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Exemptions from the Camping- Grounds Regulations

Guidance material for territorial authorities
about using regulation 14(1) of the
Camping-Grounds Regulations 1985

Prepared for Local Government New Zealand
by Simpson Grierson

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Disclaimer

This document has been prepared for use by New Zealand territorial authorities only; it is not intended to be relied on by other organisations or members of the public. The guidance provides general information only, and does not constitute legal advice and should not be treated as such. Territorial authorities may wish to obtain their own legal advice, as they see fit.

Foreword

Local Government New Zealand (**LGNZ**) commissioned this guidance material from Simpson Grierson after members raised issues about the Camping-Grounds Regulations 1985 (**Regulations**). Some members were concerned that the Regulations may impose practical barriers to private land owners providing low-cost camping grounds, which could alleviate the pressures on some public spaces arising from high numbers of freedom campers.

There is, however, provision in the Regulations for exemptions to be given from many of the requirements applying to camping grounds and operators. Specifically, regulation 14(1) enables territorial authorities to grant exemptions from the Regulations where satisfied that compliance with the Regulations creates undue hardship for the operator.

This guidance material examines the exemption power in regulation 14(1), and provides practical suggestions for territorial authorities about its use. The first section provides some general information about the Regulations. The second and third sections deal with the application process and the grant of a certificate of exemption. The fourth section sets out some examples of possible uses of exemptions. Templates forms, which territorial authorities can develop for their own use, are attached as appendices.

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Camping-Grounds Regulations and exemption powers

The Camping-Grounds Regulations 1985 (**Regulations**) are the legislative mechanism that regulates camping grounds. This section provides an overview of the Regulations and discusses the circumstances in which they apply. It also canvasses the three exemption powers in regulation 14, focusing on the power in regulation 14(1). Finally, it outlines the explanatory commentary on the Regulations, available through the Ministry of Health.

A quick overview of the Camping-Grounds Regulations

The Regulations impose numerous requirements on camping grounds and those who operate them. These requirements include the need to have camp plans and mark sites,¹ keep records,² and provide lighting and toilet, ablution, kitchen, and laundry facilities.³ There are also obligations to keep camping grounds clean and facilities in good repair,⁴ to dispose of waste,⁵ and to safeguard against fire.⁶

Territorial authorities are tasked with enforcing the Regulations in their own districts, and with ensuring regular inspections are made of all camping grounds.⁷

The Regulations were made under section 120B of the Health Act 1956, signalling that their overall purpose is to promote and protect public health. There have been no significant amendments to the Regulations in the more than 30 years that they have been in operation.

Regulations apply only where campers pay, and not to freedom camping

The Regulations apply only to camping grounds for which payment of some form of fee or reward is required in order to camp. The camping ground must be available to at least two camping parties (meaning a single group of campers in a residential backyard are not caught by the Regulations).

The requirement for campers to pay derives from section 120B(1) of the Health Act 1956, which permits regulations to provide for "the registration, licensing, and control of camping grounds carried on for fee or reward, and of persons carrying on camping grounds for such purpose", and also from the definition of "camping ground" in the Regulations:⁸

"camping ground means any area of land used, or designed or intended to be used, for rent, hire, donation, or otherwise for reward, for the purposes of placing or erecting on the land temporary living places for occupation, by 2 or more families or parties (whether consisting of 1 or more persons), living independently of each other, whether or not such families or parties enjoy the use in common of entrances, water supplies, cookhouses, sanitary fixtures, or other premises and equipment"

1 Regulations 4 and 5, Camping-Grounds Regulations 1985.
2 Regulation 10, Camping-Grounds Regulations 1985.
3 Regulations 8 and 9 and Schedule, Camping-Grounds Regulations 1985.
4 Regulation 9(1)(c) and (e), Camping-Grounds Regulations 1985.
5 Regulation 9(1)(d), Camping-Grounds Regulations 1985.
6 Regulation 9(1)(f), Camping-Grounds Regulations 1985.
7 Regulation 15, Camping-Grounds Regulations 1985.
8 Regulation 2, Camping-Grounds Regulations 1985.

Freedom camping areas are not caught by the Regulations, given that no payment is made by campers for the use of an area in which to freedom camp. The definition of "freedom camp" in section 5 of the Freedom Camping Act 2011 specifically excludes camping "at a camping ground",⁹ and defines a "camping ground" as one that is subject to a current certificate of registration under the Regulations and "any site at which a fee is payable for camping at the site".¹⁰

A new model for freedom camping is currently being promoted to some territorial authorities. It involves allowing freedom campers to camp in areas at no charge, but charging campers for any additional services and facilities (such as hot showers or kitchen facilities) that they might wish to use.¹¹ Provided the only fees being charged are for optional services and facilities and there is no fee payable for camping at the site, such a model may not be caught by the Regulations. Whether the Regulations apply will depend on all of the particular facts of the situation, and territorial authorities may wish to seek legal advice about particular camping proposals.

The three exemption powers in regulation 14

Regulation 14 sets out territorial authorities' various powers to grant exemptions:

14 Certificates of exemption

- (1) Where a local authority is satisfied that undue hardship would be caused by the application of regulation 3 to any camping ground, it may grant the operator a certificate of exemption from such requirements of that regulation as it specifies in that certificate.*
- (2) Where a local authority is satisfied that undue hardship would be caused by the application of regulation 13 to any relocatable home, it may grant the owner a certificate of exemption from such requirements of that regulation as it specifies in that certificate.*
- (3) A local authority may grant the operator of a remote camp site a certificate of exemption from such requirements of these regulations as it specifies in that certificate.*

This guidance material is focused on the exemption power in regulation 14(1). This power allows a territorial authority to grant exemptions to camping ground operators from any requirements in the Regulations where the territorial authority is satisfied that the need to comply with such requirements would cause undue hardship to the operator.

This interpretation of regulation 14(1) is not necessarily immediately apparent from the text in regulation 14(1). It relies on reading regulation 3(2) (regulation 3 is referred to in regulation 14(1)) as an obligation on operators to comply with all requirements in the Regulations. The interpretation is consistent with the clear purpose of regulation 14(1), which is to give relief to operators where undue hardship exists.

⁹ Section 5(1), Freedom Camping Act 2011.

¹⁰ Section 5(3), Freedom Camping Act 2011.

¹¹ See: <http://www.stuff.co.nz/travel/news/90250056/kiwicamp-concept-aims-to-solve-freedom-camping-problem>

The drafting of regulation 14(1) leaves some scope for uncertainty and there is not a definitive position from the courts about the interpretation of this provision.

The exemption power in regulation 14(2) enables a territorial authority to exempt an owner of a relocatable home from the requirement in regulation 13, which provides that relocatable homes should comply with the Building Code.¹² As with a regulation 14(1), an exemption can be granted only where undue hardship exists.

