Appendix 5 – South Marlborough

South Marlborough

The South Marlborough area includes roads, reserves, towns, townships and settlements within the catchment largely from the hills south of Blenheim and includes the Awatere Valley, Seddon and Ward townships and the Ward/Flaxbourne area – see map below. The following areas, roads and sites have been assessed:

36. Seddon Urban Area

37. Blairich Reserve

38. Awatere Valley Area

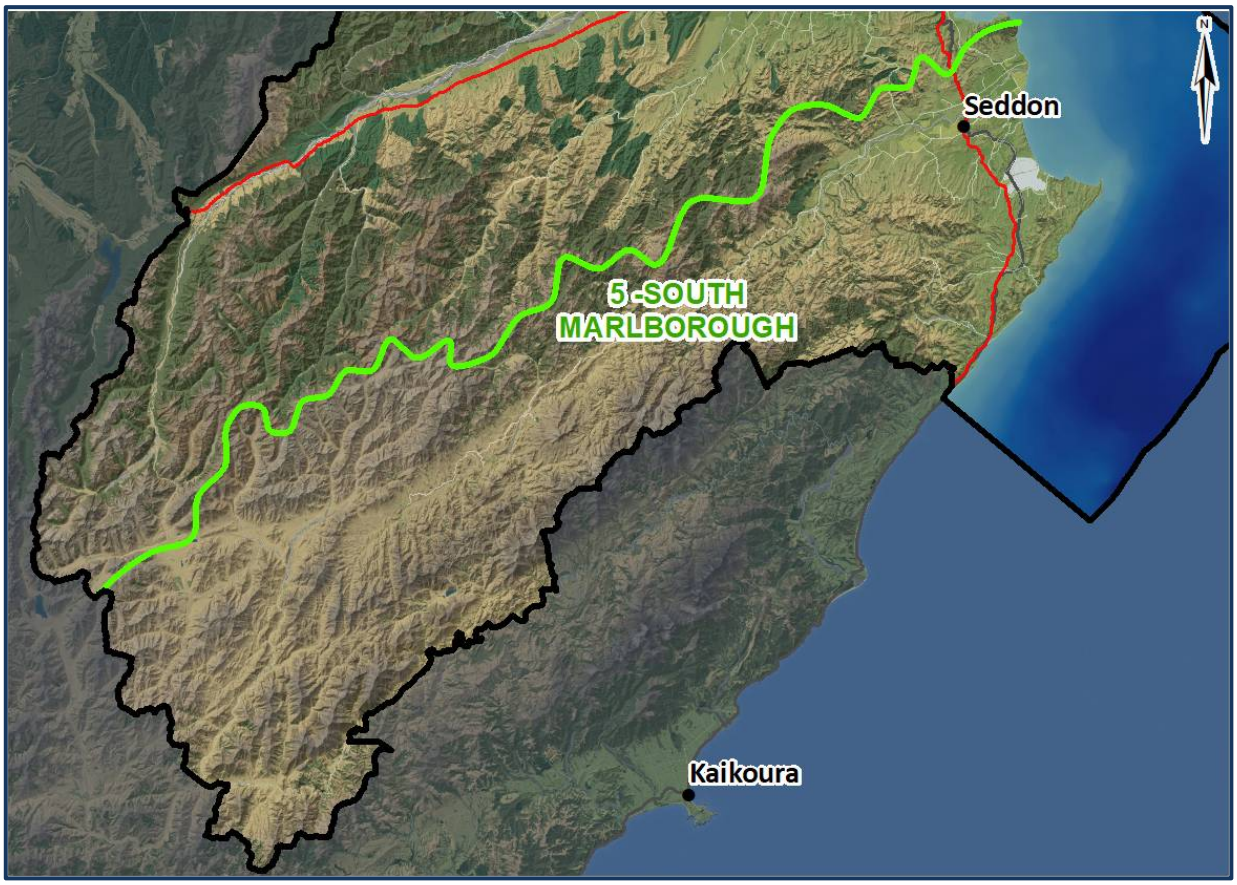
39. Marfells Beach Road Area

40. Lake Elterwater Road Reserve

41. Ward Domain

42. Ward Roads Area

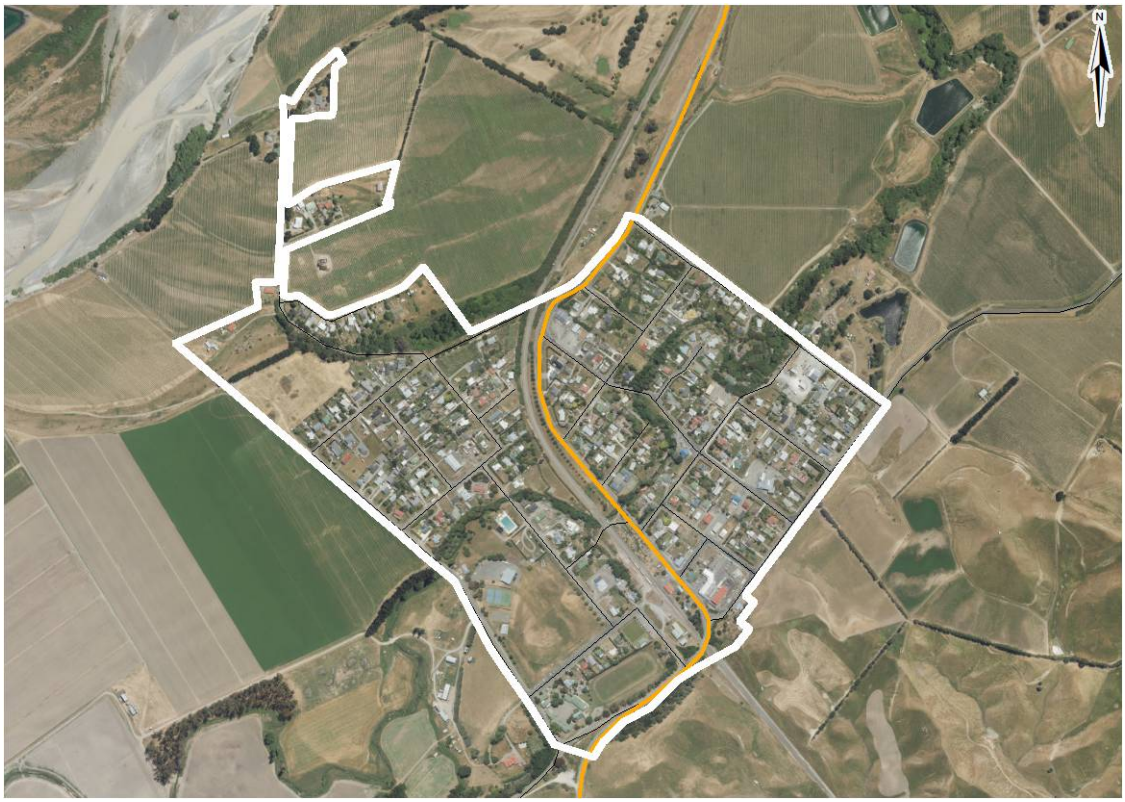
43. Lake Grassmere to Waima River Coast Area



