



## **Submission of Greater Wellington Regional Council regarding**

# **Supporting Sustainable Freedom Camping in Aotearoa New Zealand**

## **Greater Wellington Camping Provision**

Greater Wellington Regional Council (GWRC) manages approximately 33,000 hectares of land in 8 Regional Parks across the Wellington Region. Within these Regional Parks there are 3 designated campgrounds. Usage of these campgrounds is steadily increasing and is now around 35,000 camper nights a year. Pre the Covid 19 pandemic our Dry Creek campground in Belmont Regional Park had over 5000 camping nights and most of these were international tourists, who often epitomized society's vision of "Freedom Campers"

All of GWRC campgrounds charge a nominal fee to stay overnight and so are not Freedom Camping Areas.

We use our Bylaws to move those on who try to stay in non-designated areas within the Regional Parks and are pleased that this regulation is recommended to stay the same.

As a provider of camping opportunities, we are keenly interested in the issue of sustainable camping and getting the balance right for all.

## Part One: General Comments

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The consultation, Supporting Sustainable Freedom Camping in Aotearoa New Zealand, proposes strengthening regulation by adding central government controls in addition to the local authority controls.

Greater Wellington Regional Council supports citizens and visitors enjoying our countryside in a respectful and sustainable way and prefers proposal 2 as the best way to achieve that

In this submission we support the proposals to improve the tools for regulators and a central register for certified self-contained vehicles for local authorities to access. We support having central Government oversight for a regulatory body given the authority to issue compliance certificates.

We support that the status-quo remains for local authorities to restrict or prohibit freedom camping through bylaws or notice making powers.

Finally, we note that homeless people are currently not disadvantaged by the Freedom Camping Act or bylaws. Councils have homelessness policies and procedures to assist these people. Enforcement officers currently differentiate between homeless people, and those who are voluntarily living in vehicles but have other choices about where to live. Therefore, we recommend that homelessness not be added as a freedom camping exemption so that officers can enforce offences with their current discretionary powers.

## Part Two: Recommendations

### Recommendations

<p><b>Proposal 1: (only certified self-contained vehicles permitted): Not GWRC preference but:</b> We recommend that:</p> <ol style="list-style-type: none"> <li>1. Freedom tenting be excluded from the self-containment provisions:             <ol style="list-style-type: none"> <li>a. to avoid the unintended consequence of increases of human waste dumping due to growth in tenting numbers, (there are no real barriers to buying cheap tenting equipment),</li> </ol> </li> <li>2. there be infringements to dis-incentivise non-compliant vehicles from freedom camping,</li> <li>3. there be central Government funding to increase the number of dump stations to prevent illegal dumping of human waste,</li> </ol>	<p><b>Proposal 2: GWRC's Preferred Option (certified self-containment not required at sites with toilets):</b> We recommend that:</p> <ol style="list-style-type: none"> <li>1. there be clarity that only designated sites with public toilets can be used for freedom camping, i.e., that people understand that the presence of a public toilet does not infer camping rights,</li> <li>2. the Responsible Camping Fund be continued and increased as necessary to support the legislation changes:             <ol style="list-style-type: none"> <li>a. for freedom camper ambassadors,</li> <li>b. for education of domestic tourists,</li> <li>c. for education targeted to international visitors about the expectations and regulations for freedom camping,</li> </ol> </li> </ol>
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<p>4. that campgrounds provide dump station infrastructure commensurate with their self-contained vehicle accommodation,</p> <p>5. the Responsible Camping Fund be continued and increased as necessary to support the legislation:</p> <ul style="list-style-type: none"> <li>a. to assist councils enforce a greater district areas due to probable wider disbursement of illegal freedom campers</li> <li>b. for freedom camper ambassadors,</li> <li>c. for education of domestic tourists,</li> <li>d. for education targeted to international visitors about the expectations and regulations for freedom camping,</li> <li>e. For a phone application to assist freedom campers with their holidays, e.g. site availability, regulations and by-law information.</li> </ul>	<ul style="list-style-type: none"> <li>d. For a phone application to assist freedom campers with their holidays, e.g. site availability, regulations and by-law information.</li> </ul> <p><b>Proposal 3:</b> Under proposal 2, We recommend that the status quo remains on the current provisions which lets councils (regional and territorial authorities) chose whether or not to have unrestricted sites for freedom camping in vehicles that will not meet the new certification standard.</p>
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**Proposal 3:** We recommend that:

6. fines only be nominally increased,
7. there be nationally consistent signage for self-contained sites,
8. infringements for human waste only be considered for offences where people are caught in the act by officers, and
9. if an infringement for human waste, as in point 9, be introduced, there be sufficient procedural regulations to protect officers given the sensitivities of the matter,
10. vehicle rental companies be responsible for collecting infringements to avert non-payment from tourists leaving the country without paying,
11. fraudulent claims of self-certification be infringeable and to be enforced by use of a central register, rather than have officers enter the vehicle to check the fittings,
12. vehicle confiscation be streamlined to improve existing confiscation tools (see the Local Government Act 2002 ss164-168),
13. local authorities be consulted on changes to the confiscation/towing provisions to ensure its workability,
14. local authorities enforce freedom camping rules on crown land, e.g. Waka Kotahi, (NB: Department of Conservation land is excluded from consideration in the Consultation and we do not support local authorities regulating DoC land),

15. there be a national standard of certification for self-contained vehicles to enable consistent regulation at self-contained vehicle only sites,
16. that the national register of self-contained vehicles be linked to the licence plate of the vehicle,
17. The status-quo remains for regional and territorial authorities to restrict or prohibit freedom camping through bylaws or notice making powers.

**Proposal 4:** We recommend that:

18. There be a central Government regulatory body with the oversight to grant authority to issue compliance certificates.
19. Self-containment includes the toilet being within the vehicle and the toilet has appropriate privacy even when used in a crowded area.

## Other Considerations

### **Transition timing**

1. We recommend that there be a transition period of 18 months to provide time for the local government sector to make changes to consult with their communities, make changes to bylaws and put in new procedures and/or sites and facilities.

### **Homelessness vs freedom camping**

2. We note that councils have homelessness policies to assist homeless people in their communities, and
3. we recommend that the interpretation of freedom camping clearly state that those choosing to live permanently in vehicles or tents on public land, because it is their preferred lifestyle choice are defined as freedom campers.

### **National consistency**

4. We recommend that updates to the legislation provide a workable nationally consistent freedom camping approach across all public land including regional reserves and conservation land, for the purposes of increasing the understandability of the regime, preventing unintended consequences, and achieving consistent regulation across New Zealand, and
5. That regional councils retain their ability to create freedom camping bylaws for their communities.

## Part Two: Specific Matters

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In this section we provide comments on specific provisions in the Consultation.

### Proposals 1 & 2:

- 1. Make it mandatory for freedom camping in a vehicle to be done in a certified self-contained vehicle**

Or

- 2. 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.**

The first proposal is that vehicles must be certified as self-contained when freedom-camping. The alternate second proposal is the same, but with an added alternative that if the site has toilet facilities, then the vehicle does not need to be self-contained.

### Policy drivers

There is a divergence of council policy about freedom camping. Many local authorities prefer proposal 2 because of the economic benefits that freedom campers bring to their communities. These councils provide freedom camping controls through provision of sufficient unrestricted camping areas, seasonal port-a-loos, nightly enforcement patrols and daily camper education through their community ranger programmes. Funding for some of these things has been provided through MBIE's Responsible Camping Initiatives. Bylaw compliance rates can be as high as 98%. The high compliance and low infringement rates places a continued reliance on central government funding to cover costs to continue the successes of these programmes.

Other councils may have experienced more regulatory difficulties and fewer benefits from freedom campers and prefer mandatory self-containment under proposal 1 as a better regulatory approach. A possible unintended consequence of proposal 1 could be that non self-contained vehicles will continue to freedom camp but will be dispersed further across districts and more difficult for local authorities to enforce. An increase in the Responsible Camping Fund could assist councils to enforce wider areas of their districts. If Option 1 should be the preferred proposal, increased infringements would assist dis-incentivising non-compliant vehicles from freedom camping. For proposal 4, there needs to be a central Government regulatory body with the oversight authority to issue compliance certificates and we suggest Waka Kotahi NZTA as a suitable agency.