Undue hardship is not a requirement for an exemption under regulation 14(3). This exemption power permits exemptions for "remote camp sites". These are defined as being any camping ground in a national park, State forest, State forest park, or public reserve, or on Crown land.¹³ Regulation 14(3) is typically used to enable Department of Conservation camp sites with limited (or even no) facilities.

Exemptions do not relieve operators from complying with other legislation

The effect of a regulation 14(1) exemption is simply to waive compliance with certain requirements in the Regulations; it does not relieve the operator from needing to comply with any other relevant legislation. For instance, even if granted an exemption under the Regulations, a camping ground operator must still comply with any applicable resource consent and building consent.

Government's explanatory commentary on Regulations

The Government produced guidance material on the Regulations when they were first made back in 1985. The 'Explanatory Commentary: The Camping Ground Regulations 1985' was issued in October 1985 by the then Department of Health, which was the agency responsible for the Regulations at that time. The explanatory commentary is currently available through the Ministry of Health's Online Catalogue (at:

<http://www.moh.govt.nz/notebook/nbbooks.nsf/0/A119269A39D0832BCC256F4C006DBC9D?OpenDocument>).

The explanatory commentary includes a detailed discussion of the exemption powers in regulation 14. It suggests that regulation 14 gives territorial authorities considerable flexibility to decide what developments should occur in their districts and what standards should apply to them.

In particular, the explanatory commentary notes that submissions on the Regulations showed that different types of camp sites had developed prior to 1985, which did not comply with the full requirements of the Regulations. It suggests that the exemptions can be used to permit these different types of campsites to continue to operate "without undue restriction but with adequate control by the local authority". One type of site mentioned in the explanatory commentary is "Limited Service Camping Areas". These are described as camping grounds that cater only for self-contained vehicles and caravans, usually for a limited period of two or three days, and for which limited services are provided (usually sewage disposal, water supply and refuse disposal).

12 The Building Code is contained in the Schedule to the Building Regulations 1992.

13 See definition of "remote camp site" in regulation 2, Camping-Grounds Regulations 1985.

Territorial authorities' policies or guidance on exemptions

If they wish, territorial authorities could choose to develop written documentation about the Regulations and, in particular, their use of the regulation 14(1) exemption power. Documentation could potentially take the form of internal guidelines for use by staff, or guidelines for applicants, or might even extend to a written policy that the community is consulted on. Given the wide discretion conferred on territorial authorities under regulation 14(1), such documents could provide clarity about the likely use of the power. They could help achieve consistency in the way the power is used and better ensure fair treatment of applicants.

While guidance materials are permitted, administrative law still requires a territorial authority to consider each application against the statutory requirements on a case-by-case basis. Guidelines or a policy should not set out rigid pre-determined outcomes for different types of application; to do so could unreasonably fetter the wide discretion given to territorial authorities under regulation 14(1). For instance, such guidance material could note that the territorial authority remains obliged to consider each application against the statutory requirements on a case-by-case basis.

Applications for exemption

The Camping-Grounds Regulations 1985 (**Regulations**) are entirely silent on how to apply for an exemption. Territorial authorities, therefore, have considerable discretion in developing their own application forms and processes. This section discusses the matters that should be addressed in applications, and territorial authorities' ability to charge fees for such applications.

Overview of matters to include in applications for exemption

An application for exemption should include the following information:

- identity of the applicant;
- details of a person whom the Council can contact about the application;
- the name of the camping ground and its location;
- which regulations or parts of the Schedule the applicant wishes to be exempted from;
- for each of those regulations and parts, whether the applicant is seeking a full or partial exemption and, if partial, for which requirements in the regulation or part the exemption is sought;
- an explanation of the undue hardship caused to the applicant by compliance with the requirements from which exemption is sought, and any supporting evidence; and
- given exemptions have the potential to compromise public health, an explanation of what measures the applicant proposes to take to help (eg the applicant could suggest that the camping ground will accept only campers using fully self-contained vehicles, meaning public health will be maintained as campers will provide their own ablution, sanitary, kitchen and laundry facilities).

Each of these points are discussed in more detail below.

Need to correctly identify applicant

The applicant must be the person who is or will be the operator of the camping ground concerned (this is because regulation 14(1) refers to being able to grant "the operator" a certificate of exemption).

The term "operator" is defined in regulation 2 as "the person to whom a certificate of registration has been granted under regulation 3 in respect of the camping ground, or who is responsible for the daily management of the camping ground".

If a certificate of registration already exists, it should be straight-forward to identify the operator.

If there is no certificate of registration at the time the exemption is applied for (eg the application for exemption concerns a new camping ground, not yet registered), then the territorial authority should ensure either that the applicant is applying for registration at the same time and intends to also be the holder of the certificate of registration or that the applicant will be the person responsible for the daily management of the camping ground.

An operator could be an individual or an entity, such as a company. A company could qualify as a "person" who is responsible for daily management at a camping ground, by engaging employees to carry out these tasks on its behalf.¹⁴

Another reason to correctly identify the applicant is because, once issued, a certificate of exemption cannot be transferred to another party.¹⁵

Applicant should provide details for contact person

The applicant should nominate an individual who the territorial authority can contact about the application. The contact person could be the applicant (where the applicant is an individual), but does not have to be. Minimum contact details are likely to be a telephone number, email address, and postal address.

Applicant must clearly identify camping ground

The applicant should identify the camping ground to which the exemptions will apply. It is important that this is done unambiguously because an exemption will apply to that camping ground alone and cannot be transferred if the camping ground moves.

Ideally, a camping ground area will be identified with reference to its name and location. Locations can be described using the legal description for the property (ie its street address), or if that is not available, with reference to the relevant computer freehold register (eg Lots 1 on DP 456789 described in CFR 123456). If the camping ground will constitute only part of a property, then the applicant should also provide a marked map showing the particular part of the property that will be used for the camping ground.

The territorial authority will almost certainly need to have a clear understanding of the particular area that is to be used for camping in order to properly assess what compliance with the Regulations would require so as to work out if an exemption is warranted and if proposed conditions are appropriate. For example, there are particular size requirements for camp sites under regulation 6 (eg must be 8 metres wide), and location requirements for water supply,¹⁶ ablution and sanitary fixtures,¹⁷ and refuse disposal,¹⁸ which mean the territorial authority will likely want to know the exact size and location of the camping ground to effectively assess the application.

Requirements that applicant can be exempted from

It is open to a territorial authority to grant an exemption under regulation 14(1) from any requirement in the Regulations that applies to a camping ground operator or to camping grounds themselves. However, not every regulation in the Regulations contains requirements for operators and camping grounds.

14 Section 29 of the Interpretation Act 1999 provides that "person includes a corporation sole, a body corporate, and an unincorporated body".

