



BRIEFING

Freedom camping: views emerging from consultation

Date:	30 April 2021	Priority:	Low
Security classification:	In Confidence	Tracking number:	2021-3401

Action sought		
	Action sought	Deadline
Hon Stuart Nash Minister of Tourism	Note the contents of this briefing Agree to forward this briefing to the Minister of Local Government, Minister of Transport and Minister of Conservation for their information	13 May 2021

Contact for telephone discussion (if required)				
Name	Position	Telephone		1st contact
Danielle McKenzie	Manager, Tourism Policy	04 896 5113	Privacy of natural persons	✓
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The following departments/agencies have been consulted

Minister's office to complete:

- | | |
|---|--|
| <input type="checkbox"/> Approved | <input type="checkbox"/> Declined |
| <input type="checkbox"/> Noted | <input type="checkbox"/> Needs change |
| <input type="checkbox"/> Seen | <input type="checkbox"/> Overtaken by Events |
| <input type="checkbox"/> See Minister's Notes | <input type="checkbox"/> Withdrawn |

Comments



BRIEFING

Freedom camping: views emerging from consultation

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Purpose

To update you on the views emerging from the public consultation on proposed changes to improve freedom camping in New Zealand.

Recommended action

The Ministry of Business, Innovation and Employment recommends that you:

- a **Note** the contents of this briefing

Noted

- b **Agree** to forward this briefing to the Minister of Local Government, Minister of Transport, and Minister of Conservation for their information.

Agree / Disagree

Danielle McKenzie
**Manager, Tourism Policy
Systems and Insights**
Labour Science & Enterprise, MBIE

30/ 04 / 2021

Hon Stuart Nash
Minister of Tourism

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Background

Engagement to date

1. Public consultation on your proposals to improve freedom camping opened on Friday 9 April 2021. Submissions close on Sunday 16 May 2021.
2. Officials have completed more than half of our scheduled public and targeted meetings to support the public consultation. Two teams are conducting engagement activities in the regions and online, including:
 - a. hui and public meetings (physical meetings and webinars)
 - b. targeted engagement with particular interest groups, including local authorities in freedom camping hotspot areas, vehicle rental companies and other industry and regional tourism organisations, and camping clubs and advocacy groups.
3. The table below sets out the completed engagement activities, as at 29 April 2021.

Engagement activities	Number completed
Physical public meetings	10 of 16
Engagement with Treaty partners ¹	0 of 3
Public webinars	3 of 3
Targeted engagement with local authorities, local Department of Conservation staff, industry and club representatives	13 of 20
Total number of engagement activities completed	26 out of 42

Overall engagement at the meetings

Public meetings

4. Officials have found the level of interest in the proposals from participants at the public meetings to be high. Participants have included freedom campers, permanent lifestyle campers, camping club members, camping advocates such as Responsible Campers Association, campground and backpacker accommodation providers, community members, elected council members and media.
5. Participation has ranged from approximately 5 to 50 attendees. Attendance has been lower than anticipated and been dominated by people who currently freedom camp rather than people in the community interested in understanding the freedom camping proposals. In places of lower attendance, we theorise that community members are either happy with how freedom camping is being managed locally and/or consider the Government's proposals are heading in the right direction, and so have not felt the need to attend.
6. Attendees at public meetings have generally been passionate in the views they expressed, which have also ranged beyond the proposals. All public meetings have seen attendees ask a large volume of questions about the proposals and share stories and views. At all meetings, conflicting views have been presented but, for the most part, this has been done in a constructive way.

¹ We alerted iwi and hapū about the Government's proposals and invited them to let us know if they wished to discuss the proposals with officials. To date, three iwi have requested hui, which are occurring in the coming weeks: Ngāi Tūhoe, Ngāti Tūwharetoa and Te Ātiawa ki Te Tau Ihu.

Targeted meetings

7. Engagement to date with local government, local DOC staff, rental vehicle companies and the NZMCA has been very constructive and valuable for officials to understand the practical implications of the proposals for them.
8. Local authorities and DOC are responsible for managing freedom camping on land they control in their cities and districts and on public conservation land, and they enforce the Freedom Camping Act 2011 and any freedom camping bylaws and notices they make under the Act. They have the most detailed information about local freedom camping problems, and have practical experience of what regulatory tools have and have not worked, as well as what tools are needed.
9. Rental vehicle companies service those freedom campers who tend to travel for shorter periods. Most of the fleet rented to freedom campers is self-contained. These companies will bear costs under some of the proposals.

Emerging views on the proposals

10. This section outlines emerging views on the proposals, and on freedom camping more broadly, that we have gauged from meetings held to date. It is important to note that these views may not reflect the public's feedback overall when submissions close, because:
 - a. public meetings are still underway
 - b. participants who choose to attend public meetings and webinars may tend to be more strongly of a particular view.
11. The table below provides a rough indication of support for each of the proposals. Further detail is set out below.

