

# Submission to the Economic Development, Science and Innovation Committee



## *Self-contained Motor Vehicles Legislation Bill*

13 October 2022

### **Introduction**

The Timaru District Council (the Council) thanks the Economic Development, Science and Innovation Committee (the Committee) for the opportunity to submit on the Self-contained Motor Vehicles Legislation Bill.

This submission is made by the Timaru District Council, 2 King George Place, Timaru. The submission has been endorsed by the Mayor. The contact person for Council is Nigel Bowen, Mayor of the Timaru District, who can be contacted at Timaru District Council, phone (03) 687 7200 or PO Box 522, Timaru 7940.

The contact person regarding the submission content is Rachel Hermens, who can be contacted via [rachel.hermens@timdc.govt.nz](mailto:rachel.hermens@timdc.govt.nz). We do not wish to speak to this submission.

### **Freedom camping in Timaru District**

The Timaru District Council is a local authority in the South Island serving over 48,000 people in South Canterbury. The main settlement is Timaru, with other smaller settlements of Geraldine, Pleasant Point and Temuka.

Timaru District does not currently have a freedom camping bylaw in place under the Freedom Camping Act 2011. This is because the District has historically had what we consider to be comparatively low rates of freedom campers and associated issues. Therefore, issues identified have been managed on a case-by-case basis and, where enforcement was necessary, utilising alternative, relevant legislation.

However, in the past few years, officers have identified an increase in specific issues related more to long-term or semi-permanent campers, unsanitary conditions, and the dumping of human waste. These issues are generally caused by an increased incidence in homelessness than travelling tourists, and exacerbated by the social and economic impacts of Covid-19.

An overview of the freedom camping sites and facilities in the Timaru District is available [here](#).

### **General comments**

Council is generally supportive of this legislation, and commends the Government for seeking to improve clarity on this issue. We endorse the Canterbury Mayoral Forum submission, and give our support for its views on issues that we have not commented on.

The legislation enhances the enforcement mechanisms available to local authorities, and – importantly – retains the ability for local bylaws to reflect local views and concerns. We believe that there are some aspects that can be improved.

Council's submission is based primarily on the following two considerations. First, it is important to acknowledge that the majority of freedom campers are conscientious and, "do the right thing"; therefore changes should be nuanced and appropriately targeted. Second, New Zealanders have a strong love of, and affinity with, the outdoors; therefore it is a priority that the legislation allows freedom camping to remain widely available and affordable so that our beautiful natural environment can be enjoyed by as many Kiwis as possible.

### **Summary of changes sought**

- Amend section 6(1) to specify a usual timeframe of freedom camping in any one location.
- Clarify the definition of a tent or temporary structure, and consider removing the reference to temporary structures if this cannot be adequately clarified.
- Consider amending section 10(1) to add a new clause (c), permitting freedom camping in, "a motor vehicle containing a certified portable toilet". Amend the regulatory regime accordingly.
- Consider extending mechanisms to support local authorities with the building and/ or operating costs of freedom camping infrastructure, particularly relating to waste.
- Consider prohibiting vehicle rental companies financially incentivising users to not use their vehicle's toilet, as part of the infringement regime.

### **Definition of freedom camping**

We believe that Section 6(1) "Meaning of freedom camp" of the legislation should be amended to add a reference to a usual length of time of freedom camping. This might state that freedom camping is temporary and usually undertaken for no longer than, for example, five days in any one location.

The legislation as written implies that freedom camping could be undertaken for an indefinite period of time if a local bylaw is not in place to over-ride this. We believe that this addition will improve clarity – especially for international tourists not used to New Zealand's camping culture – and assist with local authorities' enforcement of the legislation. This information could be placed on signage.

### **Permitted freedom camping**

Council shares the Government's concern that freedom camping, if poorly managed, can cause damage to the environment and social amenities.

We note that the legislation allows people to freedom camp in a tent or temporary structure by default, unless a local bylaw over-rides this. The definition of a tent or temporary structure, as currently in the Bill, is problematic and requires clarification. Is a tarpaulin or corrugated iron structure permitted, for instance? We would not want any structure that is either not designed to accommodate persons or not structurally sound to be permitted. It may be necessary to delete any reference to temporary structures in the legislation if this cannot be clarified adequately.

