

17 August 2023



Waka Kotahi
Martin Colditz
Tairāwhiti Highway Manager

By Email: martin.colditz@nzta.govt.nz

Kia ora Martin

Seasonal Camping on Waka Kotahi Land – Pouawa and Turihaua

You may already be aware that in June 2023 the Self-contained Motor Vehicles Legislation Act 2023 (the Amendment Act) came into effect.

The changes to the Act include a new power and process for councils to declare Waka Kotahi land as 'local authority area' and include it within a Freedom Camping Bylaw.

The Gisborne District Freedom Camping Bylaw 2021 (2021 bylaw) is now inconsistent with the Amendment Act, in that it applies to Waka Kotahi land that has not been 'declared to be a local authority area' in accordance with the process under the Act. These areas are Turihaua Beach, Turihaua Point and Pouawa camping areas (See appended maps). Council will no longer be able to manage or regulate this activity at these locations under the Freedom Camping Bylaw.

A report will likely go to Council in September to remove these Waka Kotahi areas from the Bylaw, as well as to make other administrative changes where there are inconsistencies because of the legislative changes.

If possible, I would like the opportunity to discuss these matters with you. If you could get back to me with a suggested date/time to meet at your earliest convenience, that would be much appreciated.

Nga mihi

s 9(2)(a)

Michele Frey
Director Liveable Communities

s 9(2)(a)

From: [Martin Colditz](#)
To: [Michèle Frey](#)
Cc: [s 9\(2\)\(a\)](#); [Yasmin Slatter](#)
Subject: RE: Letter re Seasonal Camping Tairawhiti
Date: Monday, 28 August 2023 2:18:00 pm
Attachments: [image004.png](#)

Kia ora Michele,

We would like GDC to continue to manage and regulate camping activities in the areas mentioned in your letter.

I will schedule a meeting on the 5th to discuss what is needed to move forward and ensure a successful camping season.

Ngā mihi,

Martin Colditz

System Manager, Hawke's Bay & Gisborne

Transport Services

Email: Martin.Colditz@nzta.govt.nz

Mobile: [s 9\(2\)\(a\)](#)

Waka Kotahi NZ Transport Agency

Napier, Level 2, Dunvegan House, 215 Hastings Street

PO Box 740, Napier 4140, New Zealand

Graphical user interface, text Description automatically generated



From: Michèle Frey [s 9\(2\)\(a\)](#)

Sent: Tuesday, 22 August 2023 10:36 am

To: Martin Colditz <martin.colditz@nzta.govt.nz>

Cc: [s 9\(2\)\(a\)](#) <[s 9\(2\)\(a\)](#)@gdc.govt.nz>; [s 9\(2\)\(a\)](#)

<[s 9\(2\)\(a\)](#)@gdc.govt.nz>

Subject: RE: Letter re Seasonal Camping Tairawhiti

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Kia ora Martin,

Really nice to speak just now.

As discussed it would be great to meet to discuss this at your earliest convenience. As

mentioned, there are risks for this upcoming Seasonal Camping season if we don't have a plan in place.

I am on leave until the 4th September and s 9(2)(a) in my absence. If you wish to meet before I return, that's fine. s 9(2)(a) is across this issue.

Nga mihi,

Michele

From: Michèle Frey
Sent: Friday, 18 August 2023 3:24 pm
To: martin.colditz@nzta.govt.nz
Cc: s 9(2)(a) <[redacted]@gdc.govt.nz>; s 9(2)(a) <[redacted]@gdc.govt.nz>
Subject: Letter re Seasonal Camping Tairāwhiti

