

14th May 2021

Ministry of Business, Innovation and Employment
15 Stout Street
PO Box 1473
Wellington 6140

Attention: Responsible Camping Submissions

Re: Supporting Sustainable Freedom Camping in Aotearoa New Zealand – Discussion Document

Tēnā koe,

Thank you for the opportunity to provide comments on the Supporting Sustainable Freedom Camping in Aotearoa New Zealand Discussion Document, released in April 2021. As a local authority that manages popular freedom camping spots, it is important that our voices of experience are heard by Government when formulating legislation and regulatory tools aimed at supporting Councils to better manage their resources.

I have attached Napier City Council's submission, Please do not hesitate to get in touch should you have any questions.

Ngā mihi

Privacy of natural persons

Richard Munneke
DIRECTOR – CITY STRATEGY

SUPPORTING SUSTAINABLE FREEDOM CAMPING IN AOTEAROA NEW ZEALAND

DISCUSSION DOCUMENT APRIL 2021

SUBMISSION – NAPIER CITY COUNCIL

INTRODUCTION

As outlined in the Discussion Document, freedom camping provides an affordable and flexible way to explore Aotearoa New Zealand. Done well, freedom camping can provide significant benefits to the country and more locally, to our community. As stated in the Discussion Document, evidence shows that freedom campers stay longer and spend more than other visitors.

Napier City Council provides four restricted areas for freedom camping, all located within the beachfront reserve. Each of these areas have toilet facilities either within, or nearby to the site. The Napier City Freedom Camping Bylaw 2017 sets the rules for these areas, as well as identifying the prohibited areas for freedom camping.

Here in Napier, our experience of managing freedom campers and freedom camping sites has generally been positive, with just some minor tweaking needed to ensure we have the appropriate regulatory tools available. Although there have been instances where freedom campers have been a nuisance to neighbours, or have left behind solid and/or human waste, these situations have been limited. There are however, difficulties faced when managing homeless, or rough sleepers – those sleeping in tents or their vehicles on a long-term basis because they do not have alternative accommodation. This is a much more complex issue, with longer-term housing and support solutions needed. Further commentary is provided below on this matter.

For the purposes of providing feedback to the proposals presented in the Discussion Document, this submission is divided into four sections – corresponding with each proposal presented.

Proposal 1: Make it mandatory for freedom camping in a vehicle to be done in a certified self-contained vehicles

Napier City Council neither supports nor opposes this proposal. As previously stated, our experience with genuine freedom campers has been generally positive, regardless of whether the vehicle is certified self-contained or not. Each of the four permitted freedom camping sites in Napier have a toilet facility nearby. Showers are also available in the city at small cost.

At the peak of visitor numbers a couple of years ago, there was significant pressure on some of these toilet facilities. Making it mandatory for freedom camping in a vehicle to be done in a certified self-contained vehicle would mostly likely reduce this pressure in the future. However there would likely be an increase in the need for waste disposal systems. Funding provided by

Government to support the building and maintenance of these would certainly be of assistance to Councils.

This proposal, if combined with Proposal 4 (which proposes to exempt rough sleepers from the rules), would likely see a decrease in the number of freedom campers, however we expect a recovery of visitor numbers of locals and tourists as they adjust to the new requirements.

This proposal would result in unintended negative consequences. Presently, those who are homeless and living in their vehicles are able to camp at freedom camping sites provided they follow the rules. They have to obey the same rules as legitimate freedom campers. Exempting rough sleepers from having to comply with this rule would result in issues of fairness, and likely disputes from freedom campers. Freedom campers may even claim to be homeless to avoid having to obey the rules. This proposal would result in rough sleepers having nowhere to go for shelter. Although emergency housing is provided by the Ministry of Social Development, there is anecdotal evidence of some people preferring to sleep in their vehicles for safety reasons.

Proposal 2: Make it mandatory for freedom campers to stay in a vehicle that is certified self-contained unless they are staying at a site with toilet facilities

Napier City Council supports this proposal. Although all four of Napier's designated freedom camping areas have toilet facilities nearby, and therefore don't experience too many issues in relation to human excrement being left behind by freedom campers, without these facilities we could be faced with a different experience.

