

# Good practice guide for freedom camping

A resource prepared for councils and tourism operators

April 2018



**We are.  
LGNZ.**

Te Kāhui Kaunihera o Aotearoa.

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# Foreword

## Foreword



The experience and challenges of freedom camping which have occurred since the passing of the Freedom Camping Act 2011 (FCA) into law has prompted the compilation of this, *The Good Practice Guide for Freedom Camping*, as a resource for both councils and tourism operators.

The experience of freedom camping since the passing of the Freedom Camping Act 2011 (FCA) into law has prompted the compilation of this, *The Good Practice Guide for Freedom Camping* (the Guide). The FCA brought new problems of its own, but for the first time councils had a clear blueprint from which to craft their own freedom camping approaches including bylaws. This Guide lays out the elements which define a successful council strategy in relation to freedom camping.

Freedom camping has become a more significant issue since 2011. For many ratepayers, especially those close to freedom camping sites, it has become a polarising issue with hygiene, environmental degradation and access concerns. As well as a large number of international tourists, many New Zealanders have also travelled as freedom campers, enjoying the sights and experiences of our country in a way that is affordable and flexible.

The FCA is permissive – Parliament ruled that freedom camping should continue to remain a generally permitted activity in New Zealand. However, the FCA also provides additional tools to councils which allow for the specific regulation of freedom camping, so that the opportunity of freedom camping is balanced by the need to manage community and environmental impacts.

There is a need to share good practice relating to freedom camping across practitioners in local government. The number of freedom campers is now on par with the numbers during the Rugby World Cup 2011. Councils are wrestling with what constitutes good practice, and some have been challenged on the approaches they take.

Councils have the power and ability to allow everyone - ratepayers and tourists alike - to enjoy the unique features which make their city or district special. At the same time, a poor application of these powers can cause ill-feeling between stakeholder groups and council, legal challenges, and potentially even alienation of communities.

This Guide aims to facilitate a common understanding of good practice in the many disciplines of freedom camping management and we hope will help councils navigate the regulation of freedom camping in a way which produces excellent outcomes for both tourists and communities.

Welcome to *The Good Practice Guide for Freedom Camping*.

A handwritten signature in black ink, which appears to read 'David Cull'. The signature is fluid and cursive, written over a light grey circular watermark that contains the text 'The Good Practice Guide for Freedom Camping'.

**David Cull**  
President  
Local Government New Zealand

# 1

# What is freedom camping?

## What is freedom camping?

This is the first freedom camping good practice guide to be written since the Freedom Camping Act (FCA) received royal assent on 29 August 2011. The FCA itself was first discussed by members of the Freedom Camping Forum in 2010 to help local authorities better manage the adverse effects of freedom camping. The FCA was subsequently formulated as a part of the bundle of legislation produced to regulate the large influx of international visitors expected to attend Rugby World Cup 2011. The government expected 85,000 additional visitors to visit New Zealand specifically to attend the Rugby World Cup<sup>1</sup>. In the event, this number was closer to 135,000, according to the arrival cards travellers fill out when arriving in New Zealand<sup>2</sup>. Many of these visitors were expected to freedom camp, in order to be able to afford their trip. The number was estimated at 60,000 vans. This gave additional impetus to create a Freedom Camping Act intended to give councils the tools to control the environmental and community impacts of freedom camping within their city or district.

The FCA defines freedom camping as:

to camp (other than at a camping ground) within 200 m of a motor vehicle accessible area or the mean low-water springs line of any sea or harbour, or on or within 200 m of a formed road or a Great Walks Track, using 1 or more of the following:

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

The FCA also makes it clear that short term parking, parking for day-trips and resting to avoid driver fatigue are not freedom camping. Further, if a person can prove they were not camping nor preparing to camp, they are not subject to the provisions of the FCA. 'Camp' is not defined by the FCA, but can reasonably be taken to mean lodging overnight at a particular location in a temporary structure such as a tent, a caravan, car, campervan, housetruck or other motor vehicle.

< It is important to note that the FCA is fundamentally permissive. It does not allow for a blanket ban (or substantive effect of a blanket ban) on freedom camping within the bounds of a district or city. It does, however, grant councils significant powers to regulate where freedom camping may occur, where it may not occur, and how long campers may stay for. >

It is important to note that the FCA is fundamentally permissive. It does not allow for a blanket ban (or substantive effect of a blanket



1 Department of Conservation. (2011). New freedom camping laws released [Press release]. Retrieved from <http://www.doc.govt.nz/news/media-releases/2011/new-freedom-camping-laws-announced/>

2 Stats NZ. (April 2012). Impact of the Rugby World Cup in New Zealand's macro-economic statistics. 5/12/17: [http://archive.stats.govt.nz/browse\\_for\\_stats/economic\\_indicators/NationalAccounts/impact-of-rugby-world-cup.aspx](http://archive.stats.govt.nz/browse_for_stats/economic_indicators/NationalAccounts/impact-of-rugby-world-cup.aspx?url=/browse_for_stats/economic_indicators/NationalAccounts/impact-of-rugby-world-cup.aspx)

**Table 1: Typical freedom camper profiles in the Auckland region.**

	Young International Travellers	Grey Nomads
Average age	20 – 29 years	50 – 60 years
Origin	Predominantly Germany, France, United Kingdom	Domestic. One third from Auckland, two-thirds from elsewhere in New Zealand
Travel groups	Generally pairs, some single or group travel	Pairs
Vehicles	Typically non self-contained	Self-contained
Occupation	Students visa or working holiday visa	Employed full-time or retired
Top site selection priorities	<ul style="list-style-type: none"> <li>Proximity to airport/next destination</li> <li>Only aware of one site</li> <li>Proximity to tourism attractions/entertainment/dining</li> <li>Proximity to facilities e.g. toilets, water</li> </ul>	<ul style="list-style-type: none"> <li>Top-notch physical environment</li> <li>Proximity to tourism attractions/entertainment/dining</li> <li>Proximity to airport/next destination</li> </ul>
Planning	Usually create detailed plans in advance	Often have no fixed plans

ban) on freedom camping within the bounds of a district or city. Each district or city can designate areas 'out-of-bounds' for freedom camping pertaining to council public land, but cannot make all areas off-limits. It does, however, grant councils significant powers to regulate where freedom camping may occur, where it may not occur, and how long campers may stay for. More specifically, the FCA allows councils to designate areas as prohibited or restricted only on council public land. In all other areas of council public land, freedom camping is permitted, by default unless otherwise restricted or prohibited under other enactments, e.g. the Reserves Act 1977 (RA).

Freedom camping may be prohibited in an area where good reasons exist to prohibit it; for example, damage to a local environment, or health and safety concerns. Restricted areas may prohibit freedom camping at certain times of the day/year and with certain conditions, but permit freedom camping if those conditions are properly followed. The FCA also grants councils the power to enforce their bylaws by punishing breaches with infringement notices and infringement fees given out by a properly trained and warranted enforcement officer. Preparing to freedom camp in a prohibited area, or preparing to camp inappropriately in a restricted area, is also an offence. Councils should also investigate other non-regulatory options to mitigate the effects of freedom camping – for example, providing toilets and refuse facilities – and to then craft a proportionate bylaw if one is required.

The FCA allows a freedom camping bylaw to declare an area prohibited or restricted to freedom camping in three situations:

when a bylaw is necessary to protect the area, to protect the health and safety of people who may visit the area, or to protect public access to the area. Bylaws must be proportionate and, like all other legislation, may not be inconsistent with the New Zealand Bill of Rights Act 1990 (NZBORA). Restricted and prohibited areas should be properly defined, by a map, by a good description, or by both. Whatever the preferred method, the outcome should be very clear to everyone where an area is restricted or prohibited by the bylaw. The description takes precedence over the map if there is any inconsistency. Good communication is vital, to ensure that campers are not unfairly caught out. Some ratepayers and elected members would like to differentiate between self-contained vehicles (those with a toilet on board, which have passed a certification standard) and non-self-contained vehicles such as cars and vans. The FCA does not differentiate between self-contained and non-self-contained vehicles, however to do so is not illegal.

