



7 May 2021

Ministry of Business, Innovation and Employment
PO Box 1473
Wellington 6140
responsiblecamping@mbie.govt.nz

Kei te rangatira, tēnā koe | Dear Sir/Madam,

NZMCA Submission: Supporting Sustainable Freedom Camping in Aotearoa New Zealand

Submission summary

- 1 The NZMCA appreciates the opportunity to submit on the Labour government's freedom camping discussion document. We also commend MBIE's tourism policy unit for proactively engaging with the public and key stakeholders throughout this two-year project.
- 2 The NZMCA supports Proposal 3. We believe prioritising a new regulatory system for self-containment will satisfy the Minister of Tourism's primary concerns, while restoring freedom camping's social licence. We are wary Proposals 1, 2 and 4 will disadvantage thousands of New Zealand families who are responsible campers. Furthermore, we are not convinced these three proposals will achieve the Minister's objectives or create a fair and sustainable system.
- 3 We have recommended an alternative solution in response to the main problems as we see them. NZMCA members will submit on the discussion document and therefore this submission does not derogate from their personal views.

NZMCA members – New Zealanders

- 4 Over 105,000 individual New Zealanders are current financial members of the NZMCA. We are a diverse and evolving organisation, no different to most major towns and urban areas across Aotearoa. The NZMCA predominantly represents baby-boomers and retirees, however our demographic is changing as more younger kiwis and families join the club.
- 5 The majority of NZMCA members own purpose-built motorhomes and caravans with fixed toilets on-board, however thousands of members have spent countless hours and their life savings converting buses, trucks and smaller vehicles into well-designed and functional campers with portable toilets.

Driving towards a Sustainable Future

- 6 Over the past 12 months we have observed a growing number of new members (particularly families) who prefer smaller and more versatile camping arrangements, whilst still being responsible with their personal waste (see below examples, which use portable toilets).



- 7 Most members are hybrid campers frequently alternating between freedom camping sites, commercial campgrounds, DOC campsites, NZMCA parks and other privately run operations. They have a proclivity for camping in a variety of locations too, including (but not limited to) township, urban, rural and remote areas off the beaten track.
- 8 Our research confirms freedom camping is of significant importance to over 90% of NZMCA members, who are ratepayers, taxpayers and members of the same communities that the Labour government wants to support through this exercise. Our members expect the NZMCA to firmly advocate for rules and policies that protect this privilege.

Key concerns with the document and proposals

- 9 The discussion document primarily focuses on ensuring vehicle-based camping is carried out in a manner that mitigates the public's perceived concerns with indiscriminate waste disposal. While we acknowledge waste disposal from freedom campers is a problem in some areas, there is insufficient data to suggest this is a widespread problem throughout Aotearoa. To date, fewer than 50% of local authorities have found it necessary to adopt bylaws under the Freedom Camping Act 2011. The vast majority of freedom camping infringement notices have been issued to those camping in the wrong place – not for discharging waste or damaging the environment. For these reasons, there appears to be a disconnect between the problem, evidence, and outcomes anticipated by Proposals 1, 2 and 4.
- 10 The government must consider how Proposals 1, 2 and 4 will disproportionately affect thousands of responsible New Zealanders who enjoy freedom camping throughout Aotearoa. Ironically, Proposals 1, 2 and 4 propose outcomes that the Labour government, when in opposition, argued would be an affront to what it means to be a New Zealander when it firmly opposed the former National governments Freedom Camping Bill in 2011.

An alternative solution

- 11 Based on reliable evidence, including targeted research and feedback from local authorities over the past ten years, the primary issues that need to be tackled, and therefore should be at

the forefront of the government's response, are overcrowding in public areas and, to a lesser extent, the lack of ablution and rubbish facilities nationwide (facilities that are required by all types of visitors and residents within a local community). The government cannot continue to promote tourism without a clear, long-term public infrastructure and investment strategy. The TIF fund proves more public infrastructure is required, however we cannot address the infrastructure gap on an ad-hoc basis.

