



## Supporting Sustainable Freedom Camping in Aotearoa New Zealand – Submission Form

### How to provide us with feedback

The Ministry of Business, Innovation and Employment (MBIE) is collecting written submissions to gather a range of views on the Government's proposals to improve the management of freedom camping in New Zealand.

This submission form brings together all the questions asked throughout the discussion document *Supporting Sustainable Freedom Camping in Aotearoa New Zealand – Proposed changes to support effective management of freedom camping in New Zealand*.

Please feel free to answer as many or as few of these questions as you wish.

For more information and discussion about these topics please refer to the discussion document available at <https://www.mbie.govt.nz/have-your-say/supporting-sustainable-freedom-camping-in-aotearoa-new-zealand>.

Your submission can be returned by email to [responsiblecamping@mbie.govt.nz](mailto:responsiblecamping@mbie.govt.nz). Submissions are due by midnight on Sunday 16 May.

### Use and release of information

After the consultation period has closed, MBIE will publish a summary of submissions on our website at [www.mbie.govt.nz](http://www.mbie.govt.nz).

We will not be publishing any individual submissions or names of individuals who made a submission. We may wish to include part of your submission in the summary of submissions; in that case, MBIE will first ensure we have your permission to do so.

If you are submitting on behalf of a business or organisation, MBIE will consider that you have consented to the content being included in the summary of submissions unless you clearly state otherwise. If your submission contains any information that is confidential or that you do not want published, you can say this in your submission.

The Privacy Act 2020 applies to your submission. Any personal information you supply to MBIE through your submission will only be used by MBIE for the purpose of producing a summary of submissions. The summary will present themes and no personally identifiable information will be included. The summary will be reported to the Minister of Tourism and be published online.

Submissions may be subject to requests for information under the Official Information Act 1982 (OIA). If your submission, or part of it, comes within the scope of an OIA request, MBIE would normally release it (excluding any personal information) to the person who asks for it. If you consider there are reasons for MBIE to withhold any of the information you are providing, please indicate these reasons in your submission.

## Your details

### What is the name of the person making this submission?

Joanna Noble, Chief of Strategy & Science, Gisborne District Council.

### If you are submitting on behalf of an organisation, what is the name of that organisation?

Gisborne District Council

### Is it okay for your organisation's details to be published if we publish which organisations made a submission, or include part of your submission in the summary of submissions?

- Yes, you can publish my organisation's details with information from my submission.  
 No, keep my organisation's details confidential.

### Can we use information in your submission as a case study in the summary of submissions?

- Yes, you can include information from my submission as a case study in the summary of submissions.  
 No, keep my information confidential.

### Please provide us with your email address in case we need to contact you about your submission.

Email

Chris.gilmore@gdc.govt.nz

### What sector(s) does your submission most closely relate to, if applicable?

For example, the sector in which you may work or operate, or which you represent.

- |  |  |
|--|--|
| <input type="checkbox"/> Accommodation provider          | <input type="checkbox"/> Other tourism business                        |
| <input type="checkbox"/> Rental vehicle business         | <input type="checkbox"/> Non-tourism business                          |
| <input type="checkbox"/> Iwi, hapū or Māori organisation | <input checked="" type="checkbox"/> Local Government                   |
| <input type="checkbox"/> Individual or camper            | <input type="checkbox"/> Club or club representative (eg camping club) |
| <input type="checkbox"/> Other _____                     | (please specify)   |
| <input type="checkbox"/> N/A                             |  |

## Context to Supporting Sustainable Freedom Camping in Aotearoa New Zealand

1.1 How much do you agree that certain types of vehicle-based freedom camping is a problem? Please write a (Y) next to the option which applies to you				
Strongly agree (Y)	Agree	Neutral	Disagree	Strongly disagree
<b>1.2 What are your views on freedom camping in vehicles?</b> When answering this question you may like to think about: <ul style="list-style-type: none"><li>• Is vehicle-based freedom camping an issue in your area?</li><li>• Have you observed any specific issues?</li><li>• Are there specific behaviours which impact on your use of local amenities/infrastructure?</li><li>• What benefits does vehicle-based freedom camping provide for your region?</li></ul>				
<p>Gisborne District Council (Council) considers freedom camping to be of benefit, bringing visitors and tourism dollars to our region. While the majority of freedom campers follow the rules, the minority who do not have a significant impact on public access, Council infrastructure, and the environment. Issues include the inappropriate disposal of human waste, overloading of public amenities (both through high user volume and the emptying of grey and black water tanks) and the overcrowding of popular visitor areas. Predominately the costs of these impacts are covered by ratepayers, the exception being when Council has secured funding through the Responsible Camping Initiative Fund.</p>				

