

# Freedom Camping Regulations Discussion Document

## 6 October 2022

### 1.0 CONTACT DETAILS

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### 2.0 INTRODUCTION

- 2.1 Thames-Coromandel District Council (TCDC) is a local authority that owns and manages land which may be used for freedom camping. Our District is very popular for freedom camping and we have had a Freedom Camping Bylaw to manage freedom camping in the District since 2011.
- 2.2 TCDC staff participated in the Government's consultation process held during April to May 2021 and provided feedback regarding the impact of freedom campers who do not camp responsibly.
- 2.3 As the management of freedom camping has a high level of community interest for our District, TCDC appreciates the opportunity to provide feedback on the regulations document.
- 2.4 TCDC's submission responds to the discussion documents questions that relate to:
  - Self-containment documentation – generic identifiers
  - Tiers for infringement fees and fines
  - Exclusions from regulatory requirements.
- 2.5 TCDC is also making a submission on the Self-contained Motor Vehicles Legislation Bill to Parliament's Economic Development, Science and Innovation Committee.

### 3.0 SUBMISSION

#### **Generic identifiers, question 15**

- 3.1 As set out in the discussion document, TCDC agrees with Option 1: not having a generic identifier.
- 3.2 We agree that having a register available for enforcement officers to check online, either at the site, or back in the office is sufficient. As a generic sticker such as the current ones are readily counterfeited and can be stuck on any vehicle regardless of its self-containment status, there is reduced trust of what guarantee they provide.
- 3.3 Recommendation: that Option1: not having a generic identifier as set out in Chapter Three of the Discussion Document be progressed.

### **Tiers for infringement fees and fines – Questions 17 and 18**

- 3.4 TCDC supports the move away from the current blanket \$200 infringement fee to a tiered fee approach that is proportional to the harm caused.
- 3.5 TCDC agrees with either Option 1 (maximum fee of \$800), or Option 2 (maximum fee of \$1,000) as set out in the discussion document. It is appropriate to have a tiered structure that reflects the level of harm caused by the offence. Our experience is that more infringement notices are issued for failing to display a self-containment identifier, or for a breach of local restrictions, and it is rare to find evidence of damage to an area, its flora or fauna, that would justify issuing an infringement notice.
- 3.6 Recommendation: that the tiered fee approach set out in Chapter Four of the Discussion Document be progressed, in the form of either Option 1 or Option 2.

### **Exclusions from regulatory requirements – Questions 19 to 21**

- 3.7 TCDC supports the preferred option to have no exclusions from the regulatory requirements as set out in the discussion document.
- 3.8 Having no exclusions will likely make enforcing the national requirements and local restrictions easier and therefore less costly.
- 3.9 TCDC does not agree with Option 2: excluding smaller freedom camping vehicles from the requirement to have a fixed toilet. In TCDC's experience those vehicles cause more problems when they are used for freedom camping because they cannot practicably have self-contained sanitary facilities of any kind, not just toilets. The proposed amendments to the Freedom Camping Act 2011 will be undermined if some of the most problematic vehicles used for freedom camping are excluded from regulation.
- 3.10 While TCDC accepts "vintage" vehicles are not likely to be able to comply with self-containment requirements, TCDC's experience is that those vehicles are rarely used for freedom camping in our District. TCDC is therefore 'neutral' about Option 3: excluding vintage vehicles from the requirement to be certified as self-contained.
- 3.11 TCDC considers a national exclusion of any vehicle types is not needed in the legislation. The proposed amendments to the Freedom Camping Act 2011 will give a local authority the power to permit, in a bylaw, non-certified self-contained vehicles to be used for freedom camping and it is appropriate for such a decision to be made locally. TCDC, and other local authorities, also currently have provisions in bylaws for people to freedom camp in contravention of the bylaw if they have an approval to do so. These are better options for dealing with "smaller" or "vintage" vehicles than a national exclusion.
- 3.12 Recommendation: that the proposal to have no exclusions from new regulatory requirements (option 1) set out in Chapter Five of the Discussion Document be progressed.

## **4.0 FURTHER INFORMATION**

- 4.1 TCDC staff welcome ongoing engagement with the Ministry of Business, Innovation and Employment staff involved in the development of the Freedom Camping Regulations to benefit our District, its communities and its environment.