



Submission to the Economic Development,
Science and Innovation Committee on the Self-
contained Motor Vehicles Legislation Bill

1. Introduction

Thank you for the opportunity to share our feedback on the Self-contained Motor Vehicles Legislation Bill.

Westland District Council (WDC) is a statutory entity based on the West Coast of the South Island of New Zealand.

Our vision statement is: *We work with the people of Westland to grow and protect our communities, our economy and our unique natural environment.*

The Westland District is approximately 450 km in length and one of the most sparsely populated parts of New Zealand, with an area of 1,186,272 hectares and a population of 8,640 people (2018 Census, Stats NZ). Approximately 33% of the population (2,960) lives in Hokitika. The remaining 66% live in small villages and rural areas such as Ross, Franz Josef and Haast. The district has a focus on the outdoors and outdoor recreation (87% of the land area is DOC land), which is a tourism drawcard, alongside dairy farming, mining and other enterprises.

WDC has a Freedom Camping Policy 2013 and Freedom Camping Bylaw 2018 and welcomes and encourages responsible camping throughout the Westland district. Responsible camping sites operate on both private and Council land. Sites on Council land only operate when funding is available from central government and Council does not believe that it is fair to our very small ratepayer base to subsidise this activity.

Westland District Council does not wish to appear before the Select Committee to speak to this submission.

2. Executive Summary

We are pleased that the government has recognised the need to provide further regulation and guidance around appropriate responsible camping activities. We support the Bill and much of the content. The move to a stronger certified self-contained vehicles regime and strengthened fines is supported. However, we do not support freedom camping in tents and support the submission from Tāituarua in its entirety. The recommendations are summarised in section 9.

3. Responsible camping in Westland

WDC operated six responsible camping sites during the 2020/2021 season, with funding from the MIBE Tourism Infrastructure fund (TIF). This funding was used for temporary infrastructure and compliance:

- Okuru
- Beach Road (self-contained vehicles only)
- Bruce Bay
- Hannah's Clearing
- Jackson Bay

A previous site at Acre Creek (NZTA land) was closed during the 2019/2020 season due to safety issues and inability to enforce the Act on this land.

Additional responsible camping facilities have been made available in conjunction with local private businesses for campers who do not comply as self-contained. Some infrastructure has been provided using funding from TIF:

- Paringa Salmon Farm - Franz Josef/Haast (Open all year)
- Treetop walkways - Hokitika (Open all year)
- Honey Café - Kumara (Closed 1 July 2021)
- Otira Hotel (Closed 1 July 2021)
- Kokatahi Hotel (Closed 1 July 2021)

Three effluent waste dump sites are available for travellers in self-contained vehicles:

- Hokitika - Oxidation Ponds, SH6
- Franz Josef - Between Cron Street and SH6

- Haast - by the toilets on Marks Road

Responsible campers spent on average 1,416 overnight stays per month in Westland during the 2021/2022 season.

Until designated campsites with facilities were provided through the TIF and seasonal responsible camping programmes there were many examples of freedom campers' toileting in inappropriate places. Historically the community has not supported freedom or responsible camping as it is seen as disrespectful to the environment and a threat to traditional hospitality businesses. This was particularly felt in the Glacier regions. Where responsible camping facilities have been provided there is less of a concern around the environment but economic concerns remain.

WDC supports Tāituara's recommendations:

1. The local decision-making aspect of the Bill. Councils need flexibility to be able to make their own local decisions about the degree of freedom camping regulation required.
2. Ongoing funding of the Responsible Camping Fund to ensure the sustainability of freedom camping.

Westland District has seven of the 11 Department of Conservation (DOC) camping grounds available on the West Coast. All of these camping grounds require visitors to pay a fee. Westland District Council recommends that:

3. Fees for DOC camping grounds be removed to encourage campers in non-compliant vehicles to camp in areas with facilities.

4. Issues around responsible camping

Problems occur with vehicles that claim to be 'self-contained' but are not genuinely 'self-contained' with appropriate toilet facilities. We support the intention in the Bill to strengthen the legislation and regulations for fixed toilets and a certification register for self-contained vehicles.

Compliance officers issued the following notices and infringements in the camping seasons from 2018 – 2020:

Freedom Camping Infringement	2018 -2019 session	2019-2020
Warning / Advise	153	223
Declarations	17	23
Total Infringements issued	65	74
Infringement Paid	48	51
Value of Infringement	\$9,600	\$10,200

Campers who choose freedom camping for a lifestyle can be problematic for Council officers.

