

Memo

11 May 2021

To: Carol McKenzie-Rex, Local Area Manager for Franklin, Manurewa and Papakura
Andrew Baker, Chair, Franklin Local Board
Angela Fulljames, Deputy Chair, Franklin Local Board

cc: Elizabeth Osborne, Senior Policy Advisor, Community and Social Policy

From: Georgina Gilmour, Senior Adviser to the Franklin Local Board

Subject: Urgent decision request of the Franklin Local Board – Feedback on the draft Auckland Council submission to the Ministry of Business, Innovation and Employment on proposed changes to (the Freedom Camping Act 2011) to support effective management of freedom camping in New Zealand

Purpose

1. The purpose of this memo is to initially seek the local board relationship manager's authorisation to commence the urgent decision-making process and if granted, seek formal approval from the chair and deputy chair to use the process to make an urgent decision.
2. The decision required, and the supporting report, are attached to this memo. The urgent decision being sought needs to be authorised by the chair and deputy chair (or any person acting in these roles) by signing this memo. Both this memo and the report will be reported as an information item at the next business meeting if the urgent decision-making process proceeds.

Reason for the urgency

3. Auckland Council has been provided the opportunity to provide feedback to the Ministry for Business, Innovation and Employment (MBIE) on proposed changes to support effective management of freedom camping in New Zealand (attachment 1)
4. Operational staff, legal and Auckland Unlimited developed a draft submission to the Ministry of Business, Innovation and Employment on proposed changes that support effective management of freedom camping in New Zealand (attachment 2). Submissions on the MBIE proposal are due by 28 May. The Governing Body will approve Auckland Council's submission on 27th May.
5. Board members & Councillors were sent an email about the draft submission and feedback process on 5th May, with a deadline for formal feedback on 13th May. Formal feedback will be appended to Auckland Council's submission.
6. The draft submission was not received by board members until 5th May. Formal feedback is required before the next local board meeting on 25th May. Formal feedback will therefore need to be resolved using the Urgent Decision process.

Background/Context

7. The Ministry for Business, Innovation and Employment (MBIE) has released a discussion document outlining four proposals for changes to the Freedom Camping Act 2011 as follows;
 - make it mandatory for freedom camping in a vehicle to be done in a certified self-contained vehicle OR

- make it mandatory for freedom campers to stay in a vehicle that is certified self-contained, unless they are staying at a site with toilet facilities (excluding public conservation lands and regional parks).
 - improve the regulatory tools for government land managers, including stronger enforcement powers.
 - strengthen the requirements for self-contained vehicles.
8. The Freedom Camping Act 2011 defines what freedom camping is and gives effect to the government's policy to allow freedom camping on all public land by default. The legislation empowers local authorities to make bylaws to protect areas where freedom camping should be prohibited or restricted, but only for specific reasons contained in the Act. It also sets out councils' bylaw enforcement powers, and the penalties that apply to freedom campers who break the rules.
 9. In its discussion document, MBIE notes that in recent years the increasing number of freedom campers in New Zealand has raised concerns around the impacts of freedom camping on the places and communities that host them. Nationally, this concern has focused on the subset of freedom campers who stay in cars, or vans with sleeping platforms, that are not self-contained. MBIE suggests this form of freedom camping is impacting on the social licence for tourism and putting at risk New Zealand's reputation as a destination that delivers a sustainable, high quality visitor experience.
 10. The Government considers while the borders are closed to international visitors, it is a good time to address some of the systemic issues facing freedom camping.
 11. Although Auckland Council has not yet made a bylaw under the Freedom Camping Act 2011, a draft Freedom Camping in Vehicles Bylaw was developed in 2018 and released for public consultation in 2019. Public feedback and local board views provided as part of that process highlighted the relevant issues of most concern to Aucklanders, which are broader in scope than the matters covered by the government's proposals.
 12. Following a decision in 2019 to set aside the draft Freedom Camping in Vehicles Bylaw 2018, in March 2021 the Governing Body directed staff to develop a statement of proposal for a new bylaw. The key changes from the 2018 bylaw will be retention of the default prohibition on camping on all reserves held under the Reserves Act 1977, and consideration of the inclusion of a general rule to apply to all areas not specifically protected, including roadsides. Following a decision on options for a general rule by the Governing Body in May 2021, staff expect to release a new statement of proposal and draft bylaw for consultation in the second half of 2021.
 13. The purpose of this urgent decision is to provide feedback on Auckland Council's draft Auckland Council submission to the Ministry of Business, Innovation and Employment on proposed changes to (the Freedom Camping Act 2011) so that local perspectives are represented through this process.