36. Seddon Urban Area

Description

The Seddon Urban Area encompasses Wakefield Street across State Highway 1 to the intersection of Marama Road and Foster Street then into Foster Street, including Seddon Domain, connecting into Beaumont Street, encompassing Nursery Lane and Nursery Road back to Beaumont Street and across the railway line to Mills Street to the intersection with Fearon Street and along Fearon Street and Marldene Avenue to the intersection with Wakefield Street and Seaview Road.



Assessment

Interpretation of criteria	Comments
Protect the area	
Natural values	No specific risks have been identified.
Cultural and historical values	No specific risk has been identified for iwi cultural values. There is a war memorial located on Mills Street which has considerable significance for the local community. There may be some concern from a cultural perspective if parking for freedom camping vehicles occurred adjacent to this memorial.
Water quality and water quantity values	There is some risk to fresh water quality depending on how effluent and waste disposal from vehicles is managed. The potential is for poorly managed disposal reaching waterways through stormwater drains or directly.
Landscape and amenity values	There will likely be some effect on landscape and amenity values from a presence of campervans staying overnight in this Area, particularly if numbers are high, are ongoing or if use spreads beyond vehicles.

Recreation assets	There is a wide variety of recreational activities occurring within areas of open space in the Seddon Urban Area, particularly on Seddon Domain. The Domain is the largest area of open space where there is formalised sporting activity occurring (rugby, cricket practice wickets) as well as more informal recreation use of the playground, tennis and netball courts, swimming pool and pump track. Part of the Domain is leased for a commercial campground and there is also a substantial community hall with car parking facilities. There would likely be greater pressure on toilet and rubbish facilities that have been provided for at a scale for day use if freedom camping was allowed, although if freedom camping is required to be CSC the added pressure on toilet facilities should be minimised.
Protect health and safety	
Natural hazards	No specific risks have been identified.
Built environment hazards	No specific risks have been identified.
Human hazards	There is some risk of inappropriate use of public facilities for food preparation/utensil cleaning. However, if freedom camping is required to be CSC these risks should be minimised.
Protect access	
Restrict access	Freedom camping in front of private property on urban roads will likely restrict use of these areas for parking by residents and their visitors. For the few areas of public open space where there is related parking, this is generally set aside for recreational activity (Seddon Domain) or for community use (the war memorial). If these areas are used for freedom camping then this will restrict access for local users or day visitors. The Awatere Community Hall is also located on Seddon Domain and vehicle access for users of this community facility may be restricted by freedom camping.
Discourage access	There is some risk that freedom camping may discourage access in locations that are popular for recreational activity e.g. Seddon Domain.

Summary

Seddon is a small town located to the south of Blenheim on State Highway 1 and there has been use of streets around the township for freedom camping in the past. Issues have occurred with campers not acting responsibly. However, since the area was identified as a prohibited area for freedom camping under earlier bylaws most of these issues have been resolved.

There are limited areas of Council controlled land available for freedom camping within the Seddon Urban Area apart from roadside. Several parcels of Council controlled land just outside the Area are currently leased or are used for community purposes such as the sewage treatment plant and water treatment plant. Other land within the Area is not suitable for freedom camping given its physical constraints (e.g. land immediately above State Highway 1 at the southern entrance to Seddon) or is inappropriate because of other values associated with the land e.g. the war memorial.

Seddon Domain is the largest area of open space land in the Township and there is already a camp ground located on the Domain which is managed through a lease with the local Awatere Community Trust. Given this it is considered inappropriate for the Council to enable freedom camping on the Domain in order to protect remaining land for other uses. The Awatere Community Hall receives use from a range of cultural, social, sporting and recreation groups and it is important that access to this facility is not restricted by freedom camping vehicles.

There is a reserve management plan for Seddon Domain, which is in the process of being reviewed. The existing plan was developed many years ago and does not provide for camping activities.

The scoring for each of the FCA criteria is as follows:

No.	Area name	Score – Protect the area	Score – Protect health and safety	Score – Protect access	Total Score
36.	Seddon Urban Area	4	2	4	10

The Seddon Urban Area as described above is considered not acceptable for freedom camping in accordance with section 11(2)(a) of the FCA:

- to protect the area,
- to protect the health and safety of people who may visit the area, and
- to protect access to the area.

This is considered an appropriate and proportionate response of addressing the perceived problem in relation to freedom camping in the Area (section 11(2)(b) of the FCA).

37. Blairich Reserve

Description

Blairich Reserve (Section 5 Block XVII Taylor Pass Survey District - Recreation Reserve) is located approximately 12 kilometres west of Seddon on the Awatere Valley Road.

Assessment

Interpretation of criteria	Comments
Protect the area	
Natural values	There are several areas with significant natural values near the Reserve and Blairich River itself has been identified as having significant riparian natural character values. It is not considered that freedom camping would pose a risk to these values.
Cultural and historical values	No specific risk has been identified although the Awatere River is known to have cultural significance for iwi.
Water quality and water quantity values	There is some chance of inappropriate effluent and waste disposal affecting fresh water quality. There are no facilities for the provision of fresh water for freedom campers at this location.
Landscape and amenity values	The Reserve is fairly well vegetated and sightings of freedom camping activity would largely be out of view of those travelling along the Awatere Valley Road. There is likely to be little concern at the impact on landscape and amenity values at this location and no particular amenity or landscape values have been identified in the MEP for this area.
Recreation assets	There is a public toilet located at the Reserve. There may be increased use of this asset with freedom camping occurring at the Reserve, although as freedom camping has previously occurred here this is not considered a significant risk.