We concur with the Canterbury Mayoral Forum that retaining the ability to freedom camp in tents would likely cause the continuation of some current issues, especially for those staying in a single area for an extended period of time. As MBIE's internal advice noted, there is an expectation that some current campers will be incentivised to exploit this "loophole" and simply camp in tents instead of non-self-contained vehicles. Notwithstanding this, Council does not wish to see tents prohibited by default, primarily because they enhance the affordability of freedom camping.

We are concerned that the proposed requirement that vehicles are certified as self-contained in line with certification regime will increase the cost of freedom camping. Certified self-contained vehicles are more expensive to purchase and maintain than non-self-contained vehicles. This will reduce the affordability and accessibility of freedom camping, particularly in the current economic climate where there are significant cost of living pressures on households.

Council believes that an alternative, compromise option deserves consideration; namely, permitting freedom camping by default where a vehicle has a certified fixed or portable toilet, instead of the entire vehicle being certified as self-contained. The toilet would need to meet required standards for waste retention volume and treatment, and the regulatory regime amended accordingly. Training should be sufficient to ensure that renters are well versed in using and emptying these facilities. It can be assumed that where freedom campers have access to a certified toilet, it would be used.

We appreciate that this would mean that the vehicle would not be certified for grey water, however this has not been identified in the Bill as being as significant an issue as human waste. Ours is a pragmatic compromise to address the most significant problem (human waste) while ensuring that freedom camping remains as affordable and accessible as possible.

### **Provision and upgrading of facilities**

Council believes that the provision and upgrading of freedom camping facilities – such as water sources, toilet blocks, composting toilets and waste dump stations – can be a significant part of the solution to the issues identified in the Bill. This infrastructure will be especially important if non-self-contained freedom camping in tents is permitted.

It is therefore disappointing that the Government's transitional fund specifically excludes funding freedom camping infrastructure. While we acknowledge that it is the role of local authorities to primarily finance the freedom camping facilities in their districts, a Government contribution is appropriate.

We challenge MBIE's internal advice that costs to local authorities are likely to decrease due to fewer non-self-contained freedom campers utilising facilities. For the above-mentioned reasons, we believe that it is reasonable to expect a materially similar number of non-self-contained campers compared to the present if the legislation is not amended, and therefore a similar usage of facilities. The difference will be that they will be using tents rather than vehicles. If there are no changes to the legislation in this regard, we suggest that monitoring is undertaken after the legislation takes effect to determine the impact on the usage of freedom camping facilities.

The costs of building and operating freedom camping facilities are not covered by income generated from freedom camping; local authorities subsidise the activity to some extent. Further, popular tourist locations (for example areas of natural beauty) are often lowly populated, where local rates cannot and should not be expected to cover the costs of freedom camping infrastructure. A national funding solution is required which is contestable and fairly accessible to all Councils.

We contend that such infrastructure funding would be better value for money and of more enduring benefit than the education/ awareness campaigns that the transitional funding is currently tagged for.

### **Homelessness**

Council agrees that the legislation and infringement regime should not be used to penalise the homeless and those who are in difficult circumstances. Local authorities should retain the discretion whether to impose infringement fees in such cases.

However, it is noted that there is a degree of overlap between freedom camping and homelessness, and it is not always easy to distinguish between the two. This is one key reason that we have recommended the Bill include clarification on the usual length of stay in any one location, which could be over-ridden by a bylaw.

### **Infringements**

Council supports an infringement regime that provides an element of discretion to officers. This is because officers will encounter situations that are unique and cannot be accounted for in the regulations. Guidelines are certainly appropriate as these will enhance the consistency of implementation.

Further, Council supports an infringement regime that allows it, where it believes appropriate, to recover the full costs of remedial activities from those who cause the

damages. For instance, it could realistically cost at least \$1,000 to organise for damages to be cleaned up and/ or facilities replaced, not including the cost of officer time.

Finally, we believe is appropriate that consideration is given to prohibiting vehicle rental companies from providing financial incentives or refunds if their toilets are unused while the vehicle is rented out. Vehicle rental companies could be fined for non-compliance. The current measures incentivise renters to be less self-sufficient than is appropriate and sends the wrong message about camping with a minimal impact on the environment.

### **Conclusion**

Thank you again for the opportunity to submit on this Bill. Please do not hesitate to contact us (via [rachel.hermens@timdc.govt.nz](mailto:rachel.hermens@timdc.govt.nz)) if you have any questions or wish to discuss aspects further.

Ngā mihi

A handwritten signature in blue ink, appearing to read 'Nigel Bowen'.

Nigel Bowen  
**Mayor**