

14 May 2021

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

By email: responsiblecamping@mbie.govt.nz

Canterbury Mayoral Forum Submission on the Government's discussion document *Supporting Sustainable Freedom Camping in Aotearoa New Zealand*

1. The Canterbury Mayoral Forum (CMF) thanks the Ministry of Business, Innovation and Employment (MBIE) for the opportunity to make a submission on the discussion document.
2. In this submission the CMF has provided comment on each of the four proposals in the discussion document, as well as on some wider issues with the Freedom Camping Act 2011.

Background and context

3. The CMF comprises the Mayors of the ten territorial local authorities in Canterbury and the Chair of the Canterbury Regional Council (Environment Canterbury), supported by our Chief Executives. The purpose of the Forum is to promote collaboration across the region and increase the effectiveness of local government in meeting the needs of Canterbury's communities.
4. All Canterbury councils actively participate in the Forum: the Kaikōura, Hurunui, Waimakariri, Selwyn, Ashburton, Timaru, Mackenzie, Waimate and Waitaki District Councils, the Christchurch City Council and the Canterbury Regional Council (Environment Canterbury).

Mayors standing together for Canterbury.

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Kaikōura District Council • Mackenzie District Council • Selwyn District Council • Timaru District Council
Waimakariri District Council • Waimate District Council • Waitaki District Council*

5. The following submission has been developed with input from across Canterbury councils. Our submission focuses on matters of general agreement between the members of the CMF.
6. We note that Selwyn District Council, Waitaki District Council, Christchurch City Council and Kaikōura District Council are also making individual submissions. The CMF supports careful consideration of these submissions.

Mayoral Forum's *Plan for Canterbury*

7. The CMF published the *Mayoral Forum's Plan for Canterbury* in September 2020, which sets out the CMF's five key priorities in this local government term.
8. One of the key priorities is:

*shared prosperity through sustainable, value-added primary production, high-value manufacturing, **high-value tourism** and growing, attracting and retaining a skilled workforce, investment and new businesses.*
9. As part of achieving this, the CMF has advocated with central Government for several years for changes to the way in which freedom camping is managed in New Zealand. The CMF has also overseen the development of a South Island Destination Management Plan, which includes commentary on freedom camping and proposes some ideas for change. The Plan's executive summary is **attached** for context.
10. We welcome this opportunity to provide Canterbury's view on how changes to freedom camping can result in higher value tourism for our nation.

General comments

11. The CMF is delighted the Government is progressing reforms to freedom camping and supports the intent of the proposals to improve the freedom camping regime, better protect the environment, remove unfair burdens on communities in some destinations, and lift the quality of tourism.
12. The CMF has previously advocated with Ministers for changes to be made while our borders are closed to international visitors, noting that the current closure offers us a unique opportunity for New Zealand to shape the future of tourism in ways that create decent jobs, benefit communities and enhance our economic, environmental, social and cultural wellbeing.
13. In advocating for this, the CMF has noted that there is not a single view across Canterbury about freedom camping, but there is general agreement that, in terms of the current situation:
 - providing infrastructure to support responsible freedom camping has come at a cost that may not be fully offset by freedom camper spending
 - the problem continues to be primarily with non-self-contained (or pseudo-self-contained) vehicles
 - leaving it to each territorial authority to determine its own bylaws has not been a satisfactory solution and there is a need for a consistent approach across councils, the Department of Conservation, Land Information New Zealand, KiwiRail and Waka Kotahi New Zealand Transport Agency.