	There may be a need for increased maintenance of this facility if freedom camping were to occur again.
Protect health and safety	
Natural hazards	There is an identified flood risk over part of the site. The flooding risk is from the Awatere River, which is immediately adjacent to the reserve. The flood risk is characterised as Level 2[1] in the MEP. Another hazard of concern is the fire risk that exists in this very dry east Marlborough rural environment. The potential for fires can result from natural hazards in certain weather conditions but is more likely to result from activities undertaken by humans in this area. Fire risk was a significant reason why freedom camping was prohibited at the Reserve in the consideration of submissions on the draft 2020 Bylaw.
Built environment hazards	The main Benmore-Haywards line of Transpower runs through part of the Reserve. Other than this there is no specific risk identified.
Human hazards	There is some risk of inappropriate effluent and waste disposal. However, if freedom camping is required to be CSC these risks should be minimised.
Protect access	
Restrict access	No specific risk has been identified.
Discourage access	The Reserve does not receive a lot of use other than the travelling public given its relatively remote location so there is little risk that the local community would be discouraged from accessing the Reserve.

Summary

The 2012 Bylaw enabled freedom camping at Blairich Reserve with the maximum stay limited to two consecutive nights in any four week period. Vehicles did not have to be CSC and camping in a tent was permitted. The draft 2020 Bylaw enabled freedom camping at the Reserve although tenting was no longer permitted and vehicles were required to be CSC. However, on adoption of the 2020 Bylaw, freedom camping at Blairich Reserve became prohibited.

The main reason for prohibiting freedom camping at the Reserve was due to the fire risk that exists in this dry rural location. Fire hazard has become an increasing risk in the dry east Marlborough rural environment. Despite no fires being allowed to be lit at the Reserve, monitoring by Park Rangers has on a number of occasions noted the remnants of overnight fires. The site while being adjacent to the Awatere Valley Road has limited options for an escape route in the event of fire.

In undertaking this current assessment the only significant issue of concern relates to the presence of natural hazards (fire and flood) and thereby the need to protect the health and safety of those who may visit the area. While the hazard risks are no less evident now than when the 2020 Bylaw was adopted, if freedom camping locations are restricted and not widely distributed, there are at least known and limited locations for emergency services to check when hazard events occur.

[1] The categories of flood risk identified in the MEP are as follows:
Level 1: Land that suffers flooding of shallow, low velocity water in a flood event with an annual recurrence interval of 1 in 50 years.
Level 2: Land that suffers flooding but the depth/velocity of the flooding is not well understood, or cannot easily be expressed relative to natural ground level, in a flood event with an annual recurrence interval of 1 in 50 years, or land within 8 metres of any lake, river or wetland;
Level 3: Land that suffers flooding of deep, fast flowing water in a flood event with an annual recurrence interval of 1 in 50 years, or land in the bed of any lake or river or in any wetland.

There are no other issues identified that are significant enough to consider that freedom camping should not be able to take place at Blairich Reserve. The Reserve is zoned as Open Space 3 in the MEP in which freedom camping is a permitted activity if there is a bylaw in place and so no resource consent is required. There is a reserve management plan in place for the Reserve but it makes no provision for camping. Therefore a resolution of the Council under section 44 of the Reserves Act will be required to enable freedom camping to occur.

One other matter for consideration is that during the submission and hearing process for the 2020 Bylaw several submitters commented specifically on use of Blairich Reserve by cycle tourists. The Reserve is located on the way to and from the Molesworth Station, which has become a popular route for cycle tourism. Despite the current approach of freedom camping in Marlborough required to be CSC, this assessment has also considered whether tenting may be appropriate at this site to provide for cycle tourism on this route.

It is not considered there would be any greater health and safety risks from flooding and fire with tenting at the site as from an emergency management response perspective, knowing that people may be camping at the site in an event is what is important as opposed to the nature of the shelter. Neither do any additional concerns arise with a need to consider access to the area.

The only area where there may be additional concerns relates to the potential for increased use of the toilet facility and for inappropriate waste or effluent disposal. Given that tenting previously occurred at the Reserve with no apparent issues (other than fires being lit) it is not considered the additional concerns are significant. Tenting could therefore be reconsidered as being appropriate at the Reserve acknowledging the importance of cycle tourism along the Awatere Valley Road to the Molesworth Station.

The scoring for each of the FCA criteria, including provision for tenting, is as follows:

No.	Area name	Score – Protect the area	Score – Protect health and safety	Score – Protect access	Total Score
37.	Blairich Reserve	3	4	1	8

Blairich Reserve as described above is considered acceptable for freedom camping, with restrictions, in accordance with section 11(2)(a) of the FCA:

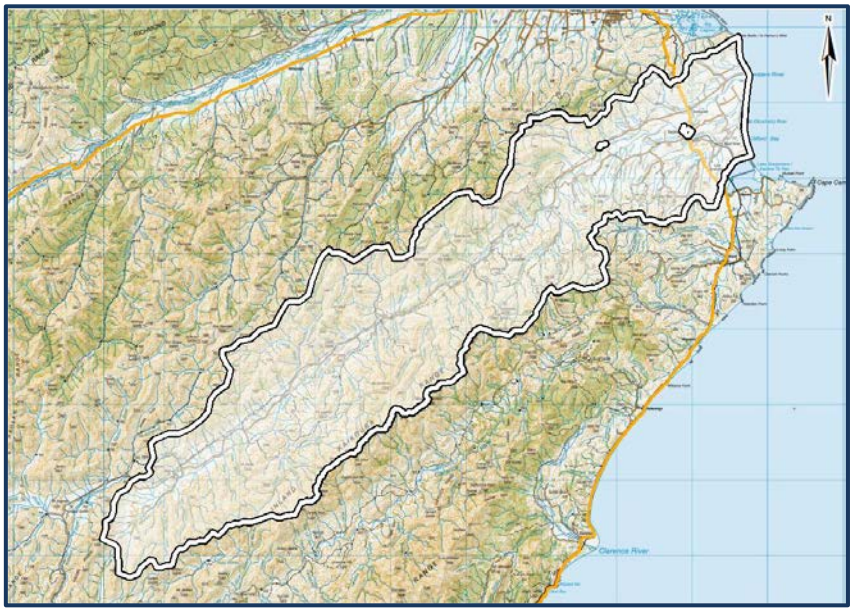
- to protect the area, and
- to protect the health and safety of people who may visit the area.

This is considered an appropriate and proportionate response of addressing the perceived problem in relation to freedom camping in the Reserve (section 11(2)(b) of the FCA).

