

HURUNUI DISTRICT COUNCIL

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

By email: responsiblecamping@mbie.govt.nz

14 May 2021

Hurunui District Council's Submission on the *Supporting Sustainable Freedom Camping in Aotearoa New Zealand* Discussion Document

Hurunui District Council (HDC) thanks the Ministry of Business, Innovation and Employment (MBIE) for the opportunity to make a submission on the discussion document.

HDC fully supports the Canterbury Mayoral Forum submission and provides further specific comment in relation to the experiences of HDC in the attached prescribed submission form.

Should you require any further information or clarification on our submission, please feel free to contact me.

Privacy of natural
persons

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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. 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.

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?

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

Hurunui 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

judith.batchelor@hurunui.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

How much do you agree that certain types of vehicle-based freedom camping is a problem?

1.1

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

Strongly agree	Agree Y	Neutral	Disagree	Strongly disagree
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What are your views on freedom camping in vehicles?

When answering this question you may like to think about:

1.2

- Is vehicle-based freedom camping an issue in your area?
- Have you observed any specific issues?
- Are there specific behaviours which impact on your use of local amenities/infrastructure?
- What benefits does vehicle-based freedom camping provide for your region?

Hurunui District Council (HDC) currently has a freedom camping bylaw. The general approach of the bylaw is that freedom camping is permitted in certified self-contained vehicles across the majority of the district. Freedom camping is prohibited at 46 sites or areas where good reason to prohibit camping was identified. There are 11 specifically identified sites where different restrictions apply (e.g., camping is only permitted during certain hours, number of campers at the site is limited). Eight of those identified sites allow camping in non-self-contained vehicles, and two also allow tents.

During the review of the HDC's bylaw and its subsequent implementation, the concerns raised by the community were:

- The loss of amenity and enjoyment of high value places/environments from congestion or overuse by campers
- Risks to the environment from litter, toileting, and fires
- Feeling of intimidation or loss of safety from having campers in public places
- The cost to the community of maintaining facilities for freedom campers to use for free

During the past three summer seasons the HDC has found that despite general compliance with the bylaw, the following issues have been observed:

- Campers exceeding the allowed numbers at sites on a regular basis
- Campfires being lit, particularly in coastal locations
- A small number of litter and defecation incidents
- Failure of a public toilet septic tank system at a camping site due to overuse (too many campers)
- Use of public toilet facilities for bathing, dishwashing and laundry, creating conflict with other users of the facilities and additional servicing/maintenance costs
- Questionable self-containment certificates, or situations where the toilet facilities in self-contained vehicles are clearly impractical to use.

Many of the perceived and observed issues stem from the use of vehicles that are not certified-self-contained. As outlined above, we have witnessed a high number of vehicles which are self-contained, but where the onboard facilities are impractical (or unpleasant) to use while camping. As a result, the onboard facilities are not regularly used and these vehicles have the same effect as non-self-contained vehicles. This matter will be discussed further in section 5.

HDC has carried out substantial monitoring and enforcement of freedom camping activities with the help of significant funding from MBIE's Responsible Camping Initiatives fund. This fund has also helped us to manage solid waste at two of our popular camp sites.

HDC is of the opinion that this level of monitoring and enforcement has played a vital part in keeping freedom camping issues in check. The costs of providing the service are high and without the MBIE funding would be a significant burden on the ratepayers.

We note the tourist spending data provided on Page 10 of the discussion document. Despite this data, there is a perception amongst the community in the Hurunui district that people who freedom camp in the district do not provide much income from tourism spending. Several of our popular freedom camping areas are remote and offer little opportunity for paid activities.

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	Agree Y	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?

Many of the issues observed and many of the concerns of the community arise from the use of non-self-contained, or self-contained vehicles with inadequate/impractical onboard facilities. Therefore, it is reasonable to expect that eliminating non-self-contained vehicles would result in improved camper behaviour, at least in respect of issues related to cooking and toileting.

