



# ORDINARY MEETING OF COUNCIL

## Open Minutes

## Freedom Camping Bylaw Review

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Meeting Date: Monday 3 February 2025

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Time: 9.30am – 12.05pm

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Venue Large Exhibition Hall  
War Memorial Centre  
Marine Parade  
Napier

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*Livestreamed via Council's Facebook page*

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Present **Chair:** Mayor Wise  
**Members:** Deputy Mayor Brosnan, Councillors Browne, Chrystal, Crown, Greig, Mawson, McGrath, Price, Simpson, Tareha and Taylor

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In Attendance Executive Director City Strategy (Rachael Bailey)  
Senior Policy Analyst (Michele Grigg)  
Policy Analyst (Jeriel Sajan)  
Manager City Development (Paulina Wilhelm)  
General Manager Aquarium (Rachel Haydon)  
Team Leader Community Strategies (Margot Wilson)

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**Sign Language Interpreters:** Sarah Billing and Cathie Siebert

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**Submitters Speaking:** Esther Seymour; Patricia Beach; Catherine Macdonald; Phil Gravestock and Derek Brownrigg  
Oral Written Submission tabled in absence – James Imlach (NZ Motor Caravan Association)

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Administration Governance Advisors (Carolyn Hunt)

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## ORDINARY MEETING OF COUNCIL – Open Minutes

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## ORDER OF BUSINESS

### Karakia

The meeting opened with the Council karakia.

### Apologies

**COUNCIL** Councillors Crown / Taylor

**RESOLUTION**

That the apology for absence from Councillor Boag be accepted.

Carried

### Conflicts of interest

It was noted that:

- Councillor Simpson was member of the New Zealand Motor Caravan Association
- Councillor Price advised a family member had made a submission on the Freedom Camping Review.

### Public forum

Nil

### Announcements by the Mayor

The Mayor opened the proceedings and welcomed attendees, noting that the meeting was being both recorded and livestreamed.

The following submitters had indicated they wished to speak however their concerns may have been addressed, or they are now unable to attend:

- Jacques Gichard (#21)
- Robert Bird (#71)
- Ryan Hill (#117)
- Simon James Power (#164)
- Kay Power (#166)
- Scott Edwards (#168)
- Diane Cadwallader (#211)
- Rachelle Beale (#216)
- Janis and John Abernethy (#242)
- James Imlach (#250)

### Announcements by the management

Nil

### Confirmation of minutes

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**COUNCIL** Councillors Greig / Tareha

**RESOLUTION**

That the Draft Minutes of the Ordinary meeting of Council held on 12 December 2024 be confirmed as a true and accurate record of the meeting.

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Carried

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# AGENDA ITEMS

## 1. FREEDOM CAMPING BYLAW 2025 REVIEW

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<i>Type of Report:</i>	Legal and Operational
<i>Legal Reference:</i>	Local Government Act 2002
<i>Document ID:</i>	1824160
<i>Reporting Officer/s &amp; Unit:</i>	Jeriel Sajan, Policy Analyst Michele Grigg, Senior Policy Analyst

### 1.1 Purpose of Report

This report provides an analysis of submissions received on the proposed Freedom Camping Bylaw 2025, and outlines recommendations to Council on proposed amendments to the Bylaw.

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## PRESENTATION OF ORAL SUBMISSIONS

The following submitters spoke to their submissions in relation to the Freedom Camping Bylaw review.

**Esther Seymour (#129)** spoke to her written submission noting that she had made an error and wished to make the correction that was she was in agreement with Council, that the local Draft Freedom Camping Bylaw should follow the National Strategy and ban non self-contained vehicles from Napier's freedom camping areas.

