

# Statement of Proposal Freedom Camping Bylaw



April/May 2025

## Have your say

The Council invites your views on the Kāpiti Coast District Council's proposed *FREEDOM CAMPING BYLAW 2025*.

The formal consultation period will last for one month, from Wednesday 2 April to Friday 2 May 2025.

Submissions can be made online at [haveyoursay.kapiticoast.govt.nz/freedomcamping](https://haveyoursay.kapiticoast.govt.nz/freedomcamping) or in writing - you can print a submission form or pick one up from our services centres or libraries and either:

- email it to [haveyoursay@kapiticoast.govt.nz](mailto:haveyoursay@kapiticoast.govt.nz)
- drop it off at the Council offices or a Council Service Centre, or
- post it to: Kāpiti Coast District Council, Private Bag 60601, Paraparaumu 5254.

Hard copies of the proposal are also available from our service centres and libraries.

**Submissions close 5pm Friday 2 May 2025.**

### Hearing

Persons who wish to be heard by Council will be given the opportunity to do so. If you wish to make an oral submission to Councillors, please indicate YES on the submission form and ensure you have included your contact details. We will contact you to arrange a time for you to speak.

**Hearings are planned for 20 May 2025.**

### What happens to your feedback?

Your submission, and those of other submitters, will help inform Councillors as we finalise the *Kāpiti Coast District Council Freedom Camping Bylaw 2025*.

### Your Privacy

All submissions are public information. This supports our drive to be as transparent as possible, but, if there are any personal details you don't want made public, please let us know.

### Want to know more?

If you have any questions, or would like a little more information, please email [haveyoursay@kapiticoast.govt.nz](mailto:haveyoursay@kapiticoast.govt.nz) or call 04 296 4700.

## Introduction and background

1. The Kāpiti Coast District Council (Council) currently manages freedom camping on its land under the Freedom Camping Policy 2012 alongside the Freedom Camping Act 2011 (the Act). Key changes have occurred since the policy was last reviewed in 2012. This includes changes to the Act supporting freedom camping for certified self-contained vehicles alongside a significant increase in the number of freedom campers visiting our district.
2. Our review found limitations with the current policy and benefits for having a Freedom Camping Bylaw as a means to better manage freedom camping on Council owned and managed land under the Act.
3. This Statement of Proposal:
  - helps the community understand the Council's responsibilities and the review process to date
  - explains the challenges and opportunities we have identified
  - discusses the options and changes we are proposing to introduce through a Bylaw to manage freedom camping, and
  - invites the community to make submissions on the draft Bylaw.

## *What is Freedom Camping*

4. Freedom camping is defined under the Freedom Camping Act 2011 and means to camp on public land that isn't a recognised camping ground using a motor vehicle, tent or other type of temporary structure. To be freedom camping it must be within 200m of an area accessible by a motor vehicle, or within 200m of a mean low-water springs line of any sea or harbour, or on or within 200m of a formed road or Great Walks Track.
5. However, it's important to also note that freedom camping does not include short term parking, day-trip excursions, or resting at the roadside in a motor vehicle to avoid driver fatigue. It also excludes anyone who is not a tourist and unable to live in appropriate residential accommodation and living in a tent or other temporary structure, or a motor vehicle.
6. The Freedom Camping Act applies to all Council owned and managed land. The ability to restrict or prohibit freedom camping in a local authority area can be undertaken through a bylaw made under the Act, or under any other legislation.

## *Current Freedom Camping Policy 2012*

7. The Freedom Camping Policy was first introduced in 2010 and last updated in 2012. The Policy is supported by the Public Places Bylaw and helps to ensure visitors and locals have a clear understanding of where and how freedom camping is provided for, and the services and facilities to support responsible stays.

8. The Policy identifies 24 parking spaces across nine sites in the district. Freedom camping is limited to self-contained vehicles only, with a stay of up to 24 hours at all sites except Ōtaki, which has a 48-hour limit. The Policy also prohibits tenting.
9. A review of the Policy was initiated in 2017. Further actions were paused pending government changes responding to recommendations from the Responsible Camping Working Group to identify ways to better manage freedom camping. A resulting change to the Act made only certified self-contained vehicles able to freedom camp (unless otherwise permitted by a Council).
10. The Tourism Infrastructure Fund and Transition Funds were also introduced, providing Councils funding to support infrastructure and services to better manage freedom camping. Council has been successful in obtaining support from this fund to engage camping ambassadors for a number of years who have monitored and talked to freedom campers over the summer periods.