14. Freedom camping affects districts across Canterbury differently. Some have significant issues with freedom campers, while others have little problems. Because of this, there is a varied approach to managing it, with some districts using specialist freedom camping bylaws to restrict or prohibit camping in certain areas and limit camping to self-contained vehicles, using existing bylaws for camping, littering and parks to restrict or prohibit camping in certain areas, or for those districts with little problems from freedom camping, addressing issues as and when they arise.
15. While the flexibility in the current legislation allows districts to respond in the way best suited to their local areas, the inconsistency makes it hard for tourists to understand what is expected across the region and consequently makes enforceability (and cost recovery for infringements) difficult. The CMF therefore strongly supports any move to create greater consistency of the freedom camping regime.
16. While we are supportive of the intent of the proposals, the CMF considers the proposed changes need to go further, and a review of the key principles of the Freedom Camping Act 2011 is urgently required. We note this is out of scope of the discussion document, but given the importance of this to the Forum, we provide some further comments on this later in the submission. We ask that this be given due consideration alongside the other matters raised in this submission.

Comment on discussion document proposals

17. Comments are provided below on the four proposals.

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

18. The CMF considers this proposal would effectively target the vehicle types that are causing many community concerns about freedom camping. As the CMF has identified previously, freedom camping problems continue to be primarily with non-self-contained (or pseudo-self-contained) vehicles.
19. In requiring freedom camping vehicles to be certified as self-contained, it sends a strong message about the type of behaviour New Zealanders expect from freedom campers, and ensures vehicle owners meet a minimum standard. As we note later in this submission, changing the self-contained standards from voluntary to mandatory is a significant and much-needed step forward in this area.
20. However, we note that this proposal would still allow people to sleep in non-certified vehicles in places not covered by the Act – for example conservation campgrounds and private land. Further, people could still freedom camp in tents (except where this is restricted by freedom camping bylaws and notices). We also note that compliance costs for vehicle owners could be high, reducing or restricting New Zealand residents who enjoy freedom camping but will not be able to afford to convert their vehicles to meet the standard.
21. We are particularly concerned about the potential loophole for freedom campers to simply buy or rent a cheap vehicle and tent and continue freedom camping as they have in the past. With sleeping in a tent not being captured by Proposal 1, we may find that “budget” freedom campers, who have largely been the problem, will just switch from vans to tenting, meaning the problem the changes seek to solve will not be adequately fixed. This will place greater

responsibility on local authorities to create new, or amend current, bylaws to ensure this is captured.

22. In light of the above, we are therefore concerned that this proposal may not go far enough to deal with the full extent of the problem freedom campers can present for our environment and communities.

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

23. The CMF agrees that this option would deliver a nationally consistent requirement for access to toilet facilities, and will influence positive behaviour changes by freedom campers. We are pleased to see that this proposal means there is no loophole for freedom camping in tents, which is something we see as a gap in Proposal 1.
24. We agree with the discussion document's assertion that Proposal 2 would offer a stronger incentive for campers to travel in self-contained vehicles, as it would open them up to a wider range of places to stay. At the same time, it would still allow campers to use non-self-contained vehicles if they ensure they camp at locations with toilets.
25. A concern we have about Proposal 2, however, is that regional parks are an exception. The discussion document notes one of the consequences of this option is that it may drive more campers to simply choose regional parks to camp at, thereby avoiding the new regime entirely. This will clearly require increased monitoring and enforcement resources by regional councils, possibly significantly so.
26. In addition, the CMF notes that many public toilets are in fact locked at night to prevent vandalism, while others are on reserve land (where camping is prohibited). This may lead to more confusion for freedom campers about where to stay.
27. On balance, however, we consider that Proposal 2 (coupled with proposals 3 and 4 below) is a more effective option than Proposal 1 above.
28. We note that both options still put the onus on councils to restrict or prohibit freedom camping in their regions. We are strongly of the view (as discussed later in this submission) that if the intent of the Act was reversed to assume freedom camping is not permitted unless expressly provided for, local authorities' roles in monitoring and enforcing the freedom camping regime would be easier and more efficient, regardless of whether Proposal 1, 2 or something similar is ultimately chosen.
29. Nonetheless, we support any move to improve the level of self-containment for freedom camping vehicles, and consider that in conjunction with proposals 3 and 4, either Proposal 1 or 2 would still go a long way to improving current issues with freedom camping across New Zealand.