- 12 The NZMCA accepts the current system needs reviewing to ensure freedom camping retains its social licence, although we do not feel the system requires a complete overhaul in order to shift towards a more acceptable pathway. We may not support all four proposals, however we feel there is enough scope within each proposal to adopt an alternative solution that should be generally acceptable to most stakeholders.
- 13 To that end, the NZMCA recommends the following alternative solution (in order of priority):
- 14 First, prioritise the new regulatory system as outlined in Proposal 3 and include simplifying the requirements for self-containment (without compromising the public's confidence in this process). Prioritising this approach will
 - a. ensure freedom camping remains attainable and affordable for everyday New Zealanders,
 - b. reduce the cost and administrative requirements for the new regulator, and
 - c. provide a viable business case for the commercial sector to eventually take on the bulk of vehicle inspections and certification.
- 15 Second, in line with the Responsible Camping Working Group's recommendation report, review the Camping-grounds Regulations 1985 and the camping-related provisions within the Reserves Act 1977. This approach will
 - a. Enable local authorities to establish clearer bylaws and management plans that discourage the concentration of freedom campers in a handful of areas, and promote greater dispersal to reduce complaints around overcrowding and amenity effects, and
 - b. Encourage private landowners (in particular businesses with surplus land) to create small scale, low-cost campsites to help further reduce overcrowding in public areas.
- 16 However, if the government insists on proceeding with either Proposal 1 or 2, we recommend Proposal 2 on the proviso that
 - a. Vehicles with appropriately installed and easily accessible portable toilets can continue to be self-contained (we are open to amending the definition of self-containment that still allows the use of portable toilets).

- b. Tents are not affected by the policy reform as many New Zealand families still freedom camp with tents and portable toilets. Often portable toilets used by freedom campers with tents are just as accessible as the permanently fixed toilets provided for in modern-day motorhomes and caravans.
- c. Conservation estate, regional parks and other crown land off the beaten track are not captured by the policy reform as many recreational visitors, including trampers, hunters and cyclists continue to freedom camp in these areas.
- d. Fair and appropriate transitional provisions are provided to kiwi campers and the rental industry (although we feel it is premature to determine what these provisions should look like without a complete understanding of the proposed way forward).

Please find attached our further responses to the questions contained in the discussion document.

Nā māua noa, nā | Yours Sincerely,
New Zealand Motor Caravan Association Inc.



Sharron King
President



Bruce Lochore
CEO

Address for services:

James Imlach
National Manager – Property and Policy
james@nzmca.org.nz

How much do you agree that certain types of vehicle-based freedom camping is a problem?

1.1

Please write a (Y) next to the option which applies to you

Strongly agree	Agree	Neutral (Y)	Disagree	Strongly disagree
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What are your views on freedom camping in vehicles?

When answering this question, you may like to think about:

1.2

- Is vehicle-based freedom camping an issue in your area?
- Have you observed any specific issues?
- Are there specific behaviours which impact on your use of local amenities/infrastructure?
- What benefits does vehicle-based freedom camping provide for your region?

The NZMCA understands why it can be difficult for certain vehicles to meet the physical requirements and underlying intent of NZS 5465, which has promoted this discussion document. However, these vehicles should not be prevented from freedom camping in areas where there is access to appropriate facilities, e.g. DOC basic campsites and other serviced freedom camping sites. Furthermore, we strongly disagree with the notion that all small vehicles (particularly those with portable toilets) are problematic.

Please read the **attached** article and view the photos on the following link for examples of how small vehicles with portable toilets can achieve the same 'standard' as vehicles with fixed toilets - <https://photos.app.goo.gl/LSuPUULq67GiY77K8>. The main benefit of using a portable toilet in these examples includes reduced installation and maintenance costs without compromising on space and accessibility. It would be difficult to install holding tanks on the underside of many small vehicles.

Regulating the vehicle-type will not reduce the bulk of public complaints associated with freedom camping. In our experience, most complaints are triggered by overcrowded areas and the subsequent loss of amenity. Where waste disposal has become a problem, it is usually a result of overcrowding and loss of access to basic infrastructure, e.g. rubbish bins and public toilets. The government can minimise public complaints by enabling legislation that incentivises and promotes greater dispersal, while investing in more public infrastructure.

Recent academic research "*Freedom Camping in Aotearoa New Zealand: an exploration of stakeholder perceptions (March 2021)*"¹ supports our view that vehicle-based freedom campers are often unfairly blamed for damaging public areas. For example, researchers interviewed staff at Tourism New Zealand who advised that there is often a general blaming of freedom campers without clear evidence. In this vein, a participant shared a story with researchers from a case on the South Island which demonstrates the misconceptions of (international) freedom campers:

[...] they had some serious problems, you know, diapers, empty bottles of booze, cans in a popular freedom camping spot where it wasn't illegal to do freedom camping. Some locals got together and set up a camera and they watched it back and they noticed that pretty much every person that left some rubbish wasn't the freedom campers, it was local teenagers from [...] and the freedom campers, by and large, picked up their rubbish and took it with them. That was kind of interesting that these locals got together to gather

¹https://www.researchgate.net/publication/349961567_Freedom_camping_in_Aotearoa_New_Zealand_an_exploration_of_stakeholder_perceptions

evidence to stop freedom camping only to find out that it is their nephews and nieces and neighbours that were causing the problems. (Group2_6).

