



**CENTRAL  
HAWKE'S BAY**  
DISTRICT COUNCIL

# Council Workshop

Thursday 23 May 2024

Council Chambers,

28-32 Ruataniwha Street, Waipawa

*Together we thrive! E ora ngātahi ana!*

## 1 COUNCIL WORKSHOP

**Author:** Doug Tate, Chief Executive

**Authoriser:** Doug Tate, Chief Executive

**Attachments:** 1. 23 May 2024 - Public Workshop Presentation [↓](#)

### PURPOSE

This workshop covered the following key topics:

#### Freedom Camping Bylaw Briefing

This item provided an update on the process of developing the Freedom Camping Bylaw.

Officers presented the feedback received from public submissions as well as the draft Officer recommendations on proposed amendments to the draft Bylaw ahead of public hearings and deliberations later in June 2024.

#### Public Excluded Briefing

A public excluded briefing was held on the Land Transport Improvement Plan. This item was Public Excluded for the following reasons:

- s7(2)(b)(ii) the withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.
- s7(2)(h) the withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities.
- s48(2)(a)(i) the exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the Council to deliberate in private on its decision or recommendation where a right of appeal lies to any court or tribunal against the final decision of the Council in these proceeding.



# Freedom Camping Bylaw Briefing

## Submission feedback

## Draft Officer recommendations

23 May 2024



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# Purpose

- To recap on the proposed bylaw
- To provide an overview of feedback received through submissions
- To provide an overview of proposed recommended changes to the Draft Bylaw following analysis of submissions and legal advice
- To present next steps

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## Background – why a bylaw?

- Thriving Places and Spaces consultation
- Reserves Management Plan
- Camping Strategy
- Key action in the strategy to develop a bylaw
- Best way to:
  - Manage the negative impacts of freedom camping
  - Ensure everyone can continue to enjoy our public places
  - Appropriate and proportionate way to manage the problems caused by freedom camping, including balancing the needs of campers and other users of public spaces



## Background – what the bylaw seeks to achieve

- Enable freedom camping to happen in suitable areas where the impacts will be low and can be managed
- Formalising and setting stricter rules in specific areas where they are required, because:
  - The areas are known or likely to be desirable to freedom campers
  - Their protection is justified under the Freedom Camping Act to protect:
    - The area
    - Public health and safety, and/or
    - Access to the area



## Background – what the bylaw covers

- Three categories:
  - **Prohibited areas** – where no freedom camping is allowed
  - **Restricted areas** – where freedom camping is allowed subject to site-specific restrictions
  - **All other areas** – where freedom camping is allowed

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## Background – what the bylaw covers

- **Offences** – what is covered under the bylaw (in line with FCA)
  - Failure to comply with the bylaw
  - Camping in areas in breach of stated restrictions
  - Interfering with or damaging an area, its flora or fauna, or any structure of the area
  - Depositing waste in or on the area
  - Freedom camping in a vehicle that is not self-contained (unless in an area that authorises it)
  - Presenting an altered or fraudulent certificate of self-containment
  - Having more campers staying in a vehicle
  - Other offences (eg discharging noxious, dangerous, offensive substances)



## Background – process to date

- Pre-consultation commencing on the 23rd July
- Engagement with key stakeholders (camping committees, mana whenua etc)
- Statement of Proposal adopted October 2023
- Consultation period to end of January 2024
- Analysis of submissions February – May 2024
- Briefing to Councillors 23 May 2024
- *Submissions + summary of submissions sent to Councillors*
- *Additional workshop/briefing to Councillors 30 May 2024 (if required)*
- *Hearings – 13 June 2024 (TBC)*
- *Deliberations and adoption – 27 June 2024 (TBC)*

## Public Consultation – October 23 to January 24

- Online survey
- Meetings with key stakeholders including mana whenua
- Camping Ambassadors collecting feedback through the summer peak season

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### *Consultation questions asked:*

- Do you think Central Hawke's Bay should introduce the proposed freedom camping bylaw?
- The draft bylaw proposes introducing a permit season between 14 December - 29 February for the two permitted areas. This is currently in place for Pourerere Beach Road but not Te Paerahi. Do you agree?
- Outside the permit season the bylaw proposes prohibiting freedom camping for non-self-contained vehicles and tents for both permitted areas- Pourerere Beach Road and Te Paerahi. Do you agree?
- Is there anything else you would like the Mayor and Councillors to consider when making this decision?



