



BRIEFING

Freedom camping: how vehicles are impacted by the different proposals

Date:	8 June 2021	Priority:	Medium
Security classification:	In Confidence	Tracking number:	2021-4081

Action sought		
	Action sought	Deadline
Hon Stuart Nash Minister of Tourism	Note the contents of this briefing	14 June 2021

Contact for telephone discussion (if required)				
Name	Position	Telephone		1st contact
Saskia Vervoorn	Manager, Tourism Policy	04 896 5723	Privacy of natural persons	-
Fraser Pearce	Senior Policy Advisor, Tourism Policy	04 897 5174	-	✓

The following departments/agencies have been consulted

Minister's office to complete:

Approved

Declined

Noted

Needs change

Seen

Overtaken by Events

See Minister's Notes

Withdrawn

Comments



AIDE MEMOIRE

Freedom camping: how vehicles are impacted by the different proposals

Date:	8 June 2021	Priority:	Medium
Security classification:	In Confidence	Tracking number:	2021-4081

Purpose

To support a discussion with officials on the direction of change you wish for the freedom camping system, and advise you on how different types of vehicles and portable accommodation are impacted by the freedom camping proposals.

Recommended action

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

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

Noted

Saskia Vervoorn
Manager, Tourism Policy
Labour Science & Enterprise, MBIE

08 / 06 / 2021

Hon Stuart Nash
Minister of Tourism

..... / /


Background

1. From 9 April to 16 May 2021 the Government publicly consulted on four options to support sustainable freedom camping in Aotearoa New Zealand:
 - a. Proposal 1: Make it mandatory for freedom camping in a vehicle to be done in a certified self-contained vehicle
 - b. 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 toilets
 - c. Proposal 3: Improve the regulatory tools for government land managers
 - d. Proposal 4: Strengthen the requirements for self-contained vehicles.
2. On Monday 31 May 2021 you met with tourism officials to discuss the approach and timeline for the freedom camping submissions analysis and subsequent policy advice (BR 2021-3953 refers). You agreed to the timeline, noting the importance of good process, and indicated that you want to have the new regulatory requirements in place prior to Summer 2022/23.
3. You also commented on potential outcomes you were interested in achieving, which we understood as follows:
 - a. if a vehicle is being slept in [on a purpose-built sleeping platform], it must be equipped with a toilet
 - b. “sliders” (slider vans) that have sleeping platforms but no toilet should be removed from the roads, and
 - c. the requirement for certain vehicles to have a toilet should not be limited to freedom camping (staying for free on public land), it should apply more broadly to any use, including on private land such as a commercial campground
 - d. caravans and vintage vehicles with sleeping platforms should be exempted.
4. Our interpretation of your comments is that you wish for an option which aligns with your original proposal to ban the use, lease and sale of vehicles with sleeping platforms and which are not certified self-contained.
5. We are seeking clarity on the direction of change you desire for the freedom camping system. This includes confirming whether you wish to pursue broader changes to the use of vehicles with sleeping platforms in New Zealand, noting that on Thursday 4 March 2021 (BR 2021-2663 refers) you reframed your thinking to focus on the activity of freedom camping and the use of vehicle-based freedom camping – which became Proposal 1 in the discussion document.

Discussion

6. Officials have prepared an A3 (attached as **Annex one**) which outlines how different proposals, including your original proposal, would impact specific vehicle types and accommodation, including:
 - a. slider vans
 - b. premium campervans and caravans
 - c. budget campervans and caravans
 - d. tents
 - e. utes and station wagons, including those with a tent component
 - f. horse floats and tiny houses.
7. The proposals in the discussion document would have the following impact on the categories of vehicle listed above:
 - a. **Proposal one** would prohibit those vehicles which are not certified self-contained from freedom camping. This includes slider vans, some budget campervans and caravans,

utes and stations wagons, and horse floats and tiny houses. It would not impact freedom camping in tents, and further work is needed to understand how vehicles with a tent component (e.g. on a roof or over a flatbed) would be impacted.