[Our emphasis]

The Tasman district is one of New Zealand's most popular freedom camping destinations and the Council recently confirmed in an official report on freedom camping in the district that *"issues with freedom camping have been reducing in recent years and evidence suggests that many concerns are perceived rather than tangible, however, serious overcrowding at one site on a number of occasions last year and threats to wildlife at another, warrant attention from the Council."*²

[Our emphasis].

Vehicle-based freedom camping is a convenient and popular pastime for hundreds-of-thousands of New Zealanders nationwide. We acknowledge and promote the various benefits of NZS 5465 certification, however we also recognise you do not need a certified self-contained vehicle to freedom camp responsibly everywhere. A certified vehicle is of most value in areas without ready access to ablution facilities. The Department of Conservation notes New Zealanders use vehicles that are not self-contained to freedom camp on conservation estate (which have facilities) and prohibiting this type of camping or requiring upgrades will unnecessarily limit some individuals' access to conservation land.³ We agree with the Department's concerns and while the proposals do not capture freedom camping on conservation estate, the same principle should apply to land under local government administration.

The rapid rise in private vehicle sales over the past 12 months along with the NZMCA's strong membership growth provide further evidence that freedom camping is growing in popularity amongst everyday New Zealanders, in particular kiwi families with young children, baby boomers and retirees. The government needs to remember why New Zealanders freedom camp and recognise the important social benefits alongside the tangible economic benefits.

Social benefits of freedom camping

MBIE is already aware of the various research reports outlining the economic benefits campers bring to local communities, however the social benefits are not always well understood. For example, local authorities and the Police acknowledge that incidences of vandalism, illegal consumption of alcohol and 'boy racer' activities are greatly reduced in parks and reserves regularly used by campers for overnight parking. Therefore, the presence of freedom campers can also help to protect an area.

Parliament has recognised that freedom camping is a traditional activity enjoyed by tens of thousands of Kiwi families every year⁴. When discussing the presumption of the Freedom Camping Act, the Hon Kate Wilkinson (then Minister of Conservation) stated

² Tasman District Council (15 October 2020). Regulatory Committee Agenda, *Regulatory Manager's Report – Amendments to the Freedom Camping Bylaw*, page 7.

³ As noted in the Minister of Tourism's paper to Cabinet's Economic Development Committee, page. 11

⁴ https://www.parliament.nz/en/pb/hansard-debates/rhr/document/49HansD_20110817_00000001/freedom-camping-bill-in-committee-third-reading

“Freedom camping is a valued tradition in New Zealand, as we have heard, and this Government wants to ensure that it stays that way....The presumption is that people can camp unless a location is specifically restricted....This bill is purposely pro-camping, as we recognise that the majority of freedom campers are responsible and take great care to clean up after themselves.”

When discussing the benefit of freedom camping to New Zealand families the former MP for Christchurch Central, Nicky Wagner, stated

“The [Act] for the first time, enshrines the right of New Zealanders to go freedom camping as a default setting. New Zealanders can camp as of right on public land and Department of Conservation land, unless there is a good reason not to allow it...In creating these by-laws, [local] authorities need to prove that there is a real problem. This bill ensures that they can no longer impose blanket bans and it will give consistency across the country...[Local] authorities can impose those by-laws within only very limited geographical areas.”

The National MP for Taupo, Hon Louise Upston, also gave Parliament a personal account when discussing the purpose of the FCA:

“...the main point I want to make is that [the Act] is about protecting the right of New Zealand families to camp, I want to give a personal example. I was raised camping by the lakes, by the rivers, and by the beaches. I remember times with my son when staying in a camping ground was not affordable at the time. So we would pack up the borrowed tent, jump in the car, and drive to a place that was yet undiscovered.”

“This bill protects the right of New Zealanders to have those kinds of adventures in this country because it will stop the blanket [ban] by-laws.”

There is a common misconception that freedom camping as an activity is not appropriate in urban areas and therefore it must be confined to more remote places – out of sight, out of mind. However, our members visiting want to park overnight within proximity to township amenities (as per the Motorhome Friendly Town programme) and the homes of their friends and family. There are several reasons why responsible freedom camping is appropriate in these areas. The following quotes from NZMCA members explain the importance of responsible freedom camping in these areas to kiwi motorhomers.