## Public consultation - results

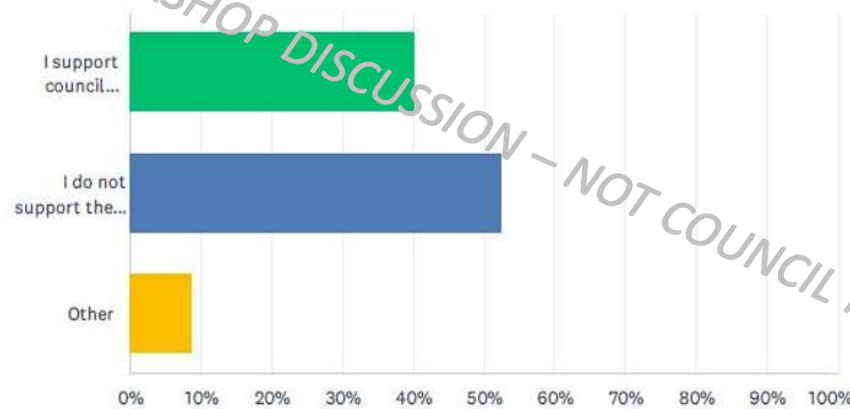
- 533 individual submissions received
- Submissions analysed by Sage Planning, who have prepared a summary of submissions
- Feedback received on the questions asked (quantitative + qualitative)
- Also received feedback on a range of issues out of scope of freedom camping bylaw, eg, speed on beaches, fire in the dunes, roaming dogs etc.
- This feedback will be included in reviews of other bylaws and/or passed on to relevant organisations (eg, FENZ)
- Feedback presented by location



## Bylaw vs no bylaw

Question: "Specifically, do you think Central Hawke's Bay District Council should introduce the proposed freedom camping bylaw?"

40% (215) support the introduction of the proposed bylaw; 53% (280) do not support it; the remaining 7% (37) neither support nor oppose.



### Draft officer recommendation

- Bylaw still likely to be the best tool to address issues and enable freedom camping in our district



# Kairakau

## Draft bylaw proposal

1. Formalise freedom camping area and rules for self-contained vehicles only at Northern end of beach
2. Allow self-contained freedom camping at Southern end of beach in the 'commercial' campground area (May – September)
3. Prohibit freedom camping in all other areas at Kairakau



# Kairakau

## Draft bylaw proposal

### Feedback received

- All respondents supported the need for a bylaw to formalise existing rules around freedom camping and help manage demand for an increasing number of campers.
- Majority of respondents supported the proposal to be self-contained vehicles only.
- Majority of respondents supported prohibiting freedom camping in all other places around Kairakau.
- Majority of respondents opposed the proposal to allow freedom camping in the 'commercial' campground area from start of May to end of September (substantive submission from the Kairakau Development Society outlining issues with the proposal)
- Majority of respondents supported the 'commercial' campground continuing to be operated by the KDS from end of September to start of May.