Proposal 3: Improve the regulatory tools for government land managers

Stronger infringement scheme

30. The CMF supports the proposals for a stronger infringement scheme.

31. This would allow local authorities to give higher fines for a range of offences, enabling improved cost recovery for the often significant efforts by local authority staff involved in monitoring and enforcing freedom camping regulations.
32. We also support requiring vehicle rental companies to pass on fines to people that have hired their vehicles. The discretionary way in which rental companies can currently choose whether or not to do this is a clear gap in the current system. Rental companies are best placed to recover infringement fees from vehicle renters and should be made accountable for this.
33. The CMF also notes these proposals are a good opportunity to address the inconsistencies between the Reserves Act and the Freedom Camping Act. Addressing this could be through making a breach of s44 of the Reserves Act an infringeable offence, or making the Freedom Camping Act apply to land managed as reserved land.
34. Finally, we consider the proposals to clamp or confiscate vehicles need further and careful thought. The practicalities and implications for freedom campers of making someone's accommodation and transport immovable or inaccessible are problematic, and enforcement would clearly increase administrative and practical costs for local authorities.

Regulatory system for self-contained vehicles

35. The CMF strongly supports introducing a comprehensive and strict regulatory system for self-contained vehicles. This, coupled with a strengthened standard (as discussed in the next section), is key to a vastly improved system for managing freedom camping.
36. National oversight of legislated requirements for self-contained vehicles would pave the way for two significant issues with the current regime to be resolved: a centralised register of certified vehicles and consistent oversight of certification standards.
37. A centralised register would make it easy for local authorities to verify that a vehicle is compliant, as well as whether the owner(s) had previously been issued warnings or fines, thereby further supporting enforcement efforts.
38. The disjointed and uncoordinated way in which certification is currently applied means there is a lack of consistency across the country, resulting in varying interpretations of what is required. The CMF supports any measure that would provide for nationwide consistency of the application of the standards.
39. We do not have a strong view on whether a new agency should be established for this purpose, or whether the regulatory powers should sit with a current government department or agency. While it seems sensible for MBIE to continue its role in freedom camping and assume new regulatory powers, there are also good arguments for establishing a standalone agency with clear purposes and responsibilities. We suggest further work in this area to better understand the implications of either option.

Local authorities' role in enforcing rules on other government-owned land

40. The CMF agrees that the current situation, whereby the Freedom Camping Act 2011 only covers local authority areas and the conservation estate and not all government-owned or managed land, means there can be a lack of consistency in approach to managing freedom camping in a local authority area.

41. While we support any measure to improve consistency across the board, we note that addressing this by allowing local authorities to act as enforcement agents on government-owned land (except the conservation estate) could mean more enforcement resources are required by councils to meet the requirements. Clearly, councils would need and certainly expect resourcing support from central government if it were to take on enforcement duties for additional tracts of land. This support could be through, for example, reinstating the Responsible Camping Fund.

Proposal 4: Strengthen the requirements for self-contained vehicles

42. The CMF has been advocating for strengthened requirements for self-contained vehicles for some time. We strongly support changes in this area, as noted in our comments to proposals 1 and 2 in this submission.
43. The most obvious necessary change is to make the standard mandatory, rather than simply voluntary, so it can actually be enforced. A mandatory standard, sitting within an enforceable regulatory regime, would be an immense step forward for responsible camping in New Zealand.
44. We agree that the responsibility for certifying vehicles as self-contained would most appropriately sit with the Plumbers, Gasfitters and Drainlayers Board.
45. Aside from making the standard mandatory, the CMF considers the definition of “toilet” in the standard needs tightening up to ensure vehicle owners or renters are clear on what is required, and that the definition of “toilet” is adequate to be effectively used by vehicle renters or purchasers.
46. We echo the comments of the Parliamentary Commissioner for the Environment on this matter, who notes that for smaller vehicles, meeting the current requirements effectively means just installing a “small plastic box” near the bed and living area. This is clearly not the intention of the standard, and it should be reviewed accordingly.
47. It is disappointing to note the findings of recent MBIE research that showed many international visitors did not use the toilet in the vehicle they rented or hired (as referenced on page 13 of the discussion document). It is interesting, however, that nearly 75% of campers who hired a premium vehicle that met the current standard used the onboard toilet facilities (in comparison to the 28% that hired or purchased a “budget” self-contained vehicle). Further work is clearly needed to ensure onboard toilets are designed appropriately to encourage better use by self-contained vehicles, and budget ones particularly.
48. One way forward, as noted in the discussion document, is to amend the standard so that fixed, plumbed toilets are the only acceptable toilets for self-contained vehicles to gain certification. However, we consider further work is still needed to determine whether this is the best option. It may be that strengthening the standard to remove the least effective and/or least likely to be used toilets (such as portable and cassette toilets, for example), would result in the same improved outcomes as requiring permanent, plumbed toilets.
49. Furthermore, there are practical privacy concerns, hygiene considerations, and odour and ventilation issues when considering what constitutes a toilet and where it should go in a vehicle. The new requirements should reflect an appropriately high standard to address these matters.