### **Nationally consistent signage**

Nationally consistent signage would assist the freedom camping market have certainty about the regulations nationwide and help prevent misunderstandings about governmental expectations. We support having nationally consistent signage for self-contained and unregulated sites.

### **Dump Stations**

Should proposal 1 be the Government's preferred proposal, there will be an increase in self-contained vehicles. Associated infrastructure costs will require an increase of dump stations to prevent any unintended behaviour of illegal dumping of waste due to inadequate sanitary waste disposal facilities. The Government should support tourism by providing financial support for this increased infrastructure through funding mechanisms such as the Tourism Infrastructure Fund.

Along with free sites, camping grounds are also a destination for self-contained vehicles. We submit that campgrounds be required to provide dump station infrastructure commensurate with their self-contained vehicle accommodation.

### **Increased numbers of people tenting**

Some of MBIE's<sup>1</sup> expected behaviour changes from proposal 1 are that there would be increased numbers of people freedom camping in:

- certified self-contained vehicles, and/or
- tents, and
- There may be increased numbers of people opting to use price-sensitive accommodation, such as youth hostels.

Given that tents would not have to be certified self-contained, they will become an attractive and cheap holiday proposal for price-sensitive tourists. Our budget retailing chains offer cheap camping options that are readily available. We do not know how large the tenting market could become. However, without any real barriers to entry, the tenting segment of the freedom-camping tourist market could become very large.

A consequence of having increasing numbers of tenters with no self-containment and no provision of toilet facilities, would result in increased instances of human waste incidents on camping sites. This undermines the intent of the changes, therefore, we do not support proposal 1 as a viable proposal in its current form.

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<sup>1</sup> Consultation document page 18 <https://www.mbie.govt.nz/dmsdocument/13853-discussion-document-supporting-sustainable-freedom-camping-in-aotearoa-new-zealand>

If tenting is not prohibited under proposal 1, councils will still need to pass bylaws to prohibit it.

### **Provision of toilets at sites**

Option 2, allows non self-contained vehicles where toilets are provided. This is a viable proposal because it codifies in legislation the same successful policies that many local authorities have already put in place through bylaws. Many councils are already providing toilets at sites with a resultant trend of increased by-law compliance, fewer complaints and fewer infringement notices. Some councils are satisfied that they have achieved an appropriate balance of protecting the environment, respecting cultural values and encouraging the budget tourist economy by use of the existing provisions.

Under proposal 2, unless there is clarity about which sites are designated freedom camping sites, there may be an expectation that the presence of a public toilet denotes permission to freedom camp. Councils need clear protections for any unintended consequences of people camping on sports grounds or other areas prohibited from freedom camping.

GWRC supports proposal 2 over proposal 1.

## **Proposal 3: Improve the regulatory tools for Government land managers**

### **Stronger infringement scheme**

The consultation proposes increasing the fines, having different fines for different offences, having rental companies be responsible for paying fines, and infringements for those which fraudulently claim to be self-certified.

Having this range of tools would strengthen the penalties and provide deterrents for breaching the Act. We note that there could be considerable problems in regulating freedom campers who defecate in public spaces. For obvious reasons, we do not support council officers collecting evidence where people are caught in the act, other than that of the officer's observation that the act occurred. Should such an infringement be introduced, officers need sufficient procedural regulations to protect them, given the sensitivities of the matter.

We support having different fines for different offences, increasing the fines and infringements for those who claim to be self-certified but are not. Increasing the fines will be necessary to cover the costs of regulation. We further support the proposal that rental companies be responsible for paying infringement fines to avert non-payment from tourists leaving the country without paying.

We ask that a regulatory scheme which incorporates fraudulent claims about being self-certified, to be able to be enforced by using a central register for checking the certification, rather than an officer having to enter the vehicle to check the fittings.

### **Vehicle confiscation**

Local authorities already have the ability to tow vehicles from public land for committing an offence under the Local Government Act 2002. The power is seldom used due to the regulatory tools being unwieldy and difficult to use. Streamlining the confiscation process would be beneficial to provide greater utility for this last line regulatory power. There is always a small minority of people who demonstrate repeated refusal to comply with the legislation.

