



omaha beach community inc.

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Submission to the Ministry of Business, Innovation and Employment from Omaha Beach Community Incorporated – May 2021

Our details

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This document is submitted to you by the elected committee of the Omaha Beach Community Inc. ('OBC'), New Zealand's largest paid ratepayer association with circa 90% of all eligible ratepayers as financial members. We represent a paid-up membership in excess of 1,000 property owners at Omaha Beach.

Whilst we cannot claim that the views and opinions expressed here are reflective of all the Omaha Beach residents and property owners, they are certainly an indication of the thinking of the elected committee member representatives.

The views expressed here are based on those conveyed to the OBC committee by our members at the OBC's AGM held 20 January 2019, in relation to Auckland Council's then proposed Freedom Camping Bylaw; and also from the responses to an online survey undertaken by the OBC on our members, at around the same time, where 83% of survey respondents were against freedom camping in Omaha Beach.

We would therefore hope that, with a paid-up membership in excess of 1,000, this submission would be considered by MBIE as not merely a single submission.

Introduction

We welcome the MBIE proposal which looks to address some of the freedom camping issues and negative impacts on New Zealand's tourism brand and on our communities. However, there is a significant opportunity to go further, and address the lack of balance in the Freedom Camping Act 2011 from one of overarching permissibility to one of determination by the local authorities and their communities, enabling the protection of the environment in balance with the encouragement of tourism.

Our comments on the specific questions asked are as follows:

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

Strongly agree.

Should help reduce the negative camper behaviour experienced with the leaving of human waste, wastewater and rubbish on and around parking bays and roads in our coastal community.

This will decrease incidences and harm within our local bird conservation and protection areas where overnight activity from campers in vehicles has occurred, some of which has been driven by having no onboard or local toilet facilities.

The importance of hand hygiene has taken an increased focus with the COVID-19 pandemic and prevention campaign. Self-contained and plumbed facilities in a self-contained camping vehicle support the hygiene and health requirements for the traveller as well as members of the community within which the traveller is visiting.

A consistent national approach for self-contained vehicles with fixed /plumbed in toilet facilities is vital to ensuring a clean, green and desirable New Zealand for tourists and locals to visit and enjoy.

This requirement would support the usage of our excellent local campgrounds and DOC sites for tourists and New Zealanders, as these are the correct place for camping for travellers that do not have plumbed/fixed toilet facilities and wastewater in their camping vehicle.

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)?

Strongly disagree.

This would potentially negate the positive step in moving to self-contained vehicles.

Having a two-tiered system for freedom camping, depending on whether toilet facilities are potentially nearby, open or not open, working or not working, makes it hard to navigate and manage and immediately creates confusion for travellers, campers and the local communities in which the campers are visiting and living.

The definition of “toilet facilities” is unclear but, assuming that the facilities would have to be open 24 hours to ensure the proposal objective of reducing environmental and community

harms. No toilets available in our community on council land are open 24 hours, as we gather is the case for many public toilets in the greater Auckland area. These facilities are closed at night due to ongoing vandalism and other anti-social issues. This makes this proposal unworkable and confusing for our residential coastal community as well as for prospective campers visiting our area.

Proposed exception for Regional parks

Strongly disagree.

Having exceptions creates confusion and increases the likelihood of not achieving the reduction in environmental harms, and increasing the cost to monitor and police.

Exceptions for our local regional parks creates unnecessary confusion for campers arriving into the area at night or generally unclear on regional park versus local park status.

Regional parks can be sensitive areas requiring protection. Our local regional park at Tawharanui is a national and regional treasure. There is already a well-managed camping site there available for all vehicles through a booking and fee system. Creating confusion with a blanket change to allow all non-self-contained vehicles to be allowed to camp at regional parks could potentially encourage a multitude of non-self-contained vehicles crowding such areas and causing significant environmental damage, undermining years of community and local initiatives in conservation and environmental protection measures.