38. Awatere Valley Area

Description

The Awatere Valley Area encompasses the area extending east and west from State Highway 1 north of Kaparu Road and Grassmere Road to south of Redwood Pass and Taylor Pass. The Area includes both formed road and legal road but does not include the Seddon Urban Area or Blairich Reserve, which are the subject of separate assessments.



Assessment

Interpretation of criteria	Comments
Protect the area	
Natural values	There are significant natural areas adjacent to Lake Grassmere, Redwood Pass Road, Taylor Pass Road and Awatere Valley Road. There may be some concern at the potential for impacts on these values from freedom camping.
Cultural and historical values	There are a number of heritage resources located throughout the Awatere Valley Area but it is unlikely that these would be affected by freedom camping. There are few areas with statutory acknowledgements over them. However, the rivers in the Area are known to have cultural significance for iwi. There are two cemeteries in the Area: Taylor Pass Cemetery located on the Awatere Valley Road is a closed cemetery; while the Seddon/Awatere Cemetery on Marama Road is an open cemetery. There may be some concern from a cultural perspective if parking for freedom camping vehicles occurred adjacent to these cemeteries.
Water quality and water quantity values	There is some chance of inappropriate effluent and waste disposal affecting fresh or coastal water quality. There are no facilities for the provision of fresh water for freedom campers in this Area.
Landscape and amenity values	There will likely be some effect on landscape and amenity values from a presence of campervans staying overnight in this Area, particularly if numbers are high, are ongoing or if use spreads beyond vehicles. The upper parts of the Awatere Valley have also been identified as an outstanding landscape in the MEP.
Recreation assets	There are few recreation assets in the Area. There are public toilets located along the Awatere Valley Road at the Hodder River. There may be increased use

	of this asset with freedom camping occurring along roads in this area.
Protect health and safety	
Natural hazards	There is a Level 2 flood risk identified in the MEP over and adjacent to the Awatere River up as far as the Medway. A hazard of concern for the Awatere Valley Area is the fire risk that exists in this very dry east Marlborough rural environment. The potential for fires can result from natural hazards in certain weather conditions but is more likely to result from activities undertaken by humans in this area. The Awatere Valley Road is some distance from a main road i.e. State Highway 1 and there are few escape routes in the event of fire. It is also notable that the road through the Molesworth Station further up the Awatere Valley Road does close due to fire risk. The fire risk may not be considered as significant however, in locations closer to State Highway 1. There have been times in significant weather events or earthquakes where slips and drop-outs have occurred along the Awatere Valley Road. Depending on the size of the trigger event the extent of damage can be significant. During the 2016 earthquake the road was closed for many months and in the recent July 2021 storm event the road suffered significant damage with extensive repair works still ongoing. At the time of preparing this assessment the road was still not passable for the public with only residents allowed beyond McRaes Stream.
Built environment hazards	Many of the roads in the Area are unsealed, narrow and winding. This is particularly so the further one travels from State Highway 1. These roads have few areas for vehicles to pull completely off the formed road while staying on the legal road in a safe manner. Some of the roads around the lower parts of the Awatere Valley are straighter without the same issues for roads elsewhere in the Area. There may be an opportunity for freedom camping on some of these roads if the road reserve is wide enough, relatively flat and vehicles can safely pull off the road. Marlborough Roads have identified that for safety reasons there should be a separation of 4 metres between the formed or sealed road and freedom camping vehicles.
Human hazards	Large areas of the Awatere Valley Area have been developed for viticulture, particularly in the mid to lower areas. These roads are used extensively for viticulture activities. During vintage use of the roads increases significantly and unless freedom campers were parked well off the formed road there is potential for conflict. Additionally, there may be some concern with freedom camping on roadsides in these areas with spraying activity on adjacent vineyard land and the overnight use of frost fighting fans and helicopters to reduce frost impacts on crops. There is some risk of inappropriate effluent and waste disposal. However, if freedom camping is required to be CSC these risks should be minimised.
Protect access	
Restrict access	In general it is considered there would be few circumstances where access would be restricted for the local community with freedom camping. Areas where this would be a concern are the roads around the Taylor Pass and Seddon/Awatere cemeteries. Freedom camping would be inappropriate in these areas, which need to remain accessible for the local community. In the upper valley areas as there are limited safe areas for pulling off the road, at times parking may involve blocking an entranceway or accessway restricting

	access for others.
Discourage access	Other than the locations described immediately above, it is unlikely that the local community would be discouraged from accessing the Awatere Valley Area if freedom camping were to occur.

Summary

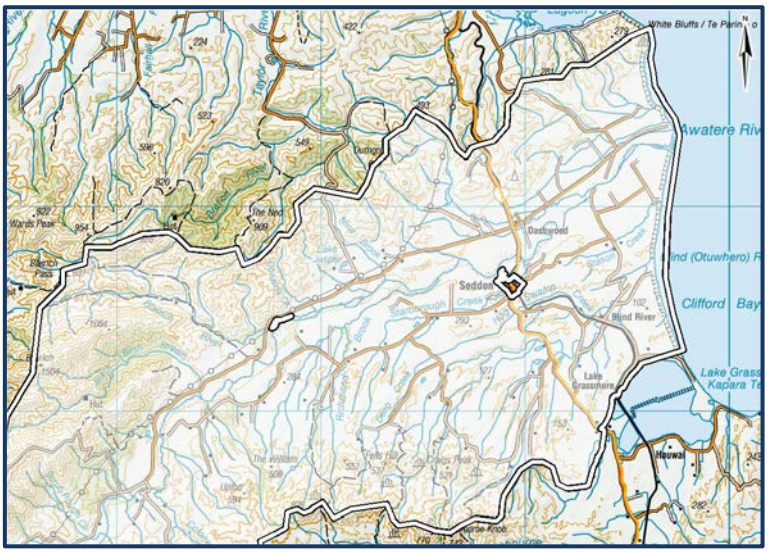
There are few areas of Council controlled land in the Awatere Valley Area available for freedom camping, other than on roads. There are a few esplanade areas but these have been set aside for conservation, public access (for walking) or river management purposes.

In terms of protecting the Area there are some concerns around impacts on water quality and quantity and on landscape and amenity values. There are also minor concerns in relation to use of roadsides from freedom camping restricting access for locals to community assets such as the Taylor Pass and Seddon/Awatere cemeteries. There are otherwise few identified concerns with access being restricted or discouraged by freedom camping.

