



14 May 2021

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

Attn: Responsible Camping Submissions
(responsiblecamping@mbie.govt.nz)

Submission – South Taranaki District Council

The South Taranaki District Council (the Council) would like to thank the Ministry of Business, Innovation and Employment (MBIE) for providing the Council with an opportunity to make a submission on the *Supporting Sustainable Freedom Camping in Aotearoa New Zealand* discussion document (dated April 2021).

The Council is **encouraged** by and **supports** the Government's vision of protecting and restoring the natural environment, providing a high quality tourism experience, and recognising the social licence to operate in communities across New Zealand; to develop freedom camping in New Zealand into a sustainable model.

We **recognise** that central government, Tourism New Zealand, local authorities, the New Zealand Motorcaravan Association (NZMCA), along with vehicle rental companies all have a part to play to make freedom camping in New Zealand a sustainable model.

Background – the South Taranaki District

The Council developed a Freedom Camping Bylaw in 2016 for the South Taranaki district, in response to the Freedom Camping Act 2011 (the FCA 2011). The bylaw designated areas where freedom camping could occur in self-contained vehicles, non-self-contained vehicles, and tenting. It also designated some areas as prohibited if the site was deemed unsuitable to allow any form of freedom camping. We were one of a few councils to develop a bylaw which included all forms of freedom camping - as we recognised we needed to under the FCA 2011.

Significant Site Assessment

Our Council undertook a Significant Site Assessment (SSA), which analysed the three criteria under section 11 of the FCA 2011, and assessed all accessible Council owned land in the district against this criteria. Our SAA was later adopted and slightly amended by Nelson City Council and featured in LGNZ's *Good practice guide for freedom camping*. It states within the document that this is the gold standard for assessing sites against the three criteria under section 11) 2) a) of the FCA2011:

- i) To protect the area.
- ii) To protect the health and safety of people who may visit the area.
- iii) To protect access to the area.

The Council's Freedom Camping project (An Innovative Approach to Freedom Camping) was submitted to Taituarā (formally the Society of Local Government Managers) and was the winning project for the Tompkins Wake Award for Better Policy and Regulation in 2019. Taituarā stated that *"South Taranaki developed a bylaw and a scoring system for conducting significant site assessments...This entry demonstrates the value of developing robust, defensible evidence-based policy and the application of good decision-making process to an issue that is very topical and that can be a matter of great sensitivity."* A copy of our SSA is attached in Appendix I of this submission.

Communication/Education

We have developed a clear and helpful map of our district showing all three forms of freedom camping – self-contained, non-self-contained, and tenting (see Appendix III), and have shared our bylaw with third parties to ensure that apps (e.g. Campermate) currently available online are giving accurate information on freedom camping sites within our district.

Regulatory Enforcement (Kaitiaki/Ambassadors)

Once our bylaw was adopted, it was agreed that an engagement and education programme with the public, stakeholders, Iwi, and our community was required. It was agreed that the approach would not be a typical regulatory approach of monitoring and enforcement through issuing of infringements. The Council adopted an approach of recruiting local people during the summer period, to be the friendly face of the district – to welcome our visitors and provide helpful information, and ask for those who are breaching the bylaw to comply and in some instances move to another location (where they were permitted). Our Kaitiaki/Ambassadors were also gathering statistics on the number of freedom camping vehicles and the type of freedom camping vehicle at each site, during those inspections. This has provided valuable insight into freedom camping in the South Taranaki District.

We have proven, by the adoption of our bylaw and the use of Kaitiaki/Ambassadors, that the current FCA 2011 can work. However, we **acknowledge** that other districts in New Zealand have a greater issue with freedom camping, due to the larger numbers of freedom campers visiting their districts, and a more robust mechanism for regulatory compliance may be required.

Working with Key Stakeholders

We **acknowledge** the discussions and collaboration between the NZMCA and the Council to develop a robust bylaw. This collaboration has also resulted in two townships in the South Taranaki District obtaining "Freedom Camping Friendly" status. We also **acknowledge** the feedback from our South Taranaki communities, who have helped to shape our bylaw through the adoption and review phases.

Social Licence for Freedom Camping in Communities

We have found through the process of developing our bylaw that the social licence for freedom camping varies from community to community within a district, and there will always be a difference of opinions within those communities. We found that people we consulted with in Ōpunakē were keen to have tourists come to their township. In comparison, coastal communities along State Highway 45 had concerns about freedom campers spoiling the coastal environment due to the limited number of public toilets.

