



**MINISTRY OF BUSINESS,
INNOVATION & EMPLOYMENT**
HĪKINA WHAKATUTUKI

Supporting Sustainable Freedom Camping in Aotearoa New Zealand

Proposed changes to support effective management
of freedom camping in New Zealand

Discussion
Document
April 2021



LSE 6298



**MINISTRY OF BUSINESS,
INNOVATION & EMPLOYMENT**
HĪKINA WHAKATUTUKI

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Print: ISSN 978-1-99-100803-9

Online: ISSN 978-1-99-100804-6

April 2021

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Foreword from the Minister of Tourism

**NOKU E TAKAHI ANA I TE MATA O AOTEAROA, ME TOITU
TE WHENUA, TE MOANA, ME TE TAI AO ME TAE MAORI MAI,
ME HOKI MAORI ATU.**

**WHILE TRAVELLING IN NEW ZEALAND, I WILL CARE FOR LAND,
SEA AND NATURE, TREADING LIGHTLY AND LEAVING NO TRACE.**

— *Tiaki Promise*

One of my major priorities as Minister of Tourism is to ensure that we send a very clear message about our nation's values to all who wish to visit and travel around our beautiful country. Our values are a part of our overall visitor proposition, so we must safeguard our clean green 100% Pure New Zealand brand and promise.

For tourism to be successful, it must operate with the social licence granted by communities. If that social licence disappears then we will inevitably fail to deliver a high value visitor experience. The actions of some freedom campers who travel around our wonderful country in vehicles with a sleeping platform but without toilet facilities have strained social licence for freedom camping and our ability to deliver on our brand promise. This must change.

I believe the Government needs to act before the borders reopen to address some of the systemic issues New Zealand was facing prior to COVID-19 in terms of our brand erosion and loss of social licence. As we begin to reopen New Zealand to the world we need to make sure that we build back better. The Government supports the tourism industry's drive to be sustainable and resilient in the face of the challenges presenting in the 21st century.

I would like to ensure that we can increase the value provided by visitors to New Zealand, while simultaneously delivering on the 'Brand New Zealand' promise. I would like visitors to be welcomed into communities across New Zealand, to receive that 'world famous' hospitality that we are renowned for, and to have their expectations exceeded. This vision can only be delivered if we:

- › protect and restore our natural environment
- › ensure that we can deliver high quality tourism experiences
- › have the social licence to operate in communities across New Zealand.

Improving the sustainability of freedom camping in New Zealand is one area of priority for me. To achieve this vision every visitor that camps in New Zealand must be a responsible camper. As Minister of Tourism and a Member of Parliament, one of the most consistent complaints I have heard relates to freedom camping. These complaints include poor behaviour, waste and litter, and overcrowding.

Improving the sustainability of freedom camping is also one of the four priorities for tourism set out by the Parliamentary Commissioner for the Environment in his report *Not 100% - But Four Steps Closer to Sustainable Tourism*. His report notes that the Government's efforts to address freedom camping issues through more facilities and education campaigns have not resolved the issues noted above.

As such, we need to make sure that the costs of freedom camping are not borne by local councils and communities. We also need to ensure that we have the infrastructure and systems in place to support people to camp responsibly.

I believe that the most effective method to achieve this is a package of the proposals in this document: make it mandatory for vehicle based freedom campers to use a certified self-contained vehicle, improve the regulatory tools for government land owners, and strengthen the requirements for self-contained vehicles. While I acknowledge this may impact some New Zealanders and a few businesses, and change the nature of freedom camping for some, I consider it will address some of the issues facing communities and ratepayers as a result of vehicle based freedom camping, particularly when the border is reopened to international visitors.

This document also presents an alternative proposal, which would make it mandatory for freedom campers to be in a certified self-contained vehicle, except in places which have toilet facilities. I am also open to other proposals that might achieve my objective and would like to hear from the public about these.

To protect and deliver on New Zealand's brand proposition, I would like change to occur fast. It is my aim to have a new regime in place by 1 January 2022. This will ensure that the issues of the past do not have an opportunity to repeat when the international visitor market returns.

I am interested in receiving feedback from all stakeholders, including local government, the tourism industry, community interest groups and the wider public. Supporting responsible camping requires input from everyone, and I look forward to understanding your views on the proposals in detail.

Hon Stuart Nash

Minister of Tourism



Executive summary

Responsible camping has a long history in Aotearoa New Zealand. Many New Zealanders enjoy travelling around the country, staying outside established campgrounds – and some see it as an important part of their birthright as New Zealanders to camp around New Zealand at low or no cost. Responsible campers come in all shapes and sizes: some choose to camp as an affordable way to have a holiday at a favourite campground; some spend their retirement touring the country in a motor caravan; and others camp while hunting or fishing.

However, in recent years the increasing number of freedom campers has raised concern from some communities around freedom campers' cumulative impact on the environment, and the cost to host them. In particular, this concern has focused on the subset of freedom campers who stay in cars, or vans with sleeping platforms, that are not self-contained. This is impacting communities' attitudes towards visitors and their willingness to host them – and impacting on the social licence for tourism.

Environmental concerns and low community support for this form of freedom camping puts at risk New Zealand's reputation as a destination that delivers a sustainable, high quality visitor experience. Meanwhile, there are ongoing costs for communities and taxpayers to manage the immediate impacts of the inappropriate behaviour by some freedom campers, which include dealing with waste and litter, providing education and undertaking enforcement activities.

The Government considers that now is the time for change. While the borders are closed, there is an opportunity to address some of the systemic issues arising from freedom camping, by introducing a new system that is better managed, delivers a high quality experience for domestic and international visitors, and which ensures the costs of freedom camping are not unfairly placed on the communities which host them.

This document presents four proposals for consideration:

1. Make it mandatory for freedom camping in a vehicle to be done in a certified self-contained vehicle.
2. Make it mandatory for freedom campers to stay in a vehicle that is certified self-contained, unless they are staying at a site with toilet facilities (excluding public conservation lands and regional parks).
3. Improve the regulatory tools for government land managers.
4. Strengthen the requirements for self-contained vehicles.

