



COVERSHEET

Minister	Hon Stuart Nash	Portfolio	Tourism
Title of Cabinet paper	Supporting Sustainable Freedom Camping in Aotearoa New Zealand Proposals for Regulatory Change	Date to be published	3 December 2021

List of documents that have been proactively released

Date	Title	Author
October 2021	Supporting Sustainable Freedom Camping in Aotearoa New Zealand Proposals for Regulatory Change	Office of the Minister of Tourism
27 October 2021	Cabinet Economic Development Committee Minute of Decision: Supporting Sustainable Freedom Camping in Aotearoa New Zealand Proposals for Regulatory Change DEV-21-MIN-0219	Cabinet Office
14 October 2021	Impact Statement: Reducing negative impacts of freedom campers	MBIE

Information redacted

YES

Any information redacted in this document is redacted in accordance with MBIE's policy on Proactive Release and is labelled with the reason for redaction. This may include information that would be redacted if this information was requested under Official Information Act 1982. Where this is the case, the reasons for withholding information are listed below. Where information has been withheld, no public interest has been identified that would outweigh the reasons for withholding it.

Some information has been withheld for the reasons of Confidential advice to Government.

Coversheet: Reducing negative impacts of freedom campers

Advising agency	<i>Ministry of Business, Innovation and Employment</i>
Decision sought	<i>Regulatory changes to support effective management of responsible camping in New Zealand</i>
Proposing Minister	<i>Minister of Tourism</i>

Section A: Summary: Problem and Proposed Approach

Problem Definition

What problem or opportunity does this proposal seek to address? Why is Government intervention required?

The main problem is that some freedom campers use vehicles¹ that are not self-contained to stay in places where there are no facilities to support them, or where freedom camping bylaws or notices require the vehicle to be self-contained. This problem is exacerbated by the lack of regulatory oversight of the standard for self-contained vehicles, which leads to unreliable implementation. A further problem is that some freedom campers breach freedom camping bylaws and notices in other ways, for example by staying at prohibited sites, or staying longer than is permitted.

The resulting waste, litter, nuisance, or harm to sensitive flora and fauna causes losses to communities through increased management costs for local authorities and the Department of Conservation, and reduced enjoyment of public places shared with freedom campers. This in turn reduces the social licence for freedom camping in New Zealand which may in turn discourage freedom campers from visiting, as social licence is an important factor for visitors to be welcomed by the community and have a positive tourism experience. If fewer freedom campers visit, this would result in a decrease in their contribution to communities through purchasing local goods and services, participating in the workforce or volunteer activities. It may also indirectly impact on the broader visitor perception of New Zealand.

Summary of Preferred Option

How will the agency's preferred approach work to bring about the desired change? Why is this the preferred option? Why is it feasible? Is the preferred approach likely to be reflected in the Cabinet paper?

The preferred option is that set out in the Cabinet paper. The preferred option contains a number of different components:

- A. Introduce a new rule to require all vehicle-based freedom camping on local authority land to be done in a certified self-contained vehicle, except at sites designated by local authorities. This new rule would not apply to public conservation land managed by the Department of Conservation (DOC) or tent-based freedom camping.
- B. Establish a regulatory system for self-contained vehicles. This includes designating the Plumbers, Gasfitters and Drainlayers Board (PGDB) as the regulator for self-contained vehicles, set in legislation the minimum requirements for a vehicle to be certified as

¹ Note: for the avoidance of doubt, vehicle-based freedom camping refers to freedom camping in motor vehicles, motor caravans and caravans. It does not include vehicles such as bikes.

self-contained, give a regulatory authority the function of promoting and enforcing adherence to the requirements, and implement a penalty scheme for offences against the new requirements.

- C. Require all certified self-contained vehicles to have fixed toilets.
- D. Put in place a stronger infringement scheme for offences under the Freedom Camping Act 2011. This includes introducing a tiered approach to freedom camping infringements, reducing the 28-day infringement notice and reminder period to 14 days, allowing for infringement notices to be emailed and making vehicle owners (including rental vehicle companies) liable for any infringements that are incurred.
- E. Provide mechanisms for the freedom camping rules to apply to land managed by Waka Kotahi New Zealand Transport Agency (Waka Kotahi) and Toitū Te Whenua LINZ (LINZ).

Introducing a new rule for freedom camping on land managed by local authorities will provide a clear expectation to all freedom campers that they must camp appropriately in a vehicle that is certified self-contained. Such a rule complements existing (or new) bylaws and notices that specify local requirements for freedom camping. This option is made feasible by improving the regulatory system for freedom camping through:

- Setting out the minimum requirements for self-contained vehicles in Regulations, including requiring all vehicles to have a fixed toilet. This will support the use of on-board facilities, as fixed toilets require a dedicated space within a vehicle. Portable toilets, which have lower usage-rates by campers, will no longer meet the minimum requirements of self-containment.
- Establishing a national register for self-contained vehicles. This will allow enforcement officers and the public to check whether a vehicle is certified or not. This will improve enforcement efforts, and improve public trust and confidence in the system for managing freedom camping.
- Introducing higher fines. This will incentivise compliance with the rules, as well as help to recoup enforcement costs.
- Making vehicle owners responsible for any infringements that are incurred. This will ensure any rule-breakers are held accountable.

Tents and public conservation land are exempt from the new requirements, as these forms of freedom camping are not considered an issue and there are existing controls in place to manage this if it was to become a problem. There may also be equity and access issues if these types of freedom camping were to be subject to the new rule.

This package will not seek to address some of the other issues that reduce the social licence for tourism to operate, and which place additional costs on the community and environment. These include overcrowding, infrastructure and loss of visual amenity. These issues are best addressed through existing levers and are primarily the responsibility of local authorities.

This package is feasible and a low to moderate cost to implement. Enforcement officers of local authorities and the Department of Conservation would have the ability to issue higher fines for infringements they are already detecting, will achieve higher collection rates, and have greater certainty about whether a vehicle is self-contained or not. Local authorities and enforcement officers would continue to have discretion around the approach they take to achieve compliance (for example, in choosing to exercise discretion around whether to enforce, educate or take no action).

The impact of this package is expected to be fewer instances of inappropriate disposal of waste and litter, and breaches of bylaws and notices, by freedom campers. We consider

there will likely be a resultant economic benefit from reduced losses from clean-up costs. We expect that these positive impacts will result in a corresponding increase in the social licence for freedom camping. However, as we cannot quantify the level of harm, we are not able to accurately quantify the level of benefit that will be achieved.

To reduce the impact of the proposed changes on local authorities, the Government will establish a transitional fund of \$10m over 2 years. The transitional fund will be contestable and may require local authorities to co-fund any activity they are seeking funding for. The fund will primarily support local authorities' education and enforcement activities, as well as the development of a new bylaw for those councils that do not currently have one and decide they need one.

Section B: Summary Impacts: Benefits and costs

Who are the main expected beneficiaries and what is the nature of the expected benefit?

The main expected beneficiaries are host communities. All vehicle-based freedom campers will be required to be self-contained and have access to suitable toilet facilities. As such, the nature of the expected benefit is reduced loss to communities from freedom camping management costs, reduced negative impact on the environment, and improved enjoyment of public places shared with freedom campers. However, while a reduction in harm at freedom camping sites is expected – we cannot accurately state the degree to which it will reduce. This is because we cannot quantify the level of harm that is caused by freedom campers and the level of harm that is caused by others (such as day trippers).

Local authorities and the Department of Conservation will benefit from the improved regulatory system for freedom camping. This includes improvements to the infringement system (to better recover costs, improve collection rates and incentivise responsible camping) and the introduction of a national register for self-contained vehicles.

We also expect there to be greater trust and confidence in the system used to manage freedom camping, across all stakeholders. As well as the contributing factors highlighted above, having regulatory oversight of the system will support people's confidence in knowing that a vehicle that is certified self-contained legitimately meets the requirements of self-containment.

Where do the costs fall?

The costs will fall primarily to regulated parties – the owners of self-contained vehicles and certification authorities.

Vehicle owners will continue to pay certification authorities the direct costs of certification as they do now. They will also pay a monitoring levy to fund the ongoing costs of the PGDB as the regulator. Preliminary estimates put the total for annual cost recovery at about \$0.86m. Based on the available information, our estimate is that approximately 10,000 to 20,000 vehicles will require certification each year. This equates to around \$40 to \$80 per vehicle once every four years. It does not account for new vehicles coming into the market for certification and so the cost to be recovered per vehicle may therefore be lower. The cost per vehicle will be higher if fewer vehicle owners choose to certify their vehicle to the new requirements.

Certification authorities will face costs associated with meeting tighter criteria and becoming approved by the PGDB. The application costs will be received by the PGDB via a prescribed fee.

There are also one-off set up costs for the regime in the order of \$1m in capital for the establishment of the self-contained vehicle register by the PGDB. This will be Crown-funded, but any ongoing operational costs will be cost-recovered through the proposed monitoring levy.

Freedom campers will be responsible for the cost of converting their vehicle to be self-contained, where required, in order to have certainty about being able to freedom camp in their vehicle. The cost of a basic conversion to meet the requirement to have a fixed toilet is estimated to be \$1600. Some vehicles, however, will not be able to be upgraded to meet the new requirements.

There will be a low-cost impact on local authorities. While stronger minimum vehicle requirements and a new rule are expected to be neutral (or possibly positive) because of higher revenue from fines, less clean-up costs, and improved monitoring activity, those 34 local authorities that do not have a freedom camping bylaw may face additional costs to introduce a bylaw or a freedom camping enforcement function. However, it will be up to each local authority to determine what approach, and level of resources, they apply to achieving compliance with the new rules, if introduced. It is possible that some local authorities may choose to take no action (e.g., enforcement) if they do not consider freedom camping to be a problem in their area or a priority for their deployment of resources. There may also be additional costs for local authorities (and the Department of Conservation) to introduce updated signage at freedom camping sites.

The Crown and rental companies (who will also be regulated parties as vehicle owners) may bear additional costs to inform visitors about the new freedom camping requirements.

What are the likely risks and unintended impacts? How significant are they and how will they be minimised or mitigated?

A moderate risk is that freedom campers are not aware of, or do not understand, the new rules once they are enacted. The Ministry of Business, Innovation and Employment (MBIE) will work with local authorities, the Department of Conservation, rental companies and recreational groups to develop an information programme and to ensure there is local education and signage about the rules. Allowing for a suitable transition period of two to three years will also enable orderly transition from the currently voluntary regime to a regulated regime with a stronger minimum sanitary standard.