The need for the FCA remains as strong as ever. Visitor numbers are now higher than in 2011 and freedom camping remains a popular choice with both international visitors and New Zealanders. In 2011, international visitors generated 2,302,959 visitor nights in rented campervans, while domestic visitors generated 194,453.<sup>3</sup> These campervan occupants, plus New Zealanders occupying their own campervan, spent a combined total of \$547.2 million on the New Zealand economy in 2011. Though we are not aware of any further studies, based on anecdotal reports these figures have only grown since 2011. A significant proportion of this spending occurs in rural and regional areas. Obviously, freedom camping is a significant

<sup>3</sup> Jenny Coker. (2012). Understanding the value created by campervan tourists in New Zealand. Auckland, New Zealand: Covec Ltd.

economic opportunity for cities and districts across the country although reports of the actual value are variable and debatable.

Auckland Council has commissioned detailed research which has shown that there tend to be two main freedom camper profiles in the Auckland region – young international travellers and ‘grey nomads’ – as shown in Table 1. Although the exact proportions of these profiles in each region of New Zealand is unknown, both of these profiles are found throughout New Zealand. Young international travellers prefer central city sites much more than older travellers, and are usually not prepared to camp in a location outside the city centre.

< There are significant issues associated with freedom camping. In many places, freedom campers have taken up enough public car parks to reduce the number available to other members of the public. Freedom camping in a given location can also block public access. Environmental damage can be the result of freedom campers’ motor vehicles parking in places where vehicles are not intended to park. >

There are significant issues associated with freedom camping. In many places, freedom campers have taken up enough public car parks to reduce the number available to other members of the public. This is of particular concern in busy holiday and central city parking, such as Montgomery Square in Nelson. Freedom camping in a given location can also block public access, whether physically, or due to safety concerns. Environmental damage can be the result of freedom campers’ motor vehicles parking in places where vehicles are not intended to park. This is of particular concern to communities looking after delicate local environments which take a lot of effort to maintain. Most notoriously, a small number of freedom campers without access to appropriate facilities are known to leave waste lying around when they vacate a site, rather than take it with them (although this issue is also prevalent in areas where day trippers

frequently visit). In many areas, to the dismay of ratepayers, this includes human waste. This particular issue is exacerbated by the use of non-self-contained vehicles. While freedom camping may have significant social and economic benefits, it also clearly has significant real and potential drawbacks which need to be mitigated or eliminated if freedom camping is to be tolerated or welcomed by a community.

The Guide does not recommend a form of freedom camping bylaw. LGNZ is currently commissioning Simpson Grierson to update the existing model bylaw and provide further guidance.

The degree of non-compliance with council freedom camping bylaws is difficult to measure. Thames-Coromandel District Council calculated non-compliance as 3% in 2015 from the total estimated number of freedom campers to the district compared to the number infringed. Estimates from other councils by more anecdotal evidence range from 5% non-compliance in Taupō to 20% non-compliance in Queenstown.

# 2

## Good practice guide

## Good practice guide

### Camping or freedom camping strategic plan

#### Good practice:

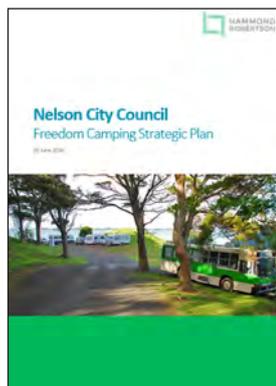
Across New Zealand, good practice is emerging in the development of Camping or Freedom Camping Strategic Plans before councils embark on a bylaw. The strategies differ in some content but are similar in intent.

The strategy approach aims to calculate the opportunity of freedom camping, scope the issues, assess the present approaches taken and the range of responses possible. It allows for a calm dialogue on the situation well before the community is confronted by a bylaw. The strategy is also a stronger demonstration under the Local Government Act (LGA) that any eventual position to develop a bylaw has been fully assessed alongside other methods of control.

A Camping or Freedom Camping Strategic Plan aims to:

1. Quantify the social and economic opportunity of freedom camping including numbers at peak
2. Assess demand and supply of space for camping and freedom camping including campgrounds
3. Assess the issues to manage
4. Review the approaches nationally and locally including the effectiveness of different regulatory approaches
5. Develop a range of non-regulatory and regulatory options to maximise the opportunity of camping and freedom camping whilst managing the community and environmental impacts

#### Example Strategic Plan:



Nelson City Council's Freedom Camping Strategic Plan is only one form of plan but has been endorsed by NZMCA and DIA.

#### Do:

- Develop a strategy before launching into a bylaw
- Research well – demand at peak, number of carparks and campground spaces
- Balance economic opportunity with managing community and environmental impacts
- A step-by-step approach of:
  - Freedom Camping Strategic Plan
  - Comprehensive Site Assessment
  - Bylaw drafting

#### Don't:

- Just develop a bylaw
- Knee-jerk to a quick regulatory solution reacting to community pressure
- Make your district or city unwelcome to visitors, or conversely, “party-central”
- Look at freedom camping in isolation – it is part of tourism destination management which also includes infrastructure gaps

## In practice:

- **Central Otago District Council** faced camping related issues on the area's reserves including Lake Dunstan from 2009. Much of this reserve area is under Land Information New Zealand (LINZ) control and the council's collaboration with LINZ is featured in another section of this Guide as is their three-yearly survey of freedom campers. The Council prepared a Camping Strategy after consulting with community, LINZ, DOC, New Zealand Police, camping grounds, NZMCA and other stakeholders. The Strategy confirmed that the public did not want freedom camping banned, but controlled or managed.  
The logo for Central Otago District Council features a stylized mountain range in shades of brown and red above a green and blue wave-like shape. Below the graphic, the text "CENTRAL OTAGO DISTRICT COUNCIL" is written in a bold, sans-serif font.
- **Queenstown Lakes District Council** facing perhaps the largest freedom camping issue in the country is currently in the process of developing a District Camping Strategy. This strategy will contain approaches to enforcement, education and infrastructure gaps. Queenstown Lakes believes that the gathering of baseline data on numbers, where visitors are from, why they visit and for how long is critical to underpinning the success of such a strategy.  
The logo for Queenstown Lakes District Council consists of a dark blue square containing a white stylized mountain peak. To the right of the square, the text "QUEENSTOWN LAKES DISTRICT COUNCIL" is written in a bold, sans-serif font.
- **Nelson City Council** completed a Freedom Camping Strategic Plan in 2016 to inform the future approach to managing issues and the right mix of regulatory and non-regulatory approaches. The Strategy assessed the capacity at campgrounds and carparks, demand at peak, and calculated the economic return from freedom camping. The Council adopted a "balanced welcoming" approach and moved toward the next stage of a bylaw as part of a wider approach to freedom camping.  
The logo for Nelson City Council features a stylized blue wave or 'N' shape to the left of the text "Nelson City Council" in a bold, sans-serif font. Below the main text, the Māori name "te kaunihera o whakatū" is written in a smaller, lighter blue font.

# 3

## **Destination management - the wider context**

## Destination management – the wider context

From a tourism perspective freedom camping is one of a number of visitor impacts and visitor preparations that come under the heading of 'destination management'. The local government sector to date has not developed many examples of destination management plans that deal practically with issues at the destinations where visitors frequent. Destination Management issues involve infrastructure gaps, freedom camping pressures, the place of campgrounds in tourism infrastructure, readiness of the tourism sector, local branding, and more. Selwyn District Council is featured later in this Guide for research, placed in the overall context of tourism destination management.

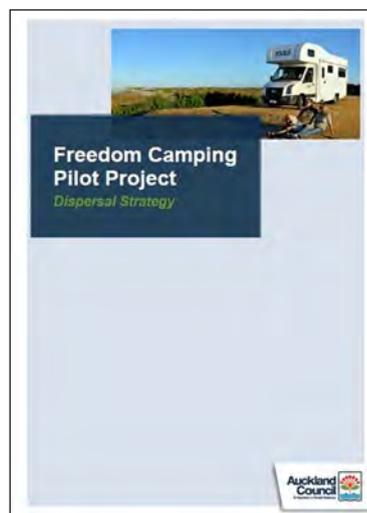
### In practice:

- **Central Otago District Council's** camping strategy was written solely from the destination management approach, according to Matthew Begg, Parks & Recreation Manager, Central Otago District Council. Matthew states, "This is about ensuring the community has the desire to want to allow freedom camping and then putting in place mechanisms to allow this activity to occur in a way that meets the expectations and demands of the local community. This may include areas available, infrastructure available, places communities don't want people to camp."
- **Auckland Council** has explored a pilot working with Local Boards and ATEED on a tourism dispersal strategy across the city which encourages freedom campers to explore a larger range of sites and take pressure off a small number. Under the legacy LGA bylaws Auckland Council inherited on 1 November 2010, freedom camping was only permitted at a reported 14 sites with a total capacity of 107 campers. All these sites were located either north of the Harbour Bridge or south of Auckland International Airport. These sites were becoming overcrowded. Moreover, many freedom campers were choosing to camp in urban areas prohibited under the legacy bylaws.