Fire risk is becoming more evident in eastern areas of New Zealand generally. One of the factors in the Council deciding to prohibit freedom camping on roadsides in the 2020 Bylaw was the potential for fire risk and the ability of emergency management responses to ensure the safety of campers. Given that many of Marlborough's local roads in rural areas traverse long valleys, there are concerns about adequate escape routes during a fire event for those camping in these locations. Having campers in known locations rather than situated up valley roads means management of people is easier during hazard events. Several submissions on the draft 2020 Bylaw also identified concerns about the potential for accidental fires from campers themselves when using camp stoves.

Other health and safety concerns identified relevant to freedom camping in the Area include the nature of many of the roads, flood risk in some locations and the nature of rural activities occurring. There are some risks for freedom campers in storm events/earthquakes with the roads in some locations subject to slips and drop-outs.

There may be some opportunity to consider freedom camping on roadsides in areas where there are fewer risks in terms of a need to protect the area and to protect the health and safety of those visiting an area. In particular consideration could be given to roads that are straighter with relatively wide berms where vehicles are able to safely pull off and in closer proximity to State Highway 1 – see the map below.



There are several matters that would need to be addressed before freedom camping could be established and these include the following:

- identification of roads that would be suitable;
- consultation with the local community;
- confirmation from Marlborough Roads that these roads are suitable for freedom camping.

If these matters can be satisfied then resource consents would be required to enable the activity.

The scoring for each of the FCA criteria is as follows:

No.	Area name	Score – Protect the area	Score – Protect health and safety	Score – Protect access	Total Score
38a.	Awatere Valley Area (whole area)	4	4	2	10
38b.	Awatere Valley Area (mid to lower locations)	2	3	2	7

The Awatere Valley Area as described above may be considered acceptable for freedom camping in some locations if the matters identified above can be satisfied. Restrictions would still be required in accordance with section 11(2)(a) of the FCA:

- to protect the area,
- to protect the health and safety of people who may visit the area, and
- to protect access to the area.

This is considered an appropriate and proportionate response of addressing the perceived problem in relation to freedom camping in the Area (section 11(2)(b) of the FCA).

39. Marfells Beach Road Area

Description

Marfells Beach Road Area includes the formed road and legal road leading to the camping ground at Marfells Beach, but does not include the camping ground as this is under the control of the Department of Conservation.

Assessment

Interpretation of criteria	Comments
Protect the area	
Natural values	There are very significant conservation values in places along this stretch of road and these may be threatened by overnight parking. The significant values include dune systems and plant and animal communities. There are also several significant wetland areas adjacent to the road.
Cultural and historical values	There are significant values for iwi along the east Marlborough coastal area generally.
Water quality and water quantity values	There is some chance of inappropriate effluent and waste disposal affecting coastal water quality. There are no facilities for the provision of fresh water for freedom campers in this Area although there are such facilities at the adjacent Department of Conservation camping ground.
Landscape and amenity values	There may be some effect on landscape and amenity values from campervans staying overnight along this road, rather than being contained in the adjacent Department of Conservation camping ground.
Recreation assets	There are no recreation assets along the stretch of road that is the subject of this assessment.
Protect health and safety	
Natural hazards	Other than normal coastal processes occurring at this location, no specific risk has been identified.

Built environment hazards	The roadway leading to the Department of Conservation camping ground is narrow and parking along here, particularly at night, could be hazardous for vehicles needing to enter or leave the campsite.
Human hazards	There is some risk of inappropriate effluent and waste disposal. However, if freedom camping is required to be CSC these risks should be minimised.
Protect access	
Restrict access	Freedom camping along the roadside may make access to the Department of Conservation camping ground more difficult as well as restricting access to the beach for other users.
Discourage access	This coastline is an area of high use, particularly so since the Kaikōura earthquakes have made the coastal beach area more accessible. Freedom camping along this road may discourage some people from accessing the area.

Summary

The Council assessed a request from the Department of Conservation to prohibit freedom camping on an area of road reserve along the Marfells Beach Road, near the camping ground. This request was specifically related to a need to protect the natural environment along this section of road. In particular the area is part of a dune system that is home to significant katipo and pingao populations. Spinifex and rahoulia australis are identified here with potential habitat for the kiwaia moth. Coastal shrubland remnants are also found scattered along the dunes.

(At the time of preparing the assessment the Council is also considering a separate bylaw to control vehicle access along the east Marlborough coast. This is in response to uncontrolled vehicle access to the area causing danger to public safety and public enjoyment of the coast and damaging the environment, ecosystems and impacting the natural processes of recovery following the 2016 Kaikōura earthquake.)

With respect to the Marfells Beach Road Area there are some safety concerns with freedom camping along here and potentially a restriction of access to the Department of Conservation camping ground given the road leading to the campground is narrow. However the most significant concern relates to the natural values that exist in this coastal environment and the need therefore to protect the area.

The scoring for each of the FCA criteria is as follows:

No.	Area name	Score – Protect the area	Score – Protect health and safety	Score – Protect access	Total Score
39.	Marfells Beach Road	5	3	2	10

The Marfells Beach Road Area as described above is considered not acceptable for freedom camping in accordance with section 11(2)(a) of the FCA:

- to protect the area,
- to protect the health and safety of people who may visit the area, and
- to protect access to the area.

This is considered an appropriate and proportionate response of addressing the perceived problem in relation to freedom camping in the Area (section 11(2)(b) of the FCA).

40. Lake Elterwater Road Reserve

Description

Lake Elterwater Road Reserve is an area of legal road located approximately three kilometres north of Ward Township, adjacent to and east of State Highway 1. This small layby is legal road administered by the New Zealand Transport Agency (NZTA) – Waka Kotahi.

Assessment

Interpretation of criteria	Comments
Protect the area	
Natural values	There are significant natural values associated with Lake Elterwater, which is immediately adjacent to the area. This has been identified as a significant wetland in the MEP. There may be some loss of natural values associated with the Lake with freedom camping and this had been highlighted in submissions received on the draft 2020 Bylaw.
Cultural and historical values	No specific risks have been identified although Ngati Kuri's iwi environmental management plan has identified a range of values of significance for iwi in the Awatere catchment, which also includes the Lake Elterwater Road Reserve Area.
Water quality and water quantity values	There is some chance of inappropriate effluent and waste disposal affecting water quality. There are no facilities for the provision of fresh water for freedom campers at this location.
Landscape and amenity values	There will likely be some effect on landscape and amenity values from a presence of campervans staying overnight in this Area, particularly if numbers are high, are ongoing or if use spreads beyond vehicles. The site is very visible from State Highway 1.
Recreation assets	This Area is a popular layby for travellers with a public toilet facility maintained by the Council. Up until the requirement for freedom camping to be CSC through the 2020 Bylaw, this Area was able to be used by non CSC vehicles and so the toilet facility received a lot of use. This use will likely continue with freedom camping at this location.