WDC supports Tāituara's recommendation:

4. That the interpretation of freedom camping in section 5 clearly states that those choosing to live permanently in vehicles or tents on public land because that is their preferred lifestyle choice be defined as freedom campers.

An increase in genuinely self-contained vehicles will result in greater pressure on current dump station facilities and sewer networks. An increase in self-contained vehicles will also increase the number staying in camping grounds.

WDC supports Tāituara's recommendations:

5. That campgrounds provide dump station infrastructure that is proportionate to their self-contained vehicle accommodation.
6. That there be grants through funding mechanisms, such as the Tourism Infrastructure Fund, to increase the number of dump stations to prevent illegal dumping of human waste.

The current proposal in the Bill that leave tents and temporary structures as permissible creates inequalities and negates environmental improvements that encouraging fully self-contained campers would create. Compliance officers will encounter situations where people in tents may be permitted to stay in areas where campers in non-self-contained vehicles will be asked to leave. Regulating with bylaws by restricting or prohibiting responsible camping in

certain areas to prevent campers in tents and temporary structures would defeat the purpose of the Freedom Camping Act.

WDC supports Tāituara's recommendation:

7. We recommend that tenting and temporary structures be excluded from clause 6, the "Meaning of Freedom Camping", and clause 10, "Where Freedom Camping is Permitted".

5. Definitions

The current offence of "preparing to freedom camp" (s 20(1)(c) Freedom Camping Act 2011) is not defined and can be difficult for Compliance Officers to address.

WDC supports Tāituara's recommendation:

8. That there be a definition of preparing to freedom camp in the interpretation. Additionally, a definition of "overnight" would assist for clarity in applying the legislation and associated bylaws to "preparing to freedom camp".

6. Transitional arrangements for Bylaws

WDC supports extending the Freedom Camping Act to NZTA and LINZ to simplify the rules for tourists. We support the intent of the proposals and support the following recommendations from Tāituara for transitioning to the new legislation:

9. Recommend changes to the bylaw and fines proposals to ensure a smooth transition to the new regime.
 - a. Councils will inevitably be challenged on how they received authority from NZTA to enforce its land. For clarity and consistency across the motu, we recommend there be a nationally consistent format (or form) for NZTA to follow when it provides "written consent" to councils. Councils will be able to attach the consent to the bylaw to provide transparency to the process.
 - b. That where the council has already consulted with the community on its freedom camping bylaws, no additional consultation under s83 LGA2002 be required for the inclusion of NZTA land to the bylaw. We recommend instead that where the amendment is only declaring NZTA land to be a 'local authority area' with any associated restrictions, permissions or prohibitions, that the bylaw be amended by a resolution publicly notified, without a requirement to consult with the community.
 - c. Councils will undertake a bylaw transition from their existing bylaws to the new legislation. The transition will create drafting inconsistencies when held up against the new legislation. Councils do not want to have to go through a consultation process to amend their existing bylaws to be consistent with the drafting in the new legislation. Therefore, we recommend that a clause be inserted which allows amendments to be made to existing bylaws so they can be grandparented over. A good example of bylaw grandparenting is in [the Fire and Emergency New Zealand Act 2017, section 199](#), which assisted the sector in transitioning to a new regime.
 - d. Councils will create one Freedom Camping Bylaw which incorporates all restrictions and prohibitions under proposed sections 10A to 11A. They will not create three bylaws which correlate to the separate sections, 10A, 11 or 11A. The current drafting in clause 12 implies there will be a bylaw under each of 10A, 11 or 11A. We recommend rewording so that it is clear that a local authority can make one bylaw under sections 10A to 11A.
 - e. We recommend there be clarity about whether existing bylaws will cease after the two-year transition period. The transitional provisions in Schedule 1AA of the Bill is silent on this matter.

7. Nationally consistent signage

Nationally consistent signage would assist the public and local authorities by decreasing confusion and increasing compliance.

WDC supports Tāituara's recommendation:

10. Institute nationally consistent signage across the motu for the reason that it will decrease confusion and increase compliance.

8. Support for scale of fines and a national register

WDC supports introducing a scale of fines for different offences and having a national register of self-contained vehicles. A scale of fines will provide the public with an understanding that there is a scale of offending and some are worse than others. We also support the proposals that:

- notices can be emailed
- car hirers to be liable for the renters' fines
- there be a national register of self-contained motor vehicles administered by the Plumbers and Gasfitters and Drainlayers Board

It is unclear in the Bill who fines incurred on NZTA land will be payable to.