15 See regulation 14(4), Camping-Grounds Regulations 1985.

16 Clause 3, Part 2 of the Schedule, Camping-Grounds Regulations 1985.

17 Clause 4, Part 3 of the Schedule, Camping-Grounds Regulations 1985.

18 Clause 1, Part 4 of the Schedule, Camping-Grounds Regulations 1985.

The regulations for which an exemption could potentially be given are those set out in the following table:

Regulation	Summary of requirements
Regulation 3*	Need to register a camping ground
Regulation 4	Need to prepare and maintain a camp plan showing matters in regulation 4(1)(a) to (f), and to lodge two copies of the camp plan with the territorial authority
Regulation 5	Need to mark camp sites and boundaries, and number camp sites
Regulation 6	Need to ensure camp sites comply with size and location requirements in regulation 6(1) and (2), and obtain written permission from territorial authority before placing a building or structure of a camp site
Regulation 7**	Need to ensure any cabins comply with the size requirements in regulation 7
Regulation 8	Need to provide lighting infrastructure as per regulation 8(1) and keep it on during the hours of darkness in the occupied areas of the camping ground
Regulation 9(1)(c)	Need to maintain camping ground in a clean and sanitary condition
Regulation 9(1)(d)	Need to empty rubbish receptacles and dispose of refuse in a sanitary manner
Regulation 9(1)(e)	Need to keep ablution, kitchen, laundry, and toilet facilities clean and in good repair
Regulation 9(1)(f)	Need to provide safeguards against fire and means of escape in case of fire
Regulation 10	Need to create and maintain records addressing the matters in regulation 10(1)(a) to (e), and make them available to a territorial authority inspector
Regulation 11***	Need to ensure any relocatable homes meet the site requirements set out in regulation 11
Regulation 12***	Need to provide all-weather access from camping-ground entrance to any relocatable homes
Part 1 of the Schedule (regulation 9(1)(a))	Need to maintain any buildings in the camping ground in good repair
Part 2 of the Schedule (regulation 9(1)(a))	Need to supply water in accordance with part 2 of the Schedule
Part 3 of the Schedule (regulation 9(1)(a))	Need to provide ablution and sanitary fixtures in accordance with part 3 of the Schedule

Part 4 of the Schedule (regulation 9(1)(a))	Need to provide refuse containers in accordance with part 4 of the Schedule
Part 5 of the Schedule (regulation 9(1)(a))	Need to provide cooking places in accordance with part 5 of the Schedule
Part 6 of the Schedule (regulation 9(1)(a))	Need to provide laundry facilities in accordance with part 6 of the Schedule
Part 7 of the Schedule (regulation 9(1)(a))	Need to provide a drainage system in accordance with part 7 of the Schedule

*A full exemption from regulation 3 would potential make any monitoring of or enforcement against the camping ground problematic. A full exemption will be appropriate in only the most exceptional circumstances.

**An exemption from regulation 7 will be relevant only if an applicant intends to provide cabins in the camping ground. The term "cabin" is not defined in the Regulations, but is generally understood to mean a permanent building (whether stand-alone or as part of a group) that is provided by the operator and can be hired and used by campers in place of other camping ground accommodation, such as a tent or campervan.

***Similarly, exemptions from regulations 11 and 12 will be relevant only if an applicant intends to allow relocatable homes in the camping ground. The term "relocatable home" is defined in regulation 2 as being "a structure comprising a group of rooms occupied or intended to be occupied either permanently or temporarily as the living quarters of a single housekeeping unit (whether consisting of 1 or more persons), which is completely self-contained in respect of domestic equipment and facilities and which is designed to be relocatable and is located in a camping ground". The definition goes on to state that a tent is not a "relocatable home". Although not expressly addressed in the definition, a cabin will generally not be a "relocatable home" as it is not "designed to be relocatable". Also, a campervan or caravan will not usually be a "relocatable home" as it will not contain "a group of rooms".

Applicant to identify whether full or partial exemptions

The onus should be on the applicant to identify which regulations or parts of the Schedule exemptions are being sought for, and whether those exemptions are full or partial.

An applicant could seek full exemption from all requirements in a regulation or part. For example, a full exemption might be given from the requirement to provide lighting in regulation 8, meaning the operator would not need to provide any lighting in the camping ground at all.

Alternatively, an applicant could seek just partial exemption from a regulation, meaning the exemption would apply to some of the requirements in the regulation, but not others. For example, a partial exemption could be given from the obligation to keep records in regulation 10, exempting an operator only from the particular requirement to include camp site numbers in those records (regulation 10(1)(b)), but not from any other aspects of regulation 10.

A partial exemption does not enable a territorial authority to impose alternative measures to address a requirement; it merely permits a territorial authority to waive just some of the requirements within a regulation. For example, clause 2 in Part 5 of the Schedule requires an operator to ensure each cooking place in the camping ground be provided with adequate hot water. A territorial could give a partial exemption in relation to clause 2, requiring an operator to provide cooking places, but exempting them from the requirement to provide hot water. A partial exemption would not enable the territorial authority to require that cooking places be provided instead with, say, cold water; this would amount to a modification of clause 2, not an exemption. Such a measure is better addressed through imposing conditions on the exemption (discussed further under 'Imposing conditions' in the next section).

Applicant must demonstrate undue hardship

Regulation 14(1) makes clear that an exemption can be granted only where the territorial authority is satisfied that complying with requirements in the Regulations will cause "undue hardship" to the camping ground operator. This will be a key issue to be addressed in any application for exemption.

The term "undue hardship" is used in a number of New Zealand enactments,¹⁹ and has been the subject of judicial consideration.²⁰ In general, there is a reluctance by the courts to provide a definitive meaning of the term, no doubt because it is intended to be flexible and adaptable, so as to address a wide variety of circumstances.²¹

That said, a useful explanation of the term is some sort of disadvantage or hardship that is excessive or unwarranted in the circumstances.²²

In practice, the onus will be on the applicant for an exemption to demonstrate that hardship exists by explaining and providing details of that hardship and, where appropriate, providing evidence to support the claims made. It will be a judgement call for the territorial authority as to whether such hardship is excessive or unwarranted in the circumstances.

19 There are at least 46 New Zealand Acts and Regulations that use the term "undue hardship".

20 See David Hay (ed.), *Words and Phrases Legally Defined*, (4th ed, Lexis Nexis, London, 2007), at pages 1078-1080, and Greenburg, *Stroud's Judicial Dictionary of Words and Phrases*, (9th ed, Sweet & Maxwell, London, 2016), at page 2680.

21 See *Lower Hutt City v New Zealand Municipalities Co-operative Insurance Co Ltd* [1965] NZLR 24, 28 (Supreme Court, Wellington, Tompkins J).

22 Peter Spiller, *New Zealand Law Dictionary*, (8th ed, Lexis Nexis, Wellington, 2015), at page 313. We have referred also to the definitions of "undue" and "hardship" in the *Shorter Oxford English Dictionary* (6th ed, Oxford University Press, Oxford, 2007), at pages 1206 and 3431.