A moderate risk is that some councils may choose to not enforce the new rule and/or put in place a bylaw that allows freedom camping in vehicles that are not certified self-contained. This is because some regions that currently do not manage freedom camping through a bylaw may not welcome the new rule. This could reduce the incentive on people to follow the rules, encourage rule-breakers to freedom camp in those areas where enforcement is limited, and in the long-term, decrease trust in the system used to manage freedom camping. As the compliance approach and level of resources invested in achieving compliance is up each local authority, if this risk does come to pass, the policy will not achieve its objectives and the status quo will continue. This is because local authorities currently take different approaches to achieving compliance, and many local authorities currently have no freedom camping bylaw in place (that commonly place restrictions on freedom camping to require it be undertaken in self-contained vehicles in specific locations).

A similar but related risk is that some councils may not have the resources available to enforce the new rule and/or put in place a bylaw that permits freedom camping in vehicles that are not certified self-contained. This risk can be mitigated through the provision of transitional funding – which will support local authorities to introduce a bylaw and/or Camping Ambassadors who will both educate the public on the new requirements, provide site monitoring and enforce compliance with the rules. As the compliance approach and level of resources invested in achieving compliance is up each local authority, if this risk does come to pass, the policy will not achieve its objectives and the status quo will continue (as discussed in the paragraph above). This risk may be further mitigated by improvements to the infringement regime that enable greater cost recovery of enforcement when it occurs, for example through higher infringements and increasing the speed at which infringement notices and reminders are issued.

A low to moderate risk is that unmanaged messaging about the new requirements is poorly received by prospective international visitors to New Zealand. This can be mitigated by working with Tourism New Zealand to communicate the proposals and final decisions, and by developing easy to understand information about the new requirements. The Government can also work with the rental vehicle industry to ensure that visitors are provided with clear and consistent messaging about where they can and cannot freedom camp.

A moderate to high risk is that vehicle owners, and certification authorities, may not have resources to ensure the non-self-contained vehicles used for freedom camping are upgraded and certified by the time new regulations come into effect. Even with a transition period, it is possible that some people will not upgrade their vehicles and be in breach of the new requirements.

A moderate risk is that some people who would have ordinarily freedom camped in a non-self-contained vehicle may now choose to camp in a tent. The impact of this risk is low – as many local authority-managed places where you can freedom camp in a vehicle you cannot pitch a tent (for example, a car park). Local authorities and the Department of Conservation can establish a bylaw or issue a notice restricting the use of tents.

There may be unintended consequences from implementation for those experiencing homelessness. Enforcement authorities may continue to find it difficult to know whether a camper is experiencing homelessness or a visitor. While the risk of this occurring is very low (based on the available evidence from central and local government), the impact is high. This risk will be actively mitigated by including specific commentary in the Amendment Bill's General Policy Statement, having local referral pathways for people who may want support, and training for enforcement officers including information and approaches for engaging with people who may be experiencing homelessness to assist them to get appropriate support.

Section C: Evidence certainty and quality assurance

Agency rating of evidence certainty?

We have low to moderate confidence of the evidence base. Public consultation through the discussion document allowed us to obtain greater certainty around people's perceptions of freedom camping and the cost of change. This provided us with some certainty around the issues with the current status quo. However, some uncertainty remains around the severity of negative impacts caused by vehicle-based freedom camping.

To be completed by quality assurers:

Quality Assurance Reviewing Agency:

MBIE regulatory impact analysis review panel.

Quality Assurance Assessment:

MBIE's Regulatory Impact Analysis Review Panel has reviewed the attached Impact Statement prepared by MBIE. The Panel considers that the Impact Statement partially meets the criteria necessary for Ministers to make informed decisions on the proposals in this paper.

Reviewer Comments and Recommendations:

The 'partially meets' rating is due to limited evidence of the degree of harm from vehicle-based freedom-camping compared to other possible causes. The Impact Statement notes that some issues which might also be contributing to perceptions of the problem (overcrowding, infrastructure, loss of visual amenity) are out of scope of the analysis. This limits certainty that the recommended policy option will achieve the expected benefits. The consultation was expected to address the gaps in evidence, but it has not been able to do so.

Impact Statement: Reducing negative impacts of freedom campers

Section 1: General information

1.1 Purpose

The Ministry of Business, Innovation and Employment (MBIE) is solely responsible for the analysis and advice set out in this Regulatory Impact Statement, except as otherwise explicitly indicated.

This analysis and advice has been produced for the purpose of informing the Government on the final policy decisions it should take with regards to reducing the negative impacts of vehicle-based freedom campers which have an impact on communities, the local environment and the social licence to operate.

1.2 Key Limitations or Constraints on Analysis

Out of scope

A range of issues contribute to the degradation of social licence for freedom camping, and negatively impact on the local environment. However, not all are within scope of this work. Key issues out of scope of this analysis include:

- Congestion. This is an issue which is best managed by local authorities and the Department of Conservation with regards to the number of sites and places available for freedom camping and how sites are allocated and policed.
- Infrastructure. The Crown already funds mixed-use infrastructure programmes to support local authorities to build public infrastructure and to manage high volumes of freedom campers.
- Funding local authority management of freedom camping. As it is a free activity with a low barrier of entry, some councils currently find it difficult to recover the costs of managing freedom camping in their regions. The Government, has in the past provided operational funding for camping ambassadors, enforcement activities, temporary infrastructure and additional clean-up costs. This is out of scope as this funding was intended to be time-limited while local authorities explored avenues for more sustainable funding avenues.
- Those issues which relate to the visibility of freedom camping. This includes, for example, the presence of freedom camping in the community as being the issue, or “not in my backyard” (also known as NIMBY-ism), as being the issue as opposed to any management costs or environmental costs. While having an impact on social licence, this is out of scope as other tools exist to manage this harm.
- The minimum vehicle requirements (outside of minimum sanitary requirements). This is because the detailed vehicle requirements are going to be developed in consultation with industry, and will be included in Regulations that are yet to be developed. However, the minimum sanitary requirements have been included in this policy work and impact statement as they will be included in the transition arrangements – and are likely to be the main change to the current self-containment requirements for vehicles.

- The process for certifying a vehicle and for approving a certification authority. This is because this work is going to be developed in consultation with industry, and will be included in Regulations that are yet to be developed.
- Tent-based freedom camping. This is because:
 - Most freedom camping is done in a vehicle.
 - Many places used for vehicle-based freedom camping (such as a carpark) are not suitable for tents.
 - It may risk further disadvantaging those who are experiencing homelessness. For example, it can be harder to assess homelessness in a tent than a vehicle.
 - It may raise access and equity issues for those who cannot afford to freedom camp in a certified self-contained vehicle, or stay in alternative accommodation (like a commercial camping ground).

A broader review of the principles of the Freedom Camping Act 2011, specifically reviewing freedom camping bylaw-making criteria or flipping the presumption of the Act to be a restrictive rather than permissive Act, is also out of scope. This is because Cabinet agreed that the focus of the freedom camping work be specifically on self-contained vehicles. In addition, 'flipping the Act' would have significant and far reaching implications that need more analysis and consultation.

Evidence of the problem

Evidence of the problem is set out in the 5,136 submissions received through public consultation on a discussion document between 9 April and 16 May 2021.

It is supported by rapid, targeted research in January 2021 to inform policy development, as well as research commissioned into the 2019/2020 summer camping season.

Criteria to assess options

1. Greater likelihood of vehicle-based freedom campers having access to appropriate toilet and waste facilities.
2. Increased public confidence in the system to manage freedom camping.
3. Reduced compliance and administration costs to manage freedom camping for regulated parties and enforcement authorities.
4. New Zealanders' accessibility is maintained for recreation or tourism at natural or historic places through freedom camping.

Cost-effectiveness is not included as its own criterion. However cost is reflected in criterion 3 with regards to local authorities, and as a part of criterion 4 as if cost of freedom camping is increased as a result of the change, this will present a barrier to access. Criteria 1, 2 and 4 each address effectiveness.

In the interim Impact Statement on this topic to release the public discussion document, Criterion 1 was *Decreased instances of freedom campers inappropriately disposing of waste and litter and breaching freedom camping bylaws and notices*. Due to data limitations on the level of harm caused by freedom campers, it is not viable to assess against this option. However, it is more likely than not that access to appropriate toilet and waste facilities will reduce the likelihood of vehicle-based freedom campers inappropriately disposing of waste.

Quality of data used for analysis

The quantitative and qualitative data used for the impact analysis has been collated from the following sources:

- Summary of Submissions: Supporting Sustainable Freedom Camping in Aotearoa New Zealand. This includes all feedback provided to us on the Government's four proposals to improve the sustainability of freedom camping, which form the basis of the packages included in this impact analysis.
- Responsible Camping Research 2019/20 – commissioned by MBIE. Only 505 of the 7,328 survey respondents are international visitors. This means we cannot draw confident conclusions about international visitors' behaviour from this research. However, the information provided is the best currently available on how people freedom camp in New Zealand.
- Research to inform the responsible camping discussion document and regulatory impact analysis, 5 February 2021 – commissioned by MBIE. This was rapid, targeted research undertaken over two weeks in January 2021 with a limited set of key informants. It does not provide a complete picture, but it provides useful numbers on local authority bylaws, vehicle estimates, and local authorities' perspectives on the status quo.

There are gaps in the data currently available. These are:

- While we are satisfied there are issues presented by vehicle-based freedom camping; we cannot estimate the level of economic or environmental loss currently being experienced. In part, this is due to the design of the current approach of the system – for example, there is no requirement for local authorities to report on the number of freedom camping infringements that are issued, and the evidential threshold for prosecution is so high that to date, no one has been prosecuted for an offence under the Freedom Camping Act 2011. As such, some of the benefits of the proposed changes are difficult to quantify. The reason for our satisfaction on the level of evidence on the issues presented by the current freedom camping system is based on feedback received through public consultation. Just under 60 per cent of submissions we received agreed or strongly agreed that certain types of vehicle-based freedom camping is a problem. This also suggests that the issues are highly visible, and that people are acutely aware of when freedom camping is not undertaken in accordance with their expectations.
- We do not know how many infringements have been given to people as a result of breaching a bylaw, or under what grounds the bylaw has been breached.
- We do not know what proportion of problems at freedom camping sites are due to freedom campers, locals or day trippers.
- We do not accurately know the number of vehicles that are certified self-contained, or could be certified as self-contained. This is because
 - There is no central register of self-contained vehicles.
 - It is easy for an organisation or registered plumber to set themselves up as an issuing authority – and as such, we do not know how many issuing authorities there are.
 - There is no visibility of the number of vehicles that could be certified and/or upgraded to the new requirements – as there has been no requirement for this information to be collected.

Limitations on consultation and testing

Feedback from public consultation was self-selecting, and may not reflect people's true sentiment on the freedom camping proposals. For example, we are aware that 8,758

people signed a petition to stop the proposed changes to freedom camping (as set out in the discussion document) and to build more infrastructure, as at 10 September 2021.

