

Statement of PROPOSAL

Napier City Freedom Camping Bylaw

Proposal: Napier City Council proposes to revoke its existing Freedom Camping Bylaw 2014 and adopt a new Freedom Camping Bylaw 2016.

This statement of proposal is prepared under section 11(5) of the Freedom Camping Act 2011 (the Act), and sections 83, 83AA and 86 of the Local Government Act 2002. This document contains:

- A summary of information
- Background information
- Legislative requirements
- A description of the problem and the options to address these problems
- A draft of the proposed bylaw

Summary of Information

Napier City Council is proposing some changes to its freedom camping bylaw and wants to hear what ratepayers and stakeholders think about them.

The changes being suggested include prohibiting freedom camping at Westshore Beach Reserve and McLean Park, removing the Northern Ocean Spa carpark as a restricted site and providing clarification on how long self-contained vehicles are allowed to stay in reserve carparks (that are not prohibited or restricted areas).

While recognising the benefits that freedom camping tourism brings to Napier, Council has a responsibility to ensure that areas are protected, access to areas are protected and the health and safety of people who visit the area is protected. Council aims to strike a balance between meeting the needs of freedom campers, its responsibilities under the Freedom Camping Act 2011 and as a local authority.

Have your say: Before making any final decisions, we'd like to have your input. You can make a submission:

- Online: www.napier.govt.nz search keyword #freedomcampingbylaw.
- By post: Freepost 172273 Freedom Camping Bylaw Submission, Napier City Council, Private Bag 6010, Napier 4142.
- Or deliver your submission in person to the Civic Building Reception, Level 1, 232 Hastings Street, Napier.

If you would like to speak to your submission, please indicate this and provide your contact details. We will be in touch to let you know the date and time for verbal submissions.

Timeline:

Consultation period begins : Monday 19 September

Closing date for submissions : Friday 28 October

Public hearing to hear oral submissions : 21 – 25 November 2016.

Decision of Council : 12 – 16 December 2016

Background information

Napier is a popular destination on the freedom camping circuit, particularly in the summer months and around our iconic event weekends. The Freedom Camping Act 2011 allows the Council to manage freedom camping in our district. In 2014, Napier introduced a Freedom Camping Bylaw that prohibited some areas and placed restrictions on others. Our current bylaw sets out five restricted sites for self contained vehicles and one site for non-self contained campers on SH2, just south of the city. The proposed amended bylaw removes three of the smaller restricted sites where adverse impacts have been experienced. In the meantime, Council intends to monitor the situation and assess the suitability of other sites that could be used to accommodate self-contained vehicles within the city.

Problems caused by freedom camping

The Council has been monitoring freedom camping in Napier since the introduction of our bylaw in 2014. Council have also received numerous complaints from residents on the impact that freedom campers have on urban areas. This evidence is showing that a review of the bylaw may be necessary. Council can only make bylaws prohibiting or restricting freedom camping in specific places if it is necessary to:

1. Protect the area,
2. Protect the health and safety of people who may visit the area
3. Protect access to the area.

While Council officers monitor freedom campers in Napier to enforce our bylaw and ensure the above obligations are met, the Council has recognised that a review of our bylaw is necessary to help address the following issues.

1. Protection of the area

Even in self-contained vehicles, freedom campers put pressure on our coastal areas. Westshore Beach Reserve is a place of recreational, social and environmental significance to Napier. It provides beach access to one of the few swimmable beaches in Napier and is a popular daytime picnic spot. Removing freedom campers from Westshore Beach Reserve will reduce the pressure on this special area and ensure unimpeded access for all reserve users.

Removing northern Ocean Spa carpark as a restricted site will reduce the opportunity for conflict with other users of this space. (i.e. sports events, Sunday market, and other users of the carpark). It will also provide protection for the historically significant pohutukawa trees in this iconic area.

2. Health and safety

At peak times over summer, freedom campers are causing overcrowding at the carpark that has the safest and most convenient access to Westshore Beach. The desire to prohibit freedom campers from the Westshore Beach Reserve comes from the need to reduce the pressure on parking at the reserve and to preserve the amenity values in this area. It will return the most convenient and safest beach access carpark to day visitors, including those with limited mobility.

The Northern Ocean Spa site is in close proximity to the port, a commercial area with busy traffic movements. This location has traffic safety risks for campers entering and exiting this carpark. The large Pohutukawa trees make for limited maneuverability and visibility for large vehicles, increasing the safety risks for other users of this space.