Territorial authority to balance undue hardship against public health

Public health is an important consideration that territorial authorities will need to take into account when deciding whether to grant an exemption. This is because public health is the main purpose of the Health Act 1956, under which the Regulations are made. Section 23 of the Health Act states that every territorial authority has a duty "to improve, promote, and protect public health within its district."

In practice, territorial authorities will need to balance potential non-compliance due to undue hardship against public health interests. For example, while undue hardship on its face might justify a full exemption from all requirements in the Regulations, this might produce a situation that creates a serious public health risk. In these circumstances, a territorial authority would be justified in declining to grant a full exemption.

It would be prudent for any territorial authority granting an exemption to satisfy itself that there will be an adequate level of protection for public health in the camping-ground concerned, even though there will be less than full compliance with the Regulations. For example, if a camping-ground is exempted from needing to have ablution facilities, but takes only self-contained vehicles that carry equivalent on-board facilities, there is likely to be adequate protection of public health.

To assist territorial authorities in this assessment, it would be helpful for applicants to advise in the application what measures they would be willing to take to help ensure that adequate levels of public health are maintained even though an exemption may be granted. The sort of measures identified by an applicant may well form the basis of conditions that could be imposed in the event that an exemption is granted.

Template for exemption application form

Appendix A is a template application form based on the requirements discussed in this section. It is designed to be used for applications for new exemptions or renewal²³ of existing exemptions. Territorial authorities may wish to develop this template for their own use.

Territorial authorities may charge fees for exemption applications

Territorial authorities can impose a fee for an exemption application. This derives from section 150(1)(b) of the Local Government Act 2002 (**LGA 02**), which states that a territorial authority "may prescribe fees or charges payable for a certificate, authority, approval, permit, or consent from, or inspection by, the local authority in respect of a matter provided for ... under any ... enactment, if the relevant provision does not authorise the local authority to charge a fee or provide that the certificate, authority, approval, permit, consent, or inspection is to be given or made free of charge". The Regulations provide for a territorial authority to grant a certificate of exemption.²⁴ They do not expressly authorise a fee to be charged for an application for this certificate, but nor do they require the application process to be provided free of charge, meaning section 150(1)(b) applies.

23 Renewal is permitted under regulation 14(4) in the Camping-Grounds Regulations 1985. It is discussed further under 'Renewing certificates of exemption' in the next section.

24 See regulation 14(4), Camping-Grounds Regulations 1985.

Before setting a fee for a certificate of exemption, a territorial authority is obliged to consult in a manner that gives effect to the consultation requirements in section 82 of the LGA 02.²⁵ In addition, the fee must be set at a level whereby the territorial authority does no more than recover the reasonable costs incurred by the territorial authority for considering and determining an application for a certificate of exemption.²⁶

A somewhat different legislative regime operates for fees to register as a camping ground operator under regulation 3 of the Regulations. There is specific authorisation to charge a fee for applying for a certificate of registration,²⁷ so section 150 of the LGA 02 does not apply. (The regime also covers fees for issuing, renewing, and noting certificates of registration.²⁸)

The mechanism for setting application fees for certificates of registration is “by resolution”.²⁹ In practice, this will require the fee to be set through a resolution of the full council or a committee of council. It will be a matter of judgement for the territorial authority concerned about whether or not to consult before setting the fee and, if so, how.³⁰ A fee for registration should be set on a cost-recovery basis.³¹

It would be open to a territorial authority to choose to charge a slightly lower fee for a combined application for registration and exemption, if the territorial authority's actual costs are in fact less when the two application processes are combined. This could be done by setting a separate combined fee or, alternatively, by waiving a portion of one of the applications fee. If a territorial authority wished to set a combined fee, it would be prudent to comply with the process requirements for both types of application fee (ie consult in accordance with section 82 of the LGA 02, set the fee by resolution, and ensure the fee does no more than recover the reasonable costs incurred by the territorial authority for considering and determining both applications).

25 Any such consultation process will need to comply with both sections 82 and 82A of the Local Government Act 2002. The obligation to consult derives from section 150(3) of the Local Government Act 2002.

26 See section 150(4) of the Local Government Act 2002.

27 Regulations 4 and 7 of the Health (Registration of Premises) Regulations 1966 provide for a fee to be payable on application for a certificate of registration. The Health (Registration of Premises) Regulation 1966 apply to camping grounds due to regulation 3(1) of the Camping-Grounds Regulation 1985.

28 See regulations 5(1) and (4), 6, and 7 of the Health (Registration of Premises) Regulations 1966, which apply to camping grounds due to regulation 3(1) of the Camping-Grounds Regulation 1985.

29 See regulation 7 in the Health (Registration of Premises) Regulations 1966, which apply to camping grounds due to regulation 3(1) of the Camping-Grounds Regulation 1985.

30 See sections 78 and 79 of the Local Government Act 2002.

31 See the Auditor-General's *Good practice guide: Charging fees for public sector goods and services*, available at: <http://oag.govt.nz/2008/charging-fees/docs/charging-fees.pdf>.

Granting exemptions

The Camping-Grounds Regulations 1985 (**Regulations**) contain little guidance about the process for assessing and granting exemptions. This section discusses some practical issues for the assessment stage, such as timeframes and seeking further information from applicants. It goes on to outline a territorial authority's decision-making options for an application, and discusses when consultation might be appropriate. It sets out the matters to be included in a certificate of exemption, and discusses the renewal and revocation of these certificates.

Territorial authority should set a timeframe for processing applications

The Regulations do not set a timeframe in which territorial authorities must process an application for exemption. In the absence of such a statutory requirement, a territorial authority has some discretion in working out what is an appropriate timeframe, subject to the administrative law requirements to act fairly and reasonably.

Practically, it would be sensible for a territorial authority to set a timeframe for processing exemption applications, which it should endeavour to comply with in all cases. What is a reasonable period will largely depend on how much work is involved in assessing the application, the particular territorial authority's resources, and whether decisions on exemptions are dealt with by full Council, a committee, a community board, or a staff member.

The territorial authority might also want to decide that, in the event it needs further information from the applicant, its timeframe should be suspended while it waits on that information.

The territorial authority should ensure that information about its timeframe is made readily available to all applicants, such as by putting it on the territorial authority's website page dealing with exemption applications and including it on the territorial authority's exemption application form itself.

If, for any reason, the territorial authority is not able to meet its self-imposed timeframe, it should keep the applicant informed of the situation.

Territorial authority can seek further information from applicant

As with timeframes, the Regulations are silent on whether a territorial authority can seek further information from an applicant. As mentioned above, in the absence of specific statutory guidance, a territorial authority will simply be obliged to act fairly and reasonably.

Accordingly, if a territorial authority considers that it needs further information to be able to properly and effectively assess an application for exemption, it can of course ask the applicant for that information.

While a territorial authority can ask for information, it cannot necessarily force an applicant to provide it. Applicants should, however, be incentivised to provide information as it will no doubt increase the likelihood of the territorial authority granting the exemption sought.