Although this proposal would likely result in more people having access to toilet facilities, this doesn't necessarily mean user behaviour would improve. Our experience is that legitimate freedom campers do not generally cause issues because of their behaviour. Behavioural issues experienced have come from rough sleepers, who would still be able to camp at these sites under this proposal. Our experience is that, although the majority of campers demonstrate positive and rule-abiding behaviour, where poor behaviour is experienced, this has come primarily from rough sleepers, who can spoil the experience for legitimate freedom campers at these sites.

If this proposal were to be adopted, financial support to local authorities from the Government for the upgrade of toilet facilities would no doubt be appreciated. It is likely that other local authorities have freedom camping areas in locations without toilet facilities or with limited facilities that would require upgrading under this proposal.

Motorhome rental companies often provide an incentive to not make use of the in-vehicle toilets by sealing the lid and providing a discount if the seal isn't broken. This encourages people to avoid using the toilet which can lead to issues of defecating in public grounds. It would be beneficial if new proposals included the inability for rental companies to have this practice.

Proposal 3: Improve the regulatory tools for government land managers

This proposal encompasses a number of recommendations:

- Higher fines (greater than \$200) for different types of offence

- Broadening of the circumstances when confiscation of vehicle can occur
- A new regulatory agency, or new powers to an existing authority to provide national oversight of legislated requirements for self-contained vehicles (eg a national database of certified self-contained vehicles)
- Ability to enforce rules on other government-owned land

Napier City Council is generally supportive of this proposal.

Council is supportive of the ability to increase penalties where the offence is related to a negative impact on the environment, however, like most Councils, Napier City Council is experiencing difficulties in cost recovery. Only a small percentage of infringement fines are actually paid. Freedom campers are transient by nature, with some not having a fixed address. Motorhome rental companies are also not liable for these fines, meaning those using rented vehicles are difficult to trace. Fines served on rough sleepers are not going to be paid. Increasing the penalty will not result in a greater rate of payment. It would be helpful if rental companies were liable for the fines their customers incur. That way, they would be much more likely to chase outstanding fines, rather than just passing on the infringement notice.

Vehicle confiscation could be a good way to deal with repeat offenders, although this would need to be carefully applied if the confiscation were to be of a vehicle used by a rough sleeper.

A national database of certified self-contained vehicles would be the biggest help in managing freedom campers, and this proposal is strongly supported.

The ability to infringe freedom campers on other government-owned land would be an advantage. Agencies such as the Department of Conservation and Waka Kotahi are typically under-resourced locally to deal with these matters. Given illegal freedom camping affects a community regardless of who owns the land, it would be an advantage for Council, who are resourced and deal with such matters, to monitor and be able to enforce the rules on other land.

Proposal 4: Strengthen the requirements for self-contained vehicles

Napier City Council is very supportive of this proposal. Station wagons and people movers containing slide out cassette toilets do not provide sufficient head room to be able to use it properly. Therefore, certification should only be given to vehicles where it can be demonstrated that the toilets use is realistic, perhaps by not certifying station wagon or people mover vehicles as self-contained. Toilets should be fixed within a vehicle in order for them to qualify as self-contained.

Certification should also be mandatory. The current system whereby qualified plumbers registered under the Act can certify a vehicle is appropriate. Re-certification should be reduced to every 3 years from every 5 years. Certification should be provided by plumbers registered under the Act.

Concluding statements and questions

Questions were raised in the Discussion Document about transitional arrangements. Napier City Council believe that 12 months is a reasonable time period to give people to upgrade or dispose of their vehicles. Currently certified self-contained vehicles should not be exempt from any new rules – they should have 12 months to either upgrade or dispose of their vehicles.

A question was also raised in relation to homelessness, and whether Government should make homelessness exempt from any new regulatory system. As stated previously, homelessness or rough sleeping is a significant issue in Napier, as it is around the country. Napier City Council strongly disagree with making rough sleepers exempt from the system. Although behavioural issues and nuisance is often caused by rough sleepers, and not legitimate freedom campers, making them exempt would result in no one managing their behaviour or movements (falling through the gaps). An additional issue is that freedom campers could claim homelessness to avoid having to obey the rules. There would also be claims of unfair treatment from freedom campers as they will no doubt witness rough sleepers doing what they please, without Council managing their activities and movements.

A final statement about homelessness or rough sleepers. This, and the associated housing crisis, is a significant issue in Napier and throughout the country. More needs to be done to address this escalating issue as the costs to society are far reaching. Napier City Council accepts that there is no quick fix, however putting more resourcing into wrap-around support for families and individuals while they are in emergency housing (or rough sleeping) may alleviate issues of security, education and employment.