



IMPORTANT DATES

Open for feedback	13 Oct 2023
Provide your feedback by	13 Nov 2023
Hearing of feedback	TBC

Proposed Freedom Camping Bylaw 2024

Amendment to Clifford Square Reserve Management Plan

Statement of Proposal

South Wairarapa District Council (the Council) is reviewing its regulatory approach to freedom camping. This statement of proposal details the Council's proposal to make a new Freedom Camping Bylaw (the Proposed Bylaw) under Section 11 of the Freedom Camping Act 2011 (the Act) and to make subsequent amendments to the Clifford Square Reserve Management Plan (RMP) to ensure consistency between it and the Proposed Bylaw. A draft of the Proposed Bylaw is attached to this statement of proposal.

We are seeking your feedback on the Proposed Bylaw and the proposed amendment to the Clifford Square Reserve Management Plan.

Consultation allows the community to have a say on the content of, and changes to, the Proposed Bylaw, as well as give feedback on the proposed amendment to the RMP. Council welcomes your feedback with consultation open from **13 October to 13 November 2023**.

This statement of proposal has been made for the purposes of section 82, 84 and 86 of the Local Government Act 2002 and section 11B of the Freedom Camping Act 2011.

1. What is a Freedom Camping Bylaw?

Camping as an activity is managed through a range of other plans, bylaws and legislation. The Council does not currently have a freedom camping bylaw, and as a result, cannot effectively regulate or enforce rules relating to freedom camping at any parks or other Council land that is not gazetted Reserve.

The Act is permissible by default, which means its starting point is to allow freedom camping on all council controlled or managed land, unless prohibited under other legislation (such as the Reserves Act 1977). However, the Act does recognise that some areas under the control or management of councils may not be suitable for freedom camping and enables councils to make a bylaw to protect these areas. This includes protecting an area, protecting the health and safety of the people who may visit an area, and to protecting access to an area.

Freedom camping bylaws can identify areas where freedom camping is prohibited and restricted to manage how and where freedom camping can occur, and what additional conditions may be needed in some areas. Bylaws can also identify areas where freedom camping can occur in vehicles that are not self-contained.

Any restrictions or prohibitions on freedom camping must be consistent with the Act and can only be applied if the restrictions or prohibitions are proportionate, and within the scope of the criteria within section 11(5) of the Act. According to the Act, areas may only be prohibited or restricted for the following reasons:

- (i) to protect the area
- (ii) to protect the health and safety of people who may visit the area
- (iii) to protect access to the area

Areas must be assessed against these criteria before any restrictions or prohibitions are applied to ensure the Bylaw is appropriate, proportionate, consistent, and defensible.

A freedom camping bylaw made under the Act cannot address issues other than camping as defined by the Act. This definition does not include staying at a camping ground, temporary or short-term parking of a motor vehicle, day trips, or resting or sleeping at the roadside to avoid driver fatigue. It also explicitly excludes those experiencing homelessness who may be living in their vehicle. The land covered by the Act is also limited to those areas controlled or managed by Council, and does not include private land or Department of Conservation (DOC) reserves.

Changes to national legislation

[The Self-contained Motor Vehicles Act 2023](#) came into force in June 2023 and made amendments to the Freedom Camping Act 2011. A key change made by the amendment means that since June 2023, if a person is freedom camping on council controlled or managed land using a vehicle, they must be using a certified self-contained vehicle to freedom camp. The definition of self-contained has been updated to require a fixed toilet. These changes apply nation-wide, regardless of whether or not a Council has a bylaw. There is a transition period to allow people with current 'blue sticker' certifications (under the old certification requirement) time to move to the new 'green sticker' certification (where a fixed toilet will be required) over the next two years.

Changes were also made to the infringement fees and fines structure under the Act. The original infringement fee of \$200 has been replaced by a new tiered penalty system which came into force on 13 July 2023 and provides Councils with more options to apply fines proportionate to the breach of a freedom camping bylaw or the Act.

The Ministry of Business, Innovation and Employment (MBIE) keeps their freedom camping website up to date with the most recent developments regarding national freedom camping rules:

<https://www.mbie.govt.nz/freedomcamping>

2. Options considered

The South Wairarapa District is a popular destination for campers, however, the District faces a number of challenges in balancing the needs of these visitors with the wellbeing of the communities that host them. The coastline, in particular, is a place of historical, cultural and environmental significance, home to important archaeological sites, unique ecosystems and biodiversity. It is also vulnerable to the impacts of severe weather, coastal erosion and climate change with infrastructure and access to remote communities at risk.