Details on how you can submit on the proposals in this document are found on page 8, and online at: www.mbie.govt.nz/have-your-say/supporting-sustainable-freedom-camping-in-aotearoa-new-zealand

This website also includes information on public meetings MBIE is holding to discuss the proposals.

The issue and why we are consulting

The Government is concerned about the impact on local communities, our environment and on our international tourism brand caused by freedom campers staying in cars, or vehicles with sleeping platforms, that are not self-contained and who do not camp responsibly. While the expectation is that all campers are responsible campers – in that they obey the rules of where they visit and dispose of their waste appropriately – there are still far too many instances of people disregarding their obligations and responsibilities. This has both a local effect on environment and amenity, and a cumulative national impact on the social license for tourism, and New Zealand's tourism brand.

The current approach to supporting freedom camping is not adequate. We need to strengthen the legislation so that our minimum expectations of people are supported by the rules and tools to enforce them. This discussion document seeks feedback on some proposals for strengthening our regulatory system for freedom camping, which are outlined on the following pages.

What is responsible camping?

Responsible camping includes all types of camping in Aotearoa New Zealand, whether paying for a site or camping for free. It is about doing so responsibly, disposing of waste appropriately and respecting the local environment.

What is freedom camping?

Freedom camping is defined in the Freedom Camping Act 2011 (the Act). It means camping within 200 metres of a motor vehicle accessible area or the mean low-water springs line of any sea or harbour, or on or within 200 metres of a formed road or a Great Walks Track, using one or more of the following:

- › a tent or other temporary structure
- › a caravan, or
- › a car, campervan, house truck, or other motor vehicle.

It does not include staying at a camping ground, temporary or short-term parking of a motor vehicle, day trips, or resting or sleeping at the roadside to avoid driver fatigue.

The scope of this discussion document

The Government is interested to hear your views on how it can support vehicle based responsible camping in New Zealand – for both New Zealanders and international visitors. We seek your feedback on four proposals to support responsible camping in New Zealand. These are:

1. Make it mandatory for freedom camping in a vehicle to be done in a certified self-contained vehicle.
2. Make it mandatory for freedom campers to stay in a vehicle that is certified self-contained, unless they are staying at a site with toilet facilities (excluding public conservation lands and regional parks).
3. Improve the regulatory tools for government land managers.
4. Strengthen the requirements for self-contained vehicles. Requirements for self-contained vehicles are currently set out in the voluntary New Zealand Standard, NZS 5465:2001 *Self containment of motor caravans and caravans* (which is more commonly known as the Self Contained Vehicle Standard - SCVS).

A package based on some or all of these proposals is likely to be most effective in reducing the impacts of freedom camping on communities and the natural environment.

The Government is also interested to understand your views on how proposals could be implemented. This includes feedback on:

- › features of any new systems that could be put in place and that would, for example, make it easier to comply or to enforce the rules
- › what penalties for non-compliance should be
- › the economic cost borne by those who would be impacted by the proposals.

Out of scope

We are not seeking feedback on the Government's broader approach to supporting responsible camping. This includes:

- › exploring wider reforms to the Freedom Camping Act 2011
- › reviewing the Camping-Ground Regulations 1985, which apply to commercial campgrounds
- › any feedback or views on local bylaws or notices made under the Freedom Camping Act 2011, or which are currently being consulted on by local authorities. or the Department of Conservation.



How to have your say

You have an opportunity to tell us what you think of the proposals to improve responsible camping by providing feedback on the matters raised in this discussion document. You are welcome to make submissions on some or all of the discussion questions set out in this document, and/or to raise any other relevant points.

How to comment on this discussion document

The Ministry of Business, Innovation and Employment (MBIE) invites written comments on the proposals in this document. A submission may range from a short letter on one issue to a detailed response covering multiple issues. Please provide relevant facts, figures, data, examples and documents where possible to support your views. You can:

- › Complete your submission on the MBIE website: www.mbie.govt.nz/have-your-say/supporting-sustainable-freedom-camping-in-aotearoa-new-zealand.
- › Email a submission to us at: responsiblecamping@mbie.govt.nz
- › Mail your submission to us at:
Ministry of Business, Innovation and Employment
15 Stout Street
PO Box 1473, Wellington 6140
Attention: Responsible Camping Submissions

If possible, we appreciate receiving submissions electronically. If emailing an attachment, we prefer a Microsoft Word or searchable PDF format.

MBIE will publish a summary of submissions

After submissions close, MBIE will publish a summary of submissions on our website at www.mbie.govt.nz. We will not be making any individual submissions public. Should any part of your submission be included in the summary of submissions, MBIE will seek your permission to publish your information, and ensure it does not refer to any names of individuals.

When businesses or organisations make a submission, 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 submissions and survey responses. Any personal information you supply to MBIE in the course of making a submission will be used by MBIE only in conjunction with matters covered by this document.

Submissions and survey responses may be the subject of requests for information under the *Official Information Act 1982* (OIA). Please set out clearly if you object to the release of any information in the submission, and in particular, which part (or parts) you consider should be withheld (with reference to the relevant section of the OIA). MBIE will take your views into account when responding to requests under the OIA. Any decision to withhold information requested under the OIA can be reviewed by the Ombudsman.

What happens next

MBIE will analyse all submissions received and then report back to the Minister of Tourism on the feedback, with recommendations for his consideration. Your submission will help inform policy decisions to improve responsible camping.

Freedom camping in Aotearoa New Zealand

Freedom camping has a long history in Aotearoa New Zealand. Many New Zealanders enjoy travelling around the country, staying outside established campgrounds – and some see it as an important part of their birthright as New Zealanders to camp around New Zealand. Freedom camping is also a popular way for many international visitors to travel around New Zealand. Prior to COVID-19, an estimated 154,000 international visitors spent part of their trip freedom camping, representing around 63% of all people who freedom camped in the 2019 calendar year.

