

Laura Bowman

From: Official Information
Sent: Friday, 25 November 2022 9:19 am
To: 7(2)(a) [REDACTED]
Cc: Official Information
Subject: Final Response - LGOIMA 290042 - 7(2)(a) [REDACTED] - Hamilton City Councils response to the Motor Vehicle Self Containment amendment to the Freedom Camping Act

Kia Ora,

I refer to your **information request below**, Hamilton City Council is able to provide the following response.

Please note: Hamilton City Council is unable to comment on behalf of Waka Kotahi NZ Transport Agency (formerly known as NZTA) and have forwarded this request to them for them to respond to you directly in regard to management of land they manage.

Your Request 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 response 1:

Council will review current Bylaws as needed to reflect changes to the Act once it has been passed.

Your Request 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?

Our Response 2:

Council will review the revisions to the Act once they are passed and will then determine what changes (if any) are required to restrictions and designations to public land that Hamilton City Council manage.

Your Request 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?

Our Response 3:

Hamilton City Council Bylaws state the following:

1. Hamilton Traffic Bylaw 2021: a self-contained vehicle is one which displays an NZS 5465:2001 self-containment certificate

18. FREEDOM CAMPING ON ROADS

18.1. No person shall freedom camp in Civic Plaza and Garden Place, as set out in the Freedom Camping Register of this Bylaw.

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BYLAWS**

18.2. A person using a self-contained vehicle which displays an NZS 5465:2001 self-containment certificate, may stop, stand or park on any local road and collector road where parking is not controlled or is not in contravention of a restriction imposed by the Council and evidenced by appropriate signs and/or road markings and use it for the purposes of freedom camping under the condition that;

- a) the self-contained vehicle does not pose a health and safety risk
- b) all waste is disposed of at an authorised dump station
- c) the self-contained vehicle is not parked on the same road for any continuous period exceeding 3 days without authority from Council.
- d) does not cause a nuisance to residents.

2. Hamilton City Parks, Domains and Reserves Bylaw 2019: A self-contained vehicle displaying a NZS5465:2001 Self Containment Warrant**Your Request 4:**

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

Our Response 4:

Hamilton City Council will respond reactively as requests for service come in.

Your Request 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?

Our Response 5:

At this stage, we have not pre-allocated any time or resources but will do so as required.

Your Request 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?

Our Response 6:

No. Hamilton City Council has not approached Waka Kotahi NZ Transport Agency (formerly known as NZTA) but have regular operational meetings with them and are happy to collaborate where needed.

Your Request 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)

Our Response 7:

No we did not. You can find [here](#), a list of Councils who did.

Your Request 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 ? Note 1.

Our Response 8:

No, campers must be in a certified vehicle.

Your Request 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?

Our Response 9:

Freedom camping is addressed in our Hamilton Traffic Bylaw 2021 and in the Hamilton City Parks, Domains and Reserves Bylaw 2019. These bylaws will both be reviewed and amended, if necessary. Council will work through the full public consultation process as required by the Local Government Act.

Your Request 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)?

Our Response 10:

No, Hamilton City Council does not use contractors.

Your Request 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?

Our Response 11:

Yes, however our bylaws currently require vehicles to hold a NZS 5465:2001 self-containment certificate.

Your Request 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?

Our Response 12:

This information is not held by the Hamilton City Council therefore does not exist. As such, we will be refusing this part of the request per s17(e) of the Local Government Official Information and Meetings Act 1987.

Your Request 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? Note 2

Our Response 13:

Approaches are made at reasonable hours, taking an education approach before enforcement is considered an option.

Your Request 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?

Our Response 14:

No. Hamilton City Council has a clear complaints process in place for dealing with any complaints. This process will be utilised when appropriate, to deal with this situation should it occur.

Your Request 15:

Did you realize that the Bill as it stands offers a loop hole 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?

Our Response 15:

No – tent campers are not permitted at any sites under our bylaws

Your Request 16:

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

Our Response 16:

No.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Kind Regards,

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