The broad geographical distribution of the District presents an additional challenge for enforcement and heightens concerns for health and safety of both visitors and local communities. Any regulation imposed by a freedom camping bylaw must reflect these challenges and regulations must be balanced with the corresponding expectation of enforcement from the community.

On 28 June 2023, the Council decided to make a new bylaw to regulate freedom camping.

Information about the Council's decision can be read on Council's website:

<https://swdc.govt.nz/meeting/council-meeting-28-june-2023/>

In making its decision, the Council considered five reasonable and viable options to address matters related to freedom camping. Council chose option 5: Make a bylaw under the Freedom Camping Act 2011 as the most reasonably practicable option for addressing the problems caused by freedom camping. The options considered were:

Option 1: Do nothing

Under this option, the Council maintains the status quo of having no bylaw and the Freedom Camping Act 2011 would apply. Under section 10 of that Act, freedom camping is generally permitted, subject to restrictions and prohibitions provided for in other legislation. A key area where such restrictions apply are in reserves, where the use of these areas for temporary accommodation, such as freedom camping, is restricted by section 44 of the Reserves Act 1977.

Option 2: Make a bylaw under the Local Government Act 2002

This option would restrict or prohibit freedom camping in some areas and, in accordance with section 10(b) of the Freedom Camping Act 2011, would be controlling freedom camping 'under any other enactment'.

Option 3: Use reserve management plans

This option would permit freedom camping on some reserves, where it is appropriate to do so. Freedom camping would continue to be prohibited on all other reserves, but would be permitted on all other Council land, under the Freedom Camping Act 2011.

Option 4: Add rules to the district plan

Rules controlling freedom camping could be added to the Council's Proposed District Plan by using the plan change process set out in the Resource Management Act 1991.

Option 5: Make a bylaw under the Freedom Camping Act 2011 (chosen option)

This option would restrict or prohibit freedom camping in some areas, including allowing freedom camping with restrictions on some reserves, where it is appropriate to do so.

3. What is Council proposing?

The Proposed Bylaw includes rules for Freedom Camping across the district including identification of prohibited, restricted and permitted areas. The proposed Bylaw seeks to protect areas, the health and safety of people using areas, and protecting access to areas, from negative impacts caused by freedom camping.

A summary of the Proposed Bylaw is detailed below. The Proposed Bylaw is also attached to this document in full.

General provisions

The Proposed Bylaw follows a similar form that other councils use, in order to better support freedom campers as they travel the country and seek to understand the different rules within each district. Where possible, the defined terms in the bylaw like 'Self-contained' and 'Freedom Camping' directly link back to the Act to limit any potential inconsistencies, however, the Proposed Bylaw includes copies of the relevant parts of the Act to make it easy for the meaning of those defined terms to be understood without needing to review the legislation.

The Proposed Bylaw provides Council with a tool to temporarily close an area to freedom camping if required to protect an area, protect the health and safety of the people who may visit an area, and to protect access to an area, and also provides a mechanism for an exemption to be granted if a person needs to freedom camp in a prohibited or restricted area, such as during an event

The Proposed Bylaw does not specify District-wide rules in addition to those general requirements under the Act which states that vehicles must be certified self-contained to freedom camp. Instead, the bylaw aims to maintain the current enforcement level of service by formalising those areas which are currently understood to be camping areas within the district, areas which experience problems associated with freedom camping, or areas which require additional protection. These areas are defined in the Schedules of the Proposed Bylaw and indicative maps of the areas are included in an Appendix to the Proposed Bylaw.

Incorporation of NZ Standard by reference – Certified Self-contained

The Proposed Bylaw uses the definition of certified self-contained motor vehicle within the Act. To support and provide further information to this definition, the Proposed Bylaw also incorporates by reference the NZ Standard 5465:2001 Self containment of motor caravans and caravans which has further detail of the more technical requirements of certification.

As required by clause 1 of Schedule 2 of the Legislation Act 2019, this statement of proposal is public notice of the proposal to incorporate the NZ Standard in the Freedom Camping Bylaw. The NZ Standard is incorporated by reference because it is impracticable to include its content in the bylaw. The NZ Standard is publicly available here where it can be viewed or printed once for free. We are seeking feedback on the incorporation of the NZ Standard in the Proposed Bylaw, particularly comments about whether:

- the Proposed Bylaw clearly identifies the material incorporated; and
- the means of making the NZ Standard publicly available is sufficient to enable people to find and obtain copies of it with reasonable ease; and
- it is otherwise appropriate.