Freedom camping has, at times, received mixed levels of support from different communities around New Zealand. In recent years, the increasing number of freedom campers, and their cumulative impact, has raised concerns in some communities around freedom campers' environmental impact and cost to host them. This predominantly (but not exclusively) concerns those tourists who travel in vehicles with sleeping platforms but without a toilet.

Freedom camping complements the camping system in New Zealand more broadly, with people who want access to greater amenities (such as bathrooms, power, a full kitchen or laundry) choosing to camp at either a commercial campground or a Department of Conservation campground.

What are the different ways people camp?

Tents and other temporary structures: Outdoor enthusiasts, like trampers and cyclists, may travel light carrying a tent as their accommodation. Tents are also often seen as a family holiday option, and are used in a variety of campgrounds.

Vehicles that are not self-contained: A wide range of vehicles are used for camping, from caravans through to large cars and vans. These vehicles are often basic, and typically feature fixed or removable portable sleeping facilities, and cooking facilities. These vehicles typically do not contain toilet facilities, so campers must either use facilities provided on-site, or go outside where no facilities are available. Some of these vehicles are in private ownership. While the precise number is not known, an estimated 55,000 vehicles could be converted to self-contained.

Self-contained vehicles: These vehicles conform to a minimum standard for sanitary fixtures and fittings, including having a toilet, and being able to hold three days of fresh water and waste water (see page 26 for more details). Under the current New Zealand Standard for self-contained vehicles, vehicles that are able to meet the minimum requirements range from basic vans with portable toilets, to premium motor vehicles with hot showers, sleeping platforms, fixed toilets and cooking facilities. However, even if a vehicle is self-contained, not all the installed facilities may be used all the time; for example, it is still fairly common for showering and cooking to take place outside vehicles. At least 68,000 self-contained vehicles are in private ownership; at least 5,000 are in the rental fleet.

People can camp in a range of places

Designated freedom camping sites provide low levels of service, sometimes have no toilet facilities and/or are limited to self-contained vehicles only. Commercial campgrounds and some Department of Conservation campgrounds provide more amenities – for example: power, kitchen facilities, toilets and hot showers, for which fees are charged.

Many people also choose to camp on private land, in the back country or on conservation land. However, freedom camping cannot be done where a council bylaw or Department of Conservation notice prohibits this.

Benefits of freedom camping to New Zealand

Freedom camping can be a way to attract visitors to less visited destinations, and to provide an accommodation option in places that have less traditional tourism accommodation but still want to attract visitors.

Research published by MBIE in 2020 found that people who choose to freedom camp stay longer and, in total, spend more on average than other visitors, but spend less per day.¹ Spending by people who freedom camped over the 2019/20 summer season, excluding vehicle purchase or hire costs, was estimated as follows:

- › Domestic freedom campers spent an average of \$545 per person per trip, or \$43 per day.
- › International campers who purchased their own vehicle spent an average of \$7,891, or \$38 per day.
- › International visitors who hired a budget vehicle spent \$3,691, or \$78 per day.
- › International visitors who hired a premium vehicle spent \$2,687, or \$83 per day.

The average spend by international visitors in New Zealand for any purpose was \$3,404 per trip, or \$193 per day.²

Both international and domestic freedom campers reported staying at a range of accommodation providers during a trip, with the most common being designated freedom camping sites, commercial campgrounds and New Zealand Motor Caravan Association parks.

¹ See <https://www.mbie.govt.nz/immigration-and-tourism/tourism/tourism-projects/responsible-camping/results-of-the-201920-summer-research-into-responsible-camping/> for more information.

² Data drawn from the International Visitor Survey – Visitor Expenditure Year End December 2019. See <http://nzdotstat.stats.govt.nz/wbos/Index.aspx?DataSetCode=TABLECODE7571>.



Introduction of the Freedom Camping Act 2011

The Freedom Camping Act 2011 (the Act) was introduced ahead of the 2011 Rugby World Cup to help local authorities and the Department of Conservation better manage freedom camping. At the time, the Government was concerned that without the Act, there would be insufficient controls to support responsible behaviour from the increasing number of visitors.

Under the Act, freedom camping:

- › is free, that is, the camper does not pay a fee for staying there
- › is usually in a vehicle or tent
- › is within 200 metres of a motor vehicle accessible area, low-water springs line of any sea or harbour, or Great Walks Track.³

The Act does not cover private land, for example: a farm where the owner allows people to camp for free is not covered, nor is land administered by Waka Kotahi or Land Information New Zealand.

Of particular relevance to this discussion document, freedom campers are not required to sleep in vehicles that contain toilets of any standard, except where local freedom camping bylaws or notices specify this must occur.

Councils and DOC can make rules for where and how people freedom camp

The Act says that freedom camping is permitted unless it has been restricted or prohibited in an area. The Act enables local authorities⁴ and the Department of Conservation to identify areas in the regions, districts or cities they manage where freedom camping should be restricted or prohibited.

The Act provides for local authorities to make freedom camping bylaws in order to protect the area, people's health and safety, or access to the area. The Department of Conservation can issue freedom camping notices. Local authorities often, through the bylaws they make, restrict freedom camping in some areas to vehicles that are certified as self-contained.

Penalties under the Freedom Camping Act 2011

The Act also sets out a range of offences related to freedom camping. These include depositing waste in an inappropriate waste receptacle (for example, other than in a rubbish bin or public toilet), interfering with or damaging flora or fauna, and breaching freedom camping bylaws or notices. It sets the penalties that can be charged. Currently, most offences attract a \$200 infringement fine. A person who discharges a noxious substance that significantly affects the environment, or causes significant concern to the community, can be liable for a fine of up to \$10,000. To date, no one has been prosecuted under this legislation.

One important exclusion from the Act is where someone pulls off the road to take a rest from driving. Waka Kotahi (New Zealand Transport Agency) actively encourages fatigued drivers to rest for road safety outcomes.

³ People camping in New Zealand's 'back country' are not considered to be freedom camping when camping more than 200m away from the low-water springs line of any sea or harbour, Great Walks Track, or motor vehicle accessible area.

⁴ Regional councils, city councils, district councils and unitary authorities.

