

Memorandum

To Her Worship the Mayor Sheryl Mai, Cr Shelley Deeming, Cr Greg Innes
Rob Forlong (Chief Executive), Dominic Kula (General Manager – Strategy and Democracy) –

From Vita Strohush, Tony Horton, Nina Darling, Reiner Mussle

Subject **WDC Submission on Supporting sustainable freedom camping in Aotearoa New Zealand**

Date 24 April 2021

Overview

The Minister of Tourism announced consultation on changes to freedom camping rules. Full consultation information is provided on the MBIE website: <https://www.mbie.govt.nz/have-your-say/supporting-sustainable-freedom-camping-in-aotearoa-new-zealand/>

The discussion document outlines four proposals to make freedom camping in New Zealand more sustainable. The proposal are:

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 toilets
3. Improve the regulatory tools for government land managers – which includes:
 - Formal requirements for certifying self-contained vehicles and which agency can oversee certification
 - Including information about whether a vehicle is certified as self-contained to the Motor Vehicle Register, operated by Waka Kotahi/NZTA
 - Tougher penalties, fines increased to \$1000
 - Requiring vehicle rental companies to collect fines
 - Additional grounds for confiscation of vehicles that breach freedom camping requirements
 - Introducing a new infringement for those vehicles which fraudulently claim to be certified self-contained
 - Local authorities to act as enforcement agents on land administered by Waka Kotahi or other Crown owned land
4. Strengthen the requirements for self-contained vehicles – which includes:
 - What types of toilets are suitable?
 - What types of vehicles are suitable?
 - Who should be able to certify compliance with the self-containment Standard (NZS 5465:2001 Self containment of motor caravans and caravans)

The proposed WDC submission supports the proposal to improve the management of freedom camping and **supports Proposals 2, 3 and 4**. However, further clarity and support from central government is sought on the following matters:

- Greater clarity on regulatory approaches to freedom camping at locations in close proximity to registered campgrounds;



- Ongoing funding from central government is needed if there is an expectation that local authorities will enforce freedom camping regulations on Crown owned land;
- Ongoing funding to support the Responsible Freedom Camping Ambassador Programme;
- Refinement of scope of freedom camping, possibly through definitions, to assist in distinguishing the impacts of freedom camping from the impacts of homelessness.

The attached WDC submission opposes Proposal 1 and opposes as part of Proposal 4 a requirement for a permanently plumbed toilet. If introduced these changes could severely limit the availability of freedom camping to potential travellers and could lead to a reduction in travellers who can legally stop and freedom camp in Whangarei District on their route to the Bay of Islands.

A copy of this submission will be provided to Taituarā who are seeking input from Councils in preparing an industry submission in support of strengthening the legislation on freedom camping.

Further amendments expected

Recommendation

The Chair of the Strategy, Planning and Development Committee, the Mayor and the Deputy Mayor approve the attached submission and approve the inclusion of their electronic signatures within the submission cover letter.

**Chair of
Strategy, Planning and Development Committee:**

Privacy of natural persons

Shelley Deeming
Councillor
Whangarei District Council
DATE 13 May 2021

Her Worship the Mayor:

Privacy of natural
persons

Sheryl Mai
Councillor
Whangarei District Council
DATE 13 May 2021

Deputy Mayor:

Privacy of natural persons

Greg Innes
Deputy Mayor
Whangarei District Council
DATE 13 May 2021

In reply please quote WDC Feedback on INSERT POLICY
Or ask for INSERT NAME AND ROLE

Ministry of Business, Innovation and Employment
15 Stout Street
PO Box 1473
Wellington 6140

23 April 2021

Tēnā koe

Whangarei District Council feedback/submission on Supporting sustainable freedom camping in Aotearoa New Zealand

Introduction

Whangarei District Council supports the proposal to improve the management of freedom camping. WDC's position on the Proposals is as follows:

- Oppose **Proposal 1**;
- Support **Proposal 2**, however the proposed exceptions for public conservation land and regional parks are opposed;
- Support **Proposal 3**, if adequate long-term funding for enforcement is available;
- Support **Proposal 4**, however opposed to limiting the minimum requirements in the self-contained vehicles to having a permanently plumbed toilet;

We **specifically welcome** the following nationwide changes that will assist in streamlined monitoring and compliance:

- A uniform nation-wide approach to self-containment requirements
- Requiring vehicle rental companies to collect fines
- Including information about whether a vehicle is certified as self-contained to the Motor Vehicle Register by Waka Kotahi/NZTA, which can significantly streamline compliance monitoring

However, we note that there are a number of areas where we seek further clarity and support from central government, including:

- Further refinement and clarity are needed for regulatory approaches to freedom camping at locations in close proximity to **registered campgrounds**. Relationships with campground operators are of high importance to Whangarei communities and came up as a major theme during consultation on our amended freedom camping Bylaw in 2020. However, location and availability of commercial camping grounds is not currently one of the criteria under the Freedom Camping Act that Council can use to regulate freedom camping. WDC is seeking central government to provide guidance on how to manage this issue.

- Ongoing funding from central government is needed if there is an expectation that local authorities will enforce freedom camping regulations on Crown owned land. Ongoing funding through Responsible Camping Funding is also required to support programmes such as our Responsible Freedom Camping Ambassador Programmes.
- Through our recent review of our Camping in Public Places Bylaw the approach to homeless was a key issues for our elected officials and the public. Current wording of the Freedom Act does not assist us in clearly managing the impacts of homelessness and freedom campers, particularly when those impacts can be indistinguishable. WDC is not advocating for a strong regulatory approach to homelessness and we recognise the severity of this issue, its many causes and impacts. It is suggested that through this review, consideration is given to include wording which clearly defines scope, possibly through definitions.
- The impacts of permanent vehicle dwellers are often similar to freedom campers and are indistinguishable to members of the community. We recommend the interpretation of freedom camping clearly state those choosing to live permanently in vehicles or tents on public land as a lifestyle choice are defined as freedom campers.

1. Proposals 1 and 2

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 toilets

- WDC supports Proposal 2, however the proposed exceptions for public conservation land and regional parks are opposed for the reasons provided below.
- Elected Members have supported the retention of non self-contained camping (17 designated sites) during our recent review of WDC's freedom camping Bylaw (amended 26 February 2021). The Bylaw provides clear requirements that non self-contained freedom camping is limited to the designated sites with public toilets and sets limits on length of stay.
- WDC has concerns around the proposed exceptions within Proposal 2 for public conservation land and regional parks. While these restrictions might work for back-country tramping trails, they could create unintended consequences in more urbanised and populated areas such as Whangarei District. Our District has extensive shoreline and many DOC parcels adjacent to the beach. These are often located close to residential areas, generating complaints from residents about the effects of non self-contained camping. We suggest that a different mechanism is developed to provide for camping along DOC tracks and coastal regional parks.
- We suggest that instead of providing exceptions for camping based on type/ownership of a land parcel (public conservation land or regional parks) to consider shifting the focus to activity definition, e.g. "the activity of backcountry tramping", "the activity of permanently living in a vehicle".
- Whangarei's commercial campgrounds value, and in some cases rely upon, custom from tourists in non self-contained vehicles. By allowing these vehicles to travel the country but stay at commercial campsites, the potential loss of revenue that would occur by banning them altogether would be addressed.
- Whangarei District has only a limited number of designated camping sites that can accommodate large motorhomes. Restricting camping to certified self-contained vehicles only could significantly limit the number of campers that are able to stay in the District. The number of waste-related complaints that Council receives has reduced since the

adoption of the freedom camping bylaw in 2017. Over 2019-2021 peak season the bulk of complaints were related to overcrowding at popular spots. Whangarei District receives large numbers of Te Araroa Trail walkers who travel on foot carrying tents. They rely on being able to camp in tents, including at Councils designated freedom camping sites with public toilets. For these reasons Proposal 1 is not supported.