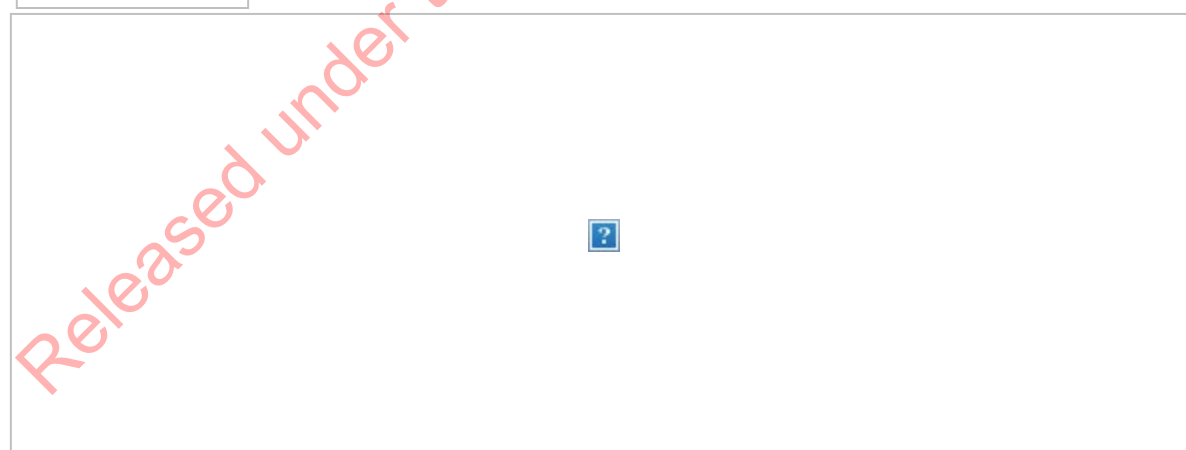
Kia ora Martin,

As per my voice message, please find attached a letter regarding the recent freedom camping legislation. Welcome a chat about this some time when you have a moment.

Nga mihi,
Michele Frey



Michèle Frey
Director Liveable Communities
Te Kaunihera O Te Tairāwhiti - Gisborne District Council
E: s 9(2)(a)
A: 15 Fitzherbert Street, Gisborne | [Web](#) | [Fb](#) | [App](#)



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From: [Michèle Frey](#)
To: [Martin Colditz](#)
Cc: [s 9\(2\)\(a\)](#) [Yasmin Slatter](#)
Subject: Maps of Waka Kotahi Land Subject to Legislative Change - Seasonal Camping
Date: Thursday, 7 September 2023 12:12:07 pm
Attachments: [image001.png](#)
[freedomcamping_memo2023_topogrid.pdf](#)
[freedomcamping_memo2023_turihauabeach_north.pdf](#)
[freedomcamping_memo2023_turihauabeach_sourth.pdf](#)
[freedomcamping_memo2023_turihauabeach_all.pdf](#)
[freedomcamping_memo2023_turihauapoint.pdf](#)
[freedomcamping_memo2023_pouawabeach.pdf](#)

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Morena Martin,

Good to speak with you earlier this week.

As promised please find attached:

- Maps of Waka Kotahi land that Council has previously been administered through our Freedom Camping Bylaw (2021) for Seasonal Camping prior to the recent legislative amendments in June 2023. The maps show areas for seasonal camping and areas restricted for seasonal camping.
- Since these maps were produced there has been further erosion so we strongly encourage Waka Kotahi to consider further restrictions on Seasonal Camping in these areas where it is unsafe to now do so.
- After a discussion internally, we would prefer to show you these areas via a visual inspection and suggest that you advise GDC of any areas you wish to see continued for Seasonal Camping. We are reluctant to advise of these areas for further restriction until you have inspected the sites yourself.

Today the Sustainable Tairāwhiti (Committee of Council) met to discuss the necessary amendment to our Bylaw to incorporate the recent legislative changes. This was discussed at length for an hour. You can see the recording online via our website. And the report can be found [here](#).

In summary, Councillors were very adamant they wanted to do everything possible to encourage/enable Seasonal Camping to continue to happen where it was safe and environmentally acceptable to do so. That includes for this coming season. To this end our Chief Executive will be writing to your Chief Executive imminently to request a letter consistent with the legislative changes to enable Seasonal Camping to continue. Just a heads up this is coming!

I do believe it would be in your interests to engage with iwi on this matter and [s 9\(2\)\(a\)](#) would be your best first point of contact. Email: [s 9\(2\)\(a\)](#) Phone: [s 9\(2\)\(a\)](#)

Should Waka Kotahi wish for Seasonal Camping to continue into this summer season, there are several operational matters we would need to discuss, including signage, and how we approach our permitting system etc. Keen to have a further korero on this.

Please also note that this is getting some (somewhat incorrect) media attention too.

See [here](#).

We look forward to hearing from you.

Please note I have copied our Legal Counsel, [s 9\(2\)\(a\)](#) into this email so they can add anything that I have missed!