“Freedom camping in townships and urban areas is very convenient for us. We can do our laundry, stock up on groceries, and eat out. We will make a conscious effort to freedom camp in smaller towns and support local businesses as they support us being there. We will bypass a town that does not provide a safe and convenient place to park overnight” **Brenda Graham & Ross McGregor (Christchurch)**

“We are exploring New Zealand fulltime now and love freedom camping. We stay almost exclusively in towns or urban areas for two main reasons: (1) Jude has a disability and cannot walk unassisted. Being close to town means we can look around and shop at our own pace; and (2) we feel much safer staying in town, particularly as it takes a while for us to get in and out of our motorhome. We do not feel safe freedom camping in remote areas.” **Jude Black & Paul Lawrence (Papamoa)**

“We enjoy freedom camping in towns as it provides opportunities to park up our motorhome and go out for dinner or breakfast, or to go shopping. We love supporting local businesses, however if we are not welcome then those towns will simply miss out on our business.” **Paula & Torsten Baker (Wellington)**

“We purchased our motorhome three years ago. We’re still townies at heart and love camping in townships and urban areas when on the road or visiting friends. Close proximity (i.e. walking distance) to townships and shops is important for us as we like to spend a lot of time and money in cafes, restaurants, supermarkets, farmers markets, clothes shops, and at local events etc. We enjoy staying in a variety of locations, including freedom camping areas, low cost sites, NZMCA parks and campgrounds. We value the free and low-cost parking options that many towns provide and will always spend money as a show of appreciation.” **Heather & John McMurdo (Blenheim)**

“Owning a motorhome makes it easier for us to visit friends and family around the country. It is often more convenient for us to park outside their homes and sleep inside the motorhome overnight. Banning this will make it difficult for us to continue to visit our friends and family.” **Neil Hellewell (Christchurch)**

“We go out of our way to support local businesses and spend money in towns that welcome motorhomers. If the overnight parking areas are easy to get to and enable us to stay close by, we will eat out at local restaurants and explore the town.” **Averil & Robin Williams (Southland)**

“We love motorhoming in towns and have done so in several countries. The convenience of parking in town allows us to shop around and spend money. We find the better the facility the more the town benefits.” **Geoff & Jo Kidd (Christchurch)**

“We love freedom camping as well as visiting public campgrounds, DOC campsites and NZMCA Parks during our travels. Freedom camping, particularly in rural and provincial towns, is a fantastic and easy way for us to learn more about a town’s past. We are more inclined to spend money in local shops and visit tourist attractions run by local residents when we are staying in town. As retirees, if we are forced to stay in campgrounds all the time, we will not be able to afford to travel as much as we do, while learning about New Zealand’s rich history and supporting a wider range of local businesses.” **Christine & Darryl Avery (Foxton Beach)**

We acknowledge vehicle-based freedom camping has created problems in a few areas across New Zealand. However, we are not convinced the problems are widespread. Fewer than 50% of local authorities have found it necessary to create bylaws under the Freedom Camping Act which suggests the perceived problems associated with indiscriminate waste disposal and environmental degradation are localised. Furthermore, evidence suggests the real problem that communities have with vehicle-based freedom camping is overcrowding, which restricts public access and, in some cases, diminishes amenity values. Overcrowding is a common issue that is symptomatic of a poor management regime usually brought about by a confusing and cumbersome regulatory framework.

We appreciate the discussion document is influenced by the PCE's recent report on sustainable tourism in Aotearoa, which critiques the use of small vehicles and recommends a move towards plumbed in toilets only. Unfortunately, the report naively assumes only small vehicles have portable toilets and that all small vehicles are problematic. Neither assumption is true. The PCE report fails to assess or even acknowledge the variation in small vehicle layouts and usage between international tourist’s vs domestic visitors.

PROPOSAL 1: How much do you support the proposal to make it mandatory for vehicle-based freedom campers to use a certified self-contained vehicle?

2.1

Please write a (Y) next to the option which applies to you

Strongly agree	Agree	Neutral	Disagree	<u>Strongly disagree</u> <u>(Y)</u>
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Do you support this proposal?

When answering this question you may like to think about:

2.2

- Do you consider this option will improve camper behaviour?
- Will this option support or improve tourism outcomes in your region?
- Will this option decrease pressure on the environment and local government infrastructure?
- Are there impacts of this proposal that you are concerned about?

