

OIR: 2223/403

2 November 2022



Request for Information under the Local Government and Official Information and Meetings Act 1987 (the Act)

Thank you for your email of 28 October 2022 requesting the following information:

- 1. *When will your new Councillors discuss all implications for your local Council land as well as NZTA land in your area if the Motor Vehicle Self Containment amendment to the Freedom Camping Act passes?***

Our policy work programme has the current Freedom Camping Policy scheduled for review next year, which will enable any changes to the Freedom Camping Act to be considered.

- 2. *Do you intend to comply with the new Laws (if passed) and apply these restrictions and designations to public land which you manage and NZTA land in your area?***

Yes, we do.

- 3. *This Bill redefines what a self-contained vehicle is, and it must include a fixed, permanent toilet (not a portable toilet) so how does your Council currently define self-contained vehicles, if at all?***

We do not currently have a Bylaw; the interpretations section of our Freedom Camping Policy refers to what is 'Not self-contained freedom camping [Responsible camping - Kāpiti Coast District Council \(kapiticoast.govt.nz\)](https://www.kapiticoast.govt.nz):

“means freedom camping that requires the use of public ablutions, kitchen and waste disposal facilities and vehicles or caravans used for freedom camping that do not comply with the requirements for water supply, sanitary plumbing and solid waste containment as specified in New Zealand Standard (NZS) 5465:2001: Self Containment of Motor Caravans and Caravans.”

We currently do not enforce non-self-contained but encourage self-contained camping to ensure responsible camping.

4. If this becomes law, HOW do you intend to apply it and monitor it?

This information does not currently exist. On that basis I must decline this part of your request as the documents alleged to contain the information requested do not exist, despite reasonable efforts to locate them, they cannot be found, section 17(e) of the LGOIMA refers.

5. Do you have the time and resources allocated soon to review, consult and prepare appropriate Freedom Camping Bylaws and have these in place to apply the new law if it passes by March 2023?

Yes, the current Freedom Camping Policy is scheduled for review through the current policy work programme sometime in 2023.

6. Have you approached NZTA to discuss collaboration with them over monitoring of their land to enforce the new Bill if it passes, as your district's NZTA land will be included in the new Act?

Not yet, but this would be incorporated into our wider review.

7. Did you meet the deadline for Transitional Funding applications to provide the resource and funds to review or create the necessary Bylaws (- MBIE closed this on October 3) - <https://www.mbie.govt.nz/immigration-and-tourism/tourism/tourism-projects/supporting-sustainable-freedom-camping-in-aotearoa-new-zealand/transition-fund-for-local-authorities/>

Yes, we applied for the first round of funding.

8. Do your bylaws enable non-certified self-contained freedom camp sites, wherever there are toilet facilities to accommodate the thousands of willing freedom campers who will want to stay, but won't be able to stay at any Certified Self-Contained Restricted sites unless they can change their porta-potties for a fixed toilet? See Note 1.

We do not currently have a Bylaw.

9. Do you currently have freedom camping bylaws to match this major amendment in the Freedom Camping Act, or can you review and send out appropriate public consultation information immediately to amend your current ones, so that this new law can be implemented in your district?

We do not currently have a Bylaw; the Freedom Camping Policy is on our policy work programme for review in 2023. We intend to educate people who are freedom camping in our sites over summer in relation to the proposed amendments to the Freedom Camping Act.

10. Do your use contractors to ensure campers are certified self-contained in all restricted sites, who will be given adequate tutorial and information in how to apply the new law (if it passes)?

No, we do not enforce non-self-contained campervans as we do not have a current Bylaw. We therefore do not currently employ contractors for this purpose.

11. Are your enforcement officers also aware that vehicles will have a 2-year transitional period to meet any new standards of self-containment for freedom camping?

The staff were aware of the legislative requirements under the current Act.

12. *Does your community of motor vehicle camper owners have adequate access to members of the Plumbers, Drainlayers and Gasfitters Board who will be able to re-certify vehicles to meet the new standards?

We do not hold this information yet. On that basis I must decline this part of your request as the documents alleged to contain the information requested do not exist, despite reasonable efforts to locate them, they cannot be found, section 17(e) of the LGOIMA refers.

However, we expect this information will be publicly available in future once the list of certifiers is confirmed by MBIE.

13. How do you ensure inspection, patrol, or monitoring officers are safe, and also ensure privacy and safety of the campers by not bullying campers, or shining torches into vehicles late at night, which may disturb and distress them? Do they monitor at reasonable hours of the day? See Note 2

We monitor at reasonable hours. We do not shine lights on those sleeping overnight. We follow up in the morning or during day light hours.

14. Do you have a clear complaints policy for freedom campers who might receive incorrect infringement notices while the transition period and new Bylaws are being created?

Yes, we have an online appeal process which is a written request to cancel an infringement form.

15. Did you realize that the Bill as it stands offers a loophole for tent stayers? They are not included in the self-contained restrictions outlined in this Bill. Do you have tent camping sites allocated for freedom camping?

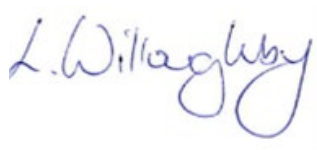
Yes, we are aware of this. We don't have a current Bylaw; our Freedom Camping Policy does not designate "tent camping sites."

16. Is your Council aware of the differences between self-containment and 'certified' self-containment? (See Note 1 for understanding).

Yes we are aware of the differences.

You have the right to request the Ombudsman to review this decision. Complaints can be sent by email to info@ombudsman.parliament.nz, by fax to (04) 471 2254, or by post to The Ombudsman, PO Box 10152, Wellington 6143.

Ngā mihi



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