The True Cost of Freedom Camping

The governments' Tourism Infrastructure Fund was made available to councils upon application, to provide capital (CAPEX) funds for the installation of infrastructure to assist in decreasing the problem associated with freedom camping. The South Taranaki District Council was successful and purchased 'pod' toilet facilities for three sites (these fully self-contained units include a toilet, and basic sink, tap and bench space). The fund provided subsidy towards the capital outlay; however, the Council is required to continue with the operational expenditure (OPEX) for waste removal, fresh water supply, cleaning, and maintenance of the pods.

We have found that the pod toilet facilities require emptying of blackwater and topping up with fresh water every 7-10 days due to the popularity of the sites. We know that rubbish disposal at sites has also been an issue, with overflowing rubbish bins and the requirement to empty rubbish bins more regularly than previously. Contractors and employees emptying out rubbish bins note that it is most likely rubbish from freedom campers disposing of large amounts of rubbish at one time, rather than day trippers.

This is not a sustainable model for local communities and shows that there is a cost to "free camping" in New Zealand. There is a chance here for kiwi ingenuity, greater policy/regulatory development from central government, alongside the opportunity to develop sustainable and responsible business models – to make freedom camping in New Zealand sustainable and eco-friendly.

Overall Questions Posed in Discussion Document

Is vehicle based freedom camping an issue in your area? Have you observed any specific issues?

We have four summer seasons' worth of data showing how frequently our freedom camping sites are used (see Appendix IV for reports on our Freedom Camping data). Our Kaitiaki/Ambassadors gather data when they conduct site visits throughout the season, to provide numbers of camping vehicles, and types of freedom camping observed. We have found that some sites have had issues such as overcrowding especially beach front sites, or one site located close to our library (access to free Wi-Fi).

Are there any specific behaviours which impact on your use of local amenities/facilities?

We have issues with overcrowding at some non-self-contained sites, and issues with campers using the environment rather than their on-board toilet facilities or public toilet facilities. The Council has received other complaints about excess rubbish and inappropriate behaviour (nakedness or hanging out washing). The Council reviewed its bylaw in 2017 to take into consideration the complaints and reassessed its sites resulting in some changes to the designation of some sites. We have included photos as examples of excessive rubbish, overcrowding, and instances of tourists hanging out washing in our district (see photos contained in the SSA (2017) in Appendix II of this submission).

What benefits does vehicle based freedom camping provide your region?

Our approach has been to attempt to create a positive image of our district for people who visit, whilst building on the back of the award that Taranaki received from Lonely Planet in 2017 as the 2nd best region in the world. Our approach is to create an opportunity for freedom camping visitors to tell others about our district, which may see more visitors or return visitors in years to come.

Most of their spending is at local shops, food providers, and petrol stations.

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

<p>Will this option improve camper behaviour?</p>	<p>The South Taranaki District’s current freedom camping bylaw permits self-contained freedom camping within the entire district unless the area is prohibited under the bylaw. This option would result in the Council needing to amend its bylaw. The Council would need to continue to monitor and enforce the FCA 2011 and the bylaw, as we believe that freedom camping in non-certified vehicles will continue.</p>
<p>Will this option support or improve tourism outcomes in the South Taranaki region?</p>	<p>Not that we can identify.</p>
<p>Will this option decrease pressure on the environment and local government infrastructure?</p>	<p>We believe this option may decrease the number of non-self-contained freedom camping along with removing the option for tenting throughout New Zealand, which may reduce the pressure on the environment. However, as mentioned above – we believe that this will not negate the need to monitor freedom camping.</p>
<p>Are there impacts of this proposal that you are concerned about?</p>	<p>We are concerned that there is still a potential that tourists who hire or own a self-contained freedom camper will still not use on board toilet facilities. MBIE have identified that only 28% of budget international tourists and 74% of premium international tourists used available on-board facilities (page 13 of the discussion document). This raises concern for us. We would like to see all freedom campers respecting the natural environment in New Zealand. There would continue to be on-going monitoring of sites, to ensure that non-self-contained campers are at campsites. Some rental companies provide a discount if the on-board facilities are not used (seal is not broken on the toilet). This type of incentive compounds the issue with freedom camping. Businesses/rental companies should be developing sustainable business practices with the environment at the forefront of their thinking. There are other ways in which they could provide tourist with discounts and incentives which will not compound the issue of human waste in the environment.</p>

