



Tauranga City

12 May 2021

Ministry of Business Innovation and Employment
by email: responsiblecamping@mbie.govt.nz

Dear Sir / Madam

Submission to Supporting Sustainable Freedom Camping in Aotearoa New Zealand

Please find enclosed Tauranga City Council's submission on the above.

Should you have any questions please contact Stuart Goodman: Team Leader; Regulation Monitoring via email at Stuart.Goodman@tauranga.govt.nz.

Yours sincerely

Privacy of natural persons

Marty Grenfell
Chief Executive



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?

Stuart Goodman Team Leader; Regulation Monitoring

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

Tauranga 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;

Stuart.goodman@tauranga.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 (e.g. 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
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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 is a viable accommodation option in Tauranga due to a shortage of accommodation, especially around large events such as the AIMS games. We acknowledge that people who choose freedom camping as an accommodation option support our local economy much like other visitors that choose private accommodation.

We have 25 designated reserves where freedom camping is permitted. Many of these locations are in prime beachfront and waterfront locations. In addition to the reserves, Tauranga allows freedom camping in some of our Council car parks and road reserves, with restrictions e.g. no freedom camping directly in front of a private residence or commercial/industrial premise.

Due to concerns regarding littering, dumping of waste and defecating in public, the Tauranga City Council's Freedom Camping Bylaw requires that freedom camping in Tauranga must be in a self-contained vehicle. The bylaw was reviewed in 2019.

We have issued the following infringements to freedom campers not using self-contained vehicles;

2017/18	89
2018/19	77
2019/20	137
2020/21 (YTD)	171

There has been an increase in people freedom camping in non-self-contained vehicles.

Many of our reserves and car parks where freedom camping is permitted do not have access to toilets overnight as there are no toilets located in the area, or they are locked to prevent damage and anti-social behaviour. The predominate issue with freedom camping not occurring in self-contained vehicles are littering or dumping of waste and defecating in public. We receive multiple complaints of public defecation related to freedom campers.

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?

As our bylaw already requires all freedom camping to be in self-contained vehicles, we support this proposal. However, as we continue to have increasing issues with compliance regarding self-containment, we believe the positive impacts will be strongly reliant on improving the national standards for self-containment certification and buy-in from rental agencies.

Anti-social behaviour such as littering, and defecation has been linked to non-self-contained vehicles but also self-contained vehicles which are not fit for purpose.

The issue we have encountered with vehicles which meet the self-containment standards, is that the rental agencies are not incentivising those to use the onboard facilities. Further, the legislation is not currently robust enough to encourage compliance with being self-contained. We strongly believe that if it was, there would be a reduction in the number of incidents of antisocial behaviour.

This proposal may deter some visitors travelling on a budget who are more likely to use non-self-contained or unsuitable self-contained vehicles not to visit. However, Tauranga has required freedom camping to be in self-contained vehicles for several years now, and we are not aware of this requirement deterring a significant number of visitors to Tauranga. NZ will still be an attractive location for backpackers so we believe that these travellers would most likely still come to NZ but consider other suitable accommodation options.

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 proposal would improve compliance with the rules thereby reducing infringement revenue. We still support this option as compliance is our main goal.

We do not believe that this proposal would affect the attractiveness of visiting our city.

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?

This proposal should be closely aligned with a review of the current legislation. Freedom camping in Tauranga is already prohibited in non-self-contained vehicles but we see high levels of offending. More robust legislation would encourage compliance.

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 (Y)	Neutral	Disagree	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?

Freedom camping in Tauranga is already prohibited in non-self-contained vehicles. We offer a mix of designated freedom camping locations, with and without, public toilet facilities. We believe this proposal would complicate the rules and also lead to disappointment with non-self-contained vehicles trying to use the locations with facilities which are already in high demand. It would also potentially raise the expectations of the public that those areas with toilets could be used for freedom camping, when for other reasons the area is not appropriate.

It is our understanding that if this proposal was put forward, Councils can in their bylaws, require all freedom campers to be self-contained. In Tauranga we would still want the ability to require in our bylaw that all freedom campers to be self-contained regardless of whether it is near toilet facilities.

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?

As mentioned above, we already require freedom camping to be in a self-contained vehicle, and we are not aware of any significant decrease to visitor numbers due to this requirement.

What things should Government consider to implement this option?

When answering this question, you may like to think about:

- 3.4 • What do you think is required to achieve this option?
- What exceptions should Government allow under this proposal?
- How far from toilet facilities should a person be able to freedom camp if not in a vehicle with a toilet? e.g., 100 metres, 200 metres?