3. Protection of access to popular areas

The Westshore Beach Reserve and the Northern Ocean Spa carpark are special areas to both daytime visitors and local residents. At the moment, the continual presence of freedom campers over the popular summertime peak season is restricting peoples enjoyment of these areas. Therefore it is appropriate for Council to introduce restrictions on freedom camping in these areas to manage these issues.

Options to address these problems

1. Status quo

If nothing is done to address these problems, the Council's ability to protect the public from potential nuisance, public amenity and health and safety issues will continue to be limited.

2. Amend the bylaw to address these issues

The new bylaw aims to address the needs of our residents while also maintaining Napier as a tourist friendly destination. The proposed restrictions are necessary to achieve this balance.

3. Public education

The proposed bylaw is part of a wider approach to managing and providing opportunities for campervan visitors to Napier. The new bylaw will be used alongside non-regulatory approaches such as signs and information on camping options in Napier. Information is disseminated through camping websites and apps, the council website and the Napier i-SITE.

4. Council to review provision of freedom camping sites

The Council recognises that there will be ongoing demand for freedom camping and will continue to investigate opportunities that provide sustainable options for this activity.

Preferred Options

Of the options above, Council believe that a combination of options 2, 3 and 4 will address the issues associated with freedom campers. The combination of these options will ensure that Council are taking a holistic approach to the management of freedom campers in our district. A copy of the reviewed bylaw is contained within this document.

Are changes to our bylaw the most appropriate and proportionate way to address the perceived problems?

Council are required to complete an analysis against the above criteria when making or amending a freedom camping bylaw. This analysis has demonstrated that changes to the bylaw are needed and that the proposed changes are the most appropriate way of dealing with the issues described.

Does this bylaw meet the requirements under the bill of rights?

Council considers the proposed bylaw to be consistent with the New Zealand Bill of Rights Act 1990 as the proposed changes are reasonable, not overly restrictive or impractical. The changes are limited to the areas that require protection.

Legislative framework

The following describes our legislative requirements under this proposal.

Freedom Camping Act 2011

In August 2011 the Government introduced the Freedom Camping Act. Under the Act, freedom camping is permitted on all public land controlled or managed by a local authority, unless the local authority prohibits or restricts freedom camping under the provisions of Section 11 of the Act. Section 12 of the Act stipulates that a local authority may not make bylaws under section 11 that have the effect of prohibiting freedom camping in all local authority areas in its District.

Local Government Act 2002

Under the Local Government Act 2002, the making, amending or revoking of a bylaw must follow the special consultative procedure. In following this procedure, the Council must be able to show that the bylaw is the most appropriate and proportionate way of dealing with the perceived problem in relation to that area, and that the bylaw is not inconsistent with the New Zealand Bill of Rights Act 1990.



FREEDOM CAMPING *Bylaw*

2016



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1. Title

- 1.1. This bylaw is the Napier City Freedom Camping Bylaw [insert date]

2. Commencement and review date

- 2.1. This bylaw comes into force on [insert commencement date dd month yyyy]
- 2.2. This bylaw revokes the Napier City Freedom Camping Bylaw 2014 (amended 2015).

3. Purpose

- 3.1. The purpose of this bylaw is to control freedom camping in the district in order to:
 - a) Protect the area;
 - b) Protect the health and safety of people who may visit the area;
 - c) Protect access to the area.

4. Definitions

In this bylaw, unless context otherwise requires:

Act means the Freedom Camping Act 2011.

Campsite means a site used for freedom camping in a local authority area.

Certified self-contained vehicle means a vehicle designed and built for the purpose of camping which has the capability of meeting the ablutionary and sanity needs of occupants of that vehicle for a minimum of three days without requiring any external services or discharging any waste and complies with the New Zealand Standard 5465:2001, as evidenced by the display of a self-containment warrant issued under New Zealand self-containment of motor caravans and caravans.

Council means the Napier City Council.

Enforcement Officer has the same meaning as contained in Section 4 of the Act.

Freedom camp has the same meaning as contained in Section 5 of the Act.

Local authority area has the same meaning as contained in Section 5 of the Act.