Nga mihi,
Michele



Michèle Frey

Director Liveable Communities

Te Kaunihera O Te Tairāwhiti - Gisborne District Council

E: [s 9\(2\)\(a\)](#)

A: 15 Fitzherbert Street, Gisborne | [Web](#) | [Fb](#) | [App](#)

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12 September 2023

Nicole Rosie
Chief Executive
Waka Kotahi NZ Transport Agency
Private Bag 6995
WELLINGTON 6141

Email: Nicole.rosie@nzta.govt.nz

Tēnā koe Nicole

Self-Contained Motor Vehicles Legislation Act

You may already be aware that in June 2023 the Self-contained Motor Vehicles Legislation Act 2023 came into effect which amended the some of the provisions of the Freedom Camping Act 2011 (the Act).

The changes to the Act include a new statutory process allowing councils to make bylaws declaring Waka Kotahi land in its district to be a 'local authority area'. Any local authority wishing to make such bylaws must first obtain the written consent of the chief executive of the Waka Kotahi.

Following these amendments to the Act, the Gisborne District Freedom Camping Bylaw 2021 (2021 bylaw) is now inconsistent with the Act, in that it refers to Waka Kotahi land that has not been 'declared to be a local authority area' in accordance with the process under the Act.

These areas are Turihaua Beach, Turihaua Point and Pouawa camping areas and outlined in green within the appended maps (the "sites"). As it stands now, Council is currently unable to manage or regulate this activity at these sites under the Freedom Camping Bylaw or the Act.

A report went to Council's Sustainability Committee on 7 September 2023, recommending that amendments required to our 2021 bylaw be made to ensure it is consistent with the requirements of the amended Act.

The Committee has recommended that the Council make the amendments to the bylaw and resolved to "Direct the Chief Executive to request permission from Waka Kotahi for the Council to declare Waka Kotahi land as a local authority area and include that land in the Council's Freedom Camping Bylaw".

I am therefore writing to you today to request the following:

1. Your written consent to Council declaring the sites as Local Authority Areas by way of an amendment to its Freedom Camping Bylaw under the Act.
2. Authorisation for all Gisborne District Council employees appointed as Enforcement Officers under the Freedom Camping Act, to act as an "occupier" of the sites for the



purposes of the Trespass Act 1980 (enabling those officers to warn persons to leave and/or stay off the sites).

3. Authority to manage camping activities on the sites as if they are a seasonal camping area under the Freedom Camping Bylaw, from Labour weekend 2023 until 30 March 2024.

The Council will not be able to amend the Freedom Camping Bylaw prior to the upcoming season. However, the Council will be able to use regulatory powers under other enactments (such as the Litter Act and the Gisborne District Council Traffic and Parking Bylaw) in the management of the site. Waka Kotahi's usual landowner rights and powers would remain in place.

It would be appreciated if a letter providing approval for the two above mentioned approaches could be received no later than 20 September 2023, to ensure that seasonal camping preparation can proceed.

We appreciate that Waka Kotahi, as a necessary first step will want to engage directly with mana whenua prior to providing these approvals to Council. Council staff have already engaged directly with Martin Colditz, Tairāwhiti Highway Manager to identify and discuss these sites and have provided contact details for mana whenua to Martin. In this regard we are hopeful that this engagement with mana whenua is already underway or completed.

Early indication from Martin has been that Waka Kotahi would like Council to enable camping activities to continue where safe to do so. Noting that not all Waka Kotahi sites may be appropriate for seasonal camping given the coastal erosion and narrowing of safely accessible land at these sites. We have offered to meet with Martin to review these sites this week.

We are available to discuss any queries you may have, and we look forward to your earliest response.


Ngā mihinui,

Nedine Thatcher Swann
Chief Executive
Gisborne District Council



769




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-  Restricted Seasonal Areas
-  Prohibited Areas
-  Waka Kotahi Road Parcel