Proposals	Rough indication of support		
	Local govt and local DOC staff	Industry	Public
1. Make it mandatory for freedom camping in a vehicle to be done in a certified self-contained vehicle	Mixed	Oppose	Mixed
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	Mixed	Support	Mixed
3. Improve the regulatory tools for government land managers			
a. regulatory regime for self-contained vehicles	Support	Support	Qualified support
b. higher fines	Mixed	No view	Mixed
c. require rental vehicle companies to collect customers' fines	Support	Qualified Support	Support
d. broader grounds for vehicle confiscation	Oppose	No view	Mixed

4. Strengthen the requirements for self-contained vehicles	Mixed	Oppose	Mixed
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Local government and DOC staff views

12. The councils we have met with to date have identified a range of issues as problems facing the management of freedom camping. All have agreed that freedom camping requires various tools and approaches to manage it effectively. It is important to note that the views summarised below were top-of-mind comments, rather than being the councils' considered views, which we expect to receive in formal submissions.
13. Most councils and local DOC staff indicated inappropriate disposal of waste was not currently an issue in their districts and cities. They attributed this to the additional infrastructure, enforcement/education programmes and waste management activities that the Government has supported with grants over the past three years.
14. The councils indicated that they encounter the following freedom camping issues:
 - a. Social licence for freedom camping arising from:
 - i. public perceptions of being displaced by freedom campers and "NIMBYism" (Auckland in particular)
 - ii. lack of appreciation of the benefits from freedom camping and perceptions of free-loading and burdens on ratepayers
 - b. Restrictiveness of the criteria for making a freedom camping bylaw to manage freedom camping
 - c. Lack of national consistency of freedom camping requirements meaning campers need education in each district about the local bylaws
 - d. Lack of trust in the voluntary standard for self-containment of vehicles, including fraudulent warrants of self-containment and inappropriately certified vehicles
 - e. Sense of entitlement among some domestic freedom campers and lack of compliance with freedom camping bylaws and notices.
15. Most of the councils we have spoken with have identified that their primary concern for the management of freedom camping is the uncertainty of future Government funding for operational expenses to provide camper education, enforcement activities, and maintenance of freedom camping facilities.
16. Councils do not have a mechanism to generate sufficient revenue to cover their management costs for freedom campers. The councils with small ratepayer bases have indicated that, without Government funding, their management activities would be sharply reduced. They are concerned that, without these programmes, the congestion, litter and waste issues experienced in earlier years would return.
17. In respect of the proposals the Government is consulting on, as indicated in the table above, the councils and local DOC staff we have met to date have expressed varying levels of support. Their clearest support was for the proposal to introduce a regulatory system for self-contained vehicles. This also reflects the public's sentiment that the blue self-containment warrants (or certificates) are not trusted.
18. However, views have been mixed on strengthening the requirements for self-contained vehicles (proposal four). While not focusing on the nature or type of toilets in vehicle, there

are some views that the standard needs to be tightened to remove the lowest end of self-contained vehicles in the market. This might address issues around accessibility and use of toilets – for example those portable toilets that become inaccessible due to personal items being stacked on them. On the other hand, portable toilets were seen as a cheap and therefore accessible item.

19. There have also been mixed views about the proposal to introduce a stronger infringement scheme, including the ability to issue higher fines for more serious offences. Most of the councils we have met believe the current fine set in the Act of \$200 is sufficient to act as a deterrent in their regions. They feel that \$200 is a large fine for permanent lifestyle campers, and in the case of smaller towns, accommodation can be found for less than \$200 a night. However, there was some support for a higher fine for the display of a fraudulent warrant of self-containment.
20. None of the councils or local DOC staff that officials have met to date have supported broader grounds for vehicle confiscation. Councils advised confiscation is costly and difficult to manage logistically. The current confiscation provisions in the Freedom camping Act require that confiscated vehicles must be towed and stored for six months, after which owners are given two weeks' notice to collect. Failure to collect results in councils having to dispose of vehicles.
21. There are mixed views from councils in supporting vehicle clamping as an alternative tool. Councils were aware of the case study involving Queenstown Lakes District Council clamping vehicles that were freedom camping illegally, and believed this resulted in better compliance as the infringement fee must be paid before the clamp is removed. However, others noted issues with clamping as an enforcement tool, particularly around enforcement officer safety (in both applying and removing clamps), community expectations around using clamping as a tool, clamping those vehicles which are in remote location, or further disadvantaging those who are homeless and whose vehicles are clamped.
22. Mixed views have been expressed about proposals one and two (set out in the table above). The main positive feedback was that a consistent national requirement would support better camper behaviour. However, many local bylaws also put in place more stringent restrictions (eg no freedom camping in a tent). We have observed that councils with bylaws prefer proposal one and those without prefer proposal two. Other comments councils and local DOC staff have made include:
 - a. Both proposals would be resource intensive to enforce, particularly for those councils with a smaller ratepayer base.
 - b. DOC provides many freedom camping areas with toilets, so local staff could not see the purpose of requiring people to use (more expensive) self-contained vehicles to camp at those places.
 - c. People may try to get around the rules, such as using a tent under proposal one, unless there is a bylaw restricting the use of tents.
 - d. The proposed exceptions under proposal two, in particular public conservation lands and regional parks, may have unintended consequences and be difficult to implement. Some councils indicated that public conservation land is very near their towns and places where toilet facilities would still be needed, as they are not wilderness areas. It may be hard to determine whether a camper is complying with requirements, as enforcement officers would have to check the land status and boundaries before coming to a decision. Councils also thought allowing exceptions would shift the issues elsewhere.