Cost estimates rely on submissions from a small number of individuals and camping organisations.

1.3 Responsible Manager (signature and date):



Saskia Vervoorn

Tourism Policy team

Labour, Science and Enterprise group

Ministry of Business, Innovation and Employment

14 October 2021

Section 2: Problem definition and objectives

2.1 What is the current state within which action is proposed?

Tourism is most successful when there is the social licence to operate present in the communities that host visitors. Social licence to operate is built when there is the infrastructure available to host visitors, the costs and benefits are shared fairly between visitors and the host community, and there are the appropriate systems in place to ensure the rules are followed. Conversely, social licence is eroded when tourism is not well managed, and the negative impacts disproportionately fall on the environment and communities. Once lost, social licence can take time to be rebuilt. This then has an overall impact on the visitor experience and Brand New Zealand.

This principle for tourism also applies to freedom camping. Social licence for freedom camping exists when freedom camping is managed well, and where the costs do not disproportionately fall on the natural environment and local communities. Conversely, social licence disappears when local communities consider that freedom camping is not well managed, and the costs disproportionately fall on them and the local environment. In addition, a loss of social licence for freedom camping can conversely lead to a loss of social licence for tourism – in that some communities no longer want to host visitors, regardless of how they camp or where they come from.

Freedom camping means staying overnight in a tent, caravan, or motor vehicle, free of charge, on public land and within 200 metres of where you can drive, the coast, a harbour, or a Great Walks Track.

Anecdotally, the closure of the border has led to a decrease in freedom camping and a consequent reduction – but not elimination – in the incidence of related problems impacting on social licence. Feedback from public consultation indicates that the most common problems experienced by people in relation to vehicle-based freedom camping are:

- Staying in uncertified vehicles (just under half of all submissions)
- Litter (just over one-third of all submissions)
- Waste (around one-third of all submissions)
- Overcrowding (around one-quarter of all submissions)
- Staying too long (around one-fifth of all submissions).

In addition, through the January 2021 research, territorial authorities reported that the most common complaints in their communities about freedom camping include the large volume of campers, access to local sites being reduced or blocked, and concern about inappropriate disposal of human waste and litter. Problems associated with freedom camping therefore remain regardless of the level of international visitors.

What we know about freedom campers and their spending

In calendar year 2019, an estimated 245,000 people freedom camped in New Zealand (63% international visitors; 37% domestic visitors). Both the domestic and international camping markets' main motivations for camping during their New Zealand trips in 2019 were lower cost and better scenery, closely followed by proximity to natural attractions. These campers generated 2.67 million camping nights, at an average of 10.9 nights per person (average nights and average spend per trip for domestic and international visitors is shown in the table below).

Freedom camping is predominantly undertaken in vehicles – with the 2019/2020 summer research showing around 4% of respondents had used a tent. However, the actual number of those freedom camping in a tent is likely to be higher. This is because some people who freedom camp in a vehicle also supplement their accommodation with tents (for example, for a family holiday). Conversely, infrequent tent-based freedom campers are less likely to have participated in the 2019/2020 summer research, as this predominantly drew on those who used vehicle-camping applications.

Freedom camping is part of a bigger camping and, ultimately, visitor accommodation market. A large proportion of people who freedom camp also use other forms of accommodation during a trip (such as Department of Conservation huts, paid campgrounds, backpacker hostels, rented holiday homes, hotels/motels) – as shown in the table below. International campers who purchased their own vehicle spent the most (refer rows relating to spending on the trip per person). The spending figures include other accommodation, food and drink, attractions and activities, and retail shopping.

Summer 19/20 research data – proportion of time spent freedom camping		Domestic campers	International campers		
Vehicle type (owned or hired)		All types	Own vehicle	Budget hire	Premium hire
Average nights per trip		16.7	210.6	47.5	32.3
Percentage of nights spent freedom camping on the trip		41.3%	52.2%	43.0%	35.8%
Average spending on the trip (incl. vehicle, fuel and maintenance costs)	Total per person	\$552	\$7,912	\$5,864	\$4,890
	Per visitor night	\$43.50	\$37.60	\$123.50	\$151.30
Average spending on the trip (excl. vehicle hire, fuel and maintenance costs)	Total per person	\$384	\$5,607	\$3,107	\$2,278
	Per visitor night	\$30.40	\$26.70	\$59.90	\$70.50

As indicated in the table above, freedom campers use private and hired vehicles, and the vehicle rental market caters to a range of budgets. Premium vehicles have a range of on-board facilities, including fixed toilets ('self-contained'). Budget vehicles with beds typically have a portable toilet (also considered self-contained) or no toilet. These vehicles are smaller (vans) and cheaper to hire and run.

Domestic and international visitors tend to prefer different types of vehicles – international tourists are more likely to use or hire smaller vehicles (which may or may not be self-contained), while domestic visitors are more likely to use or hire motorhomes (self-contained).

We do not have accurate figures about how many self-contained vehicles there are in New Zealand. There are at least 63,500, but potentially up to 130,000 based on industry estimates.

There are numerous vehicle rental companies in New Zealand. The seven that participated in the January 2021 research reported fleet sizes ranging from 100 to more than 2,000 vehicles. The vehicles range from people movers (including Toyota Estima),

light vans (including Toyota Hiace) to motorhomes. We do not have accurate figures about the total vehicle rental fleet, but estimate there is between 3,600 and 5,600 vehicles in the fleet that could contain purpose-built sleeping facilities. We do not know how many of these are self-contained.

What we know about toilets in vehicles

The vehicle type used by respondents surveyed in the summer 19/20 research was as follows.

Summer 19/20 research data – vehicle type used for camping	Vehicle type		
	Own vehicle*	Budget hire	Premium hire
International campers	54%	28%	18%
Domestic campers	No breakdown given for domestic campers but see next table for facilities on-board vehicles		

* Own vehicle includes cars – 13% of total 'own vehicle' figure.

The table below shows on-board facilities and the proportion of travellers who stated that they used their on-board toilets. The summer 19/20 research estimated that about 95% of domestic freedom campers travelled in a vehicle with a toilet (of which 85% were fixed toilets), while about 79% (weighted average) of international campers travelled in a vehicle with a toilet (of which 16% were fixed toilets).

Summer 19/20 research data – features on-board vehicle	Domestic campers	International campers		
		Own vehicle	Budget hire	Premium hire
Vehicle type (owned or hired)	All types			
Beds	95.9%	94.5%	91.5%	100.0%
Toilet (any type)	95.3%	74.5%	73.8%	100.0%
Fixed toilet	84.7%	4.4%	2.8%	68.9%
Fixed toilet was used	96.3%	41.7%	50.0%	90.3%
Portable toilet	14.0%	70.8%	70.9%	34.4%
Portable toilet was used	63.9%	18.0%	27.0%	38.7%
Shower and/or tap	92.5%	44.8%	51.8%	85.6%
None of the above	3.5%	4.4%	7.8%	0.0%

The research suggests fixed on-board toilets were used by a significantly higher percentage of campers than portable on-board toilets across all segments. However, we do not have responses about why on-board toilets were not used. Potential reasons include:

- There may have been a proportion of on-board toilets that were not accessible for the campers when they were needed (for example when the bed was made up).
- Some campers may have opted to camp at sites with toilet facilities.
- Some people prefer not to use an on-board facility – because they dislike it or possibly due to a financial incentive (some rental arrangements apparently provide for return of a bond if the vehicle is returned the toilet is returned clean). This view was mentioned during some of the public meetings held by MBIE during the public

consultation period on the freedom camping proposals – but not corroborated through the submissions analysis process.

Presently, 33 of the 67 territorial authorities have in place a freedom camping bylaw. The Department of Conservation has issued 281 freedom camping notices under the Freedom Camping Act, and has indicated that it is likely that more will be issued within the next year. These bylaws and notices often entail requirements for freedom campers to stay at particular sites, sometimes for a limited number of nights, and/or to camp in vehicles that have been certified as self-contained.

Self-Contained Vehicle Standard

There is a voluntary New Zealand Standard for self-contained vehicles, NZS 5456:2001 *Self containment of motor caravans and caravans*, which is more commonly known as the Self-Contained Vehicle Standard (SCVS). It provides for testing officers and issuing authorities to issue certificates of self-containment if the vehicle meets certain minimum requirements. This includes the process and requirements for becoming an issuing authorities.

Territorial authorities and the general public are concerned about inconsistent interpretation of the standard and a lack of confidence in the SCVS – particularly in respect of smaller vehicles (stickers indicating a vehicle is self-contained are readily falsified). Based on feedback received through public submissions, we estimate that at least 20 per cent of the public is concerned about the current voluntary standard, based on the number of submissions that discussed the ‘blue sticker’.

This affects territorial authorities’ ability to achieve the intent of their bylaws, and a lack of community trust in the overall system for managing freedom camping.

Views from local authorities about freedom campers

Local authorities have mixed views about whether any particular segment of freedom campers had the most problematic behaviour. Half of the local authority submissions agreed or strongly agreed that there are issues from vehicle-based freedom camping, with around one quarter of submissions being neutral on the issue and ten per cent disagreeing that there are issues.

Some local authorities reported that issues were more likely to be with international visitors who bought or hired smaller vehicles (either self-contained or not self-contained), while others stated that they experienced challenging behaviour from a range of campers including those travelling in large self-contained vehicles. A few local authorities reported that they had more difficulty managing domestic freedom campers, who may be more inclined to ignore local signs and rules.

We estimate that, based on the submissions received through public consultation, around one-third of local authorities represent communities where the social licence for freedom camping could be improved.

People experiencing homelessness is becoming an emerging issue at freedom camping sites

Local authorities are also reporting that it has become increasingly challenging to distinguish between people who are freedom campers, and those who are temporarily experiencing homelessness. The 2018 Census found that 2,070 people were living in a mobile dwelling, and 1,347 people were living in an improvised dwelling (eg a tent), as they were without shelter. These figures represent 94 per cent of those found to be without shelter, and 3 per cent of the total number of people who were severely housing deprived. However, the census operational difficulties, and quality limitations inherent in

surveying people experiencing homelessness, mean that these are assumed to be undercounts. It is also believed that the number of people without shelter may have increased due to the social and economic impacts of COVID-19 and ongoing pressures in the housing market.

2.2 What regulatory system(s) are already in place?

The Freedom Camping Act 2011 (the Act) regulates freedom camping. Regulation of freedom camping is necessary to protect the environment, access to areas on public land, and to protect the health and safety of people who may visit those areas. Without regulation, potential negative impacts from campers staying on public land cannot be managed.