- Should Proposal 2 be adopted, it is crucial to clearly and explicitly confirm in the legislation the ability for Councils to restrict or prohibit freedom camping even if a site has public toilets to allow Council to adequately manage sites and balance the needs of local communities, visitors and protection of the environment.

2. Proposal 3

Proposal 3: Improve the regulatory tools for government land managers.

- WDC supports Proposal 3 and in particular:
 - discretion to apply a range of higher fines
 - a regulatory system for self-contained vehicles to provide national oversight
 - Inclusion of information about self-containment on the Motor Vehicle Register
 - requiring vehicle rental companies to collect fines from their rental customers
- However, WDC does not support expanding local authorities' duties to enforce freedom camping rules on Crown-owned land without adequate long-term funding from central government that will cover the cost of enforcement. Any such expanded scope of enforcement on to Crown-owned land should not be funded through our rate payers. The cost could be significant, noting the size of Crown lands within our District and the wider Northland region. We suggest considering whether there could be a funding mechanism through the revenue to rental companies.
- Although not specifically linked to this proposal, WDC acknowledge the positive outcomes that have been achieved in our District through the MBIE's Responsible Camping Fund. Access to these funds has enabled us to support the implementation of our bylaw as well as pursue an educational approach to Freedom Camping in our District through our Freedom Camping Ambassador Programme. As part of the proposed reforms we request that this fund is expanded and is put in place for the long term. It becomes very difficult for Councils to plan our response to Freedom Camping when access to funding is not certain. Therefore a established long-term funding stream would enable us to build on the positive outcomes achieved through the Responsible Freedom Camping Ambassador Programme.
- Higher fines as proposed could offer a stronger deterrent for breaches of freedom camping rules, however WDC has not issued many infringements so far and relied more on an educational and monitoring approach. Deterrence level of fines depends on alternative accommodation prices and availability in each region and is not the same around the country. In prime Northland coastal areas alternative accommodation can be very expensive which may incentivise some campers to take a risk of a small fine.
- We suggest considering specific penalties and fines for falsifying self-containment certification. Anecdotally, there have been reports of multiple vehicles from the same hire company seen to be displaying the same number plate on their self-containment certificates, the registration number not matching any of the vans carrying that apparently falsified certificate.
- The ability to use vehicle confiscation in practice would depend on the complexity of legal mechanisms for doing this. There may be difficulties with arranging towing of large campervans as well as Bill of Rights implications.

3. Proposal 4

Proposal 4: Strengthen the requirements for self-contained vehicles

- WDC supports Proposal 4 and in particular:
 - making the Self-Containment Standard NZS 5465:2001 mandatory. The Standard is already implemented in Whangarei's freedom camping bylaw
 - that certifiers should be separately recognised and licensed, and vehicles re-certified after the initial certification.
- WDC does not support limiting the minimum requirements in the self-contained vehicles to having a permanently plumbed toilet as this would exclude the low-cost sustainable portable toilet options on the market. Instead, we suggest approaching the requirements from a point of view of whether a toilet can be accessible to be used inside the vehicles at all times.
- WDC supports a proposal for specific reference to the types of vehicles that cannot be self-contained, for example ordinary cars due to their size. Council has seen reports of campers lifting the toilet from the vehicle and placing it beside the car where they use it in view of residents and other campers, a practice that is also unacceptable.
- We suggest giving consideration to prohibiting the use of pricing structures by rental companies that disincentivise on-board toilet use either explicitly or implicitly (through separate cleaning fees) where the vehicle has a toilet installed/included.
- A requirement for a plumbed toilet, if introduced in conjunction with Proposal 1 would severely limit the availability of freedom camping to potential travellers and could lead to a reduction in travellers who can stop and freedom camp in Whangarei District on their route to the Bay of Islands.

4. Summary

Whangarei District Council welcomes further opportunity to provide feedback. If there are any questions or points of clarification needed on our submission please contact Tony Horton, Manager – Strategy.

Nāku noa, nā