- e. The facilities needed by freedom campers are more than toilets, and under proposal two freedom campers in non-self-contained vehicles would still be allowed to use the basins at public toilets, or lakes and rivers, to wash dishes or themselves.
 - f. If proposal one or two is to be introduced, issues may still be observed at freedom camping sites from some freedom campers unless proposal four is also introduced. This is because councils observe that some vehicles which are currently certified to the standard have 'unusable facilities' for the number of people using a vehicle.
 - g. Even if there are sufficient self-containment facilities in a vehicle, many people may still choose to use council-provided facilities.
23. None of the councils and local DOC staff we have met have been concerned about distinguishing between campers and homeless people, from an enforcement point of view. They indicated they are engaging with homeless people living in vehicles, understanding their stories, to try to support them and believed that they can use their discretion to treat them appropriately.

Rental vehicle industry and NZMCA views

24. Officials have met with representatives from rental vehicle companies in Auckland and Christchurch, as well as the New Zealand Motor Caravan Association.
25. The companies consider the main issue relating to freedom camping to be overcrowding. They believe that the closure of a number of commercial camping sites and the redirection of campers to alternative freedom camping sites are the main reasons for overcrowding in some areas. They suggested more infrastructure and the opening up of council land for use as campsites could help.
26. The companies would also like to see further resources go into educating freedom campers about responsible camping, as well as educating local communities about the benefits that freedom camping can bring to communities.
27. Most companies oppose proposal one. Some are supportive of proposal two, indicating this is the guidance they already give to their customers, as it would still allow freedom camping in non-self-contained vehicles at sites with the appropriate facilities to host them.
28. Rental vehicle companies support some aspects of proposal three. They noted that, if stronger requirements were introduced for self-containment, they would need an extended period of time (about two years) to upgrade their fleet of vehicles. Concern was raised if rental vehicle companies would become liable for fines under the proposal to require companies to collect fines issued to their customers. To be effective, fines would need to reach companies quickly before customers leave the country. They suggested a technological solution would be needed in order to make this work well.
29. The companies noted that plumbed and non-plumbed toilets are effectively the same system, with the key difference being whether the toilet is fixed. They indicated they do not support the proposal to strengthen the requirements for self-contained vehicles to require plumbed toilets as there are only a very small number of vehicles in New Zealand that would meet this requirement. NZMCA advised that 99% of the vehicles they certify do not have a permanently plumber toilet.
30. The NZMCA has taken a public position that it supports proposal two, and the introduction of a regulatory regime for self-contained vehicles. It does not support strengthening the standard for self-containment, noting that many of its members' vehicles have been certified with portable toilets.

Public views

Survey response

31. As at 29 April 2021, we have received over 3200 responses to the online survey.
32. Of the respondents so far, approximately 60% agree or strongly agree that certain types of vehicle-based freedom camping is a problem. The most common issue identified by respondents was people freedom camping in vehicles that are not self-contained (47%).
33. The preliminary results show split support for the proposals, and no clear consensus. For example, there is roughly equal support from respondents for both proposals 1 and 2 (which are alternatives). This may indicate that respondents support the implementation of either one of these proposals, as it would introduce a stronger national requirement for freedom camping:
 - a. **69% support** making it mandatory for freedom camping in a vehicle to be done in a certified self-contained vehicle
 - b. **70% support** making it mandatory for freedom campers to stay in vehicles which are certified self-contained, unless they are staying at a site with toilet facilities.
34. Similarly, there is no clear view about whether the current voluntary New Zealand Standard for self-containment of motor caravans and caravans is adequate or should be strengthened, but views appear to be against requiring permanent toilets:
 - a. **45% disagree** and **45% agree** that the requirements for a vehicle to be certified as self-contained should be stronger than the current voluntary standard
 - b. **61% disagree** that certified self-contained vehicles require permanently plumbed toilets.