The Act strikes a careful balance between enabling freedom camping rules to be made in every city, district and conservation area in New Zealand and providing for people to camp for free on public land. The Act permits freedom camping except in areas where local authorities or the Department of Conservation have made bylaws or issued notices to restrict or prohibit it. Common restrictions placed on campers through bylaws or notices including requiring a person to stay in a vehicle certified to the SCVS, or limit the number of days a person can stay at a particular site.

The Act stipulates that freedom camping may not be prohibited on all land managed by a local authority or by the Department of Conservation. In this way, the Act gives communities the ability to make decisions about where people can and can't freedom camp in their district.

The Act establishes offences and penalties, and includes a regulation-making power to specify infringement fees (fines) higher than the default level of \$200 set out in the Act. No such regulations have been made. Some of the offences in the Act include inappropriately disposing of waste, damaging local flora and fauna, and antisocial behaviours towards enforcement officers (such as verbally abusive or threatening language). The Act includes provision for a person convicted of discharging a noxious substance that significantly affects the environment, or causes significant concern to the community, to be fined up to \$10,000.

The Act also allows rental companies the option of either recovering infringement fees from hirers, or transferring liability to hirers and having no further involvement. This can mean that infringement fees that are issued can go unpaid, particularly where the hirer can no longer be contacted.

The regulators currently established under the Act are local authorities (territorial authorities and regional councils) and the Department of Conservation. Other managers of Crown land – Waka Kotahi and LINZ – are not able to use powers under the Act.

The Government has in the past funded a number of complementary non-regulatory initiatives that support the regulatory system to achieve its objectives:

- infrastructure, including parking space, toilets, showers and ablution blocks
- monitoring and enforcement, through responsible camping ambassadors, compliance officers and rangers
- education, through signage, pamphlets and camping ambassadors
- waste and rubbish management
- technology trials, including smart cameras to prevent overcrowding of freedom camping sites, and an app to support the regulators to manage campers consistently as they travel through the country, and

- an information trial, in partnership with a territorial authority, to test a zone system as a way of improving campers' awareness of freedom camping rules.

Stakeholders, including members of the Responsible Camping Working Group, have highlighted this funding as being key to reducing the incidences of poor behaviour, in encouraging sustainable freedom camping, and in supporting the management of freedom camping in Aotearoa New Zealand.

2.3 What is the policy problem or opportunity?

If no further action is taken, we may expect that:

- There will continue to be some vehicles which do not have adequate on-board facilities for use. Just under half of the individual submissions noted that they had observed people sleeping in a non-self-contained vehicle.
- There will continue to be some vehicles that are inappropriately or illegitimately certified as self-contained. The likelihood of this occurring is moderate to high, with one-third of submitters and up to 55 per cent of local authorities indicating this as an issue.
- The incentives will remain weak for freedom campers to camp in accordance with freedom camping bylaws and notices, and to avoid inappropriately disposing of human waste and litter, as:
 - visitors prefer camping options that suit their budget, including – for price-sensitive visitors – relatively cheap vehicles without on-board toilets
 - some freedom campers prefer not to use a toilet on-board their vehicle, and
 - the \$200 fine may be an insufficient deterrent to committing offences.

In combination, these factors contribute to a situation where:

- Some freedom campers will inappropriately dispose of human waste and litter, causing localised human health risks, pollution and additional clean-up costs for managers of public land.
- Some freedom campers will breach freedom camping bylaws or notices, causing a nuisance to the local community or harm to sensitive flora and fauna.
- Communities will experience losses from increased freedom camping management costs, and from reduced enjoyment of public places shared with freedom campers.
- Social licence in New Zealand communities for freedom camping will continue to be challenged and, as a result, domestic and international visitors may have a poorer tourism experience and spend less time in some areas. This is likely to lead to a reduction in overall spending by freedom campers on local goods and services, and participation by freedom campers in the workforce and volunteer activities. Some travellers to New Zealand may also choose to travel elsewhere, if New Zealand gains a reputation for not welcoming visitors.

The current system objectives are to balance people's ability to camp for free on public land on the one hand, with managing the negative impacts of uncontrolled freedom camping and the right of communities to set rules for freedom camping in their city or district on the other. The freedom camping system also interfaces with the tourism and labour markets – as noted above, freedom campers purchase goods and services when travelling, and some freedom campers also participate in the local workforce and volunteer activities.

Monitoring of investment by central and local government over the past three years to address problems associated with freedom camping shows a drop in the level of harm.

However, whether it has dropped significantly is difficult to tell, and this is made more difficult as the closure of the border has led to significantly reduced numbers of freedom campers – we estimate a national reduction this summer of approximately 60 per cent (from summer 2019/20 levels). There is, however, a clear opportunity to further reduce the losses being experienced and the question of what action to take will depend on the cost-benefit analysis.

The underlying cause of the problem is that some freedom campers prefer to, or unknowingly, act in a way that does not meet the expectations of the communities they visit. This may be for financial, cultural or behavioural reasons, or due to a lack of information. Commentary from territorial authorities suggests this problem has been reduced over the past three years by investing in facilities and educational programmes, where freedom campers are advised of the rules and provided an opportunity to do the right thing, combined with use of existing enforcement mechanisms. However, there are no market incentives to bring about further behaviour change and government action is required to achieve this.

Parliamentary Commissioner for the Environment

In a February 2021 report: *Not 100% – but four steps closer to sustainable tourism*, the Parliamentary Commissioner for the Environment examines, among other things, freedom camping. The report notes that in recent years, government efforts to address freedom camping problems have focused heavily on the provision of freedom camping facilities and education campaigns. Those efforts have not resolved the issue. More attention needs to be given to the inadequate toilet facilities that are present in some vehicles certified as self-contained, and to ensuring that council officers can recover any penalties for non-compliance with local requirements.

As a result, the report recommends that:

- Standards New Zealand seek to strengthen NZS 5465:2001 to require vehicles to have a permanently plumbed toilet in order to be certified as self-contained. Ideally vehicles should also have separate holding tanks for grey and black water.
- The Government reintroduces national oversight of the self-containment certification process. The role should include the establishment and maintenance of a national register of self-contained vehicles, which would be accessible to council enforcement officers as well as prospective vehicle purchasers.
- The Government ensures freedom camping penalties represent a serious deterrent to undesirable camping behaviour by amending the Freedom Camping Act 2011 to require rental agencies to play an expanded role in the collection of fines.

2.4 What do stakeholders think about the problem?

Feedback from stakeholders on the problem is primarily reflected through the public consultation process from 9 April to 16 May 2021.

This can be summarised as:

- The general public considers that some types of vehicle-based freedom camping is a problem.
- Local authorities consider that there is a problem, but in some circumstances this problem is caused by locals and day trippers. This sometimes includes the issue being more about the visibility and presence of freedom campers rather than the behaviour and actions of freedom campers.
- Regular freedom campers do not consider there to be a problem.

- Camping organisations do not consider there to be a problem.
- Rental vehicle companies do not consider there to be widespread problems.
- Tourism and hospitality businesses consider there to be a problem, but that freedom campers also benefit local businesses and communities.

The general public

Just under 60 per cent of individual submitters agree or strongly agree that certain types of vehicle-based freedom camping is a problem. The main issues identified by submitters relate to the stated problems on the tools available to manage freedom camping:

- Just under half of all submitters noted that they had observed people staying in uncertified vehicles at freedom camping sites (those vehicles which are not certified to the SCVS and which are unlikely to have a toilet on board).
- Around one-third of submitters noted that there were litter issues at freedom camping sites.
- Around one-third of submitters noted there were human-waste issues at freedom camping sites.

While not in scope of this work, one quarter of individual submitters also noted that freedom camping sites were overcrowded, and one-fifth of submitters stated that freedom campers stayed too long.

Other issues stated in people's submissions included:

- The type of vehicle used by freedom campers. 52.4 per cent of submissions mentioned small cars (including station wagons), and 20.2 per cent of submissions mentioned slider vans or small vans.
- There are not enough facilities for freedom camping. This was mentioned in 26 per cent of submissions.
- Local residents may be causing the problem. This was mentioned in 16.5 per cent of submissions.
- There is a lack of trust in the system used to verify whether a vehicle is certified self-contained or not. This was mentioned in 21.4 per cent of submissions, often more than once.

Local authorities

Around half of local authority submissions agree or strongly agree that vehicle based-freedom camping is a problem. However, local authorities consider there to be a range of issues present at freedom camping sites which erode social licence and impact on the environment:

- 55 per cent of local authority submissions stated that there were instances of human waste and/or litter issues at freedom camping sites in their district. However, many of these submissions did not quantify the severity of cases.
- 35 per cent of local authority submitters consider overcrowding to be an issue.
- Around one-third of councils also reported that the issues were more about the visibility of freedom campers rather than freedom camping behaviour, including any impact that freedom campers had on the natural environment. This also includes those local authorities who noted that their community is in support of freedom camping – just not where they live.
- Often the problems are more than just about freedom campers. 18 per cent of local authority submissions highlighted that the issues present at freedom camping sites in their regions were caused by locals or day trippers.

- Just under 50 per cent of local authority submitters consider the issues to be driven by locals and not freedom campers, either through:
 - residents' loss of visual amenity,
 - submitters not wanting freedom camping in their own backyard, and/or
 - locals are the ones not being responsible at freedom camping sites.

The few community boards who submitted were from areas with high visitation from freedom campers (for example, Golden Bay). Community boards tend to agree that there are waste and litter problems with freedom camping, which can be exacerbated by overcrowding.

Camping organisations

Camping organisations (both vehicle and tent-based) do not consider there are problems caused by freedom campers or vehicle-based freedom campers. Camping organisations are concerned that freedom camping may be put out of reach for many people if additional regulatory requirements are introduced. In particular, there is concern about suggestions freedom campers may be required to use self-contained vehicles everywhere.

Camping organisations also consider that if there are any problems at freedom camping sites, these are typically caused by locals or day-trippers, and that the key issues are a lack of infrastructure and overcrowding.

Freedom campers – both domestic and international visitors

Analysis of the submissions received through the public consultation process shows that people who always freedom camped do not consider there to be many problems with the current regulatory regime. Conversely, those people who never or rarely freedom camp consider there are many problems and are most in favour of regulatory change.

Rental companies that lease vehicles used for freedom camping to visitors

None of the rental companies (or rental vehicle peak bodies) that submitted agreed or strongly agreed that certain types of vehicle-based freedom camping is a problem. While acknowledging there are problems at some freedom camping sites, rental companies noted that often problems are more perceived or caused by locals, than by freedom campers.

Tourism and hospitality businesses

Tourism and hospitality businesses generally consider that there are some issues caused by freedom campers. However, they also note that there are unquantified benefits from freedom campers, and that many international freedom campers are also temporary or short-term workers.

