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Committee Secretariat
Economic Development, Science and Innovation Committee
Parliament Buildings
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Kāpiti Coast District Council submission on the Self-contained Motor Vehicles Legislation Bill

Thank you for the opportunity to comment on the proposed changes to freedom camping settings under the Self-contained Motor Vehicles Legislation Bill. The Kāpiti Coast District Council supports responsible camping in our district and welcomes those visitors to enjoy our spectacular coastal environment and various attractions.

For the most part, those who freedom camp on the Kāpiti Coast are well-behaved. However, like many Councils we do experience some struggles in providing for and managing freedom campers. This includes competition for limited prime coastal sites reducing access for local use, overcrowding when campers exceed allocated spaces or time limits, public toilets sometimes being used as laundry facilities, and poor toileting practices and parking from both self-contained and non-self-contained campers.

While we welcome the changes proposed under the Self-contained Motor Vehicles Legislation Bill, we do have some concerns and have identified several additional changes to the Bill, which we outline below, to help improve the way we manage this element of our tourist sector to obtain the best outcomes for our visitors, residents, and the environment.

Better defining freedom camping

While the Bill seeks to define and distinguish between types of freedom camping, we believe the definition needs to ensure it also avoids confusion with non-freedom camping uses.

Our understanding of freedom camping is that its focus is on those travelling around the country as tourists on a temporary basis.

The current definition in Section 5 of the Act does not define or exclude a range of 'other' vehicles and situations that we believe should be excluded in a workable definition of freedom camping. We recommend the definition of freedom camping goes further than defining self-contained and non-self-contained freedom camping to explicitly exclude those permanently residing in mobile homes; and those that are homeless.

While the supporting explanatory text for the Bill identifies that homelessness is not intended to be captured by the Act, we believe this should be made explicit in the Act to help avoid any confusion. Recognising these separate uses also helps identify and reinforce the need for a welfare, not a regulatory response to support this vulnerable group.

The unintended consequences of not providing a more robust definition in the Act means these groups of people are often identified as breaching the Freedom Camping Act and/or relevant local bylaw. This generally leads to underreporting and identification of people that require access to appropriate support systems.

For fulsomeness of the definition, we recommend a more robust list of what freedom camping excludes:

1. The safe and temporary short-term parking of a motor vehicle including a motor home, house truck or motor vehicle towing a caravan to avoid driver fatigue. The onus is on the occupant to prove the activity was temporary in nature.
2. Homelessness.
3. Permanent, or semi-permanent accommodation in a self-contained or non-self-contained motor home, house bus or house truck. This is defined by people who move intermittently around a District or region with no real fixed abode.

Identifying locations to support freedom camping

Alongside the regulation of self-contained vehicles, the Bill provides for Council's to identify any appropriate sites for non-self-contained freedom camping vehicles through bylaws. In these changes, we note the absence of a similar provision to manage tenting, which is also a non-self-contained activity and can be difficult to manage and raises potential health and safety matters.

In addition, Section 10 of the Freedom Camping Act 2011 provides that 'freedom camping is permitted unless it is restricted or prohibited in that area'. We support responsible freedom camping and that Councils should not be able to completely shut down freedom camping within its boundaries. However, allowing freedom camping everywhere is often unmanageable and can impact on health and safety more generally.

We propose that Council's should be able to create a bylaw through Section 11 of the Act that designates parts of its district to freedom camping; but that no Council can restrict freedom camping everywhere. We also recommend that Council's should be provided the ability to designate any appropriate areas for tenting within its local authority area, consistent with those changes proposed for non-self-contained freedom camping vehicles.

This would be a consistent approach for managing freedom camping alongside the changes proposed to non-self-contained vehicles and those we propose for tenting. It would also support Council's ability to provide for freedom camping with the right facilities and infrastructure to support local tourism, health and safety, and community well-being.

Register of self-contained motor vehicles

Council supports the creation of a register of self-contained motor vehicles and considers plumbers registered under the Plumbers, Gasfitters and Drainlayers Act 2006 to be appropriate certifiers of the standard, both initially and at any recertification. However, we believe that access to the register should be limited to self-containment certification authorities, and enforcement agencies only.

We do not support members of the public having access to the register. While this may be beneficial in helping identify whether vehicles are certified and allowed to be camping at a particular site, it could potentially lead to conflict or vigilantism among members of the public. Our preference is that the register is managed by Waka Kotahi and accessible for enforcement and certification purposes only.

Offences relating to regulating self-contained motor vehicles.

The Bill creates criminal offences for fraudulent activity relating to the issuing of self-containment certificates. This appears to duplicate statutory offences that already exist under section 240, 256 and 258 of the Crimes Act 1961 that make it an offence to obtain by deception, forge or make a document or cause a document to be made to gain a privilege, service, pecuniary advantage, benefit, or valuable consideration.

We recommend this duplication is removed, recognising Police as the appropriate enforcement agency with warranted powers under the Crimes Act and the Search and Surveillance Act to deal with issues of fraud, including the ability to investigate and obtain evidential sufficiency requirements to meet prosecutorial requirements.

Strengthened infringement system

Council agrees with the proposal to improve the regulatory tools by increasing penalties for infringements. We support a tiered approach to the level of infringement fees at a maximum of \$800 as proposed in Ministry of Business, Innovation and Employment's Freedom Camping Regulations Discussion Document. This will enable fines to more accurately reflect the range of impacts that varying offences will have.

Kāpiti District Council appreciates the opportunity to comment on the proposed changes to support the management of freedom camping in Aotearoa and we thank you for considering our feedback.

Yours Sincerely,



Gary Simpson
Acting Chief Executive
Te Tumuaki Rangatira