



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?

Will Doughty, Chief Executive Officer

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

Kaikōura District Council (KDC)

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

ceo@kaikoura.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
<p>1.2 What are your views on freedom camping in vehicles?</p> <p>When answering this question you may like to think about:</p> <ul style="list-style-type: none"> • 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? 				
<p>KDC supports Proposal 1: Make it mandatory for freedom camping in a vehicle to be done in a certified self-contained vehicle</p> <ul style="list-style-type: none"> • KDC supports the targeting of vehicle types that are causing many community concerns about freedom camping. Freedom camping problems continue to be primarily with non-self-contained (or pseudo-self-contained) vehicles. • Issues identified by KDC Camping Ambassadors have highlighted how differently people interpret what a self-contained vehicle means. • KDC agrees that freedom camping vehicles need to be certified as self-contained, but a blue sticker does not go far enough. A fool-proof, consistent certification would send a strong message about the type of behaviour New Zealanders expect from freedom campers and would ensure vehicle owners meet a minimum standard. Changing the self-contained standards from voluntary to mandatory is a significant and much needed step forward, as is a National Data base of certified vehicles. • KDC would like to thank Central Government for their financial support regarding Freedom Camping to date but would like to highlight that there will be significant higher enforcement costs with the proposals and continued financial support from central government will be required. Local authorities will be significantly worse off if any measures are put in place without the reinstatement of the Responsible Camping Fund as a minimum. 				

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
--------------------	-------	---------	----------	-------------------

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?

KDC does not support Proposal 2 – Make it mandatory for freedom campers to stay in a vehicle that is certifies self-contained unless they are staying at a site with toilets

We agree with Proposal 1 and it was an either-or question between Proposal 1 and 2.

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?

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?

3.1 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)?

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

Strongly agree	Agree	Neutral	Disagree (Y)	Strongly disagree
----------------	-------	---------	--------------	-------------------

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?

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

- With the current drive to develop consistent regulations and standards across NZ with nationwide rules, KDC believes that this proposal will improve camper behaviour and give greater certainty for the community that Freedom Camper vehicles are indeed self-contained to the correct national standard.

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?
- Should this be implemented KDC would like to highlight that there will be significant higher enforcement costs and continued financial support from central government will be required. Local authorities will be significantly worse off if any measures are put in place without the reinstatement of the Responsible Camping Fund as a minimum.

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?

- 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.

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
--------------------	-------	---------	----------	-------------------

Do you support this proposal?

When answering this question you may like to think about:

- 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?

Proposal 3: Improve the regulatory tools for government land managers

Stronger infringement scheme

- KDC would like to see a nationwide data base similar to Camper-Mate that gives local authorities the ability to see and track non-compliant Freedom Campers as they move from one district to the next.
- KDC supports the proposals for a stronger infringement scheme. 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.
- KDC strongly supports 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 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. The rental companies should also be liable for the fines if not recovered from the people that have hired their vehicles.
- KDC like the CMF, 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.
- Finally, although supporting stronger measures in principle, KDC considers that 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.
-

How might this proposal impact you?

4.3

When answering this question you may like to think about:

- 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?

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?

Regulatory system for self-contained vehicles

- KDC strongly supports introducing a comprehensive and strict regulatory system for self-contained vehicles. This coupled with a strengthened standard is key to a vastly improved system for managing freedom camping.
- 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:
 - 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.
 - 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.
- KDC does 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.

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?

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

- KDC 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.
- While KDC supports 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 our Council 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.

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?

Proposal 4: Strengthen the requirements for self-contained vehicles

- The Canterbury Mayoral Forum (CMF) has been advocating for strengthened requirements for self-contained vehicles for some time. KDC strongly supports changes in this area.
- The most obvious necessary change is to make the standard mandatory, rather than simply voluntary, so it can be enforced. A mandatory standard, sitting within an enforceable regulatory regime, would be an immense step forward for responsible camping in New Zealand.
- 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.
- 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.

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?
- We agree that the responsibility for certifying vehicles as self-contained would most appropriately sit with the Plumbers, Gasfitters and Drainlayers Board. Aside from making the standard mandatory, the CMF and KDC considers the definition of “toilet” in the standard needs better definition 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.
- One way forward, is to amend the standard so that fixed, plumbed toilets are the only acceptable toilets for self-contained vehicles to gain certification. These permanently plumbed toilets could include a removable cartridge system that has a minimum of two days holding capacity.

- 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.
- 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.

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?
- Transition period – Legislation scheduled to be in place by Jan 2022, but any appropriate transition period is one year to give Freedom Campers the winter to refit their vehicles before rules are enforced.
 - KDC would support jurisdiction of enforcement across all areas in district i.e. Waka Kotahi land, KiwiRail, LINZ and DOC land providing cost of enforcement is supported.
 - KDC would like to see agency collaboration on enforcement e.g. DOC, local authority in the Catlins.

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?
- The proposed legislation changes 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). New Zealand residents would still enjoy camping in tents, even if compliance costs for this type of vehicle conversion to meet the standard is high.
 - However, KDC agrees with the CMF and is 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 seeks to solve will not be adequately fixed. This will again place greater responsibility on local authorities to create new or amend current bylaws to ensure this is captured. KDC is 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.

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

- KDC would like to suggest that a full review of the 2011 Freedom Camping Act is undertaken to ensure that it is fit for purpose.