Protect health and safety	
Natural hazards	No specific risks have been identified.
Built environment hazards	The site is very close to State Highway 1 with some safety risks for those entering and leaving the site as this is a 100kph stretch of road. However, there are good sight lines for people entering and exiting the site and it is a recognised NZTA rest area.
Human hazards	There is some risk of inappropriate effluent and waste disposal. However, if freedom camping is required to be CSC these risks should be minimised.
Protect access	
Restrict access	Use of this area for freedom camping, particularly if numbers are high, may restrict other users from accessing the site for day use including use of the public toilets. However, this is not considered to be a significant concern.
Discourage access	High use by freedom campers, as well as making it physically difficult for other users, may also discourage other users from stopping at this site.

Summary

Under the 2012 Bylaw freedom camping was provided for at Lake Elterwater. Freedom camping was restricted to camping in vehicles and a duration of stay of no more than two consecutive nights in any four week period. Vehicles were not required to be CSC.

In preparing the draft 2020 Bylaw it was identified that legal road on which freedom camping had been occurring was state highway and not under the control or management of the Council. For land to be regulated under the FCA, section 6 of the FCA requires land to be under the control of management of the Council. The initial intention was to remove the site from the reviewed bylaw however, in response to a request to consider whether there was a legal way in which the Council could effectively take control of the Lake Elterwater site, a delegation from NZTA under the provisions of the Government Roading Powers Act 1989 is being pursued. This would enable the Council to have management responsibilities for vehicles parking at the site including for the purposes of camping overnight. On this basis the site was retained in the 2020 Bylaw, with a requirement for vehicles to be CSC.

There are some concerns around the values of the Area particularly in terms of the impact of freedom camping on the natural values of the Lake (this was raised during submissions to the draft 2020 Bylaw), cultural values, water quality and landscape and amenity values. However, if vehicles are required to be CSC the risks to natural values and water quality should be minimised.

The site has previously been considered an appropriate location for freedom camping although it is in close proximity to State Highway 1. Any other health and safety concerns are not considered to be significant.

Improvements at this location are proposed with the Council having received funding assistance through central Government's Tourism Infrastructure Fund to install a new toilet facility.

The scoring for each of the FCA criteria is as follows:

No.	Area name	Score – Protect the area	Score – Protect health and safety	Score – Protect access	Total Score
40.	Lake Elterwater Road Reserve	3	2	2	7

Lake Elterwater Road Reserve as described above is considered acceptable for freedom camping with restriction in accordance with section 11(2)(a) of the FCA:

- to protect the area
- to protect the health and safety of people who may visit the area, and
- to protect access to the area.

This is considered an appropriate and proportionate response of addressing the perceived problem in relation to freedom camping in the area (section 11(2)(b) of the FCA).

41. Ward Domain

Description

Ward Domain (Sec 10 Blk VI Town Ward - Flaxbourne Recreation Reserve) is located off State Highway 1 at the northern end of the Ward Township.

Assessment

Interpretation of criteria	Comments
Protect the area	
Natural values	No specific risk has been identified.
Cultural and historical values	The Ward Memorial, through which access to the Ward Domain is currently achieved, is of significant cultural value for the local community. The memorial is where ANZAC commemorations are held and a number of submitters to the draft 2020 Bylaw expressed deep concern at the impact that freedom camping would have on the values of the memorial.
Water quality and water quantity values	There is some risk to water quality depending on how effluent and waste disposal from vehicles is managed. The potential is for poorly managed disposal reaching Needles Creek through the piped stormwater system surrounding the carpark. There are no facilities for the provision of fresh water for freedom campers. The potential for freedom campers to access water from the local water scheme, reducing availability for the local community, was highlighted as a concern by submitters on the draft 2020 Bylaw.
Landscape and amenity values	There is some likely effect on landscape and amenity values from a presence of campervans staying overnight in this Area, particularly if numbers are high, are ongoing or if use spreads beyond vehicles. The site is very visible from State Highway 1.
Recreation assets	Ward Domain is used for a wide range of recreational activities (including horse riding and eventing) and is home to the annual Flaxbourne A & P Show. There are existing recreational assets on the Domain including public toilets, a children's playground and tennis courts. There may be increased use of these assets with

	freedom camping at the Domain. The public toilet would likely receive increased use and there would be a need for increased maintenance.
Protect health and safety	
Natural hazards	No specific risk has been identified although several submitters to the draft 2020 Bylaw considered there was a flood risk at the Domain carpark. This risk has not been identified in the MEP.
Built environment hazards	Some concern has been expressed that access to Ward Domain is off a 100kph area of State Highway 1 and that this is potentially dangerous for freedom camping vehicles entering and exiting the Domain. However, the concern exists with anyone using this entrance, not just freedom campers. Of note there are plans to shift the entrance to a safer location, which will help to mitigate any risk. Part of the carpark is also a HAIL site given past activities that have occurred at this location. However, it is not considered this is a significant risk for freedom camping.
Human hazards	There is some risk of inappropriate effluent and waste disposal. However, if freedom camping is required to be CSC these risks should be minimised. There has also been evidence of fires being illegally lit in the carpark area of the Domain. Concern has been expressed about the impact of dogs travelling with freedom campers on stock that are frequently grazed at the Domain. This includes dogs worrying stock as well as biosecurity implications of stock being infected with Ovis caused by untreated dogs roaming free. This has been an issue for the wider Ward community.
Protect access	
Restrict access	There is some risk of access being restricted by freedom camping as well as competition with local community use and the travelling public for use of Ward Domain, particularly the vehicle parking area. Concern has been expressed by the local community at the potential impact of freedom camping on recreational use of the Domain and that access would be restricted if this was allowed to occur.
Discourage access	Ward Domain is used by locals for a variety of recreational activities and is also used by the travelling public, particularly as there are public toilets located here. Some concern has been expressed by locals regarding the safety of children using the Domain with the presence of freedom campers. So it is likely that some will be discouraged from accessing the Domain.

Summary

Through the draft 2020 Bylaw the Council proposed that an area of Ward Domain be set aside for freedom camping. The area of the Domain was in a marked part of the existing formed carpark, subject to vehicles being CSC, limited to 10 vehicles and staying no more than two consecutive nights in a four week period.

