



Submission to
Ministry Business, Innovation and Employment
on
Discussion Document
Supporting Sustainable Freedom Camping in
Aotearoa New Zealand

Date: 14 May 2021

Tourism Industry Aotearoa (TIA) welcomes the opportunity to comment on the Ministry Business, Innovation and Employment (MBIE) Discussion Document - Supporting Sustainable Freedom Camping in Aotearoa New Zealand (the Document).

EXECUTIVE SUMMARY

1. This is an opportune time to implement a new framework for managing freedom camping in New Zealand. The issues caused by freedom campers pre-COVID have significantly subsided over the past year due to closed borders. Now is the time to put in place new policies that will have a positive impact on tourism communities and the environment ahead of the industry recovery.
2. The vast majority of people freedom camping want to do the right thing. The negative perceptions of freedom campers are often caused by the poor behaviour of a few and/or an inability to manage camping at a local level, created by issues such as inadequate infrastructure or bylaws.
3. **Visitors who camp in a vehicle are an important sector of New Zealand's tourism industry.** They travel widely through the country, tend to stay a long time (or if a domestic visitor travel regularly) and spend money on a wide range of goods and activities.
4. TIA is supportive of many of the proposals in the document. One of the significant opportunities of this work is the creation of a national framework for the management of freedom camping. While the Freedom Camping Act provides national direction, the requirement for local bylaws to restrict or prohibit freedom camping has resulted in different policies across the country, creating confusion for travellers.
5. TIA supports Proposal Two, to make it mandatory for freedom campers to stay in a vehicle that is certified self-contained unless they are staying at a site with toilets. A caveat to our support is that restrictions are applied on the number of people/vehicles that can stay at a site with toilet facilities available.
6. We support the principle of a stronger infringements scheme though would like to see some changes to the proposals. We strongly oppose the suggestion to hold vehicle rental companies responsible for non-payment of any infringement notices to campers.
7. We support the proposal to introduce a regulatory system for self-contained vehicles and the range of proposed new functions. We recommend that NZTA are tasked as the agency responsible for the regulatory system.
8. We do not support the proposal to strengthen the requirements for self-contained vehicles. In 2017 the Self Contained Vehicle Standard was bolstered in order to address concerns about the misrepresentation of what constituted a toilet within a certified self-contained vehicle. The issues surrounding management of freedom camping will not be solved by focussing more on what constitutes a toilet.

INTRODUCTION

9. Tourism Industry Aotearoa (TIA) is the peak body for the tourism industry in New Zealand. With over 1300 members, TIA represents a range of tourism-related activities including hospitality, accommodation, adventure and other activities, attractions and retail, airports and airlines, transport, as well as related tourism services.
10. The primary role of TIA is to be the voice of the tourism industry. This includes working for members on advocacy, policy, communication, events, membership and business capability. The team is based in Wellington and is led by Chief Executive Chris Roberts.
11. TIA spearheads the New Zealand Responsible Camping Forum to help manage community, social and environmental issues around freedom camping. Established by TIA in 2007 the Forum has around 60 members from the private sector and central and local government.
12. This submission comprises two parts. Part One provides a set of observations and previous work **TIA has led or been involved in to manage freedom camping. We've** called this the Strategic Context. Part Two provides our specific feedback on the proposals in the Discussion Document.
13. Any enquiries relating to this paper should in the first instance be referred to TIA Advocacy and Engagement Manager Steve Hanrahan by emailing steve.hanrahan@tia.org.nz or by phone on 027 9122 624.

PART ONE - STRATEGIC CONTEXT

14. Pre-COVID the negative impact of poorly managed freedom camping was one of the **biggest issues impacting New Zealanders' view of tourism. Mood of the Nation**¹ research, which surveyed New Zealanders' perception of the tourism industry, regularly identified that pressure on infrastructure and environmental damage were two of the biggest concerns New Zealanders had about international tourism. Freedom camping itself was a mid-level concern but can be regarded as exacerbating the infrastructure and environmental concerns.
15. As the industry recovers and learns to live with the tumultuous impacts of COVID-19 there are many in the tourism industry supporting a reset of aspects within the tourism system. There is a great opportunity now to set in place new operating settings that have a positive impact on tourism communities and the environment and deliver benefits beyond that of just economic. A number of important steps to address freedom camping concerns had already been taken by government and

¹ <https://tia.org.nz/resources-and-tools/insight/mood-of-the-nation/>

industry pre-COVID, but the industry wants to address the remaining issues. This review creates such an opportunity.