Government investment in responsible camping

In 2018, the Government established the Responsible Camping Working Group (the Working Group) to identify ways to better manage the freedom camping system.⁵ The Working Group identified a range of issues, including:

- › growing numbers of freedom campers were placing pressure on infrastructure and spaces
- › the penalties for unacceptable behaviour were too low and difficult to enforce
- › the way that the SCVS is supported by the Government could be improved.

Over the last three years, the Government has provided around \$27 million in funding for a range of programmes to better manage freedom camping. The programmes the Government has funded include:

- › infrastructure, including parking space, toilets and ablution blocks
- › monitoring and enforcement, through responsible camping ambassadors, compliance officers and rangers
- › education, through signage, pamphlets and camping ambassadors
- › waste and rubbish management.

How often do local authorities and the Department of Conservation issue infringements under the Act?

Many territorial authorities have observed a decrease in the total number of infringements issued over the past three years. Some of the larger territorial authorities report higher numbers of annual infringements issued (ranging from 100 to over 600 per year), while the smaller territorial authorities tended to report lower numbers (ranging from 1 to 200 per year).

The Department of Conservation has issued approximately 100 infringement notices under the Act since its enactment in 2011.

However, with a general increase in compliance from campers and reduced infringements being issued, a few territorial authorities have expressed concern around the cost of enforcement and how the revenue from infringement fees was not sufficient to cover this cost. Several territorial authorities have reported relatively low infringement fee collection rates, with most reporting that less than 60% of infringement fees are paid.

MBIE has also innovated in the camping space, testing new technologies to support responsible camping. These include:

- › Cameras powered by artificial intelligence to report when campsites are full. These have proven to be effective in stopping overcrowding and providing councils with information on usage of their freedom camping sites, with 91% of campers redirected from full camping sites when made aware that those camping sites are full.
- › The Ambassador App, which helped consistently manage campers as they travel through New Zealand. This App has become a de facto database for many self-contained vehicles in New Zealand.
- › A trial designating different camping zones in Kaikōura, to test different ways to deliver information to campers about where they could freedom camp without any restrictions, where there were restrictions (such as needing to be in a vehicle with a toilet), or where no camping is permitted.

⁵ See <https://www.mbie.govt.nz/immigration-and-tourism/tourism/tourism-projects/responsible-camping/responsible-camping-working-group/> for more information.

Why does the Government want change?

Sustainability of freedom camping

This Government would like to ensure that New Zealand can deliver a high quality visitor experience across all the tourism offerings available in New Zealand, while ensuring that communities and the natural environment do not bear the costs. We want our international visitors to understand our value proposition, behave appropriately and pay their way. We would also like to ensure that the social licence in New Zealand for freedom camping is not only maintained, but enhanced in the many communities that currently see certain aspects of freedom camping as highly undesirable.

With regards to freedom camping, this means ensuring that we have a system in place which protects the natural environment, supports visitors to act responsibly and allows New Zealanders the opportunity to access and enjoy their backyard.

What we know about the use of self-contained vehicles

Despite improvements over recent years, there are still far too many instances of freedom campers disposing of human waste inappropriately. Some local communities have expressed concern about this: it causes localised pollution, poses a health hazard, requires cleaning up and devalues the experience of other, more responsible tourists.

If freedom campers have access to appropriate facilities, such as toilets and kitchens, it is possible the number of such instances would decrease. However, further work is required to ensure that people are encouraged to use onboard facilities. This could include strengthening the standard of self-containment to require permanently plumbed toilets, as suggested by the Parliamentary Commissioner for the Environment.⁶ Research published by MBIE in 2020 found that many international visitors, despite having access to a toilet in the vehicle they purchased or hired, did not use it (see table below).

Key statistics relating to self-contained vehicles and toilet use⁷

Percentage of international freedom campers who hired a budget vehicle or purchased a vehicle which had a toilet (and was likely to have met the Self-Contained Vehicle Standard - SCVS)	74%
Percentage of those who did have a toilet in the above group, and who used it	28%
Percentage of international freedom campers who hired a premium vehicle which met the SCVS, and who used the onboard toilet facilities	74%
Percentage of domestic freedom campers who used an onboard toilet facility ⁸	96%

⁶ See <https://www.pce.parliament.nz/media/197087/report-not-100-but-four-steps-closer-to-sustainable-tourism-pdf-24mb.pdf> for the full report from the Parliamentary Commissioner for the Environment.

⁷ This research was drawn from an online survey of 7,328 respondents, including 6,823 New Zealand residents and 505 international visitors. Online surveys were distributed via a range of camping groups and companies.

⁸ This number may be slightly lower, as the 2020 survey methodology drew upon domestic responsible campers who were either part of a camping association, used the CamperMate app, or rented their vehicle.

Not 100%, but four steps closer to sustainable tourism

The Parliamentary Commissioner for the Environment (PCE), in his report *Not 100% - But Four Steps Closer to Sustainable Tourism*, noted that:

Freedom camping is one of the most visibly contentious sectors of New Zealand's tourism industry. Its growth has resulted in a range of social and environmental pressures. The issue that has received the most attention is the tendency of freedom campers to use their natural surroundings as a toilet or place to clean dishes and clothes.

In recent years, government efforts to address this problem have focused heavily on the provision of freedom camping facilities and education campaigns. Those efforts have not resolved the issue. More attention needs to be given to the inadequate toilet facilities that are present in some vehicles certified as self-contained, and to ensuring that council officers can recover any penalties for non-compliance with local requirements.

The PCE recommended that the best approach to solve this is to: strengthen the SCVS to require vehicles to have a permanently plumbed toilet; reintroduce national oversight of the SCVS, and that either Waka Kotahi New Zealand Transport Agency (Waka Kotahi) or MBIE be responsible for this; and ensure freedom camping penalties represent a serious deterrent to undesirable camping behaviour.

The four proposals in this report align with the recommendations in the PCE's report.

Increasing numbers of people camping puts pressure on communities

Higher visitor numbers means camping is having a bigger impact in some places. In particular, the growing number of people freedom camping in some places, particularly during peak visitor season, means that freedom camping is more visible, and is causing more pressure. This is beginning to erode the social licence in some communities for freedom camping. This is despite the Government investing significantly in freedom camping infrastructure over the last three years.

