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responsiblecamping@mbie.govt.nz
Ministry of Business, Innovation and Employment

Dear Responsible Camping team

Proposed changes to support effective management of freedom camping in New Zealand

We thank you for the opportunity to comment on the proposed changes to the settings for managing freedom camping. We are disappointed that Government is not seeking feedback on a broader approach to supporting responsible camping and exploring wider reforms as highlighted in the Report of the Responsible Camping Working Group in 2018. We are also concerned that there appears to be an underlying assumption that people in self-contained vehicles will use their facilities and won't cause waste, litter or environmental harm.

The Kāpiti Coast District Council supports responsible camping in our district and welcomes those visitors to enjoy our District's spectacular coastal environment and various attractions. Our Council currently manages freedom camping activity through a policy identifying sites where responsible camping is encouraged. These sites restrict the number and limits the time campers can stay and are provided to enhance not restrict the freedom camping experience.

The Council appreciated the funding we received from the Responsible Camping Fund to help manage freedom camping in our District and hopes funding support to help Local Government manage this activity will continue, particularly when New Zealand re-opens our borders.

Our Responsible Camping Ambassadors and Public Spaces Officers focus on educating and encouraging those that are freedom camping to do so responsibly. They provide campers with information on acceptable freedom camping behaviour and other available sites.

Fortunately, for the most part, the people who freedom camp on the Kāpiti Coast are generally well behaved. Nonetheless, and like many other local authorities, our Council has experienced some struggles in providing for, and managing, freedom campers. Our key challenges around freedom camping generally relate to:

- Competing demand in popular sites along the coastline. This is often exacerbated by the size of the motorhome and space needed to park. This can lead to a reduction in local and other visitor use at popular recreational reserves.
- Overcrowding when freedom campers in vehicles, both self-contained and non-self-contained, exceed allocated spaces or time restrictions in designated sites.
- Freedom campers in self-contained motor homes using public toilets as laundry facilities.
- Poor parking efforts from both self-contained and non-contained campers.

- Poor toileting and hygiene practices from campers who are in both self-contained or non-self-contained vehicles in locations with/without facilities.
- Some nuisance behaviours, such as littering, dogs off-lead in on-lead areas, drinking in breach of local bylaw and/or inappropriate conduct.

We welcome the considerations behind the current change proposals for managing freedom camping but they fall short in addressing the wider recommendations from the Report of the Responsible Camping Working Group in 2018. We still see a need for some further changes. We recommend the current work should also consult on proposals for the following changes.

- Redefining the meaning of freedom camping under section 5 to:
 - exclude people permanently residing in mobile homes because this is giving licence to a different type of 'freedom camping' than what we consider the Act contemplated,
 - explicitly exclude homelessness from the meaning to 'freedom camp'
 - define what 'temporary and short-term parking of a motor vehicle' means and incorporate 'resting and sleeping... to avoid driver fatigue' as part of that definition.
- Consider allowing Territorial Authorities to designate specific sites as opposed to restrict locations. Section 10 of the Act allows freedom camping in any local authority unless it is restricted under section 11 to 'protect' for specified purposes. The regulatory risk is that allowing freedom camping everywhere is often unmanageable and can impact on health and safety of all users in that space.
- Ensure that Council can access all relevant infringement offence notices (currently some can only be accessed if Council has a bylaw made pursuant to section 11 of the Act). This would provide an on-the-spot option for enforcement officers where self-compliance and voluntary compliance fails to address an issue.

While Council advocates for a wider review of the current Act, in terms of the current proposals to change the settings for managing freedom camping we support progressing Proposals 1, 3 and 4 as a suite of changes, so that:

- the permissive approach of the current legislation tempered by limiting freedom camping to certified self-contained vehicles with permanently fixed toilets (Proposals 1 and 4), and
- our enforcement officers to be able to confirm current certification and have access to a range of appropriately targeted fines for non-compliance (Proposal 3).

We also agree that consideration must be given to people who are homeless and living in motor vehicles. We strongly advocate that they are excluded from the definition of "freedom camping" under section 5 of the Act, as we noted earlier. A welfare, not a regulatory, response is needed for this vulnerable group and should be undertaken by central government agencies.

PROPOSAL 1: MAKE IT MANDATORY FOR FREEDOM CAMPING IN A VEHICLE TO BE DONE IN A CERTIFIED SELF-CONTAINED VEHICLE or PROPOSAL 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

Council strongly agrees with Proposal 1, to make it mandatory for freedom campers to responsibly camp in certified self-contained vehicles.

With the permissive approach of the legislation, limiting freedom camping to those in certified self-contained vehicles as described in Proposal 1 will make a difference to the challenges that Council is facing in managing the activity. We note the statistics relating to self-contained vehicles and toilet use demonstrate a difference in behaviour between users of premium vehicle versus users of budget vehicles.

We note that the proposal still allows for freedom camping in a tent. We speculate that the rationale for this may be a perception that users of this option may be more likely to be outdoor enthusiasts with a respect for environmental protection. However, we believe there should be,

as suggested earlier, a way for Council to designate specific areas for tenting activity and that tenting is separate from Freedom Camping. Tenting is challenging for local authorities to manage this and we cannot possibly create rules in Bylaws and Plans that prohibits tenting across the District.

PROPOSAL 3: IMPROVE THE REGULATORY TOOLS FOR GOVERNMENT LAND MANAGERS

Council strongly agrees with Proposal 3, to improve the regulatory tools by increasing penalties for infringements and introducing a regulatory system for Self-Contained Vehicle Standard (SCVS).

In terms of increasing penalties for infringements, Council strongly supports creating a range of higher fines for different types of offences. This would enable fines to reflect the range of impacts that varying offences will have. It would also enable, as noted, local authorities to better recover the costs of enforcement activities. The financial costs falling onto our ratepayers for cleaning up after irresponsible campers are unfair and decrease the social licence for those who are responsible.

We also believe that any vehicle rental companies should be required to pass on any infringement notices to campers and hold them accountable for non-payment, and that all agreements must include an ability to recover the cost of an infringement.

In terms of introducing a national oversight of, and a verification database for, certified SCVS vehicles, Council agrees there should be national control and a certification register that is accessible to local authorities. The current sticker system is an inadequate response.

Council would not support, however, any proposal to require local councils to confiscate vehicles or enforce rules on other government owned land. 'Enabling' this to occur is acceptable, and leaves room for local councils to consider these option, but 'requiring' without considering Council's capacity and/or providing funding is not acceptable.

PROPOSAL 4: STRENGTHEN THE REQUIREMENTS FOR SELF-CONTAINED VEHICLES

Council support Proposal 4, to strengthen requirements. Specifically, we would like to see permanently fixed toilets as mandatory for self-contained vehicles.

We consider plumbers registered under the Plumbers, Gasfitters and Drainlayers Act 2006 to be appropriate certifiers of the Standard, both initially and at any recertification.

Conclusion

Kāpiti Coast District Council appreciates the opportunity to comment on the proposed changes to support management of freedom camping and we thank you for considering our feedback.

Yours sincerely

Privacy of natural persons

Wayne Maxwell
Chief Executive