<p>What exceptions should the government allow under this proposal?</p>	<p>The Council agrees with the proposed further exceptions under this option: those under the influence of alcohol are not required to move their vehicle to another site. However, the Council would like MBIE to consider other exceptions to the rules of freedom camping such as hunting, fishing, and surfing if it adopts option 1. Our district, and especially Surf Highway 45 is a popular surfing area. We feel there needs to be a good balance between freedom camping and these types of activities, whilst retaining respect for the natural environment.</p>
<p>Do you have ideas about how this proposal could be implemented?</p>	<p>See response in next question.</p>
<p>Should this option be considered alongside other options proposed in this discussion document?</p> <p>This option would only be effective if regulatory aspects of this proposal are adopted along with this option – such as strengthening the self-contained requirements of vehicles, regulatory enforcement process (rental companies responsible for collecting through their customer the cost of infringements issued to their vehicles) increased infringement amounts, and having the transitional provisions adopted from one specific date (rather than gradual changes over three years as registration expires).</p> <p>In Summary</p> <p>Proposal 1 is not Council’s preferred option. We believe that Proposal 2 fits better, and we will continue to manage Freedom Campers as we currently do.</p>	

Proposal 2: Make it mandatory for freedom campers to stay in a vehicle that is certified self-contained, unless they are staying at a site with toilet facilities

We support proposal 2.

<p>Will this option improve camper behaviour?</p>	<p>The South Taranaki District’s current freedom camping bylaw is based around this model. Freedom camping in non-self-contained vehicles or tenting is restricted to Council owned sites that are located within 100 metres of a public toilet (which is open 24 hours a day). If this option was adopted, the Council would only need to make some minor modifications to its current bylaw. We believe that our current bylaw is fit for purpose under this proposal.</p>
<p>Will this option support or improve tourism outcomes in the South Taranaki region?</p>	<p>This option will continue to provide flexibility for each local authority to manage the maximum number of vehicles at each site (through a bylaw) and allow for all three forms of camping to occur for all types of freedom camping budgets.</p>
<p>Will this option decrease pressure on the environment and local government infrastructure?</p>	<p>This option would see a continuation of freedom camping sites being monitored by the Council by the contracted Kaitiaki/Ambassadors. This would be a continuation of the pressure on the environment and infrastructure due to potential overcrowding at sites.</p>
<p>Are there impacts of this proposal that you are concerned about?</p>	<p>We are concerned with the on-going costs for local authorities to monitor and enforce the FCA 2011 and the local bylaw. This is not a sustainable model for long periods of time.</p>
<p>What do you think is required to achieve this option?</p>	<p>Councils will need to consider all three types of freedom camping for their district bylaw if this option was adopted. We believe that guidance needs to be provided on the development of bylaws to ensure that all types of camping will and should be considered. This option would also require on-going monitoring and enforcement of freedom camping sites.</p>

	<p>We recommend that access to funding for programmes and resources such as the kaitiaki/ambassador programme we have in place be considered and funded through the new tourism tax.</p>
<p>What exceptions should the government allow under this proposal?</p>	<p>The Council agrees with the proposed further exceptions under this option: people under the influence of alcohol are not required to move their vehicle to another site, and also retaining the current exceptions (temporary and short term parking, recreational activities known as day trip excursions, and resting or sleeping at the roadside to avoid driver fatigue). However, the Council would like MBIE to consider other exceptions to the rules of freedom camping such as hunting, fishing, and surfing. Our district, and especially Surf Highway 45 is a popular surfing area. We feel there needs to be a good balance between monitoring freedom camping and these types of activities, whilst protecting the natural environment.</p>
<p>How far from toilet facilities should a person be able to freedom camp, if not in a vehicle with a toilet (100m or 200m)?</p>	<p>When we developed our Significant Site Assessment, we included tenting sites which were designated by measuring up to 100 metres from a public toilet (as the crow flies). We found through this process that 100 metres was more than adequate to accommodate freedom campers, and this also allowed sites to not be inundated with vehicles (thus causing more problems at sites). Using the 100 metres guideline for our bylaw, we found that some sites would need to be less than 100 metres, due to topography, and natural or manmade barriers.</p> <p>We found that going greater than 100 metres (as the crow flies) from a public toilet would be impractical, as the use of public toilets would be required 24 hours a day and we felt that it would be unsafe for freedom campers to have to walk 200 metres in the dark to access a public toilet. We found that some sites required less than 100 metres, as we didn't want freedom camping to occur where freedom campers had to cross a road in the hours of darkness to access a public toilet. Under section 11) 2) a) ii) of the Act, we interpreted "to protect the health and safety of people who may visit the area" as part of this assessment.</p> <p>We strongly recommend that this should be "up to a maximum of 100 metres from a public toilet". Our bylaw has proven that 100 metres should be the maximum and is dependent on the terrain and health and safety considerations for each site. We suggest that 200m is too far. We are happy to share our analysis with MBIE, and you are welcome to contact us.</p>

Should this option be considered alongside other options proposed in this discussion document?