To test whether increasing the number of sites suitable for freedom camping would encourage freedom campers to disperse from the central city, Auckland Council ran a Freedom Camping Pilot in February to April 2017 which temporarily increased the number of available sites. Before the dispersal strategy was put into action,

council staff worked with Local Boards to determine which sites were suitable for freedom camping. 14 further sites in a range of suburban, urban, coastal and rural locations were made available for freedom campers to legally use. The capacity of the sites designated ranged from 3 to 20 vehicles. Some sites were made more suitable for freedom camping by the addition of temporary toilets, signage and vehicle park markings. All sites were patrolled by council enforcement officers. The new sites were advertised to freedom campers on social media.

Importantly, it was found that a combination of regulatory and non-regulatory actions were needed to effectively disperse freedom campers away from the city centre. On the regulatory side, the pilot found that increasing the supply of legal camping spaces was a cost-effective way to manage demand. Each of the pilot sites had high demand from freedom campers by the end of the three-month period, and anecdotal evidence suggested that the pressure on inner city carparks from freedom campers had reduced. On the non-regulatory side, the pilot found that councils should carefully craft their social media campaigns to market free spaces to the campers most unlikely to use a camp ground. It was also found that advertising campaigns, targeted at freedom campers, which highlighted certain attractions increased demand for nearby freedom camping sites.



Auckland Council tourism dispersal strategy.

## Stakeholder collaboration and non-council land

### Good practice:

Good practice in the development of bylaws and freedom camping strategic plans as a genuine consultative approach with stakeholders in the preparation of freedom camping strategies or bylaws.

A proactive stakeholder approach ensures that perspectives are known and understood, views can be designed into the eventual management approach, and that a coalition of willing parties may be found around the wider solutions. A stakeholder group could comprise:

- New Zealand Police
- Iwi
- New Zealand Motor Caravan Association
- Regional Tourism Organisation
- Residents Associations
- Campgrounds
- Department of Conservation
- Land Information New Zealand
- New Zealand Transport Agency

Councils are very aware that many sites that may be available to freedom camping are not on council land. Working with other agencies which have different approaches to freedom camping has proved challenging for many councils but good practice is emerging. The following examples demonstrate good practice in stakeholder approaches in collaboration and also the limitations. The key is to engage early and often and establish excellent relationships with the agencies.

### Do:

- Identify the stakeholders at the start and regularly talk to them
- Try for a joined-up approach to freedom camping that traverses council and government reserves
- Fully investigate who owns what land before the bylaw is released
- Combine with other councils

### Don't:

- Develop a strategy or bylaw without talking to affected stakeholders
- Stop talking to LINZ, DOC or NZTA if you get knock-backs about the way they manage freedom camping on their land

It is important to note that only council and DOC staff are warranted to infringe under the FCA. DOC's 2017 National Compliance Strategy placed renewed emphasis on compliance with allowed activities on public conservation land, and to take action where it is warranted including issuing freedom camping infringements. At time of writing there is also a Conservation (Infringements System) Bill that is before the House which would expand and improve the conservation infringement regime, leading to better processes and faster action on infringements in general.<sup>4</sup>

<sup>4</sup> Pers comms Henley McKegg, Senior Policy Advisor, DOC

## In practice:

- Central Otago District Council** has many popular sites for freedom camping located on land owned by LINZ (such as Lake Dunstan mentioned earlier). Council built in a strong stakeholder approach into the development of its Camping Strategy including LINZ, DoC, and the contractors for maintaining LINZ land – Fulton Hogan. LINZ and the council have worked together for some time around camping issues. After 12 months of discussions Council and LINZ published joint advertising material and had identified four areas for freedom camping of self-contained and non-self-contained on LINZ land. Lowburn had some 100-120 vehicles overnighing at peak, and Bendigo 120 vans overnighing – mostly fruit pickers. LINZ provided portable toilets at Bendigo to cater for this influx and is a willing partner. Lowburn proved too popular to freedom camping and LINZ and Council decided on limiting the site to self-contained only which has reduced numbers back to 80-90 per night at peak.



In the operations of the freedom camping management, complaints to Council are sent to LINZ. They activate their contractors Fulton Hogan to speak to the freedom campers. This arrangement is not an infringement regime as LINZ staff do not have powers to infringe under the FCA.

- Southland and Clutha District Councils** have a collaboration with DOC for the joint management of freedom camping in the Catlins area on both DOC and council land. Southland District Council also has this arrangement operating in the Lake Te Anau area. The arrangement has lasted for some 5-6 years and provides a solution to the councils regarding the management of remote areas. Southland District Council has warranted DOC Rangers. This is jointly funded between the parties. However Southland District may be moving toward a regime of evening education of freedom campers and morning infringement, which may challenge the local arrangement with DOC.



- Taupō District Council** established terms of reference for a freedom camping working group in 2016 to evaluate its draft bylaw's proposed permitted sites. The working group had not been devolved decision-making power and acted as a sounding board to test ideas and build understanding. The composition of the working group included NZ Police, NZMCA, Destination Great Lake Taupō, the Residents Associations, holiday camps, DOC and elected members. Iwi were invited to take part but declined. The value of the group was having diverse, potentially opposed groups discuss different viewpoints. The working group was identified by Taupō District Council staff as having a positive and productive role in the bylaw-drafting process.



## Site assessment

### Good practice:

Good practice has developed around the preparation of Site Assessments as part of the freedom camping bylaw making process to evaluate sites for tenting, certified-self-contained, and non-self-contained. Expectation is rising around the country for a comprehensive justification of council decisions to restrict or prohibit areas from freedom camping. The freedom camping bylaw is one of the most complex and potentially litigious of council bylaws and the weight of evidence to justify decisions is rising.

Site Assessments can cover every council reserve area where overnight parking could occur, or concentrate on 'hot spots'. However, the more robust and complete the Site Assessment, the more confidence the council can take in its recommendations. It is recommended that a council's Site Assessment cover as many sites as possible.

The Site Assessment considers each site against specific criteria, as provided for under s.11 of the FCA, to determine if that site is a 'significant site' by using a scoring system. If a site is classified as a 'significant site' the document provides an assessment on the type of restrictions which would apply to those particular sites, such as prohibited or restricted overnighting. It is a consistent, fair and more legally defensible approach to the classification of council land in relation to restrictions or prohibitions.

### Example Site Assessment:

South Taranaki District Council provided a step-change in the Site Assessment methodology used in New Zealand.



### Do:

- Assess sites for tenting, non-self-contained and self-contained
- Prepare assessments of every council reserve which are not under a Reserve Management Plan
- Visit sites for information not available on desk-top (such as length of painted carparks)
- Use local knowledge of residents around the reserve to improve accuracy
- Use actual information on complaints or public feedback

### Don't:

- Prepare a Site Assessment without justifiable evidence
- Minimise the need for a Site Assessment
- Alter assessment scoring due to public pressure
- Just do desk-top assessments
- Trust that council information on reserve history and ownership is 100% accurate
- Don't prepare a Site Assessment without all reserve land (including road reserve) included

## In practice:

- **South Taranaki District Council** took a step-change in the development of Site Assessments which was endorsed by NZMCA. All possible council land where a vehicle can overnight was evaluated in a scoring system according to the three criteria in the FCA. The Site Assessment included non-self-contained, certified-self-contained and tenting assessments. Nelson City in an almost identical Site Assessment advanced several other innovations in late 2017 including to the thresholds and evaluating inner-city environments.



The South Taranaki Site Assessment applies a scoring system where a maximum score of 5 for any one of the three criteria, or a cumulative score of 9/15 will trigger an assessment of restricted or prohibited. The documents provided South Taranaki and Nelson communities with an evidenced-based assessment to consider and debate in the course of their consultations. The Site Assessment is an excellent basis of information for an informed discussion.

## Non-self-contained vehicles

A non-self-contained vehicle is generally considered to be a vehicle that is not certified under the NZ Self-containment Standard NZS 5465:2001. Some local authorities, e.g. the Thames-Coromandel, Nelson City and Marlborough District Councils, prohibit non-self-contained vehicles from freedom camping in all local authority areas within their districts.

