

Managing Freedom Camping in Public Places

National situational analysis

A look at the opportunities to improve national and local responses to the harms associated with freedom camping, as defined under the Freedom Camping Act 2011.

INTERNAL AFFAIRS



Te Tari Taiwhenua

**And a working group
of 25+ council
officers**

Contents

- Purpose3**
 - Authorship..... 3
 - Key terms..... 3
- Introduction8**
- Background9**
- Situational analysis11**
 - Freedom camping in the context of the Government’s tourism strategy..... 13
 - The role of local government..... 13
 - Describing the harms associated with freedom camping..... 18
- Reality versus perception of freedom camping five years on21**
 - Free rider effect..... 21
 - Bad for business 22
 - Littering and human waste 25
 - Loss of local amenity 27
 - Safety..... 27
 - Enforcement..... 28
 - Reputation..... 29
- Issues with the freedom camping system30**
 - 1. Over-reliance on bylaws in the management of freedom camping 30
 - 2. Under-supply of suitable places 31
 - 3. Offending out of necessity 33
 - 4. Mismatched perceptions 34
 - 5. Regulatory ambiguity and accidental non-compliance..... 36
- Monitoring performance.....38**
 - Setting performance indicators that are appropriate for all Local Government authorities..... 38
 - Tracking the performance of the freedom camping network 38
 - Improving the efficiency of infringement processing..... 39
 - Local variation in enforcement approaches 40
 - Infringement problem areas 42
- Conclusions44**
 - Next steps for future consideration 47
- Reference Documents.....51**
 - Other areas for improvement 66

Purpose

The purpose of this document is to assess the efficiency and effectiveness of the freedom camping regulatory regime administered by local authorities. It seeks to identify key problem areas with the implementation of current regime by local authorities.

Authorship

This document was produced by a joint working group made up of central and local government officials undertaking a review of bylaws as a local regulatory tool and specifically prioritising the freedom camping regime. The Working Group is made up of over 40 council officers and is led by the Department of Internal Affairs. The team undertaking this analysis included more than 25 local authority officers.

As the Working Group undertook its analysis it tested ideas in a discussion document with a reference group made up of private sector, Local Government New Zealand, Society of Local Government Managers and wider public sector representatives. A final draft was provided to the Reference Group for comment. The Department of Internal Affairs co-ordinated the analysis.

Key terms

Term	Meaning
NZMCA	New Zealand Motor Caravan Association
MBIE	Ministry of Business, Innovation and Employment
DOC	Department of Conservation
DIA	Department of Internal Affairs
The Act or FCA	Freedom Camping Act 2011
LGA	Local Government Act 2002
RTO	Regional Tourism Organisation
GPS	Global Positioning System
FCB	Freedom Camping Bylaw
CBD	Central Business District
NSC	Non-Self-Contained (site)

Executive Summary

Camping in both commercial and non-commercial forms is an important and growing kiwi tradition that is popular with both domestic and international visitors. Freedom camping can be seen as an alternative to commercial camp grounds or a substitute if there is a lack of supply. In recent years both the domestic and international visitor numbers have increased resulting in challenges around supply and demand for some regions, especially during peak times and major events.

Across New Zealand both regulatory and non-regulatory approaches are employed in the management of freedom camping. The diversity of rules and approaches demonstrates a local responsiveness to demand from the freedom camping community balanced with environmental and community concerns.

There is an emerging trend for councils to increase the restrictions on freedom campers with fewer areas available. As the supply of available areas decreases, the concentration of campers in the remaining places increases and the harms experienced in those places, like litter, may reach unacceptable levels.

There is an increasingly pervasive perception that freedom campers are responsible for litter, human waste and anti-social behaviour. This is demonstrated in media reporting on freedom camping and submissions to council bylaw making processes. There is little evidence to support this proposition. These expressions of public concern are driving greater local restrictions on freedom camping. Increasing restrictions on freedom camping impacts the ability of kiwis and international visitors to enjoy the New Zealand outdoors. Whether it is a surfer asleep in their car waiting for a swell or trampers waiting for dawn, freedom camping has cultural significance in New Zealand. Freedom camping regulations can also unintentionally impact the homeless and seasonal workers who are captured by the rules.

One of the priority actions of the Government's tourism strategy is to review the use of regulatory levers to manage the impact of freedom camping on local communities and the environment. Local government plays a crucial role in the provision and promotion of services and infrastructure for tourism, however few councils actively plan with their communities, how to accommodate and optimise the benefits of freedom camping to their region. Consultation at the community level tends to focus on regulating to control the associated harms from freedom camping. A more positive approach to exploring the opportunities for communities may result in a shift in perception and open up the idea to increasing the number of suitable freedom camping areas within regions and focusing on managing the camping activity rather than restricting and prohibiting it.

A variety of sources have attempted to estimate the value of caravanning and freedom camping in New Zealand. The Ministry of Business, Innovation and Employment's figures estimate international visitors who freedom camped during their trip were spending on average \$4,880 per visit to New Zealand (over the last three years), the

average for other visitors is \$2,400.¹ The New Zealand Motor Caravan Association estimates that its members and the motor caravan rental industry amounted to a \$650 million industry in 2014.² New Zealander's are being drawn to camping for holidays and this is reflected in the growth of the NZMCAs membership which is currently 68,500 and projected to grow to 80,000 over the next two years. These figures suggest there is significant opportunity for councils to realise the potential that visitors both domestic and international could bring to the regions, as well as indicating an increasing attractiveness of camping as an accommodation option.

Insufficient information on freedom camping demand and camper motivations and the prevalence of harm caused by freedom campers has significantly limited the analysis possible. Supporting evidence-based decision-making in the future will require improvements nationally to better understand the issues and effectiveness of policy approaches by councils.

This paper has identified and defined the key problems that councils face in managing freedom camping. Figure 1 shows a summary of the problems and some possible next steps that could be considered as part of future changes to the current approach.

A shortage of freedom camping areas and an increase in demand in some regions at peak times has resulted in overcrowding and subsequently a higher risk of primary and secondary harms. This is not conducive to community buy-in and has consequently led to negative media coverage and perceptions of the freedom camper, especially towards international visitors.

A lack of community support has contributed to the reduction of freedom camping available areas in some regions. However the perceived harms are not necessarily as a result of freedom campers as there is insufficient information available to be able to determine if harms are as a result of freedom campers, day trippers or indeed locals. Improving information collected on freedom camper profiles and freedom camping as an activity will assist in targeting messages to improve behaviour and thus compliance.

Different rules and different interpretations between local authorities are complicating the where, how and who can freedom camp. Clear and consistent communication material covering where freedom camping is permitted, restricted and prohibited are needed for both domestic and international visitors.

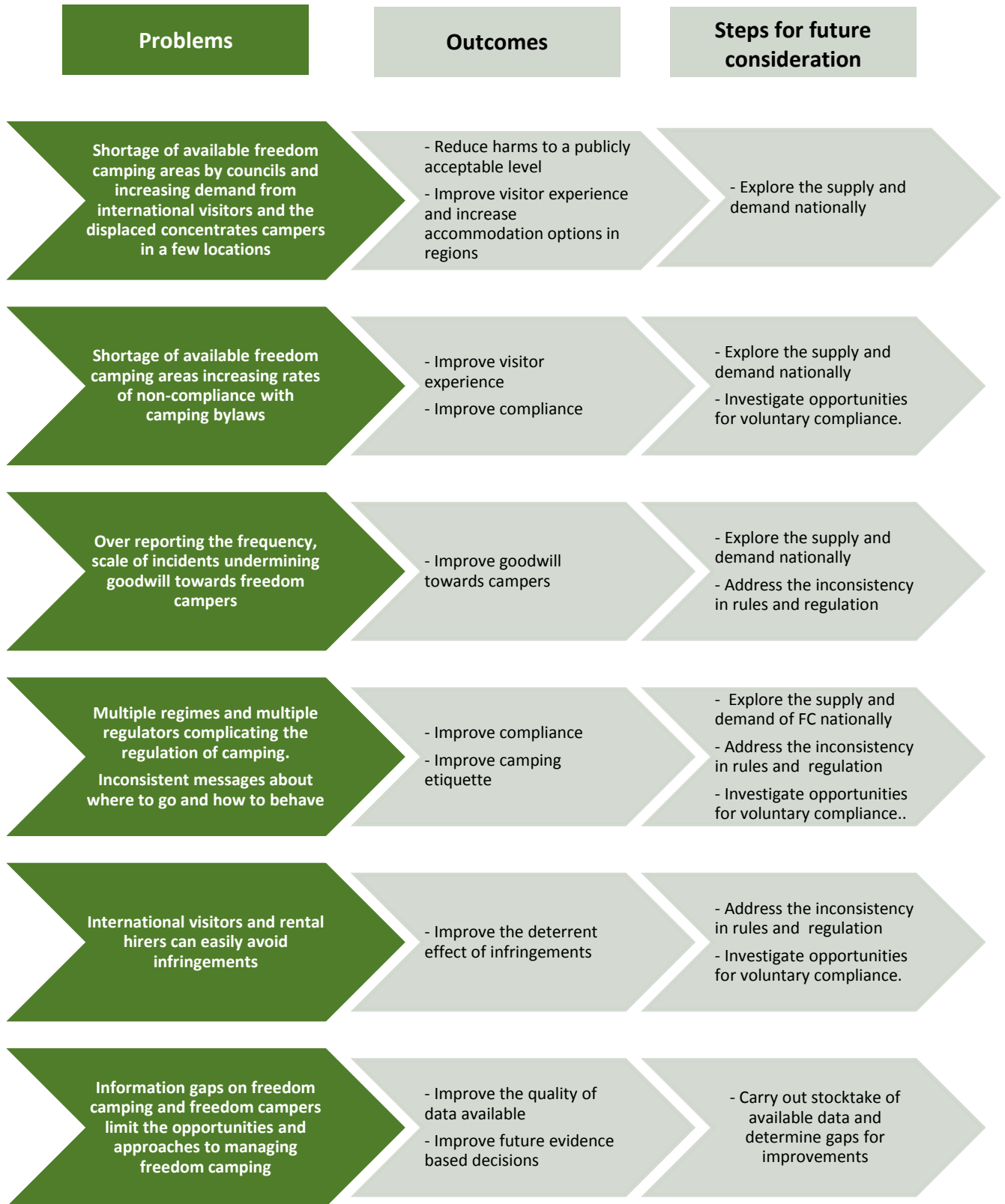
When an infringement is issued it is because other approaches have generally failed to work. However, infringements should act as an effective deterrent giving teeth to a council's policy. The recovery of infringements especially from international visitors is challenging and can be costly. There is no ability to enforce the payment outside of New Zealand, leaving councils to balance the cost of pursuing the infringement, the probability of success and the recovery of those costs from the infringement fee paid.

¹ These figures are indicative only. They are based on a small sample size of international visitors surveyed where freedom camping was their main form of accommodation.
<http://www.mbie.govt.nz/info-services/sectors-industries/tourism/tourism-research-data/ivs/information-about-freedom-campers>

² Morris, 2016

Ensuring infringements are paid is as much about the practicalities of passing the information on as it is about the regulatory powers. Similar infringements, like parking and speeding, are readily passed on by rental companies where a hirer has incurred and infringement. This is not the case for freedom camping fines. This in part goes to the confidence that companies have in the infringement process and delays in passing the information on. The collection of infringements from private owners that have left the country is even more complicated.

Figure 1: Summary of problems, outcomes sought and next steps



Introduction

This situational analysis outlines evidence and describes the harms associated with freedom camping, as described under the Freedom Camping Act 2011 (the Act). This includes an analysis of:

1. the causes of those harms;
2. the regulatory regime addressing the harms; and
3. options to prevent and mitigate harm.

This harm reduction focus includes some analysis of how the benefits of freedom camping factor into strategic decision making by councils and operational practice when managing harms.

The starting position for this analysis was that freedom camping is a legitimate accommodation option in New Zealand. This is consistent with the approach taken in the Act.

This report responds to concerns from individual councils about issues they are experiencing in their areas and a remit from Local Government New Zealand to improve the regulatory framework for freedom camping. The intention of this report is to act as a case study for a more comprehensive look at the regulatory powers of local government in New Zealand. The case study does demonstrate how multiple bylaws can be used to manage the harms associated with freedom camping.

This document does not seek to answer questions about appropriate rules for different environments. Local government generally seeks to have an appropriate balance of activities to ensure that local residents and visitors can enjoy the amenity of an area.

Background

Freedom camping is a location specific camping activity without a fee. The Act's definition captures camping without a fee, not in a campground and within 200 metres of a road or motor vehicle accessible area.

The Act expressly permits freedom camping on local authority and conservation land unless the administrators of that land prohibit or restrict it as an activity. Prohibitions and restrictions are intended to be the exception and not the rule under the Act.³

The Act delegates the power to regulate freedom camping to two types of administrator with overlapping jurisdictions, however their powers may only be exercised in relation to the land that each administers:

- Department of Conservation
- 12 city councils, 53 district councils, Auckland Council and the Chatham Islands Council.

Freedom camping under the Act

The Act defines freedom camping as camping other than at a camping ground, within 200 m of a motor vehicle accessible area or the mean low-water springs line of any sea or harbour, or on or within 200 m of a formed road or a Great Walks Track, using one or more of the following:

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

Freedom camping does not include the following activities:

- temporary and short-term parking of a motor vehicle;
- recreational activities commonly known as day-trip excursions;
- resting or sleeping at the roadside in a caravan or motor vehicle to avoid driver fatigue.

Camping ground means a camping ground that is the subject of a current certificate of registration under the Camping-Grounds Regulations 1985; and includes any site at which a fee is payable for camping at the site.

³ Section 12 of the Freedom Camping Act 2011 clarifies this position by stating for the avoidance of doubt that restrictions by local authorities may not create an effective prohibition.

