



14 May 2021

Ministry of Business, Innovation and Employment

Via email: responsiblecamping@mbie.govt.nz

Re: Supporting Sustainable Freedom Camping

The Whanganui District Council (“the Council”) **supports** a move to make the rules around freedom camping clearer, more consistent, and more enforceable across New Zealand.

The Council **supports** the principles outlined and in particular:

- Restricting freedom camping in general to certified self-contained only (P1);
- Strengthening the regulatory powers provided to local authorities (P3);
- Formalising the certified self-contained regime including creation of a searchable register (P3); and
- Increasing the requirements to be certified as self-contained to include the requirement for a plumbed toilet (P4).

To encourage voluntary compliance from visitors and facilitate enforcement, the Council **supports** the Ministry of Business, Innovation and Employment’s (“MBIE”) proposals to implement more consistent rules across Aotearoa (P1), and give greater strength and scope to the regulatory powers of local authorities (P3).

The Council **notes** MBIE’s desire that these changes should not impact on the homeless population, however it also notes that, under the current definition within s4 of the Freedom Camping Act 2011 (“the Act”), sleeping in a vehicle or tent as a result of homelessness is considered to be “freedom camping”. The Council also notes the difficulty from an enforcement perspective of separating those who are homeless from those who are freedom camping by choice. It is the view of the Council that, without specific, targeted attention given to the position of homeless populations within the Act, as well as the issue of homelessness overall, there is no practicable way to implement these rules that will not have a disproportionate impact on those populations. This impact could be in the form of being subject to fines they have no ability to pay or which paying will reduce their ability to pay for other expenses, or having their only residence seized by local authorities.

The Council **supports** the proposal to restrict freedom camping to certified self-contained vehicles only (P1), to reduce risk of mess and to create the simplest and most consistent set of rules as this will make things the easiest both in terms of enforcement and voluntary compliance.

The Council **supports** the proposal to increase regulatory powers (P3) as this will also make rules more consistent and enforceable across Aotearoa. The Council considers that strengthening the infringement scheme, lowering the threshold required to seize vehicles, introducing a formal regulatory scheme for certified self-containment, allowing councils to enforce rules consistently across all government-owned and managed land, and particularly making rental companies liable for

finer, will streamline and simplify enforcement, as well as enabling freedom campers to voluntarily comply with regulations more easily.

The Council **supports** the proposal to strengthen the requirements for certified self-containment (P4) to requiring a plumbed toilet. This increases the chances that on-board facilities will be used, and prevent people from including fold-away toilets as a way to get certification without the intention of using them.

The Council has a **concern** about vehicle rental companies providing a vehicle with on-board toilet facilities and offering a deposit which is returnable if those facilities have not been used. This allows freedom campers to access areas which are limited to vehicles which are certified self-contained, while encouraging them to not make use of their on-board facilities. This defeats the purpose of restricting campers to certified self-contained vehicles from a local authority perspective. The Council would therefore **recommend** an amendment that prevents rental companies from offering a returnable deposit if the on-board facilities are unused.

The Council also has a **concern** about the process of approving restricted and prohibited areas. As restricting and prohibiting areas requires evidence of issues within those areas, the Council is concerned that, when a bylaw is put in place over problem areas, freedom campers will then move to other areas, creating further issues, at which point the Council will be required to go through the full Special Consultative Procedure in order to update the bylaw to include the new problematic areas. The Council would therefore **recommend** that a further amendment that allows local authorities to update restricted areas within the district by resolution, rather than requiring a full bylaw amendment process.

Yours sincerely,

Privacy of natural persons

Hamish McDouall
Mayor
Whanganui District

Privacy of natural persons

Kym Fell
Chief Executive
Whanganui District Council