- b. **Proposal two** would require all freedom camping to be done in certified self-contained vehicles, or at sites with toilets. This would apply to all the groups listed above.
 - c. **Proposal three** would introduce a regulatory system for the self-containment of vehicles. It would reduce fraudulent displays of self-containment status, allow for more consistent application of any self-containment requirements, and support enforcement activities through a national register.
 - d. **Proposal four** would lift the requirements for vehicles to be certified self-contained. This could include requiring vehicles to have a permanent toilet and permanent black water tank, or to have a dedicated toilet space. Requiring a vehicle to have a permanent black water tank would make most vehicles used for freedom camping non-compliant – including premium campervans. Public submissions, including from groups such as the New Zealand Motor Caravan Association, have indicated that toilets with removable black water tanks are fitted in the majority of self-contained vehicles.
8. **Your original proposal** to ban the use, sale and lease of vehicles with sleeping platforms and which are not certified self-contained would see a large group of vehicles removed from the road, or upgraded or downgraded. This includes some slider vans, many campervans and caravans (both premium and budget), and horse floats and tiny houses. It would not stop people from freedom camping in cars, utes and slider vans which do not have a sleeping platform. Creating exceptions to this rule would make enforcement expensive and difficult to administer. We expect that price-sensitive vehicle owners would be incentivised to identify how to avoid self-containment requirements, such as those which specify what types of toilet are required.
9. Progressing with further policy development on your original proposal would significantly impact timelines for delivery of reform. In the first instance, we would recommend a discussion with the Minister of Transport, given the impacts would be broader than the tourism system. We expect that you would need to publicly consult on a broader proposal, as it materially differs from what was included in your discussion document released on 9 April 2021, and seek Cabinet agreement to do so.
10. Professional legal privilege 

Next steps

- 11. Officials would value the opportunity to discuss your thinking on the direction of change you want to achieve for freedom camping (or the broader land transport system).
- 12. In the meantime, we will continue to analyse the 5,144 submissions received on the discussion document, and prepare the suite of briefings to you to support you to take the final policy recommendations to the Cabinet Economic Development Committee in late August.




Annexes




Annex one: How the different proposals apply to vehicles




Annex one: How the different proposals apply to vehicles




Purpose: This table sets out how the different options to require people to freedom camp in self-contained vehicles or at sites with toilets would apply to a range of vehicle types.




*Note: Freedom camping is camping within 200 metres of a motor vehicle accessible area or the mean low-water springs line of any sea or harbour, or on or within 200 metres of a formed road or a Great Walks Track. It does not include staying at a paid camping ground (either commercial or conservation), temporary or short-term parking of a motor vehicle, day trips, or resting or sleeping at the roadside to avoid driver fatigue.

Vehicle / accommodation	Would the vehicle be able to operate at freedom camping sites*...					
	Under the status quo	...If we ban the use, hire and sale of vehicles with fixed sleeping platforms and which are not certified as self-contained <i>Note: this proposal would also impact these vehicles from staying at any camping site, including commercial camping grounds</i>	... under proposal one (require all freedom camping in vehicles to be done in a certified SCV)	... under proposal two (all freedom camping to be done in certified SCVs or at a place with toilets)	... under proposal one <u>AND</u> if the requirements for self-contained vehicles required a <u>permanent toilet</u> and <u>permanent black water tank</u>	... under proposal one <u>AND</u> if the requirements for self-contained vehicles required a <u>permanent toilet</u> and <u>removable black water tank</u>
 <p>This vehicle is certified as self-contained for 5 adults. It is a modern caravan which can carry 110L Fresh water, 110L waste water. It has cooking facilities, a shower and fixed toilet with a permanent black water tank.</p>	Yes	Yes	Yes	Yes	Yes	Yes
 <p>This vehicle is certified as self-contained for six adults. It can carry 140L of fresh water and 150L of waste water. It has cooking facilities, a shower and fixed cassette toilet.</p>	Yes	Yes	Yes	Yes	No	Yes
 <p>This vehicle is certified as self-contained for one adult. It can carry 17L of fresh water and 17.5L of waste water. It has cooking facilities, and a portable toilet.</p>	Yes	Yes	Yes	Yes	No	No