Relevance to the Local board

14. Local boards are responsible for decision-making on local issues, activities and services and providing input into regional strategies, policies and plans. Local boards also have a role in representing the views of their communities on issues of local importance.
15. The Franklin Local Board provided feedback on a new statement of proposal on the Freedom Camping in vehicles Bylaw for considering by the Regulatory Committee and the Governing body in September 2019, and have consistently advocated for an enabling approach to

responsible freedom camping on the basis that tourism is an important local economic driver that can benefit Franklin's isolated communities (particularly coastal).

16. The Ministry of Business, Innovation and Employment proposed changes to support effective management of freedom camping in New Zealand has relevance to the following outcomes and objectives in the Franklin Local Board Plan 2020:

- Outcome 1: Our strengths generate local opportunity and prosperity
- Outcome 3: Fit for purpose places and facilities and
- Outcome 4: Kaitiakitanga and protection of our environment.

Authorisation of the urgent decision-making process

Privacy of natural persons

Signed by Carol McKenzie-Rex

Local Area Manager, Franklin, Manurewa and Papakura Local Boards Date 12/5/2021

Approval to use the urgent decision-making process

Privacy of natural persons

Andrew Baker

Chair, Franklin Local Board

Date 12/5/2021

Privacy of natural persons

Angela Fulljames

Deputy Chair, Franklin Local Board

Date 12/5/2021

Franklin Local board Resolution/s

That the Franklin Local Board;

- a) provide the following feedback on to be considered in the finalization of or appended to the Auckland Council submission on proposed changes to the Freedom Camping Act 2011;
 - i. support proposal one, whereby it would be mandatory for all freedom camping in a vehicle to be done in a certified self-contained vehicle so that freedom campers have access to proper toilet facilities at all times

- ii. does not support proposal two whereby it would be mandatory for freedom campers to stay in a vehicle that is certified self-contained unless they are staying at a site with toilet facilities noting that few areas have 24-hour public toilets. Most facilities at desirable freedom camping areas such as parks, beaches and town centres are closed overnight
- iii. does not accept the stated rationale, that 'normal use' of public conservation land means that visitors to regional parks would be familiar and comply with the traditional 'backcountry code' for remote areas (toileting a safe distance from tracks/waterways and burying waste).
- iv. supports proposal three, to improve the regulatory tools for government land managers and agrees that that people and organisations that undertake sanitary plumbing work on vehicles would be the most appropriate groups to be licensed to undertake and certify self-containment
- v. supports proposed amendments to improve proposal three as outlined within Auckland Council's draft submission
- vi. supports proposal four, to strengthen the requirements for self-contained vehicles, including requiring toilets to be permanently plumbed
- vii. agrees that government should also take steps to clearly distinguish homelessness from freedom camping in the Freedom Camping Act 2011, to support public understanding and to guide compliance and enforcement staff
- viii. suggests that the term 'freedom camping' could be reframed as 'responsible camping' to reinforce expectations of those camping and those benefiting from camping
- ix. recognises that proposed changes to the Freedom Camping Act 2011 will improve the local experience, however continues to be concerned at the permissive, rather than permission based approach to enabling camping, noting that this approach creates unnecessary risk to the visitor experience as they are enabled to camp in areas that are not fit for purpose
- x. recommends that government works closely with the New Zealand Motor Caravan Association as the expert 'user-group' and New Zealand Plumbers Association as experts in appropriate toileting solutions to understand the practical implications of any Freedom Camping 2011 Act changes.

Approval of Resolutions/s

Privacy of natural persons

Andrew Baker
Chair, Franklin Local Board

Date 13/5/2021

Privacy of natural persons

Angela Fulljames
Deputy Chair, Franklin Local Board

Date 13/5/2021