### *Reserves Management*

11. Council's reserves are currently managed under the Reserves Act 1977, which prohibits camping activities on reserves unless supported by a reserve management plan. A parallel process is currently underway to review reserve management plans for all Council's parks and reserves.
12. With the exception of the reserves identified for freedom camping in the current Policy, the suitability for any of Council's reserves for freedom camping will be considered and included as part of the process to update reserve management plans under the Reserves Act 1977. This work is currently underway.

### **Review process so far**

13. The review of freedom camping has included analysis of:
  - historic monitoring data and data captured from the freedom camping ambassadors
  - a survey of freedom camping visitors and their overall experience in 2023
  - freedom camping-related service requests
  - other correspondence and feedback received by Council relating to freedom camping, including feedback from Vision Kāpiti
  - settings and approaches of other councils throughout New Zealand.
14. Council has also engaged with our mana whenua partners and a number of key stakeholders to understand issues, opportunities and other current settings for freedom camping within and adjoining the district, including:
  - Other landowners covered by the Act including Waka Kotahi – New Zealand Transport Authority, Greater Wellington Regional Council, Department of Conservation and Land Information New Zealand

- Council's Tourism Board.
- The New Zealand Motor Caravan Association (NZMCA)
- Horowhenua District Council, Porirua, Wellington City and several of the Wairarapa Councils.

## Key issues and opportunities

15. The review has identified a number of issues and opportunities relating to freedom camping in the Kāpiti Coast District.

### **The need to align with the recently updated Freedom Camping Act**

16. In 2023 the Government amended the Freedom Camping Act 2011 by requiring that vehicles used for freedom camping must be certified as self-contained. In practice, 'self-contained' means that as a minimum the vehicle must have a fixed toilet. The vehicle certification process is overseen by the Plumbers, Gasfitters, and Drainlayers Board (Board).
17. The Act contains provisions enabling a Council to make a bylaw to prohibit or restrict freedom camping in self-contained vehicles in specified areas. It also enables the use of a bylaw to permit freedom camping in motor vehicles that are not self-contained, but only on sites designated by the relevant council in a bylaw, or by the Department of Conservation.

### **There is an increasing number of visitors and increasing impacts**

18. In the early years following the introduction of the Act, Kāpiti Coast experienced modest levels of freedom camping visitors growing to between 1,000-2,000 recorded vehicle stays over the peak summer period. As a result, many impacts were able to be managed under the Council's Freedom Camping Policy and the guidance information used to support freedom camping.
19. Since Covid-19 there has been a significant increase in freedom camping visitors, with between 5,000-6,000 recorded vehicles over the peak summer periods of 2023 and 2024.
20. Improved access from the new expressway and Transmission Gully projects, as well as changes in people's lifestyle, with more exploring the country by road has seen an increase of visitors. This has resulted in much higher numbers of vehicles using our current sites and staying longer than provided for.
21. Alongside the increased numbers, the changes permitting self-contained vehicles has also meant there are now more large sized vehicles freedom camping. This has increased risks and issues related to safe parking and operation around several of the existing sites. It has also resulted in increasing level of congestion at popular recreational areas, instances of rubbish dumping, and poor disposal of waste and conflicting use with other activities.

### **Increasing tourism potential from visitors**

22. More kiwis are taking to the road bringing in visitors who are often looking for experiences in nature without the constraints of traditional accommodation. They have choices between commercial grounds, DoC campsites and Council owned areas.
23. Council's Kāpiti Destination Management Plan has an objective to increase visitor numbers to the district and their length of stay with the objective of increasing tourism spend - while ensuring that our environment and community continue to thrive.
24. Our freedom camping visitor survey undertaken over the January-June 2023 identified that:
  - a large proportion of visitors were kiwis
  - most people stayed at one of the designated Council freedom camping sites
  - most only stayed one night in Kāpiti district and stated that our 24-hour restrictions are out of sync with most other districts in New Zealand
  - the reasons for visiting the Kāpiti Coast were varied, sometimes associated with travel to and from the South Island, at other times specifically for interests in Kāpiti
  - 84% of freedom campers in the district spent in excess of \$100 per day with 22% spending between \$200 and \$399 and a similar percentage spending over \$400. Most spending was at local eateries and vehicle service costs
  - 75% travelled for the purpose of a holiday, with around 20% travelling as a long-term or permanent lifestyle choice – 30% of respondents said there were not enough freedom camping areas in our district.

