

Urgent Decision Memo

7 May 2021

To: Carol McKenzie-Rex, Local Area Manager, Franklin, Manurewa and Papakura Local Boards

cc: Papakura Local Board Chair and Members

From: Lee Manaia – Local Board Advisor

Subject: Urgent decision - Papakura Local Board feedback on the Ministry of Business, Innovation and Employment proposed changes to support effective management of freedom camping in New Zealand

Purpose

To endorse the Papakura Local Board’s feedback on the Ministry of Business, Innovation and Employment proposed changes to support effective management of freedom camping in New Zealand.

Reasons for the urgency:

- The Auckland Council’s submission was circulated on 5 May 2021 to local board members.
- Local Board feedback is required by 5pm Monday 11 May 2021 to be incorporated in the Auckland Council submission and by 5pm Wednesday 13 May 2021 to be attached to the Auckland Council submission.
- The next scheduled meeting of the Papakura Local Board is 4.30pm on Wednesday 26 May 2021.

Decision sought from the chair and deputy chair (or any person acting in these roles)

That the Papakura Local Board:

- a) provides the following feedback on the Ministry of Business, Innovation and Employment proposed changes to support effective management of freedom camping in New Zealand:

Proposal	Papakura Local Board feedback
1. Make it mandatory for freedom camping in a vehicle to be done in a certified self-contained vehicle, OR	<p>a) The Papakura Local Board supports making it mandatory for freedom camping in a vehicle to be done in a certified self-contained vehicle.</p> <p>b) Requiring people who are freedom camping to have a self-contained vehicle does not necessarily mean they will use the vehicle’s facility.</p>
2. Make it mandatory for freedom campers to stay in a vehicle that is certified self-contained, unless they	c) The issues appear to be about the volume of freedom campers and whether they are conducting themselves in a responsible and considerate way.

Proposal	Papakura Local Board feedback
are staying at a site with toilet facilities (excluding public conservation lands and regional parks).	
3. Improve the regulatory tools for government land managers, including stronger enforcement powers.	<p>d) The appropriate level of government funding should accompany any enforcement or regulatory tools.</p> <p>e) The board supports improving the regulatory tools for government land managers including stronger enforcement powers.</p>
4. Strengthen the requirements for self-contained vehicles.	f) The board supports strengthening the requirements for self-contained vehicles.
5. Other	<p>g) The board sees freedom camping as a potential economic development and tourism opportunity.</p> <p>h) The board has a concern about those that are homeless and vulnerable being caught in any enforcement regime.</p> <p>i) The board supports the renaming of the “Freedom Camping” Act/Bylaw to “Responsible Camping” as it conveys the notion that people should be taking responsibility for their actions.</p> <p>j) The board believes there should be a limit on the number of vehicles per site and the length of stay.</p> <p>k) The board supports the continuation of government funding for freedom camping ambassadors who encourage appropriate behaviour.</p>

Background

1. The Ministry for Business, Innovation and Employment Innovation (MBIE) has released a discussion document outlining **four proposals for changes to the Freedom Camping Act 2011**. 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.
2. The legislation does empower 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.

3. 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. 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.
4. The discussion document presents four proposals for consideration:
 - i) Make it mandatory for freedom camping in a vehicle to be done in a certified self-contained vehicle OR
 - ii) 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).
 - iii) Improve the regulatory tools for government land managers, including stronger enforcement powers.
 - iv) Strengthen the requirements for self-contained vehicles.
5. Staff suggest a submission broadly in support of the government's proposed changes, while noting the **specific Auckland context** in relation to freedom camping.
6. 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.
7. 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.

Process for developing Auckland Council's submission

8. Submissions on the government's proposals are due on **16 May 2021**, which does not allow enough time to seek approval for the submission from the Governing Body.
9. Council has been granted an extension to 28 May 2021. The Governing Body will approve the submission at its meeting on 27 May 2021.

About Papakura Local Board

1. Papakura Local Board is one of 21 local boards which are part of the Auckland Council co-governance model. The board has responsibility for local decision making while the Governing Body has the regional decision making focus.
2. The board's population, as at the 2018 census, was 57,636. The population is ethnically diverse with 49.1% European, 26.8% Māori, 23.4% Asian and 16.9% Pacific peoples. Since the 2013 census there has been a significant growth in the Asian population. Papakura still has the largest Māori population per head of capita. The median age in Papakura is 32 years, with 23.6% of the population being aged between 0 and 14 years.

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: 8 May 2021

Privacy of natural
persons

Brent Catchpole
Chairperson, Papakura Local Board

Date: 10 May 2021

Privacy of natural persons

Jan Robinson
Deputy Chairperson, Papakura Local Board

Date: 10 May 2021