Vehicle / accommodation	Would the vehicle be able to operate at freedom camping sites*...					
	Under the status quo	...If we ban the use, hire and sale of vehicles with fixed sleeping platforms and which are not certified as self-contained <i>Note: this proposal would also impact these vehicles from staying at any camping site, including commercial camping grounds</i>	... under proposal one (require all freedom camping in vehicles to be done in a certified SCV)	... under proposal two (all freedom camping to be done in certified SCVs or at a place with toilets)	... under proposal one <u>AND</u> if the requirements for self-contained vehicles required a <u>permanent toilet</u> and <u>permanent black water tank</u>	... under proposal one <u>AND</u> if the requirements for self-contained vehicles required a <u>permanent toilet</u> and <u>removable black water tank</u>
 This is a basic tent.	Yes – except where there is a bylaw restricting access to self-contained vehicles	Yes – except where there is a bylaw restricting access to self-contained vehicles	Yes – except where there is a bylaw restricting access to self-contained vehicles	Yes – only at freedom camping sites with a toilet	Yes – except where there is a bylaw restricting access to self-contained vehicles	Yes – except where there is a bylaw restricting access to self-contained vehicles
 This vehicle is not certified self-contained. It is a “camper trailer” (opus), with a portable toilet, shower tent, cooking facilities, a 85L water tank (no waste water tank).	Yes – except where there is a bylaw restricting access to self-contained vehicles	No	Unclear <i>(This will depend on whether a “camper trailer” or “trailer tent” counts as a tent or vehicle-based freedom camping)</i>	Yes – only at freedom camping sites with a toilet	Unclear <i>(This will depend on whether a “camper trailer” or “trailer tent” counts as a tent or vehicle-based freedom camping)</i>	Unclear <i>(This will depend on whether a “camper trailer” or “trailer tent” counts as a tent or vehicle-based freedom camping)</i>
 This vehicle is not certified self-contained. It has no toilet or waste water facilities. It can carry 40L of fresh water, has cooking facilities and sleeps two to three people.	Yes – except where there is a bylaw restricting access to self-contained vehicles	No <i>(This type of vehicle would be banned from any use, since it has a purpose-built sleeping platform)</i>	No	Yes – only at freedom camping sites with a toilet	No	No

Vehicle / accommodation	Would the vehicle be able to operate at freedom camping sites*...					
	Under the status quo	...If we ban the use, hire and sale of vehicles with fixed sleeping platforms and which are not certified as self-contained <i>Note: this proposal would also impact these vehicles from staying at any camping site, including commercial camping grounds</i>	... under proposal one (require all freedom camping in vehicles to be done in a certified SCV)	... under proposal two (all freedom camping to be done in certified SCVs or at a place with toilets)	... under proposal one <u>AND</u> if the requirements for self-contained vehicles required a <u>permanent toilet</u> and <u>permanent black water tank</u>	... under proposal one <u>AND</u> if the requirements for self-contained vehicles required a <u>permanent toilet</u> and <u>removable black water tank</u>
 <p>This vehicle is not certified self-contained. It carries 10 liters of fresh water, seats 3 people and sleeps 2. It includes a 15 litre fridge/freezer and gas cooker.</p>	Yes – except where there is a bylaw restricting access to self-contained vehicles	No	No	Yes – only at freedom camping sites with a toilet	No	No
 <p>This vehicle would not be certified as self-contained as it does not provide a toilet and is unlikely to provide cooking or waste water facilities.</p>	Yes – except where there is a bylaw restricting access to self-contained vehicles	Yes – except where there is a bylaw restricting access to self-contained vehicles <i>It could still be used as at some freedom camping sites as it would not have a fixed sleeping platform</i>	No	Yes – only at freedom camping sites with a toilet	No	No
 <p>This vehicle would not be self-contained. It is a ute with DIY storage which doubles as a sleeping platform.</p>	Yes – except where there is a bylaw restricting access to self-contained vehicles	Yes – except where there is a bylaw restricting access to self-contained vehicles <i>(This is a storage unit that is apparently built to be able to double up as a sleeping platform on occasion, but it could be claimed to be just a storage unit)</i>	No	Yes – only at freedom camping sites with a toilet	No	No