**How much do you support the proposal to make it mandatory for vehicle-based freedom campers to use a certified self-contained vehicle?**

2.1

Please write a (Y) next to the option which applies to you

Strongly agree (Y)	Agree	Neutral	Disagree	Strongly disagree
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**Do you support this proposal?**

When answering this question you may like to think about:

2.2

- Do you consider this option will improve camper behaviour?
- Will this option support or improve tourism outcomes in your region?
- Will this option decrease pressure on the environment and local government infrastructure?
- Are there impacts of this proposal that you are concerned about?

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

Council questions whether the proposed definition unintentionally captures caravans? Caravans are 'unpowered vehicles towed by another vehicle'. Is it the government's intention to require caravans to be certified self-contained as that has not historically been the case?

Tairāwhiti currently offers 'Summer Camping' which is camping with a paid permit in one of nine camping grounds established annually by Council through the Camping Ground Regulations 1985. Camping can be in a vehicle, caravan or tent provided there is a chemical toilet on site. Summer camping is difficult to manage and as a result Council has recently consulted on a draft freedom camping bylaw that would regulate all camping in the region under the Freedom Camping Act.

Proposal 1 aligns with Council's draft Freedom Camping Bylaw 2021. It supports our existing restriction on self-contained vehicles and does not impact freedom camping in tents which is necessary for Council's approach to managing camping in our region.

The restriction of non-self-contained vehicles is likely to reduce freedom camping congestion in Gisborne's popular urban beach front freedom camping areas.

Under proposal 2, camping in tents is only allowed near toilet facilities which if adopted would force Council to revoke its new freedom camping bylaw.

**How might this proposal impact you?**

When answering this question you may like to think about:

2.3

- Will this proposal increase or decrease the likelihood of you camping?
- Will this proposal have a direct financial impact on you or your business?
  - If yes, please indicate if this is a personal or business expense, and quantify how much you estimate it would impact you.
- Will this option increase or decrease the attractiveness of visiting other regions in New Zealand?

All freedom company affects our business. Council spends approximately \$280,000 per season facilitating camping not including the enforcement officers and infrastructure renewal costs such as signage, bollards and toilets which have been up to \$340,000 over the last three years.

Tairāwhiti has significant rates affordability issues. Our draft Long Term Plan 2021-2031 notes that \$600k of operational expenditure equates to 1% of rates.

Recently central government have been contributing to some of the costs associated with freedom camping through the Tourism Infrastructure Fund and the Responsible Camping initiative. This funding is critical for smaller Councils to address the issues presented by freedom camping and maintaining rates affordability. Freedom camping is a central government initiative, the benefits of which are felt nationally in GST rather than in local economic benefit; however, it is local authorities and their ratepayers that fund the majority of the activity.

**What things should Government consider to implement this option?**

When answering this question you may like to think about:

- 2.4
- What exceptions should Government allow under this proposal?
  - Do you have any ideas about how this proposal could be implemented?
  - Should this option be considered alongside other options proposed in this discussion document?

The government should consider if the definition of vehicle includes caravans and if that is intentional.

Successfully implementing Proposal 1 would rely on provisions in proposals 3 and 4, particularly the need for a robust certification framework.

All of these proposals should also be considered dependant on consistent and reliable government funding for councils over the long term. Without this funding costs associated with freedom campers fall to ratepayers which creates tension.

Restricting freedom camping in a vehicle to self-contained vehicles only may raise equity issues, by means of restricting freedom camping to only those who can afford vehicles that meet the self-contained standard, creating barriers to entry for lower- and middle-income earners.

**How much do you support the proposal to make it mandatory for freedom campers to stay in vehicles which are certified self-contained, unless they are staying at a site with toilet facilities (excluding public conservation lands and regional parks)?**

3.1

Please write a (Y) next to the option which applies to you

Strongly agree	Agree	Neutral	Disagree	Strongly disagree (Y)
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**Do you support this proposal?**

When answering this question you may like to think about:

- Do you consider this option will improve camper behaviour?
- 3.2
- Will this option support or improve tourism outcomes in your region?
  - Will this option decrease pressure on the environment and local government infrastructure?
  - Are there impacts of this proposal that you are concerned about?