Should confiscation become part of the freedom camping policy, it would need further consultation with local authorities to ensure its workability.

### **Regulatory system for self-contained vehicles**

We support national oversight and a regulatory system for self-contained vehicles. We support having standards of certification for self-contained vehicles and a register of certificates which is linked to the licence plate number. This would assist enforcement officers in assessing vehicles for compliance at "self-contained vehicle only" sites.

At present officers have no rights of entry into a vehicle to assess toilets or plumbing and we support having a certification system which allows a vehicle to be assessed from the outside.

### **Allowing council officers to enforce rules on other government owned land**

Under the current Act, some crown land does not regulate freedom camping, e.g. land owned by Waka Kotahi. Consistency of the application of the law is an important principle so that citizens are able to trust that the regulatory system is fair and society continues to uphold the mandate to regulate. Department of Conservation (DOC) land and Regional Parks are excluded from this consultation.

There will be benefits to local authorities to be able to enforce camping rules on crown land not currently covered by the Act. Councils currently issue infringements and then have to waive them for camping on Waka Kotahi land because they are outside council jurisdiction and cannot be upheld. We support local authorities being able to enforce freedom camping regulation on Waka Kotahi land or other crown entities (excluding DOC land).

### **The proposal would not limit or affect existing bylaws or notice making powers**

We support the proposal that the status quo remains for local authorities to restrict or prohibit areas through bylaws or notice making powers.

## **Proposal 4: Strengthening the requirements for self-contained vehicles**

We consider that strengthening the requirements for self-contained vehicles is pivotal to the success of proposal 1, however, proposal 2 can be successful without a certification system as has been demonstrated through the successful use of bylaws and strategic policy in some councils. A certification scheme w

### **Other considerations**

#### **Transition arrangements**

We ask that there be a sufficient transition period of at least 18 months for local authorities to consult with their communities, change bylaws and new procedures, e.g. should proposal 2 be the preferred proposal, some local authorities may want to provide more toilets and sites for those vehicles which will not meet the self-contained standard.

#### **Differentiating between homelessness and freedom camping**

Councils' need to be responsive and understanding of the needs of homeless people. When complaints about homelessness are received, local authorities work with social services to resolve the situation. Councils do not infringe in these circumstances, but work according their homelessness policies and with other agencies.

Enforcement officers have to differentiate between those who are involuntarily homeless and those who make a lifestyle choice to live in a vehicle, i.e., those who choose to live in converted buses and campervans but do not have private land on which to park their vehicle. Some of these people are taking the approach that they, nor anyone else is subject to freedom camping bylaws because the bylaws are against the Bill of Rights and their personal freedoms. Some of these people permanently park at council sites and refuse to move when found to be in breach of a bylaw by an enforcement officer and requested to do so.

When an enforcement officer assesses a freedom camper's site, the characteristics of someone being homeless versus freedom camping in a vehicle or tent can appear identical at the outset. Deciding whether the person is involuntarily homeless or a voluntary lifestyle camper is achieved by the enforcement officer establishing a relationship over time to determine the person's circumstances. If the person is homeless, a council process to assist them is implemented and infringements are either not issued or waived.

Councils need the ability to take appropriate action against lifestylers choosing to live in vehicles in a location or manner which is in breach of a council bylaw, or an Act.

We recommend that the interpretation of freedom camping clearly state that those choosing to live permanently in vehicles or tents on public land because that is their preferred lifestyle choice are defined as freedom campers.

### **National consistency**

Regional councils and the Department of Conservation (DOC) have their own bylaws or rules for freedom camping. Regional councils have policies and bylaws for their reserves and they generally achieve their freedom camping controls. We recommend that regional councils such as GWRC retain the ability to create freedom camping bylaws for their communities.

We recommend that the updates to the legislation provide a workable nationally consistent freedom camping approach across all public land including regional reserves and conservation land, for the purposes of increasing the awareness of the regime, preventing unintended consequences, and achieving consistent regulation across New Zealand.