Freedom camping is a relatively new term for the public

Prior to the adoption of the Act, freedom camping was not a term widely used in relation to the regulation of camping. Whilst freedom camping is an activity enjoyed by a variety of people including domestic and international visitors, freedom camping has recently been defined in the media as one undertaken by undesirable people. The activity of camping in public places has cultural significance for New Zealanders. For trampers starting out on a walk, surfers waiting for a swell, or locals on a spontaneous road trip, the Act has attempted to protect camping in public places as part of New Zealand's cultural landscape.

Increasingly councils are looking at freedom camping through a visitor planning lens and this has helped districts to improve infrastructure and work closely with the holiday camping industry, including through providing public infrastructure where land values are prohibitive.

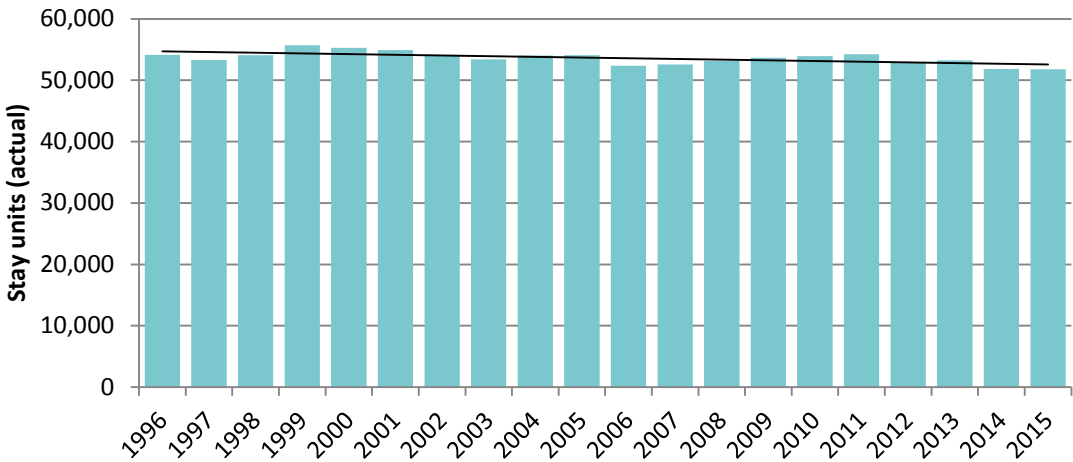
Nuisance vs. harm

This document has a harm management focus. A large proportion of complaints received about freedom camping can be characterised as a nuisance, rather than causing a harm or causing a specific harm to a victim. For the purposes of this document, the discussion about harm is focussed on those issues that are of significant concern to the community at large. For clarity, this document does not address NIMBYism (Not in My Back Yard) as a factor in decision making.

Situational analysis

Camping is an important kiwi tradition and it comes in both commercial and non-commercial forms. There has been some reduction in commercial camping ground capacity, however camp grounds remain a significant accommodation provider. Freedom camping is both an alternative to commercial camp grounds for a different camping experience and a substitute where camp grounds are not available or not considered to be a viable option by a visitor. Few councils actively plan, with their communities, how to accommodate and optimise the benefits of freedom camping to their local community. Rightly or wrongly, consultation at the community level tends to focus on managing the associated harms.

Figure 1: Holiday park capacity (stay units)⁴



Across New Zealand there are a number of regulatory and non-regulatory approaches employed in the management of freedom camping. The diversity of rules demonstrates a responsiveness to demand from the freedom camping community, however many councils are now more actively engaged in a national approach. Increasingly councils are looking at balancing benefits, as seen by an increased attention to economic impact analysis. **Appendix A** provides a stocktake of management approaches across New Zealand.

It is difficult to get hard data on the number of people using freedom camping as an accommodation option, as people are not required to register when they stay at a site, like they would be if they stayed at traditional accommodation.

⁴ Statistics New Zealand, Accommodation Survey (2013 onwards)

International visitors

The Ministry for Business, Innovation and Employment estimates that an average of nearly 60,000 international visitors freedom camped during their visit annually in recent years. This is up from approximately 10,000 international visitors freedom camping in the early 2000s. This includes both rented and private vehicles. The total number of international visitors to New Zealand in 2015 was 3.3 million, making the estimated number of people who did some freedom camping around two per cent of international visitors.^{5 6}

Domestic visitors

As of 2016, the NZMCA as the domestic association for motor caravan users⁷, has over 68,500 individual members, and has grown rapidly over the last few years.

In a 2007 survey, NZMCA members reported they spent an average of 75 nights in their motor caravans over the previous 12 months. A 2011 membership survey showed that NZMCA members stay in a variety of places, including holiday parks/commercial campgrounds, DOC campsites, NZMCA parks and private properties, freedom camping sites, with friends and relatives, and organised events on public/private land. NZMCA reports that members frequently alternate between the options. Freedom camping, holiday parks and staying with family and friends were the top three choices for location to stay when travelling in a motor caravan at 60.6%, 64.5% and 62.8% respectively.

The Department of Conservation's approach:

- enable, educate and provide a range of camping options including well managed freedom camping for both New Zealanders and international visitors
- is an active member of the Responsible Camping Forum and partner in initiatives to improve communication with campers
- manage a network of campgrounds, with a plan to target expansion of its Conservation Campsite and Freedom Camping network.

⁵ Note that this information is based off the International Visitor Survey, and a relatively small sample size. Individual figures and year on year changes should be treated with caution, but trends over many years are more robust.

⁶ MBIE, Information about freedom campers, <http://www.mbie.govt.nz/info-services/sectors-industries/tourism/tourism-research-data/ivs/information-about-freedom-campers>

⁷ NZMCA does not capture all of the domestic market for camping in public spaces

Freedom camping in the context of the Government's tourism strategy

The Government's tourism strategy was agreed by Tourism Ministers in late 2015. One of the priority actions of the tourism strategy is to review the use of regulatory levers to manage the impact of freedom camping on local communities and the environment. This sits within the broader context of one of the strategy's challenge – "ensure all regions benefit".⁸

Freedom camping:

- can be an alternative accommodation option in regions that do not have a large amount of traditional accommodation; and
- can provide additional accommodation in times of heavy demand such as peak summer season and during major events such as the Rugby World Cup, Lions Tour and World Masters Games.

The tourism strategy also identifies characteristics of a successful tourism sector. One of these is that the tourism sector remains highly valued by New Zealanders.

The role of local government

Local government is arguably the visitor industry's most important partner and the largest visitor industry operator in the country. Councils play an important role in determining:

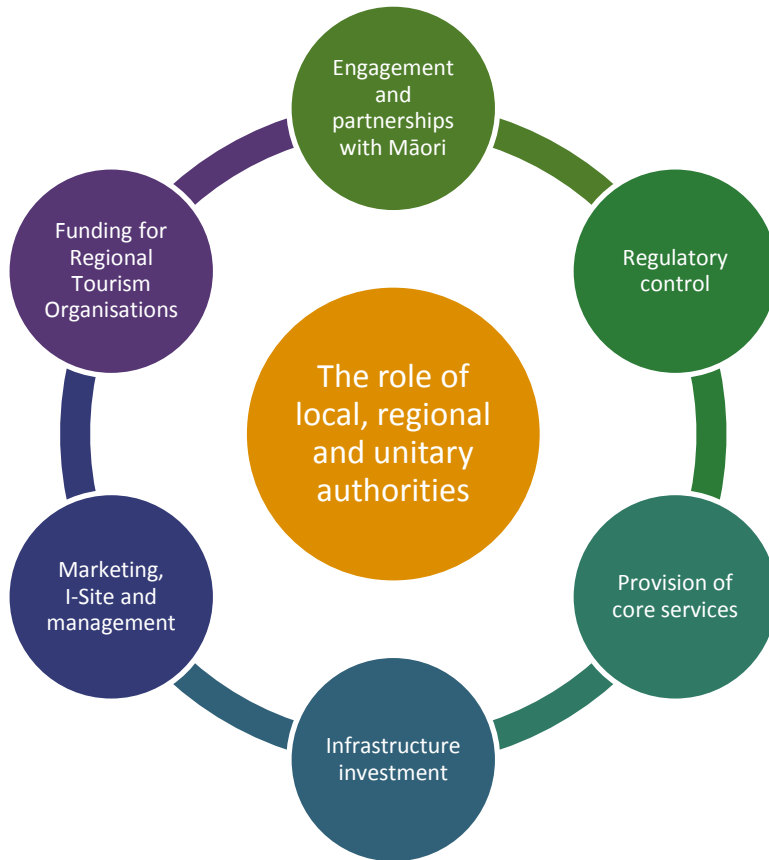
- the level and quality of visitor services and infrastructure availability; and
- the events that take place and the public money that is invested in destination promotion.

Figure 2 shows the complex role of local authorities and regional councils in managing camping as an accommodation option. Regulating freedom camping is a piece of the wider interrelated roles and responsibilities to meet the current and future needs of communities.⁹

⁸ Ministry of Business, Innovation and Employment, Government Tourism Strategy 2015.

⁹ Purpose of local government, section 10 Local Government Act 2002.

Figure 2: The role of local, regional and unitary authorities



Councils across New Zealand are responsible for making sound infrastructure investment decisions, administering fit-for-purpose local regulations and providing services that make communities attractive places to live, visit, study and invest. Annual investment across all regions in 2012 was \$8.4 billion, maintaining a total asset value of \$124.2 billion.¹⁰

However, freedom camping represents just two per cent of international visitors.¹¹ The frequent negative press the activity generates at the peak of the season means it is often ignored in local and regional visitor strategies as an opportunity.

The following table provides a sample of how freedom camping is discussed in local and regional visitor strategies.

¹⁰ Local Government New Zealand website

¹¹ MBIE, Information about freedom campers, <http://www.mbie.govt.nz/info-services/sectors-industries/tourism/tourism-research-data/ivs/information-about-freedom-campers>

Table 1: Sample of regional strategic approaches to visitors and freedom camping

Strategy	Relevance to freedom camping	Scale
Auckland Visitor Plan 2021	Recognises the loss of coastal camping grounds impact on Auckland’s attractiveness to domestic campers. The Major Events Strategy is used to engage with industry to promote freedom camping in the inner city to cope with hotel bed shortages.	Region
Towards 2020: A Strategic Plan for Tourism in the Coromandel to the Year 2020	Recognises that there is local demand for the preservation of campgrounds, the provision of motor caravan parks, improved visitor information services, museums and interpretation centres. Recognises that industry support is required for the establishment of new commercial camping grounds. Also considers how the councils must work with DOC to support certified self-contained vehicles and to establish new areas whilst investigating ways to improve economic outcomes from freedom camping.	Two districts
Taranaki Regional Visitor Strategy 2010 – 2015	Some mention about management requirements. Recognises the importance of holiday parks (commercial camping grounds).	Region
Wellington Visitor Strategy 2015	Provision for inner city campervan facilities to encourage visitors to acquaint themselves with the capital.	District
Canterbury Visitor Strategy 2016	Some mention of infrastructure demands by campers and prioritising infrastructure provision.	Region
Dunedin Visitor Strategy 2008	Discusses freedom camping opportunities in terms of infrastructure provision and pressures on affected communities. Promotes improved communication capabilities.	District
Central Otago Tourism Strategy 2014-2019	Campervans are recognised as a valuable tourism driver through its research. Further policy has been developed to support the strategy, through the Camping in Central Otago Strategy. This strategy prioritises improvements to the camping experience in the district, in particular through increased exposure to the district’s heritage assets. Also discusses freedom camping infrastructure, including through the Public Toilet Policy.	District
Southland Tourism Strategy 2005	Recognises a small role for improved camping opportunities in two locations: Invercargill and the Catlins.	Region

Community engagement

The challenge of managing public open space and related infrastructure is a core service for local government. Local government are best-placed to understand what local variation in a national freedom camping context looks like and how to have that conversation with their communities.

Many councils also have a history of working closely with mana whenua to support improvements to health and wellbeing and the protection, and promotion, of Māori cultural heritage. In some districts there is significant investment in the tourism sector by Māori. Councils have a special obligation to engage with Māori to ensure that the principles of the Treaty of Waitangi are upheld in relation to the plans, policies and activities that the council manages. In relation to freedom camping, this can be difficult without investment in infrastructure and compliance monitoring.

Nature of Demand for freedom camping

There are four significant sources of demand, all of which are increasing:

1. **International visitors** – year on year visitor numbers are increasing. This increase is reflected in the demand for freedom camping areas. This demand is lumpy and seasonal. Events can give rise to intense periods of high demand.
2. **Domestic visitors** – there is no clear evidence to suggest these volumes are changing significantly. NZMCA membership is rising which at least shows that the activity is becoming more formalised and may indicate growth in domestic demand.
3. **Seasonal/Temporary workers** – this group provide a valuable service in local communities working on farms and vineyards as well as hospitality. There are likely to be peaks in demand, particularly during the summer period where they are competing with visitors for freedom camping sites.
4. **Internal displacement (homelessness)** – this appears to be a fast growing group which is adding unplanned demand and competing for public camping spaces.

Although homelessness cannot be characterised as freedom camping, due to the lack of choice, year round, homelessness is an issue that is receiving some benefit from the provision of camp sites for non-self-contained vehicles and is included in this analysis for completeness. This is discussed further below.

Freedom Camping profiles

Freedom camping is enjoyed by a wide range of people. These have been classified into groups for the purpose of identifying different risk profiles to inform and target possible mitigations in relation to managing freedom camping nationally.

Table 2: Freedom camper profiles based on council experience

Profile	Description	Harm profile
Grey nomads and families (usually domestic visitors)	Own their own, usually have a self-contained vehicle. Includes many members of the 68,500 strong NZMCA of New Zealand. These campers subscribe to a lifestyle of camping and generally use self-contained vehicles.	Contribute to the large numbers on the roads and some, with larger vehicles cause parking and access challenges for local authorities.