Gisborne District Council is in strong opposition to this proposal (Proposal 2) for two reasons.

1) Proposal 2 unnecessarily includes tents in the self-contained discussion. Freedom campers using tents are a small minority who, from our monitoring, appear the most rule abiding group in the freedom camping space. Council have recently consulted on a draft freedom camping bylaw which would expand freedom camping in restricted areas to those in a tent with a chemical toilet. Proposal 2 would force Council to review this bylaw.

2) Proposal 2 is largely what is in effect now, particularly in regions with freedom camping bylaws. This approach has contributed to overcrowding of areas where non-self-contained freedom camping is permitted, significant increases in the costs of servicing adjacent facilities, damage to those facilities, and negative impacts on the environment through inappropriate disposal of waste, washing of dishes in streams, and inappropriate disposal of human waste.

**How might this proposal impact you?**

When answering this question you may like to think about:

- Will this proposal increase or decrease the likelihood of you camping?
- 3.3
- Will this proposal have a direct financial impact on you or your business?
    - If yes, please indicate if this is a personal or business expense, and quantify how much you estimate it would impact you.
  - Will this option increase or decrease the attractiveness of visiting other regions in New Zealand?

Proposal 2 would require Council to review our Freedom camping bylaw, and we are likely not alone in that. This is a costly and time-consuming process. Council asks that a 12-month transitional period for local bylaw be built into the act to ensure Councils are not found to be without a functional freedom camping at the highpoint of the camping season.

**3.4 What things should Government consider to implement this option?**

When answering this question you may like to think about:

- What do you think is required to achieve this option?
- What exceptions should Government allow under this proposal?
- How far from toilet facilities should a person be able to freedom camp if not in a vehicle with a toilet? eg, 100 metres, 200 metres?
- Should this option be considered alongside other options proposed in this discussion document?

This option does not meet the ministers stated objectives and leaves Councils to manage the same issues experienced prior to COVID-19 and the closure of the international boarder.

All of these proposals should also be considered dependant on consistent and reliable government funding for councils over the long term. Without this funding costs associated with freedom campers fall to ratepayers which creates tension.

## How much do you support the proposals to improve the regulatory tools for government land managers?

4.1

Please write a (Y) next to the option which applies to you

Strongly agree Y	Agree	Neutral	Disagree	Strongly disagree
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### Do you support this proposal?

When answering this question you may like to think about:

4.2

- Are there any specific parts of this proposal you support or propose?
- Do you consider this option will improve camper behaviour?
- Will this option support or improve tourism outcomes in your region?
- Will this option decrease pressure on the environment and local government infrastructure?
- Are there impacts of this proposal that you are concerned about?

Council strongly supports:

- Creation of a mandatory regulatory system for the certification of self-containment.
- Creation of a national database which allows Councils to check the status of certification against vehicle registration. This data base should have online and offline capability to ensure access in remote camping areas without connectivity. Consideration for black spot improvement projects in these areas may be an alternate solution but would not be able to cover all potential possibilities immediately across the country.
- Requirement for rental companies to collect fines.
- Larger infringement fees for more significant infractions such as fraudulently displaying self-certification.
- Prescribed signage (size, colour, text) which will standardise the signage across the country to enable easy identification of freedom camping areas both from the compliance and camper perspectives.

Council requests consideration of some limited entry and search powers under the act for the inspection of self-containment; however, if the regulatory regime for self-containment is effective this power will likely be unnecessary, except if self-containment is an option for tents.

However, Council **does not** support the proposal to confiscate vehicles and would likely not utilise the power should the government include it in the final bill. This would incur significant costs in both staff time and vehicle storage likely beyond those recoverable from the vehicle owner and is a highly contentious power to employ in any circumstance.

### How might this proposal impact you?

When answering this question you may like to think about:

4.3

- Will this proposal increase or decrease the likelihood of you camping?
- Will this proposal have a direct financial impact on you or your business?
  - If yes, please indicate if this is a personal or business expense, and quantify how much you estimate it would impact you.
- Will this option increase or decrease the attractiveness of visiting other regions in New Zealand?



Council views the development of a mandatory regulatory framework for certification of self-containment, similar to that for the warrant of fitness, as central to achieving the minister’s objectives and implementing Proposal 1.

