



## 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?**

[Tim.skinner@ncc.govt.nz](mailto:Tim.skinner@ncc.govt.nz) Chair Community and Recreation Committee

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

Nelson City 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

Rosie.bartlett@ncc.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                             |  |

## Introduction

Please note that due to scheduling issues this submission has not yet been approved by Nelson City Council and may be withdrawn. Approval will be sought on 1 July 2021.

Nelson City Council (Council) welcomes the opportunity to submit on the proposed changes to support effective management of freedom camping in Aotearoa New Zealand.

Whilst Council recognises the importance of tourism to Nelson's local economy and wishes to encourage responsible camping, it aims to minimise the public nuisance, and environmental and health effects caused by some freedom campers.

Freedom campers are not an homogenous group – they include New Zealanders and overseas visitors, and those travelling with tents, in modest cars, buses, vans as well as well-equipped recreational vehicles, travelling for recreation, work or out of economic necessity.

Council's Freedom Camping Bylaw prohibits freedom camping in non-self-contained vehicles anywhere within the city on Council controlled land, apart from official campgrounds or private accommodation providers. For certified self-contained vehicles, restrictions have been imposed on the numbers of vehicles and the areas where they can park:

<http://www.nelson.govt.nz/assets/Our-council/Downloads/bylaws/bylaw-227/Freedom-Camping-Bylaw-2017-Signed-and-Sealed-12Oct2017.pdf>

Enforcement and compliance monitoring are carried out for Council by a contractor.

We support:

- Local authorities continuing to be able to control freedom camping through bylaws
- A nationally consistent set of provisions for local authority land and Crown land
- A national system of licensing self-contained vehicles including a national database
- A transition period to introduce any new measures
- Simple consistent messaging about requirements delivered in ways that are used by campers

## 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
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**1.2 What are your views on freedom camping in vehicles?**  
When answering this question you may like to think about:

- 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?

Freedom camping provides benefits for the region from tourism and assisting seasonal workers to live and work here.

Freedom camping in non-self-contained vehicles is banned in the city under Council's Bylaw.

Due to the actions of some freedom campers, there are problems including littering and environmental concerns such as washing dishes and toileting outdoors.

Warnings and infringements notices issued over the warmer months:

Time Period	Warnings	Infringement Notices issued
November 2019 – March 2020	667	240
November 2020 – March 2021 (NB: reduction from previous year is likely the result of a reduction in overseas tourists due to the COVID-19 pandemic.	419	116

**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?

Due to the definition of freedom camping in the Act, Council currently has limited ability to restrict freedom camping to self-contained vehicles across the whole district.

Changing the legislation in this way would mean that Council would not have to justify restricting freedom camping to only self-contained vehicles at locations based on the criteria in the Freedom Camping Act i.e. that it is necessary to protect the area, protect the health and safety of people who may visit the area or to protect access to the area. It would also mean that Council would no longer be open to legal challenge on its decisions to restrict the types of vehicles that are able to use some locations.

Restricting vehicle-based camping solely to certified self-contained vehicles could contribute to reducing the negative effects of freedom camping. It would also provide clear simple messaging and rules. However, campers in self-contained vehicles could still wash and toilet outside their vehicles.

This proposal could result in more campers in non-self-contained vehicles using campgrounds. This would support businesses and Council campgrounds assuming capacity exists.

However, an unintended consequence of this change could be an increase in freedom camping in unauthorised locations, including private land and more out of the way locations without ablution facilities. This could increase environmental degradation, enforcement requirements and costs to ratepayers.

**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?**

2.4

When answering this question you may like to think about:

- 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?

- A national certification scheme to assess and register self-contained vehicles
- National database of certified vehicles (assisting buyers and sellers and enforcement authorities)
- Stronger consistent messaging about requirements to freedom campers

**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
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**Do you support this proposal?**

When answering this question you may like to think about:

- 3.2
- 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?

The Council's preferred position for Nelson is Option 1.

Council's Freedom Camping Bylaw prohibits freedom camping in non-self-contained vehicles anywhere within the city, apart from official campgrounds or private accommodation providers. In Nelson, if freedom campers in non-self-contained vehicles were not limited to official campgrounds and private providers, existing freedom camping areas would be unlikely to have sufficient capacity for non-self-contained vehicles and more toilet provision would be required.

However, Council recognises that other districts have different challenges and considerations and would support all councils having the ability to restrict freedom camping to only those in self-contained vehicles. For both Option 1 and 2 having a consistent set of rules across the country would be more straightforward to communicate and easy for all freedom campers to understand.

Council believes that people freedom camping in tents should be required to stay in sites with toilet facilities.

This proposal could have the unintended consequence of greater levels of freedom camping in non-self-contained vehicles taking place in unauthorised locations.

**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?

It is likely that there would be overcrowding issues at current sites if law changes required Council to cater for non-self-contained vehicles at the sites for self-contained vehicles permitted under Nelson’s Bylaw. To meet increased capacity, there would be increased costs to maintain sites and provide enough toilets. Council would anticipate more time and resources being spent on non-compliance.

**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?
- Ensuring councils have the ability to restrict freedom camping sites to self-contained vehicles only
- A national certification scheme to assess and register self-contained vehicles
- National database of certified vehicles (assisting buyers and sellers and enforcement authorities)
- Stronger consistent messaging about requirements to freedom campers

**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:

- Are there any specific parts of this proposal you support or propose?
- 4.2 ● 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:

- Ensuring companies that rent vehicles are responsible for the fines that their customers do not pay (they already have this system to ensure renters pay traffic infringement fees)
- A national regulatory licensing scheme for self-contained vehicles
- Improving enforcement on Crown land to improve consistency of approach

- Giving local authorities additional powers to enforce compliance on Crown land if adequately funded by the agencies (with Crown agency consent)

It does not support:

- Including the ability for local authorities to confiscate vehicles as this could lead to issues around vehicle storage and insurance. In addition, it would be difficult to ensure that the person using the vehicle was not homeless; taking their vehicle could increase hardship

#### 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?

#### 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?
- Measures to improve responsible camping including nationally consistent messaging
  - Funding for local authorities increased compliance monitoring and enforcement on council and Crown land
  - Resourcing Crown agencies such as NZTA to ensure compliance and enforcement

#### 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?

Current penalties are considered appropriate but ensuring consistent national enforcement would improve compliance outcomes.

#### 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?

Council supports clear strengthened consistent criteria for toilets, including requiring toilets to always be accessible and fixed. However, having a toilet in a vehicle does not mean it will be used.

### **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?

Certifiers should be licenced and monitored in the same way that organisations issuing Warrants of Fitness are.

### **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 transition period of 18 months to allow vehicle owners to upgrade or sell them.

Currently certified self-contained vehicles should be required to be certified under any new system to ensure consistency. A new self-containment licence should be developed to be displayed on vehicles.

### **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?

Council would not wish to see further hardship occurring due to the unintended consequences of new provisions to regulate freedom camping. Defining homelessness is very difficult. Enforcement staff currently take a discretionary approach to enforcement in cases where people appear to have no other home. Rather than exempt homeless people from any new regulations, the discretionary approach may be preferable. Enforcement officers are often familiar with those living in these circumstances in the city.

7.1

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