# Kairakau

Draft bylaw proposal

## Draft officer recommendation/change to the bylaw

- Prohibit freedom camping at the Southern end of the beach in the commercial campground area (May – September)

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# Te Paerahi/Pōrangahau

## Draft bylaw proposal

1. Formalise freedom camping area and rules for self-contained and non-self-contained camping at Pōrangahau, Te Paerahi Beach Freedom Camping, adjacent to Recreation Reserve
2. Introduce a permit system for peak season 14 Dec–29 Feb
3. Formalise 1-night self-contained freedom camping at White Domain, Pōrangahau
4. Prohibit freedom camping in all other areas at Pōrangahau



# Te Paerahi/Pōrangahau

## Feedback Received

- A clear majority (86%) of those primarily concerned with Te Paerahi/Pōrangahau do not support introducing a permit season for Te Paerahi Beach.
- No support for proposal for freedom camping area at White Domain.
- Important for Pōrangahau community that area is overseen by Council or its appointed representatives. Work more closely with whanau and hapu of Pōrangahau.

# Te Paerahi/Pōrangahau

## Draft officer recommendations/changes to the bylaw

- Remove the seasonal non-self-contained restrictions at Te Paerahi / Pōrangahau area.
- Prohibit freedom camping at White Domain, Pōrangahau.

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# Whangaehu

## Draft bylaw proposal

1. Enable self-contained freedom camping at Whangaehu for 1 night

## Feedback Received

- 31 submissions received – 13 in support, 14 opposed, 4 other

## Draft officer recommendations/changes to the bylaw

- More work required for a clear officer recommendation



# Pourerere

## Draft bylaw proposal

1. Formalise freedom camping area and rules for self-contained and non-self-contained camping at the Freedom Camping Pourerere Beach Road Reserve.
2. Permit required for 14 Dec–29 Feb on a ballot system, user pays.
3. No non-self-contained camping outside the permit season



# Pourerere

## Feedback received

- Of the 58 survey respondents who were primarily interested in Pourerere, approximately half support the retention of a permit season for Pourerere Beach and approximately half do not support it.
- A clear majority (70%) of all respondents do not support prohibiting non-self-contained vehicles and tents outside the permit season for Pourerere Beach Road and Te Paerahi areas.
- A number of respondents consider the ballot system is unfair – hard to get a site – some suggest place management back in the hands of Council.
- Submission by NZMCA (supported by legal advice) that permits cannot be charged for under the FCA.

## Pourerere

### Draft officer recommendation/changes to the bylaw

- Formalise the permitted season at Pourerere only
- Develop and formalise a collaborative freedom camping management strategy/policy, that prioritises equitable distribution of sites
- Remove the seasonal non-self-contained restrictions at Pourerere Beach Road Reserve area
- Provide an opportunity for freedom campers at the location to pay a voluntary donation or koha



## Other locations

- The majority of the feedback provided for other locations (eg, coastal and urban etc) supported the proposals contained in the draft bylaw
- No changes to those provisions recommended





## Permitting fee

- As identified within the NZMCA written submission, obligatory payments for a permit to camp at a specific location may contradict Section 5 of the FCA.
- The FCA provides that a freedom camping bylaw cannot regulate camping at a 'campground'. A 'campground' is then defined as *'any site at which a fee is payable for camping at the site'*.
- Alternative to charging any fee is for Council to provide an opportunity for freedom campers at the location to pay a donation or koha, either directly to Council or to an organisation which assists in the maintenance and upkeep of the area.
- This would need to be managed / advertised either through signage, or include in any management strategy that is developed.
- Risk: without a fee for a permit, Council would not have any certainty regarding revenue



## Summary of Recommendations / Changes

- Remove the prohibiting of non-self-contained vehicles outside the peak season at Te Paerahi / Pōrangahau .
- Remove the seasonal restrictions at Te Paerahi / Pōrangahau area.
- Prohibit freedom camping at White Domain, Pōrangahau.
- Prohibit freedom camping in the Kairakau “commercial” campground area during the off-peak season.
- Formalise the permitted season at Pourerere only
- Develop and formalise a collaborative freedom camping management policy/strategy at Pourerere, with the Pourerere community and Pourerere Camping Committee
- Provide an opportunity for freedom campers at permitted locations (eg, Pourerere) to pay a voluntary donation or koha to Council.
- No changes to other locations