### **Limited ability to enforce freedom camping rules**

25. The enforcement of the Freedom Camping Policy has relied on the general powers under the Act and a number of broader powers to manage noise and nuisance through the Public Places Bylaw and other acts. However, Council has not been able to access additional enforcement powers enabled by a bylaw made under the Freedom Camping Act to manage and enforce elements of freedom camping on site. As such, Council has largely taken an education approach towards managing effects from freedom camping to date.
26. The recent increase in visitors, with the advent of larger vehicle types and the increasing use of nomads, who choose to live in their vehicles, has made it more challenging to manage the impacts of freedom camping. The camping ambassadors have helped ensure visitors and locals have a clear understanding of the key freedom camping requirements during the periods when they have been employed.
27. Despite our 2012 Policy and this additional resource, there is increasing difficulty in managing the impacts from the growing numbers of freedom camping visitors to the District under current settings.

## The power to make a freedom camping bylaw

28. Councils are empowered to make bylaws to manage freedom camping in their area under the Freedom Camping Act 2011. Bylaws are required to identify areas where freedom camping is prohibited or restricted, and any restrictions that apply. In doing so, Council needs to be satisfied that the bylaw is:

- necessary to protect the area;
- necessary to protect the health and safety of people who may visit the area;
- necessary to protect access to the area; and
- the most appropriate and proportionate way of addressing the perceived problem in relation to that area; and
- not inconsistent with the [New Zealand Bill of Rights Act 1990](#).

## The options

29. Council has considered possible options for how it can help address some of the issues and opportunities identified for freedom camping in the District.

30. Section 10 of the Freedom Camping Act makes it clear that freedom camping can be controlled under a bylaw or through other legislation. While legislation such as the LGA, Land Transport Act 1998 and the Reserves Act support powers and actions to manage freedom camping, the control within these Acts are more general in nature, limiting their use and effectiveness in managing the negative effects of freedom camping.

31. We identified two options for the future management of freedom camping in the Kāpiti Coast. These are to:

- maintain the status quo of managing freedom camping using a policy together with the Freedom Camping Act (the status quo); or
- introduce a bylaw under the Freedom Camping Act – recommended.

### *Option One – continued use of a Policy*

32. Council could maintain the status quo and continue to manage freedom camping using the Freedom Camping Act in combination with a revised Council policy. There may be advantages relating to administrative ease in making a policy.

33. Although our currently policy identifies areas where freedom camping is permitted it has limited ability to manage on site effects from freedom camping. One of the key weaknesses of using a policy is that some freedom campers could continue to flout the rules. Enforcement options would continue to remain limited to address issues than they otherwise would be under a bylaw.

34. Council does not recommend continuing to rely on a policy to manage freedom camping.

## *Option Two – introduce a bylaw using the Freedom Camping Act*

35. The second option is for Council to adopt a Freedom Camping Bylaw which would better align with the empowerment provisions of the Freedom Camping Act. It is proposed to describe the areas in Kāpiti Coast where:
- freedom camping in vehicles that are self-contained, or tents and other temporary structures will be prohibited or restricted, and what restrictions will apply
  - freedom camping in vehicles that are not self-contained will be permitted, and what if any requirements/conditions apply.
36. In so doing, Council has been mindful of providing a balance between how freedom camping can be supported, while protecting the safety of users and our environment.
37. To support the proposal to make a freedom camping bylaw under the Act, an assessment of council land suitable for freedom camping was done throughout the district. A summary of the assessment process and restricted and prohibited sites is attached as **Appendix B**.
38. The proposed bylaw is attached at **Appendix A** of this Statement of Proposal. The proposed bylaw is based on the Local Government New Zealand standard model bylaw that has been developed and used by other Councils across the country.
39. The draft Freedom Camping Bylaw contains:
- **Schedule 1A:** Areas where freedom camping is allowed in self-contained vehicles subject to complying with the restrictions imposed
  - **Schedule 1B:** Reserve areas where freedom camping is allowed subject to complying with the restrictions imposed
  - **Schedule 1C:** Areas where freedom camping is allowed in tents subject to complying with the restrictions imposed
  - **Schedule 2A:** Prohibitions - city centres and town centres where freedom camping is not allowed
  - **Schedule 2B:** Prohibitions – other areas where freedom camping is not allowed
40. Overall, the outcome of our review and proposal is to prohibit freedom camping in town centres and at 26 specified areas, including smaller formed carparks and the various road ends that are too narrow and where we need to protect access. Freedom Camping is also proposed to be prohibited on roads where the speed limit is 80km/h or greater where a campervan cannot be parked safely on the road margin clear of the formed carriageway.
41. The Bylaw will look to support longer stays by allowing a person to freedom camp in a self-contained motor vehicle for up to 48 hours in any area allowed by the Act or the proposed bylaw. To stop the practise that some freedom campers have of moving back and forth