The standard can be viewed or printed once for free at this link:

<https://www.standards.govt.nz/shop/nzs-54652001>

Specific area restrictions

Any potential areas for prohibition or restriction must be first assessed against the criteria in section 11(2) of the Act before being included in a freedom camping bylaw. This section states that councils can only prohibit or restrict freedom camping in an area if this is necessary to:

- (i) protect the area - to protect areas that are environmentally or culturally sensitive.
- (ii) protect health and safety - to keep freedom campers and other visitors to an area safe.
- (iii) protect access to the area - where the presence of freedom campers could block access or damage infrastructure.

The assessments were completed using a tool which is used by many New Zealand councils and is considered best practice by the sector. This assessment looks at each of the three elements outlined in section 11(2) of the Act to determine whether or not prohibiting or restricting freedom camping is appropriate in the area. The tool provides councils with a standardised and transparent way of applying the Act and demonstrates a clear line of sight between the criteria in the Act, and the bylaw.

Prohibitions and restrictions have been included in the bylaw to formalise the status-quo, identifying areas which are currently used as camping sites both in urban areas and along the coast, as well as identifying areas which require protections through a bylaw under the Act. These prohibitions and restrictions are proposed with consideration for the enforcement challenges present in the District. Consideration has been given to ensure an appropriate and practical balance between the need for and benefits of protection and the ability for enforcement, with the understanding that there is a relationship between the complexity of regulation and the level of service expected by the community.

As a result of this assessment, the Proposed Bylaw includes the following prohibitions and restrictions. The summary of this assessment and the scores for each assessed area were received by Council at their meeting on 27 September 2023 when the Proposed Bylaw was considered and can be viewed here: <https://swdc.govt.nz/meeting/council-meeting-27-september-2023/>

Prohibitions

The Proposed Bylaw prohibits freedom camping from the following areas:

- Martinborough Square Reserve, Martinborough
- Clifford Square Reserve, Featherston
- Ōtauirā Reserve, Featherston
- Hastwell Street Carpark, Greytown
- Fitzherbert Street, Featherston
- Main Street, Greytown
- Cape Palliser Coast
- Tora-Te Awaiti Coast

Township restrictions

The Proposed Bylaw places restrictions on freedom camping in the urban areas of the three townships of Featherston, Greytown and Martinborough. Freedom camping in these urban areas is restricted to certified self-contained vehicles only and for a maximum of three nights in one location within a four-week period. These restrictions ensure that freedom campers can visit and enjoy the townships' amenities while protecting access to these areas and the health and safety of residents and visitors alike, by ensuring short stays that will not adversely impact on any one location within the townships. It also means freedom camping is undertaken in vehicles with facilities onboard to ensure waste is dealt with appropriately.

Specific area restrictions

The Proposed Bylaw includes the following restrictions on specific reserves or parts of reserves. These restrictions either replicate or slightly extend the way these areas are currently managed.

Restricted areas are put in place as there is an indication that the area requires protection as per the criteria in the Act, but allowing for some freedom camping is appropriate. Within these restrictions, there are some areas which provide camping using vehicles which are not self-contained.

- *Fell Museum Carpark, Featherston* – three nights maximum within a four-week period. Certified self-contained vehicles must be used to freedom camp.
- *Te Awaiti Reserve* – 28 nights maximum within a 12-month period. Vehicles which are not self-contained permitted.
- *North Tora Reserve* – 28 nights maximum within a 12-month period. Vehicles which are not self-contained permitted.
- *South Tora Reserve* – 28 nights maximum within a 12-month period. Freedom camping restricted to tenting or other structures for freedom camping (no vehicle camping).
- *White Rock Reserve* – 28 nights maximum within a 12-month period. Vehicles which are not self-contained permitted.
- *Ngawi Reserve* – 28 nights maximum within a 12-month period. Vehicles which are not self-contained permitted.
- *Ngawi Surf Breaks* – 28 nights maximum within a 12-month period. Vehicles which are not self-contained permitted.
- *Lake Domain Reserve* – 28 nights maximum within a 12-month period. Vehicles which are not self-contained permitted.