As noted elsewhere in our submission, some certified-self-contained vehicles have inadequate facilities which are routinely not used by campers. It is our experience that there are large numbers of these types of campers and they are significant contributors to freedom camping issues. If this proposal were to be adopted in isolation, without addressing the shortcomings of the self-containment standard and certification regime, it would do little to change the status quo. Therefore, while we support it being mandatory for vehicle-based freedom campers to use a certified self-contained vehicle, our support is based on this including strengthening the self-containment requirements and the certification regime.

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?

This section is not particularly relevant to HDC. This proposal is unlikely to have a direct financial impact on HDC.

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?

As noted above, we believe this proposal needs to be in combination with the strengthening of the self-containment standard and certification, as outlined in Proposal 4. Otherwise, we are of the opinion that this proposal is unlikely to drive much improvement.

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 Y	Strongly disagree
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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?

Hurunui District Council does not support this proposal unless there is the provision to designate the sites available and control the numbers able to stay at each site. We would not like to see this proposal create a situation where there is unrestricted camping at any site with a public toilet facility.

We are concerned that without appropriate controls this proposal would lead to congestion at some camping sites. The community has expressed concern throughout our freedom camping bylaw process that where numbers of freedom campers are concentrated, the most problems will occur.

Many public toilet facilities do not have the capacity to cater for an increased group of users. This is particularly true for toilets that use a holding tanking or septic system for waste. As outlined earlier in our submission, we experienced a failure of a public septic tank system at a camping site due to overuse. In our experience, having camping near toilets increases the pressure on those facilities. As well as increased toileting, we have found toilets being used by campers for cleaning themselves, washing dishes and laundry.

We have also had feedback from members of our community that having campers beside public toilets can create a sense of unpleasantness or intimidation for people using public toilet facilities.

HDC’s approach has been to select suitable sites and limit the number of campers who are able to stay at that site to a number that is sustainable for the facilities. This also enables the area made available to campers to be positioned to reduce/avoid the intimidation factor for other toilet users.

While the vast majority of the Hurunui district allows freedom camping in self-contained vehicles, we have needed to focus much of our summer monitoring programme on these types of sites to ensure the limits on numbers and location were adhered to.

How might this proposal impact you?

When answering this question you may like to think about:

3.3

- 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?

We believe that this will have a direct financial impact on the Council and ratepayers. This proposal would likely lead to increased cleaning and servicing costs for our public toilets.

The community has an expectation that rules and limits are enforced, so there would likely be a need for ongoing monitoring of these sites. During the previous two summer seasons, Council has received funding from MBIE's Responsible Camping Initiatives fund to enable sufficient monitoring to be carried out. Without this funding the monitoring becomes a significant cost to ratepayers.

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?
- 3.4 ● 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?

We consider that if this option were implemented then Councils (and DOC or other providers of public toilets that would service non-self-contained campers) should retain the ability to specify the number of campers who can use a particular location and designate an area in which they can camp.

To be effective, any limits imposed (e.g. number or location of campers, or distances from toilet facilities) would require monitoring and enforcement.

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	Agree Y	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?

Stronger infringement regime (higher fines, ability to make vehicle rental companies responsible for fine payment)

We support an increase to the infringement fees. Higher penalties may help recover the cost of enforcement.

We strongly support the concept of making rental companies responsible for the non-payment of infringement fees.

In our experience with infringement notices issued under the Freedom Camping Act, rates of payment are reasonably low. Whilst fines issued to New Zealand residents will eventually be collected through the court collection system, overseas tourists are able to leave the country without paying and therefore, these costs are rarely recovered. In our opinion rental companies are well positioned to recover these fees from their customers.

Vehicle confiscation

Whilst we are of the opinion that the threat of vehicle confiscation could be a significant deterrent, we have reservations about the practicalities of it.