The cumulative effect of these issues has a range of consequences. It means that there can be greater costs to local authorities to manage the visitors in their regions, including facility maintenance, litter and waste.

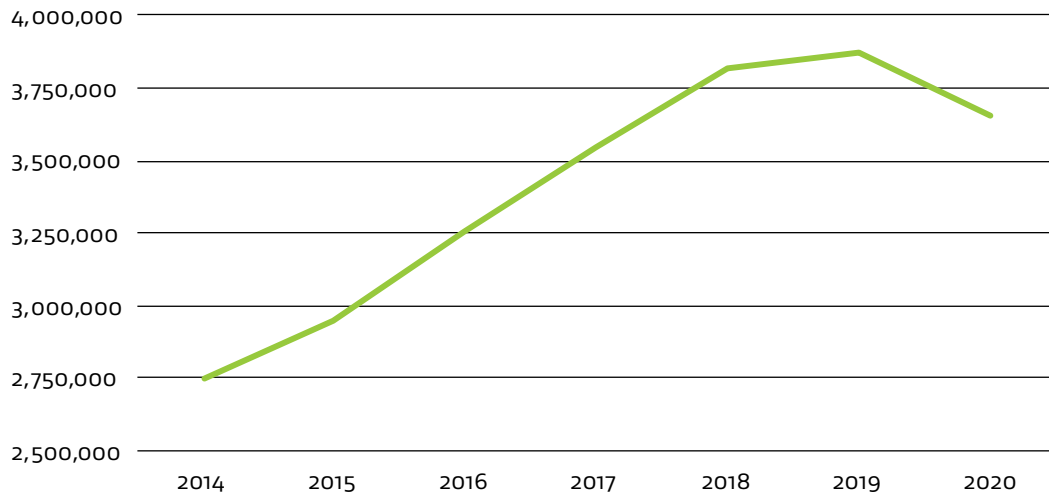
These issues also put New Zealand's brand proposition at risk. They reduce community support for freedom camping and tourism more broadly, and can mean that visitors (both domestic and international) do not have a high quality visitor experience.

There were increasing visitor numbers prior to COVID-19

Since 2011, New Zealand has had a huge growth in visitor numbers. In the year ended March 2020, over 3.5 million people visited New Zealand – up from 2.75 million in 2014. This number would likely have been higher, if not for the impact of the COVID-19 pandemic on New Zealand.

Freedom campers have increased in line with this growth. The estimated number of freedom campers has increased from the tens of thousands in the early 2000s to 245,000 in the 2019 calendar year. Around 154,000 were international visitors (63%), and the remaining 91,000 were New Zealand residents.

Number of international visitors



What the Government wants to achieve

This Government wants to ensure that New Zealanders and international visitors have access to a range of camping experiences, including camping for tramping, hunting and fishing, while ensuring local communities have control of camping in their areas and the value of Brand New Zealand is maintained. Camping should have a net positive economic and social impact for communities, and must not harm the local environment.

To achieve this, we need a regulatory system that ensures communities and government land managers can make decisions about how to manage freedom camping in their districts, and have confidence in the measures available for managing it. We need a system that supports campers to be responsible, and which the community trusts. However, vulnerable groups must not be further disadvantaged by the measures in place to support freedom camping.

How much do you agree that certain types of vehicle based freedom camping is a problem?

1: Strongly agree 2: Agree 3: Neutral 4: Disagree 5: Strongly disagree

What do you think?

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?



Victoria Andrews, Akaroa
(left and top right images)

Proposals for improving freedom camping

The following pages set out four proposals for improving responsible camping in New Zealand. We are also seeking your views on how options could be effectively implemented.

Each of the four options could stand on its own, but they could also form the basis for a package of reform to reduce the harm from freedom camping, and protect our communities and the environment. We want your feedback on these proposals.

PROPOSAL 1: MAKE IT MANDATORY FOR FREEDOM CAMPING IN A VEHICLE TO BE DONE IN A CERTIFIED SELF-CONTAINED VEHICLE

This proposal would make it mandatory for all vehicle based freedom camping to be done in certified self-contained vehicles. It would not affect people who freedom camp in tents, or where people are already excluded under the Freedom Camping Act 2011 (the Act).

How this could work in practice

Any vehicle that people sleep in when freedom camping would be required to be certified as self-contained. Vehicle owners would have to ensure their vehicle is certified self-contained before they freedom camp anywhere in New Zealand.

People would still be able to sleep in vehicles which are not certified as self-contained in places not covered by the Act – for example commercial and conservation campgrounds, and on private land. People could still freedom camp in tents, except in places where this type of freedom camping is restricted by freedom camping bylaws or notices.

The requirements for self-contained vehicles would be set out in regulations (see Proposal 3). The requirements for self-containment could either be those set out in the current SCVS (see page 26), or could entail stronger requirements (see Proposal 4).

Exceptions

There would be some exceptions when implementing this proposal. For example, it makes sense for the current exceptions in the Act to remain. These exceptions are detailed in section 5(2) of the Act, and include temporary or short-term parking, day trip excursions, and resting or sleeping at the roadside in a caravan or motor vehicle to avoid driver fatigue.

Further exceptions could be added to support driver safety and appropriate behaviour. For example, we would not want to require people to drive to alternative accommodation when under the influence of alcohol.

Potential impact

The number of instances of inappropriate disposal of human waste would likely reduce as a toilet would be available for use at all times by the freedom campers using the vehicle.





The new national-level requirement for vehicle based freedom campers to use a self-contained vehicle would support achieving communities' expectations for freedom campers' behaviour.

Businesses and individuals who own vehicles with sleeping platforms that are not self-contained, and wish to continue using or leasing them for freedom camping, would need to upgrade those vehicles to meet the requirements set out in regulation. People who choose to drive to places and camp in a tent would not be affected, but existing freedom camping bylaws and notices that restrict or prohibit camping in a tent in certain places would still apply.