5. Areas for freedom camping

- 5.1. A person may freedom camp in the Napier local authority area, other than those areas defined in schedule one (restricted areas for certified self-contained vehicles), schedule two (restricted area for non self-contained vehicles) and schedule three (prohibited areas), subject to the following restrictions;
 - a) Vehicles must be certified self-contained vehicles;
 - b) Period of stay shall be no longer than one consecutive night;

- c)** Freedom campers must comply with conditions listed in 6.1.
- 5.2.** Freedom camping is restricted in areas identified in Schedule One: Restricted Areas for Freedom Camping (certified self-contained vehicles only). Vehicles are restricted to a maximum of three consecutive night stays and freedom campers must comply with the conditions listed in 6.1.
- 5.3.** Freedom Camping is restricted in areas identified in Schedule Two: Restricted Area for Freedom Camping (non-self-contained vehicles). Vehicles are restricted to a maximum of three consecutive night stays and freedom campers must comply with the conditions listed in 6.1.

6. General conditions for freedom camping in vehicles

- 6.1.** Persons freedom camping in any Napier local authority area must ensure compliance with the following conditions:
 - a)** Ensure waste and litter generated is disposed of at Council approved facilities;
 - b)** The lighting of fires is prohibited;
 - c)** Not cause a nuisance or unreasonable disturbance through the creation of excessive noise to other persons camping in the area or local residents;
 - d)** Park in a legal manner and in formed parking areas;
 - e)** Ensure parking of vehicle does not restrict access to public areas and private land;
 - f)** Allow enforcement officers to inspect any campsite and comply with any reasonable directions of an enforcement officer;
 - g)** No person may freedom camp for more than 10 nights in any calendar month on any land controlled or managed by the Napier City Council in the Napier City local authority area.

7. Prohibited areas for freedom camping

- 7.1.** A person must not freedom camp in any prohibited area within Napier City local authority area as identified in Schedule three: Prohibited areas for freedom camping.
- 7.2.** Sealed or unsealed parking areas forming part of any grassed reserve are excluded from this prohibition in 7.1 (with the exception of Westshore Beach Reserve, or McLean Park where freedom camping is prohibited both within the area and any associated parking areas) but freedom campers must still comply with the conditions listed in 5.1.

8. Prior permission from Council

- 8.1.** Upon application, the Chief Executive of the Council may temporarily waive or modify the freedom camping restrictions or prohibitions in clauses 5 to 7 of this bylaw. Permission may be granted by the Chief Executive, with or without conditions.
- 8.2.** Application for permission must be in writing and provide sufficient detail about the proposed camping to the Chief Executive of the Council at least 14 days in advance of the date planned for freedom camping in the area where the restrictions apply.
- 8.3.** Any temporary waiver or modification of the freedom camping restrictions or prohibitions by the Chief Executive of the Council must be in writing.

9. Council may close an area to freedom camping

- 9.1.** The Chief Executive of the Council may temporarily close or restrict freedom camping in any area or part of an area where the closure or restriction is considered necessary to:
 - a)** prevent damage to the local authority area or facilities in the area; or
 - b)** allow maintenance of the local authority area/facilities thereon; or
 - c)** protect the safety of persons/property; or
 - d)** provide for unfettered public access, including in circumstances where events are planned for that area;
 - e)** protect residents from significant adverse effects associated with freedom camping in public spaces.
- 9.2.** Notice will be given of any temporary closure or restriction, and the removal of any closure or restriction, in any manner the Chief Executive considers is appropriate to the reason for the closure or restriction. Prior notice of any temporary closure or restriction will be given where possible.

10. Enforcement, offences and penalties

- 10.1.** The Council may use its powers under the Freedom Camping Act 2011 to enforce this bylaw.
- 10.2.** A person who fails to comply with this bylaw commits a breach of this bylaw and is liable for a penalty under the Freedom Camping Act 2011.

Explanatory note: Section 20 of the Act provides for offences, such as not properly disposing of waste into a waste receptacle, damaging or interfering with the flora and fauna in the area or threatening an enforcement officer.

Schedule one: Restricted areas for freedom camping for certified self-contained vehicles.