The widespread treatment of non-self-contained vehicles as different from certified-self-contained vehicles by councils has drawn the criticism of several individuals and groups who campaign on the inequality and purported illegality of this nationwide. Groups are forming around New Zealand of freedom campers with non-self-contained vehicles who maintain that their behaviour as New Zealanders (many of them older people) is exemplary and resent being clustered with international non-self-contained vehicle renters. They see the widespread prohibition of non-self-contained vehicles as an unfair erosion of their traditional rights. It is recognised that Kiwis want to go the beach to watch the sunset go down with a wine and stay overnight, and surfers want to sleep in a car overnight to catch the early morning waves.

A theme of complaint is that to differentiate non-self-contained vehicles is a breach of the NZBORA and that vehicle self-containment is not contemplated by the wording of the FCA. It is correct that the FCA does not specifically refer to self-contained or non-self-contained vehicles, however that does not prevent bylaws from referring to them. There is a wealth of legal advice and advice from central government confirming local authorities can, if necessary, restrict freedom camping in a local authority area(s) to self-contained vehicles only. DOC also restricts freedom camping on some conservation land to self-contained vehicles only.

Local authority legal advice has also suggested that district-wide restrictions are technically permissible and not necessarily in breach of section 12 of the FCA, provided this blanket restriction can be justified in accordance with the section 11(2) assessment criteria.

When reviewing the need for a freedom camping bylaw under the FCA, councils should avoid starting from the premise that non-self-contained vehicles must be prohibited in all local authority areas. It is important to adopt a principled approach towards the site assessments and only prohibit non-self-contained vehicles if necessary in accordance with section 11 of the FCA. Otherwise, the council leaves itself open to a potential judicial review by affected interest groups who are feeling unfairly treated by bylaws with blanket restrictions on non-self-contained vehicles.

The High Court has also considered the NZBORA issue<sup>5</sup> as argued by the above interest groups and dismissed claims that freedom camping bylaws, which also prohibit non-self-contained vehicles across the district, are in breach of NZBORA.

### Good practice:

Good practice is a balanced and proportionate response to freedom camping management. Councils are able to make decisions that are right for their district or city. They are also subject to restrictions on

#### Do:

- Research and identify the actual issues
- Develop robust Site Assessments including facilities planning
- Engage with stakeholders and freedom campers
- Develop a range of responses alongside a bylaw if one be deemed necessary
- Remember that there are more solutions than banning
- Remember that most non-self-contained do the right thing. Non-compliance on Coromandel was researched as 3%, Taupō estimates 5% and Queenstown as high as 20% non-compliance

#### Don't:

- Assume that you will ban non-self-contained before going through the research, evidence and options
- Flip-flop on decisions to close sites; this shows poor preparation and a rushed bylaw
- Close sites without consultation as required by law
- Establish pop-up sites for non-self-contained without adequate facilities and consideration of health and safety, including fire safety

<sup>5</sup> Refer NZMCA vs TCDC [2014]

the exercise of that power by the FCA and the LGA. Any restrictions need to be done based on evidence and in a measured way, according to the three reasons given in clause 11(2) of the FCA, and proportionate to the degree of issue evidenced.

The fact that more councils are moving toward a position of no non-self-contained vehicles on council public land is not a reason for any other council to do so without justification.

< Good practice in hot spots is to develop robust Site Assessments which recommend the number of vehicles (certified-self-contained and non-self-contained) and also the appropriateness of tents at the site, and the facilities required to service non-self-contained vehicles. A specific number of vehicles is not recommended in the Guide but a robust Site Assessment to determine numbers is. >

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When a Site Assessment confirms it is okay to allow for non-self-contained vehicles freedom camping on site, Council should consider the types of facilities campers will need access to in order to prevent environmental harm and health and safety issues. Councils may, for example, take guidance from the Camping-Ground Regulations 1985. These have been developed with thresholds of health and safety, including fire safety, in mind and are the most comprehensive guides for the servicing of areas for overnighting visitors. Examples of the facilities guides in the Regulations are:

- Potable water provided within 25m
- Toilets provided within 75m

The schedule attached to the regulations has a calculation for number of toilets, wash basins and showers provided as a guide. For example for 122 people the following facilities should be provided:

- four female toilets, plus three male toilets and a urinal
- three male and three female showers and washbasins

Councils need to be careful how much weight is given to these regulations when making decisions under the FCA. For example, care needs to be taken not to prohibit an area because it does not provide facilities in line with the requirements of the regulations.

Guidance on the camping ground regulations is available on LGNZ's website. This may assist councils with their strategic management plans, in particular working with private land owners to address capacity issues.

Good practice is to engage with campgrounds as part of the strategy. This is not simply for commercial reasons. Councils developed campgrounds originally to provide sanitary and fire-safe conditions for campers. They are part of the essential tourism infrastructure of an area.

Good practice is also to engage positively with non-self-contained rental companies. Social media material can be provided to distribute and providing the dates for community events (such as tree plantings) can be offered to their clients to help communities.

## Relationship with the Reserves Act 1977

### Detailed explanation:

The following outlines a detailed explanation of the relationship between the RA and the FCA. The relationship between the Freedom Camping Act and the Reserves Act is one of the most complex to ensure councils understand and apply correctly.

The RA prohibits the use of Council-managed reserves for freedom camping with some exceptions stated in section 44(1) including:

*Except with the consent of the Minister, no person shall use a reserve, or any building, vehicle, boat, caravan, tent, or structure situate thereon, for purposes of permanent or temporary personal accommodation.*

In section 44(2) of the RA it provides that owners cannot leave vehicles, caravans, tents, or other structures on a reserve for more than 4 weeks during the 1 November to 31 March period. While there is some overlap between the two subsections, section 44(2) deals with slightly different behaviour than section 44(1), which is focused on the act of camping. In comparison, section 44(2) focuses on leaving things (which can be used for camping) on a reserve. Unlike section 44(1), section 44(2) might be triggered when no camping is in fact occurring (eg a caravan has simply been left empty on a reserve). The only exception to section 44(2) is Ministerial consent (unlike the many exceptions to section 44(1)).

The section 44(1) prohibition is written into the RA in order to ensure that council and DOC reserves achieve their intended purposes given in Section 3(1), which can be summarised at a high level as:

- Preservation and management for the benefit and enjoyment of the public;
- Protecting Indigenous flora and fauna, habitats and landscapes; and
- Protecting public access to the water margins and protecting from unnecessary development.

The FCA does not somehow 'trump' the RA, as some believe – instead, both work together. Section 10 of the FCA says:

*Freedom camping is permitted in any local authority area unless it is restricted or prohibited in an area—*

*(b) under any other enactment.*

### Which Act “trumps” which?

In summary:

1. The default position from the RA is “No Camping” on reserves.
2. But, Ministerial discretion has now been given to councils if they want to allow camping on the reserves they directly manage.
3. If there is a RMP over that reserve which says No Camping then this trumps until the RMP is updated.

Therefore, as the 'default' setting, freedom camping is not permitted on reserves the Council manages, even while it is permitted by default almost everywhere else under the Council's jurisdiction.

Councils are not the only authorities mandated to manage and control reserves in most cities and districts. DOC has also been granted this power. The FCA defines the RA as a 'conservation Act' and reserves managed by DOC as 'conservation land'. The FCA states in section 15:

*(c) Freedom camping is permitted on any conservation land unless freedom camping is restricted or prohibited on the land*

*(c) under a conservation Act or any other enactment.*

Thus, the combined effect of section 15 of the FCA and section 44(1) of the RA is that freedom camping is prohibited 'by default' on reserves DOC manages as well.

Given the different provisions in the FCA and RA, good practice is to work with DOC and also other regional authorities who manage reserve areas to develop integrated approaches to freedom camping.

Section 44 of the RA states that camping on reserve land is illegal,

*Except by the consent of the Minister.*

Therefore, when Ministerial consent has been given, camping on a given reserve becomes legal, even if camping is illegal on that reserve 'by default'. DOC uses Ministerial consent to generally allow freedom camping on much of the land it manages on behalf of the Minister.

This provision is somewhat tempered by the reality that all use of a reserve must be in line with the specified reason for that reserve's existence. Exercising the power of Ministerial consent in section 44(1)

or exercising the power to adopt/amend a reserves management plan (RMP) without acting consistently with the relevant purpose provisions in the RA (for instance, sections 3, 17 and 19) could mean that the exercise of the power is unlawful and so vulnerable to judicial review. There is greater scope for freedom camping in 'recreation' reserves, as opposed to 'scenic' reserves. Note also that there are two types of scenic reserves (RA section 19(1)(a) and (b)). The section 19(1)(a) scenic reserves are generally considered more precious than section 19(1)(b) scenic reserves, meaning that there is likely greater scope for freedom camping on section 19(1)(b) scenic reserves, at least in comparison to section 19(1)(a) scenic reserves.