Ms Seymour highlighted the following points:

- She did not support freedom camping at the National Aquarium as felt it would greatly impact their boutique accommodation business with noise and vehicle disruption.
- However, supported the retention of the sites at Ellison Street and Karaka / Perfume Point as they were away from the city centre and a distance from residential housing.
- She and her husband were past or present members of the NZ Motel Association, Hospitality NZ, Tourism Industry Aotearoa (TIA), Tourism New Zealand, B and B Association and Hawke's Bay Tourism and run an award winning business.
- Opposed to the instalment of freedom camping options at the National Aquarium sites for the following reasons:
  - There are many designated parks at the Pump Track and further south of the track.
  - Both current sites are not full at the height of the summer so why do we require more.
  - Only half of the car park at the southern area seems able to be used as the other half is blocked off by concrete blocks.
  - Referred to officer's report that increased enforcement would be important to the success of the Bylaw, however financial constraints may limit enforcement capacity.
  - The Aquarium is one of Napier's premium tourist attractions.

- The Westshore site was closed down because of anti-social behaviour, why move this problem to the Aquarium.
- A new site could be provided at Kennedy Park, which is Council owned, established and has all facilities in place.

*It was noted that the proposed freedom camping site at the Aquarium would be fully self-contained vehicles only and would not require new toilet facilities to be built.*

**Patricia Beach (#205)** spoke to her submission disagreeing with the Draft Freedom Camping Bylaw and did not support freedom camping sites. Ms Beach wished confirmation that the customary rights of mana whenua were not overlooked by Council and that advice was sought on these issues on behalf of Petane Marae.

*Council have established relations with Te Taiwhenua o Te Whanganui ā Orotu, Mana Ahuriri Trust, Ngāti Parau and tangata whenua, and they are consulted on many issues.*

*Petane Marae also has a representative on Council's Ngā Mānukanuka o te Iwi Komiti together with Mana Ahuriri Trust, Maungaharuru-Tangitū Trust, Moteo Marae, Pukemokimoki Marae, Tangoio Marae, Timikara Marae, Waiohiki Marae and Wharerangi Marae, who give input and advice on customary entitlements, bylaws, policies and projects.*

**Catherine Macdonald (#239)** spoke to her submission agreeing with the Draft Freedom Camping Bylaw, however did not support the retention of the Ellison Street and Karaka/Perfume Point sites and supported the permanent removal of the Westshore site as a restricted area for freedom camping.

Ms Macdonald, a resident on The Esplanade, Westshore also displayed a PowerPoint presentation (Doc Id 1829561) providing photos to support the permanent removal of the Westshore Freedom Camping site.

Ms Macdonald highlighted the following points:

- Sometimes there were 20-30 vehicles parked on the site.
- When the site was introduced originally for freedom camping there was little or no room for day visitors to park.
- The site was overcrowded, there was poor behaviour, major issues with rubbish, dogs roaming unsupervised, and sometimes threatening behaviour.
- Council's records of infringement notices shows that Westshore had a disproportionate number compared to other sites in Napier.
- The temporary closure put in place in 2021 saw a steady drop in breaches; there were only 6 in 2024.
- The reduction down to four parks has meant visitors can now find a park.
- The vehicles are long and wide and having washing hanging out is not what you want to see in a reserve.
- Council should not be putting in freedom camping sites in areas that cannot be monitored effectively.
- Following legislation about vehicles being self-contained there will be an inspector issuing green self-contained stickers.
- Small vans are not going to disappear as people are able to have a portable toilet next to the bed with a small cassette (possibly less than 1 litre waste), have a 25 litre plastic water bottle with plastic tube to a handbasin with another bottle strapped in for grey waste. This will allow small vans to comply with the new legislation.

- All sites are on the Napier foreshore, there are no sites in Taradale, Jervoistown or Meeanee.
- Sites have been classed with having good views or no views.

**Derek Brownrigg (#243)** spoke to his written submission noting two corrections for his online submission Q12 and Q15 should say No. The online written submission indicates that he lives near a Freedom Camping site and this is incorrect. Mr Brownrigg advised he lives at Poukawa and often freedom camps at Le Quesne Road and other fishing areas in Napier.