Profile	Description	Harm profile
Domestic visitors	Many hire a vehicle or own self-contained vehicles however some rough it in non-self-contained vehicles, using tents and other structures often meeting in groups.	The domestic visitors who are in non-self-contained vehicles are likely to be less well equipped for the challenges of freedom camping and likely to be young kiwis or recent arrivals to New Zealand, exploring their new country.
Seasonal/temporary workers	Usually international visitors that stay in New Zealand for a period of three to nine months for fruit picking, farm and vineyard work and some hospitality work which provides a much needed service to local communities. Many purchase vehicles (mostly non-self-contained) upon entry to New Zealand and sell on when leaving the country.	Likely to be on a low wage and consequently a tight budget so will freedom camp often in non-self-contained vehicles.
International visitors	Representing a range of budget sub-profiles, these campers are predominantly from Australia, the United Kingdom, France, Germany, Scandinavia and the Netherlands. They may have hired a campervan, some self-contained some not and others may purchase a used vehicle from a backpacker noticeboard or community car market and convert it for living, selling it on again once they leave the country.	Lack of knowledge of the rules, and different cultural etiquette sometimes results in irresponsible behaviour. Most infringements issued are for international visitors in non-self-contained vehicles and the infringement data suggests that this group are often leaving the country with unpaid fines for breach of freedom camping bylaws.
Rough sleeping community	Within the month of February 2016, in Auckland alone it has been estimated by the Salvation Army that as many as 50 families are living in their cars, not through choice, but due to homelessness.	Communities are sensitive to these groups in their neighbourhoods through concerns for safety, wellbeing and equity.

Demand volumes

Overcrowding in the most popular locations is in part due to the highly seasonal nature of visitors to New Zealand. However, a large portion of annual visitors are concentrated into a three or four month peak summer season and in some areas of New Zealand a three to four month peak winter (ski) season.

During peak summer periods, such as between Christmas and the end of January when New Zealanders tend to be on holiday, there can be challenges finding accommodation in some regions, particularly in hotels. Other accommodation types have more capacity to cope with demand, including backpacker accommodation and holiday parks. Commercial camp grounds in some regions can reach full capacity during the Christmas and New Year period. Generally there is accommodation available in most areas during peak tourism season, though the exact location and price point can vary. Off-season, rates can drop back into the teens.

Popular camping and hiking areas experience similar peaks. For example, the Tongariro Crossing receives 100,000 visitors annually, though in a single peak day 3,000 visitors can be on the trail.¹² Throughout the year there is generally capacity at holiday parks for commercial campers.

Data from the NZMCA taken from GPS monitoring, confirms that most visitors are travelling up and down a relatively small number of main State Highways.¹³ The number of non-commercial campers may not have increased so much as their concentration, accentuating the observed overcrowding. The Freedom Camping Bill Regulatory Impact Assessment (2011) states:

The problems are particularly acute in regions with high tourist numbers, for example in Fiordland, Otago, Southland, West Coast, Nelson-Marlborough, Coromandel, and Bay of Islands. Department of Conservation notes however, that most camping on conservation lands is by backcountry users who follow accepted practice and do not create problems.

Describing the harms associated with freedom camping

Broadly speaking there are two categories of harm that have been associated with freedom camping – primary and secondary harms. Primary harms are intrinsic to the activity and are generally unavoidable but can be mitigated. Secondary harms are extrinsic to the activity but may still be commonly associated and are avoidable. The value of considering them separately is that it allows a distinction between the harms associated with camping as an activity that must be tolerated at some level if camping is permitted and harms that aren't necessary and can be avoided if they are targeted more directly. For example, littering is not intrinsic to camping yet it has been associated with freedom camping. Distinguishing between litter caused by campers and day visitors to a site is challenging. Regulating an activity to control secondary harms can produce disproportionate results and unintended consequences.

¹² Wright, 2016

¹³ From communications with the NZMCA via the Reference Group

Primary harms associated with camping in public places

The primary harms are caused by a loss of local amenity and might include:

- displacement – locals and day trippers are displaced from using and enjoying public places;
- emanations – sounds and smells;
- views blocked; and
- loss of privacy.

Primary harms arise directly from the activity of camping in public places and cannot be prevented or avoided if that activity is to occur. The level of harm is directly related to the density and frequency of the camping activity.

Freedom campers may exclude others from enjoying public spaces. There are intrinsic noises and smells associated with camping activities that can be offensive. While at low levels these can be acceptable, when they rise to an inappropriate level they become antisocial (secondary harm).

The frequency and severity of primary harms are influenced by changes in demand and the availability of areas to camp.

Image 1: Freedom campers at Taupō and Queenstown



Secondary harms associated with camping in public places

Secondary harms are incidental to the camping activity. They may be caused by freedom campers, day visitors and locals. These harms are preventable and avoidable. Commonly associated secondary harms to freedom camping includes:

- irresponsible and anti-social behaviours, such as excessive emanations;
- environmental damage and public health issues arising from behaviours such as rubbish dumping and human waste;¹⁴ and

¹⁴ Section 25 of the Health Act gives the Minister of Health the power to require a Local Authority to construct 'sanitary works' which includes 'sanitary conveniences for use of the public'. However this power has not been used for several decades.

- disorderly and criminal behaviours, such as theft, drug use, intimidation or violence, litter and vandalism.

Irresponsible and anti-social behaviours occur where individuals and groups behave without regard for laws and other people. The link between camping and these secondary harms is much weaker.

Reality versus perception of freedom camping five years on

Understanding the public's perceptions of freedom camping helps to understand the context local government must operate in and consult on when developing policy in relation to freedom camping. The following section shows some typical comments from submitters when engaging on management options.

Free rider effect

The perception

Ratepayers may see themselves as subsidising freedom campers. Freedom campers are seen as imposing costs, from emptying litter bins and cleaning up after them, to paying for public facilities such as car parks and toilets: Comments like: *"Why [should our rates] cater for miserable people out there to have a holiday at our expense?"* [freedom campers are] *"sponging vagrants"* and *"unrepentant freeloaders."*¹⁵

The use of the term 'freedom camper' can conjure up comments like: *"I feel that these campers are... unwilling to spend more money than they must."*¹⁶ or *"They are mostly transient travellers."* These statements suggest that they are based on a misintepretation of the term. After all, who would wish to pay more than they must? How can people hiring and driving vehicles pay nothing? How can a traveller not be transient?

What the evidence says

Whilst the choice to camp in non-commercial facilities is linked to a visitor's intention to save money, this does not mean saving money is the primary reason for freedom camping. In a survey of 61 campers in Coromandel, Taranaki and Gisborne, 'low cost' was ranked third as a motivating factor for freedom camping, selected by 28% of respondents; comfort came in second at 34%, and the freedom of travel first at 59%.¹⁷

New Zealand is a premium destination as it is the furthest from most markets and has had a relatively high exchange rate. Most visitors are likely to have a fixed budget and they are choosing how to allocate it.

Spending decisions involve consideration of the opportunity cost of choosing to spend on accommodation, or to spend on other experiences. The savings on accommodation are offset by spending in other categories. Research by Angus and Associates on campervan travellers staying at holiday parks identifies that *"Campervan travellers*

¹⁵ Yardley, 2015

¹⁶ Yardley, 2015

¹⁷ Kerns et al., 2016

report higher than average spending on activities/admission fees and transport costs, and unsurprisingly, visitors using built accommodation spend more than average on accommodation” (2015). This also means that expenditure by campers is more difficult to track and monitor.¹⁸

A variety of sources have attempted to estimate the value of caravanning and freedom camping in New Zealand. MBIE’s website shows figures estimating people who did some freedom camping were spending across the last three years on average \$4,880 per visit to New Zealand, higher than the \$2,400 average for other visitors.¹⁹ While the statistics show a higher overall spend per visit the average spend per night for the all visitors category is higher. The NZMCA estimates that their members and the motor caravan rental industry amounted to a \$650 million industry in 2014.²⁰ Freedom camping may appeal to visitors wishing to stay longer and make their budget go further.

Bad for business

The perception

There appears to be a widespread perception that freedom camping is not benefiting local businesses or benefiting host communities, *“There are only minimal benefits to other businesses in the community as Freedom Campers are able to bring their own provisions”* and *“Our committee believes there is no benefit to our community to encourage this activity.”*

Accommodation providers, particularly campsites, are said to be suffering from unfair competition. Some campground providers complain of freedom campers sneaking in to use their facilities.

What the evidence says

Feedback to the Working Group suggests non-commercial camping is a complementary accommodation option for a majority of visitors using campervans and motorhomes. However, there is a tension between commercial camping facilities and the establishment of freedom camping areas.

¹⁸ Angus & Associates, 2015

¹⁹ These figures are indicative only. They are based on a small sample size of international visitors surveyed where freedom camping was their main form of accommodation.

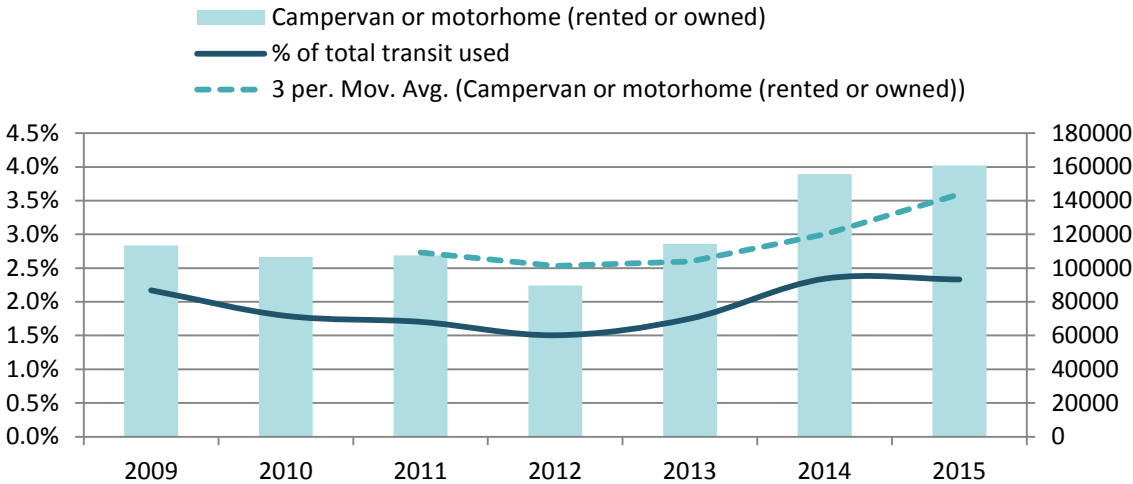
²⁰ Morris, 2016

MBIE estimates that an average of 60,000 international visitors over the last three years used freedom camping as a part of their accommodation. Only one in five of these are estimated to have used freedom camping as their primary accommodation, though they may still use paid locations part of the time. This is supported by research that found domestic travellers who rented caravans used paid locations for 75% of their nights, and international visitors used paid locations for 89% of their nights . In a survey of New Zealand Motor caravan Association (NZMCA) members in 2011, members spent an average of 75 days a year traveling and 60% reported freedom camping at some point during their travels.

Daily spending by freedom campers across regions may be highly variable, depending not only on the individual visitor’s willingness to pay, but also on the activities available in a given region. For example, the national average spent by international visitors who freedom camp is about \$100 a day, lower than the daily \$156 spent by other visitors.²¹ However, in Dunedin, for example, freedom campers spend \$195 a day,²² while in Marlborough, a council survey there found a lower figure of \$89 per day.²³ Collectively, these figures demonstrate a substantial economy surrounding freedom camping, but the poor quality and consistency of the data available means that limited conclusions can be drawn as to actual regional spending behaviours.

The figures below from the International Visitors Survey show that estimates of international visitors using campervans and motorhomes as a means of transport have increased from 89,763 in 2012 to 160,928 in 2015. However it must be noted that other forms of transport may also be used by these visitors such as trains and buses. Concurrently, the estimated number using paid camping and caravan accommodation increased from 89,420 to 149,559. Conversely , the estimated number using freedom camping as a primary accommodation decreased from 16,547 to 12,282.