50. As noted above, we consider that both a strengthened standard and a national regulatory regime are urgently required. Together, these will make a significant difference to the freedom camping issues currently experienced by local authorities and communities.

Other matters: Review of Freedom Camping Act 2011

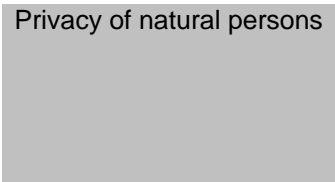
51. Although out of scope of this discussion document, the CMF urges a more fulsome review of the Freedom Camping Act 2011; in particular, a reconsideration of the overarching principle of the legislation that freedom camping is permitted unless councils or the Department of Conservation have restricted or prohibited it in certain places.
52. The CMF notes that the Act was put in place for a specific purpose – to manage the expected influx of Rugby World Cup visitors in 2011. It was drafted and enacted quickly, and we question how much consideration was given at the time to the impact on local authorities, infrastructure or the communities they serve. The number of freedom campers continued to grow significantly after the world cup, creating the problems experienced by communities up until the COVID-19 pandemic affected international tourism.
53. While the CMF is supportive of the intent of the Act, we remain of the view that the key principle of the legislation needs to be reversed so that freedom camping is prohibited unless expressly permitted by a council, rather than the current default setting allowing it anywhere except areas it is restricted or prohibited. This would give councils greater ability to determine the areas within their localities that are appropriate for freedom camping, and work in partnership with each other to take a more coordinated and strategic approach to the issue.
54. The issue of freedom camping, and the priority of value over volume emerged in stage 1 of the project to develop a South Island Destination Management Plan, an initiative of the Local Government Zone 5 and 6 groups and the CMF. There was clear agreement amongst these groups that amending the onus and intent of the Act was the best outcome for communities. The issue of community social licence is inextricably linked to high-profile issues like freedom camping and degradation of sites, and community concerns about how their environments are treated and respected by freedom campers. As noted earlier, a copy of the executive summary of this Plan is attached for context.
55. Finally, the CMF would like to reiterate that the closure of New Zealand's border during the COVID-19 pandemic is an opportunity to reconsider the future of tourism in New Zealand to make changes to increase the value each visitor brings to our country while ensuring tourism is sustainable and maintains a social licence to operate. The value of each visitor also needs to be measured in terms of the wide body air freight capacity that tourist flights bring to the New Zealand and in particular to the South Island to support the export of NZ commodities. This capacity was already constrained pre COVID-19 and further changes should look to a maximise our export potential alongside visitor value. We must use this opportunity to create a tourism sector that gives back more than it takes.

Conclusion

56. Thank you once again for the opportunity to make a submission on this discussion document.
57. Our Secretariat is available to provide any further information or answer any questions MBIE may have about our submission. Contact details are: Maree McNeilly, Canterbury Mayoral Forum Secretariat, secretariat@canterburymayors.org.nz , 027 381 8924.

Ngā mihi

Privacy of natural persons



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