The site was not retained in the adopted bylaw given the concerns that had been identified through submissions. These concerns included pollution of waterways, water availability, littering, security concerns, impact of dogs on stock grazing at the Domain, proximity of Ward Memorial to the freedom camping site and community use of the Domain. The Council's decision on submissions acknowledged the importance of the wide range of community uses carried out at the Domain and that this use could be compromised or made more difficult if freedom camping was to occur at the Domain. These concerns are still considered valid in this current assessment.

The scoring for each of the FCA criteria is as follows:

No.	Area name	Score – Protect the area	Score – Protect health and safety	Score – Protect access	Total Score
41.	Ward Domain	4	3	4	11

Ward Domain as described above is considered not acceptable for freedom camping in accordance with section 11(2)(a) of the FCA:

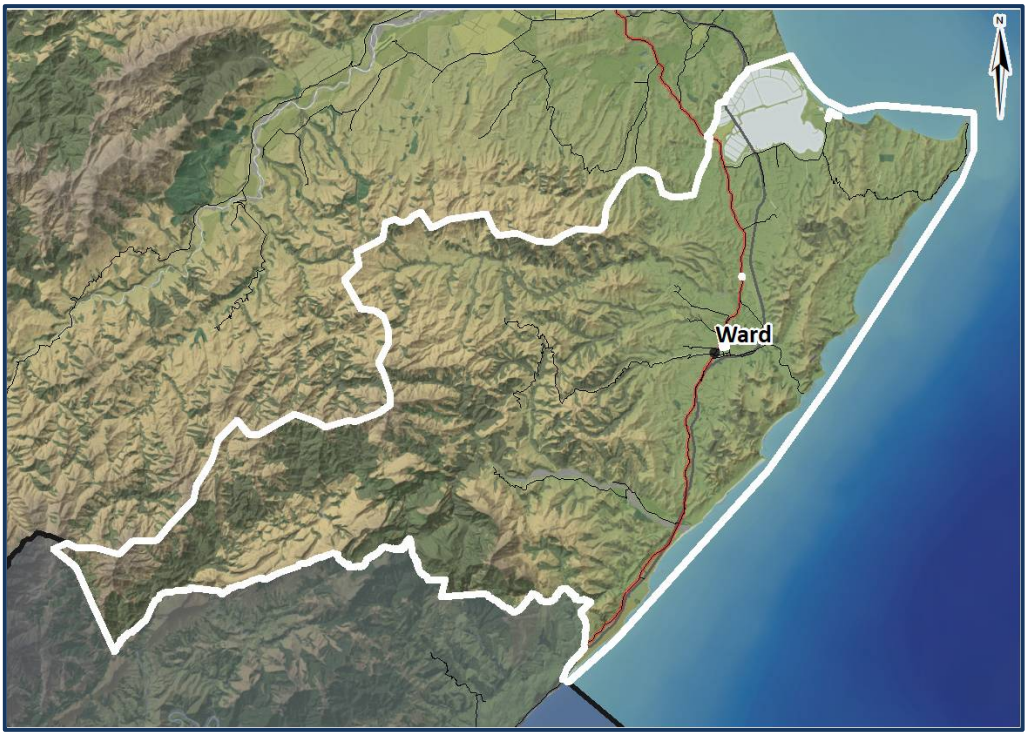
- to protect the area,
- to protect the health and safety of people who may visit the area, and
- to protect access to the area.

This is considered an appropriate and proportionate response of addressing the perceived problem in relation to freedom camping in the Domain (section 11(2)(b) of the FCA).

42. Ward Roads Area

Description

The Ward Roads Area includes all roads, both formed and legal (and subsidiary roads), from and including Kaparu Road and Grassmere Road south to the Marlborough District Council boundary. It also includes all roads in the Ward Township but does not include the area of New Zealand Transport Agency controlled road reserve adjacent to Lake Elterwater or an area of Marfells Beach Road. Both of these areas are subject to a separate assessment.



Assessment

Interpretation of criteria	Comments
Protect the area	
Natural values	There are few areas with identified significant natural values that would be affected by freedom camping.
Cultural and historical values	There are no identified heritage sites in the Area and no obvious cultural values for iwi have been identified as at risk. The Ward Cemetery is adjacent to State Highway 1 and Kaka Road while the Ward Memorial is adjacent to State Highway 1 and the Ward Domain. There may be some concern from a cultural perspective if parking for freedom camping vehicles occurred adjacent to the cemetery or memorial.
Water quality and water quantity values	There is some chance of inappropriate effluent and waste disposal affecting fresh or coastal water quality. There are no facilities for the provision of fresh water for freedom campers in this Area.
Landscape and amenity values	There are some areas of outstanding landscape value in the Waima Valley. There may be some effect on landscape and amenity values from a presence of campervans staying overnight in this area, particularly if numbers are high, are ongoing or if use spreads beyond vehicles. There may be some concern from residents within the Ward Township with

	freedom camping occurring around the streets. This was highlighted as a concern by those making submissions on the draft 2020 Bylaw.
Recreation assets	There are no specific recreation assets identified as being at risk from freedom camping in this Area.
Protect health and safety	
Natural hazards	There are areas adjacent to the Waima River that have a Level 3 flood risk in the MEP, with some small areas having a Level 2 flood risk. There is also an area of Level 2 flood risk in the lower part of Grassmere Road close to State Highway 1. Concerns with fire hazard were identified by a number of submitters to the draft 2020 Bylaw. The potential for fires can result from natural hazards in certain weather conditions and the east Marlborough coast is a dry area frequently subject to a very high fire index over the summer months.
Built environment hazards	Many of the roads in the Area, especially away from the Ward Township are unsealed, narrow and winding. These roads have few areas for vehicles to pull completely off the formed road while staying on the legal road in a safe manner. Several submitters to the draft 2020 Bylaw commented on the nature of local roads in the Area being inappropriate for freedom camping citing safety concerns. Marlborough Roads have identified that for safety reasons there should be a separation of 4 metres between the formed or sealed road and freedom camping vehicles.
Human hazards	Some parts of the Ward Roads Area have been developed for viticulture, particularly in areas near State Highway 1 and in the Waima Valley. Roads in these areas are used extensively for viticulture activities. During vintage use of the roads increases significantly and unless freedom campers were parked well off the formed road there is potential for conflict. Additionally, there may be some concern with freedom camping on roadsides in these areas with spraying activity on adjacent vineyard land and the overnight use of frost fighting fans and helicopters to reduce frost impacts on crops. There is some risk of inappropriate effluent and waste disposal. However, if freedom camping is required to be CSC these risks should be minimised.
Protect access	
Restrict access	In general it is considered there would be few circumstance where access would be restricted for the local community with freedom camping. Areas where this would be a concern are the roads around the Ward Community Hall, Ward Domain and Ward Cemetery. For Council controlled land around the Ward Community Hall there are proposals to establish a Village Green for the local community as part of the Council's Small Township's programme. Freedom camping would be inappropriate in these areas, which need to remain accessible for the local community.
Discourage access	Other than the locations described immediately above, it is unlikely that the local community would be discouraged from using roads in the Ward Road Area if freedom camping were to occur.