Mr Brownrigg quoted the following sections of the Freedom Camping Act 2011 for the benefit of submitters:

- Section 10 - Freedom camping is permitted in any local authority area unless it is restricted or prohibited in an area.
- Section 11 (1a) in part - a local authority may make bylaws defining the local authority areas in its district or region where freedom camping is restricted or prohibited. The defined areas in Section 11 (3a and b) must be defined by either a map or description of its locality.
- Section 23 - Refers to having a Freedom Camping Bylaw, it gives the council the ability to enforce the \$200 infringement offence under the Act.
- Section 31 - A local authority is entitled to retain all infringement fees issued by the enforcement officers, appointed by the local authority under section 32.

The following points were highlighted:

- The Freedom Camping Act 2011 (FCA) has priority over the Local Government Act 2002 (LGA) and operates opposite s11 (1)(a).
- The LGA allows for local authorities to define where freedom camping is permitted.
- Under the law people can freedom camp anywhere in the district. The FCA requires that a map or description defines where freedom camping is restricted or prohibited.
- He agrees with a new site at the National Aquarium carpark for freedom camping, with signage of a map outlining where freedom camping is not allowed.
- Freedom camping is mostly a night time activity.
- The new certified self-contained standards should help with the new green stickers which will come in to effect on 7 June 2025.

*It was noted that the Freedom Camping Act 2011 was amended in August 2024.*

**Phil Gravestock (#247)** spoke to his submission and displayed a PowerPoint presentation (Doc Id 1829216) highlighting the following points:

- For safety, some golf clubs encouraging freedom campers to stay overnight which has resulted in less thefts and vandalism.
- Allow Westshore parking overnight only for the larger vehicles it can cope with.
- Do the same with the north of Ocean Spa area [leave by 8.00am, but not Saturday nights. Nelson CBD style] [smaller self-contained vehicles only]
- Provide more facilities at the freedom camping sites to cater for food and cooking waste.
- Provide more bins and recycling at dumping stations.
- Look at monitoring staff as ambassadors rather than ticketers.
- Notify/reserve some areas for motorhome day parking that can cope with longer vehicles eg Marine Parade on the beach side in both directions, Georges Drive, or the old Railway Station area in Munroe Street.

- He commented that Napier is listed as a motorhome friendly city however he was not sure this was the case.
- There were over 120,000 NZ Motor Caravan Association members, plus thousands of rental vans.
- The size of vehicles are getting bigger, and access for them needs to be considered for the future.
- Freedom camping areas could be smaller but would require more support facilities to stop pollution.

**James Imlach (#250)** on behalf of the New Zealand Motor Caravan Association.

Mayor Wise read the oral written submission (Doc Id 1829699) of Mr Imlach, who was unable to attend in person.

The following were points highlighted in the online submission:

- He supported the retention of Ellison Street and Perfume Point carparks, and the inclusion of the National Aquarium carpark.
- The Association did not support removing the Westshore Beach Reserve and Foreshore Reserve carparks from Schedules 1 and 2 of the Bylaw.
- The Association recommended that section 11(2) of the FCA be reviewed and reconsider whether Westshore Beach Reserve, Foreshore Reserve, and some of the other 18 sites assessed by Sage could be made available for freedom camping; and clarify whether the site assessments should include other areas prohibited in the Bylaw.
- The Association does not oppose temporary site closures but requests definition of “temporary” in Clause 10 of the Bylaw.

*The meeting adjourned at 10.40am  
and reconvened at 10.50am*

## **PRESENTATION OF OFFICER’S REPORT**

Policy Analyst, Ms Sajan and Senior Policy Analyst, Ms Grigg provided a brief overview of the report advising that a total of 254 submissions had been received for the review of the Freedom Camping Bylaw. The recommendations were proposed to strike a balance between the views of all submitters.

### **In response to questions the following was clarified:**

- Officers advised they sought legal advice prior to undertaking site assessments. A review of the criteria selected was undertaken to ensure that it adequately reflected the purpose of the FCA.
- Council is not legally obliged to provide additional sites, however it is a matter of demand for providing a site. If a site is removed and not replaced the Bylaw becomes more permissive and there is no ability to have blanket prohibition.
- The Coote Road carpark (off Marine Parade North) was not included as a site for consideration due to competing use with the Sunday Market. This site was not dismissed, but was identified as “orange” in the site assessment, and was not the highest ranking site. The draft Bylaw included the Aquarium carpark as the highest ranking site.
- It was noted that the Westshore site was the only site that could cope with 9m plus vehicles, however more sites would be amenable for larger vehicles than others. Coote Road carpark was assessed as average. Reconfiguration of carparks could be done to allow for longer/wider vehicles.