Figure 3: Change in International Visitors using a Campervan or Motorhome as a Means of Transportation, 2009 to 2015²⁴



²¹ Ministry of Business, Innovation and Employment, International Visitors Survey

²² Morris, 2016

²³ Ministry of Business, Innovation and Employment, International Visitors Survey

²⁴ Statistics New Zealand, Accommodation Survey (2013 onwards)

Figure 4: Change in International Visitors Using Paid Camping or Caravan Accommodations, 2009 to 2015²⁵

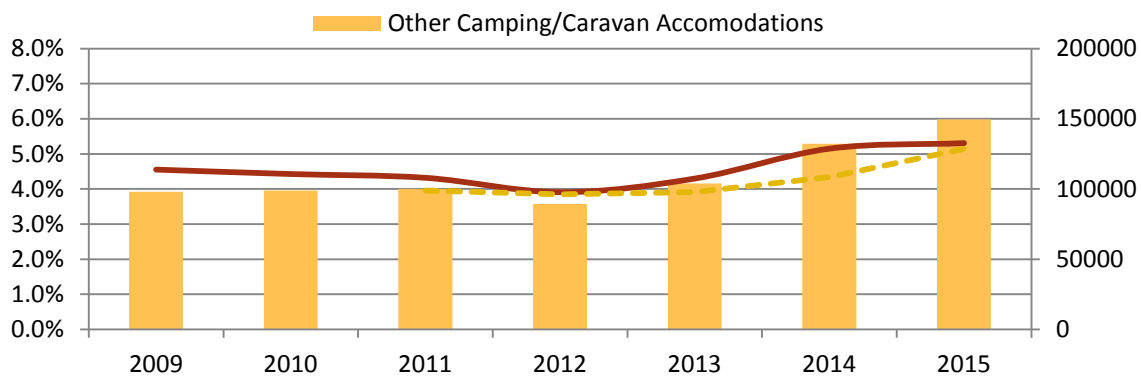
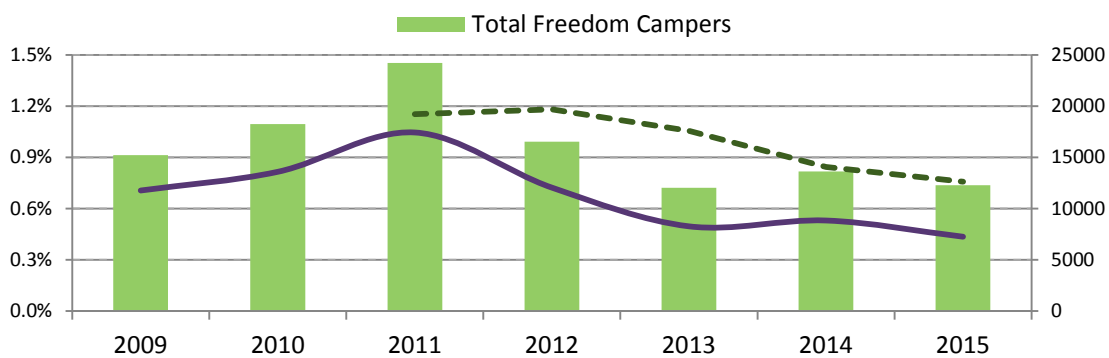


Figure 5: Change in International Visitors Freedom Camping as Main Accommodation, 2009 to 2015²⁶



There has been an upward trajectory for all accommodation providers. Where there is a dip or plateau it is correlated to the Global Financial Crisis and its aftermath. MBIE data suggests that holiday parks in general are thriving due to the overall increase in visitors and the range of options provided, including for recreational vehicles and campervans. Holiday park guest nights are growing ahead of guest nights in other accommodation.²⁷

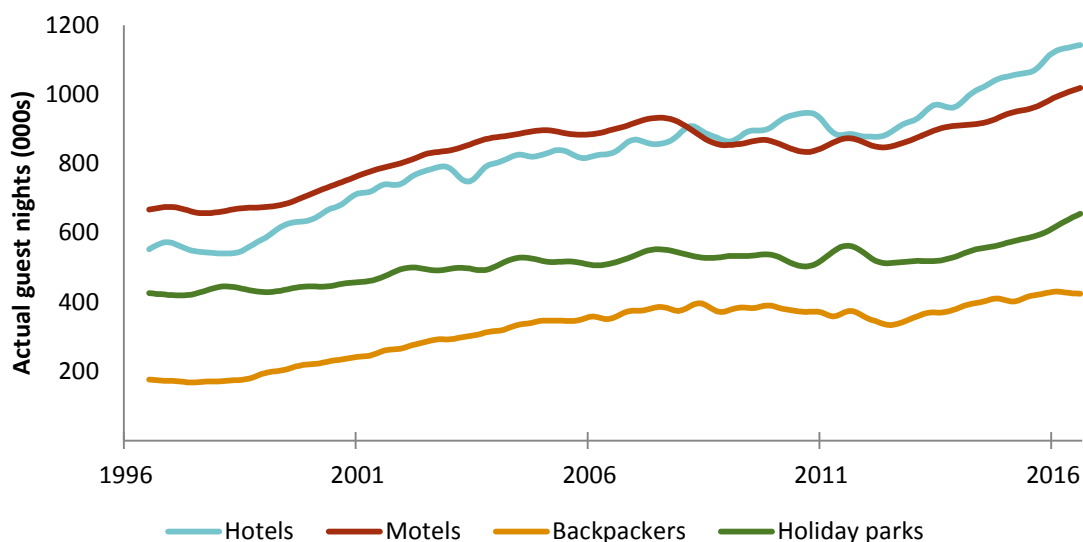
²⁵ Ibid

²⁶ Ibid

Note that this information is based off the International Visitor Survey, and a relatively small sample size. Individual figures and year on year changes should be treated with caution, but trends over many years are more robust. The three year moving average provides a more reliable representation of the trend.

²⁷ Collins & Kearns, 2010

Figure 6: Trend in guest nights by accommodation type (month ending August 2016)



For the year ending June 2016, holiday parks had the largest per annum growth rate of accommodation types. Overall occupancy rates are also increasing.²⁸ The Reference Group provided feedback that campers often use a mix of commercial and non-commercial camping.

The peak in international visitor numbers coincided with the 2011 Rugby World Cup. Subsequent numbers indicate that international visitors freedom camping as their main accommodation ‘are not yet back up to the 2009 level (see chart 3 above).

Littering and human waste

The Perception

Rubbish is a common complaint. Comments like: *“overflowing rubbish is often seen.”* Even if campers use public rubbish bins, they may be seen as freeloading on ratepayers. *“In the name of ‘Tourism’ we should not be encouraging people to come here to be a burden to ratepayers.”* Freedom campers are seen as imposing costs, from emptying litter bins and cleaning up after them, to paying for public facilities such as car parks and toilets: *“Why cater for miserable people out there to have a holiday at our expense?”*

²⁸ Statistics New Zealand, Accommodation Survey (2013 onwards)

Image 2: Iveagh Bay Toilets, Greymouth



Faeces is also often raised as a concern: *“They go to toilet either side of the car park and leave excrement and toilet paper and rubbish everywhere.”* This is generally seen as an issue with campers who do not have on-board toilets (non-self-contained vehicles) and sleep overnight in areas without public toilets.

A related issue arises when campers may bring their companion dogs with them, *“A large percentage of camper van owners have dogs and they ignore the dog bylaw allowing their dogs on the beach and reserve, burying their faeces on the beach and allowing them to urinate on the reserve where children play.”* However this cannot be entirely attributed to freedom campers as day trippers and locals could be responsible.

What the evidence says

The problem of littering in certain remote locations is not new: *“We already have a big job to clear up the rubbish including human and dog faeces, dirty nappies and household waste.”* It is hard to discern what litter is left by campers and what is left by day trippers or locals. The question is how to gather clear evidence of harm when there is no clear indication who is responsible – there may be more litter, but how do we know who is littering?

Since there has been a large rise in the number of domestic and international visitors in recent years to some locations, as well as a rising population in our urban centres, it is unsurprising that there there is a perception of increased problems with litter. The anecdotal evidence suggests that part of the problem may be litter bins that are too small or are emptied too infrequently. Other areas have a policy of ‘take your rubbish with you’ and provide no bins. No bins may be a better option than infrequently emptied bins. Over-flowing bins are to be seen in town centres up and down New Zealand where members of the public pile up rubbish even when a bin is over-flowing.

The issue of disposal of human faeces also appears to be a problem in some locations. However, some councils have opted to close public toilets at night, when visitors are travelling long distances and arrive outside of business hours, public facilities need to be available for all visitors and drivers. It is hard to imagine people choosing to defecate in public if there are facilities readily available.

Both the under-provision of bins and of toilet facilities appear to have some links to the notion of 'freeloading.' However, in the case of public toilets, it is likely that the actual cost of closing toilets is greater than that of keeping them open in rural areas. In the case of bins, it may be that the overall costs to councils, the community and the environment of cleaning up rubbish can be higher than the costs of providing suitable bins and easy to access places to dispose litter.

Loss of local amenity

The perception

Communities share their beachfronts and reserves with visitors. Campers can cause a loss of local amenity: *"They park on our reserve and block our views."* The size and height of recreational vehicles adds to this problem. So, too, do campers using washing lines.

Congestion is a problem when facilities become overcrowded. Locals suggest that some day trippers are discouraged by this. Blocked access to reserves, parking places, and boat ramps are a common complaint.

Damage to grass verges and sand dunes is also a concern, and the impact on nesting birds or wildlife near streams and rivers is sometimes raised.

What the evidence says

Some councils have undertaken surveys and interviews on this subject. The sensitivity of freedom camping in urban, peri-urban and rural environments does vary.

Safety

The perception

Fire risk in the summer months is a concern in New Zealand, as well as blocked or impeded access for emergency response vehicles. Some residents have expressed their concerns that *"No emergency vehicles will be able to access (sites)"*.

Other access issues include steep and unsealed roads leading to dust, accidents and blockages. In remote areas it may be that *"Road access is poorly maintained."*

Theft and assaults against campers are seen as more likely in remote locations, *"[There is] the possibility of bringing in thieves that prey on campers."* There have been some such incidents which have resulted in widespread reportage. The signage, restrictions and negative publicity may encourage some people to feel they have a right to harass or target campers: *"I just hope that by increasing the number of signs we don't give some members of the community the opportunity to take advantage of these people travelling, i.e. assaults, robbery, damage to property."* One newspaper headline exemplifies the use of inflammatory language by the media: *"Govt open to help councils battle freedom campers"* (Newshub, 2016).

What the evidence says

There is no clear evidence of fires or crimes specifically caused by non-commercial freedom campers.

There have been some well-publicised attacks on visitors. Unfortunately there have been attacks on international visitors who were freedom camping. One well-publicised example was an attack on campers in Nelson in 2011.²⁹ Some other examples include:

- **December 2013:** Four teenagers appeared in court charged in relation to the alleged aggravated robbery of two German visitors camping in Whakatane.
- **October 2013:** A French couple sleeping in a Napier car park were attacked and pistol-whipped.
- **April 2013:** Three English visitors sleeping in their car in Paihia were robbed at knifepoint.
- **May 2010:** Three French visitors staying in a campervan in Northland were attacked and robbed.

There is a risk that hardening public attitudes based upon prejudice and stereotyping could lead to attacks on campers and increased harassment of visitors. This would have to be balanced against arguments that campers improve natural surveillance and perceptions of safety.

It is not currently possible to identify if there could be an increase in accidents caused by making it harder for drivers to stop when tired. Visitors may easily underestimate the slowness and difficulty of travel on New Zealand roads compared to their home countries. They may also not be able to buy petrol in the evening, on Sundays or public holidays. A risk with current policy settings is that drivers are uncertain whether or not they can follow the Road Code and take a break without being infringed for freedom camping.³⁰ Inconsistent messaging is, at the least, unhelpful and confusing.

Enforcement

The perception

One concern is that councils are not able to enforce the rules and are leaving it to the locals: *"It is left to unpleasant confrontations between residents and reserve visitors if there is any enforcement at all."*

In general, there are concerns about the enforcement of regulations that are *"Impossible to police."* If they are enforced, then the cost is seen as a burden, *"No way will you effectively enforce these regulations except at great expense."* Unpaid fines can be seen as a loss of income used to pay for the costs of regulating and managing freedom camping.

²⁹ Greenhill, Glass, & Murdoch, 2011

³⁰ Section 5(2)(c) of the Freedom Camping Act 2011 specifically excludes resting or sleeping at the roadside in a caravan or motor vehicle to avoid driver fatigue from the definition of freedom camping.

What the evidence says

During seasonal peaks, councils work hard to monitor compliance. Many freedom campers use social media and word-of-mouth to intelligently plan where they will camp and this strategy can be successful until a given site becomes overcrowded – at which point a council is then stuck with the costly exercise of clearing a site. This was seen after the Rugby World Cup 2011, when campers were still attempting to camp in the pop-up freedom camping site at the Auckland Waterfront three years later.

Increasingly, councils are working with social media providers, commercial camping grounds and campervan hire companies to promote a message of voluntary compliance. If a region does not provide sufficient capacity to appropriately host freedom campers for a range of freedom camper types, this strategy is unlikely to be effective. Freedom campers must be given a reasonable opportunity to comply with regulations and to enjoy their activity.

Reputation

The perception

There is a perception of a growing erosion of local goodwill towards visitors, particularly those in non-self contained vehicles. This may result in the loss of the 'social licence' to operate for campervans, significantly restricting the option of freedom camping for New Zealanders and for international visitors.

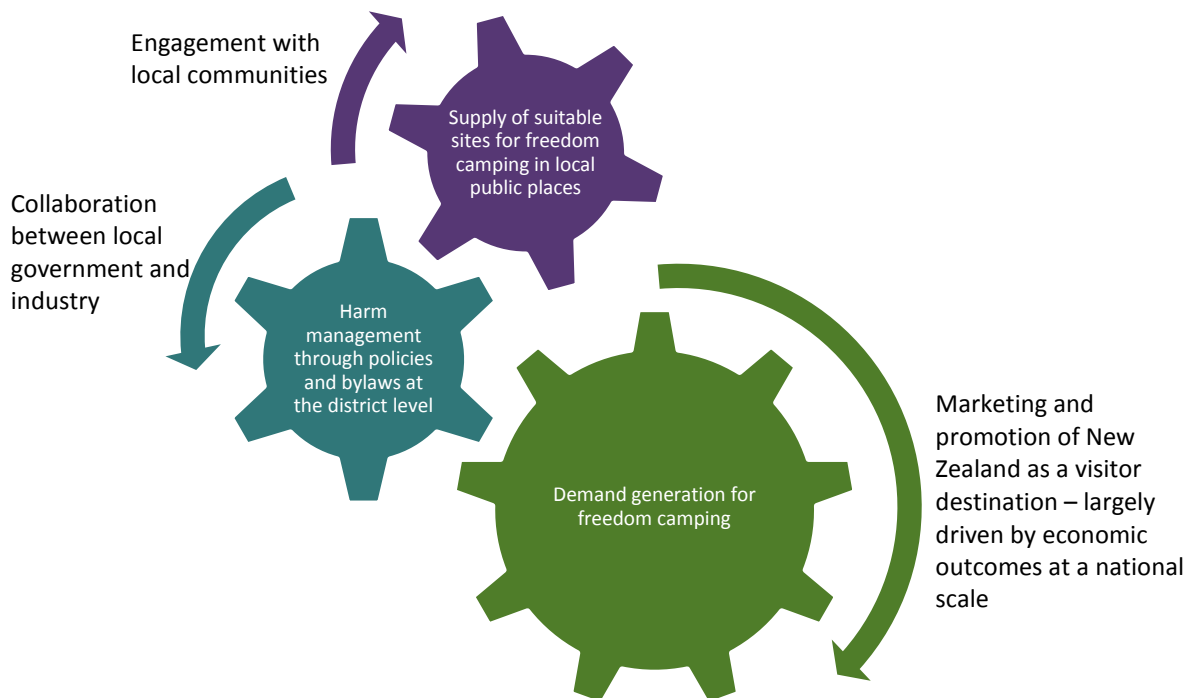
International visitors who have a poor experience in New Zealand are unlikely to recommend New Zealand as a place to visit to others. This could also apply to a specific region. Wider concerns have been raised about harming New Zealand's international reputation, both as a tourism destination that welcomes visitors and as a country with a culture of tolerance and practicing manaakitanga: *"The Far North stands only to gain from a welcoming attitude towards visitors taking advantage of the many natural features. The Far North can set an example of the tolerant kiwi attitudes which many international visitors appreciate, yet it is under threat from over-regulation and greed."*

What the evidence says

There is a risk that international visitors could be put-off as a result of increased restrictions of freedom camping and negative public attitudes. Reputational damage could result in commercial losses to tourism providers, impacting particularly upon holiday parks and campsites where most campers stay for most of the time.