Territorial authority's decision-making options and possible consultation

There are three options for a territorial authority once it has completed assessing an application for exemption. It can:

- grant the exemption exactly as requested;
- refuse to grant an exemption; or
- offer to grant an exemption that is different to what was requested or which imposes conditions not clearly sought by the applicant.

As mentioned above, a territorial authority will be obliged to act fairly and reasonably in its handling of exemption applications, including its decision on which of the above options is the most appropriate in any case.

In some situations (most likely the second and third options above), fairness might require a territorial authority to consult with the applicant before making a final decision. Whether such consultation is needed and how it is carried out will no doubt depend on the particular circumstances, the proposed decision, and the personalities involved.

Depending on the circumstances, consultation might be as simple as having a phone call or meeting with an applicant to discuss the situation. For instance, a territorial authority might simply want to check with an applicant whether proposed conditions are feasible.

At the other end of the spectrum, consultation might actually amount to providing a draft certificate of exemption (with notations, if appropriate), or reasons for refusal, and seeking formal written comment from the applicant.

Obviously consultation would be entirely unnecessary if a territorial authority wanted to grant an exemption exactly as sought (ie the first option above).

Matters to cover off in certificates of exemption

A certificate of exemption should include the following information:

- name of the holder of the exemption;
- name of the camping ground and its location (preferably identified through reference to legal description or computer freehold register and, where appropriate, through a marked map);
- a list of the exemptions granted; and
- the conditions imposed.

In terms of the first two bullet points, correctly identifying the holder and camping ground is important as a certificate of exemption cannot be transferred to a succeeding operator or be applied to another camping ground area.

As for the third bullet point, it is also important to clearly define the scope of any exemption granted, most especially when it is a partial exemption of a regulation or part in the Schedule.

The final bullet point, concerning conditions, is discussed in more detail below.

Imposing conditions

Regulation 14(4) contains two standard conditions for all exemptions: a certificate of exemption is not transferable, and an exemption will be valid for however long the territorial authority specifies in the certificate.

Although regulation 14(4) states that an exemption cannot be transferred, it would be helpful to include a statement to this effect on every certificate of exemption to help ensure operators are aware of this important condition.

Clearly, a certificate of exemption must specifically address its period of validity. It would be prudent for territorial authorities to impose a limited duration for an exemption, eg five or 10 years, rather than allowing an exemption to apply indefinitely, so as to give the territorial authority the opportunity to revisit whether the exemption remains appropriate.

A territorial authority may wish to impose additional conditions when granting an exemption. Although regulation 14 does not specifically provide for additional conditions, it can be argued that the ability to grant conditions is a necessary corollary of the exemption power.

To be robust, a territorial authority should include a condition on a certificate of registration³² that the operator must comply with, and ensure the camping ground complies with, any certificate of exemption granted under regulation 14(1) of the Regulations and any conditions imposed on that certificate of exemption. In this way, a territorial authority can tie compliance with an exemption to the operator's registration, and the regime in regulation 9 of the Health (Registration of Premises) Regulations 1966, which provides for revocation of registration in the event of conditions being breached.

It is not possible to provide a list of all possible conditions that could be imposed where an exemption is granted: conditions will need to be shaped to the particular circumstances. However, some examples of conditions are discussed in the final section, 'Examples of exemptions'.

Template for certificate of exemption

Appendix B is a template certificate of exemption based on the requirements discussed in this section. Territorial authorities may wish to develop this template for their own use.

Renewing certificates of exemption

Regulation 14(4) states that a certificate of exemption may be renewed from time to time. The obvious time for an operator to seek renewal of a certificate of exemption will be shortly before it is due to expire (the date of expiry being whatever date the territorial authority has stated on the certificate itself).

³² Conditions are clearly permitted on a certificate of registration granted under regulation 3 of the Regulations. Regulations 5(3) and 8(2)(f) in the Health (Registration of Premises) Regulations 1966, which apply by virtue of regulation 3(1) of the Regulations, permit conditions on registration.

In practice, an application for renewal should be treated as a type of application for exemption. However, rather than repeating information already provided to the territorial authority to obtain the existing certificate of certificate, the operator could simply confirm that it seeks an exemption on exactly the same terms and confirm there have not been any material changes since the exemption was first granted. If there have been material changes (eg changes in operator's financial circumstances that affect the "undue hardship" assessment), then the application should disclose those and provide fresh answers to the questions in the form in light of those changes.

A territorial authority might choose to set a separate fee for a renewal or could perhaps simply waive part of the usual application fee if a renewal application is straight-forward.

Limited ability to alter or revoke certificates of exemption

Once a territorial authority has granted a certificate of exemption, it cannot generally alter or amend the certificate, at least not without the operator's consent.

Similarly, there is no clear power enabling a territorial authority to revoke a certificate at will. It might, however, be reasonable for a territorial authority to revoke a certificate in the event that the operator materially breaches the terms of the exemptions. A power to this effect could be included as a condition in the certificate itself. For instance, a condition could provide that the Council may revoke the certificate if the operator were to breach any of the other conditions.

Any such power would need to be exercised fairly and reasonably. In practice, this could mean a territorial authority might need to consider other options like educating or warning an operator before proceeding to revoke. What is appropriate will depend on the particular circumstances and a territorial authority's own enforcement policy or practice.

It might be appropriate to follow a process akin to that set out in regulation 9 of the Health (Registration of Premises) Regulations 1966, which applies in the event conditions on a certificate of registration are breached.³³ In simple terms, regulation 9 requires the territorial authority to give notice to the operator of the breach and to allow the operator the opportunity to rectify it, and if matters cannot be resolved, then the territorial authority must consult with operator on a proposal to revoke registration.

33 If the territorial authority has included a condition in the certificate of registration requiring compliance with a certificate of exemption, it may be that the territorial authority will look to revoke both the certificate of registration and certificate of exemption. If so, it would be necessary to follow the regulation 9 process in relation to the certificate of registration, making it sensible to extend the process to cover both the registration and exemption.

Examples of exemptions

There is little guidance in regulation 14(1) in the Camping-Grounds Regulations 1985 (**Regulations**) about the situations in which exemptions should be allowed, other than the need for "undue hardship" to exist. Territorial authorities have a wide discretion in determining when to allow exemptions. This section discusses some examples of possible exemptions.

Example A: Operator of existing full-service camping ground needs more time to upgrade particular facilities

In this example, an existing operator might be generally operating in full compliance with the Regulations, but then find out that there are serious issues with one of the three shower blocks in the camping ground, which will be expensive to fix.³⁴ The operator wants to close the shower block immediately due to health and safety concerns, but expects that the cost and time involved with building a new shower block mean that it will not be ready for approximately 2 years.

The camping ground is already almost fully booked for at least the next summer season, and the operator does not want to cancel these bookings. The operator has sourced some temporary unisex showers for the summer season, but they will not meet the particular requirements in the Regulations about numbers of showers for male and female, and having them located within a certain proximity of camp sites.