Views of the Responsible Camping Working Group

The Responsible Camping Working Group (the Working Group) – which comprises three mayors and one deputy mayor, Tourism Industry Aotearoa, Holiday Parks New Zealand, NZ Motor Caravan Association, Tourism Holdings Limited, MBIE, Department of Conservation (DOC) and Department of Internal Affairs (DIA) – was set up in 2018 by the then Minister of Tourism to give advice about how central government could support responsible camping.

In its 2018 report, and in regular meetings with the Working Group since then, the Working Group noted that:

- The system is fragmented, and campers are often unclear about where to camp and what is expected of them.
- The increasing number of people freedom camping has put pressure on some popular locations, including infrastructure.
- The current compliance regime is not an effective way of addressing and deterring unacceptable behaviour, nor does it cover the cost of the adverse impacts on the community and local environment; enforcement is inconsistent across councils; and the system lacks an effective collection mechanism.
- “Its number one remaining priority is ensuring people can trust the self-contained vehicle standard... based on our experience, we agree that there are some campers who stay in non-certified vehicles at sites that do not have the facilities to support them, and that this is undesirable.”
- Broader changes to the legislative framework for freedom camping should be considered over time.

2.5 What are the objectives sought in relation to the identified problem?

System objective

The system objectives remain unchanged: to maintain access to conservation land and balancing people’s ability to camp for no or low-cost, **while** supporting the social licence for tourism and freedom camping to operate by managing the negative impacts of uncontrolled freedom camping, and the right of communities to set rules for freedom camping in their city or district.

Targeted policy objective

The objectives in relation to the identified problem – some freedom campers use vehicles that are not self-contained to stay in places where there are no facilities to support them, and/or breach freedom camping bylaws and notices – are:

1. to reduce the losses communities experience from increased freedom camping management costs, and from reduced enjoyment of public places shared with freedom campers
2. to give the public confidence that freedom campers will have the necessary facilities to support their stay – in particular, access to a toilet
3. to minimise additional compliance and administration costs for regulated parties and enforcement authorities arising from changes.

Other issues to consider, but which are not in scope of this work

One complicating factor is that some of the issues that impact negatively on the local environment and communities (and which therefore impact social licence), and which are attributed to freedom campers, are multifaceted and linked. For example, if the view of a homeowner is blocked by a freedom camper, the homeowner is more likely to consider that the freedom camper is the one who is inappropriately disposing of waste and litter if it is present. This policy work does not seek to address some these linked problems, including:

- Congestion or overcrowding.
- Infrastructure.
- Loss of visual amenity.

Another complicating factor in addressing issues arising from freedom camping is that a proportion of those experiencing homelessness rely on staying in their vehicle, a tent or other temporary shelter on public land (which therefore falls within the regulatory definition of freedom camping) because of a lack of a suitable housing option. Supporting

those experiencing homelessness is being addressed through other policy initiatives, but it is important that the regulation of freedom camping activities does not further marginalise or penalise this population group. As such, the potential risks and mitigation strategy presented by the recommended option are explored in the implementation section of this impact statement.

Section 3: Option identification

3.1 What options are available to address the problem?

We have identified two feasible options to address the problem, and each has a number of components. The first is that proposed by the Government. The other is similar, but does not seek to introduce a new rule for freedom camping in a vehicle on land managed by local authorities.

These options and components are summarised in the table below, and described in detail in this section

Is the component in Option 1 or 2		Component	Expected outcome / benefit	Cost
1	2			
✓	X	New rule for freedom camping in a vehicle on land managed by local authorities	More vehicle-based freedom camping on land managed by local authorities is done in a vehicle with appropriate toilet facilities. Improved national consistency of freedom camping rules.	Crown - \$10m over two years for transitional fund Some local authorities may choose to introduce a new bylaw or education / enforcement function Increased congestion at some sites that allow for non-self-contained vehicles
✓	✓	Introduce a regulatory system for freedom camping	Consistent certification of vehicle standard. National register of self-contained vehicles provides certainty around self-containment status and supports enforcement action.	Crown – establishment costs of \$1m for national register Vehicle owners - \$40-80 every four years to cover the ongoing costs of the regulator
✓	✓	Introduce a stronger minimum standard for self-contained vehicle by requiring them to have a fixed toilet	Fixed toilets are associated with significantly higher usage rates. This may lead to reduced costs to the community and natural environment.	Vehicle owners that do not meet the new requirement - \$1600 to upgrade their vehicle. Some vehicles cannot be upgraded.
✓	✓	Strengthen the infringement regime	Incentivises compliance to the new regulatory regime. Supports cost-recovery of enforcement action	NA (except for those freedom campers who are non-compliant).
✓	✓	Extend the freedom camping regime to land managed by Waka Kotahi and LINZ	Applies the freedom camping regime to other government-managed land that is currently freedom camped on.	NA – though there may some minor administrative costs for Waka Kotahi and LINZ

Option One:

- **Introduce a new rule for freedom camping in a vehicle on land managed by local authorities**
- **Introduce a regulatory system for vehicle-based freedom camping**
- **Introduce a stronger minimum standard for certified self-contained vehicles by requiring them to have a fixed toilet**
- **Strengthen the infringement regime for freedom camping.**
- **Extend the Freedom Camping Act to land managed by Waka Kotahi and LINZ.**

Key features

- A new requirement would be established in legislation, to require vehicle-based freedom campers on local authority-managed land to stay in a certified self-contained vehicle, unless staying at a site designated by the local authority as suitable for freedom camping in non-self-contained vehicles.
 - Local authorities would designate these places through a bylaw.
 - This new rule will not apply to tents, or on public conservation land (PCL) managed by DOC. This is because:
 - It is normal in some types of PCL for people to camp near a vehicle-accessible area or the coast but not near a toilet, and it is expected that campers would dispose of waste appropriately.
 - DOC already has the power to issue notices or make bylaws to control freedom camping where necessary. DOC has advised that it can use the tools available to manage any potential increase in vehicle-based freedom camping on its land, should this occur.
 - A penalty will be established for an offence against this new requirement.
 - The new rule outlined above would continue to work with freedom camping bylaws and notices, which may have stricter requirements (for example, may only stay for one night, prohibitions from certain sites to protect sensitive flora and fauna).
 - As with current offences and infringement offences under the Freedom Camping Act 2011, local authorities will continue to have the choice as to the approach they take to achieve compliance.
- A regulatory regime for minimum self-containment standards for a vehicle would be established. This includes:
 - The establishment of a regulator for self-containment of vehicles. The Plumbers, Gasfitters and Drainlayers Board (PGDB) is the recommended regulator of self-contained vehicles, and given the function of promoting and enforcing adherence to the requirements.
 - The minimum vehicle requirements to be certified as self-contained would be set in Regulations.
 - The regulator being responsible for approving organisations and individuals as certification authorities, based on criteria to be set out in Regulations.
 - Certification authorities being responsible for appointing or recognising vehicle inspectors, which would also be set in Regulations.
 - The regulator would be responsible for establishing and maintaining a register of self-contained vehicles. Some parts of the register will be accessible by enforcement officers and the public.

- Certification authorities will issue four-year warrants of self-containment for vehicles that pass checks and ensure this information is recorded, including on the register of self-contained vehicles. These warrants will take a different form and colour to the current voluntary self-contained vehicle standard (blue sticker).
 - A penalty scheme for offences against the new requirements would be introduced.
 - Other aspects of the certification process, including criteria for being approved as a certification authority, will be developed in consultation with industry as a part of the development of Regulations.
- The minimum vehicle requirements under the new regulatory regime will require a toilet to be fixed to the vehicle. This includes many types of toilet currently allowed under the voluntary standard (for example, permanent toilet, marine toilet, cassette toilet), **but not** a portable toilet.
 - Other minimum requirements for self-contained vehicles will be developed in consultation with industry as a part of the development of Regulations.
- A stronger infringement scheme would be implemented for offences under the Freedom Camping Act 2011, including:
 - New Regulations would be made under the Freedom Camping Act 2011 to put in place a tiered infringement fee (fines) framework: offences which could result in greater harm will have higher fines (than the current default of \$200).
 - Make rental companies liable for fines received by them as the Registered Person of a vehicle (more commonly known as the owner of the vehicle) but continue to enable them to recover infringement fees from hirers. A hirer/customer would still have the ability to challenge an infringement that has been issued.
 - Supporting collection of infringements by:
 - Shortening the fine payment period and reminder notice period from 28 days to 14 days.
 - Allowing infringement notices and reminders to be emailed.
- The current and proposed requirements would be extended to enable regulation of freedom camping on land administered by Waka Kotahi and LINZ.
 - For Waka Kotahi land, local authorities would be able to define, through their bylaw, areas of land that are deemed to be 'local authority areas' for the purposes of managing freedom camping. This will be subject to the agreement of Waka Kotahi and provided it is not inconsistent with the use of the land.
 - For LINZ-managed land, freedom camping will be prohibited except where the relevant decision-maker has made a notice to define an area where freedom camping may occur. The notice may also prescribe restrictions that apply to freedom camping in the area.
 - Local authorities would then be able to enforce on Waka Kotahi-managed land, and LINZ would have the same powers as local authorities and DOC to appoint enforcement officers, including appointing a relevant local authority to be an enforcement officer.
 - Local authorities would be able to retain any infringements they collect on behalf of Waka Kotahi or LINZ. This would help recover any costs associated with enforcement.

How it addresses the problem and delivers the objectives

This option would improve the national consistency of freedom camping rules by requiring most vehicle-based freedom camping on local authority-managed lands to be done in a certified self-contained vehicle. This, coupled with the establishment of new vehicle standards for self-containment, a regulator, higher fines and a suitable penalty for not complying with the new requirement, is expected to drive behaviour change by freedom campers.

Impact of the new rule

This option would introduce a stronger incentive for freedom campers to travel in a self-contained vehicle, as there would be fewer places – particularly in urban or suburban areas – to freedom camp. It would also send a clear message to domestic and international visitors that they must ensure they have the appropriate facilities and vehicle in which to freedom camp in. It may, however, drive people to freedom camp on PCL (which are exempt from the requirement). It may also increase congestion at some designated freedom camping areas where it is acceptable to freedom camp in a non-certified self-contained vehicle. We do not expect tent usage to significantly increase as a result of this proposal, as most places where people currently freedom camp in a vehicle are not suitable for a tent (e.g. in a car parking lot). Local authorities can also make bylaws prohibiting the use of a tent where necessary.

There is some uncertainty around the number of people who will comply with this rule, in particular those locations which do not currently have a bylaw, and those local authorities with a large area to cover but small ratepayer base. This is because some councils and communities may consider the cost of enforcing the rules greater than the benefit to communities and the local environment of detecting non-compliance.