Clifford Square Reserve Management Plan amendment

Alongside the Proposed Bylaw, Council also wants to specifically seek feedback on an amendment to the Clifford Square Reserve Management Plan (RMP) to ensure our rules are consistent between the Proposed Bylaw and the RMP. These changes will be made once a final Freedom Camping Bylaw is adopted by Council following public consultation. The Clifford Square RMP can be viewed here: <https://swdc.govt.nz/governance/plans/>

Camping can occur on reserves if it is provided for within a reserve management plan (RMP), as per section 44 of the Reserves Act 1977. The RMP for Clifford Square, Featherstone, where the car parking area behind the Fell Museum is located, does not provide for camping. The remaining existing camping areas on reserves proposed to be included in the Bylaw as restricted areas are already provided for in the relevant reserve management plans, so do not require amendment.

To ensure consistency across Council documentation, it is recommended that Council seeks public feedback concurrently on the Clifford Square Reserve Management Plan (RMP) which requires amendment to be consistent with the Proposed Bylaw.

In order to allow for self-contained vehicles to freedom camp on the reserve (in the car park behind Fell Museum) as per the restrictions within the Proposed Bylaw, it is recommended that the following text be added to the Clifford Square Reserve Management Plan within Section 7.2: Policies:

Freedom camping is permitted in certified self-contained vehicles in a designated area within the car park behind Fell Museum, for a maximum of three nights within a four-week period.

4. How you can have your say

Tell us what you think before Monday 13 November 2023 by:

- Filing out the online feedback form on our website www.swdc.govt.nz
- Emailing your feedback to submissions@swdc.govt.nz
- Dropping your feedback form at the Council Office at 19 Kitchener Street, Martinborough, or any of the district libraries
- Posting your submission to: Policy and Governance Team, South Wairarapa District Council, PO Box 6, Martinborough 5741

What happens next?

Following the closing of submissions, all feedback received will be reviewed by Elected Members and formally considered at a Council hearing. This meeting is open to both submitters and the public to attend.

If you wish to make an oral presentation of your submission to the Council at the hearing, please tick the box on the submission form, or note in your written submission. Make sure you include a phone number or email address in your submission so we can contact you to arrange a time for you to speak.

Following the Hearing and Council's consideration of all submissions, it is planned a new bylaw will be made early in 2024.

Any Questions?

We are here to help - so if you have any questions about the Proposed Bylaw, the amendments to the Clifford Square RMP, or the submission process, please let us know. Call us on 06 306 9611 and let our friendly Customer Services staff know you have a question about the Proposed Freedom Camping Bylaw or contact us via email at enquiries@swdc.govt.nz.

Please send your feedback to Council by Monday 13 November 2023.



**SOUTH WAIRARAPA
DISTRICT COUNCIL**

Kia Reretahi Tātau

SOUTH WAIRARAPA DISTRICT COUNCIL FREEDOM CAMPING BYLAW 2024

DRAFT FOR CONSULTATION: as at 20 SEPTEMBER 2023

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Bylaw History

Date of Decision	Description	Decision Reference
[date] 2024	Made a new Freedom Camping Bylaw 2023 under the Freedom Camping Act 2011.	DC2024/XX

Foreword

The South Wairarapa District Council makes this Bylaw under section 11 of the Freedom Camping Act 2011. This Bylaw should therefore be read alongside the Freedom Camping Act 2011.

Other legislation and regulatory tools regulate and control Freedom Camping include the Reserves Act 1977, reserve management plans, the Wairarapa Combined District Plan and other Council bylaws. These should be referred to alongside this Bylaw.

1. Title and Commencement

1.1 This Bylaw is the South Wairarapa District Council Freedom Camping Bylaw 2024.

1.2 The Bylaw comes into force on [date] 2024.

Explanatory notes

This Bylaw is due for review by [date] (5 years after the date of the resolution to make the Bylaw).

2. Purpose

The purpose of this Bylaw is to control freedom camping in the South Wairarapa District in order to:

- (a) protect Local Authority Areas;
- (b) protect the health and safety of people who may visit Local Authority Areas; or
- (c) protect access to Local Authority Areas.

3. Application

This Bylaw applies to all Local Authority Areas in the South-Wairarapa District.

4. Explanatory notes

Sections headed 'Explanatory notes' in this bylaw are for information purposes only, and –

- (a) do not form part of this bylaw; and
- (b) cannot be considered in the interpretation or application of a provision of this bylaw; and
- (c) may be inserted, amended or removed without any formality.