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

If this was to be implemented, national standardised signage should be implemented to clearly identify site specific requirements. If freedom camping was to be encouraged in areas which had toilet facilities, then financial assistance in providing more toilet facilities would be needed. Tauranga has a mixture of areas with and without toilet facilities, however, these facilities are not designed for freedom campers, but for those attending the beach or park etc.

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

4.1

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

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

When answering this question, you may like to think about:

- 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?

We strongly support the proposal for a regulatory system and centralised database for self-contained vehicles, in conjunction with suitable national standards for self-containment certification. This would help Local Authorities manage the freedom camping activity and enforcement.

Rental agencies need to be held accountable for ensuring payment of infringements when the vehicle is returned. Currently the renter can just complete a statutory declaration with the rental agency, with the renter often having left the country before payment is required. We would support that the responsibility for the infringement stays with the rental agency provided they are given suitable notification (24 hours) of an infringement. Therefore, the fine can be recovered when the vehicle is returned. If not, the rental agency should remain responsible to pay the infringement.

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?
- 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 proposal would in time increase compliance specifically by international visitors. We envisage that rental agencies would disclose the responsibility for any infringements incurred at the time the rental vehicle is collected thereby reducing the risk of a renter breaching the rules.

This would be a similar approach to any other type of infringement a renter might receive whilst hiring a vehicle. We do not see how this would decrease the attractiveness of visiting NZ, as it would ensure compliance adding value for all visitors.

What things should Government consider to implement this option?

4.4 When answering this question, you may like to think about:

- What would you like to see in practice?

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

It would be helpful if the data on self-contained vehicles could align with the NZTA 'Motochek' vehicle database, or be additional data contained on the database giving officers the ability to lookup real-time vehicle statuses as they currently do with Licence/Wof information. This would be compatible with our current systems which integrate with Motochek.

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?

We would support an increase to the current \$200 infringement fee as it has been shown internationally that higher penalties directly impact compliance levels. Ideally the fee should align with other LTA infringement schedules, but we note that these are also outdated, and in some circumstances, ineffective. We would support an increase up to \$300.

We also support a staggered infringement regime to reflect the impact of the various offences e.g. \$200 infringement for staying more than two nights and freedom camping outside a designated area, and a \$300 infringement for freedom camping in a prohibited location, and freedom camping in a non-self-contained vehicle. There should also be a higher infringement for those displaying a false or fake self-containment certificate sticker.

We would support powers to remove vehicles being used illegally for freedom camping. A wider review of powers to remove vehicles under the LTA would be beneficial although outside the scope of this consultation.

As previously mentioned, rental agencies should be held accountable for fine collection and settlement with the Local Authority. Unpaid fines should also be dealt with at the border as people leave the country. We often hear that international visitors who owned vehicles during their stay do not see fines as a deterrent as there is no consequence once they leave NZ.

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 strongly agree that the self-containment certification standards should be strengthened. Toilets should always be accessible and usable rather than being tucked away under beds and storage.

Certain vehicle types that can currently be certified self-contained are not suitable. There should be a minimum requirement/threshold for a vehicle to be certified self-contained.

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 do not have a position on who should certify the standard, except that it should be easily accessible for people to be able to obtain certification and that the certification was consistent nationally. Those that have the experience/knowledge regarding the needs for certification should undertake the work.

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 consider 12 months is suitable for vehicle owners to upgrade or dispose of their vehicles.

Given the number of vehicles in circulation that are currently self-contained, but not fit for purpose, we do not support an exemption from any new rules as this would negate the overall goal of reducing antisocial behaviour and promoting responsible camping.

In terms of any review requirements for bylaws, there should be enough time (perhaps 2 years) for Councils to be able to review their bylaws to ensure consistency. Further, if the changes are minor i.e. updating the bylaw to ensure consistent with the new self-containment standard, this should be able to be done without triggering a review of the bylaw.

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?

In Tauranga we do not currently use the Freedom Camping Act or Bylaw to manage people who are genuinely experiencing homelessness.

We support that consideration for leniency should be central government advice in these circumstances, but ultimately the Bill of Rights Act takes precedence in these circumstances.

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

The continued assistance and access to the Responsible Camping Fund is important for ensuring ongoing compliance. Given the costs involved in enforcement, funding for more cameras etc has been helpful for Tauranga. The ability to recover fines from freedom campers is very low, approximately 30%, due to freedom campers leaving NZ. The Responsible Camping Fund assists with other ways of monitoring, and it would be disappointing to see the fund discontinued.