Impact of the regulatory regime

Establishing a regulatory regime for the self-containment for vehicles would ensure that it is interpreted consistently and certificates are issued appropriately. This would give confidence to enforcement officers and the public that freedom campers using these vehicles have the necessary facilities available to them. This will be of particular benefit to enforcement agencies where the relevant freedom camping bylaw or notice requires the use of self-contained vehicles in a defined area.

The PGDB is the most appropriate entity to be the regulator. This is because it is the regulator for plumbers (as well as gasfitters and drain layers), and has expertise in understanding what the right processes should be in place to monitor and enforce self-containment certification. The only identified alternative, Waka Kotahi, is not viable as its expertise is in vehicle and road safety – and the purpose of a vehicle inspection in this instance is primarily sanitary plumbing, so not its core business.

Impact of the stronger minimum vehicle standard

A stronger minimum standard for self-containment will ensure that the public trusts that a vehicle with a self-containment sticker has the facilities on board that are likely to be used by the occupants. While public feedback indicates mixed support for stronger self-containment requirements, some of this opposition could be due to the cost and feasibility of upgrading vehicles to have a permanent or plumbed black water tank – should that be the proposed minimum requirement. This, however, is not a proposed or recommended requirement.

The stronger infringement scheme, including higher fines, is expected to act as a disincentive to some freedom campers disposing of waste inappropriately, or buying or

hiring budget vehicles without the necessary facilities to meet the requirements of freedom camping bylaws and notices. The prospect of stiffer penalties would provide a strong deterrent to freedom campers who may otherwise be inclined to commit offences. The extent of this effect will rely on the education and information provided to freedom campers. A nationally coordinated information campaign would be most effective.

Similarly, making vehicle owners liable for infringements, coupled with electronic notices and a 14 day payment and reminder period, is likely to substantially increase the likelihood of a freedom camping infringement being paid by a freedom camper that hires a vehicle. This in turn will provide confidence in the compliance regime and enhance deterrence.

People who are experiencing homelessness may be negatively impacted by the higher fines proposed under this option (for example, breaches of local bylaws). This would be an exacerbation of an existing negative impact under the status quo, ie people facing severe housing deprivation are already unlikely to be in a position to pay the current level of \$200 for freedom camping fines.

Views of the Responsible Camping Working Group (Working Group) on Option 1

The Working Group was provided opportunity to engage with the draft proposals in September 2021. They consider that the proposed changes address its concerns around the administration of the voluntary standard for self-contained vehicles, and will provide the tools to councils to better manage vehicle-based freedom camping in the district.

The Working Group also considers that guaranteed funding is needed to support the sustainable management of freedom camping. This could take a similar form to the discontinued Responsible Camping Fund. Without this funding, it considers that some of the gains of the past few years will be lost – regardless of any new regulatory change. If this outcome was to occur, this would impact on social licence, local communities and the environment, and significantly impact the visitor experience for campers.

Costs

This package has a low to moderate cost to implement, and will impose a moderate cost on freedom campers that currently sleep in a non-self-contained vehicle or a self-contained vehicle with a portable toilet.

Cost to Government

Enforcement officers of local authorities and DOC would have the ability to issue higher fines for infringements they are already detecting. We expect there would also be reduced costs to local authorities for cleaning up waste and litter from freedom campers.

There will be some additional costs to local authorities and DOC to update their processes for managing freedom camping, putting in place material educating campers on the new requirements (such as signage, media campaigns), and introducing an active education and enforcement mechanism through camping ambassadors. The Government will provide transitional funding of \$10m over 2 years to local authorities to support the transition to the regulated regime. This funding will also be used to encourage those local authorities that do not have an active compliance approach to introduce one. This funding need was assessed at \$5m per year, based on prior applications to the Responsible Camping Fund. The Responsible Camping fund was approximately \$8m each year, and also included funding applications for infrastructure and waste management (which will be out of scope for the transitional fund). More sustainable funding mechanisms for freedom camping management activities will need to be explored in the future.

There would be some upfront and ongoing costs for the introduction of a regulator for SCVS. Preliminary estimates put the establishment costs of the register for self-contained vehicles at \$1m. PGDB has identified that the ongoing cost of the regulatory functions (including matters such as communications, auditing, and register depreciation costs), will be approximately \$858,000 per annum, and that this will be cost-recovered from freedom campers as a part of the certification process.

Cost to freedom campers

The ongoing regulatory costs will be cost-recovered from certifying authorities (as a part of the approval process) and owners of self-contained vehicles (though the proposed monitoring levy). Freedom campers will be required to pay the levy at the point of certification.

It is unclear how many organisations would apply to be a certifying authority. The PGDB estimates 70,000 vehicles are expected to be certified to the new requirements – but the actual number of vehicles could be as high as 130,000, or as low as 40,000 (depending on whether vehicle owners will choose to certify their vehicle to the new standard, the vehicle upgrade costs, and the ability of vehicle owners to freedom camp in non-self-contained vehicle on DOC land or at designated sites).

While the actual amount will be prescribed in Regulations; our initial estimate post-consultation is that the cost may be \$40 to \$80 (with 40,000 to 80,000 vehicles certified over a four year period). This is significantly less than what was publicly consulted on (\$125). The existing fee charged by issuing authorities for a certificate under the voluntary standard ranges from no cost to about \$100. It is unclear at this stage what fees the certification authorities would charge for their vehicle certification services under the new regime – but we do not see this changing significantly.

Some vehicle owners, including rental companies, will need to convert or upgrade their vehicle to meet the new minimum self-containment requirements if they wish to continue use of that vehicle for freedom camping at sites that require vehicles to be self-contained. The cost of a basic conversion to meet the new minimum requirement of a cassette toilet is estimated at \$1600, though this may be higher for some vehicles. A low to moderate number of private vehicle owners (particularly those who sleep in the car at a freedom camping site, or those whose vehicle cannot be upgraded to meet the new requirement) will no longer be able to do so and will need to choose to either hire or buy a self-contained vehicle, camp in a tent, or stay in alternate accommodation. This option is therefore likely to have greater impact on equity for New Zealand freedom campers who use cheaper camping vehicles and who may not be able to afford the cost of retrofitting their vehicle or hiring a vehicle that complies with the new requirements.

The table below provides an indicative potential quantum of costs to upgrade non-self-contained vehicles used for freedom camping to be self-contained.

Indicative costs	Individuals (regulated party)	Rental vehicle businesses (regulated/other party)
Estimates drawn from the public consultation process, 2021 targeted research, and 2019/20 summer research	Vehicles used by domestic freedom campers	Rental vehicles hired by international freedom campers
Estimated total number of vehicles without any toilet used to freedom camp in 2019	1,950	5,600
Estimated total number of vehicles used to freedom camp with a portable toilet	10,250 – 16,000	
Estimated number of cars (too small to convert to self-contained) used in 2019	300 to 1,000	900 – 1,500
Total cost to convert larger vehicles (\$1600 for basic conversion)	(11,200 – 17,960 x \$1600) \$17.92m – \$28.74 m	(4,100 – 4,700 x \$1600) \$6.56m – \$7.52 m
Total cost to hire a self-contained vehicle (use instead of car) for average length of trips (16.7 nights) @ \$100 per day	(300 – 1,000 x 16.7 x \$100) \$0.50 m – \$1.67m*	N/A
Total cost	\$19.59m – \$29.24m*	\$6.56m – \$7.52 m

*Note: the higher figure is applied to the lower band costs above – as that is the substitute effect.

The cost estimates above have a high degree of uncertainty as the total number of issuing authorities and vehicles that are certified to the self-contained vehicle standard is unknown. This includes rental vehicle numbers (as this is commercially sensitive, and not all rental companies engaged with the policy development process). The estimates also assume that the same number of people will freedom camp as in 2019 – it is possible that some freedom campers may choose to not upgrade their vehicle and stay at commercial camping grounds (which typically range from \$10 to \$50 per night for two people) or conservation camping grounds (which range from no charge to \$23 per night per person).

Option Two package: Option One minus the new rule for freedom camping in a vehicle on land managed by local authorities

Key features

This option is the same as Option One, but without the new rule for freedom camping in a vehicle on land managed by local authorities.

How it addresses the problem and delivers the objectives

This option would reproduce most of the benefits as set out in Option One. In particular, those that relate to:

- Introducing a regulatory system for vehicle-based freedom camping
- Introducing a stronger minimum standard for certified self-contained vehicles
- Strengthening the infringement regime for freedom camping
- Extending the Freedom Camping Act to land managed by Waka Kotahi and LINZ.

As such we would still expect to see positive behaviour change from freedom campers as a result of a strengthened infringement scheme. Many vehicle-based freedom campers, but not all, would also choose for their vehicle to be certified to the new regime (including upgrading their vehicle) in order to have certainty around where they can freedom camp across the country. This is because:

- 33 of 67 local authorities currently have in place a freedom camping bylaw that places conditions on freedom camping, including restricting it to self-contained vehicles only (such as Auckland City Council, Kaikōura District Council, Queenstown Lakes District Council and Thames Coromandel District Council)
- 68,000 vehicles are currently certified to the voluntary standard for self-containment, despite there being no national requirement for this.
- Research conducted by Tourism New Zealand for the 2018/19 summer season found that most visitors want to do the right thing, but require guidance and systems in place to know what this is.

This is likely to decrease the number of freedom campers inappropriately disposing of their waste.

This option would however have less impact than the Government's proposed package (Option One above) because it would not have the same effect on behaviour as a rule requiring all vehicle-based freedom camping on land managed by local authorities to be done in a certified self-contained vehicle, should local authorities choose to have an active compliance approach that enforces this rule. However, local authorities could continue to make certified self-containment a requirement in their area through bylaws. In addition, MBIE considers that most vehicle-based freedom campers choose to certify their vehicle as self-contained so they have the ability to freedom camper across New Zealand.

Costs

Fewer freedom campers would upgrade their vehicle to meet the new requirements than Option One. This is because a number of local authorities would likely not put in place a bylaw requiring them to stay in a self-contained vehicle. As such, the total cost to freedom campers is likely to be less than Option One. Conversely, the cost to those that do choose to certify their vehicle to the new requirements is likely to be marginally higher due to the cost-recovery design of the certification process (as fewer vehicles getting certified will result in an increased monitoring levy – as the PGDB's operating costs are fixed).

There would also be a reduced cost on the Crown as there would be no need to provide transitional funding to local authorities. This is because there would be no additional expectation from the community for local authorities to enforce the new rule – and the choice to put in place any restrictions or prohibitions on freedom camping would be the sole responsibility of the relevant local authority.

However, there may be higher costs on local authorities to manage the impact of freedom camping – particularly in those regions that do not currently have in place a bylaw. This is because we would expect more freedom campers that wish to camp in non-self-contained vehicle to seek out those places where it is permitted.