Issues with the freedom camping system

Figure 7: System definition diagram



The harms associated with the freedom camping system can be considered within the context of five areas. The following analysis describes those parts of the system that require system improvements, either through increased collaboration around specific outcomes across multiple agencies, including industry, review of laws and other non-regulatory approaches, such as funding the development of regional and district visitor strategies against the Government’s tourism strategy.

1. Over-reliance on bylaws in the management of freedom camping

The freedom camping regime is designed to prevent and mitigate the primary harms occurring in unsuitable locations. The regulatory mechanisms in the Act impact upon the supply of available camping areas by:

- identifying unsuitable locations and preventing camping e.g. some urban and suburban areas;
- restricting the type of camping activity to minimise the risk of harms e.g. maximum number of consecutive nights, self-contained vehicles only; and
- levy of a \$200 infringement for breach of a local bylaw.

Because the regime acts on supply of available camping areas, the regime itself favours reducing supply to mitigate secondary harms. However, reducing supply increases the risk of primary harms because it increases density, focusing the number of campers into a reduced number of locations causing overcrowding.

The regulatory system can be used to reduce the risk of some secondary harms. There are a number of specific powers to address secondary harms that do not require engagement with the community – for example the illegal dumping of waste water and other environmental damage. It may be that secondary harms are best addressed by other existing regulatory mechanisms that do not increase the problem of density. These include:

- camping on reserves is regulated through the Reserves Act 1977 and reserves bylaws, including removal of vehicles but not infringement fines;
- stationary vehicle offences are regulated through the Land Transport Act 1998 and traffic and parking bylaws, including removal of vehicles and infringement fines; and
- littering (including defecation) is regulated through the Litter Act 1979, and including infringement fines.

2. Under-supply of suitable places

The levels of overcrowding and non-compliance occurring throughout the nation are a factor of mismanaged demand and supply.

Image 3: Full house at Iveagh Bay, Greymouth and Taupō



One of the challenges identified in the Government’s tourism strategy is to ensure all regions benefit from tourism. The approach is to ensure regions achieve their full potential in terms of numbers and spend by visitors. One of the ways this could be realised is through greater collaboration across jurisdictional boundaries and potentially support from central government, through research and infrastructure planning.

The NZMCA have recently initiated a “off the beaten track” campaign, actively encouraging members to plan their holidays in less populated areas with an aim to reduce overcrowding in some of the more popular areas. This campaign overlaps with the on-going work with communities and the motorhome friendly towns programme³¹ and with the Department of Conservation promoting their lesser known campsites off the beaten track. Exacerbating this problem is the market dynamics driving decision making for the industry and infrastructure providers. Increasing demand for camping and decreasing supply of commercial campgrounds has potentially contributed to increased camping fees which may encourage campers to seek out ‘free’ options. At peak times, some campers may also find they are unable to secure a place in a formal campground, and have no choice but to stay overnight on public land.³² The scale of this problem varies by region.

Image 4: Enforcement officer outside Grey District Council main office



There is a risk that regulations leading to a reduction in the sites available for freedom camping may have made the overcrowding problem worse in some places. For example, Christchurch City Council created a bylaw which allowed freedom camping without restriction in rural areas but restricted non-self-contained freedom camping to five locations in the urban area. Subsequently, the sites were filled with freedom campers and were met with numerous complaints from both visitors and the community. The community lodged complaints about damage, litter, vagrancy, noise, and other issues associated with the campers. Meanwhile, campers complained of threats, harassment, and theft by the host community. However, two high profile sites were closed in March 2016 because of the environmental health concerns resulting from a high concentration of non-self-contained freedom campers. The waste water system was unable to cope with the level of demand and was overflowing; campers were washing their dishes in the water nearby.

³¹ New Zealand Motor Caravan Association Inc, Motorhome Friendly Towns Programme

³² Caldicott et al., 2014

Following the closure of the freedom camping sites within the city, campers that would have previously stayed in Christchurch were pushed into adjacent areas. Selwyn District's main freedom camping site, Coes Ford, increased from roughly 50 to 75 vehicles to 75 to 100 after Christchurch closed their sites.³³

Recent enforcement monitoring by the Christchurch City Council has shown that the number of freedom campers involved in the rebuild has dropped dramatically. The vast majority of campers were only staying 2-3 nights. A possible reason for the reduction is the increased availability of lower-cost rental accommodation in the city. Effectively, the problem had been the concentration of non-self-contained campers into fewer locations in the context of increased pressure on facilities and an overall year on year increase in international and domestic visitors.

3. Offending out of necessity

Where supply is constrained to a significant extent, campers may be faced with no legitimate viable alternatives. Constrained supply in the most popular locations in peak season may force campers to choose between three undesirable options: break the law; try commercial campsites; or suffer significant inconvenience, e.g. go to a site further away from their desired location.

While breaking the law carries a risk of a cost, i.e. an infringement fee, the alternatives impose certain costs upon the camper. Where demand for camping areas exceeds supply, the incentives may favour breaching the regime. International campers that have hired vehicles for the purpose of camping may not have allocated budget to use alternatives to free sites.

If rental companies underplay the limited camping areas available in popular locations during the peak season, especially for non-self-contained vehicles, campers may be unprepared. As night approaches, they may not have the local information, money, or understanding of enforcement risk, to choose an alternative that complies with the local bylaw.

The problem of regulating offending out of necessity is that it makes offenders out of people with low culpability for their breach. There are issues of natural justice where it is almost impossible to comply. They may have had limited options or had insufficient information to understand and appreciate their options. Their actions may not have given rise to any real harm or costs to the community, except for the breach of the regulations itself.

³³ Hume, 2016

Homelessness and permanent freedom camping living

There appears to be an increasing group of local people who are living temporarily and permanently in motor vehicles. This activity can cause primary and secondary harms, especially when vehicles are grouped together. People living in these vehicles are also at increased risk of harm from harassment and theft [see Christchurch example]. There are also a number of temporary and seasonal workers who may use motor vehicles for the duration of their employment as the availability of affordable accommodation options are not present.

Existing bylaws and public services do not manage this group well. With few places to park, limits on nights spent at any one place, limited litter bin capacity, and few public toilets open at night. 'Homeless' campers may be caught by enforcement action under the Act, which just moves them to a different location and adds to their existing financial burdens. This does not address the campers' needs or the effects on public areas generally. Central Otago District Council has issues regarding seasonal workers for the fruit picking season who are unable to find affordable accommodation.

Weak relationship between camping in a public place and secondary harms

The freedom camping regime treats all campers equally and is not capable of targeting problem campers. As such it is a blunt regulatory instrument with respect to the secondary harms which are targeted through specific offences under other regulations.

In general, secondary harms are all illegal and specific disincentives are provided through separate regimes. The practicality of enforcing these regimes limits their effective use. The freedom camping regime is proactive and precautionary rather than the other regimes, which respond to actual harms and would require costly surveillance to give effect to.

At the time of publication, only 25 of 67 local authorities currently had bylaws in place under the Act. A number are awaiting the outcome of this review. At present, a number of authorities rely on other regulatory instruments, such as stationary vehicle offences and bylaws to manage public nuisance under the Local Government Act 2002.

4. Mismatched perceptions

While international visitors may engage in some irresponsible and anti-social behaviour, the media and local authorities appear to be over reporting the frequency and scale of incidents. More typically concerns may be more closely related to the problem of concentration.

There is a public perception that there is a link between campers using a public space and harm, as opposed to other users causing harm through their use of a public space. In particular, there are sites that are being frequented by domestic campers and people who are homeless.

This is a key reason why evidence-based decision making can be compromised by ill-informed community views. The mandate from the community to invest in and regulate freedom camping is a critical foundation of sound policy. Aligning perceptions to reality will go a long way to improve evidence-based decision making.

Is freedom camping the right term?

There appears to be significant, negative association with the term ‘freedom camper’ that has developed since the adoption of the Act. If the preferred term were independent campers, would that result in less negative connotations like ‘freeloading’? Would a title of ‘Camping in Public Places Act’ be more appropriate?

The Queensland Camping Options Toolkit (2014) avoids the descriptor ‘freedom’ replacing it with ‘non-commercial.’ However, there are relatively few international visitors who free camp as a main type of accommodation so they are primarily commercial campers. Queensland focuses on increasing the number of campers and providing a broader range of options for campers. Indeed, the report states *“there is no one typical non-commercial camper.”* By framing the issue in terms of opportunities, cost-benefits, and needs, the Queensland report brings into play proactive policy responses.

In New Zealand there is a lack of evidence derived from the point of view of those who are being regulated. *“The reasons for, and experiences of, freedom camping in New Zealand are contested and under-researched. In particular, the ‘freedom’ associated with the practice has not been examined”.*³⁴ This makes it more difficult to identify the likely impacts of regulation and the risks or unintended consequences of the current regulatory approach.

It would be helpful to inform the debate by researching the experiences of visitors through qualitative methods, such as surveys, focus groups and diaries, in order to understand what is motivating their behaviour, particularly those who travel in non-self-contained vehicles. Much of the available evidence puts forward the point of view of one group of campers who tend to be older New Zealanders in larger self-contained vehicles, so-called ‘grey nomads’. This group are part of a trend towards ‘glamping’,³⁵ valuing luxury as well as independence and an outdoors experience. Advocacy on behalf of this group may have skewed the debate and regulatory responses against another group of campers, so called ‘vanpackers’³⁶ who tend to be younger and are more likely to use smaller, non-self-contained vehicles.

³⁴ Kearns, Collins, & Bates, 2016

³⁵ ‘glamping’ describes a style of camping with amenities and in some cases resort-style services that provide luxuries of hotel type accommodation alongside the escapism of camping

³⁶ ‘vanpackers’ is an Australian term meaning campers in non-self-contained vehicles

In a recent survey of 61 freedom campers in Thames-Corromandel, Gisborne and Taranaki reinforces that there is a misunderstanding of campers’ motivations. Vehicle-based camping was understood to entail spontaneity, flexibility and mobility – inter-related benefits often labelled as ‘freedom’. Participants valued the ability to travel without a fixed route, and to make opportunistic stops. They were also able to choose between sites offering privacy and spaciousness, and those offering social opportunities.

5. Regulatory ambiguity and accidental non-compliance

Regulatory regimes need to be clear to regulated parties. Camping regulation in New Zealand is complex. The complexity comes from two main variables: local variation in rules and people not knowing how to comply with the rules.

Local variation in rules

There is a patchwork of regulatory regimes in place across New Zealand, see **Appendix A** for a breakdown of these. There are multiple regulatory regimes capable of regulating camping in public places. Each is available under different circumstances and each allows for different enforcement practices. The Act and Reserves Act 1977 provide specific bylaw making powers to control camping. The Land Transport Act 1996 and the Local Government Act 2002 provide general bylaw making powers that could be used to control camping.

District plans are also important, particularly with regard to how a district responds to major events planning and the placement of infrastructure and new commercial camping grounds.

Table 3: Variation in regulatory tools for managing freedom camping

		Administering body					
		Territorial Authorities	Regional Councils	Department of Conservation	Crown Land (LINZ)	New Zealand Transport Agency	Private
Land Type / Function	Reserve Land	●●●●	●●●	●●●	N/A	N/A	N/A
	Road	●●●●	N/A	N/A	N/A	●●	●
	General (Parks, carparks, freehold)	●●●	●●	●●	●	N/A	●

- Freedom Camping Act + Specific Bylaw
- Reserves Act + Specific Bylaw
- Land Transport Act + General Bylaw
- Local Government Act + General Bylaw
- Trespass Act 1980 - trespass

Multiple regulatory approaches mean that the rules can vary both within territorial authority areas and between areas. A common template for any bylaw does not remove local variation because it is the schedules where the rules are applied. After all, the purpose of a bylaw is to reflect local differences in the application of legislation.

The multi-regulatory system gives rise to a range of approaches which can act as substitutes and alternatives for each other. Additionally there are also pockets of land which fall outside all regimes, e.g. Crown land administered by Land Information New Zealand. This can undermine regulatory regimes when campers can avoid the reach of camping controls by staying on land not covered by a regime. This occurs because only land administered by the Department of Conservation and local authorities falls within the scope of the Act.