- The Pump Track caters for a number of longer vehicles.
- All parks at all sites are available on a “first come, first served” basis.
- Rationale at the earlier workshops in relation to public or leased parking spaces in the CBD was to exclude these from consideration due to compliance and enforcement reasons in relation to the Freedom Camping Bylaw and the Parking Bylaw.
- The size of motorhomes in relation to carparks and those camper wishing to stay the whole day would impact on parking enforcement in the CBD and also increase usage of toilet facilities requiring cleaning.

*Mayor Wise invited the General Manager of the Aquarium, Ms Haydon to speak to the meeting.*

**Ms Haydon highlighted the following points:**

- There are operational concerns if the parking at the Aquarium site was from 6.00pm to 7.00am in regard to who moves people on in the morning. Does it fall on the Aquarium staff and cleaning team who are there at 7.00am in the morning.
- Acknowledge Armourguard could be phoned, however unsure of what the response times are with their opening time of 9.00am, especially in busy periods eg: summer holidays/school holidays.
- The Aquarium opens at 8.00am for passengers of cruise ships when in Napier.
- In terms of security, the current CCTV footage does not have full coverage of the carpark. There is only one end that has coverage.
- The carpark is used at night and drug paraphernalia needs to be removed by the cleaning team. Occasionally the Police have requested CCTV footage to review for anti-social behaviour.
- Undesirable behaviours is a challenge in this space.
- The Aquarium has a café and cooking waste from campers could impact on commerciality with rates in addition to wildlife on the Marine Parade.
- As a deterrent for safety reasons there are four sites proposed, however it is a large carpark with CCTV coverage for only half.
- Littering in the carpark would not be confined to users of the carpark; a concern would be the current number of rubbish bins and how much extra waste there would potentially be.

**In response to additional questions the following was clarified:**

- Officers had discussed with the Compliance Team Option 3 – to close Westshore permanently, prohibit freedom camping at the Foreshore, and restrict camping to a small number of sites at the Aquarium. The feedback received from Armourguard was that it would not increase compliance monitoring costs in the long-run, meaning no additional cost to Council.
- Depending on the decision today, the contract with Armourguard would be renegotiated to ensure the levels of service are maintained. Armourguard already work along the foreshore, and an additional site on the foreshore may not increase the cost too much.
- The overarching legislation is the LGA 2002, s.156 with regard to the review and amendment of a Bylaw. That is set out and reinforced in s.14 of the FCA.
- If Council wanted additional sites in the CBD the Bylaw would need to be re-notified as it was not part of the draft Bylaw or the Statement of Proposal.
- Officers planned to bring an operational paper to Council after a decision had been made on where the final sites would be. Consideration of CBD carparks could be included in the next Freedom Camping Bylaw review..

*Councillor Mawson withdrew from the meeting at 11.23am and rejoined at 11.25am*



- Should Council want to open a new carpark there is an opportunity to scope carparks to potentially accommodate longer and wider vehicles.
- Ms Haydon advised that events that would require the Aquarium carpark to be closed were not often, however during Matariki there are two events that generally need to have the carpark closed for toilets in the carpark. Also it is closed for the Iron Māori event, due to the start time in the morning and the closure of one side of the Marine Parade.
- It was noted that the Eriksen Road motorhome park is for New Zealand Motor Caravan Association members only.