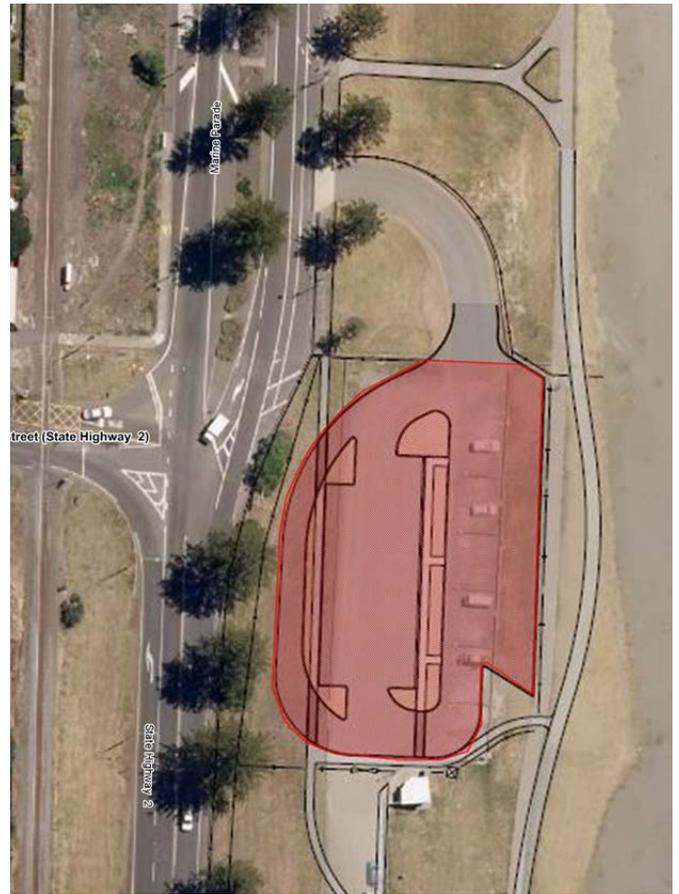
Restricted areas:

Ellison Street Carpark **Map 1**

Perfume Point Carpark **Map 2**

- Vehicles must be certified self-contained vehicles;
- 3 nights maximum stay;
- Must comply with conditions listed in clause 6.1;
- No person may freedom camp for more than 10 nights in any calendar month on any land controlled or managed by the Napier City Council in the Napier City local authority area.

Map 1: Ellison Street Carpark



Map 2: Perfume Point Carpark



Schedule two: Restricted area for freedom camping for non-self-contained vehicles.

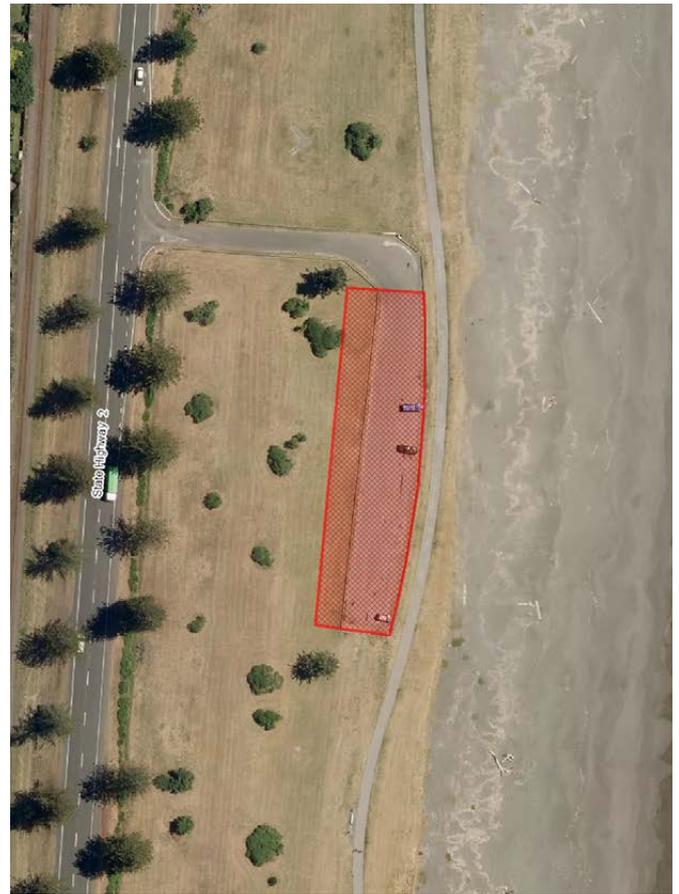
Restricted area:

Foreshore Reserve Carpark

Map 3

- 3 nights maximum stay;
- Must comply with conditions listed in clause 6.1;
- No person may freedom camp for more than 10 nights in any calendar month on any land controlled or managed by the Napier City Council in the Napier City local authority area.

Map 3: Foreshore Reserve Carpark



Schedule three: Prohibited areas for freedom camping.

Prohibited areas:

Napier CBD

Map 4

Marewa shopping area

Map 5

Tamatea shopping area

Map 6

Taradale shopping district

Map 7

Westshore Beach Reserve

Map 8

McLean Park

Map 9

Areas with speed limit exceeding 50km/hr

Map 10

Grassed reserves (listed page 8).