Not knowing how to comply

The problem of not knowing how to comply is greater for international visitors than other groups, but for all groups it is an issue. International visitors have low knowledge of New Zealand law. That lack of knowledge coupled with a complex multi-regulatory regime system for regulating camping creates a significant barrier to compliance.

A key issue for international visitors in particular is the lack of consistency in the messaging from tourism sites and van hire companies on freedom camping in New Zealand. This can lead to accidental breaches and frustrated visitors who are infringed because of their low culpability due to miscommunication, poor availability of, and, contradictory, information about regulations and jurisdictions. The Responsible Camping Forum has made a concerted effort to standardise the messages that visitors receive, 'Assume nothing. Always Ask'. This messaging directs visitors to iSites, holiday parks, DOC campsites and designated camping areas.

This issue is made worse by the high cost barriers for effective communication. Signage, car park markings, way finding and social media integration are all examples of ways that councils are currently addressing this problem.

Monitoring performance

Local authorities that have made bylaws under the Freedom Camping Act 2011 are not necessarily in a better position to monitor the effectiveness of the bylaw to manage the problems. A bylaw under the Act takes a spatial approach, with management options developed on a site-by-site basis against site protection criteria. This section looks at the system from a national perspective.

Setting performance indicators that are appropriate for all Local Government authorities

An effective performance monitoring framework would consider the economic, environmental, cultural and social impacts of freedom camping tourism. This would allow greater cohesion between decisions about infrastructure investment, activity planning and as a result improve collaboration across the sector.

Some communities have embraced motorhomes. The NZMCA has initiated a scheme to identify towns that welcome campervans. This mirrors a similar regime run by the Campervan and Motorhome Club of Australia Limited. The NZMCA has awarded 'Motor Home Friendly Town' status to 28 North Island and 12 South Island locations. One of the key drivers behind the Friendly status scheme is to help focus local authorities and their communities on the economic and social benefits that responsible freedom camping can bring to their towns, particularly those rural and provincial towns struggling to attract visitors off the beaten track. In assessing applications NZMCA looks for consistency with the permissive premise and general intent of the Act.

A greater understanding of the costs and benefits of freedom camping and a stronger relationship to broader visitor strategies will likely improve the performance monitoring framework. This will also support greater cohesion across local, regional and national tourism strategies.

Tracking the performance of the freedom camping network

Further research is required to understand the performance of the freedom camping network. For example, how effective regional and even local dispersal efforts have been. Many districts and regions are investing in building evidence for improved decision making. This is occurring without a consistent approach and with limited collaboration across local government jurisdictions.

In the future central government may wish to address this issue through agreeing national level indicators and monitoring approaches, through its own research capabilities, or by fostering more cross-jurisdictional collaboration by providing new funding to regional tourism organisations.

Appendix B outlines some key statistics for growth and national efforts to improve management across New Zealand

Improving the efficiency of infringement processing

Infringements and prosecution are the last line of defence. When an infringement is issued it is because other approaches have failed to work. However, infringements should act as an effective deterrent giving teeth to a council's policy. **Appendix C** provides detail on the infringement process and the identified problem areas.

The issuance and collection of freedom camping infringements varies between districts and is generally only required after any supply vs demand approaches haven't worked. DIA issued a survey to local authorities in mid-2016 to identify the current use of infringement for freedom camping. Of the 17 respondent districts that adopted a freedom camping bylaw, seven reported issuing zero infringements, and five reported issuing fewer than 100. The Queenstown Lakes, Thames-Coromandel, and Grey District Councils issued around 97% of the fines captured in the survey. Of the 13 districts without a bylaw, seven were not intending to adopt one.³⁷

The Working Group determined in 2016 that between 2012 and 2015, there were \$3,165,200 in infringements issued and \$1,463,400 in infringements collected. This leaves \$1,701,800 outstanding from the time period. However, this does not include the additional regulatory, administrative, and legal costs associated with the infringement process. The low rate of recovery suggests that issuing infringements under the Act is not necessarily an efficient or cost-effective management tool.

There are a number of factors that are likely to be contributing to the high levels of unpaid and reluctance to pay infringements:

- The infringement fee for the breach of a bylaw made under the Act is high compared with parking fines. The visitor has to judge the risk of non-payment against the costs of payment. \$200 is a substantial part of the budget of some campers and therefore there is a higher motivation to avoid payment. The DIA Regulatory Impact Assessment had recommended a lower infringement of \$150.
- The ease of avoidance, in particular for international travellers and campervan hirers.
- The contestable nature of infringements.
- A sense of inequity if campers do not feel that they have caused harm or if they are stopping for legitimate reasons, such as stopping for rest in compliance with the Road Code.

There is a risk that this punitive approach to enforcement may lead to a reduction in visitors camping and the reputational damage to New Zealand. Even if most international visitors are not campers, the reputational damage may extend further. The perception of loss of revenue through non-payment of fines may add to perceptions of lawlessness and freeloading.

³⁷ DIA Working Group, 2016

Challenges for local authorities in pursuing infringements issued

Roughly a third of infringements issued by the Department of Conservation, between 23 January 2012 to 31 December 2015, were issued to rental companies. Private vehicles and commercially owned vehicles present different challenges during the collection process. Christchurch City Council monitoring showed that at designated non-self-contained sites the majority of vehicles observed were privately owned (89%), compared with 10% rental and 1% unknown/not recorded.

Where an infringement has been issued to an international visitor, once that person has left the country it is generally impracticable to pursue the amount owed. There is no ability to enforce the payment outside of New Zealand, leaving councils to balance the cost of pursuing the infringement, the probability of success and the recovery of those costs from the infringement fee paid. The ability to prevent an international visitor from leaving New Zealand is not currently provided for.

Where freedom campers are not camping with a vehicle this creates an additional challenge to identify offenders sufficiently for the purpose of issuing an infringement.

Image 5: Freedom campers in tents at Owhiro Bay, Wellington



Local variation in enforcement approaches

The DIA Regulatory Impact Assessment states that *“A significant expected benefit to the community of using an infringement regime is the deterrent effect to modify freedom campers’ behaviour.”* However, there is no consideration as to how that purported deterrent would work. There is not yet research on how well infringements work as a deterrent, and the issuance of infringements may not change the habits of international visitors. The local population will more likely adjust to new policy and bylaw frameworks.

International visitors, conversely, are only here for a short period of time and may rely on dated, anecdotal (and sometimes conflicting) sources of information. There is some good messaging on the various vehicle hiring sites about freedom camping in New Zealand but there is also some information that is confusing and buried. The example from Lucky Rentals (see the first point in the coloured box below) is taken from the homepage however a further two to three clicks away, if you know where to look, there are clearer messages about responsible camping such as *'In late 2011, we changed our laws on freedom camping in New Zealand. There are still plenty of places where you can pull over and have a sleep, but have a look out for sign before you do, or you could face a \$200 fine.'* Visitors to New Zealand do not know what they need to know. It may be that accessible and inclusive education and facilitation are a more effective means of changing behaviour than infringements.

Examples of freedom camping messages for visitors hiring vehicles in New Zealand

- *"once you've got the keys well send you on your way to experience New Zealand sleeping wherever you want – at the bottom of a mountain, overlooking the ocean, or somewhere off the beaten backpacker trail" - Lucky Rentals.*
- *"One of the best things about travelling in a campervan throughout New Zealand is the freedom you have to explore this amazing country of ours. But with that freedom, comes responsibility! We need all of our Escape campervan hirers to respect and protect the environment, particularly when choosing where to camp". - Escape Campervans NZ*
- *"There are districts in New Zealand that do not permit you to freedom camp. These areas may or may not be clearly sign posted. We recommend that you assume nothing and always check with a local first. The Visitor Information Centres or 'iSites' will always be able to advise you" Britz NZ.*
- *"Q: Can I park the camper anywhere when staying the night? They fine people like crack addicts smoke crack. So to avoid a nasty fine – it's recommended that you do some homework on where you can and can't sleep. Download our Free 'Wicked Campers' app for a decent list of camp sites & and heaps of other cool stuff". - Wicked Campers NZ*

It has been suggested that attaching infringements to vehicles will lead to an increased collection rate, as there is little to stop an international offender from leaving the country without payment. This would also push rental companies to collect infringements from visitors' accounts/credit cards - much like the current system with tolls, parking, and speeding fines. However, this may not change the behaviour of local offenders.

Overall, there is little evidence that the infringement approach is optimal. Trials are taking place in Queenstown Lakes District and Thames Coromandel District to work with vehicle hiring companies to encourage payment on the return of a vehicle. This may increase compliance but is not binding and a hirer cannot be compelled by the hiring company to pay.

Variation across councils in the way rules are enforced is likely to remain a feature for the foreseeable future as community views and sensitivities differ. The variation exists because of different approaches to bylaw making and enforcement between council. A community's ability to fund effective enforcement may depend on geographical considerations, such as the size of the council and staff regulatory capability. Enforcement is problematic due to a lack of resources on the ground, particularly for rural authorities. One rural council in a popular visitor destination had only one full-time parking warden, which was recently increased to 1.5 FTE. The ability of the council to regulate camping outside of the main townships is very limited without staff on the ground. Even if a compliance officer was to respond to a complaint, the camper may not be *in situ* by the time a staff member arrives on the scene. The question arises as to whether it is appropriate to set out regulations in a bylaw that are largely unenforceable in practice.

Infringement problem areas

The Act and the Summary Proceedings Act 1957 specify the administrative processes for processing infringements, which mirrors the Land Transport Act 1998. This provides for a reminder 28 days after the date of issue, which is sent to the vehicle owner. After a second notice is issued and subsequent notice period has ended, any unpaid infringements may be referred on for collection. Some local authorities refer these unpaid infringements to the Courts to collect, other prefer to use private debt collection agents.

Rental companies may not be notified of the infringement until the customer has left the country

If a vehicle is infringed, the driver is aware of the infringement immediately as it will be attached to the vehicle or provided to the occupant.

Where the owner is not the occupant there is delay in their notification until the first reminder notice is sent out. There is no centralised system to co-ordinate real-time information about infringement status. The Rental Vehicle Association commented that the process for notifying rental companies of infringements is clunky.

These delays lead to customers returning rental vehicles before there is a record of an infringement that can be checked and paid, the 28 day reminder notice is likely to arrive, when the majority of customers have returned the vehicle and already departed.

In general rental companies are willing to support the infringement collection process, however there are practical barriers that prevent them doing so.

Prompt notification of infringement trial

At the time this report was being prepared Queenstown Lakes District Council and Thames Coromandel District Council are working with two rental providers (THL and Jucy) in trialling a voluntary initiative to promptly pass infringement details from councils to rental companies. Early indications are that this sort of process may assist in address the problem of delayed notification.

Transfer of liability for collection – commercial vehicles

Under the Act liability can be transferred from the owner of the vehicle back to the local authority for collection purposes. This process requires a statutory declaration to be provided to the council that states the owner is not responsible for the infringement. Under this process the hirer's credit card details are not provided, only their personal details. Transferring liability leaves councils to pursue infringement debts from international visitors beyond the reach of the council without an efficient means to do so.

Transfer of vehicle ownership – private vehicles

When an infringement is issued to a private vehicle, if the owner has not updated the address details for their ownership, this will not be sent to the current owner. Failure to notify the New Zealand Transport Agency of a change of vehicle registration is itself a separate offence under the Land Transport (Motor Vehicle Registration and Licensing) Regulations 2011.

Local authorities invariably have to cancel infringements where the responsible owner is unknown.

Waiver processing

The freedom camping infringement process, enables the recipient to challenge it by way of a hearing. Hearings (in Court) cannot be undertaken immediately, as this depends upon the Ministry of Justice and Court availability. This means the recipient could have left New Zealand. While the council may be successful under these circumstances, the ability to recover the infringement money is unlikely as the individual is overseas.

Waiving fines – driver fatigue

The New Zealand Transport Agency safety messaging regarding fatigue is to pull over and rest for 40 minutes. This is reflected in the Act, which states that freedom camping does not include resting or sleeping at the roadside in a caravan or motor vehicle to avoid driver fatigue. However, this is used as a ground to seek a waiver to justify sleeping in a vehicle. The interpretation and application of this defence varies between local authorities.

Conclusions

This paper identifies primary and secondary harms, the perceived harms and the evidence of actual harm from camping in public places. It further examines the problem of overcrowding and regularity complexity. Overall, there are six key problems to be addressed and table 4 below provides a summary of the problems with the proposed next steps with more detailed information on these steps provided further on in this section.

Table 4: Summary of problems and next steps

	Problems	Outcomes sought	Next steps for future consideration
1	Shortage of available freedom camping areas by councils and increasing demand from international, domestic visitors and the displaced concentrates campers in a few locations	<ul style="list-style-type: none"> • Reduce harms to a publicly acceptable level • Improve visitor experience • Increase accommodation options in regions 	<ul style="list-style-type: none"> • Address increasing the supply • Address the management and understanding of the demand
2	Shortage of available freedom camping areas increasing rates of non-compliance with freedom camping bylaws	<ul style="list-style-type: none"> • Improve visitor experience • Improve compliance 	<ul style="list-style-type: none"> • Address increasing the supply • Address the management and understanding of the demand • Addressing the increase in opportunities for voluntary compliance.
3	Over reporting the frequency, scale of incidents undermining goodwill towards freedom campers	<ul style="list-style-type: none"> • Improve goodwill towards campers 	<ul style="list-style-type: none"> • Address the management and understanding of the demand • Address the buy-in and understanding of communities on the opportunities and impacts of freedom camping • Addressing the inconsistency in rules, regulation and management of freedom camping

	Problems	Outcomes sought	Next steps for future consideration
4	Multiple regimes and multiple regulators complicating the regulation of camping. Inconsistent messages about where to go and how to behave	<ul style="list-style-type: none"> • Improve compliance • Improve camping etiquette 	<ul style="list-style-type: none"> • Address the management and understanding of the demand • Address the inconsistency in rules, regulation and management of freedom camping • Address the increase in opportunities for voluntary compliance.
5	International visitors and rental hirers can easily avoid infringements	<ul style="list-style-type: none"> • Improve the deterrent effect of infringements 	<ul style="list-style-type: none"> • Address the inconsistency in rules, regulation and management of freedom camping • Address the increase in opportunities for voluntary compliance.
6	Information gaps on freedom camping and freedom campers	<ul style="list-style-type: none"> • Improve the quality of data available • Improve future evidence based decisions 	<ul style="list-style-type: none"> • Address improvements in national information on freedom camping and freedom campers

Problem 1 – Shortage of available freedom camping areas by councils and increasing demand from international, domestic visitors and the displaced concentrates campers in a few locations

The freedom camping regime deals mostly with preventing harm by reducing supply, which increases the primary harms associated to camping in public places.