This option should be considered alongside the other options proposed under option 3 and 4.

In Summary

Proposal 2 is Council's preferred option. We believe that this proposal fits better, and we will continue to manage Freedom Campers as we currently do.

Proposal 3: Improve the regulatory tools for government land managers

<p>What would you like to see in practice?</p>	<p>We would like to see powers for the Department of Conservation increased under the FCA 2011, so that culturally sensitive sites can be protected from any negative environmental impact of freedom camping.</p> <p>We suggest that certification of self-contained freedom camping vehicles is undertaken by approved warrant of fitness providers throughout the country. There is already a structure in place for the registration of vehicles, and this would be another check that these professional could undertake as part of the vehicle inspection process. The information provided through this can then be entered into a database which already exists for vehicle registration – to show that a vehicle has been inspected and passed self-containment status. This database can be accessed by certifiers, police, and local authorities (like they do for vehicle registration). This will also provide for a mechanism for audits and checks to occur at approved warrant of fitness providers businesses on an annual or 6 monthly basis. This will provide a level of consistency in the registration of self-contained vehicles, which is lacking in the way the self-containment status is provided for currently.</p>
<p>Should this option be considered alongside other options proposed in this discussion document?</p>	<p>Yes, this option should be considered alongside both option 1 or 2 above and in conjunction with option 4.</p>
<p>Should non-compliant vehicles be confiscated? If so, under what conditions? If vehicles are confiscated, what conditions should be placed on returning the vehicle?</p>	<p>We have not taken a regulatory approach to the compliance of vehicles, and we feel that this should not be the responsibility of local authorities to undertake the confiscation of non-compliant vehicles. A more rigorous process around the registration and standards of self-containment should identify vehicles which are non-compliant during registration and re-registration of the vehicle or re-inspection of the freedom camping status of the vehicle. We feel that for serious (fraudulent) breaches, the New Zealand Police should be confiscating vehicles.</p>

<p>Should fines be similar to those for not holding a valid WOF for a vehicle? What level should fines be set at?</p>	<p>We recommend that a consistent level of infringements is set across New Zealand. These should be set by central government. This will provide consistency for tourists and the public and will reduce confusion.</p> <p>We suggest that central government increase fines for littering, impacting the natural environment (fines for failure to use a public toilet/on-board facility), and falsifying a self-contained certification sticker. We suggest that fines should start at \$400 with maximum fines in the realm of \$1000 for serious breaches (failure to use a public toilet/on-board facility). We would like to see a national level for infringements set – to provide consistency throughout New Zealand.</p> <p>Note: We do not support a maximum fine level being set and then allowing each council to decide what those infringements should be between a maximum and minimum amount (for example like how the Litter Act 1979 is currently set up).</p>
<p>Who should collect a fine?</p>	<p>We propose that both local authorities and the New Zealand Police can issue infringements under the FCA 2011. We would like to see that the agency that issues the infringement, also retains the income generated from the infringement.</p> <p>We would like to highlight that under the current system in New Zealand an infringement is issued, the offender is provided with 28 days to pay the fine. A reminder is then sent after 28 days. If the infringement is not paid after a further 28 days, then it is sent to court. This is a long process and person may have already left New Zealand. Recovery of fines prior to departure from NZ (if a person has purchased their own vehicle), and that recovery of fines from rental companies is made consistent and easy.</p>