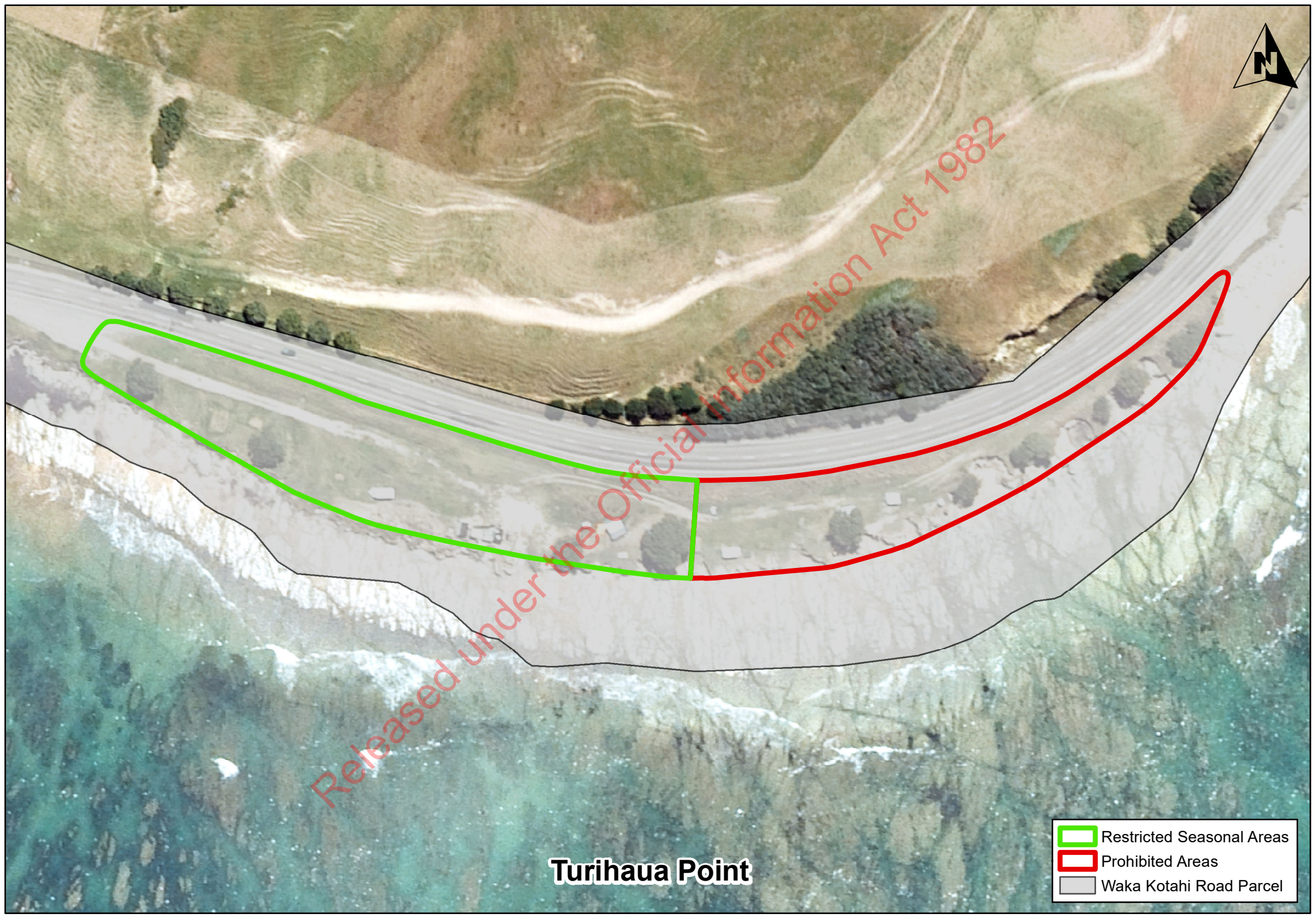
Turihaua Beach North



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-  Restricted Seasonal Areas
-  Prohibited Areas
-  Waka Kotahi Road Parcel