This option would likely increase the number of people camping in certified self-contained vehicles. It may also incentivise price-sensitive campers to choose alternative sleeping arrangements, including tents, or staying at locations which are not considered to be freedom camping areas, such as commercial or conservation campgrounds.

At least 82% of international visitors who purchase their own vehicle or who hire a budget vehicle, and who choose to camp in New Zealand, cite the low cost of travel as a reason for camping. We would expect a few international visitors who freedom camp in New Zealand to change their travel plans, including putting off visiting New Zealand. Some people may opt to freedom camp in tents or stay in budget accommodation, rather than pay for a campground, because their vehicle with a sleeping platform would be required to be certified self-contained. They could also stay for a shorter period of time.

There will be a financial impact on owners of vehicles that are capable of being connected to self-contained (such as vans, caravans and larger vehicles) if they wish to freedom camp in New Zealand. It could cost an estimated \$500 to \$800 for a basic upgrade to a vehicle so that it meets the minimum requirements of the current self-contained vehicle standard. Larger vehicles, and any stronger requirements, such as requiring a fixed toilet, would cost more. Similarly, some vehicles may not be able to be upgraded. Rental costs of certified self-contained vehicles compared to non-certified vehicles with sleeping platforms can be \$25 more per day, and substantially more if renting a vehicle with a fixed toilet.

Expected outcomes if proposal introduced	
 <p>Reduced instances of inappropriate disposal of human waste</p>	 <p>Increased numbers of people freedom camping in self-contained vehicles, tents, or using alternative accommodation (such as Youth Hostels)</p>
 <p>No people camping in vehicles without toilets</p>	 <p>A potential decrease in the number of price sensitive international visitors</p>

How much do you support the proposal to make it mandatory for vehicle based freedom campers to use a certified self-contained vehicle?				
1: Strongly agree	2: Agree	3: Neutral	4: Disagree	5: Strongly disagree

What do you think?

Do you support this proposal?

When answering this question you may like to think about:

- › 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?

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?

What things should the Government consider to implement this option?

When answering this question you may like to think about:

- › What exceptions should the 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?



PROPOSAL 2: MAKE IT MANDATORY FOR FREEDOM CAMPERS TO STAY IN A VEHICLE THAT IS CERTIFIED SELF-CONTAINED, UNLESS THEY ARE STAYING AT A SITE WITH TOILET FACILITIES

This proposal would require all freedom campers to either stay at sites with toilet facilities or to use a vehicle which is certified self-contained. It would cover any style of freedom camping, including people who stay in tents. The exception would be where this requirement would conflict with the normal use of the place.

Proposed exceptions


The main exceptions to this proposal are public conservation lands and regional parks. It is normal in these places for people to camp near a vehicle accessible area or the coast but not near a toilet, and it is expected that campers would dispose of waste appropriately. The Department of Conservation and regional councils already have the power to issue notices or make bylaws to control freedom camping where necessary.

Potential impact

This option is likely to impose moderate costs on individuals and on businesses which currently lease or sell vehicles with purpose built sleeping facilities that do not contain toilets. Some businesses and individuals may choose to upgrade the vehicles they own or lease, so that campers are certain to have toilet facilities wherever they stay. More individuals may choose to hire certified self-contained vehicles to reduce uncertainty around where and when they can camp.

There would be greater consistency of freedom camping rules across the country, which may support efforts to ensure campers stay at places which have the means to host them and manage their impact. Currently 33 of the 67 territorial authorities have in place freedom camping bylaws which manage and restrict where people can camp. These often relate to restricting areas to camping in certified self-contained vehicles. As such, this proposal may result in more people camping at sites that have the facilities to host them, and fewer people may camp at restricted areas designated for certified self-contained vehicles

Some issues presented by freedom camping may improve, including waste and poor behaviour. However, it is possible that congestion at some camping sites (both designated freedom camping sites with toilets and paid campgrounds) may increase if people continue to camp in tents or non-certified vehicles, as there may not be sufficient capacity in campgrounds at peak times, at least during an initial adjustment period.

Expected outcomes if proposal introduced	
 <p>Increased numbers of people camping in certified self-contained vehicles</p>	 <p>Increased congestion at some camping sites (at least during the adjustment period)</p>

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)?				
1: Strongly support	2: Support	3: Neutral	4: Oppose	5: Strongly oppose

What do you think?

Do you support this proposal?

When answering this question you may like to think about:

- › 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?

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 in New Zealand?
- › Will this proposal have a direct financial impact on you or your business?
 - › If yes, please indicate if this is a personal or business expense, and quantify how much you estimate it would impact you.
- › Will this option increase or decrease the attractiveness of visiting other regions in New Zealand?

What things should the Government consider to implement this option?

When answering this question you may like to think about:

- › What do you think is required to achieve this option?
- › What exceptions should the Government allow under this proposal?
- › How far from toilet facilities should a person be able to freedom camp if not in a vehicle with a toilet (eg, 100 metres, 200 metres)?
- › Should this option be considered alongside other options proposed in this discussion document?



PROPOSAL 3: IMPROVE THE REGULATORY TOOLS FOR GOVERNMENT LAND MANAGERS

In December 2020, the Responsible Camping Working Group recommended that the Government consider a number of improvements that it believes would improve the management of vehicle based responsible camping in New Zealand. These include:

- › Increasing the penalties for freedom camping following breaches of freedom camping bylaws and notices and, in particular, for instances where a person in a non-certified vehicle camps at a site designated as only for campers in certified self-contained vehicles.
- › Introducing a regulatory system for the SCVS – specifically an oversight regime for the certification of vehicles to the current standard, and establishment of a national register of certified vehicles to enable the vehicles to be tracked and their certification status checked.

How this could work in practice

Stronger infringement scheme

New regulations under the Act would be made to specify higher fines for breaches of freedom camping bylaws and notices. Currently, people who inappropriately camp in areas which are restricted or prohibited to freedom camping can be fined up to \$200 under the Act. The Act already provides for regulations to be made to increase penalties to a maximum of \$1000. As mentioned earlier, some territorial authorities issue up to 600 fines each year.

