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Via email - responsiblecamping@mbie.govt.nz

SUBMISSION TO THE MINISTRY OF BUSINESS, INNOVATION AND EMPLOYMENT - REVIEW OF THE EFFECT ON HOMELESSNESS OF THE SELF-CONTAINED MOTOR VEHICLES LEGISLATION ACT 2023

Thank you for the opportunity to present this submission on the Ministry of Business, Innovation and Employment's (MBIE) review of the effect on homelessness of the Self-contained Motor Vehicles Legislation Act 2023 (**the Act**).

The Queenstown Lakes District (**QLD or the district**) is one of the most popular camping destinations in Aotearoa New Zealand. QLD is the most popular place for 'free camping' in the country¹. QLDC is cognisant of the scale and popularity of freedom camping in the district, and its potential impacts on the environment and local communities. With this in mind, QLDC is highly engaged in any central government processes intended to efficiently and effectively regulate freedom camping and associated aspects (such as homelessness).

This submission provides important context and information related to freedom camping in the district, and directly responds to the questions contained in Annex Two of MBIE's invitation to participate. A summary of the key points raised in this submission:

- QLDC endorses the amendments which restrict freedom camping exclusively to certified self-contained vehicles, and recommends additional amendments to extend this principle to tents, thereby excluding tents from the list of permitted options.
- There are concerns about the new self-containment standards, including misuse and complaints.
- Homelessness exemptions for freedom campers are rarely assessed.
- QLDC seeks consistent national guidelines on freedom camping and homelessness.
- QLDC recommends reversing the Freedom Camping Act 2011 default position, making freedom camping prohibited unless permitted by bylaw.

Thank you again for the opportunity to comment. QLDC would welcome any further discussion on this topic of freedom camping regulation more generally.

Yours sincerely,



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¹ Campermate app, Overnight Stays at 'free camps', 2024

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1.0 QLDC context

- 1.1 The district has an average daily population of 81,660 (visitors and residents) and a peak daily population of 122,490. By 2055 this is forecast to increase to 147,518 and 221,276 respectively². Alongside this challenging rate of growth, the district is known to be one of the most popular camping destinations in Aotearoa New Zealand, and the most popular place for overnight 'free camping' with more than double the total number of overnight campers in 2024 than the next most popular territorial authority area³. The popularity of freedom camping has significantly increased in recent years; between 2008 and 2018 the estimated number of international visitors practicing freedom camping in New Zealand rose from 10,000 to 123,000.⁴
- 1.2 The popularity of freedom camping in the district is reflected in the quantum of infringements issued under the Freedom Camping Act 2011 and the Reserves Act 1977, observations made by QLDCs 'summer ambassadors'⁵ and request for service applications made by members of the public. This data reflects that freedom camping presents an important issue to the district's residents. A wide range of adverse impacts are being experienced by freedom camping related to the values of areas controlled and/or managed by QLDC, as well as access to and health and safety on these areas. This creates tension and dissatisfaction for residents and visitors alike.
- 1.3 The lack of affordable, short-term accommodation options within the district is a factor in seasonal and transient workers choosing to live in their vehicles. Observationally, QLDCs Summer Ambassadors have noted seeing the same freedom camping vehicles for weeks at a time, and many indicated they were working or looking for work. The district's seasonal workforce has also been affected in Queenstown where hostel beds have reduced by a third in recent times, and long-term stay opportunities have reduced since the Covid-19 pandemic.
- 1.4 QLDC considers the sufficient availability and affordability of housing to be a critical factor of wellbeing, and fundamental to the development of a successful and well-functioning urban environment. The district faces many difficult challenges in its goal to facilitate the delivery of housing that meets the community's needs. QLDC faces pressure to manage population and visitor growth, especially given its alpine environment. Most land is designated as an outstanding natural feature or landscape, or has constraints such as geographic barriers and natural hazards.
- 1.5 Cumulatively, these unique conditions generate significant housing affordability and availability challenges. To assist in addressing this tension, QLDC has been working collaboratively with the community, Kāi Tahu (as mana whenua of this Rohe), Otago Regional Council and central government partners. This relationship

² <https://www.qldc.govt.nz/community/population-and-demand>

³ Campermate app, Overnight Stays at 'free camps', 2024

⁴ <https://www.mbie.govt.nz/immigration-and-tourism/tourism/tourism-projects/responsible-camping/responsible-camping-working-group/>

⁵ QLDC employs 'summer ambassadors' over the peak summer period to visit popular freedom camping locations and share information on how to camp sustainably, improve visitor behaviour, promote local commercial or DoC campsites, and encourage campers to make the 'Tiaki promise'.

has resulted in the Whaiora Grow Well Partnership and a first-generation Spatial Plan for the district. QLDC has been reviewing its operative district plan in stages since 2015. The Proposed District Plan (**PDP**) represents a considerable step forward in managing the district's complex land use management challenges.