The operator could apply for a partial exemption from part 3 of the Schedule in the Regulations, insofar as it relates to shower facilities. In order to satisfy the territorial authority that "undue hardship" exists, the operator would need to provide some financial information about the cost of building a new shower block and the cost of having to cancel bookings.

Having been satisfied that undue hardship exists and that public health will not be unduly compromised, the territorial authority could issue a certificate of exemption for the following:

- partial exemption from part 3, Schedule, Regulation 9(1)(a) – exempt from clauses 1 to 4, but only insofar as they concern showers.

In this case, it would be appropriate for the territorial authority to provide that the certificate of exemption will expire on a date in just over two years' time.

In addition to the other standard conditions³⁵ (eg exemption non-transferrable and certificate can be revoked in event of breach), the exemption should be subject to the following conditions:

- The operator must provide at least [*X number*] temporary unisex showers for the period [*dates for summer seasons*].
- The operator must apply for a building consent to construct a new shower block to replace shower block [*A*] by [*X date, eg six months into two year exemption period*].

34 The exemption power in regulation 14(1) has previously been used to allow an existing operator additional time to upgrade facilities to meet the standard required under the Regulations. See: http://www.nzherald.co.nz/hawkes-bay-today/news/article.cfm?c_id=1503462&objectid=11132954 This article concerned Tararua District Council's decision to grant an operator an exemption for five years from certain aspects of the Regulations. It did so on the basis that immediate compliance would cause hardship to the operator, and the operator was expected to upgrade the existing facilities during this time so as to achieve full compliance with the Regulations.

35 Suggested wording for standard conditions is set out in the certificate of exemption template in Appendix B.

- The operator must ensure that existing shower blocks [B] and [C] continue to be available to all campers.

Depending on the circumstances, a territorial authority might identify some additional conditions that are appropriate.

Example B: Private land owner wants to operate a camping ground with limited facilities for campers using self-contained vehicles

In this example, a private land owner such as a farmer or someone else living rurally, might want to run a relatively small camping ground operation on a permanent or seasonal basis, secondary to their main business or income. The operator is happy to restrict campers to only those using fully self-contained vehicles, and would not be interested in providing cabins or other buildings, or allowing relocatable homes in the camping ground. Given all this, the operator would find full compliance with the Regulations to be disproportionately expensive and onerous.

In this situation, the operator might apply for an exemption under regulation 14(1) from many of the requirements in the Regulations. He or she would need to demonstrate (to establish “undue hardship”) that the likely income from such an operation would never justify the cost of providing full facilities as required under the Regulations.

The particular exemptions that the operator might seek could be:

- full exemption from regulations 4, 5, 6, 8, 9(1)(d), and 9(1)(e), and from the parts 2, 3, 4, 5, 6, and 7 of the Schedule; and
- partial exemption from regulation 10 – exempt from regulation 10(1)(b) only.

In this scenario, regulations 7, 11 and 12, and part 1 of the Schedule, would not ever apply to the proposed camping ground given the operator’s lack of desire to provide cabins, buildings, or to allow relocatable homes, meaning exemptions for these provisions are unnecessary.

With such wide-ranging exemptions, there would be only a few requirements in the Regulations that would apply. These would be the requirement to be registered (regulation 3), the requirement to maintain the camping ground in a clean and sanitary condition (regulation 9(1)(c)), and the requirement that the camping ground be provided with safeguards against fire, and means of escape in case of fire, to the territorial authority’s satisfaction (regulation 9(1)(f)). In addition, the requirements in regulation 10 not included in the partial exemption would apply, meaning the operator would need to keep limited records of campers.

Before granting such an application, the territorial authority would need to satisfy itself that the operator was indeed suffering undue hardship, and that public health would be sufficiently protected by limiting use of the camping ground to only campers with self-contained vehicles. As part of this, it would be sensible for the territorial authority to satisfy itself that appropriate facilities for emptying vehicles’ wastewater and sewage tanks, and filling their clean water tanks, and disposing of rubbish, are sufficiently close to the proposed camping ground. Presuming the territorial authority were satisfied of these matters, it could grant the exemption sought, but subject to numerous conditions.

Conditions that might be appropriate for such an exemption, additional to the standard conditions,³⁶ could include:

- The camping ground must not contain cabins or relocatable homes.
- The camping ground can be operated only in the months of December to April (inclusive). *[use if camping ground is to operate on a seasonal basis]*
- Campers must not stay in the camping ground for longer than [*X number, eg five*] days at any one time.
- Total occupancy of the camping ground must not exceed [*X number, eg 50*] people at any one time.
- Campers must not bring guests into the camping ground.
- Campers must at all times use, or be part of a group using, a self-contained vehicle certified to NZS 5465:2001 (or any standard that replaces NZS 5465:2001).
- Where more than one camper is using a self-contained vehicle, the total number of campers using that vehicle must not exceed the maximum number of occupants stipulated on the vehicle's self-containment warrant and certificate.
- Campers may use a tent alongside a self-contained vehicle, but only to the extent that the total number of campers using the vehicle and tent does not exceed the maximum number of occupants stipulated on the vehicle's self-containment warrant and certificate.
- Campers using a self-contained vehicle must remove the vehicle (temporarily) from the camping ground at least once every three days in order to empty the vehicle's wastewater and sewage tanks, and to dispose of rubbish, in approved facilities, and the operator must provide information to campers about approved facilities available in the district.
- Campers must keep their vehicles and tents (if any) at least 3 metres distant from any other campers' vehicles or tents.
- Campers must provide their own safe source of light, eg flashlights, camp lanterns.

Depending on the circumstances, a territorial authority might identify some additional conditions that are appropriate.

Example C: Private land owner wants to operate a camping ground with limited facilities for campers using tents

In this example, a private land owner wishes to operate a “glamping” business. The offering to customers will be a luxury tenting experience, in a remote and beautiful location. The camping ground operator expects to provide guests with the following:

- an already erected tent, fitted out to a high standard with a bed and linen, lounging area, and space to store luggage;
- a supply of fresh drinking water, which will be provided through water filter equipment and refreshed every two days;

³⁶ Suggested wording for standard conditions is set out in the certificate of exemption template in Appendix B.

- a flushable portable toilet and hot-water shower (powered by gas), under cover in a separate and smaller tent, connected to tank water;
- outdoor cooking facilities, consisting of a bbq and hob gas cooker, including all cooking utensils, cutlery and crockery, and an outdoor table and chairs;
- outdoor washing up area for washing hands and doing the dishes, connected to tank water (supplied cold, but a kettle is also available to heat this water as the guest wishes);
- flashlights and lanterns for within the tent and using the facilities; and
- a rubbish bin that is emptied every second day.