Under this option, new regulations specifying higher fines could be made for different types of offences. This would enable local authorities and the Department of Conservation to give those not meeting the local freedom camping requirements higher fines. Higher fines would also enable local authorities to better recover the costs of enforcement activities.⁹

Under the Act, vehicle rental companies may, but are not required to, pass on any fines to the people that have hired their vehicles. This means that, in some instances, overseas visitors could leave the country without paying any associated fines. To address this, the Act could be amended to ensure those who rent vehicles are held responsible for their actions. This could include making vehicle rental companies responsible for passing on any infringement notices to campers, and holding them accountable for non-payment. Currently only some vehicle rental companies pass on infringement notices to campers.

The infringement scheme could also be strengthened by introducing a new infringement for those vehicles which fraudulently claim to be certified self-contained.

Vehicle confiscation

Requirements relating to the confiscation of vehicles which frequently break freedom camping rules could be amended. Currently the Act allows enforcement officers to seize and impound property in a local authority area or on conservation land:

- › if the property has been or is being used in the commission of an offence; and
- › if it is reasonable in the circumstances to seize and impound the property, or it is necessary for public health and safety, to protect flora or fauna, to ensure access, or to prevent ongoing commission of the offence; and
- › if someone is in the vehicle at the time, the officer must give the person an opportunity to stop committing the offence.

The amended requirements could, for example, enable the confiscation of a vehicle that does not meet the requirements to contain a toilet (under any of proposal 1, proposal 2 or existing bylaws or notices requiring freedom campers at particular places to stay in self-contained vehicles), or that has received multiple fines for breaching requirements.

⁹ Fines issued by the Department of Conservation are not retained by the department, and Proposal 3 would not change this.

The amended requirements would also need to include the conditions by which a person could receive their confiscated vehicle back. This could range from proving that a person will undertake upgrades to their vehicle, paying any associated infringement notices, or removing any upgrades that constitute any form of sleeping platform.

Regulatory system for self-contained vehicles

This proposal would introduce a new regulatory agency, or add new regulatory powers to an existing agency, to provide national oversight of legislated requirements for self-contained vehicles. The regulatory agency's activities would be funded through cost recovery, in line with similar types of certification regimes. Regulatory functions could include:

- › recognising and licensing persons and organisations that may undertake sanitary plumbing work on vehicles and certify that the work meets the legislated requirements for a vehicle to be self-contained
- › auditing licensed persons and organisations
- › establishing a national database of vehicles that are certified self-contained.

This aspect of the proposal could work alongside proposal 4 (to strengthen the requirements for self-contained vehicles).

It also aligns with the Parliamentary Commissioner for the Environment's recommendation to introduce national oversight of the SCVS (page 109 to 111 of *Not 100% - But Four Steps Closer to Sustainable Tourism*).

Allowing local councils to enforce rules on other government owned land

The Act currently only covers local authority areas and the conservation estate, and does not apply to all Government owned or managed land, for example land owned by Waka Kotahi. This means that it can be hard to have a consistent approach to managing freedom camping within a local authority area, and make it harder for some government agencies to control freedom camping on their land. The Government is considering making amendments to section 6 of the Act to address this, which may, for example, allow local authorities to act as enforcement agents on land administered by Waka Kotahi or other Crown owned land.

The proposal would not limit or affect existing bylaws or notice making powers

Councils and the Department of Conservation would still be able to restrict or prohibit areas with regards to freedom camping under the Freedom Camping Act 2011. As is current practice, this includes banning freedom camping from some areas, and restricting freedom camping in some areas to vehicles that meet the SCVS.

Potential impact

It is likely there would be moderate impact and low costs associated with change for individuals and vehicle businesses.

Penalties

Higher penalties for non-compliance, and the improved requirements around infringement collection, are likely to deter some campers from breaching local bylaws and notices around where and how they camp. Some issues presented by freedom camping may improve, for example, freedom camping at restricted or prohibited sites. Those campers who breach bylaws or notices would be subject to higher penalties, which are more likely to be enforced given the higher amount the enforcement agency could recover and the stronger tools in place. However, it is possible that some issues may continue to be observed at some camping sites.





More people who hire vehicles and who breach local bylaws and notices will pay any associated infringement fines, as vehicle rental companies are held responsible for collecting their payment.

Regulatory system for the Self-Contained Vehicle Standard

Local authorities would be supported by the tools available to them to manage freedom camping within their region, while domestic and international visitors would still retain the ability to camp at a range of freedom camping sites, commercial and conservation camping grounds.

This option could affect plumbers and other businesses who currently install and certify vehicles to the SCVS, as they would likely need to take steps to become issuing authorities and/or testing officers, and to meet audit requirements. Some plumbers and businesses currently certifying vehicles may decide that the costs to them of meeting the new regulatory requirements are too high and stop providing this service. Other businesses may take on certification activity, particularly if they are already in a vehicle certification related business, such as vehicle testing.

As the new regulatory regime would operate on a cost recovery basis, individuals and businesses would be required to pay additional fees and/or levies when having their vehicles certified, to cover the cost of the regulatory agency's operations.

Expected outcomes if proposal introduced	
 Potentially greater compliance with local bylaws and DOC notices	 Increased levels of enforcement (including penalties being passed to campers) from local councils if sufficiently resourced
 Increased costs to individuals and businesses who seek self-contained vehicle certification	 Similar numbers of vehicles are certified self-contained

How much do you support the proposals to improve the regulatory tools for government land managers?				
1: Strongly support	2: Support	3: Neutral	4: Oppose	5: Strongly oppose

What do you think?

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 oppose?
- › 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?

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 in New Zealand?
- › Will this proposal have a direct financial impact on you or your business?
 - › If yes, please indicate if this is a personal or business expense, and quantify how much you estimate it would impact you.
- › Will this option increase or decrease the attractiveness of visiting other regions in New Zealand?

What things should the Government consider to implement this option?

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?

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?
- › 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?