Map 4: Napier CBD



Map 5: Marewa shopping district



Map 6: Tamatea shopping district



Map 7: Taradale shopping district



Map 8: Westshore Beach Reserve



Open space reserves:

1. Anderson Park
2. Bluff Hill Domain
3. Church Road Reserve
4. Coote Road Corner Reserve
5. Dolbel Reserve
6. Halliwells Walkway Reserve
7. Harold Holt Avenue Reserve
8. Hyderabad Road Reserve
9. Kent Terrace
10. Kent Terrace Detention Dam
11. Lance Leikis Reserve
12. Meeanee Domain
13. Missionview Walkway Reserve
14. Oaklands Reserve
15. Onekawa Plantation Reserve
16. Orotu Drive Reserve
17. Otatara Hillside Reserve
18. Pirimu Stream Reserve
19. Prebensen Drive Reserve
20. Redclyffe Recreation Reserve
21. Riverbend Reserve
22. Shakespeare Road Reserve
23. Sturms Gully
24. Sugar Loaf Reserve
25. Taipo Stream Reserve
26. Taradale Reservoir Reserve
27. Tiffen Park
28. Tironui Reserve
29. Watchman Road Reserve
30. Westshore Wildlife Reserve

Individual foreshore reserves:

1. Beacons Recreation Reserve
2. Humber Street Reserve
3. Meeanee Quay Reserve
4. Spriggs Park

Individual neighbourhood reserves:

1. Ahuriri Park
2. Alexander Avenue Reserve
3. Allen Berry Avenue Reserve
4. Ascot Park Reserve
5. Chaucer Road Reserve
6. Churchill Drive Reserve
7. Donegal Crescent Reserve
8. Duckworth Crescent Reserve
9. Essex Street Reserve
10. Fitzgerald Place Reserve
11. Forward Street Reserve

12. Glamorgan Avenue Reserve
13. Gleeson Park
14. Harris Street Reserve
15. Hetley Crescent Reserve
16. King George's Reserve
17. Knightsbridge Place Reserve
18. Lee Road Reserve
19. Lesser Park
20. McKeefry Avenue Reserve
21. Maraenui Shopping Centre Reserve
22. Ngarimu Crescent Reserve
23. Norfolk Street Reserve
24. Oldham Avenue Reserve
25. Pirimai Park
26. Tait Drive Reserve
27. Taradale Road Reserve
28. Te Awa Estate Reserve
29. Thackeray Street Reserve
30. Upham Crescent North Reserve
31. Upham Crescent South Reserve
32. Warren Street Reserve (Siberia)
33. York Avenue Reserve

Individual public gardens:

1. Botanical Gardens
2. Centennial Gardens
3. Centennial Park
4. Clive Square
5. Kennedy Park Rose Gardens
6. Marine Parade Gardens
7. Memorial Square
8. Taradale Clock Tower Reserve and Ornamental Gardens

Individual sports parks:

1. Bledisloe Park
2. Hawke's Bay Lawn Tennis and Squash Club Reserve
3. Maraenui Golf Course Reserve
4. Maraenui Park
5. Marewa Park
6. Nelson Park
7. Onekawa Park
8. Papakura Domain
9. Park Island
10. Petane War Memorial Reserve
12. Tamatea Park
13. Taradale Park
14. Tareha Park
15. Whitmore Park



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Submission to the Napier City Council **FREEDOM CAMPING BYLAW 2016**

All submissions must be in writing. You may attach a more detailed submission if you wish.

Name:		
Organisation:		
Title/Position:		
Postal address:		
		Postcode:
Daytime contact details:	Phone:	
	Email:	

I wish to speak at the hearing (please tick): Yes No

If you wish to speak at the hearing, we will contact you to arrange a time.

Summary of Submission:

Please identify what your issue is. Indicate clearly whether you support or oppose the specific provision(s), or if you want to have them changed and state your reasons. Continue on a separate sheet if necessary.

- Submissions must be made either in writing, by way of this form (plus supporting documents if required), or online by going to www.napier.govt.nz and entering the search keyword: **#freedomcampingbylaw**
- You may speak in support of your submission. Please include a daytime phone number for us to arrange a time
- You do not have to attend this meeting
- Your submission will be included in the agenda for the meeting which is available to the public.

Return to:

FREEPOST 172273
Napier City Council Bylaw Review Submissions
Napier City Council
Private Bag 6010
NAPIER 4142

Closing date for submissions is 12pm, Friday 28 October 2016