The NZMCA strongly disagrees with Proposal 1 for the following reasons:

- It disadvantages responsible kiwis who do not camp in certified self-contained vehicles and risks creating a perception that only 'elite visitors' are permitted to freedom camp in Aotearoa.
- There is a lack of data and reliable evidence supporting this proposal.
- Local authorities have the ability to apply this restriction in their local bylaws, however few have deemed it necessary, and many continue to welcome freedom campers in non-certified self-contained vehicles. Proposal 1 removes their ability to welcome all campers.
- There is a risk this proposal could inadvertently affect over 85% of New Zealanders who enjoy vehicle-based freedom camping if the government determines all self-contained vehicles must have a plumbed in toilet (as referred to by the PCE and Minister of Tourism on several occasions). We appreciate MBIE has recently clarified the scope of Proposal 4 and what constitutes a permanently fixed toilet, however the discussion document and subsequent correspondence from MBIE still leaves the door open to the introduction of a new system that may only include fully plumbed in toilets as per Figure 1 of NZS 5465 (see below).

NZS 5465:2001

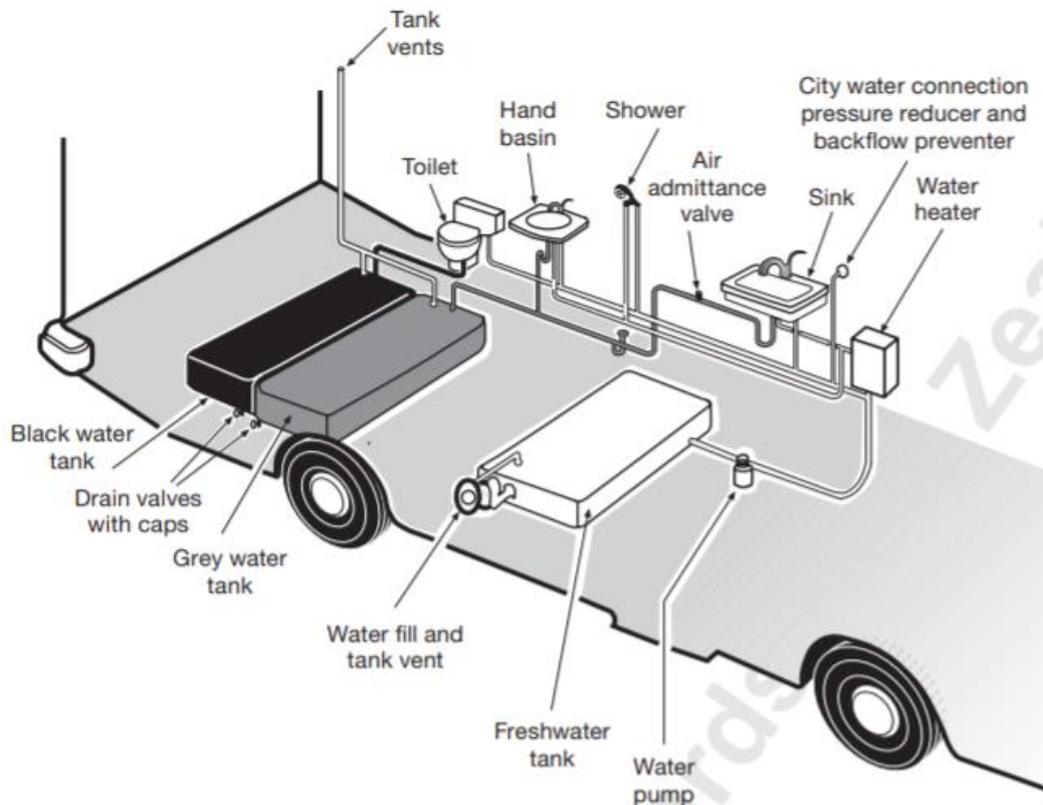


Figure 1 - Typical plumbing layout for motor caravans and caravans – diagrammatic only

NOTE – With storage water heaters an inlet pressure regulator and a pressure relief valve will be necessary.

How might this proposal impact you?

When answering this question you may like to think about:

- Will this proposal increase or decrease the likelihood of you camping?
- 2.3 • Will this proposal have a direct financial impact on you or your business?
 - If yes, please indicate if this is a personal or business expense and quantify how much you estimate it would impact you.
- Will this option increase or decrease the attractiveness of visiting other regions in New Zealand?

This proposal has the potential to adversely affect the vast majority of current and future members of the NZMCA. For example, over 85% of NZMCA members currently camp in a vehicle with either a portable or cassette toilet on board, neither of which meet the technical requirements of a plumbed in or permanently fixed toilet with separate wastewater tanks (as illustrated above).

As below, following discussions with a couple of reputable businesses that specialise in motorhome conversions, we estimate that it may cost \$3,700 - \$6,700 plus GST for vehicle owners to install a plumbed in toilet with separate wastewater tank(s), in a separate room, on a standard motorhome conversion.