16. Management of freedom camping is complex. Generally, anyone can freedom camp anywhere in New Zealand unless it is restricted or prohibited by local bylaws. The Freedom Camping Act provides councils with the legislation to develop a bylaw to restrict or prohibit freedom camping to protect the area and/or to protect the health and safety of people who may visit the area. It involves domestic and international visitors, premium to budget travellers, seasonal workers and the homeless. New Zealand is a popular touring destination and regions have to develop their own approach to managing freedom camping, leading to considerable inconsistency across the country.
17. Councils have often been slow to react to the issues, caused by factors such as a lack of infrastructure funding, the balloon effect where prohibition or restrictions in one location moves the problem to another location, time taken to develop a bylaw, and the different interest groups involved – local residents and holiday park owners who want to restrict it, while other groups want a more enabling approach.
18. The reported issues caused by freedom camping have been falling in recent years and significantly subsided to the point of near elimination last summer. TIA each year has held a series of summer monitoring calls with members of the **Responsible Camping Forum**. Many councils reported low numbers of freedom campers and few if any negative impacts on the community or environment. It supports our view that freedom camping is a numbers game. The vast majority of people freedom camping want to do the right thing and the negative perceptions of freedom campers are often caused by lack of effective local management such as inadequate information and infrastructure, and on occasion the poor behaviour of a few.
19. TIA has a long-standing Responsible Camping Policy:

'TIA encourages all campers to stay in holiday parks, Department of Conservation camping grounds or other designated areas. Regardless of where campers are staying they should have a minimal environmental impact.'

TIA does not support total bans on free camping as this would impact on New Zealanders who regard it as a birth right and unfairly penalise the majority of overseas visitors who behave appropriately.

TIA believes that a strong responsible camping framework focuses on the themes of insight, information, infrastructure and enforcement and provides national consistency in initiatives and messaging while allowing for regional decision-making in delivery. We advocate for councils to take a proactive approach in the management of freedom camping to ensure it is managed in a way that meets the expectations of the host community including local tourism operators.'

20. Visitors who camp in a vehicle are an important sector of New Zealand's tourism industry. They travel widely through the country, tend to stay a long time (or if a

domestic visitor travel regularly) and spend money on a wide range of goods and activities. Spending data below **from MBIE's 2019/20 Responsible Camping Research** data illustrates that it is simplistic and inaccurate to label international freedom campers as 'low-value visitors'.

- Domestic campers, who often shorter trips, spent an average of \$729 per person per trip, with \$234 being spent on food and drink and \$213 on vehicle fuel and maintenance.
- International campers who purchased their own vehicles and stay for long periods spent an average of \$7912 per person per trip, compared with \$5864 for those who hired a budget vehicle and \$4890 for those who hired a premium vehicle.

21. The [Responsible Camping Working Group \(RCWG\)](#) in its July 2018 report to the Minister identified four outcomes of a successful responsible camping system in New Zealand:

- New Zealand has a network of camping places (commercial and non-commercial) which is sustainable and flexible for different volumes of people camping and provides for a range of different camping experiences.
- Responsible camping has a net positive economic and social impact on communities and the local environment.
- Communities and landowners/managers have the tools needed to effectively manage camping, and actively work together within and across districts to do so, and communities have trust and confidence in the system.
- New Zealanders and international visitors can choose camping as a way to **experience New Zealand's tourism and recreation offering.**

It is encouraging to see some of the priority areas identified by the RCWG included in the Discussion Document.