Gaining consent from the Minister of Conservation to allow freedom camping on scenic and recreation reserves is simpler than many believe. In the RA Instrument of Delegation for Territorial Authorities of 8 July 2013, the Minister of Conservation delegated the following powers to councils:

*44(1) To consent to the use of a reserve for temporary or permanent personal accommodation.*

*44(2) To consent to any vehicle caravan, tent or removable structure remaining on a reserve during the period 1 November to 31 March.*

In other words, councils may use their delegated ministerial power to consent to the use of scenic or recreation reserves for which they are the administering body for the purpose of accommodating campers. Two processes are worth considering further:

- **Ministerial Consent:** The Ministerial consent is just one way of overcoming the prohibition in section 44(1) and is the only way to overcome the prohibition in section 44(2).
- **Setting aside areas of reserves for campgrounds:** Powers in sections 53 and 55 of the RA provide for setting apart reserves as "camping grounds". These powers enable councils to also provide services and facilities for these camping grounds and to charge users. It is noted that reserves can also be leased out for use as camping grounds (sections 54 and 56, and Schedule 1, which provides for leases/licenses to address admission charges for camping grounds). These sections appear to relate to the more classic idea of a 'camping ground', being an area where there are facilities for campers and charges apply. Accordingly, they seem likely to be relevant for enabling freedom camping only where the council intends to set aside an area for the exclusive use of freedom camping at all times and even to provide some services and facilities for campers (eg public toilets).

Section 44(1)(b), section 53 and section 55 of the RA outlines the enabling of councils to designate reserves as camping grounds. A simple declaration from the Council will suffice. A council resolution under section 53 or 55 should be enough, but in terms of process, consultation may be prudent. However, the declaration must line up with the three purposes of the RA and the RMP, which is binding on the council. Changing the RMP will require public consultation.

Similarly, Section 44(1) of the RA gives councils the power to allow freedom camping on a reserve it manages, as long as the declaration lines up with the three purposes of the RA and the RMP. The caveat that campers park there for less than four consecutive weeks in duration per camper can also be waived through a Ministerial consent, also delegated to councils.

## Review of reserves management plans

The general purpose of recreation reserves in section 17(1) and (2). Section 17(1) includes:

*providing areas for the recreation and sporting activities and the physical welfare and enjoyment of the public, and for the protection of the natural environment and beauty of the countryside, with emphasis on the retention of open spaces and on outdoor recreational activities.*

Councils are legally required to have a RMP. For those Councils which do not, the freedom camping strategic planning process provides an excellent opportunity to create one to fall in line with their legal obligations. A RMP should contain provisions relating to freedom camping which line up with a council's wider strategy on freedom camping.

As for councils which do have a RMP, the RA requires the council to keep the plan under continuous review to ensure that the plan does not go out-of-date. This means that provisions relating to freedom camping may be inserted at any time. Under provision 41(1) of the RA Instrument of Delegation for Territorial Authorities of 8 July 2013, Councils have been delegated the power to approve their own RMPs.

If council determines after consultation that freedom camping may be permitted in scenic and recreation reserves the council administers, it can do so by inserting relevant changes to the RMP. Once allowed, according to the provisions of the FCA, Councils may manage freedom campers in reserves in an identical manner to how they would manage any other areas. Councils do have additional options under the RA tools, for example, by way of RMP conditions or conditions to the Minister's consent. Practically it may be sensible that any such conditions are consistent with restrictions in the FCA bylaw. If it is preferred to deal with conditions through this bylaw, then it would be prudent in making any of the RA decisions to refer to the bylaw restrictions, so as to demonstrate that the RA power has been exercised lawfully and reasonably (eg that appropriate conditions have been imposed so as to provide appropriate protections for the reserve's purposes, albeit through a FCA bylaw). Logistically, to prevent predetermination problems, a council would need to treat the RA decisions and FCA bylaw decision as a 'package'.

### Do:

- Assess all reserves for freedom camping
- Align RMP reviews with freedom camping review
- Consult on changes to an RMP around freedom camping
- Align decisions on freedom camping bylaw and Ministerial discretion to allow freedom camping on reserves in the same decision paper for clarity and completeness of advice

### Don't:

- Assume that because a reserve does not have an RMP that a freedom camping assessment of it cannot be done
- Leverage into RMPs new freedom camping sites without public consultation

### Good practice:

- Align a review of both council public areas and areas under RMPs. The aim is a cohesive and clear approach where visitors, residents and enforcement officers can be clear about the rules regarding freedom camping on any piece of council managed public land.
- Involve DOC as a partner (not simply a party to be consulted) in the freedom camping strategic planning process, since councils have no authority over reserves which have been entrusted to DOC.
- Consult on changes to the RMPs regarding freedom camping.<sup>6</sup>

<sup>6</sup> When making a call under section 41(9) about whether to follow the section 41(5) and (6) procedure (which includes consultation), the council should also consider its decision-making requirements in the Local Government Act 2002, provided they are not inconsistent with the Reserves Act. In particular, section 78 of the LGA 02 requires consideration of views and preferences.

## In practice:

- **Tauranga City Council's TCC)**

Freedom Camping Bylaw 2013 is an excellent example of a bylaw which integrates the FCA, the RA, and the RA Instrument of Delegation for Territorial Authorities of 8 July 2013.

Freedom camping is permitted in all reserves administered by Tauranga City Council, except where restricted or prohibited. This is good practice, as it results in the least amount of confusion for visitors, and it shows the development of a consistent and cohesive freedom camping strategy. Tauranga City Council aligned the development of their freedom camping bylaw with a review of the Coastal Reserves Management Plan. The process was aligned to deliberate on both at the same time. The final report to support the freedom camping decisions applied the Ministerial Delegations to council listing those reserve areas that would be permitted for freedom camping. This was in the same report adopted by Council.



- **Whangarei District Council (WDC)**

adopted its Camping in Public Places Bylaw in 2017. A key was to ensure that the bylaw provided clarity for both freedom campers and enforcement officers by addressing the inherent conflicts of the FCA and the RA. WDC drew on Tauranga's approach. Shireen Munday, Strategic Planner, WDC, says, "One size does not fit all councils. Tauranga had developed RMPs for their reserves, and that informed the approach for their bylaw. We have numerous small reserves in a large rural area without RMPs which is a different kind of challenge."

Using the Minister of Conservation's delegation to local government granted in 2013, WDC took a resolution at the same time as the Bylaw was adopted that Council will allow camping under s.44 of the RA for reserves it administers outside of RMPs. The approach is cohesive and clear to all. Shireen says, "I'm proud that as a result of the way we developed our bylaw, an Enforcement Officer standing in any Council public place in the district is clear about what the rules are for camping on that site."

- **Nelson City Council (NCC)**

made a commitment to submitters that it would do



an assessment of freedom camping as part of the design of any new carparking area. Good practice is to undertake this consideration during the design phase. In NCC case, a sports centre was assessed as not available to freedom camping in 2017 due to the resource consent requiring more carparking places be available than were actually constructed. Given this shortfall and use of the building the council assessed it as not being available to freedom camping.

## Homelessness

New Zealand has defined homelessness as having no other options to acquire safe and secure housing and includes people living on the street in their cars<sup>7</sup>. This is distinct from people who choose to live full time on the road in their motorhomes, caravans and converted buses. Councils should avoid using their freedom camping bylaws to move on people who are genuinely homeless. Care needs to be taken when enforcing bylaws and determining who is and is not homeless. A consistent issue has emerged regarding the relationship between freedom camping bylaws and homeless people or itinerant workers (such as fruit pickers).

### Good practice:

**Fruit Pickers:** Good practice would be for the council to liaise with the businesses concerned to take responsibility for their workers' accommodation and to enable this during the fruit picking season through the District Plan (see the good practice from Central Otago District Council below).

**Homelessness:** Good practice is for the freedom camping bylaw not to act as an instrument of dealing with homelessness. Social issues in a city or district cannot be sustainably managed in the first instance by a council bylaw.

Good practice is to approach homelessness as a joined-up agency approach (Collective Impact) with the parties listed below. In the Nelson case study following, good practice was also for a contract for services with a provider (Salvation Army) to do assessments of homeless people that enforcement officers may come across in the course of their duty, and to pathway them to care. The key parties in homelessness are:

- Council (in a facilitating role to bring the parties together)
- Ministry for Social Development
- Housing New Zealand
- NZ Police
- Salvation Army (or equivalent entity in each area who directly leads on care for homeless people)
- Iwi social providers in each area
- Other not-for-profit trusts dealing with homeless.