PROPOSAL 4: STRENGTHEN THE REQUIREMENTS FOR SELF-CONTAINED VEHICLES

The current requirements and process for self-containment of vehicles are set out in the New Zealand Standard, NZS 5465:2001 *Self containment of motor caravans and caravans*,¹⁰ which is more commonly known as the Self Contained Vehicle Standard (SCVS). A fully self-contained vehicle must be able to support a given number of people for three days without needing additional water supplies or dumping waste.

As it is a voluntary standard, no government agency holds responsibility for administering or overseeing it. However, the Ministry of Business, Innovation and Employment currently sponsors it for free through Standards NZ.

What are some of the minimum requirements in the SCVS?

- › The vehicle has a toilet that is adequately secured when travelling and is usable within the vehicle, including sufficient head and elbow room whenever required, even with the bed made up. The toilet must provide sufficient waste holding capacity for the occupants for a minimum of three days. Toilet types can include:
 - › Cassette toilet: a fixed toilet with a removable holding tank.
 - › Composting toilet: a toilet that is an aerobic processing system to treat human waste, by composting. Where any waste water is separated it shall be via a black water tank.
 - › Efficiency flushing toilet: a toilet which is flushed by a small volume of water.
 - › Marine toilet: a fixed flushing toilet with a macerator pump, either manual or electrically operated.
 - › Permanent toilet: a toilet that is permanently fixed inside the motor caravan.
 - › Portable toilet: a toilet with its own holding tank, the toilet is not fixed to the motor caravan.
- › The vehicle has a sealable solid waste container for rubbish.
- › The vehicle is fitted with water supply tank(s), having a capacity of not less than 4 L per person for a minimum of three days. Transportable, individual containers are acceptable.
- › The vehicle is equipped with a sink.
- › The vehicle provides a waste tank(s) to receive all the waste water from permanently installed fixtures, with corresponding capacity.

Certification process

To become certified to the standard, a vehicle must be inspected by one or two approved testing officers (depending on their experience and qualifications). If a vehicle passes these inspections, then an approved issuing authority can then issue both a self-containment certificate, which lists the equipment fitted and the number of people the vehicle can support, and a self-containment warrant, which must be fixed to the inside left of the front window or windshield.



¹⁰ See www.standards.govt.nz/sponsored-standards/self-containment-of-motor-caravans-and-caravans/

Any plumber registered under the Plumbers, Gasfitters and Drainlayers Act 2006 can be an issuing authority to certify a vehicle as self-contained. There are currently around 8,000 registered plumbers in New Zealand. A plumber can also certify a person to be an issuer of certification. Current issuing authorities for the SCVS include VanCo, the New Zealand Motor Caravan Association, New Zealand Lifestyle Camping and some rental companies.

How it is currently used

Local authorities can make bylaws under the Freedom Camping Act 2011 that restrict freedom camping in specific areas to vehicles that are certified as self-contained. This can help manage the problems associated with visitor growth in areas where there are no or minimal infrastructure such as sewage disposal facilities.

Potential issues with the Standard

As it is a voluntary standard, the owner of a vehicle that wishes to have a toilet or other sanitary plumbing facilities on board does not have to meet the requirements of the SCVS. Certification of vehicles to the standard by issuing authorities and testing officers is not monitored.

There is no central register of certified self-contained vehicles. Some councils have advised that this can make it difficult to enforce bylaws which reference the SCVS and have expressed concerns about inappropriate certification of vehicles and the falsification of certification documents. There is no evidence on the scale of this problem.

The Parliamentary Commissioner for the Environment, in his report *Not 100% - But Four Steps Closer To Sustainable Tourism*, notes the issues raised above, and goes further in stating that all certified self-contained vehicles should be required to have a permanently plumbed toilet. He considers the current language of allowing many types of portable toilet to be used is vague, and lends itself to abuse. This aligns with anecdotal reports which suggest that in some instances, toilets are unable to be practically used within a vehicle. As such, the Government would like to know your views about whether the minimum requirements for self-containment of a vehicle should be strengthened.

Why is it important?

All options referenced in this paper include certification to the SCVS as part of the regulatory solution. This means that any new regulatory system for self-contained vehicles may draw on the SCVS. It is therefore important to understand views about the SCVS, and whether any improvements to it are required.

Do you think that the requirements for self-containment should be strengthened?

1: Yes

2: Neutral

3: No

What do you think?

Is the current standard fit for purpose?

When answering this question you may like to think about:

- › 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?

Who should certify to the Standard?

When answering this question you may like to think about:

- › Should any plumber registered under the Plumbers, Gasfitters and Drainlayers Act 2006 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?

Other considerations

Transition arrangements

We are interested to understand your views on whether there should be any transition arrangements in place for any new rules regarding self-contained vehicles and their use. Potential transition arrangements could include:

- › Providing one year for people to upgrade or dispose of their vehicles.
- › Allowing for vehicles which are currently certified to the SCVS to continue to be used for as long as the certification is valid (in the case where the Government decides to put in place new requirements for self-containment of vehicles).

Homelessness

Many local authorities report people experiencing homelessness being present at some freedom camping sites and in their districts. The 2018 Severe Housing Deprivation Report shows 2,106 people living in a mobile dwelling and 1,311 living in an improvised dwelling (such as a tent). A further 1,431 people were living at a camping ground or motor camp. However, the actual number may be higher, particularly in light of the impact of COVID-19 and the ongoing pressures in the housing market.

The proposals set out in this discussion document are not intended to further disadvantage vulnerable population groups. However, it is possible that some of the proposals in this document may do so (for example, by making it mandatory for freedom camping in a vehicle to be done in a certified self-contained vehicle).

As such, we want to hear your views as to how the Government could ensure homeless people are not further disadvantaged by the proposals, while supporting the effective implementation of any proposals that are introduced. This could include making homelessness exempt from any new regulatory system, and supporting local authorities, government agencies and not-for-profit organisations to work together on referral pathways for homeless people.

What do you think?

What transition arrangements should be in place?

When answering this question you may like to think about:

- › How long should the 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?

How could the Government ensure vulnerable groups are not further disadvantaged?

- › Could the Government make homelessness exempt from any new regulatory system? What might this look like?