The freedom camping regime is not capable of managing secondary harms which are covered by other regulations. There is a lack of supply and too much demand at peak season in the most popular areas, and the freedom camping regime is exacerbating that mismatch. The provision of additional free camping places may be unfair competition outside of the peak season and it may be that affordable sites can be identified and developed in partnership with industry to be available at peak demand. The Department of Conservation is experiencing this same over-demand. This is being managed by a combination of increased fees and potentially some increased provision.

Problem 2 – Shortage of available freedom camping areas increasing rates of non-compliance with freedom camping bylaws

The freedom camping regime appears to be based upon a presumption that there is deliberate offending. The likelihood is that visitors are unaware of the extent to which their choices are restricted. They have been marketed a product in their visit to New Zealand – independent travel – that is not always available ‘on the ground’ where they want to stay. This is indicated by the response from campers who receive infringement tickets. Further research could be undertaken to understand the reasons why campers infringe.

The freedom camping regime (bylaws and enforcement) does not address the underlying needs and effects from the increasing number of local people and seasonal workers who live temporarily or permanently in motor vehicles.

Problem 3 – Over reporting the frequency, scale of incidents undermining goodwill towards freedom campers

The perceived harms associated with freedom camping may be based on perceptions, which do not align with the available evidence.

The use of the term freedom camping itself appears to be a contributing factor. Instead of conveying the concept of independence, the term freedom camping can carry negative connotations of freeloading and irresponsibility.

A targeted campaign for international and domestic visitors and host communities highlighting the benefits and the responsible side of freedom camping could start to change public perceptions.

Problem 4 – Multiple regimes and multiple regulators complicating the regulation of camping, inconsistent messages about where to go and how to behave

There is a problem of several interrelated regulatory mechanisms that differ both between territorial authorities and within territorial authority areas. For example, only 37% of territorial authorities have freedom camping bylaws. Furthermore, there is no common interpretation of the freedom camping regime between local authorities. Different rules apply to different places along with different enforcement approaches.

The freedom camping regime is hard to understand, as are the many other regulations regarding camping in public places. There is a lack of consistent messaging on the tourism sites and van hire companies on the law and camping etiquette for international visitors, which is being addressed in part by the industry.

Problem 5 - International visitors and rental hirers can easily avoid infringements

Delays in the current infringement process provide an opportunity for offenders to leave the country before an infringement has been paid. Once the person has left the country it becomes difficult to recover the fee without exceeding the value of the infringement and incurring cost to ratepayers.

The infringement system also provides mechanisms to transfer liability for collection of fees and for rental companies to charge a fee directly to the credit card. The processes involved are clunky. The rental company may not be aware that an infringement has been issued to a vehicle or have confidence that the infringement can be pursued. For the council, when liability is transferred back to the council by statutory declaration, the council has limited means to effect the collection without the credit card details of the offender and in some instances insufficient particulars to refer the collection to the Courts.

Problem 6 – Information gaps on freedom camping and freedom campers limits the opportunities and approaches to manage freedom camping

There is a lack of information nationally on the activity of freedom camping and the people undertaking the activity. There is an inconsistency in the collection and release of information resulting in a lack of clear insight to the actual problems and the size of the problems.

The complexity of approaches to managing freedom camping has resulted in a variety of strategies being adopted locally. This creates mixed messages regarding where there is a problem, who are the main offenders and how best to manage any lack of compliance. To be able to monitor performance in managing freedom camping consistency of information will be crucial.

Next steps for future consideration

It has been identified that there are significant information gaps on freedom camping as an activity and freedom campers. Until information and evidence is both more readily available and more robust developing solutions may be risky. However, there are ways to approach each of the problems identified in the interim that will inform future solution development.

Address the increase in supply. There is a need for more suitable infrastructure for public camping, from toilets and bins through to camping grounds.

That includes making current facilities available (e.g. 24 hour toilets) and increasing the levels of service (e.g. more rubbish collections). An analysis of the supply of camping facilities may suggest that there are commercial opportunities to meet some of the gaps in the market.

Restrictions on supply may need to be more targeted so as to avoid an overly restrictive approach making problems of density worse. Funding may be required for small rural councils for suitable infrastructure. In the larger urban areas popular with visitors, the economic benefits should exceed the costs and generate a commercial return and income to the council, whether directly or through rates.

Address the management and understanding of the freedom camping demand. Make available more accurate information about the restrictions on freedom camping, including at point of hire of vehicles.

There could be more effective promotion of the many destinations in New Zealand that are not commonly visited to increase dispersal. Freedom campers are likely to be attracted to wilderness experiences, yet the product offering in some locations is not well marketed or co-ordinated. Places that have overcrowding are simultaneously promoting their places as destinations, including for freedom campers. The promotion of an experience, such as freedom camping should match what is available if the message is to have an on-going positive impact. The government has made a public policy choice at present to promote New Zealand as a tourism destination associated with the outdoors and adventure. To attract more visitors is often a local government objective too. Infrastructure planning appears to be lagging behind economic development aspirations.

Address the buy in and understanding of communities on the opportunities and the impacts of freedom camping. The way councils are engaging with their communities has not been effective at balancing discussion between the harms and benefits of freedom camping. Adopting a two tiered approach, such as occurs with the Dog Control Policies and associated bylaws is one example of separating the high-level outcomes community are seeking, through a policy; and the site by site analysis of issues, through the draft bylaw.

Improving the evidence base and the way change is communicated are also opportunities for improvement if national performance is going to lift. In addition to the way that councils engage with their communities, greater cohesion is required across policies and strategies. The Central Otago District Council demonstrates this with its public toilets policy and infrastructure planning activities.

There may be some role for regulatory reform in relation to the assessment of evidence against criteria in the act for controlling or prohibiting freedom camping. The alcohol law reforms of 2012 introduced a “high-level” of crime and disorder threshold. This has assisted with improved evidence-based decision making in some districts. This may help to deal with biases towards reducing supply.

The Dunedin City Council has begun to look at how even local communities can benefit from freedom camping. Further work to investigate how local “friends-of” groups might benefit from their efforts to keep New Zealand beautiful through on-line donations would help to improve perceptions.

More resources, such as regional tourism data, policy guidance and community engagement resources could be made available to support improved local decision making.

Address the inconsistency in rules, regulation and management of freedom camping. Careful and comprehensive assessments should take place prior to a decision to adopt bylaws, including under section 155 of the Local Government Act 2002.

What is the evidence of harms and benefits? What is the most appropriate regulatory mechanism to manage those harms? A nationally consistent bylaw regime would be inconsistent with the purpose relying on bylaws as a regulatory tool; a bylaw should adapt to fit local circumstances. However, guiding principles or a national framework would assist the development of regional approaches. This may reduce confusion that exists regionally with the current regime which changes within and across administrative boundaries. Adjacent areas with similar circumstances could adopt similar rules. This is possible under the current legislative framework, but requires policy leadership. However it must be acknowledged that even within regions there will be differences in the issues faced and the preferred approach for tackling the issues.

Managing the issuing of infringements and the low recovery rate is a frustration for many councils. Currently Queenstown Lakes District Council and Thames Coromandel District Council are working with two vehicle rental providers (THL and Jucy) to trial an initiative to promptly pass infringement details from councils to rental companies to establish if this approach may assist in addressing the problem of delayed notification.

In general rental companies are willing to support the infringement collection process, however there are practical barriers that prevent them from doing so. The outcomes of the trial will assist in informing an approach to these barriers. It may be that in order to improve compliance the additional development of accessible and inclusive educational materials would be a more effective means of changing behaviour than infringements alone.

Address the increase in opportunities for voluntary compliance. The legislative framework is ambiguous and complex.

To simplify and rationalise this framework may be facilitated through analysis of the bylaw regimes more generally, of the interface of bylaws with primary legislation and of how bylaw enforcement occurs. The first step could be a consistent interpretation of the Road Code so that infringement fines are not issued unfairly.

The current approaches to the regulation of camping in public places appear to have been insufficiently evidence-based. It may be that regulation and punishment are being put ahead of a strategic approach to managing demand, increasing supply and reducing harm. A proactive communications and engagement strategy with the tourism sector and councils will ensure there is more consistent messaging especially for international visitors with regards to freedom camping in New Zealand. Whilst there may be regional variance the key messages and signposting to sites for further local information should assist with compliance.

Address improvements in national information on freedom camping and freedom campers. There are information gaps nationally which results in a lack of understanding the problems and size of the problems. In order to better understand and define problems more clearly and to enable selection of the right solutions relevant data is required.

Collaboration between councils and central government will lead to a better understanding of the successful management strategies used and will identify the gaps in information. This will inform the data needs and the appropriate methods for collecting information which will in turn provide appropriate and evidence based responses.

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Appendix A: Stock-take of management approaches to freedom camping in New Zealand

Local Authority	Issues	Regulatory approach	Management approach	Reviews and challenges	Non-regulatory approaches
Auckland region	<ul style="list-style-type: none"> • Overcrowding in costal locations • Housing unaffordability 	<ul style="list-style-type: none"> • Seven bylaws under the LGA 	<ul style="list-style-type: none"> • 14 locations designated with capacity for approximately 80 non-self-contained vehicles all in the former Rodney District • Self-contained vehicles allowed throughout the former Rodney District • Approximately 30 spaces available for self-contained vehicles in the former Franklin District 	<ul style="list-style-type: none"> • Review scheduled by 2017 	<ul style="list-style-type: none"> • Major events strategy encourages freedom camping in self-contained vehicles to deal with short-fall in hotel accommodation (e.g. Rugby World Cup 2011, World Masters Games 2016, 2016 Lions Tour, 2017 Rugby League World Cup)
Christchurch City	<ul style="list-style-type: none"> • High volume of non-self-contained vehicles • Issues relating to housing unaffordability and the temporary nature of work opportunities associated with the Christchurch rebuild. • Also environmental issues with earthquake impacts on infrastructure 	<ul style="list-style-type: none"> • Bylaw under the FCA2011 • Freedom Camping Bylaw 2015 	<ul style="list-style-type: none"> • allows non-self-contained vehicles in five areas, but these sites have been closed pending bylaw review • restricted freedom camping in self-contained vehicles only inside the city's urban boundaries • two days in a 30 day period 	<ul style="list-style-type: none"> • full review of bylaw brought forward in response to issues with non-self-contained vehicles 	<ul style="list-style-type: none"> • Promoting responsible camping guidelines and commercial camping grounds in the region • Camping Management Plan

Local Authority	Issues	Regulatory approach	Management approach	Reviews and challenges	Non-regulatory approaches
Clutha District	<ul style="list-style-type: none"> Allow freedom camping to continue, but provide some protection to minimise littering and dumping of toilet wastes 	<ul style="list-style-type: none"> Bylaw under FCA2011 Part 2 Public Places 	<ul style="list-style-type: none"> self-contained vehicles only maximum of three nights in any four week period at any single location excludes camping in urban areas 	<ul style="list-style-type: none"> 2007 policy reviewed on 6 September 2010 Bylaw introduced in 2012, review planned 2017 	
Dunedin City		<ul style="list-style-type: none"> Bylaw under FCA2011 Camping Control Bylaw 2015 	<ul style="list-style-type: none"> restricted areas for self-contained vehicles only no more than two consecutive nights at any one location time restrictions e.g. must depart by 8:30am or noon depending on site only allowed to park on gravelled or sealed areas discretionary powers to permit freedom camping in other areas permitted areas listed (only two) 		<ul style="list-style-type: none"> staff are investigating the trialling of an honesty box for donations to local park volunteer groups compliance monitoring over summer includes providing additional toilets and dedicated enforcement resource
Far North District	<ul style="list-style-type: none"> Negative perceptions of freeloading Litter Loss of visual amenity Safety Difficulty in enforcement International reputation Over-crowding 	<ul style="list-style-type: none"> Non-regulatory policy June 2015 	<ul style="list-style-type: none"> Eight self-contained only free council sites Restrictions in rural areas Maximum of four vehicle parks 24hrs max. in each location 	<ul style="list-style-type: none"> Policy reviewed to add more sites NZMCA unsuccessfully challenged that FCA 2011 should be used 	<ul style="list-style-type: none"> Public rubbish and waste systems also listed Relies on other enactments to infringe breaches in relation to reserve, traffic and litter regulations

