



**Western Bay of Plenty
District Council**

Head Office Barks Corner, 1484 Cameron Rd, Greerton, Tauranga
Private Bag 12803, Tauranga Mail Centre, Tauranga 3143
Ph 07 571 8008 (24 hours) • F 07 577 9820
Freephone 0800 WBOPDC - 0800 926 732
E customerservice@westernbay.govt.nz
www.westernbay.govt.nz

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

Name: His Worship the Mayor
Organisation: Western Bay of Plenty District Council
Postal Address: Private Bag 12803, TAURANGA 3143
Daytime telephone: 0800 926 732
Email address: katy.mcginity@westernbay.govt.nz

The Western Bay of Plenty District Council thanks the Ministry of Business, Innovation and Employment (MBIE) for the opportunity to submit on its proposed changes to support the effective management of freedom camping in New Zealand.

Western Bay of Plenty District Council (WBOPDC) is committed to protecting, maintaining and enhancing our natural environment. Our land and waters are the basis of our economy and our health, and a defining point for our district. We support working with the Ministry of Business Innovation and Employment for the effective management of freedom camping in New Zealand.

The District stretches from Waihi Beach to Otamarakau, covering 195,000 hectares of coastal, rural and urban areas. It is a growth area of New Zealand, with a population of approximately 55,900 people.

Freedom camping in the Western Bay of Plenty District

WBOPDC first adopted a Freedom Camping Bylaw in 2012 and has consistently updated it, with the current bylaw adopted in 2019. The purpose of the bylaw is to regulate freedom camping in the Western Bay of Plenty District. It does this through the identification of territorial authority controlled and managed areas where freedom camping is permitted, and setting the restrictions that apply in those areas. It also defines areas where freedom camping is prohibited within the District.

There are 46 different places for freedom camping in the Western Bay of Plenty District. These places have been identified through an assessment process which reviewed each site against



a set of criteria. This criteria was based on the following three key purposes as set out in section 11 of the Freedom Camping Act 2011 ('The Act'):

- Protecting the area (environmental, heritage, cultural);
- Protecting the health and safety of people who visit the area (fire risk, crime issues, isolation)
- Protecting access to the area.

It is based on these criteria that the decision is made to prohibit or restrict freedom camping in a particular area.

Proposals for improving freedom camping

WBOPDC recognises the need to strengthen and improve rules around freedom camping. However, any changes should not dilute a territorial authority's ability to control the activity within its district and/or diminish existing freedom camping bylaws and notices.

Stronger consideration needs to be given to changing the Act's current permissive approach to where freedom camping can occur, WBOPDC submits that a more restrictive approach should be introduced in the Act. That is, freedom camping is prohibited unless it is specifically permitted by the territorial authority.

In addition, the Act currently precludes Council from considering the impact of day-trippers in large motorhomes during the drafting of its Freedom Camping bylaws. Consideration needs to be given to how this can be widened in order for territorial authorities to be able to further control where freedom camping vehicles can park during the day. We note examples in Australia and Europe where the parking of camping vehicles is setback from main tourist areas, and seek consideration of a similar mechanism being included in the Act.

This submission provides feedback on the four proposals outlined in the discussion document dated April 2021. It also addresses other matters related to freedom camping relevant to WBOPDC.

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

WBOPDC generally supports this proposal and submits that a consistent approach to self-containment across the country would work to improve camper behaviour.

This proposal is aligned with WBOPDC's existing Freedom Camping Bylaw 2019 which already requires all people freedom camping in freedom camping areas to do so in a self contained vehicle (except for one site at TECT Park). This proposal would not impact those freedom camping areas identified by Council. However, the requirement to freedom camp in a self-contained vehicle does not extend to the areas not identified for freedom camping by Council and would therefore be captured by this proposal.

Requiring all vehicles used for freedom camping to be self contained will decrease pressure on the environment, Council infrastructure and likely lead to an increased standard of camper staying in the district. However, it is likely that existing trends will continue and freedom campers will opt to use public facilities over toilets in their vehicles. Therefore, to see marked change in this area the national standards for self containment certifications need to be robustly enhanced.

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

WBOPDC only supports this proposal if Council's ability to control freedom camping in the district is maintained.

WBOPDC's Freedom Camping Bylaw 2019 already requires all people freedom camping in freedom camping areas to do so in a self-contained vehicle (except for one site at TECT Park). Any changes reducing the need for vehicles to be self-contained would be contrary to the WBOPDC bylaw and make it difficult to manage the impacts that it would create.

In isolation, this proposal is likely to result in increased use of certain sites leading to Council infrastructure and facilities being put under a lot of pressure. Issues with car parking, bathroom facilities and rubbish bins are likely to arise and result in further negative perceptions of freedom campers by the community.

This will also have a detrimental impact on the wider community through increased congestion at public facilities which in turn would constrain the public's ability to access and use facilities and reserves for recreational purposes.

Should this proposal proceed, more clarity is needed around its parameters, including:

- What would be considered a 'site' with toilet facilities?
- What distance from toilet facilities could a vehicle be to be included within the site?
- Would there be a limited number of campers allowed at a 'site' at a time?
- How would tent sites be managed?
- Confirmation that Council would still have the ability to control the activity within a 'site'.