Confiscation of a freedom camper's vehicle would leave them without accommodation and transport. These are fairly serious consequences, and in our view very careful consideration would need to be given to this course of action.

The logistics of transporting, storing, returning or disposing of confiscated vehicles would likely be difficult, especially for smaller Council's such as HDC.

Existing powers of seizure and confiscation under the Local Government Act and Resource Management Act are rarely used for the same reasons.

Regulatory system for self-contained vehicles

We support a stronger regulatory regime for self-contained vehicles. In light of the fact that Proposal 1 and 2 both rely on mandating the use of self-contained vehicles (to some extent), we view improvements to the consistency and application of the self-containment requirements as essential.

We support the concept of a national database of certified self-contained vehicles.

Allowing local councils to enforce rules on other government owned land

We support the concept of a consistent approach across government owned land. We note that responsibility for additional land, or the levels of service expectations of different organisations would potentially place additional demand on Council resources.

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?
- 4.3 • 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?

As discussed in section 4.2, part of this proposal could have a direct financial impact for Council, including:

- The confiscation of vehicles would create administrative and logistical costs.
- Enforcing rules on additional land could create additional staff costs for Council.
- The proposed strengthening of the infringement regime could result in a better ability to recover some of Council's enforcement costs.

At the time of writing this submission, we are not in a position to quantify these impacts.

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?

As previously outlined, we support a stronger infringement regime in conjunction with mandating the use of self-contained vehicles.

What would be an appropriate penalty?

When answering this question you may like to think about:

- Should non-compliant vehicles be confiscated? If so, under what conditions?
- 4.5 • 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?

As noted above confiscation of non-compliant vehicles, whilst a good deterrent, does not appear to be a practical option for local authorities.

For self-containment certification-related offences, fines could be set at a similar level as Warrant of Fitness offences. We believe that this seems to be a fair comparison.

Littering or leaving rubbish offences could match the infringement fees in the Litter Act (\$200 - \$400), or the Reserves (Infringement Offences) Regulations which set a \$300 infringement fee for littering.

In any case, improvements to the ability to collect payment of infringement notices would likely provide more benefit to local authorities than adjusting the infringement fees.

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

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?

We support the strengthening of self-containment requirements. In particular, we support measures to have on-board toilet facilities that are practical to use.

The survey results showing that only 28% of people with budget self-contained vehicles used their toilets (page 13 of the discussion document) are not surprising. We have encountered large numbers of budget-type camping vehicles with toilet facilities that would be difficult (if not impossible) to use while camping.

Our community has also told us that they believe many campers in rented budget camping vehicles do not use their cassette-style or portable on-board toilets for fear of incurring extra charges from rental companies.

In our view, certain types of vehicles, e.g. standard cars and station wagons, are inappropriate to be self-contained vehicles as there are no practical options for fitting usable toilet facilities. We would like to see these be excluded from being self-contained vehicles.

The discussion document's "Key statistics relating to self-contained vehicles and toilet use" shows that 74% of international freedom campers who hired a premium self-contained vehicle used the on-board toilets. In our view if a similarly high proportion of *all* campers used their on-board toilets there would be a significant reduction in the problems associated with freedom camping. In light of this we support a requirement for self-contained vehicles to have fixed toilets.

While we note that the requirement for self-contained vehicles to have fixed toilets will be expensive and impractical for vehicle owners who do not currently have a fixed toilet, our main concern is protecting the environment and ensuring our community's concerns are addressed.

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 licensed?
- Once a vehicle has passed its initial certification, should other entities be able to re-certify it?

HDC does not have a strong view on who should undertake certification.

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?

We suggest that currently certified self-contained vehicles should be required to meet all new requirements. Page 9 of the discussion document notes that there are at least 73,000 self-contained vehicles already in circulation. In our view this is a significant number and not requiring these to be brought up to the new standard could undermine the effectiveness of the improved standards.

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?

We have no experience on this matter so do not feel equipped to provide feedback.

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