In organising an approach to collaboration there is likely a core group of agencies and a wider advisory group of other parties who can contribute.

### Do:

- Liaise with social agencies for a joined up approach to homelessness
- Liaise with horticulture businesses for a solution to fruit picking accommodation
- Ensure the District Plan allows for seasonal work accommodation

### Don't:

- Use a bylaw to manage social issues
- Treat homeless like freedom campers
- Treat homeless with disrespect

<sup>7</sup> <https://www.parliament.nz/en/pb/research-papers/document/ooPLEcoRP14O21/homelessness-in-new-zealand>

## In practice:

- **Nelson City Council** has an approach to homelessness as a broader collaboration of agencies, and not by means of a council bylaw. Following hearings on the draft freedom camping bylaw in September 2017 the council added the following wording under clause 10 of the bylaw:



“Any future enforcement policy will include a provision that, where a person is homeless and sleeping in prohibited or restricted areas, Council officers will work with social agencies to try to find solutions for those persons as a first response.” The Nelson City response to homelessness is a multi-agency one. Enforcement officers contact Salvation Army in the first instance. They will come down and assess the person’s needs and take a lead on the wrap-around support required.

- **Central Otago District Council** has circulated the camping brochure and information to a local database of horticulturalists as well as dropping brochures at many local orchards to spread the word about where camping should occur. The council allows camping through its District Plan on orchards during the key part of the fruit season so this helps to accommodate many workers on the site of work.



## Overall good practice advice

Good practice in the bylaw development process is to undertake a recommended 4-stage process of

- Freedom Camping (or, Camping) Strategic Plan to establish the research basis, opportunity, options and range of regulatory and non-regulatory methods
- Consultation with stakeholders throughout
- Detailed Site Assessment for every site (or a hot-spot approach) able to be parked overnight by self-contained, non-self-contained and tenting and including assessment of facilities’ adequacy for tenting and non-self-contained if relevant
- Development of the draft bylaw.

## Management of inner city carparks and zones

Cities across New Zealand have wrestled with the issue of freedom camping. Cities are attractive for freedom campers due to the variety of activities and culture. Urban distances to campgrounds or alternative sites for non-self-contained vehicles pose issues for those campers. So too can the night time opening hours of campgrounds when they do arrive. There is a growing intolerance to non-self-contained vehicles in public areas of cities leading to their banning in many cases.

Good practice:

< Good practice is to take a “balanced welcoming” approach to the city where the diversity and international strengths of freedom campers are embraced by city populations whilst managing the community and environmental impacts. >

Good practice is to take a “balanced welcoming” approach to the city where the diversity and international strengths of freedom campers are embraced by city populations whilst managing the community and environmental impacts.

Good practice in inner-city and urban areas is to provide a number of options for small numbers of vehicles to spread the impact and to make the task of enforcement more manageable. These sites are a mix of council-owned and private sites. Often private businesses like supermarkets will embrace non-self-contained vehicles overnighting as customers. The scope is for a formal agreement with councils for management on the private sites and provision of temporary toilet facilities.

The number of vehicles in inner-city carparks overnighting is an issue to resolve. Sites in Auckland, Christchurch, Dunedin and Nelson have become crowded with behaviours unmanageable to the skills and delegations of council enforcement staff. The key is a robust Site Assessment including of facilities (refer to Section 4 of this Guide).

Nelson City Council has allowed up to 35 certified-self-contained

### Do:

- Disperse freedom camping throughout a city in small numbers at multiple sites
- Use technology (sensors) connected to the CamperMate website to provide real-time updating of numbers at each site
- Set rules (such as distance from a vehicle) about draping possessions around the vehicles
- Speak to private supermarket owners and others to determine options
- Ensure that the overnighting hours coordinate with the hours of day time carparking

### Don't:

- Establish pop-up sites which don't meet campground regulation standards (for health and fire risk reasons) and compete against campgrounds
- Allow freedom campers to bathe in public, or wash food material down public drains
- Allow freedom campers to drape their possessions around vehicles

vehicles overnighting on its inner-city carparks. Wellington City Council is proposing to allow 76 spaces for certified-self-contained vehicles at Evans Bay – a city car park with ample space. The proposal has received considerable support from submitters on the bylaw.

Good practice is to coordinate the overnighting hours on carparks with the daytime carparking hours. Council needs to decide in setting this time in the morning whether they want the vehicles to move before daytime residents need to use the carparks. The choices are to set a morning time of 7am to move the overnighting vehicles (to allow time for them to pack and drive off before 7.30am daytime vehicles arrive), or if congestion is not a problem then to ensure that overnighting campers pay the daytime parking rate from the posted time.

## In practice:

- Christchurch City Council (CCC)** provided five non-self-contained vehicle sites including carparks but suspended access to all these sites. This followed more than 180 complaints about behaviour and standards, and CCC spending more than \$20,000 in one site alone on toilets and clean-up, CCC also identified that toilet infrastructure was not sufficient in French Farm and septic flows lead into Akaroa Harbour.


- Nelson City Council (NCC)** adopted an approach where no vehicles were permitted to overnight in a zone of the inner-city. The exception was three inner-city council carparks which permit up to 35 certified-self-contained vehicles to overnight between the hours of 10pm and 7am to be moved or to start paying daytime carparking charges by 8am. This approach was adopted after some years of considerable community unrest over freedom camping behaviour ranging from states of undress to washing in toilet basins and tipping fat and other food products down drains that lead directly into the Maitai River. The council also explored a temporary “pop-up” site at peak in Akerston Street which was met with considerable public opposition. The NZMCA was engaged over the recent strategy in the earlier stages of planning. The inner-city approach was assessed and justified in the comprehensive Site Assessment document. Non-self-contained vehicles in Nelson are directed to one of the City’s four campgrounds.


- Auckland Council** are pursuing a “dispersal strategy”, finding sites suitable to non-self-contained vehicles. As Auckland is the main port where freedom camping visitors enter the country and pick up their vehicle. Many flights are at times of the day and night that make it impractical for freedom campers to search out campgrounds. The issue generates considerable debate in the community and among the Local Boards. Some Local Boards are more embracing to non-self-contained than others making a consistent and cohesive approach to the management of non-self-contained vehicles difficult city-wide. Non council owned properties are also being explored.



- Dunedin City Council** provided two sites to non-self-contained vehicles in the city at Warrington Domain and Ocean View Reserve with tight enforcement. The public has been in two-minds about the overall success of the approach. Certified-self-contained vehicles can park widely, except for the Otago Peninsula. After considerable public and elected member reaction regarding the non-self-contained sites, council officers have recommended that they now be prohibited.


- Wellington City Council (WCC)** undertook research and found that 1,200 spaces were available including campgrounds. They direct non-self-contained to campgrounds. However there are paid overnighting options in the city e.g. at Te Papa which are well-frequented. WCC and CamperMate put in sensor technology at Owhiro Bay to give real-time updates to the App so freedom campers know how many parks are left and when the parks are full. 100% of those tourists that have been shown the site as full have altered their plans.



# 4

## Surveys and research

## Surveys and research

### Communications, information and signage

#### Good practice:

Good practice is to understand the freedom camping sector visiting the area in better detail to be able to appropriately plan a strategy. In general there is a lack of information available to the local government sector on freedom campers, their preferences and needs, and also considerable doubt over the figures about how much money they spend daily on average.

Good practice is to collaborate on a multi-districts level in the research and in the development of a freedom camping strategy. Although this Guide cannot point to examples of this collaboration at this stage, it needs to be noted as an opportunity for good practice.

Jendi Petterson from Dunedin City Council asks for nationally consistent questions in a template survey for areas to use, which would be another opportunity for good practice.

#### In practice:

- **Central Otago District Council** provide good practice with a survey of freedom campers undertaken every three years. 
- **Queenstown-Lakes District Council's** Lee Webster notes that their new District Camping Strategy (under development) will have strong baseline data on freedom campers through survey. 
- **Selwyn District Council** undertook a very professional survey of freedom campers in 2017 to understand both the domestic and international markets. It is a good practice example to base research from. 