An example of the tension this proposal would create is set out below using Jubilee Park, Te Puke. The green lines depict where self-contained freedom camping is currently allowed (18 in total). Under proposal 2, freedom camping would be allowed here by virtue of the site having a toilet facility. If limits are not put in place there is the potential for the whole carpark to be utilised by freedom campers and potentially use of tents unless otherwise restricted. As set out above this would have a detrimental effect on other users of the carpark along with the existing infrastructure.



Proposal 3: Improve the regulatory tools for government land managers

WBOPDC strongly supports this proposal. Improvements to the regulatory tools for government land managers would assist with the management of freedom camping in the district. However, funding needs to be made available to territorial authorities should any additional regulatory requirements arise from this proposal.

Stronger infringement scheme

WBOPDC supports this in principle, however a scale of offences should be introduced with different penalties applying to the type of infringement and being proportionate to the breach of the Act and /or Bylaw

The current \$200 infringement does not necessarily reflect the severity of some infringements, and this needs to change in order to improve camper behaviour and deter people from risking significant penalties.

Council also recommends that a specific infringement offence provision be introduced for falsifying self containment documentation. Section 20(1) of the Act does not explicitly cover this and it needs to be included.

Vehicle confiscation

WBOPDC recognises that there needs to be a mechanism for vehicle confiscation to be done in the instance where campers are unwilling to comply. However, the likelihood of vehicle confiscation actually being carried out is limited and the use of this mechanism rare.

Regulatory system for self-contained vehicles

WBOPDC supports the introduction of a new regulatory agency or additional power to an existing agency in order to provide national oversight of legislated requirements for self-contained vehicles. An independent agency would further support Council's role and enable specific freedom camping matters to be dealt with by a purpose-built function. It would also provide a point of distinction between Council and the agency for members of the public.

We strongly support the establishment of a national database of vehicles that are certified self-contained and submit that this would provide greater transparency for enforcement officers to refer to in order to check the validity of a self-contained sticker and certification.

This register should be made publically available or at a minimum, authorised enforcement officers should have access to this register in order to undertake action in real time.

Rental companies passing on fines

Council strongly supports the strengthening of this and making it a legal requirement for rental companies to pass on fines to drivers, similar to what is done for speeding infringements or road tolls, by way of example. Consideration also needs to be given to the time limit around the issuing of infringements and reminder notice periods which, given the transient nature of those freedom camping (especially those from overseas), may need to be shorter in order for rental companies to fulfil this obligation.

Proposal 4: Strengthen the requirements for self contained vehicles

WBOPDC strongly supports the strengthening of the self-contained vehicle requirements and submits that any definition of 'permanently plumbed toilets' adopted needs to be made very clear and not be open to interpretation.

In considering self-containment regulations, WBOPDC acknowledges the impact that a higher standard may have on access to freedom camping for responsible campers with smaller or older more traditional vehicles i.e. caravans. This may have the unintended consequence of reducing the ability of genuine responsible campers to continue to camp.

General Feedback

The discussion document also asks for feedback on features of any new system that could be put in place and that would, for example, make it easier to comply or to enforce the rules. These are outlined below:

Freedom camping signage

Currently there is no standard requirements for signs relating to freedom camping. Every territorial authority has different conventions which can make it difficult for campers to follow when moving from district to district.

Any new system put in place should include detailed requirements (or specific regulations) on freedom camping signage for prohibited, and permitted freedom camping sites, including but not limited to siting of signage, what information is required, and guidance on standard illustrations and content. Other than signage, guidance should also include what site marking and mapping should be included.

CCTV

Any new system put in place should include support and funding to territorial authorities for the installation and monitoring of freedom camping sites.

A significant barrier to being able to enforce freedom camping infringements is the level of evidence required to prove a breach. Installation of CCTV at freedom camping sites would help remove this burden and provide real time evidence of any breach which could be followed up by an enforcement officer. The installation of CCTV would help improve camper behaviour by deterring poor behaviour that would otherwise go undetected. WBOPDC issued 230 infringements relating to freedom camping in 2020/21 of which 65 (28%) were waived due to not being able to meet evidential requirements.

Homelessness

To avoid further disadvantage to vulnerable groups and in particular those who are homeless and living in their vehicles, the ability for enforcement officers to exercise their discretion must be maintained. This would enable judgements to be made on a case by case basis and lead to the most equitable outcome.

Council would not support explicit reference to 'homeless' being included in the Act as an exemption, as to do so would impact Councils ability to effectively enforce the Act and/or Bylaw.

Transition arrangements

Transition arrangements put in place for new rules need to honour existing self-contained certificates while the certification remains valid (in the case where the government decides to put in place new requirements for self-containment of vehicles).

Responsible camping fund

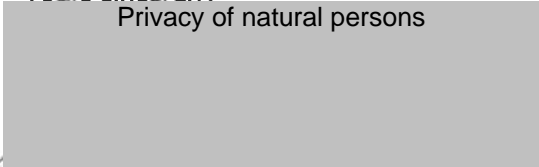
Council would also like to acknowledge its support of MBIE's Responsible Camping Fund. This fund is highly valued and positively contributes to the management of freedom camping issues within the district. The Western Bay of Plenty is an extremely popular area for freedom campers, and the management of these campers has relied heavily on funding provided through the responsible camping fund. Council strongly supports the continuing of this fund going forward.

WBOPDC would welcome involvement in any discussions on this topic and once again thanks MBIE for the opportunity to comment on the proposal.

Please contact me if you have any questions.

Yours sincerely,

Privacy of natural persons



Garry Webber

Mayor

Western Bay of Plenty District Council