- 1.6 Further, the Otago Central Lakes region, including the QLD, has taken the first official step towards developing a Regional Deal with Central Government, having signed a memorandum of understanding this month. In the coming months representatives from the Central Otago Lakes region will engage in negotiations with Central Government around the contents of the deal, while final approval will remain delegated to individual Councils and Cabinet.
- 1.7 An important output of the Spatial Plan is the Queenstown Lakes Joint Housing Action Plan 2023-2028⁶ which aims to increase the provision of housing across the housing continuum, but with a particular focus on affordable housing (rental and home ownership).
- 1.8 QLDC is currently in the process of preparing a freedom camping bylaw following the judicial review and High Court decision which quashed its Freedom Camping Bylaw 2021. At the time of writing, the draft Freedom Camping Bylaw 2025 / Ture ā-Rohe mō te Noho Puni Korehere 2025 and statement of proposal is open for consultation.⁷

QLDC response to questions from Annex Two of MBIE's invitation to participate

1. Generally, have the 2023 changes to the Freedom Camping Act improved your council's ability to manage freedom camping?

Generally, the 2023 changes have improved QLDC's ability to manage freedom camping. The increase in infringements from \$200 and up to \$800 is a positive deterrent to illegal freedom camping and most campers are active in seeking out information on where they can legally freedom camp on local authority land. The tiered infringements make it clear what offenses are the most serious.

While enforcement authorities can issue infringement notices via email, email addresses aren't available in the Waka Kotahi NZTA database, and QLDC does not consider this to be an effective operational process for freedom camping enforcement. For example, delays in identifying the person renting a vehicle via the renting company can stifle enforcement activities.

The ability to designate Waka Kotahi NZTA land as 'local authority land' in a freedom camping bylaw and undertake enforcement is a consideration QLDC have made as part of its current bylaw development program. Including this clause allows local authorities to take a more holistic approach to managing freedom camping across impacted land within their respective districts.

The default position that only certified self-contained vehicles can camp on local authority land, is a positive reinforcement of QLDC's position but it would like to see this default position extended to tents so they do not form part of the default permitted status. This is at odds with the intent of the legislation with respect to requiring self-containment and is likely to create confusion and frustration for campers. The rationale for tents remaining permitted is not clear.

⁶ <https://www.qldc.govt.nz/media/p1epjwti/joint-housing-action-plan-final.pdf>

⁷ <https://letstalk.qldc.govt.nz/freedom-camping-bylaw-2025>

The Self Containment Register is a useful tool which allows local authorities to check the authenticity of warrants if required. QLDC supports changes to the self-containment standards but in practical terms there does not appear to be much difference between the standard of vehicles displaying a new green warrant versus the more permissive blue warrant. QLDC is still experiencing high levels of campers not using their vehicle toilets, community complaints relating to the green warrant system, and very small vehicles displaying new green warrants.

2. Does your council have an existing policy for managing homelessness (this policy need not exclusively be in relation to freedom camping)?

QLDC does not have a single specific policy intended to directly manage homelessness, however this is being considered.

The current housing challenge in the district is well-documented. QLDC has undertaken extensive policy work (the Joint Housing Action Plan, Queenstown Lakes Spatial Plan) and prepared a number of submissions to various government agencies to advocate for further work to address housing provision and affordability. Further description of QLDCs work in this space is set out elsewhere in this submission.

3. Has the homelessness exemption affected your enforcement officers' ability to enforce the Freedom Camping Act 2011?

No, QLDC enforcement officers already had a process in place to enforce and process claims of homelessness prior to the change in legislation. The homelessness exemption has not affected that process.

4. How many individuals have you assessed as meeting the homelessness exemption within the Freedom Camping Act 2011?

Three individuals have been assessed as meeting the homelessness exemption. The number of people facing homelessness may increase in the future.

5. What operational approaches have you taken to assess whether an individual meets the requirements of section of 5(2A) of the Freedom Camping Act 2011?

If a person experiencing homelessness has received a freedom camping fine, they can [request a waiver](#). These are assessed on a case by case basis. Questions are asked in line with the guidance provided by MBIE on page 11-12 of the Local Government Guidance document. Link [here](#)

6. Does your council refer people who meet the homelessness exemption to social service agencies?

a. If yes, how many people have you referred?