3.2 What criteria, in addition to monetary costs and benefits, have been used to assess the likely impacts of the options under consideration?

1. Greater likelihood of vehicle-based freedom campers having access to appropriate toilet and waste facilities.
2. Increase in public confidence in the system to manage freedom camping.
3. Compliance and administration costs are low for regulated parties and enforcement authorities.
4. New Zealanders' accessibility is maintained for recreation or tourism at natural or historic places through freedom camping.

At this stage, the criteria have not been weighted, but could be.

3.3 What other options have been ruled out of scope, or not considered, and why?

Those publicly consulted on between April 9 and May 16 2021

New rule for freedom camping (Proposal 1 and Proposal 2)

The Government initially consulted on two regulatory proposals to introduce a new rule with how freedom camping was to be undertaken:

- Proposal 1: Make it mandatory for freedom camping in a vehicle to be done in a certified self-contained vehicle.
- Proposal 2: Make it mandatory for freedom campers to stay in a vehicle that is certified self-contained, unless they are staying at a site with toilet facilities (excluding PCL and regional parks).

While both of these options received a high level of support (60 per cent for Proposal 1 and 55 per cent for Proposal 2), neither of these options have been progressed.

Proposal 1 is problematic because it applies to PCL; so applying this rule would significantly impact on New Zealanders' access to the natural environment. It also does not provide flexibility to those councils and communities which welcome (and have the means of) supporting vehicle-based freedom camping in non-self-contained vehicles.

In terms of whether there is an issue on public conservation land now, DOC has only issued 1 freedom camping infringement in the past year, compared with issuing 46 infringements under the Conservation Act 1987, 109 under the Marine Reserves Act 1971, and 41 under the Trade in Endangered Species Act 1989.

DOC has provided evidence that shows that it currently has the tools it needs to manage freedom camping, based on conversations with its frontline staff and operations staff responsible for drafting Freedom Camping Notices. If an issue was to arise at sites as a result of the recommended option in this impact statement, DOC has the necessary tools and processes in place to manage this. Proposal 2 is not suitable as:

- Self-containment facilities are more than just toilets (for example, a laundry, kitchen, sink).
- It could become administratively complex when determining minimum toilet requirements (for example, number of toilets per person, toilet opening hours, minimum distance from a toilet, what happens if a toilet stops working).

For the reasons listed above, another option would be to require all freedom camping, regardless of whether it is tent or vehicle-based, to be done in a certified self-contained

vehicle. This would raise more significant issues around access to conservation land than Proposal 1.

Require fixed toilets and permanent black water tanks (Proposal 4)

The Government asked for feedback on whether the minimum standard for self-containment could be set higher – for example to require self-contained vehicles to have permanently fixed toilets and black water tanks. Based on feedback received from industry peak bodies, camping organisations and the public this is not viable as it would substantially increase the barrier to entry for people to freedom camp. Many submissions also noted that some types of vehicles cannot be upgraded to have a permanent black water tanks, for example, by putting it over the maximum acceptable tonnage for the vehicle class.

Most vehicle-based freedom campers would be impacted by such a change – with at least 85 per cent of vehicles currently certified as self-contained having a vehicle with a removable black water tank. The average cost to vehicle owners of such a change (if they wished to freedom camp) would be at least \$6700 for existing vehicles, some of which would not be able to be upgraded, to have a permanent black water tank. Others may have to purchase an entirely new vehicle that would meet this requirement, potentially devaluing any existing vehicle which would no longer be suitable for freedom camping on land managed by local authorities.

Other parts of the minimum self-containment requirements are not explored in this impact statement as this is to be included in Regulations that are yet to be consulted on or developed.

Vehicle confiscation and clamping (part of Proposal 3)

The Government asked for feedback on whether the grounds for confiscating vehicles that are breaking the rules should be expanded. There is little support from local authorities, the public or the Department of Conservation in expanding the grounds for vehicle confiscation. This is because it is not considered proportionate to the offence, impounding vehicles is resource intensive and costly for councils, and it can disproportionately those experiencing homelessness. Local authorities also noted that there would be an expectation from some parts of the community that vehicles that broke the rules would be impounded by the council.

Based on feedback and submissions received from local authorities, the above rationale also applies to vehicle clamping.

Those not publicly consulted on

Just providing funding, but no regulatory change

The Government could look at introducing some form of guaranteed funding but without making regulatory change. While addressing some of the freedom camping pressures (in particular operating costs such as increased waste and Camping Ambassadors), this would not have the same impact as some of the proposed regulatory changes, including:

- Introducing regulatory oversight of self-contained vehicles. As mentioned in section 2.1, failure to introduce a regulator over the system will mean that anyone can continue to set themselves up as an issuing authority to the self-contained vehicle standard, and it will be difficult for enforcement officers to determine if a vehicle is legitimately certified or not.
- Equipping councils to have the tools they need to enforce freedom camping rules and bylaws. The current infringement level, and the mechanisms for collection, mean that it is expensive and difficult for councils to chase infringements that are issued.

- Ensuring all self-contained vehicles have an on-board toilet that is used.

In addition, funding alone has not managed to address peoples' perceptions about freedom camping as contributing to environmental and community issues – as evidenced previously in this impact statement.

Information campaigns to inform freedom campers on how to camp responsibly

The Government could also provide funding, and/or work with sector stakeholders, to better inform visitors on how to responsibly freedom camp. While this may result in some improved behaviour from visitors and should be considered part of implementation (such as updated information for visitors, news articles, social media), we do not consider this alternative option in isolation would achieve the same impact as the recommended option. Amongst other things, this is because:

- There are incentives on people to disregard the rules in place, if they consider the impact their action will have is low and they will not be held responsible.
- Over the 2020/21 summer season, local authorities reported that their primary freedom camping issue was New Zealanders disregarding the local rules in place, and who “considered it their right to freedom camp wherever and however they wanted to” despite there being signage in place advising campers on the local freedom camping requirements.

Section 4: Impact Analysis

Marginal impact: How does each of the options identified in section 3.1 compare with taking no action under each of the criteria set out in section 3.2?

Criteria	No action	Option One package (regulatory system, stronger standard and new rule)	Option Two package (regulatory system and stronger standard)
Greater likelihood of vehicle-based freedom campers having access to appropriate toilet and waste facilities.	0	<p>++</p> <p>Certified self-contained vehicles will have improved facilities associated with higher use by freedom campers.</p> <p>Higher fines and a register of self-contained vehicles will support enforcement and result in better behaviour (as it will be known if a vehicle is legitimately certified or not).</p> <p>Clear national expectation about vehicle-based freedom campers needing to be self-contained when camping on local authority land, except at designated sites.</p> <p>More self-contained vehicles will have adequate facilities, as most vehicle-based freedom camping will be required to be done in a certified self-contained vehicle.</p>	<p>+</p> <p>Certified self-contained vehicles will have improved facilities associated with higher use by freedom campers.</p> <p>Higher fines and a register of self-contained vehicles will support enforcement and result in better behaviour (as it will be known if a vehicle is legitimately certified or not).</p>
Increase in public confidence in system to manage freedom camping	0	<p>++</p> <p>Introducing a regulatory regime with national oversight and a public register will support public confidence in knowing whether a vehicle is certified or not.</p> <p>Stronger minimum sanitary requirements will support public confidence in whether a certified self-contained vehicle has adequate facilities.</p> <p>Making rental companies liable for fines will increase public confidence that freedom campers will face the consequences of non-compliance.</p> <p>A nationally consistent rule applied across the country may support public acceptance around the minimum expectations of freedom campers.</p> <p>Rental companies are more likely to ensure their vehicles meet the new self-containment requirements.</p>	<p>+</p> <p>Introducing a regulatory regime with national oversight and a public register will support public confidence in knowing whether a vehicle is certified or not.</p> <p>Stronger minimum sanitary requirements will support public confidence in whether a certified self-contained vehicle has adequate facilities.</p> <p>Making rental companies liable for fines will increase public confidence that freedom campers will face the consequences of non-compliance.</p>

Criteria	No action	Option One package (regulatory system, stronger standard and new rule)	Option Two package (regulatory system and stronger standard)
Compliance and administration costs are low	0	0 National register of self-contained vehicles reduces compliance costs for councils and the Department of Conservation. Making rental companies liable for fines (and providing them with the tools to recoup costs) will increase collection rates. Owners of self-contained vehicles face a relatively low certification fee. Most vehicle owners will have to upgrade or modify their vehicle (basic conversion costs \$1600), or stay in alternative accommodation. Owners of self-contained vehicles face a relatively low certification fee. The provision of transitional funding for councils will help reduce compliance costs for education/enforcement initiatives (e.g. camping ambassadors) and through the development of new bylaws.	+ National register of self-contained vehicles reduces compliance costs for councils and the Department of Conservation. Making rental companies liable for fines (and providing them with the tools to recoup costs) will increase collection rates. People can choose to camp in non-self-contained vehicle, provided they also abide by freedom camping bylaws and notices. Owners of self-contained vehicles face a relatively low certification fee. Some owners may opt to convert vehicles (basic conversion costs \$1600).
New Zealanders' accessibility maintained for recreation or tourism through freedom camping	0	-- Compliance and vehicle upgrade costs will have a moderate to large impact on low income New Zealanders.	- Compliance costs will have low impact on New Zealanders.
Overall assessment		+	+

Key:

- ++** much better than doing nothing/the status quo
- +** better than doing nothing/the status quo
- 0** about the same as doing nothing/the status quo
- worse than doing nothing/the status quo
- much worse than doing nothing/the status quo

Section 5: Conclusions

5.1 What option, or combination of options is likely to best address the problem, meet the policy objectives and deliver the highest net benefits?

Our view is that Option One best addresses the identified problem of some freedom campers using vehicles that are not self-contained to stay in places where there are no facilities to support them, and/or breach freedom camping bylaws and notices.

This is because it:

- Sets out a minimum expectation for all vehicle-based freedom camping in New Zealand, in that it must be done in a certified self-contained vehicle if staying on land managed by local authorities.
- Introduces regulatory oversight of self-contained vehicles.
- Sets higher requirements around self-containment.
- Still allows for local authorities and DOC to set rules around how freedom camping will operate in their district, including allowing for freedom camping in non-self-contained vehicles.
- Strengthens the infringement regime.

This will decrease instances of inappropriate disposal of waste by freedom campers in vehicles, reduce clean-up costs, increase the collection rate of infringements and help rebuild the social licence for freedom camping to operate.