Making an exception for regional parks undermines our local campground operators who provide a wonderful service with many immediate beach side, estuary side and country side camping locations. Managed campsites are the most suitable places for non-self-contained vehicles - not in our regional parks, many of which are amongst our most precious and ecologically sensitive areas in NZ.

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

Agree.

The increase in fines within a scale to match behaviour enables the most serious offences to be fined at a higher level reflecting the impact on the environment and the community.

We agree that rental companies who supply the camping vehicles should be required to pass on the infringement fines to their client campers.

We agree that the hire company should also be accountable for non-payment of fines. This drives a culture of accountability for all people in the system - the providers as well as the users.

We also believe that it should be illegal to have incentives from the hire companies for returning the toilet facilities unused. This encourages behaviour of occupants to not use the

plumbed-in facilities and encourages the potential damage to the environment currently being experienced by some campers. Whether campers chose to use their onboard facilities or not, the hire company should not be encouraging the harms that are being caused in our community from a minority of campers.

There is potential that confiscation of the vehicle would be potentially rather difficult for Council enforcement officers considering more remote locations. We suggest that wheel clamping could be introduced as a step prior to the confiscation of the vehicle.

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

Strongly agree.

Strengthening the requirements for self-containment supports the objective of reducing community and environmental harms from freedom camping.

We agree that self-contained vehicles should have fixed and/or plumbed in toilets to meet the standard, and also that the fixed and/or plumbed toilet must be able to be accessed easily and utilised by the occupants of the camper vehicle while the beds in the camper van are also made up.

We do not believe that moveable “portable toilets” should be included in the self-contained standard.

We agree that the plumbed in and/or fixed facilities need to be able to supply the minimum freshwater needs for the camper occupants for at least 3 days.

To ensure the workability of the new self-contained standards, Government and Councils will need to ensure that adequate dumping stations are available at campgrounds around NZ to support healthy and sustainable freedom camping activity.

We agree that a database of certified self-contained vehicles across NZ would support the improvement of systems and processes and safety of the camper vehicles across the board.

How could Government ensure vulnerable groups are not further disadvantaged?

Could Government make homelessness exempt from any new regulatory system?

The Freedom Camping Act should not be intended to manage the complex issue of homelessness. Our experience with Auckland Council is that they already approach this complex issue with compassion, with our local authority identifying those people living in vehicles involuntarily and treating these most vulnerable members of our society with care and compassion and linking to support systems where possible.

We do not agree with a suggestion of trying to adapt or legislate within a definition of homelessness in the Freedom Camping Act. This would potentially negate the very objectives that the proposed changes to the Freedom Camping Act are trying to achieve.

It could open the opportunity for some people to try and fit any definition of homelessness just to avoid complying with freedom camping rules. Travellers and locals alike could quickly learn how to apply this broad loophole creating confusion for communities and campers and great difficulty for compliance staff. This would quickly negate the social license within the communities which is so important for successful freedom camping in NZ, and quickly increase the very harms the improved Freedom Camping Act is trying to address.

The research completed by Auckland City Council in 2016, when they opened up our local Matakana site to non-self-contained freedom camping, showed that council officers found it increasingly difficult to effectively identify with compassion the vulnerable and homeless versus some leisure travellers, without more intrusive interviewing (refer Auckland Council research report). We do not want those most vulnerable members of our community to be undermined in our society by travellers looking to escape the rules, utilising a loophole created under the incorrect mechanism such as the Freedom Camping Act.

By creating such a definition for exemption within the Freedom Camping Act, coupled with the expiry of the Public Places by laws in 2022 in Auckland, would be creating a Government sanctioned and legalised opening for temporary and permanent living in non-self-contained vehicles, or in fact any vehicle, across the residential streets and communities in Auckland, something which is an unnecessary and unacceptable outcome from what is meant to be an improved Freedom Camping Act. This could quickly undermine and derail the much required social licence from our community for freedom camping and significantly increase the very social and environmental harms that are trying to be rectified.