between a couple of sites, there is also a proposal to state that a vehicle must not re-stay within the same area within a 28-day period.

42. The proposed Bylaw contains a clause to make it clear that a person must not freedom camp on a Council reserve unless freedom camping is expressly allowed for by that reserve's Reserve Management Plan. Council will need to agree a resolution to support the use of these three sites for freedom camping in adopting the proposed Bylaw.
43. The restricted use of freedom camping also sets a maximum length of vehicle for each site at 8m apart from the Ōtaki Beach carpark and the Waimea Road beach carpark where it is 10m. Overall, the outcome of our review and proposal is to increase restricted use of freedom camping from 9 to 11 sites and to increase the total number of campervan parking spaces from 24 to 36 as shown in the following table:

| Freedom Camping proposal for the Bylaw compared to current Policy                                                                                                                                                                                                                                                         |                             |               |                             |                                                            |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|---------------|-----------------------------|------------------------------------------------------------|
| Site                                                                                                                                                                                                                                                                                                                      | 2012 Freedom Camping Policy |               | Proposed Bylaw              |                                                            |
|                                                                                                                                                                                                                                                                                                                           | No. designated parks        | Restrictions  | No. designated parks        | Restrictions                                               |
| North end The Parade, Paekākāriki                                                                                                                                                                                                                                                                                         | new                         | n/a           | 2                           | Max. 48 hours<br>Max. 8m long<br>SC only                   |
| Raumati Marine Gardens, Raumati Beach                                                                                                                                                                                                                                                                                     | 3                           | Max. 24 hours | 2                           | Max. 48 hours<br>Max. 8m long<br>SC only                   |
| Opposite #62 Marine Parade, Paraparaumu Beach                                                                                                                                                                                                                                                                             | 2                           | Max. 24 hours | 3                           | Max. 48 hours<br>Max. 8m long<br>SC only                   |
| Opposite #68 Marine Parade, Paraparaumu Beach                                                                                                                                                                                                                                                                             | 2                           | Max. 24 hours | 3                           | Max. 48 hours<br>Max. 8m long<br>SC only                   |
| Field Way north car park, Waikanae Beach                                                                                                                                                                                                                                                                                  | new                         | n/a           | 2                           | Max. 48 hours<br>Max. 8m long<br>SC only                   |
| South of former SH1 Bridge, Ōtaki                                                                                                                                                                                                                                                                                         | new                         | n/a           | 3                           | Max. 48 hours<br>Max. 8m long<br>SC only                   |
| North bank, Ōtaki River, Ōtaki Beach                                                                                                                                                                                                                                                                                      | 6                           | Max. 48 hours | not Council land            | n/a                                                        |
| Ōtaki beach car park; Ōtaki Beach                                                                                                                                                                                                                                                                                         | new                         | SC            | 12                          | Max. 48 hours<br>Max. 10m long<br>Can be closed for events |
|                                                                                                                                                                                                                                                                                                                           | new                         | NSC           | 2                           |                                                            |
| Mangaone South Road end, Reikorangi                                                                                                                                                                                                                                                                                       | new                         | n/a           | 10 Tents only               | Max. 48 hours                                              |
| Reserves                                                                                                                                                                                                                                                                                                                  | 2012 Freedom Camping Policy |               | Proposed Reserve Resolution |                                                            |
| Opposite #54 Marine Parade, Paraparaumu Beach                                                                                                                                                                                                                                                                             | 1                           | Max. 24 hours | prohibited                  | n/a                                                        |
| Waikanae Park, Waikanae                                                                                                                                                                                                                                                                                                   | 2                           | Max. 24 hours | 2                           | Max. 48 hours<br>Max. 8m long<br>SC only                   |
| Waikanae River Mouth, end Tutere St, Waikanae Beach                                                                                                                                                                                                                                                                       | 4                           | Max. 24 hours | prohibited                  | n/a                                                        |
| Waimea Rd beach car park, Waikanae Beach                                                                                                                                                                                                                                                                                  | 2                           | Max. 24 hours | 3                           | Max. 48 hours<br>Max. 10m long<br>SC or NSC                |
| Field Way Reserve, Waikanae Beach                                                                                                                                                                                                                                                                                         | 2                           | Max. 24 hours | 2                           | Max. 48 hours<br>Max. 8m long<br>SC or NSC                 |
| <b>TOTAL NO. Self-contained Vehicle Parks</b>                                                                                                                                                                                                                                                                             | <b>24</b>                   |               | <b>36</b>                   |                                                            |
| <b>TOTAL NO. Permitted or Restricted Affected Areas</b>                                                                                                                                                                                                                                                                   | <b>9</b>                    |               | <b>11</b>                   |                                                            |
| Note: that as part of the implementation process the areas for restricted freedom camping will need to have the actual vehicle parking lots painted and this may alter the total freedom camping vehicle parks, or alter the proposed size restriction<br>SC = Self-Contained Vehicles; NSC = Non-Self-Contained Vehicles |                             |               |                             |                                                            |