Perspectives of attendees at public meetings

35. As of 29 April, officials had conducted public meetings in Auckland, Whangārei, West Coast (Hokitika and Westport), Queenstown, Christchurch, Twizel, Thames, Whitianga and Tauranga.
36. Many attendees at the public meetings expressed support for improving the regulatory tools for government land managers (proposal three).
37. In particular, attendees welcomed the proposal for a regulatory agency to provide national oversight of legislated requirements for self-contained vehicles, as they do not have confidence that the voluntary regime supports the effective management of freedom camping. They commented that the blue sticker for self-containment is not trusted, as stickers could be photocopied or purchased online, and too many vehicles that are not suitable for self-containment currently display this sticker.
38. Furthermore, many people want the appropriate mechanisms in place to ensure freedom campers pay any infringement fines they receive, but there is no consensus about introducing higher fines. There is support for making vehicle rental companies responsible for passing any infringement notices to campers, and making them liable for non-payment; some members of the public think that campers should be made to pay infringement fines as a condition for leaving the country.
39. There was mixed support for proposals one and two, which aligns with the preliminary survey results noted above. Many members of the public suggested that the greater flexibility of proposal two was beneficial, while others supported proposal one. However some attendees suggested that both proposals were over-regulation to address a minor problem, which would put freedom camping beyond many New Zealanders' means.

40. The public were mixed in their views on strengthening the requirements for self-contained vehicles (proposal four). Some people felt the current requirements in the voluntary standard were over prescriptive (for example specifying the length of piping), whereas others found the standard to be too loose (for example toilets should be fixed, stand-up showers should be required, there should be a minimum height requirement for vehicles). As mentioned in our weekly report update to you, we have responded to earlier criticism on proposal four to clarify that the intent of the proposal is to seek feedback on whether the current self-contained vehicle standard is fit for purpose. Concern was raised with the use of the term “permanently plumbed”, as many vehicles have a fixed toilet but a removable cassette. In addition, many people and councils have noted that the issue isn’t with the type of toilet – it is where and how it is located in a vehicle.
41. A key theme arising from the public meetings is the cost of the proposed changes. Attendees expressed concerns that:
 - a. The cost of freedom camping, in general, shouldn’t fall on taxpayers and ratepayers – despite many people also wanting to retain the right to visit other regions at low or no cost, and valuing the sorts of activities that are funded.
 - b. The cost of upgrading or certifying their vehicles should new requirements be put in place.
 - c. The cost of the regulatory regime should not fall on freedom campers as a part of the vehicle certification process, and that the cost is too high.
42. We found that the public highly value the facilities and education provided to campers in their regions, in particular, the role that freedom camping ambassadors played. They noted:
 - a. More freedom camping areas, public toilets and dump stations are needed.
 - b. Most freedom campers want to comply with the law and bylaws, but did not have the knowledge to do so.
 - c. It is confusing to know the ‘rules’ for freedom camping, as some regions have a bylaw while some do not, bylaws differ from district to district, and the requirements are different to the Camping Ground Regulations.

Common concerns relating to proposals and other considerations

43. Through public consultation and engagement to date with councils, local DOC staff and rental vehicle companies, we have found common concerns relate to costs:
 - a. Uncertainty about Crown funding for camper education and enforcement, and council resourcing to provide education and enforce existing and any new requirements.
 - b. Cost to individuals and rental vehicle companies to meet the legislated requirements for self-containment.
44. There are also concerns that the proposals may have a potential impact on:
 - a. people experiencing homelessness
 - b. seasonal workers and students who are unable to afford accommodation near their place of work or universities
 - c. people who choose to be permanent lifestyle campers.

Suggestions to improve freedom camping

45. Officials have received suggestions on how to improve freedom camping, which include:
 - a. Government investment in more facilities for freedom camping, including sites, toilets and dump stations.
 - b. Limiting the number of people allowed in the country, or at freedom camping sites, or capping numbers of vehicles used for freedom camping.
 - c. Introducing a freedom camping levy for international visitors, or increasing the International Visitor Conservation and Tourism Levy to include the cost of managing freedom camping.
 - d. Allowing certification of vehicles as self-contained by type and/or model (to allow automatic certification of vehicles that meet the regulatory requirements as manufactured).
 - e. Developing a QR code for certified self-contained vehicles (to enable identification for compliance and enforcement activities).

Next steps

46. The Cabinet Economic Development Committee (DEV) has invited you, in your capacity as Minister of Tourism, in consultation with the Minister of Local Government, Minister of Transport and Minister of Conservation, to report back to DEV in July 2021 on the outcome of the consultation and with final policy proposals.
47. We will report to you after submissions close about the total number of submissions received. We will update you weekly as our analysis progresses, and to identify key issues for consideration and further policy work.