#### Do:

- Attempt to collaborate with other areas
- Two-yearly surveys of freedom campers using university holiday students
- Take your questions from others' surveys
- Understand the offer of CamperMate in research, which is extensive

#### Don't:

- Develop strategies or bylaws without research or thorough Site Assessments
- Reinvent the wheel or act in a silo

- **CamperMate and Rankers** are the two most popular and utilised online sources of visitor information on sites around New Zealand.  **Camper Mate** CamperMate, as the most frequented, provide rich information on visitor preferences for councils to draw on. CamperMate from the THL stable of companies provides at charge more research including bespoke research on any area through GPS and other data mining. The product also tracks the routes of freedom campers to better understand movement.
- **Wellington and Nelson City Councils:** Both undertook research into number of overnight parks available at peak, matched this information to scope the infrastructure gap. This formed the basis of their dispersal and freedom camping strategies.  **Nelson City Council** te kaunihera o whakatū  **Absolutely Positively Wellington City Council** Me Heke Ki Pōneke

# 5

# Information

# Information

Information is a critical part of destination management including issues of freedom camping.

## Good practice:

- Make the information easily accessible, clear, and in simple and accurate language.
- Give the information to the likes of NZMCA, CamperMate and Rankers once adopted by council in the bylaw.
- Develop a Communications Plan alongside the bylaw adoption report to council which includes local media, CamperMate, Rankers and other, council staff, website, I-Sites and RTO.

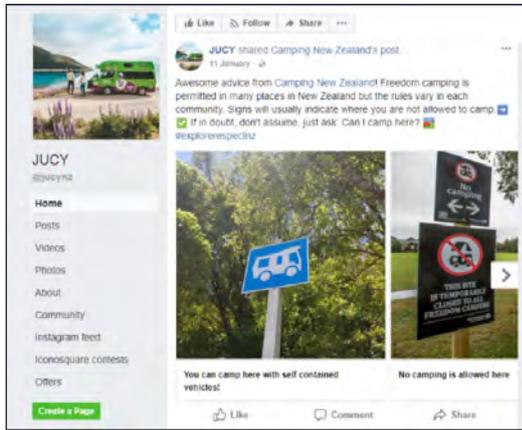
## In practice:

**South Taranaki District Council** provides an excellent example of clear information. The information they provide in the map below has a colour scheme for ‘Self-contained’, ‘All Vehicles’ and ‘Tenting’:

**Jucy Rentals and THL** both recognise the importance of nationally consistent information and also video material. Jucy has an active social media education campaign on freedom camping as the following extracts show, as well as educating each driver before they take the keys. Jucy Rentals note that there is currently no national guide on what freedom campers can and cannot do. They are calling for a national video campaign.

THL is responding to the call for a national video campaign and CamperMate is currently undertaking videos for regions regarding freedom camping guidance. The first of these is already uploaded onto YouTube in 2018 on how to freedom camp in Greymouth: [https://youtu.be/-YD86ovQo\\_s](https://youtu.be/-YD86ovQo_s)





Social Media Education – Jucy Rentals



Freedom Camping videos produced by locals in Taupō and Wanaka are displayed by Jucy Rentals on their website

# 5

## Signage and enforcement

## Signage

Signage is a key part of the management of freedom camping locally. Research on freedom campers undertaken by Auckland University in 2016 indicated the following:

- They both free camped and stayed in campgrounds to mix freedom of choice with using facilities
- They don't follow a pre-determined route and decide on accommodation when they arrive
- They rely on mobile apps, guidebook or word of mouth for information

The patterns of movement of freedom campers means that a local signage strategy (alongside information available on apps) is critical to get right. Signage can be used tactically to direct vehicles into desirable areas and away from more undesirable community sites. Even if the regime in the area is permissible, signage can be used to direct vehicles to areas away from close public view, and with toilet facilities.

### Good practice:

Good practice is to produce a Signage Strategy in conjunction with the development of the bylaw. If there is a need for resource consents for some larger signage (such as entranceway information boards) then the timeframe for implementation of the bylaw after the adoption by council should ensure that it aligns with the consent timeframe for signage if practicable.

### In practice:

- **Queenstown-Lakes District Council** has provided good practice with its signage design. The photos show a clear approach to the information. It is simple, uses the nationally recognised self-containment symbol and states the nights. The design has been picked up by other councils including Dunedin City Council. Lee Webster advocates for common signage.



This Guide would also recommend the simplicity of the Thames-Coromandel District Council signage below and would agree with Lee Webster on the need for common signage.

## Do:

Steve Hart (former Thames-Coromandel Compliance Team Leader) notes the following as success factors in a signage strategy:

- Accuracy of the signage and the areas they are placed
- Design is clear and understandable to an international audience and placement on the site is in a noticeable site to drivers
- International logos (particularly the self-containment symbol) are used
- The key message is clear and prominent
- Budgets are set aside for the council for both signage and information before the implementation of the bylaw



## Enforcement approach

< “The key to good enforcement is education. The website needs to be clear, the brochure clear and the officers clear.”

*(Jendi Paterson, Dunedin City Council)>*

### Good practice:

**a Steven May** (formerly Grey District Council Environmental Services Manager) provided webinar training through LG Equip in 2016 which outlined good practice in enforcement which Steven termed a “balanced” approach. Steven won a SOLGM award for innovation in policy and regulation for it:

- Treats freedom camping as an opportunity to partner for economic development outcomes for your city or district;
- Uses a graduated response model to the issue which starts off light and escalates as required;
- Partners with rental companies to reduce infringements; and
- Records compliance as well as non-compliance for a balanced picture, and to guide the type of enforcement approach.

**b Steve Hart** (formerly Thames-Coromandel Team Leader Compliance) notes the following success factors in the design of good practice freedom camping enforcement:

- Clear and concise policy guidelines to staff
- Officer delegations, uniform, equipment and training
- Clarity on approach of educations versus warnings and infringements
- Officer discretions can be applied on enforcement
- Patrol timings of late night and early morning
- Easy payment of fines
- Understanding of waivers – who is waived and why
- When (or when not) to take the matter to Court

**c Thames-Coromandel**

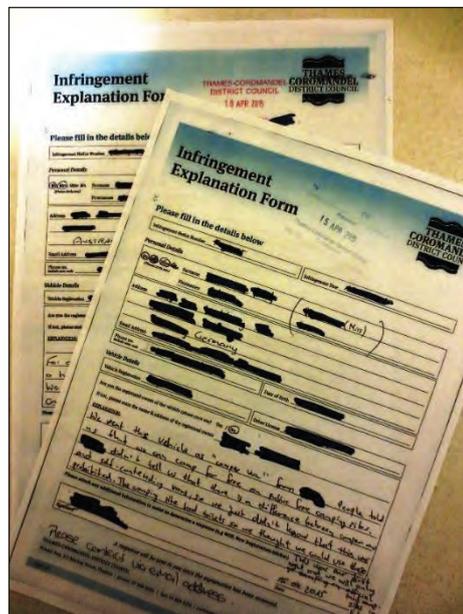
**District Council** has maintained a high level of good practice in enforcement of freedom camping. The council has an annual recovery rate in excess of 80% of fines. Barry Smedts, Group

Manager Regulatory Services says that voluntary compliance with the bylaw is the goal. Barry noted that In December 2016 to January 2017, 297 infringements were issued on the Coromandel, compared to 520 the previous summer. Barry puts this reduction down to education, consistent patrolling resulting in consistent understanding of the self-containment requirements in the morning and a calm, methodical approach by enforcement officers.



< “Our enforcement approach? It’s a hard role – they cop abuse. The officers introduce themselves, quietly and calmly take details and do all the infringement paperwork and then tell the rules and have the discussion. This simple strategy is less threatening, stops a lot of angst and unnecessary getting into details and conflict.”

*(Barry Smedts, Thames-Coromandel District Council, January 2018). >*



LG Equip’s Freedom Camping Webinar advocated that in enforcement the questions need to be asked of those developing the strategy or bylaw.

Is it:

- Be practically enforceable;
- Be clear to the public and visitors;
- Meet community and council needs;
- Be balanced;
- Maximise the opportunity of freedom camping; and
- Link to economic development strategies.

## Do:

- Welcome freedom campers to the area and give them tourism and camping information. Be polite
- Do a morning patrol to infringe and a night patrol to educate, (and infringe after the education if needed)

## Don’t:

- Treat people with disrespect by the enforcement style
- Be customer advocates of infringed people
- Send out poorly trained ‘green’ staff who can’t recognise self-containment

## Recovery of unpaid fines

The experience with unpaid fines is variable across New Zealand. From a reported 30% recovery in Christchurch to over 80% in Coromandel in the 2015/16 year.