Vehicle / accommodation	Would the vehicle be able to operate at freedom camping sites*...					
	Under the status quo	...If we ban the use, hire and sale of vehicles with fixed sleeping platforms and which are not certified as self-contained <i>Note: this proposal would also impact these vehicles from staying at any camping site, including commercial camping grounds</i>	... under proposal one (require all freedom camping in vehicles to be done in a certified SCV)	... under proposal two (all freedom camping to be done in certified SCVs or at a place with toilets)	... under proposal one <u>AND</u> if the requirements for self-contained vehicles required a <u>permanent toilet</u> and <u>permanent black water tank</u>	... under proposal one <u>AND</u> if the requirements for self-contained vehicles required a <u>permanent toilet</u> and <u>removable black water tank</u>
 <p>This vehicle is not certified self-contained. It is a flatbed ute with a fixed sleeping platform and cooking facilities.</p>	Yes – except where there is a bylaw restricting access to self-contained vehicles	No <i>(This vehicle could only be used if the sleeping platform was removed)</i>	No	Yes – only at freedom camping sites with a toilet	No	No
 <p>This vehicle is not self-contained. It has a “ute canopy” arrangement.</p>	Yes – except where there is a bylaw restricting access to self-contained vehicles	Likely yes, if the flatbed part of the truck was used for sleeping. <i>(Using the flatbed part of the truck would likely not count as a fixed sleeping platform)</i>	Likely no <i>(The flatbed part of the truck if used as the sleeping platform would make this freedom camping in a vehicle)</i>	Yes – only at freedom camping sites with a toilet	No	No
 <p>This vehicle is not self-contained. It has a basic rooftop tent (hard shell, pop-up).</p>	Yes – except where there is a bylaw restricting access to self-contained vehicles	No <i>(This vehicle could only be used if the sleeping platform – the tent – was removed)</i>	Likely no <i>(As sleeping on the roof could be seen as “in the vehicle”)</i>	Yes – only at freedom camping sites with a toilet	No	No

Vehicle / accommodation	Would the vehicle be able to operate at freedom camping sites*...					
	Under the status quo	...If we ban the use, hire and sale of vehicles with fixed sleeping platforms and which are not certified as self-contained <i>Note: this proposal would also impact these vehicles from staying at any camping site, including commercial camping grounds</i>	... under proposal one (require all freedom camping in vehicles to be done in a certified SCV)	... under proposal two (all freedom camping to be done in certified SCVs or at a place with toilets)	... under proposal one <u>AND</u> if the requirements for self-contained vehicles required a <u>permanent toilet</u> and <u>permanent black water tank</u>	... under proposal one <u>AND</u> if the requirements for self-contained vehicles required a <u>permanent toilet</u> and <u>removable black water tank</u>
 <p>This vehicle is not certified as self-contained. It is an older caravan that does not have waste water tank. It has cooking facilities and a porta loo.</p>	Yes – except where there is a bylaw restricting access to self-contained vehicles	No	No	Yes – only at freedom camping sites with a toilet	No	No
 <p>This mobile tiny-house/“instant bach” is classed as a vehicle, but is not self-contained, since it does not have waste-water tanks.</p>	Yes – except where there is a bylaw restricting access to self-contained vehicles <i>(Can in theory stay at freedom camping spots that has not been restricted by a bylaw)</i>	No	No	Yes – only at freedom camping sites with a toilet	No	No
 <p>We are operating under the assumption that this combined camper/horse-trailer is not certified self-contained, and that it has a fixed sleeping platform (for health and safety reasons).</p>	Yes – except where there is a bylaw restricting access to self-contained vehicles	No <i>(Assuming it has a fixed sleeping-platform)</i>	No	Yes – only at freedom camping sites with a toilet	No	No