Proposal 4: Strengthen the requirements for self-contained vehicles

<p>Should there be a requirement that self-contained vehicles have fixed toilets?</p>	<p>We recommend that a minimum standard of self-containment should be clear. The way this can be done is requiring all vehicles that hold self-contained status to have fixed toilets will set a clear standard for the types of vehicles that can be used in New Zealand for camping.</p>
<p>Should there be specific reference to the types of vehicles that can be self-contained?</p>	<p>The tonnage, or axle of a vehicle could be used to initially determine if it can be classified as a freedom camping vehicle. Smaller vehicles like vans due to the axle or tonnage would fall outside of this initial criteria. We recommend that the requirement for the holding of water for 3 days is retained as part of the criteria.</p>
<p>Should any plumber registered be able to certify the Standard, or should certifiers be recognised and licenced?</p>	<p>We oppose allowing registered plumbers certifying the standard. We suggest that registered plumbers should provide evidence of the work undertaken to bring a vehicle up to self-contained standard and that certification of the vehicle should be undertaken by approved warrant of fitness providers. We also recommend that a system for auditing or monitoring of work undertaken by a registered plumber on self-contained vehicles is developed.</p>
<p>Once a vehicle has passed initial certification, should other entities be able to re-certify it?</p>	<p>We support the idea that this change will “reintroduce national oversight of the SCVs and that either Waka Kotahi or MBIE be responsible for this; and ensure freedom camping penalties represent a serious deterrent to undesirable camping behaviour”¹. We suggest that approved warrant of fitness providers already have a system for certifying vehicles and it would be best that certification and re-certification is undertaken by them too. This will enable independence from the agencies/the industry that are currently certifying vehicles and will provide a system that can be monitored and audited.</p>

¹ Supporting Sustainable Freedom Camping in Aotearoa New Zealand – page 14.

Transitional provisions:

We **support** the proposal to provide one year for vehicles to come up to standard, rather than waiting for the certification to expire. This is an opportunity for New Zealand to re-set the standard expected from tourists that camp in our country and an opportunity to allow all councils to be on the same page when the borders open.

Homelessness

We **acknowledge** and **agree** with the comments made in the discussion document regarding homelessness, and that it should be exempt from the new regulatory system. We agree that councils can and do work with local agencies (for a combined agency approach) for people who find themselves in the difficult situation of being homeless. We **agree** and **acknowledge** that central government agencies are the primary agency taking the lead on situations regarding homelessness in New Zealand.

Other points to consider:

Responsible camping - pledge

There is an opportunity to re-set the standards and expectations for the conduct of tourists visiting our beautiful country. We **suggest** that educating our visitors on what is expected should start at the border to ensure that our environment is protected for future generations to enjoy.

There is also an opportunity for education of domestic tourists to occur as part of this review. We **suggest** that domestic tourists could also take the pledge, to understand the standards expected of them when enjoying and getting to know their own country.

We have an opportunity to **define** what responsible and sustainable camping is in New Zealand, and a perfect example already exists through the Tiaki Promise (based off the “Icelandic Pledge”²). We suggest that this Promise is not just for international tourists but applies to our domestic tourists too. We suggest that more funding is provided to enable education programmes such as the Tiaki Promise – to educate both domestic and international tourists alike.

Make changes to the criteria of the act:

We **propose** that the government looks to further define the criteria under the FCA 2011. At present section 11) 2) a) states:

- “i) To protect the area*
- ii) To protect the health and safety of people who may visit the area*
- iii) To protect access to the area.”*

² <https://www.travindy.com/2017/06/tourists-pledge-to-behave-responsibly/> (last accessed 30/4/2021)

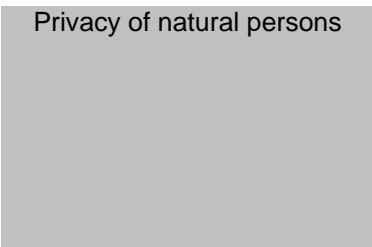
We would like **further definition** in the FCA 2011 that protecting the area includes recognising the impact that freedom camping would have on flora, fauna, and sites of cultural significance. This will provide councils with more direction and clear definition on what can be protected in relation to possible freedom camping sites.

Consistent regulatory messages (signage):

We **propose** that if either option 1 or 2 is adopted, that the government provides regulatory signage standards which would provide a consistent message throughout New Zealand; which all councils could use to advise freedom campers what areas are permitted or prohibited. This will make it easier for domestic and international tourists to understand what the rules are from district to district.

We thank MBIE for providing the Council with an opportunity to make a submission on this discussion document. We look forward to the results of the submission phase and any future developments to make freedom camping in New Zealand sustainable.

Privacy of natural persons



Waid Crockett
Chief Executive
South Taranaki District Council

Appendices to this submission

Appendix I: Significant Site Assessment (2015)

Appendix II: Significant Site Assessment (2017)

Appendix III: South Taranaki District Council pamphlet/map

Appendix IV: Reports on freedom camping numbers for the South Taranaki District (2019-2020 and 2020-2021 seasons)