The idea is that each tent, with its accompanying tent containing the toilet and shower, will be in an area that is entirely separate to and private from any other guests. Guests will have exclusive use of the tent and facilities they hire. The idea is to enable guests to get away from it all, but in style. The business will operate for only 6 months of the year, during the warmer seasons.

The operator does not intend to provide laundry facilities. Guests will be supplied regularly with clean bed linen, all towels needed for ablutions, and tea towels for washing dishes. The operator will offer a service of taking guests' laundry to a laundromat, but at a charge.

Sewage will be professionally collected and safely disposed of. Similarly the tank of water (used for showering, washing hands, and cleaning dishes) will be regularly filled, and the wastewater collected and safely disposed of.

The operator does not intend for any of its glamping tents to be relocatable homes (as defined in the Regulations) or cabins.

In this situation, the operator might apply for the following exemptions:

- full exemption from regulation 8 and Parts 6 of the Schedule (concerning lighting and laundry facilities); and
- a number of partial exemptions:
 - regulation 5 – exempt from the need to mark camp site boundaries;
 - regulation 6 – exempt from regulation 6(1)(d), which requires all weather access to each camp site;
 - regulation 9(1)(d) – exempt from requirement to empty rubbish receptacles at least once every 24 hours;
 - Part 2 of the Schedule – exempt from need to supply hot water to laundry facilities (in clause 2);
 - Part 5 of the Schedule – exempt from need in clause 2 to provide hot water, sinks and benches; and
 - Part 7 of the Schedule – exempt from the need to provide a drainage system for storm water.

There is no need to seek an exemption in relation to ablution and sanitary fixtures, as clause 6 in Part 3 of the Schedule states that sanitary fixtures in temporary living places that are for the exclusive use of occupants are not to be counted for the purpose of the Schedule.

Before granting such an application, the territorial authority would of course need to satisfy itself that the exemptions were warranted due to the operator suffering undue hardship, and that public health would be sufficiently protected by the measures proposed by the operator. Public health standard would depend, in part, on the particular location and landscape of the proposed camping ground.

Conditions that might be appropriate for such an exemption, additional to the standard conditions,³⁷ could include:

- The camping ground must not contain cabins or relocatable homes.
- The camping ground can be operated only in the months of November to April (inclusive).
- The operator must provide safe access (pedestrian and/or vehicle) to each camp site at all times that the camping site is in use.
- Campers must use only tents supplied by the operator.
- The number of campers using each camp site must not exceed the number of beds available in the camp site, and in any event, must not exceed four persons.
- The operator must empty the rubbish bin for a camp site every second day while the site is in use.
- The operator must regularly supply campers with bed linen, all towels needed for ablutions, and tea towels.
- The operator must supply each camping site with adequate flashlights and lanterns.
- The operator must, at least every two days, supply each camper with a minimum of 2 litres of potable water per day.
- The operator must supply each camping site with a kettle and a gas hob, which must be used outside.

Depending on the circumstances, a territorial authority might identify some additional conditions that are appropriate.

³⁷ Suggested wording for standard conditions is set out in the certificate of exemption template in Appendix B.

Appendix A: Application for exemption template

APPLICATION FOR EXEMPTION FROM REQUIREMENTS IN THE CAMPING-GROUNDS REGULATIONS 1985

(Made under regulation 14(1) of the Camping-Grounds Regulations 1985)

1. Type of application

Tick the box to indicate which type of application you are making.

- new exemption

You must answer all questions in full and complete the declaration.

- renewal of existing exemption

You must answer questions 1 to 3 in full and complete the declaration. In answering any of the other questions, you can state "no change" where information remains the same as for your existing exemption, or answer the question more fully.

2. Applicant's name

State the full legal name of the applicant. If a certificate of registration has already been granted (or is being sought alongside this application), the applicant must be the same as the holder of the certificate of registration. If no certificate of registration has been granted, then the applicant must be the person who is responsible for the daily management of the camping ground. An applicant can be an individual or an entity such as a company.

3. Contact person

State the name and contact details for the individual who the Council can contact about this application. This can be the applicant, or some other person. Please include the individual's full name, a phone number, email address, and postal address.

4. Name and location of camping ground

State the name of the camping ground and its location. Location can be described using a street address or by reference to computer freehold register (eg Lot 1 on DP 456789 described in CFR 123456). If the camping ground area is only part of a larger property, tick the box below and attach a map of the area that shows which part of the property is to be used as a camping ground.

map attached, showing area to be used as a camping ground

5. Exemptions sought

All regulations and parts of the Schedule in the Camping-Grounds Regulations 1985 for which exemptions can potentially be sought, and a brief summary of the relevant requirements in those regulations and parts, are set out below. For each regulation and part, tick the box that applies to you. If you are seeking a partial exemption, state which requirement(s) in the regulation or part you are seeking an exemption from. You may wish to refer to the Regulations, which are available on www.legislation.govt.nz

<p>Regulation 3 Need to register a camping ground</p>	<p><input type="checkbox"/> no exemption <input type="checkbox"/> full exemption <input type="checkbox"/> partial exemption, being:</p>
<p>Regulation 4 Need to prepare and maintain a camp plan showing matters in regulation 4(1)(a) to (f), and to lodge two copies of the camp plan with the Council</p>	<p><input type="checkbox"/> no exemption <input type="checkbox"/> full exemption <input type="checkbox"/> partial exemption, being:</p>
<p>Regulation 5 Need to mark camp sites and boundaries, and number camp sites</p>	<p><input type="checkbox"/> no exemption <input type="checkbox"/> full exemption <input type="checkbox"/> partial exemption, being:</p>
<p>Regulation 6 Need to ensure camp sites comply with size and location requirements in regulation 6(1) and (2), and obtain written permission from territorial authority before placing a building or structure of a camp site</p>	<p><input type="checkbox"/> no exemption <input type="checkbox"/> full exemption <input type="checkbox"/> partial exemption, being:</p>

<p>Regulation 7 Need to ensure any cabins comply with the size requirements in regulation 7</p>	<p><input type="checkbox"/> no exemption / not applicable <input type="checkbox"/> full exemption <input type="checkbox"/> partial exemption, being:</p>
<p>Regulation 8 Need to provide lighting infrastructure as per regulation 8(1) and keep it on during the hours of darkness in the occupied areas of the camping ground</p>	<p><input type="checkbox"/> no exemption <input type="checkbox"/> full exemption <input type="checkbox"/> partial exemption, being:</p>
<p>Regulation 9(1)(c) Need to maintain camping ground in a clean and sanitary condition</p>	<p><input type="checkbox"/> no exemption <input type="checkbox"/> full exemption <input type="checkbox"/> partial exemption, being:</p>
<p>Regulation 9(1)(d) Need to empty rubbish receptacles and dispose of refuse in a sanitary manner</p>	<p><input type="checkbox"/> no exemption <input type="checkbox"/> full exemption <input type="checkbox"/> partial exemption, being:</p>
<p>Regulation 9(1)(e) Need to keep ablution, kitchen, laundry, and toilet facilities clean and in good repair</p>	<p><input type="checkbox"/> no exemption <input type="checkbox"/> full exemption <input type="checkbox"/> partial exemption, being:</p>
<p>Regulation 9(1)(f) Need to provide safeguards against fire and means of escape in case of fire</p>	<p><input type="checkbox"/> no exemption <input type="checkbox"/> full exemption <input type="checkbox"/> partial exemption, being:</p>
<p>Regulation 10 Need to create and maintain records addressing the matters in regulation 10(1)(a) to (e), and make them available to a territorial authority inspector</p>	<p><input type="checkbox"/> no exemption <input type="checkbox"/> full exemption <input type="checkbox"/> partial exemption, being:</p>