22. In September 2020, TIA developed a position paper on Responsible Camping as part of its comprehensive submission to the Tourism Futures Taskforce. We raised three proposals as matters for debate within the paper to support addressing the issues. We are pleased to see the proposal for freedom camping to be restricted to certified self-contained vehicles appear in the Discussion Document (with non-self-contained vehicles staying in holiday parks, DOC sites or specifically designated areas).

23. The two other proposals, to prohibit any freedom camping within an agreed perimeter of all holiday parks, and prohibit free camping in urban areas, require further debate and analysis though we encourage officials to continue to consider these in the future.

TIA RESPONSE TO THE PROPOSALS

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

or

Proposal Two - Make it mandatory for freedom campers to stay in a vehicle that is certified self-contained unless they are staying at a site with toilets.

24. TIA supports Proposal Two.

25. It would be fair to say that on any given evening in New Zealand many of those in self-contained vehicles choose to overnight in a location with bathroom facilities, be it a holiday park, DOC site or designated/undesignated area. We saw this occur this summer when holiday parks had record numbers while freedom camping sites had low activity. It is perfectly understandable that many people want access to external toilets when camping, even if their vehicle has toilet facilities.

26. The basis for our support of Proposal Two is that external toilets play an important part in the management of freedom camping. Freedom campers should have access to external toilets, but it needs to be well-managed **via a 'designated area' framework** with adequate parking and toilet facilities. Where the system has broken down previously is when there is inadequate infrastructure (toilets, and a suitable designated parking area) or vehicles have parked near a non-designated toilet block.

27. We believe Proposal One is too restrictive and likely to create a high level of non-compliance. A blanket rule that any type of freedom camping must be in a certified self-contained vehicle (CSCV) assumes that people will always use the on-board toilet or else stay in alternative accommodation with toilet facilities. We do not have confidence this will occur and it is likely campers will find non-compliant locations. Proposal Two at least acknowledges that access to external toilets is an important part of managing freedom camping. It creates the ability for local bodies to manage the issues through the provision of suitable infrastructure.

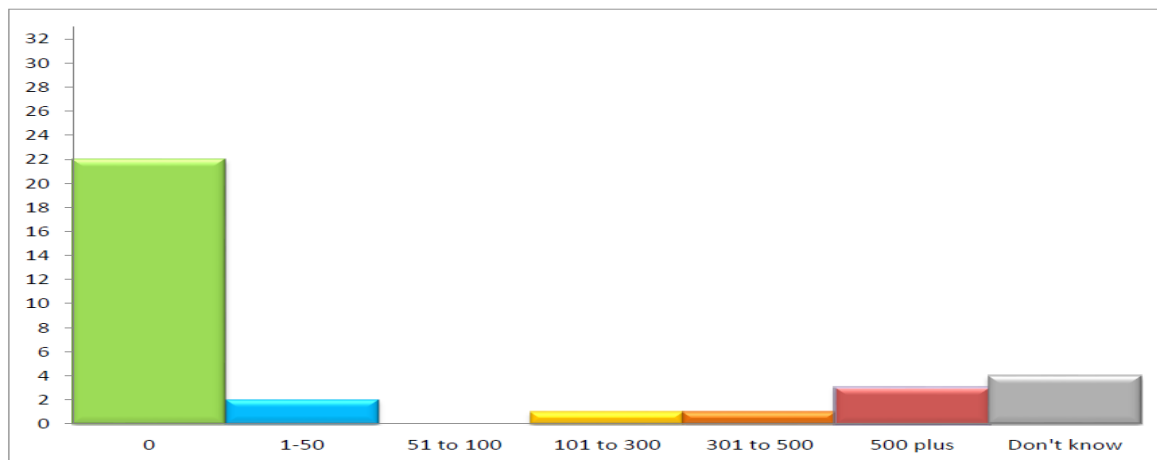
28. A caveat to our support for Proposal Two is that tight restrictions are applied on the number of people/vehicles that can stay at a designated site with toilet facilities. There cannot be a carte blanche situation where unrestricted numbers can camp at any location with a toilet. This is where the system failed previously. The Camping Ground Regulations provide a guide for restricting numbers. Under the regulations one toilet pan is required for every 25 males or 12 females. A similar requirement should apply to areas where a toilet is supplied for freedom camping. For example, there could be a limit of six vehicles per toilet allowed. When space is filled, campers are required to find other compliant locations such as holiday parks or DOC sites.