Turihaua Point





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Turihau Beach South

-  Restricted Seasonal Areas
-  Waka Kotahi Road Parcel



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Pouawa Beach

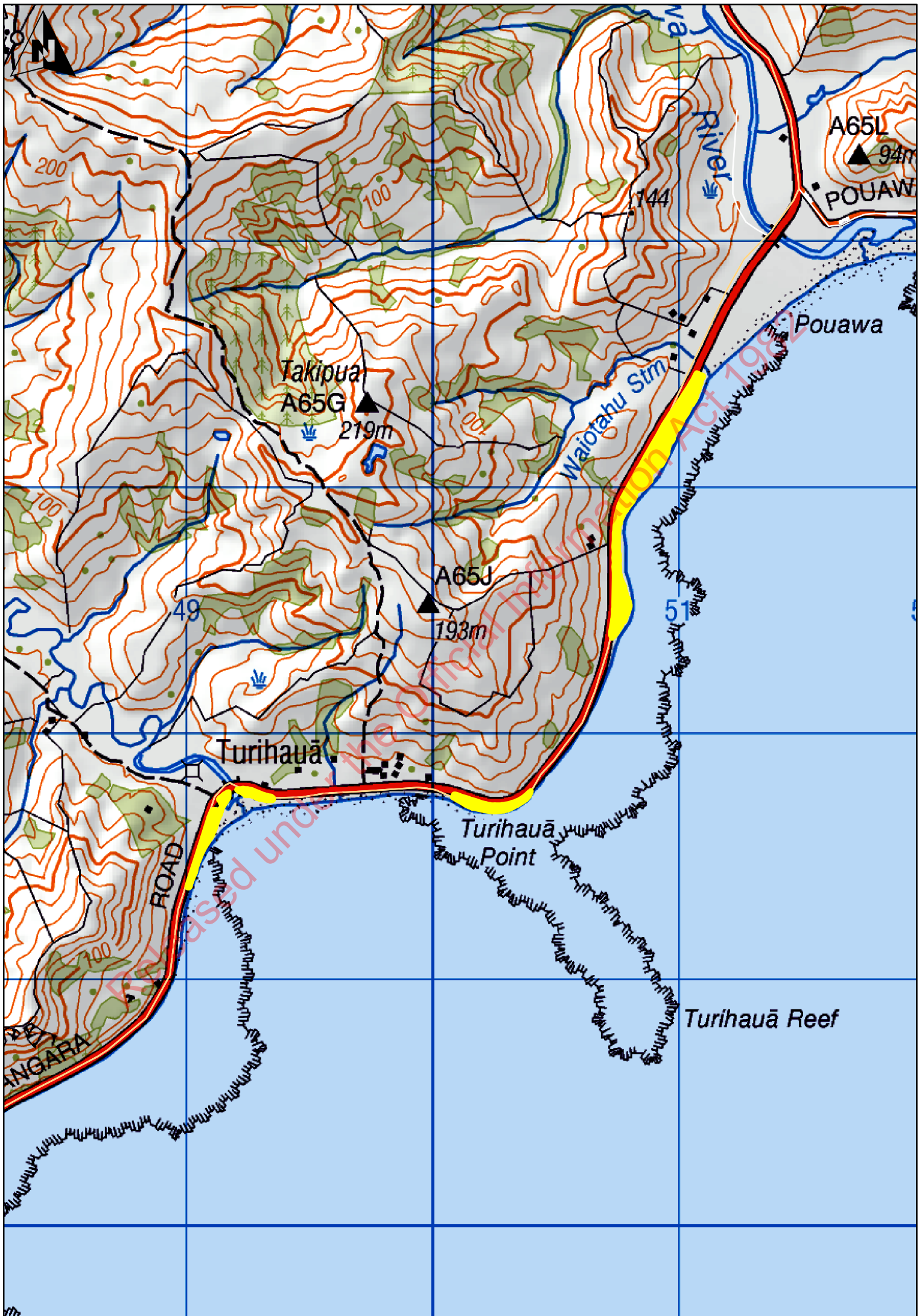
-  Restricted Seasonal Areas
-  Waka Kotahi Road Parcel



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Turihau Beach

-  Restricted Seasonal Areas
-  Waka Kotahi Road Parcel



A65L

POUAWA

Pouawa

Takipua

A65G
219m

A65J
193m

Turihauā

Turihauā
Point

Turihauā Reef

RIVER

Waiotahu Strm

ROAD

ANGARA



27 September 2023

Nedine Thatcher Swann
Chief Executive
Gisborne District Council

s 9(2)(a)

Ref. NZT-8858

Dear Nadine

Thank you for your letter of 12 September 2023 to Nicole Rosie, Chief Executive, regarding Gisborne District Council's proposal to declare Waka Kotahi NZ Transport Agency land to be a local authority area in accordance with the Freedom Camping Act 2011. Your letter has been referred to me for response.

Waka Kotahi is happy for Gisborne District Council to manage camping activities for the Turihaua Beach and Pouawa camping areas during the upcoming camping season. However, Waka Kotahi plans to close Turihaua Point this season in order to carry out coastal erosion protection works.

While Waka Kotahi is comfortable for Gisborne District Council to manage camping in these areas for the forthcoming season, we require further time to consider the proposal to declare them to be local authority areas and allow Gisborne District Council enforcement officers to act as an occupier of the sites.

Waka Kotahi is committed to working closely with Gisborne District Council on the long-term arrangement for the sites. If you would like to discuss this matter further, you are welcome to contact me by email at martin.colditz@nzta.govt.nz.

Yours sincerely



Martin Colditz
System Manager, Hawke's Bay & Gisborne