<p>Regulation 11 Need to ensure any relocatable homes meet the site requirements set out in regulation 11</p>	<p><input type="checkbox"/> no exemption / not applicable <input type="checkbox"/> full exemption <input type="checkbox"/> partial exemption, being:</p>
<p>Regulation 12 Need to provide all-weather access from camping-ground entrance to any relocatable homes</p>	<p><input type="checkbox"/> no exemption / not applicable <input type="checkbox"/> full exemption <input type="checkbox"/> partial exemption, being:</p>
<p>Part 1 of the Schedule Need to maintain any buildings in the camping ground in good repair</p>	<p><input type="checkbox"/> no exemption / not applicable <input type="checkbox"/> full exemption <input type="checkbox"/> partial exemption, being:</p>
<p>Part 2 of the Schedule Need to supply water in accordance with part 2 of the Schedule</p>	<p><input type="checkbox"/> no exemption <input type="checkbox"/> full exemption <input type="checkbox"/> partial exemption, being:</p>
<p>Part 3 of the Schedule Need to provide ablution and sanitary fixtures in accordance with part 3 of the Schedule</p>	<p><input type="checkbox"/> no exemption <input type="checkbox"/> full exemption <input type="checkbox"/> partial exemption, being:</p>
<p>Part 4 of the Schedule Need to provide refuse containers in accordance with part 4 of the Schedule</p>	<p><input type="checkbox"/> no exemption <input type="checkbox"/> full exemption <input type="checkbox"/> partial exemption, being:</p>
<p>Part 5 of the Schedule Need to provide cooking places in accordance with part 5 of the Schedule</p>	<p><input type="checkbox"/> no exemption <input type="checkbox"/> full exemption <input type="checkbox"/> partial exemption, being:</p>

<p>Part 6 of the Schedule Need to provide laundry facilities in accordance with part 6 of the Schedule</p>	<p><input type="checkbox"/> no exemption <input type="checkbox"/> full exemption <input type="checkbox"/> partial exemption, being:</p>
<p>Part 7 of the Schedule Need to provide a drainage system in accordance with part 7 of the Schedule</p>	<p><input type="checkbox"/> no exemption <input type="checkbox"/> full exemption <input type="checkbox"/> partial exemption, being:</p>

6. Undue hardship
The Council can grant an exemption only if satisfied that compliance with the Camping-Grounds Regulations 1985 will cause "undue hardship" to the camping ground operator. Explain how compliance with specific Regulations from which exemption is sought will cause hardship in this case. Tick the box below if you are attaching additional pages and/or supporting evidence.

additional pages/supporting evidence attached

7. Public health considerations

Exemptions have the potential to compromise public health. State what measures (if any) you propose to take to help (eg if public health could be compromised by a full exemption from the need to provide sanitary and ablution facilities, indicate that you are willing to accept a condition on the exemption that the camping ground will accept only campers using fully self-contained vehicles). This is your opportunity to propose appropriate conditions on the exemption sought. Tick the box below if you are attaching additional pages.

additional pages attached

Applicant's declaration

This section is to be completed by the applicant. Read the statement below, then sign and state the date. If the applicant is an entity, ensure the person signing has authority to do so.

I declare that the information provided in this form is accurate and complete, and that I will advise the Council in the event I become aware of any further or new information that is material to this application:

Applicant/on behalf of applicant

Date: _____

Application fee must be paid: *[insert information about level of fee and when/how it is to be paid]*. The Council will not start its assessment of an application until it has received payment of the fee in full.

Timeframe for Council's assessment: the Council aims to assess each application for exemption within 20 working days of receiving the completed form and the application fee having been paid in full. The timeframe will be suspended if the Council seeks further information from the applicant, while it waits on the applicant's response. If for any reason the Council cannot meet the timeframe, it will inform the applicant.

Personal information: personal information provided in this form and during the course of assessing this application will be used by the Council for the purpose of assessing this application and carrying out the Council's duties under the Camping-Grounds Regulations 1985, and may be shared with the Council's contractors or agents for these purposes. If you do not provide the information requested, the Council may refuse to grant the exemption sought. The Council will keep a record of this application and its decision. If an exemption is granted, the Council will also record relevant information in its register of camping grounds (held under regulation 8 of the Health (Registration of Premises) Regulation 1966), which can be inspected by any employee of the Director-General of Health, Medical Officer of Health, Health Protection Officer, or an officer who has functions under an enactment administered by the Ministry of Health. You have the right to access and seek correction of your personal information and, for this purpose, you can contact: *[insert contact details]*

Appendix B: Certificate of exemption template

CERTIFICATE OF EXEMPTION

(Granted under regulation 14(1) of the Camping-Ground Regulations 1985)

Operator: *[insert name of camping ground operator]*

Camping ground: *[insert name of camping ground, and its location with reference to legal description or computer freehold register. If appropriate, refer to and attach a map with the area marked. For example:*

John's Holiday Camp, 55 Park Lane, Hightown

Jane's Holiday Camp, Lot 1 on DP 456789 described in CFR 123456, see marked area on attached map]

Exemptions:

[list exemptions that are being granted, for example:

- *full exemption from regulation 8*
- *partial exemption from regulation 10 – exempt from regulation 10(1)(b) only*
- *partial exemption from Part 5, Schedule, Regulation 9(1)(a) – exempt from requirement to provide adequate hot water under clause 2 in Part 5]*

Exemptions are subject to the conditions listed over the page.

Issued by:

[insert name of officer with delegated authority]

[insert officer's position / title]

Date of issue: *[insert date]*

Conditions:

- The operator must comply with, and ensure the camping ground complies with, the Camping-Grounds Regulations 1985, and with any conditions imposed on a certificate of registration granted under regulation 3, except to the extent that non-compliance is permitted under this exemption.
- This certificate of exemption shall expire on *[insert date]*.
- This certificate of exemption cannot be transferred from the operator to any succeeding operator.
- This certificate of exemption applies only to the named camping ground and cannot be transferred to any other camping ground or area.
- *[insert any other conditions, see final section in guidance material, 'Examples of exemptions', for examples]*
- The Council may revoke this certificate of exemption if the operator breaches any of the above conditions.