5. Interpretation

5.1 In this Bylaw, unless the context otherwise requires:

Act means the Freedom Camping Act 2011.

Camping ground has the meaning given to it by section 5(3) of the Act.

Explanatory notes

As at 20 September 2023, section 5(3) of the Act defines camping ground as:

- (a) a camping ground that is the subject of a current certificate of registration under

- the Camping-Grounds Regulations 1985; or
- (b) any site at which a fee is payable for camping at the site.

Council means the South Wairarapa District Council.

District means the South Wairarapa District.

Freedom camp has the meaning given to it by section 5(1), 5(2) and 5(2A) of the Act.

Explanatory notes

As at 20 September 2023, sections 5(1), 5(2) and 5(2A) of the Act, where freedom camping is defined, are as follows:

(1) In this Act, freedom camp means 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 200 m of a formed road or a Great Walks Track, using either or both of the following:

- (a) a tent or other temporary structure:
- (b) a motor vehicle.

(2) In this Act, freedom camping does not include the following activities:

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

(2A) In this Act, a person is not freedom camping if the person—

- (a) is a person other than a person who is in New Zealand on the basis of a visitor visa (within the meaning of the immigration instructions); and
- (b) is unable to live in appropriate residential accommodation; and
- (c) as a consequence of that inability, is living in either or both of the following:
 - (i) a tent or other temporary structure:
 - (ii) a motor vehicle

Local authority area has the meaning given to it by section 6 of the Act.

Explanatory notes

As at 20 September 2023, section 6(1) of the Act, where local authority area is defined, is as follows:

(1) In this Act, local authority area—

- (a) means an area of land—
 - (i) that is within the district or region of a local authority; and
 - (ii) that is—
 - (A) controlled or managed by or on behalf of the local authority under any enactment; or
 - (B) an area of NZTA land declared to be a local authority area in accordance with a bylaw made under section 10A; and
- (b) includes any part of an area of land referred to in paragraph (a); but

(c) does not include an area of land referred to in paragraph (a) or (b) that is permanently covered by water.

Self-contained has the meaning given to it by section 4 of the Act

Explanatory notes

As at 20 September 2023, section 4 of the Act, where Self-contained is defined, is as follows:

Self-contained, in relation to a motor vehicle, means that the vehicle has a valid certificate of self-containment issued in accordance with section 87U(3)(d) of the Plumbers, Gasfitters, and Drainlayers Act 2006 (but see subpart 1 of Part 1 of Schedule 1AA for the meaning of self-contained during the transitional period.)

Explanatory notes

To be certified Self-contained, the vehicle must achieve compliance with NZ Standard 5465:2001. The standard can be viewed or printed once for free at this link: <https://www.standards.govt.nz/shop/nzs-54652001>.

For the avoidance of doubt, the standard requires that a Self-contained vehicle be equipped with a toilet that is permanently fixed to the vehicle.

5.2 The Legislation Act 2019 applies to this Bylaw.

6. Areas where Freedom Camping is Prohibited

Freedom Camping is prohibited in the Local Authority Areas defined in Schedule 1. A person must not Freedom Camp in the Local Authority Areas defined in Schedule 1.

Explanatory notes

The Reserves Act 1977 prohibits camping on all reserves unless it is specifically provided for on a particular reserve in an operative reserve management plan.

7. Areas where Freedom Camping is Restricted

7.1 Freedom Camping is restricted in the Local Authority Areas defined in Schedule 2.

7.2 A person must not Freedom Camp in contravention of this clause.

7.3 The restrictions that apply in the Local Authority Areas in Schedule 2 are:

- (a) Where Schedule 2 restricts Freedom Camping to a part of an area, a person must not Freedom Camp in another part of that area. For example –
 - (i) where Schedule 2 specifies a designated part in a reserve, a person must not Freedom Camp in any other part of the reserve.
 - (ii) where Schedule 2 specifies a designated part of a road, a person must not Freedom Camp on any other part of the road.

- (b) where Schedule 2 specifies for a Local Authority Area a maximum number of nights within a period of time, a person must not Freedom Camp for longer than that maximum number of nights.
- (c) where Schedule 2 specifies times of day when Freedom Camping is permitted in a Local Authority Area, a person must not Freedom Camp outside of those times.
- (d) where Schedule 2 specifies a maximum number of vehicles in a Local Authority Area, a person must not Freedom Camp in the Local Authority Area if the maximum number of vehicles are already present when they arrive at the Local Authority Area.
- (e) where Schedule 2 specifies that Freedom Camping in a Local Authority Area is restricted to using:
 - (i) a Self-contained vehicle; and/or
 - (ii) a vehicle that is not Self-contained; and/or
 - (iii) a tent or other structure,
 a person must not Freedom Camp in the Area using any other method of camping.