5.2 Summary table of costs and benefits of the preferred approach

Additional costs of proposed approach compared to taking no action

Affected parties (identify)	Comment: nature of cost or benefit (eg, ongoing, one-off), evidence and assumption (eg, compliance rates), risks	Impact \$m present value where appropriate, for monetised impacts; high, medium or low for non-monetised impacts	Evidence certainty (High, medium or low)
PGDB (regulator and regulated party)	Crown capital and operational investment to establish the national register for self-contained vehicles. This is funded through the International Visitor (Conservation and Tourism) Levy.	\$1.00 m (capex)	Medium
Vehicle owners (regulated parties)	Vehicle upgrade costs	\$1600 per vehicle	Medium
	Total annual recovered cost for the self-containment regulatory regime (PGDB)	\$0.86m (opex) (\$40-80 to be cost recovered if 10,000-20,000 vehicles certified each year)	High Medium

Rental vehicle companies (other parties)	Rental vehicle companies are included as a regulated party above, but they will also have other costs, eg provision of updated information to their customers about new requirements.	Unknown – probably low	Low
Local authorities (Regulators)	More local authorities may need to implement or introduce a freedom camping bylaw. Funding is limited however to the transitional period only.	Unknown – possibly low	Medium
Wider government	Cost of transitional fund (that will support education and enforcement of new requirements) Cost to educate and inform the public about the new requirements.	\$10m Unknown – probably low	Medium Medium
Total Monetised Cost	If no vehicles are upgraded If 5000 vehicles are upgraded to meet new requirements If 10,000 vehicles are upgraded If 15,000 vehicles are upgraded If 20,000 vehicles are upgraded	\$11.86 m* \$19.86m \$27.86m \$35.86m \$43.86m	Low Low Medium Medium Low
Non-monetised costs		Possibly moderate	

*Note: Calculated figures only include one year of operating costs for the PGDB.

Expected benefits of proposed approach compared to taking no action

Affected parties (identify)	Comment: nature of cost or benefit (eg, ongoing, one-off), evidence and assumption (eg, compliance rates), risks	Impact \$m present value where appropriate, for monetised impacts; high, medium or low for non-monetised impacts	Evidence certainty (High, medium or low)
Vehicle owners (Regulated parties)	Increased public trust in the self-contained vehicles some use, and improved tourism experiences	Low	Medium
Rental vehicle companies	Businesses may experience higher demand for more premium, self-contained vehicles	Low	Low
The public (Other parties)	The public will have increased confidence in the management of freedom camping and will experience less loss from harms generated by freedom campers	Medium	Medium

Local authorities (Regulators)	Fewer offences to deal with and therefore lower management costs	Medium	Medium
	Improved collection of infringements	Low	High
Wider government	Improved awareness of the freedom camping requirements	Medium	Low
Total Monetised Benefit			
Non-monetised benefits			

5.3 What other impacts is this approach likely to have?

Increasing the requirements for self-containment may have some impacts on the vehicle market. There is a high level of uncertainty about the extent to which any of the options may lead to vehicle owners retiring vehicles from the fleet or converting them to other uses.

There will likely be localised environmental benefits from better management of sites (for example, less pollution). However the exact benefit is unable to be stated, as we are unable to quantify the current level of harm being caused by vehicle-based freedom camping.

The impacts on those experiencing homelessness should be minor if the approach set out in section 6.1 is introduced.

There may be increased numbers of people freedom camping in tents, or people choosing to stay at commercial/conservation camping grounds, where permitted. This may result in increased congestion at some sites.

The provision of transitional funding may provide increased awareness on the freedom camping requirements and how to be a responsible freedom camper – particularly in those areas or regions that have not received funding for education or enforcement in the past.

Section 6: Implementation and operation

6.1 How will the new arrangements work in practice?

Both options could be given effect by amending the Freedom Camping Act 2011 and making associated regulations under the Act. The Plumbers, Gasfitters and Drainlayers Act 2006 would also be amended to give the PGDB the appropriate powers it needs in order to act as the regulator for self-contained vehicles. This includes having the powers to establish and maintain a national register for self-contained vehicles.

Once implemented, the ongoing enforcement of the new arrangements for freedom campers will partly be the responsibility of local authorities and DOC and partly, in the case of operating the new regulatory regime for the self-containment standard, the responsibility of the PGDB.

Transition period

The Government has proposed a transition period of two years. There will also be enabling legislation to extend the transition period if necessary. This will ensure any risks to the establishment of a regulated regime are appropriately managed (for example, a bow wave in the number of people seeking to upgrade or certify their vehicle).

Officials consider that a three year transition period is preferable. This is because:

- The current voluntary standard has a 4-year warrant period.
- The current number of vehicles used to sleep in for freedom camping is unknown.
- The current number of organisations wishing to become a certifying authority is unknown. Additional time will mitigate the risk of slow uptake by agencies to apply to become a certifying authority.
- Previous comparable regulatory changes have used a two year transition period – and this has proven to be insufficient.

Providing transitional funding

The Government has also proposed transitional funding of \$10m over 2 years. This funding will be used to support local authorities to transition to the new regime, hire camping ambassadors (who hold an enforcement and education function) and develop bylaws.

Funding will be distributed through a contestable fund managed by MBIE. Funding rounds will be held in advance of the summer season – which is the busiest for freedom camping – and be prioritised towards those councils with a smaller ratepayer base and/or which are a freedom camping hotspot, and those councils that do not currently have a freedom camping bylaw.

Those experiencing homelessness

The recommended option may have an impact on those experiencing homelessness. We do not recommend making a specific exemption within the Act for those experiencing homelessness – Confidential advice to Government

[Redacted text block]

We recommend that guidance for local authorities and enforcement officers be developed to ensure enforcement officers avoid infringing those experiencing homelessness and can

provide information on available support services. This is to ensure those experiencing homelessness are not further marginalised through the freedom camping regulatory system. Including a clarification in the General Policy Statement of Bill would also help send a signal that the Freedom Camping Act 2011 should not be applied to those experiencing homelessness.

6.2 What are the implementation risks?

A moderate risk is that freedom campers are not aware of, or do not understand, the new rules once they are enacted. We will work with local authorities, DOC, rental companies and recreational groups to develop an information programme and to ensure there is local education and signage about the rules. Allowing for a suitable transition period of two to three years will also enable orderly transition from the currently voluntary regime to a regulated regime with a stronger minimum sanitary standard.

A moderate risk is that some councils may choose to not enforce the new rule and/or put in place a bylaw that allows freedom camping in vehicles that are not certified self-contained. This is because some regions that currently do not manage freedom camping through a bylaw may not welcome the new rule. This could reduce the incentive on people to follow the rules, encourage rule-breakers to freedom camp in those areas where enforcement is limited, and in the long-term, decrease trust in the system used to manage freedom camping. As the compliance approach and level of resources invested in achieving compliance is up each local authority, if this risk does come to pass, the policy will not achieve its objectives and the status quo will continue. This is because local authorities currently take different approaches to achieving compliance, and many local authorities currently have no freedom camping bylaw in place (that commonly place restrictions on freedom camping to require it be undertaken in self-contained vehicles in specific locations).

A similar but related risk is that some councils may not have the resources available to enforce the new rule and/or put in place a bylaw that permits freedom camping in vehicles that are not certified self-contained. This risk can be mitigated through the provision of transitional funding – which will support local authorities to introduce a bylaw and/or Camping Ambassadors who will both educate the public on the new requirements, provide site monitoring and enforce compliance with the rules. As the compliance approach and level of resources invested in achieving compliance is up each local authority, if this risk does come to pass, the policy will not achieve its objectives and the status quo will continue (as discussed in the paragraph above). This risk may be further mitigated by improvements to the infringement regime that enable greater cost recovery of enforcement when it occurs, for example through higher infringements and increasing the speed at which infringement notices and reminders are issued.

A low to moderate risk is that unmanaged messaging about the new requirements is poorly received by prospective international visitors to New Zealand. This can be mitigated by working with Tourism New Zealand to communicate the proposals and final decisions, and by developing easy to understand information about the new requirements. The Government can also work with the rental vehicle industry to ensure that visitors are provided with clear and consistent messaging about where they can and cannot camp.

Some vehicle owners, and authorised persons, may not have resources to ensure the non-self-contained vehicles used for freedom camping are upgraded and certified by the time new regulations come into effect. As such, even with a transition period, it is possible that some people will not upgrade their vehicles and be in breach of the new requirements.

As noted above, there may be unintended consequences from implementation for those experiencing homelessness. Enforcement authorities may continue to find it difficult to know whether a camper is experiencing homelessness or a visitor. While the risk of this occurring is very low (based on the available evidence from central and local government), the impact is high. The risks will be mitigated by having information on the available support and services for people experiencing homelessness, including commentary in the Amendment Bill's General Policy Statement, and ensuring there is adequate guidance and training for enforcement, officers including information and approaches for engaging with people who may be experiencing homelessness to assist them to get appropriate support.

Section 7: Monitoring, evaluation and review

7.1 How will the impact of the new arrangements be monitored?

The impacts will be monitored through regular contact with the regulators, stakeholder groups (including the Responsible Camping Working Group) and peak bodies involved with camping. We will also engage with industry-led groups such as Tourism Industry Aotearoa's Responsible Camping Forum.

We can collect information through any future funding rounds which support freedom camping, such as the Tourism Infrastructure Fund.

We can also engage with other Government departments to monitor any unintended impacts on population groups or areas – including Kāinga Ora, the Ministry of Housing and Urban Development, the Ministry of Social Development, DOC and DIA.

7.2 When and how will the new arrangements be reviewed?

There are no specific plans for review at this time.

Once the borders re-open it is expected that global tourism will take time to recover. We will need to wait until tourism numbers have recovered, and we have seen at least a few freedom camping seasons, before we are able to review the effectiveness of the new arrangements.

It would therefore be appropriate for the arrangements to be reviewed five years after a Bill has been enacted – which is also three years after the transition period. Subject to data restraints, such a review could include looking at:

- The number of vehicles certified as self-contained under the regulated regime, compared with the estimated number certified under the voluntary regime as at February 2021.
- The number and location of organisations which certify vehicle as meeting the new self-containment requirements.
- The number of local authorities with a freedom camping bylaw in place, including an estimate of the number of sites designated as appropriate for freedom camping in a non-self-contained vehicle.
- The estimated number of people freedom camping, including at sites designated as appropriate for camping in a non-self-contained vehicle.
- The number of freedom camping infringements issued by local authorities, including:
 - The number of people or organisations issued infringements for falsely declaring or certifying vehicles as self-contained to the new requirements.
 - The number of people experiencing homelessness and who are issued with a freedom camping infringement notice.
 - The number of local authorities that have not issued a freedom camping infringement notice.

In the interim, we will use regular stakeholder meetings and the monitoring associated with the provision of transitional funding to assess whether there is a need for review.