deliberate or accidental.

There is also an environmental risk posed by the locality of the proposed freedom camping site to the Picton Marina recycling centre, where there have been previous instances of freedom campers mixing waste types and dumping rubbish.

PMNZ provides rubbish collection and recycling facilities for its customers. These facilities are controlled as far as possible to ensure they are used by legitimate customers. As with our ablution facilities we accept some additional use from the public, but do not have the facilities to provide for freedom campers.

The introduction of freedom camping sites in Picton Marina will result in the increase of illegitimate use of our rubbish and recycling facilities. This will add unreasonable and significant cost to our operation.

## **AMENITY VALUE TO CUSTOMERS AND COMMUNITY**

The provision of freedom camping spaces in Picton Marina will significantly decrease the amenity value of the marina to our paying marina customers and local community.

Picton marina is a prestigious marina with high amenity value. The value is in large part owing to the excellent facilities, infrastructure, pristine environment and visual character of the area. PMNZ works hard to maintain this value by regular upkeep of gardens and transition to native bush.

This value will be degraded by the inclusion of freedom camping spaces.

## **CONSULTATION**

PMNZ is both surprised and extremely disappointed that it was not consulted in the earlier consideration of the draft Bylaw.

## **CONCLUSION**

In short, providing space for freedom campers will restrict PMNZ's ability to service customer demand with a consequent effect on safety, general amenity and revenue. It will have a detrimental effect on customer experience (both long-term and casual users).

Further the proposed freedom camping spaces in Picton Marina impinge PMNZ's existing use and is inconsistent with section 4.3 of the Bylaw.

Use of Memorial Park adjacent to Picton Marina as a freedom camping site is ill-considered and Port Marlborough strongly opposes the proposal.