WDC supports Tāituarā's recommendations:

11. We support the introduction of a scale of fines for different offences
12. We support having a national register of self-contained vehicles for regulators and enforcement officers to access.
13. We anticipate that NZTA fines will be payable to local authorities, however, this is not clear in the Bill who they should be paid to. We recommend it be made explicit in clauses 27 to 32 of the Bill.

It is also uncertain about how fines will be collected from international tourists who leave New Zealand before paying their fines.

14. There be further investigation into ways that fines can be collected from short-stay international tourists.

9. Summary of Recommendations

Recommendation	
1	We support the local decision-making aspect of the Bill. Councils need flexibility to be able to make their own local decisions about the degree of freedom camping regulation required.
2	We recommend ongoing funding of the Responsible Camping Fund to ensure the sustainability of freedom camping.
3	Fees for DOC camping grounds be removed to encourage campers in non-compliant vehicles to camp in areas with facilities.
4	We recommend that the interpretation of freedom camping in section 5 clearly states that those choosing to live permanently in vehicles or tents on public land because that is their preferred lifestyle choice be defined as freedom campers.
5	We recommend that there be grants through funding mechanisms, such as the Tourism Infrastructure Fund, to increase the number of dump stations to prevent illegal dumping of human waste.
6	We recommend that tenting and temporary structures be excluded from clause 6, the "Meaning of Freedom Camping", and clause 10, "Where Freedom Camping is Permitted".
7	We recommend there be a definition of "preparing to freedom camp" in the interpretation. Additionally, a definition of "overnight" would allow for clarity in applying the legislation and associated bylaws to "preparing to freedom camp".
8	We recommend having nationally consistent signage across the motu for the reason that it will decrease confusion and increase compliance.
9	We recommend changes to the bylaw and fines proposals to ensure a smooth transition to the new regime. We support the intent of the proposals but we recommend some clarifications in transitioning to the new legislation as follows: <ol style="list-style-type: none">a. Councils will inevitably be challenged on how they received authority from NZTA to enforce its land. For clarity and consistency across the motu, we recommend there be a nationally consistent format (or form) for NZTA to follow when it provides "written consent" to

councils. Councils will be able to attach the consent to the bylaw to provide transparency to the process.

- b. That where the council has already consulted with the community on its freedom camping bylaws, no additional consultation under s83 LGA2002 be required for the inclusion of NZTA land to the bylaw. We recommend instead that where the amendment is only declaring NZTA land to be a 'local authority area' with any associated restrictions, permissions or prohibitions, that the bylaw be amended by a resolution publicly notified, without a requirement to consult with the community.
- c. Councils will undertake a bylaw transition from their existing bylaws to the new legislation. The transition will create drafting inconsistencies when held up against the new legislation. Councils do not want to have to go through a consultation process to amend their existing bylaws to be consistent with the drafting in the new legislation. Therefore, we recommend that a clause be inserted which allows amendments to be made to existing bylaws so they can be grandparented over. A good example of bylaw grandparenting is in the [Fire and Emergency New Zealand Act 2017, section 199](#) which assisted the sector in transitioning to a new regime.
- d. Councils will create one Freedom Camping Bylaw which incorporates all restrictions and prohibitions under proposed sections 10A to 11A. They will not create three bylaws which correlate to the separate sections, 10A, 11 or 11A. The current drafting in clause 12 implies there will be a bylaw under each of 10A, 11 or 11A. We recommend rewording so that it is clear that a local authority can make one bylaw under sections 10A to 11A.

We recommend there be clarity about whether existing bylaws will cease after the two-year transition period. The transitional provisions in Schedule 1AA of the Bill is silent on this matter.

10	Institute nationally consistent signage across the motu for the reason that it will decrease confusion and increase compliance.
11	We support the introduction of a scale of fines for different offences.
12	We support having a national register of self-contained vehicles for regulators and enforcement officers to access.
13	We anticipate that NZTA fines will be payable to local authorities, however, this is not clear in the Bill who they should be paid to. We recommend it be made explicit in clauses 27 to 32 of the Bill.
14	We recommend there be further investigation into ways that fines can be collected from short-stay international tourists.

WDC does not wish to appear before the Select Committee to speak to its submission.

Ngā mihi nui,



Simon Bastion, Chief Executive