	Cassette to plumbed in toilet estimated costs (excl. GST)	Portable to plumbed in toilet estimated costs (excl. GST)
Drop through toilet	\$570	\$570
40L black waste tank	\$520	\$520
Pipework and parts	\$600	\$800
Remodel set up / create separate room for toilet	\$2,100	\$4,800
Estimated Total Costs	\$3,790	\$6,690

Note: these figures are approximate depending on the configuration of the vehicle, whether a black tank can be fitted underneath the vehicle, and the size of the room required for a toilet. Obviously, the costs will be significantly higher for more complex vehicle conversions.

What things should Government consider to implement this option?

When answering this question you may like to think about:

- 2.4
- What exceptions should Government allow under this proposal?
 - Do you have any ideas about how this proposal could be implemented?
 - Should this option be considered alongside other options proposed in this discussion document?

We firmly believe a portable toilet should remain acceptable provided it is installed in line with the minimum requirements and intent of NZS 5465. See further discussion regarding Proposal 4.

However, if the government decides all vehicles must have a permanently fixed or plumbed in toilet it must understand there will be significant costs and time delays affecting tens-of-thousands of New Zealanders. And unfortunately, for quite a few kiwi families the conversion requirements will be unaffordable. Furthermore, the industry is not currently set up to convert tens-of-thousands of vehicles within a short period, and therefore it could take several years for Aotearoa's private and commercial fleet of motorhomes, caravans and campervans to come up to a new Standard. This delay will restrict how and where people can freedom camp and affect domestic tourism opportunities in small communities.

For the above reasons, even if the government were certain waste disposal is the primary issue, Proposals 1, 2 and 4 could take several years to fully implement and not achieve the desired outcomes within the Minister's preferred timeframes.

PROPOSAL 2: How much do you support the proposal to make it mandatory for freedom campers to stay in vehicles which are certified self-contained, unless they are staying at a site with toilet facilities (excluding public conservation lands and regional parks)?

3.1

Please write a (Y) next to the option which applies to you

Strongly agree	Agree	<u>Neutral (Y)</u>	Disagree	Strongly disagree
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Do you support this proposal?

When answering this question you may like to think about:

- Do you consider this option will improve camper behaviour?
- 3.2 • Will this option support or improve tourism outcomes in your region?
- Will this option decrease pressure on the environment and local government infrastructure?
- Are there impacts of this proposal that you are concerned about?

The NZMCA maintains the government should focus on improving the regulatory system and creating a policy framework that encourages dispersal to mitigate overcrowding in public areas.

We disagree with Proposal 2 as written for reasons similar to Proposal 1, and that it unnecessarily captures those camping in tents. However, we understand the Minister wants to proceed with either of the first two proposals. For this reason, the NZMCA would agree with Proposal 2 over 1 as it offers more opportunities for responsible campers that do not travel in certified self-contained vehicles and does not apply to conservation estate or regional parks.

We strongly recommend tents are excluded from Proposal 2 and that vehicles with portable and cassette toilets can continue to meet future self-containment requirements.

How might this proposal impact you?

When answering this question you may like to think about:

- Will this proposal increase or decrease the likelihood of you camping?
- 3.3 • Will this proposal have a direct financial impact on you or your business?
 - If yes, please indicate if this is a personal or business expense, and quantify how much you estimate it would impact you.
- Will this option increase or decrease the attractiveness of visiting other regions in New Zealand?

This proposal has the potential to adversely affect the vast majority of current and future members of the NZMCA. For example, over 85% of NZMCA members currently camp in a vehicle with either portable or cassette toilets on board, neither of which meet the technical requirements of a plumbed in or permanently fixed toilet with separate wastewater tanks.

What things should Government consider to implement this option?

When answering this question you may like to think about:

- What do you think is required to achieve this option?
- 3.4 • What exceptions should Government allow under this proposal?
- How far from toilet facilities should a person be able to freedom camp if not in a vehicle with a toilet? eg, 100 metres, 200 metres?
- Should this option be considered alongside other options proposed in this discussion document?

Further to our response to Proposal 1, the NZMCA recognises some campers prefer to wash their clothes and dishes in our lakes and rivers. This has the potential to damage local ecosystems, create a H&S risk, and become a nuisance for other visitors. To help mitigate this risk, we feel it would be appropriate for local authorities to provide wash stations in high use areas located within close proximity to our waterways. Wash station facilities can be provided alongside ablution blocks.

PROPOSAL 3: How much do you support the proposals to improve the regulatory tools for government land managers?

4.1

Please write a (Y) next to the option which applies to you

Strongly agree (Y)	Agree	Neutral	Disagree	Strongly disagree
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Do you support this proposal?