#### **What things should Government consider to implement this option?**

When answering this question you may like to think about:

4.4

- What would you like to see in practice?
- Should this option be considered alongside other options proposed in this discussion document?

Implementation of Proposal 1 would benefit from:

- a mandatory regulatory system for the certification of self-containment
- an accessible national database
- Requirement for Rental companies to collect fines
- Larger infringement fees
- A national standard for freedom camping signage

#### **What would be an appropriate penalty?**

When answering this question you may like to think about:

4.5

- Should non-compliant vehicles be confiscated? If so, under what conditions?
- If vehicles are confiscated, what conditions should be placed on returning the vehicle?
- Should fines be similar to those for not holding a valid Warrant of Fitness for a motor vehicle?
- What levels should fines be set at?
- Who should collect a fine?

Council does not seek a power to confiscate vehicles.

Fines for fraudulently displaying a certificate for self-containment should be comparable to the savings made by ignoring self-containment certification requirements. \$400-\$800 dollars is the range suggested between the current fine for not displaying a valid warrant of fitness and the projected costs of a vehicle achieving self-contained certification identified in MBIES discussion document.

**Do you think that the requirements for self-containment should be strengthened?**

5.1 Please write a (Y) next to the option which applies to you

Yes Y	Neutral	No
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**Is the current standard fit for purpose?**

When answering this question you may like to think about:

- 5.2
- Should there be a requirement that self-contained vehicles have fixed toilets?
  - Should there be specific reference to the types of vehicles that can be self-contained?

As discussed in 4.2 Council would like to see a mandatory regulatory framework developed, similar to that in place for the Warrant of Fitness, with an accessible database.

Council do not see value in the regulations determining which vehicles can be self-contained as this may arbitrarily deny self-containment certification to an otherwise compliant vehicle. Rather the establishment of an authorised self-containment certifier licence with an ongoing audit process.

**Who should certify to the Standard?**

When answering this question you may like to think about:

- 5.3
- Should any Plumber registered under the Plumbers, Gasfitters and Drainlayers Act 1976 be able to certify to the Standard, or should certifiers be separately recognised and licenced?
  - Once a vehicle has passed its initial certification, should other entities be able to re-certify it?

Provided the system is robust with certification readily accessible and reasonably priced Certifiers should be separately recognised and licenced and to avoid conflicts of interest should be considered where installers might be certifying their own work, as with the warrant of fitness system.

As important as being self-contained is the willingness to use the facilities once certified. Council is comfortable with a two tiered system for certification and re-certification provided the recertification process establishes that the system has the appropriate chemicals, equipment and consumables for operation and cleaning stored on-board.

### **What transition arrangements should be in place?**

When answering this question you may like to think about:

- 6.1
- How long should Government give people to upgrade or dispose of their vehicles?
  - Should currently certified self-contained vehicles be exempt from any new rules?
  - Are there any other transition arrangements we should consider?

Council would support a grace period of 12 months for vehicles to be inspected and if necessary, meet the certification requirements.

No vehicles should be exempt from the new certification regime however, currently certified vehicles could be permitted to access a lesser inspection at a lower cost. In line with the re-certification process discussed by MBIE staff at the meetings.

### **How could Government ensure vulnerable groups are not further disadvantaged?**

- 6.2
- Could Government make homelessness exempt from any new regulatory system? What might this look like?

There is a tension between homelessness (which is increasing) and freedom camping legislation. Council enforcement staff encounter homeless people every day, they know who they are, and they do what they can to assist. Council considers enforcement officer discretion to be key to continuing sensitive, positive engagement with our region's most vulnerable people. Any changes to the freedom camping should retain Council discretion where homelessness is concerned.

**7.1 Is there anything else on the proposed changes or discussion document you would like to mention?**

This consultation has a limited scope and does not address the single biggest issue for Councils which is that freedom camping must be free. Development of an online, per night payment mechanism would be simple (GDC has one) and enable at least some cost recovery for Councils and improve the social license for camping. The per night costs could be capped in the legislation to ensure the activity remains affordable while not passing 100% of the costs onto rate and taxpayers.

For Council, the ongoing financial support from central government is critical to the management of freedom camping. Costs to the rate payer for signage, infrastructure, amenities servicing, and enforcement are significant and only minimally recoverable. If central government funding is withdrawn, then Gisborne District Council will be forced to consider ending management of freedom camping.