

## FAQs: Proposed Freedom Camping Bylaw

### What is Freedom Camping?

The [Freedom Camping Act 2011](#) (the Act) defines freedom camping as:

- to camp (other than at a camping ground) within 200 m of an area accessible by motor vehicle or within 200 m of the mean low-water springs line of any sea or harbour, or on or within 200m of a formed road or a Great Walks Track, using either or both of the following:
  - a tent or other temporary structure:
  - a motor vehicle.

Freedom Camping does not include:

- temporary and short-term parking of a motor vehicle:
- recreational activities commonly known as day-trip excursions:
- resting or sleeping at the roadside in a motor vehicle to avoid driver fatigue.

Under the Act, a person is also not Freedom Camping if they are homeless – that means they are unable to live in appropriate residential accommodation; and as a consequence of that inability, are living in a tent or a motor vehicle. More information about freedom camping nationally can be viewed here: <https://www.mbie.govt.nz/freedomcamping>

### We didn't have a freedom camping bylaw before, why do we need a bylaw now?

It is important that Council has the tools needed to appropriately manage freedom camping so that local communities and the natural environment do not disproportionately bear the costs of hosting freedom campers. We previously had a Coastal Camping Bylaw to help manage camping on coastal areas, the new Proposed Bylaw updates our approach to reflect the current needs of our communities across the whole District.

Recent changes to the Freedom Camping Act 2011 aim to ensure everyone who freedom camps does the right thing and respects our environment and communities. The Proposed Bylaw will make it easy for everyone to understand the new rules and where they can and can't freedom camp in South-Wairarapa.

### What will change?

The Freedom Camping Legislation already allows camping on all Council controlled or managed land nationwide, unless there is another piece of legislation prohibiting freedom camping, for example rules on some reserves, parking regulations, or if the council has a bylaw in place.

The Proposed Bylaw for our District identifies the areas which we have assessed as requiring protection from freedom camping and are either prohibited or restricted. The restricted sites provide some additional clarification and guidance for how and where to freedom camp appropriately, for example how long you can stay in an area.

Once the Bylaw becomes operative, Council will have a range of enforcement tools available to address breaches of the Bylaw as well as the Act.

## **Where can I camp? What land is covered by the bylaw?**

The bylaw applies to land controlled or managed by South-Wairarapa District Council and which is subject to the Act. It does not apply to private land or Department of Conservation land.

In the proposed Bylaw, Council have identified some areas that may not be suitable for Freedom Camping as prohibited areas. Council have also identified areas appropriate for Freedom Camping subject to some restrictions.

[Link to maps for restricted areas](#)

## **Why have we identified the areas we have as prohibited or restricted?**

Council is not allowed to ban freedom camping from the district, and any restrictions or prohibitions must be applied after carefully considering the criteria in the Freedom Camping Act 2011 (the Act).

The Act states that Council may only prohibit or restrict freedom camping at an area if:

1. The area requires protection
2. The health and safety of people using the area requires protection
3. Access to the area requires protection

Areas throughout the district were considered and assessed under these criteria. A summary of this assessment was considered by Council at its meeting on 27 September 2023; alongside the Proposed Bylaw. The agenda for this meeting can be viewed here: <https://swdc.govt.nz/meeting/council-meeting-27-september-2023/>

## **What does certified self-contained mean?**

This means a vehicle that meets the new requirements for self-containment. This has changed from the previous system, with the major change being that vehicles must now have a fixed toilet to be certified self-contained. More information about the changes made to the legislation can be viewed here: <https://www.mbie.govt.nz/freedomcamping>

The [Self-contained Motor Vehicles Legislation Act 2023](#) came into force in June 2023 and makes several changes to the Freedom Camping Act 2011. These include the requirement for vehicle-based freedom campers to use a certified self-contained vehicle when they stay on council land, unless a council designates the site as suitable for vehicles that are not self-contained, as is the case for some restricted areas within South-Wairarapa. The changes also include:

- a new regulated system for the certification and registration of self-contained vehicles
- the requirement for vehicles to have a fixed toilet to be certified as self-contained
- strengthening of the infringement system with the introduction of a new tiered penalty system which entered into force in July 2023

The [NZS 5465:2001](#) provides further requirements for a vehicle to be considered certified self-contained.

### **I already have a blue self-contained sticker on my vehicle, what do I need to do?**

The requirement to be certified self-contained has changed. By 2025 the blue certification will no longer be valid, and vehicles will require a fixed toilet (not composting) to be certified self-contained.

Vehicle owners have until 2025 to meet the new requirements and transition to the new green warrant card. If a blue sticker expires before this time your vehicle will need to meet the new requirements in order to renew. A timeline of how the changes will be rolled out can be viewed here: <https://www.mbie.govt.nz/freedomcamping>

### **What about people who are resting on the side of the road to avoid driver fatigue?**

The definition of freedom camping in the Act does not include situations such as temporary and short-term parking of a motor vehicle, recreational activities including day-trip excursions or resting or sleeping at the roadside in a motor vehicle to avoid driver fatigue.

### **Will those that are experiencing homelessness be impacted by the bylaw?**

The definition of freedom camping in the Act explicitly excludes those experiencing homelessness. Council will work to ensure other mechanisms and appropriate referral pathways are used to address issues of homelessness in the district.

### **How will the Bylaw be enforced?**

Like the majority of Council's other bylaws, it is intended that the Proposed Bylaw will be managed through education and on a complaints basis. Providing a list of areas appropriate for Freedom Camping and having accurate signage at each location will be an enforcement tool in itself. While an educational approach is preferable, having a bylaw does give Council the ability to impose infringement fees and fines if people breach the bylaw or the Freedom Camping Act 2011.

Fines start at \$400 and go up to \$2,400 for serious breaches. More information on infringement offences is available on MBIE's website: <https://www.mbie.govt.nz/freedomcamping>