When answering this question you may like to think about:

- Are there any specific parts of this proposal you support or propose?
- 4.2 • Do you consider this option will improve camper behaviour?
- Will this option support or improve tourism outcomes in your region?
- Will this option decrease pressure on the environment and local government infrastructure?
- Are there impacts of this proposal that you are concerned about?

The NZMCA strongly recommends introducing a new regulatory system for self-containment, including an oversight regime and national vehicle register. We believe this approach alone will address the main concerns underpinning the discussion document. An improved and robust regulatory system will enable the government to address the bulk of community complaints and avoid introducing national policies without a strong evidence base (MBIE's regulatory impact assessment notes the government has low-to-moderate confidence of the evidence base).

We are not opposed to local authorities monitoring crown land on behalf of crown agencies, however we do not support local authorities enforcing their freedom camping bylaws on crown land beyond their current jurisdiction. Many bylaws apply district wide restrictions that may not be necessary or appropriate on crown land. There is a risk some bylaws may undermine policies that other crown agencies rely on to promote road safety and greater access to public recreation areas.

How might this proposal impact you?

When answering this question you may like to think about:

- Will this proposal increase or decrease the likelihood of you camping?
- 4.3 • Will this proposal have a direct financial impact on you or your business?
 - If yes, please indicate if this is a personal or business expense, and quantify how much you estimate it would impact you.
- Will this option increase or decrease the attractiveness of visiting other regions in New Zealand?

We believe a new regulatory system will have positive benefits for nearly all those involved in the current system.

What things should Government consider to implement this option?

When answering this question you may like to think about:

- 4.4 • What would you like to see in practice?
- Should this option be considered alongside other options proposed in this discussion document?

The Minister of Tourism's paper to Cabinet's Economic Development Committee notes (on page 8) that following public consultation on this discussion document, more detailed work will be undertaken to design any new regulatory regime and robust costings will be developed. Furthermore, MBIE officials have since advised that if the government agrees to develop a new regulatory scheme, they will engage key stakeholders about the detailed design of the new regulations. As New Zealand's largest camping club and issuing authority under NZS 5465, we look forward to being a part of those detailed discussions.

In the meantime, we strongly recommend the new regulatory regime simplifies compliance (without undermining community confidence) by either creating a new set of self-containment regulations or by overhauling NZS 5465. Ultimately, communities and local authorities want absolute assurance that freedom campers will have ready and appropriate access to toilet facilities and wastewater storage, whenever required. Based on these fundamental requirements, we suggest there is scope to simplify the minimum requirements for self-containment.

A revised Standard or a simple set of regulations defining self-containment would offer the following benefits:

- Create an efficient inspection and certification process, while reducing an agency's time in overseeing the application of the new regulatory system. Under the current Standard the new agency will have to interpret and establish determinations on a wide range of matters that are not critical to what we believe to be the rudimentary requirements of self-containment.
- Make self-containment more attainable and affordable for New Zealanders, including families who continue to freedom camp in non-self-contained vehicles and tents. Many families camp in vehicles and tents with portable toilets, that may not meet current requirements and would certainly not meet any new requirements for permanently fixed or plumbed in toilets.

- Stimulate a market response by encouraging small businesses and national inspection agencies to offer cost-effective inspection services bundled alongside vehicle conversions, mechanical services, WOF and COF inspections. The NZMCA inspects the majority of self-contained vehicles nationwide. We rely heavily on our volunteers to provide this service for our members and the commercial sector. However, this model is no longer sustainable. A robust regulatory regime will need to rely on a commercial model that is affordable for campers and profitable for those carrying out inspections. The existing certification process is cost-prohibitive for most businesses due to the technical nature of inspections and the average time it takes to inspect a vehicle, e.g. 30-40min per van. In our view, a simplified inspection process should take little more than a few minutes for your average vehicle.

In practice, a new regulatory regime could operate as follows

1. A motorhome owner takes their vehicle to an issuing agency (e.g. VTNZ) for a COF/WOF and requests a self-containment inspection as an add-on service.
2. While carrying out the COF/WOF inspection, the inspector checks the vehicle which includes an accessible toilet and appropriate wastewater storage following government regulations and inspection guidelines provided by the administering (regulatory) authority.
3. The issuing agency confirms online the vehicle has passed a self-containment inspection. This information is recorded on a national database, which is accessible to enforcement officers and other approved organisations.
4. An enforcement officer can enter the vehicle registration details to verify whether it is self-contained. If the vehicle is not registered on the database or their certification has lapsed, the officer may issue an infringement notice.

This approach would negate the need for printed certification documents (including the controversial blue sticker), further simplifying the administration process for the approved issuing agencies and administering authority.

What would be an appropriate penalty?