8. Temporary closure of an area to Freedom Camping

- 8.1 The Council may temporarily close or restrict Freedom Camping in any area or part of any 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 to the Local Authority Area or facilities; or
 - (c) protect the safety of persons or property; or
 - (d) provide for better public access, including in circumstances where events are planned for that area.
- 8.2 The Council will publicise a closure or restriction under clause 8.1 of this Bylaw in any manner it considers is appropriate to the reason for the closure or restriction. The publicity may occur before the closure or restriction, but only if that is reasonably practicable.

Explanatory notes

The Council may publicise a closure or restriction using a sign erected in the area, and/or advertising on the Council's digital channels or on the radio, and/or a public notice in the newspaper.

9. Prior Consent from Council

- 9.1 A person may only Freedom Camp in contravention of clauses 6 or 7 if that person obtains prior written consent of the Council and complies with any conditions of the consent.
- 9.2 A person applying for consent under clause 9.1 must apply to the Council in writing. The application must:
- (a) be made at least 30 days prior to the date on which Freedom Camping is planned to occur; and
 - (b) include information about the person applying for the consent and their contact details; and
 - (c) describe the area or give an address where the Freedom Camping is intended to occur; and
 - (d) describe the reason the consent is sought; and
 - (e) be accompanied by any applicable fee set in the Council's schedule of fees and charges.

9.3 Applications which fulfil the requirements of clause 9.2 of this Bylaw will be considered by Council and may be granted at the Council’s discretion. The Council may attach conditions to any consent that is granted.

Explanatory notes

Council anticipates the following reasons could be grounds for an application:

- Where Freedom Camping is associated with a special event or occasion occurring in an area, and an exemption is required for the duration of the event or occasion.
- Where there is a good reason for Freedom Camping in an area that cannot be reasonably met in another area.
- Complying with a restriction or prohibition within the bylaw is not reasonable in the circumstances.

10. Offences

10.1 Every person who Freedom Camps or makes preparation to Freedom Camp in a Local Authority Area in breach of any prohibition or restriction in this bylaw commits an offence under section 20(1) of the Act.

10.2 Every person who Freedom Camps, or makes preparation to Freedom Camp, in a Local Authority Area in breach of the conditions of any consent given in accordance with clause 9 of this Bylaw is in breach of a prohibition or restriction in this Bylaw and commits an offence under section 20(1) of the Act.

Explanatory notes

Section 20 of the Act specifies a range of matters that are offences. The offences in section 20(1) are known as ‘infringement offences’. A Council enforcement officer can issue an infringement notice to a person committing an offence under section 20(1) requiring them to pay an infringement fee and/or a fine as prescribed by section 20E of the Act.

Penalties for infringement offences under the Act are specified in the Freedom Camping (Penalties for Infringement Offences) Regulations 2023 and can be viewed here: <https://www.legislation.govt.nz/regulation/public/2023/0136/latest/LMS853101.html>

Section 26 of the Act explains the people who may be issued with an infringement notice. They include the person who committed the offence, the registered owner of the vehicle used to commit an offence, and/or the person lawfully in possession of the vehicle used in the commission of the offence.

Council officers have other powers under the Act to deal with offences too, e.g., under section 36 of the Act an officer can require a person to leave an area if the officer has reasonable grounds to believe the person is committing an offence

11. Relationship of Bylaw with Settlement Legislation

This Bylaw does not limit or affect the rights in relation to iwi entitlements under the Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Claims Settlement Act 2022 and the Rangitāne Tū Mai Rā (Wairarapa Tamaki nui-ā-Rua) Claims Settlement Act 2017.

12. Schedules

- 12.1 Schedule 1 defines the Local Authority Areas where, under clause 6 of this Bylaw, Freedom Camping is prohibited.
- 12.2 Schedule 2 defines the Local Authority Areas where, under clause 7 of this Bylaw, Freedom Camping is restricted.