While the Waiver Team may give informal advice or information to those who apply for a homelessness waiver no formal referral process is in place. To help address this gap, QLDC is exploring the development of a coordinated homelessness referral programme. The goal is to create a simple, consistent process for identifying and referring individuals in need to the most appropriate community support services, while also improving communication and collaboration between agencies. At present, support is provided on a case by case basis.

b. If yes, how many social service providers do you work with?

The district does not have a specific provider of homelessness services, and no temporary accommodation providers, which can make social assistance challenging. Council is working in collaboration with the Salvation Army, Happiness House, Community Link, and Mana Tāhuna. However, there is currently no dedicated social service provider in the district that delivers homelessness-specific support.

7. Has your council issued any freedom camping infringements?

a. If yes, how many freedom camping infringements has your council issued?

QLDC's Freedom Camping Bylaw 2021 was quashed by the High Court from 20 September 2024. Since the quashing order, QLDC has not had freedom camping bylaw restrictions available to it and has therefore relied on the existing provisions of the Freedom Camping Act 2011. Various enforcement tools exist in areas such as traffic and parking and reserve management, however, these are not specifically designed to manage freedom camping. For example, the Reserves Act 1977 prevents temporary and permanent accommodation on any reserve land, and QLDC's Traffic and Parking Bylaw 2018 contains a mechanism for QLDC, by resolution of Council, to regulate parking and the use of vehicles or other traffic on roads and other public places.

In the absence of a freedom camping bylaw, QLDC lacks direct mechanisms to efficiently and effectively manage the adverse impacts of freedom camping relating to protecting access, health and safety, or the area. While the traffic and parking regulations and the Reserves Act 1977 apply in certain situations, they do not directly address the perceived problems with freedom camping across the district by regulating the specific activity and adverse impacts of freedom camping.

1,762 freedom camping infringements have been issued under the Freedom Camping Act 2011 between 1 August 2023 and 30 June 2025.

115 infringements for camping on reserve land have been issued under the Reserves Act 1977 since December 2024.

b. If yes, how many of these freedom camping infringements remained unpaid after the infringement notice expired (including, if applicable, the reminder for the infringement notice)?

Currently QLDC has 54 unpaid Freedom Camping Act 2011 infringements, and 13 Reserves Act 1977 infringements that have expired and have not been paid within the 28 day statutory timeframe.

305 Freedom Camping Act 2011 infringements and 20 Reserves Act 1977 infringements have been prosecuted by way of referring the outstanding balance to the Ministry of Justice for debt collection.

c. If yes, have any of these infringements been challenged to your council (ie a complaint or internal appeal, not at the court level), based on the homelessness exemption?

Yes.

d. If yes, how many in total?

32 freedom camping infringement waiver requests have received that stated homelessness as their reasoning.

- e. If yes, of those challenged, how many were successful (ie the infringement was cancelled/reversed by council) and why?**

15 infringements were waived with education in line with the QLDC's Enforcement Strategy and Prosecution Policy⁸, or the customer has provided evidence of exhausting options, or there is cause for genuine homelessness.

- f. If yes, of those challenged, how many were unsuccessful and why?**

17 infringements claiming homelessness as their reasons were not waived due to insufficient information supplied supporting their homelessness status or after requesting for additional supporting information, no further correspondence was received from the customer.

- g. If yes, have any of these infringements been challenged in court, based on the homelessness exemption?**

None have been challenged in court.

- 8. What changes, if any, would you like to see to the Freedom Camping Act 2011 or Plumbers Gasfitters and Drainlayers Act 2006, in relation only to the homelessness exemption?**

Greater consistency between local authority approaches, more evidence/solutions based guidance from MBIE and more guidance nationally around how freedom camping interacts with homelessness.

Further, it is considered that MBIE should engage directly with campers, the community and Council's to ensure that the legislation efficiently and effectively being implemented through the use of educational programs that are connected into key agencies and government departments.

- 9. Please provide any further comments or information regarding how the 2023 changes to the Freedom Camping Act (including the introduction of the homelessness exemption) affected homelessness.**

The Freedom Camping Act 2011 provides that freedom camping is permitted in any local authority area, unless it is restricted or prohibited in that area under a bylaw. While QLDC accepts that this is the current legislative framework for the management of freedom camping activities, QLDC opposes this starting presumption and recommends that the Freedom Camping Act 2011 operate in the reverse i.e. that freedom camping is prohibited unless permitted or restricted in a bylaw. QLDC advocates that the Freedom Camping Act 2011 be amended such that the current default position is reversed, in order to create a framework that more efficiently and effectively allows local authorities to manage the adverse impacts of freedom camping activities.

⁸ <https://www.qldc.govt.nz/media/4v5kg35t/enforcement-strategy-and-prosecution-policy-2021.pdf>