When answering this question you may like to think about:

- Should non-compliant vehicles be confiscated? If so, under what conditions?
- 4.5 • If vehicles are confiscated, what conditions should be placed on returning the vehicle?
- Should fines be similar to those for not holding a valid Warrant of Fitness for a motor vehicle?
- What levels should fines be set at?
- Who should collect a fine?

We are not opposed to a stronger infringement regime, although any new regime would need to carefully consider how local authorities rely on other statutes to fine freedom campers. For example, some local authorities are proposing to issue freedom camping fines up to \$800 under the Reserves Act in order to avoid making bylaws to access the Freedom Camping Act's \$200 infringement regime.

We are not opposed to amending the Freedom Camping Act's vehicle confiscation provisions, although we would expect these powers to only be used in extreme circumstances and as a last resort, e.g. for repeat offenders.

PROPOSAL 4: Do you think that the requirements for self-containment should be strengthened?

5.1 Please write a (Y) next to the option which applies to you

Yes	Neutral	No (Y)
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Is the current standard fit for purpose?

When answering this question you may like to think about:

- 5.2
- Should there be a requirement that self-contained vehicles have fixed toilets?
 - Should there be specific reference to the types of vehicles that can be self-contained?

Further to our concerns discussed above, and notwithstanding our recommendations to simplify the requirements for self-containment, we do not agree the current Standard needs strengthening to require fixed toilets, nor do we agree there should be any specific reference to the types of vehicles that can be self-contained.

We acknowledge the public's concern as to certain self-contained vehicles using portable toilets, however it is important for the government to remember that these vehicles represent a small minority of the overall market. If the government proceeds with Proposal 3 and agrees to create a new regulatory regime, that would provide an ideal opportunity to consider simplifying the requirements for self-containment, including the requirements for portable toilets. For example, a revised standard or new set of self-containment regulations might consider

- a. Defining the location and minimum room required for the vehicle occupants to use the toilet facilities onboard, or
- b. Requiring all toilets to be used in a separate enclosure within the vehicle (noting the small vehicle examples provided have managed to achieve this).

Who should certify to the Standard?

When answering this question you may like to think about:

- 5.3
- Should any Plumber registered under the Plumbers, Gasfitters and Drainlayers Act 1976 be able to certify to the Standard, or should certifiers be separately recognised and licensed?
 - Once a vehicle has passed its initial certification, should other entities be able to re-certify it?

Currently New Zealanders are not obligated to certify their vehicles in accordance with NZS 5465, unless they want to camp in areas that restrict access to certified self-contained vehicles only. The discussion document seeks to elevate the status of NZS 5465 and therefore we believe there must be a reliable and robust certification system in place to support this change.

In our view, the long-term success of a new regulatory system will require strong support from the commercial sector to take on the bulk of vehicle inspections nationwide. It is simply not sustainable for the

industry to continue to rely on volunteers or the current network of plumbers alone. However, we believe the regulatory body should be flexible with who they determine can be qualified to undertake inspections, particularly when there may be few available options in remote areas throughout New Zealand. In addition, simplifying the standard will encourage more commercial operators beyond the purview of the PGDB to undertake vehicle inspections.

What transition arrangements should be in place?

When answering this question you may like to think about:

- 6.1
- How long should Government give people to upgrade or dispose of their vehicles?
 - Should currently certified self-contained vehicles be exempt from any new rules?
 - Are there any other transition arrangements we should consider?

We believe it is premature to determine appropriate transitional provisions until we have a clear understanding of how the new regulatory system will operate and the requirements for meeting self-containment.

At the very least, the government must provide sufficient time for vehicle owners to upgrade their vehicles while being mindful some people may attempt to recertify their vans before the new requirements take hold, in order to enjoy the full benefits of the transitional arrangements.

We expect MBIE is familiar with the rationale underpinning the transitional arrangements when NZS 5465 Amendment 2 was introduced back in 2017.

How could Government ensure vulnerable groups are not further disadvantaged?

- 6.2
- Could Government make homelessness exempt from any new regulatory system? What might this look like?

The NZMCA agrees those who are genuinely homeless should not be caught up in any new regulatory system, nor should they be subject to enforcement under freedom camping bylaws. However, we acknowledge the difficulties in defining homelessness in legislation.

In our view, there is a fundamental difference between impoverished New Zealanders with no home to sleep in due to circumstances beyond their control versus those who have made a conscious decision to reside full time in their buses, motorhomes and caravans. The latter group should not be exempt from any new regulations as they are not destitute.

If the government is unable to make homelessness exempt from any new regulatory system, we note local authorities can achieve the same outcome through their enforcement policies.