Local Authority	Issues	Regulatory approach	Management approach	Reviews and challenges	Non-regulatory approaches
Gisborne District		<ul style="list-style-type: none"> FC bylaw and seasonal public camp grounds 		<ul style="list-style-type: none"> Proposed amendments to bylaw being consulted on 	<ul style="list-style-type: none"> Cost-recovery through small charge Provides for non-self-contained 'FC' opportunities through the operation of five summer camping grounds
Grey District	<ul style="list-style-type: none"> Disposal of grey water, refuse, faecal matter Blocking of access Economic and social benefits Professional FC being tarnished by non-complaint FC 	<ul style="list-style-type: none"> Bylaw under FCA2011 Freedom Camping Bylaw 2014 	<ul style="list-style-type: none"> Self-contained and non-self-contained vehicles dealt with in separate schedules No more than three consecutive nights in one location No more than 10 nights in any calendar month in Restricted Areas 	<ul style="list-style-type: none"> Restricted and prohibited areas to be reviewed annually to take into account any new information regarding the effects of freedom camping 	<ul style="list-style-type: none"> Two Year project working collectively with NZMCA, Rental firms and Communities to effect positive change to non-compliance. 25% reduction in infringements recorded and project received Local government excellent Award 2016

Local Authority	Issues	Regulatory approach	Management approach	Reviews and challenges	Non-regulatory approaches
Hauraki District	<ul style="list-style-type: none"> Issues with people dumping goods at freedom camping site (an hour drive from Auckland) presumably they are getting rid of unwanted goods before they return their campers People in non-self-contained vehicles parking in a designated freedom camping carpark but then tenting on adjacent reserve land 	<ul style="list-style-type: none"> A bylaw under the FCA A bylaw under the LGA 2002 	<ul style="list-style-type: none"> Under the LGA bylaw freedom campers are permitted to camp anywhere in the District for one overnight stay (excluding reserves and sites prohibited or restricted under the FCA bylaw) Under the FCA Bylaw some sites are prohibited while others are restricted. At the restricted sites campers might be able to camp in self-contained vehicles only for two nights in any one calendar month. At other restricted sites campers may only be permitted to camp in designated parking places (effectively restricting the number and location of freedom camping at the site) 	<ul style="list-style-type: none"> Has had its initial five year review to amend an inconsistency between the Reserve Management Plan and FCA Bylaw. 	<ul style="list-style-type: none"> An education officer to move people along if they are camping in unsuitable areas Appropriate signage in place Brochures at Council offices and hand-outs to campers
Hurunui District		<ul style="list-style-type: none"> Bylaw under the LGA2002 Freedom Camping Bylaw 2011 	<ul style="list-style-type: none"> self-contained vehicles only no longer than two nights in any calendar month at any single location 		

Local Authority	Issues	Regulatory approach	Management approach	Reviews and challenges	Non-regulatory approaches
Mackenzie District	<ul style="list-style-type: none"> Having a small ratepayer base but high visitor numbers that puts pressure on infrastructure 	<ul style="list-style-type: none"> Bylaw under the FCA2011 Freedom Camping Bylaw 2014 	<ul style="list-style-type: none"> restricted areas for certified self-contained vehicles only 		<ul style="list-style-type: none"> Council considering managing camping sites on council land for a small charge Actively promoting a remit for improved local powers Working with other local authorities in the Canterbury region for greater cohesion and economic opportunities working with industry
Marlborough District	<ul style="list-style-type: none"> Major issue is volume particularly with ferry Traffic. Currently no provision in Picton therefore non-compliance with the bylaw and overcrowding at the nearest site to Picton (Koromiko) two others which allow for non-self-contained suffer from over-crowding. Policing of numbers is not effective Season holiday workers (vineyard) using vehicles for accommodation. Not in designated sites 	<ul style="list-style-type: none"> Bylaw under the FCA2011 Marlborough District Council Freedom Camping Bylaw 2012 	<ul style="list-style-type: none"> No more than two consecutive nights at the same site Discretion to grant consent outside of Bylaw regulations 	<ul style="list-style-type: none"> The freedom camping bylaw is currently being reviewed 	<ul style="list-style-type: none"> Work closely with RTO on the promotional message of “where to camp”

Local Authority	Issues	Regulatory approach	Management approach	Reviews and challenges	Non-regulatory approaches
Queenstown Lakes District	<ul style="list-style-type: none"> • Congestion issues in the CBD and overcrowding throughout the region • Estimated 150,000 annual bed-nights • 50 recorded hotspots 	<ul style="list-style-type: none"> • Bylaw under FCA2011 • Camping Control Bylaw 2012 	<ul style="list-style-type: none"> • certified self-contained freedom camping only • no more than two consecutive nights at one site or in the same area • Bylaw contains non-regulatory principles around responsible camping 	<ul style="list-style-type: none"> • Bylaw contains a clause that allows amendment of Schedule A by resolution, publically notified at least 14 days before it takes effect 	<ul style="list-style-type: none"> • Post-implementation strategy • The council has provided 33 dedicated parking spaces for larger camper vans (not for camping) and better signage aimed to reduce campervans in the CBD • Promotion of Freedom Camping Forum Camping Code and encourage camping in camping grounds for non-certified self-contained vehicles.
Ruapehu District		<ul style="list-style-type: none"> • Policy 	<ul style="list-style-type: none"> • Certified self-contained only • One night per location • Vehicle must be mobile 		

Local Authority	Issues	Regulatory approach	Management approach	Reviews and challenges	Non-regulatory approaches
Southland District	<ul style="list-style-type: none"> Environmental stress, constant use of public toilets and water running out in camping area 	<ul style="list-style-type: none"> Bylaw under FCA2011 Camping Control Bylaw 2012 	<ul style="list-style-type: none"> majority of locations are for self-contained only seven nights in any 30 day period, or as specified no more than one month in any three months most towns have designated sites for self-contained camping. Some towns have sites that permit all types of camping camping is generally not allowed in: urban areas, car parks, boating areas (including wharves, jetties & boat ramps), playgrounds, sports grounds, cemeteries, walking tracks, signposted lookouts 	<ul style="list-style-type: none"> Reviewed in December 2015 	<ul style="list-style-type: none"> encouraging travellers and campers to use camping grounds and other accommodation facilities as much as possible Patrol service established with \$15,000 per year co-funded by Department of Conservations and Te Anau Community Board
Tasman District	<ul style="list-style-type: none"> Protect from nuisance, maintain health and safety, minimising potential offensive behaviour in public places. Recognise economic and social benefits 	<ul style="list-style-type: none"> Two bylaws, a general one under the LGA2002 and a specific one for Motueka Beach Reserve under the FCA2011 	<ul style="list-style-type: none"> Self-contained vehicles only Must meet needs of occupants for a minimum three days Maximum two nights in any calendar week or consecutive 4 week period Cannot camp within 1km of any previous location within the last month or four week period 		

Local Authority	Issues	Regulatory approach	Management approach	Reviews and challenges	Non-regulatory approaches
Taupō District	<ul style="list-style-type: none"> 	<ul style="list-style-type: none"> Working group being established and staff being directed to investigate the potential for a FCB 	<ul style="list-style-type: none"> Five sites in district identified 	<ul style="list-style-type: none"> All five sites are large reserves that seem suitable for camping activities Significant issues experienced at 'main' NSC site 	<ul style="list-style-type: none"> Five sites in district advertised on website
Tauranga District		<ul style="list-style-type: none"> Bylaw under the FCA2011 and camping allowed under s44 of Reserves Act Freedom Camping Bylaw 2013 	<ul style="list-style-type: none"> Roads with speed limits 50kms or less Less than 3.5 tonnes Legally parked Parked on grass berm in certain areas Not outside commercial premises Limit of five vehicles per night in car parks 	<ul style="list-style-type: none"> No amendments 	
Thames-Coromandel District	<ul style="list-style-type: none"> Over-crowding (considered to be one of the top three destinations in the North Island for freedom campers) 	<ul style="list-style-type: none"> Bylaw under the FCA2011 Freedom Camping Bylaw 2014 		<ul style="list-style-type: none"> History: Reviewed twice in four years 2016 judgement: bylaw ultra vires due to effective blanket ban 	<ul style="list-style-type: none"> Production of brochures
Waikato District		<ul style="list-style-type: none"> Bylaw under the FCA2011 proposed (existing bylaw under LGA2002) 	<ul style="list-style-type: none"> Certified self-contained vehicles only Maximum three night stay 		

Local Authority	Issues	Regulatory approach	Management approach	Reviews and challenges	Non-regulatory approaches
Waitaki District	<ul style="list-style-type: none"> • Issues of overcrowding, mess left behind, use (or lack thereof) of public toilet • Issues have gotten worse and rate payers complain about costs to manage 	<ul style="list-style-type: none"> • A bylaw under the FCA is currently proposed 	<ul style="list-style-type: none"> • The proposed bylaw • Self-contained vehicles only • not more than three nights in any four weeks in any one area. • vehicles must be legally parked. • no washing of dishes or washing and drying of clothes in public facilities • discretionary consent 		<ul style="list-style-type: none"> • On-going liaison with adjoining councils, other central government land management agencies to aim for consistent messaging, enforcement and management approaches • encouraging self-monitoring • on-going monitoring of freedom camping hot spot locations, • issues and identification of new locations

Local Authority	Issues	Regulatory approach	Management approach	Reviews and challenges	Non-regulatory approaches
Wellington City	<ul style="list-style-type: none"> Pressure from campers parking overnight at the ferry terminal and issues with homelessness 	<ul style="list-style-type: none"> Bylaw under the FCA2011 Consolidated Bylaw 2008 – Part 5: Public Places, adopted October 2014 	<ul style="list-style-type: none"> Permits camping within the inner city area, but not in the town belt area and along the coast A maximum of four nights in a single calendar month allowed at two sites Current policy is not to issue infringements 		<ul style="list-style-type: none"> Currently piloting parking sensor technology at sought after coastal destinations. The sensors are linked into social media apps to notify potential campers in the vicinity if the site has no capacity Working with social services on homelessness Promote recommended sites and dump stations Partner arrangement with largest social media app provider Camping options and exemptions to camping ground regulations
Westland District	<ul style="list-style-type: none"> Litter Human waste 	<ul style="list-style-type: none"> Non-regulatory policy Responsible Camping Policy 2013 	<ul style="list-style-type: none"> Encourage travellers and campers to use camping grounds and other accommodation facilities as much as possible 	<ul style="list-style-type: none"> Freedom Camping Bylaw was revoked in 2013 	

Local Authority	Issues	Regulatory approach	Management approach	Reviews and challenges	Non-regulatory approaches
Whakatāne District	<ul style="list-style-type: none"> Compatibility issues with other users Loss of visual amenity Non-compliance with regulations 	<ul style="list-style-type: none"> Bylaw under LGA 2015 	<ul style="list-style-type: none"> Self-contained vehicles only in restricted areas Maximum of two consecutive nights in restricted areas Maximum of seven night stay in any four week period in one permitted area (self- contained and non-self-contained) 		<ul style="list-style-type: none"> An education /monitoring officer to move people along in the summer months Promotion of responsible camping Promotion of both non-paid and paid camping options in the District
Whangarei District	<ul style="list-style-type: none"> multiple complaints focused on one particular beach location 	<ul style="list-style-type: none"> Bylaw under FCA2011 proposed 	<ul style="list-style-type: none"> Bylaw process now stopped. Staff to undertake further research and monitoring activities over summer and to report back to the council by May 2017 		

Appendix B: Relevant work underway

Regional Mid-sized Tourism Facilities Grant Fund

The cost of providing infrastructure and facilities used by visitors (including people freedom camping) is largely borne by local authorities. To assist local authorities with smaller ratepayer bases that are experiencing strong visitor growth, in Budget 2016 the Government established the Regional Mid-sized Tourism Facilities Grant Fund (MFF) of \$3 million a year over the next four years.

Responsible Camping Forum

The Responsible Camping Forum is made up of industry members, local government and central government. The forum meets six-monthly to discuss issues relating to freedom camping. The forum met in April 2016, and identified three key areas for further work – information, infrastructure, insights and infringements.

Review of the standard for self-contained vehicles

A potential loophole in the standard for *Self containment of motor caravans and caravans* (NZS 5465:2001) has been identified. The standard currently allows vehicles with toilets that cannot be used within the vehicle, or used while the bed is in use to be certified as self-contained. A review of the standard to address this issue began in August 2016. Standards New Zealand is managing the review, and expect it will be completed in June 2017. Reason for the review is due to the belief that vehicles that could not be classified as self-contained e.g. toilet not able to be used inside the vehicle are meeting the criteria of the current standard.

The self-containment standard

The freedom camping regime includes a New Zealand Standard for self-containment of motor caravans and caravans: NZS 5465:2001. This Standard sets out the basics for containment of waste water and solid waste to help provide a solution to the problems associated with the use of motor caravans and caravans in areas where there are no sewage or waste disposal facilities.

Other areas for improvement

The following issues have been identified for improvement by stakeholders engaged in the development of this document:

- **Information about the rules for camping in an area is clear and easy to find, and communication is consistent nationally.** It is clear to both international and domestic visitors where they can and cannot camp, and the behaviour expected of them when they do so. This could include information such as: where camping is restricted and prohibited; areas that have been identified as preferred locations for camping; the expectations of behaviour of people while camping (i.e. responsible camping); and alternatives to staying in free locations (including the cost of staying in a paid campsite).
- **Enough viable camping spaces to cater for demand.** Viable camping spaces will vary by area, but there are some common features:
 - Enough space for people to camp in places with the features that match where people want to camp. Desirable features could include areas with access to amenities (e.g. toilets and waste disposal, and potentially easy access to food and information), and places that are safe. Some visitors may want to be in a town close to amenities, while some may prefer scenic areas outside of a town.
 - Local communities are able to access and enjoy areas in their community (e.g. the volume of people freedom camping does not prevent access to an area/public space). Local authorities are likely to be best placed to judge this and manage it for their area.
- **Impacts on the environment are minimised and managed appropriately.** There are facilities (including toilets and rubbish bins) for campers to dispose of waste. People who are freedom camping appropriately dispose of waste, including where facilities are not available.
- **Practical improvements to infringement data availability.** Providing up to date data to hire companies and local authorities will enable better matching of infringements to vehicles returned and recidivist offenders.

Appendix C: Identified problem areas in the infringement process