## DELIBERATIONS

The meeting then considered the following:

- **Removal of non-self-contained vehicles**  
*Consensus of elected members was to remove non-self-contained vehicles from the Bylaw.*
  - **Westshore Reserve Carpark – remove as a restricted site and introduce as a prohibited site for freedom camping (temporarily closed).**  
*Elected members agreed to prohibit freedom camping at the Westshore Reserve Carpark as proposed in the Draft Freedom Camping Bylaw.*
  - **Foreshore Reserve Carpark – remove as a restricted site and introduce as a prohibited site for freedom camping**  
*Elected members agreed to prohibit freedom camping at the Foreshore Reserve Carpark as proposed in the draft Freedom Camping Bylaw.*
  - **National Aquarium Carpark**
    - Taking into account that Council are not legally obliged to add Freedom Camping sites it could attract fly tipping, homeless camping, people using aquarium toilets, fires on the beach, overstaying of vehicles. Only half the residents and local businesses want the Aquarium to have a freedom camping site.
    - Consider methods to restrict the vehicle size entering and using the site with time restrictions 6.00pm to 7.00am and allow for overnight camping.
    - There is passive surveillance. Council have approved four EV charging carparks and need to be mindful that there are carparks available for visitors to the Aquarium.
    - Operational issues need to be dealt with to make it a good site eg: signage, upgrading information about sensitive area on the beach for dotterels, CCTV to monitor the site.
    - Limited ability to increase resources tend to suggest Council will not have a lot to spend to alleviate any concerns whether it is the Aquarium or other sites.
    - Four carparks for self-contained vehicles overnight in a Council reserve carpark that has the space and staff regularly on site the benefits outweigh the disadvantages.

*Majority of Elected members support the addition of the National Aquarium carpark as a restricted freedom camping site (four parks).*
  - **Coote Road Carpark**
    - It was noted that the Sunday Market occupied the full carpark.
    - Officers would include in the operational report to Council options or limitations for when Freedom Camping could occur because of the market.
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*Elected members supported the addition of the northern Coote Road carpark as a restricted freedom camping site (four parks) with the inclusion of restrictions on times to accommodate the Sunday Market and also reconfiguration of the carpark to enable longer and wider vehicles.*

- **Ocean Spa Carpark**

*Elected members did not support this as an additional site even though it ranked high with submitters it was not suitable for longer and wide vehicles.*

- **CBD sites**

*Elected members agreed that investigation be undertaken at the scheduled review of the Freedom Camping Bylaw in regard to the restricted freedom camping within CBD parking areas.*

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**COUNCIL  
RESOLUTION**

Deputy Mayor Brosnan / Councillor Browne

Officer's Recommendation

That Council:

- a) **Receive** and consider all submissions made on the proposed Freedom Camping Bylaw 2025.
- b) **Adopt** the Freedom Camping Bylaw 2025, preferred option as consulted, subject to the following amendments:
  - i. Update the definition of "Self-Contained Motor Vehicle" in accordance with the definition in the Freedom Camping Act.
  - ii. The addition of 4 self-contained parking Sites at the Coote Road carpark, with a two night maximum stay.
- c) **Direct** Officers to prepare a Council report outlining an implementation plan for the adopted Bylaw for consideration at a future Council meeting to inform operationalisation of the Bylaw from 1 July 2025.
- d) **Provide** guidance to Officers in the preparation of the implementation plan to:
  - i. Consider increasing capacity for longer and larger vehicles
  - ii. Prepare signage, that is clear (number parks, location, hours, waste, dogs etc), that is generally welcoming for all freedom camping sites.
  - iii. Consider Crime Prevention Through Environmental Design (CPTED) of any new sites.
  - iv. Consider options for carpark placement in any new site.
- e) **Note** that the final content of the Freedom Camping Bylaw 2025 is subject to minor editorial amendments.
- f) **Note** the Council's desire to consider CBD carpark parking in the next scheduled review of the Freedom Camping Bylaw.

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Carried

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Attachments

- 1 Catherine Macdonald PowerPoint presentation (Doc Id 1829561)
  - 2 Phil Gravestock PowerPoint presentation (Doc Id 1829216)
  - 3 James Imlach (NZ Motor Caravan Association) oral submission (Doc Id 1829699)
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**Minor matters**

There were no minor matters to discuss.

*The meeting closed with a karakia at 12.06pm*

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Approved and adopted as a true and accurate record of the meeting.

Chairperson .....

Date of approval .....