Proposal Three (P3) – Improve the regulatory tools for government land managers.

Stronger Infringement Scheme

29. We support the principle of a stronger infringements scheme though would like to see some changes to the proposals. TIA's approach to management of freedom camping has been to firstly focus on the provision of good information and adequate infrastructure, then use of infringement in the event of non-compliance.
30. Anyone who owns a vehicle knows what it is to be bound by parking restrictions such as time limits and non-parking zones. All vehicle owners know they run the risk of infringement when parking over time or in a restricted area. As we all well know, this does not eliminate all the bad behaviour and there are many who are willing to run the gauntlet of infringement risk. But the laws are required and freedom campers should comply with parking rules just as any vehicle owner has to when they park.
31. However, we do not support the proposal to increase fines from \$200 to a maximum of \$1000. This seems an excessive amount and is likely to result in a high level of non-compliance. The Document already notes that several territorial authorities have reported relatively low infringement fee collection rates, with most reporting that less than 60% of infringement fees are paid. We suspect a \$1000 fine will also result in higher non-compliance plus angry and frustrated vehicle owners, and potentially greater personal risk to enforcement officers. Our view is that some increase is warranted, and we suggest this is up to \$400.
32. The success of a stronger infringement scheme lies not in the size of the fine but in the enforcement capability of councils. The Document notes that many territorial authorities have observed a decrease in the total number of infringements issued over the past three years. We know from earlier data analysis that only a few Councils actually issue infringement notices. Following the 2015/16 summer, the Responsible Camping Forum asked councils to provide information on infringement notices issued. The majority of the councils (22) reported they did not issue an infringement notice to freedom campers over summer. Seven councils reported they did issue infringement notices and of those, three issued over 500 infringement notices.

Fig 1 - Infringement notices issued by councils over 2015/16 summer



33. There is a reluctance by Councils to issue infringement notices, influenced by factors such as resourcing, low payment rates, and potential for aggravating campers and creating a potentially harmful situation. Any decision on implementing a stronger infringement scheme must be supported by improved enforcement capability.
34. We strongly oppose the suggestion to hold vehicle rental companies responsible for non-payment of any infringement notices to campers. It is unacceptable that rental companies would be held responsible for the actions of the hirers. It will also likely lead to even greater non-payment if hirers are aware the company, rather than themselves, is ultimately responsible. This proposal looks like it is targeting the easy option for accountability rather than addressing the wider market, including those who own or borrow vehicles.
35. Greater communication to campers is required of the consequences of unpaid fines. Campers need to be aware they may not be able to leave or come into New Zealand and can be stopped at the airport. If they do not pay, the police can arrest the person, prevent them from travelling, confiscate their passport and summons them to appear in court at a later date.
36. We also suggest consideration is given to use of wheel clamping when campers infringe (where the location of the vehicle is not an immediate issue of concern). Clamping certainly acts as a strong deterrent for the typical New Zealander when parking. Vehicles are released when the fine is paid so there is little chance to not pay the fine. If the fine is not paid or resolved within 14 days of clamping, the vehicle can be seized. Fines of up to \$1000 can be issued for tampering with a wheel clamp or a clamped vehicle. Provisions need to be put in place if they do not already exist so that rental companies are not liable for clamping fines.

Vehicle Confiscation

37. Consistent with our earlier comments we support a range of deterrents to manage continued non-compliance. Vehicle confiscation is at the far end of this range and should be available as a final option for continued breaches of the requirement. The

vast majority of campers want to do the right thing and through the effective provision of information we would expect that confiscation of vehicles would be rarely used in the effective management of freedom camping.