### Good practice:

Steve Hart<sup>9</sup> believes that infringements should cover enforcement costs and outlines the approach to fine recovery that took the Coromandel's performance up to such high levels of fine recovery:

- Lodge unpaid fines with the court for payment. In TCDC 34% of fines are lodged with the court for collection
- Ensure paying fines is an easy option – consider credit card facility and online payments, and the ease of finding how to pay on the council's website
- Ensure payment options are clear on infringement forms
- Enforcement Officers and Customer Service Officers do not cross into the role of a customer advocate and encourage waivers and appeals

### In practice:

- **Thames-Coromandel District Council** had an 80% recovery rate of fines in 2015/16. Taking a 5-year timeframe, council achieved 65% between 2012 and 2017 recovering over \$642,000 of fines. Barry Smedts, Group Manager Regulatory Services says that voluntary compliance with the bylaw is the goal.



- **Jucy and THL Fine Recovery Trial:** Thames Coromandel alongside Queenstown-Lakes have entered into a fine collection trial with THL and Jucy. The trial is achieving results. Jucy report that they on-charge the vehicle renter an administration fee in addition to the fine which covers their costs. Group Manager, Barry Smedts, reports that under the arrangement, when an infringement is issued the officer will also record the name of the rental company on the infringement form. Administration staff send it on to the participating company. A significant amount of work is needed for this to be applied nationally.



<sup>9</sup> Steve Hart, SBH Enterprises Ltd. <https://www.freedomcampingsolutions.co.nz/>

## Relationships with rental companies

Considerable opportunity exists for councils to enter into positive relationships with vehicle rental companies and the NZMCA. Some coordination is clearly required as companies face over 60 different councils contacting them may be daunting.

### Good practice:

Good practice is to engage companies in the drafting of policy and strategy which will affect them. That approach may also save unnecessary legal costs in the formal process of bylaw adoption.

In discussion with rental companies about what they would consider good practice in the sector, they highlight the following:

- Improve consistency of bylaws because renters cannot understand the changes from one area to the next;
- Have one centralised point of contact for freedom camping nationwide and be less fragmented in information and management; and
- Develop national high-quality video content on freedom camping for social media and renter training.

### In practice:

- **Thames-Coromandel District Council** entered into a MoU with the NZMCA in 2016. The MoU notes that “The parties are consistently in discussion on matters relating to freedom camping and wish to record in this memorandum matters upon which they have agreed.” The MoU outlines three areas of joint advocacy and :



- Promoting self-containment only on council public land;
- Improving the NZS 5465:2001 Self Containment of Motor Caravans and Caravans especially around toileting; and
- Advancing payment of unpaid infringement fines through rental companies. To date all MoU objectives have been achieved.

### Do:

- Contact rental companies in the early stages of a freedom camping bylaw or strategy
- Be creative and explore joint promotions between council and company
- Inform rental companies of community projects that international tourists may like to participate in
- Explore fine recovery with the company
- Attend or follow the Responsible Camping Forum
- Look to combine with other councils in joint approaches to companies
- Pass on information and local video content to rental companies helpful to managing freedom camping

### Don't:

- Treat the rental company disrespectfully or defensively
- Be afraid to contact them and involve them
- Ignore them in early stages of consultation
- Think rental companies don't want to help councils achieve the best for communities

- **Queenstown-Lakes and Thames-Coromandel District Councils** entered into a trial for the payment of unpaid infringements through rental companies. LGNZ brokered the arrangement and the trial is entering its second year with Jucy Rentals and THL companies.



- **NZMCA Motorhome Friendly scheme** was

introduced into New Zealand in 2010 and was modelled on the equivalent

scheme initiated by the Campervan and Motorhome Club of Australia. The scheme provides a set of amenities and services that guarantee motor caravanners a warm welcome and an enjoyable visit. Motor caravanners will only visit areas where they feel welcome and will go out of their way to visit a town that markets themselves as Motor Home Friendly. With on-the-road motor home expenditures exceeding \$650 million annually (\$211 million of which come from NZMCA members), the message is clear- motorhomers and communities can certainly establish a mutually beneficial relationship. To become a Motorhome Friendly destination there is a checklist of amenities that needs to be available:



- A legally-compliant Freedom Camping bylaw
- A public dump station, Council owned
- Access to potable water at dump station site
- Refuse and recycling facilities
- Access to medical facilities
- A general shopping area for groceries
- A vehicle service centre

In terms of dump station funding, NZMCA assesses each project on its merits and installation costs vary. NZMCA will provide the pre-cast unit built to NZS 5465 specifications and all the relevant signage (meeting NZTA specifications). In addition to this, NZMCA can provide further financial assistance but would need to look over the estimated project budget first. The council would also need to outline its financial contribution.

- **Nelson City Council's**

Freedom Camping Strategic Plan 2016 advanced



innovative thinking on a trial promotion between Jucy Rentals and the council. Run throughout the peak of the summer (or the entire summer), the council could pay or subsidise the cost of non-self-contained Jucy vans to stay at the Maitai Valley Campground to enjoy close access to the City, beautiful bush environment, and facilities. The Strategic Plan states;

*“In return, Jucy would promote Nelson to its renters. Further collaboration around a discounted attractions package could be developed. Given that the Maitai currently only has 10 non self-contained vehicles at peak, the revenue loss for council (based on historic figures as the start of that conversation) is minimal. The payback to less rubbish and other clean-up at city carpark sites would likely offset this subsidy but a light business case would be required.”*

Jucy Rentals were agreeable in concept. The council has not adopted the initiative at this time but it remains an example of innovative partnership thinking.



*Whakatane District Council achieves Motorhome Friendly Status*

## Acknowledgements

- Adam Hutchinson, CamperMate
- Adrienne Cook, South Taranaki District Council (2017 interview, Equip Webinar)
- Barry Smedts, Thames-Coromandel District Council
- Bruce Lahore, New Zealand Motor Caravan Association
- Charlie Ives, Regional Tourism Organisations of New Zealand
- Chris Wagner, Kiwicamp
- Chris Ward, Nelson City Council
- Daniel Pouwells, Auckland Council
- Fergus Brown, New Zealand Holiday Parks Association
- Heather Bailey and Katy Metlock, Jucy Rentals
- Henley McKeeg, Department of Conservation
- James Imlach, New Zealand Motor Caravan Association
- Jane Barnett, Tauranga City Council
- Jendi Paterson, Dunedin City Council
- Jennie Marks, Department of Conservation
- Joel de Boer, Wellington City Council
- Kathryn McLean, Senior Associate, Simpson Grierson
- Lee Webster Queenstown-Lakes District Council
- Marie Gordon, Selwyn District Council
- Matthew Begg, Central Otago District Council
- Michael Sarfai, Southland District Council
- Nick Carroll, Taupō District Council
- Nick Law, Department of Internal Affairs
- Ollie Farnsworth and Sally Wells, THL
- Shireen Munday, Whangarei District Council
- Steve Hanrahan, Tourism Industry Aotearoa
- Steve Hart, SBH Enterprises
- Steven May, Wairoa District Council (2017 interview, Equip Webinar)

## Glossary

ATEED:	Auckland Tourism, Events and Economic Development
DOC:	Department of Conservation
DIA:	Department of Internal Affairs
FCA:	Freedom Camping Act 2011
LGA:	Local Government Act 2002
LINZ:	Land Information New Zealand
MoU:	Memorandum of Understanding
NZBORA:	New Zealand Bill of Rights Act 1990
NZMCA:	New Zealand Motor Caravan Association
NZS:	New Zealand Standard
RA:	Reserves Act 1977
RMP:	Reserve Management Plan
RTO:	Regional Tourism Organisation
SOLGM:	Society of Local Government Managers





# We are. LGNZ.

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## We are.

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Auckland.

Bay of Plenty.

Buller.

Canterbury.

Carterton.

Central

Hawke's Bay.

Central Otago.

Chatham Islands.

Christchurch.

Clutha.

Dunedin.

Far North.

Gisborne.

Gore.

Greater Wellington.

Grey.

Hamilton.

Hastings.

Hauraki.

Hawke's Bay

Region.

Horizons.

Horowhenua.

Hurunui.

Hutt City.

Invercargill.

Kaikoura.

Kaipara.

Kapiti Coast.

Kawerau.

Mackenzie.

Manawatu.

Marlborough.

Masterton.

Matamata-Piako.

Napier.

Nelson.

New Plymouth.

Northland.

Opotiki.

Otago.

Otorohanga.

Palmerston North.

Porirua.

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Lakes.

Rangitikei.

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