Summary

There are no areas of Council controlled land in the Ward Roads Area that are considered available for freedom camping, other than on roads.

In terms of protecting the Area there are some concerns around impacts on water quality and quantity and on landscape and amenity values. There are also minor concerns in relation to use of roadsides from freedom camping restricting access for locals to community assets such as the Ward Community Hall, Ward Domain and Ward Cemetery.

Fire risk is becoming more evident in eastern areas of New Zealand generally. One of the factors in the Council deciding to prohibit freedom camping on roadsides in the 2020 Bylaw was the potential for fire risk and the ability of emergency management responses to ensure the safety of campers. Given that many of Marlborough's local roads in rural areas traverse long valleys, there are concerns about adequate escape routes during a fire event for those camping in these locations. Having campers in known locations rather than situated up valley roads means management of people is easier during hazard events. Several submissions on the draft 2020 Bylaw also identified concerns about the potential for accidental fires from campers themselves when using camp stoves.

Other health and safety concerns identified relevant to freedom camping in the Area include the nature of many of the roads, flood risk in some locations and the nature of rural activities occurring.

The scoring for each of the FCA criteria is as follows:

No.	Area name	Score – Protect the area	Score – Protect health and safety	Score – Protect access	Total Score
42.	Ward Roads	3	4	2	9

The Ward Roads Area as described above is considered not acceptable for freedom camping in accordance with section 11(2)(a) of the FCA:

- to protect the area,
- to protect the health and safety of people who may visit the area, and
- to protect access to the area.

This is considered an appropriate and proportionate response of addressing the perceived problem in relation to freedom camping in the Area (section 11(2)(b) of the FCA).

43. Lake Grassmere to Waima River Coastal Area

Description

The Lake Grassmere to Waima River Coastal Area extends east from Marfells Beach to Cape Campbell and south to the Waima (Ure) River. It includes legal road and the Ward Beach area.

Assessment

Interpretation of criteria	Comments
Protect the area	
Natural values	There are very significant natural values associated with this coast line. More than half of this stretch of this coastline (28.5km of the total 48.5km) is recognised as ecologically significant. There have been concerns about the potential impacts of public vehicle access to the habitats of the coastal environment and the risks that poses to flora and fauna and those coastal ecosystems. Concerns have focused on vehicle use compromising the structure and composition of dune systems and disruption to flora and fauna.
Cultural and historical values	The area is known for its cultural significance to multiple iwi, including statutory claims and other longstanding connections.
Water quality and water quantity values	There is some chance of inappropriate effluent and waste disposal affecting fresh or coastal water quality. There are no facilities for the provision of fresh water for freedom campers in this Area.
Landscape and amenity values	The coastal area extending from Marfells Beach to the Council's southern boundary has been identified in the MEP as an outstanding landscape and an area with high, very high and outstanding natural character values. (Some of these areas are the subject of appeals on the MEP.) There may be some likely effect on landscape and amenity values from a presence of campervans staying overnight in this Area, particularly if numbers are high, are ongoing or if use

	spreads beyond vehicles.
Recreation assets	This is a coastline where recreational use has increased in recent years with the Area becoming more accessible with the 2016 Kaikoura earthquakes resulting in new expanses of beaches being uplifted from the sea. Activities include fishing, walking, horse riding, viewing wildlife and taking photos. However, there are few recreation assets in the Area apart from picnic and toilet facilities at Ward Beach. There may be increased use of these assets with freedom camping and a need for increased maintenance.
Protect health and safety	
Natural hazards	Other than normal coastal processes occurring at this location, no specific risk has been identified.
Built environment hazards	No specific risk has been identified.
Human hazards	There is some risk of inappropriate effluent and waste disposal. However, if freedom camping is required to be CSC these risks should be minimised. There is potentially some risk or conflict with other users of this coastline. Concerns have been raised by the community related to public safety to beach users sharing the beach with quad bikes, motorcycles and 4WD vehicles. This may affect freedom camping activity.
Protect access	
Restrict access	Some areas of the coastline are easily accessible by vehicles including at Ward Beach. Freedom camping at this location in particular would restrict access for day users of this area. Additionally, there is an NZMCA park over site just adjacent to Ward Beach on private land.
Discourage access	Day users may be discouraged from accessing some areas along this coastline if freedom camping occurred.

Summary

This area is currently the subject of a separate investigation into the impacts of motor vehicle access as a consequence of the area being much more accessible after the 2016 Kaikoura earthquake. This may result in a bylaw that would prevent vehicle access, which would effectively prevent freedom camping. However, this area was also the subject of consideration through decisions on the 2020 Bylaw hence its inclusion for assessment.

Submissions on the draft 2020 Bylaw sought a prohibition for freedom camping along the coastline from Lake Grassmere to the Waima River. Reasons for seeking the prohibition were risks to the coastal environment including physical damage to ecology and landscape from parking and camp sites, increased fire risk and sometimes disposal of waste. The Council considered these reasons were consistent with the criteria of the FCA to prohibit freedom camping, particularly in terms of conservation, natural resource and landscape and amenity values. For this current assessment these reasons are still considered relevant.

The scoring for each of the FCA criteria is as follows:

No.	Area name	Score – Protect the area	Score – Protect health and safety	Score – Protect access	Total Score

43.	Lake Grassmere to Waima River Coast	4	3	4	11

The Lake Grassmere to Waima River Coastal Area as described above is considered not acceptable for freedom camping in accordance with section 11(2)(a) of the FCA:

- to protect the area,
- to protect the health and safety of people who may visit the area, and
- to protect access to the area.

This is considered an appropriate and proportionate response of addressing the perceived problem in relation to freedom camping in the Area (section 11(2)(b) of the FCA).