

# CONSERVATION AUTHORITY

## TE POU ATAWHAI TAIAO O AOTEAROA

## Freedom Camping Regulations

### SUBMISSION FROM THE NEW ZEALAND CONSERVATION AUTHORITY

|                      |  |
|----------------------|--|
| Date                 | 6 October 2022   |
| To                   | <a href="mailto:responsiblecamping@mbie.govt.nz">responsiblecamping@mbie.govt.nz</a> |
| Name of organisation | New Zealand Conservation Authority   |
| Contact Person       | Dr Rick McGovern-Wilson, Executive Officer   |
| Postal address       | PO Box 10420, Wellington 6143  |
| Telephone            | +64 27 200 5716  |
| Email address        | <a href="mailto:nzca@doc.govt.nz">nzca@doc.govt.nz</a>                               |

### The Legislative Basis for the New Zealand Conservation Authority (NZCA) submission

1. The New Zealand Conservation Authority (the Authority) was established under the Conservation Act 1987, with members appointed by the Minister of Conservation. It is an independent statutory body with a range of functions, but primarily acts as an independent conservation advisor to the Minister and the Director-General of Conservation.
2. The Authority has a role as an objective advocate on matters of national significance and interest in the conservation arena and to provide high quality independent advice to the Department of Conservation (DOC) on its strategic direction and performance.
3. The Authority has a range of powers and functions, under the Conservation Act 1987, as well as under other conservation related legislation. Under the Conservation Act, Section 6C(2)(c), the NZCA has the power to “advocate the interests of the Authority at any public forum or in any statutory planning process.”
4. The Authority previously lodged a submission on the April 2021 discussion document – *Supporting Sustainable Freedom Camping in Aotearoa New Zealand* – in which it highlighted a number of concerns relating to the impact freedom camping has on New Zealand’s conservation estate.
5. The Authority is pleased to see that this discussion document provides detailed technical requirements for self-containment of freedom camping vehicles and an extensive array of options in terms of criteria for approval, and certifications and warrants of fitness.
6. This submission will reiterate the importance for protection of New Zealand’s valuable conservation estate from the impacts of irresponsible actions relating to freedom camping on or near public conservation land (PLC). As well, this submission lays out the Authority’s preference for the options provided in the document and provides its own recommendations where its suitable to do so.

### NZCA Submission

7. The NZCA submission is based on its analysis of:

- Ministry of Business, Innovation, and Employment: Freedom Camping Regulations – Discussion Document.
  - Self-contained Motor Vehicles Legislation Bill 2022.
8. This submission addresses individual sections, as set out in the Discussion Document.

## Technical requirements for self-containment vehicles

9. The Authority is pleased to see that the discussion document contains detailed technical requirements that need to be met for in order to obtain a self-containment certificate. The Authority views it as an important measure in making sure that these requirements are also practical to achieve for individuals wishing to get their vehicles certified.
10. The **Authority supports** a regulatory system that replaces the current voluntary standard.
11. The **Authority supports** the notion that the Plumbers, Gasfitters and Drainlayers Board (PGDB) would be the regulator of standards and requirements for certifying vehicles as being self-contained.
12. The Authority understands why the preferred option is a 'light-touch' approach allowing flexibility to meet the technical requirements for self-containment. This may be appropriate in the first instance, but a review after a specified timeframe would help ensure that the outcomes of the legislation are being consistently met.
13. The **Authority supports** the creation of an on-line register of self-contained vehicles and the continued use of a warrant card. This should reduce the inappropriate, and sometimes fraudulent, use of self-containment stickers.

## Certification authority approval criteria

14. In the interest of protecting New Zealand's unique environment, the **Authority** is inclined to **support Option 2** for the certification authority approval criteria. That Authority does acknowledge that adopting Option 2 may seem excessive.
15. It is the Authority's view that having more rigorous and prescriptive certification approval criteria, could reduce unwanted environmental damages caused by non-fit-for-purpose self-contained vehicles. These unwanted damages could occur as leakage from tanks or irresponsible disposal methods of waste.
16. The Authority does, however, recognise that implementing harsh approval criteria may result in increased costs for those wishing to freedom camp around New Zealand. It is known that freedom camping for many people, both domestic and international, is a cost-effective way of experiencing New Zealand's natural wonders, and that harsh approval criteria may present a barrier.
17. If Option 1 is chosen, a review after a specified timeframe would help ensure that the outcomes of the legislation are being consistently met.

## Infringement fees and fines

18. The Authority believes that those traveling around New Zealand should behave responsibly and respect our environment and efforts to maintain its attractions and beauty. Therefore, the **Authority prefers Option 2** of the infringement fees and fines framework.
19. Whilst the two options remain largely the same, the Authority believes that where actual damages are caused by a person freedom camping, through interference with or

damage to an area, the fine should be high enough to act as deterrent to carrying out irresponsible activities and damaging the environment.

## Exclusions from regulatory requirements

20. The **Authority supports Option 1** in this regard, with no exclusions for vehicle owners that have their vehicles certified as self-contained under the new regulatory requirements. The Authority holds the view that with the new regulations being more specific in the requirements for vehicles to be certified as self-contained, vehicle owners should not face exclusion from designated freedom camping areas managed by local authorities, the Department of Conservation, or Land Information New Zealand. To allow exclusions would undermine the intent of the current Freedom Camping Act 2011 and the Self-contained Motor Vehicles Legislation Bill.

## Levies and Fees

21. The **Authority supports Option 3** regarding the levy on vehicle owners for self-containment certification. Whilst this option does impose the highest levy onto vehicle owners, the Authority agrees and supports the statements in the discussion document that the funds would contribute to the running of targeted awareness campaigns for the first five years, fund a dedicated IT support platform for the new online registry, and the setting up of sector stakeholder groups to support the PGDB on certification-related matters.
22. In terms of impacts onto freedom campers caused by the levy and responses likely to be received, the Authority suggests that a review be undertaken of all responses received and impacts raised, and assess whether changes to the to levy are needed at a later stage. This should be done in an attempt to reduce inconveniences on freedom campers and make the regulations and levy more practical.

## Alternative technical requirements

23. The **Authority supports** the proposed technical requirements for self-containment which is laid out in Appendix 1 of the discussion document, particularly having a fixed toilet for human waste collection inside the camping vehicle. Additionally, the Authority recommends that it should definitely be a requirement to have the fixed toilet located in a separate compartment within the camping vehicle, and that this should be a key requirement to obtain a self-containment certificate.
24. However, exceptions could be made on this requirement for smaller vehicles that are unable to accommodate a separate compartment for a fixed toilet.

## Sufficient resourcing towards certification and compliance

25. The **Authority strongly recommends** that an increase in resources be supplied to the PGDB, and other administering organisations involved, to ensure that certification for self-containment vehicles is both timely and robust. Failure to ensure appropriate resourcing is available, will restrict and limit the capacity for high certification rates and negatively impact this unique form of travel and tourism in New Zealand.