44. The proposed Bylaw contains a clause to make it clear that a person must not freedom camp on a Council reserve unless freedom camping is expressly allowed for by that reserve's *Reserve Management Plan*. Council will need to agree a resolution to support the use of these three sites for freedom camping in adopting the proposed Bylaw.
45. The proposed freedom camping bylaw does not need to include specific offence and penalty provisions as the Freedom Camping Act provides various offences (infringement

finer) that apply to any restrictions or prohibitions specified in a bylaw. The Act also provides for offences relating to the discharge of a substance likely to be noxious, dangerous, offensive, or objectionable; or obstructing (or inciting another person to obstruct) an enforcement officer to be addressed.

## **Implementation considerations**

46. The proposal to establish freedom camping areas in the Kāpiti Coast will require some operational expenditure. This would involve the layout and marking of campervan parking spaces and improving signage. It may also involve some site tree pruning and general tidying up.
47. Associated with this is the loss of carparks at some sites to accommodate freedom camper vans due to their size. Note though, that freedom camping will not be accommodated in town centres (although this does not prevent normal day parking).
48. We intend to run a public communication campaign on the rules when the bylaw is adopted and support this with website information, brochures and maps to increase knowledge of the rules and educate those undertaking activities in our district.
49. A bylaw brings more comprehensive powers of enforcement under the Freedom Camping Act, but also potentially greater expectations from the public about monitoring and enforcing compliance with the bylaw. The ability to monitor compliance of the new bylaw can be met within existing staff capacity and budgets.

## ***Future steps***

50. The review process has identified a number of opportunities for Council to partner with others to support the potential development of specialised areas and/or facilities to support freedom camping and tourism across the district. Potential for opportunities will be further considered as part of the reserve management review process and as part of the ongoing management and engagement with sector stakeholders.

## **Considerations for making a bylaw**

51. This Statement of Proposal has been prepared in accordance with the requirements of section 11 of the Freedom Camping Act 2011, and section 83 of the Local Government Act 2002.
52. For the reasons discussed in this statement of proposal, Council is satisfied the move from using a policy to a bylaw meets the tests of Section 11 (2) of the Act and is necessary and a proportionate and appropriate way to protect the areas, health and safety of people who may visit the areas; and protect access to the areas identified in the proposed bylaw.
53. Council is satisfied that the restrictions imposed by the proposed bylaw are fair and reasonable limitations on individual rights and consistent with the New Zealand Bill of Rights Act 1990.

## We are seeking your feedback

We are seeking your feedback on the proposed approach and draft Freedom Camping Bylaw 2025.

Formal consultation period will last for one month, from Wednesday 2 April to Friday 2 May 2025.

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