Regulatory system for self-contained vehicles

38. We support this proposal and the range of proposed new functions including:

- 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 licenced persons and organisations;
- establishing a national database of vehicles that are certified self-contained.

39. Certified self-contained vehicles are required to renew certification every four years. A lot can happen to the self-containment layout of a vehicle over that time particularly if the vehicle is on-sold to travellers each year as many are. While there is a requirement for a further inspection within that period if vehicle modifications are made, there is no system for enforcing this.

40. We recommend that NZTA is tasked as the agency responsible for the regulatory system. There are already vehicle compliance systems in place such as the Warrant of Fitness and Certificate of Fitness, and this work seems a reasonable extension of responsibilities.

Allowing local councils to enforce rules on other government owned land.

41. We support this proposal.

42. Effective management of freedom campers requires a strong regional plan and this will be more achievable if local councils are able to adopt a whole-of-region approach. It has been a frustrating anomaly that this does not currently exist and therefore there can be gaps in regional management plans and/or stakeholder groups that do not give the issues the same level of priority for various reasons.

Proposal Four (P4) – Strengthen the requirements for self-contained vehicles.

43. We do not support this proposal.

44. In 2017 the Self-Contained Vehicle Standard² (SCVS) was reviewed and amended to strengthen the minimum requirements for a toilet within a motor caravan or caravan. Stakeholders across government, business and the private sector were involved in the review and the SCVS was bolstered in order to address concerns about the misrepresentation of what constituted a toilet within a certified self-contained vehicle.

² NZS 5464:2001 Self-containment of motor caravans and caravans

45. The issues surrounding management of freedom camping will not be solved by focussing more on what constitutes a toilet. Many campers in self-contained vehicles choose to camp at sites with toilets, e.g. holiday parks, because many prefer to use external toilets rather than the on-board facility. That is neither surprising nor does it indicate that the quality of on-board toilets is a key driver of the issue. It is more a matter of personal choice. This is why we support Proposal Two, that it is mandatory for freedom campers to stay in a vehicle that is certified self-contained unless they are staying at a site with toilets. We believe that access to external toilets is an important part of the effective management of freedom campers.

46. We are also concerned about the costs that some vehicle rental companies may face to meet new requirements. There is a risk some smaller camping vehicles may not be able to meet a greater requirement within existing vehicles, negatively impacting the viability of the business as they would have a restricted product to sell.

Other Considerations

Transition arrangements

47. Should there be changes to the SCVS then a transition period would be required and recognition that recently certified vehicles will be current for up to four years. Transition arrangements were incorporated into the reviewed SCVS in 2017 and should be used as a guide when considering any new transition arrangements for vehicles.

Homelessness

48. There was a noticeable trend in council feedback at the **Responsible Camping Forum's** summer monitoring calls this year that homelessness was a growing factor in freedom camping. The sense was that in the absence of international freedom campers, the plight of homeless campers was more visible rather than necessarily being in greater numbers. However, it does tell us that people freedom camping and the homeless are connected, and it would be naïve that homelessness could be exempt from any new regulatory system.

49. In saying that, fixing the social issue of homelessness in New Zealand will require multiple stakeholders and many years. It would be an error to get side-tracked looking for solutions to homelessness when addressing freedom camping management. What we ask is that any good work done in finding solutions to freedom camping issues is not unwound by the homelessness issue. For example, it would be problematic if freedom camping was restricted at a certain location but the homeless were exempt.

Follow up process.

50. TIA wishes to participate further in any follow-up process, including any formal meetings, to ensure that the potential impacts on tourism are adequately represented.

Appendix One - Camping Ground Regulations

Numbers of sanitary fixtures

Nature of fixture	Number of fixtures	Maximum number of persons to be served	
		<i>Male</i>	<i>Female</i>
Water closet pans	1	25	12
	2	50	25
	3	100	50
	4		75
	5		100
An additional fixture shall be provided for each 40 persons of either sex, or part thereof.			
Urinals	1	For each 50 males or part thereof	
Note: Every 600 mm length of continuous wall urinal shall be the equivalent of 1 urinal stall.			