13. Appendices

- 13.1 Appendix 1 shows all the prohibitions and restrictions described in Schedule 1 and 2 on maps for ease of reference only. Appendix 1 is not part of this Bylaw and if there is any conflict or inconsistency between it and the Schedules, the Schedules prevail.
- 13.2 Appendix 1 may be amended or removed without any formality.

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SCHEDULE 1: Prohibited Areas for Freedom Camping

Freedom camping is prohibited on the Local Authority Areas identified within this schedule.

Explanatory notes

Freedom Camping on reserves is prohibited under section 44 of the Reserves Act 1977 and therefore prohibited under section 10(2)(b) of the Freedom Camping Act 2011, except where it is permitted in the designated places on reserves specified in Schedule 2, which are subject to the restrictions in this Bylaw. Some reserves where Freedom Camping is prohibited are included in this Schedule (and in the maps in Appendix 1), but not all.

For information about the location of reserves that are not referred to in this Bylaw, see the Council's Reserve Management Plans at this link: <https://swdc.govt.nz/governance/plans/>

Area Name	Map Reference
Description	
Martinborough Square Reserve, Martinborough Martinborough Square is the area bounded by and includes Ohio Street, Strasbourg Street, Cork Street and Naples Streets with Soldiers Memorial Park at its centre.	1
Clifford Square Reserve, Featherston Clifford Square Reserve is located at the intersections of Fitzherbert Street/ State Highway 2, Birdwood Street and Fox Street. The prohibited area includes: Clifford Square, Tait Crescent, Featherston Menz Shed at 50 Fox Street, the Featherston Skate Park on the corner of Fox Street and Birdwood Street, Cherry Tree Park at 56 Fitzherbert Street, the Fell Locomotive Museum on the Corner of Lyon Street and Fitzherbert street / State Highway 2, the triangular parcel of land bounded by Fitzherbert Street/State Highway 2, Birdwood Street and Fox Street.	2
Ōtauirā Reserve, Featherston Ōtauirā Reserve is located approximately 1.5 kilometres west of the centre of Featherston adjacent to and to the west of State Highway 2	3
Hastwell Street Carpark, Greytown Hastwell Street public carpark is located behind the South Wairarapa Workingmen's Club on the corner of Hastwell Street and West Street.	4

Explanatory notes

Freedom Camping is prohibited on all Local Authority Areas that lie within the areas identified below, except for the restricted areas which fall within these prohibited areas as defined in Schedule 2.

Area Name Description	Map Reference
Fitzherbert Street, Featherston The section of Fitzherbert Street/State Highway 2 between Wakefield Street and Wallace Street.	5
Main Street, Greytown The section of Main Street/State Highway 2 between the intersection at Wood and Church Streets and the intersection at Kuratawhiti and Jellicoe Streets.	6
Cape Palliser Coast The section of Cape Palliser Road and road reserve that is adjacent to the coastline from 1271 Cape Palliser Road, approximately 25 kilometres northwest of the Cape Palliser Lighthouse up to and including the Cape Palliser Lighthouse carpark.	7
Tora-Te Awaiti Coast Tora Farm Settlement Road and road reserve, Te Awaiti Road and road reserve, Ngapotiki Road and road reserve, the section of White Rock Road and road reserve adjacent to the coast between the Opouawe River and the Whawanui River.	8

SCHEDULE 2: Restricted Areas for Freedom Camping

The following Local Authority Areas have specific restrictions for Freedom Camping.

Township restrictions

Area Name Description	Restriction	Map Reference
Featherston Township All local authority land in the Featherston urban area.	3 nights maximum within a 4-week period in one place (or within 500m of that place). A certified self-contained vehicle must be used.	9
Greytown Township All local authority land in the Greytown urban area.	3 nights maximum within a 4-week period in one place (or within 500m of that place). A certified self-contained vehicle must be used for Freedom Camping.	10
Martinborough Township All local authority land in the Martinborough urban area.	3 nights maximum within a 4-week period in one place (or within 500m of that place). A certified self-contained vehicle must be used for Freedom Camping.	11

Area specific restrictions

Area Name Description	Restriction	Map Reference
Fell Museum Carpark, Featherston The camping area is located in the carpark behind the Fell Museum accessed via Lyon Street.	3 nights maximum within 4-week period. A certified self-contained vehicle must be used for Freedom Camping.	12

Coastal area restrictions

Area Name Description	Restriction	Map Reference
Te Awaiti Reserve Te Awaiti Reserve is located at 639 Te Awaiti Road, on the coastal side of Te Awaiti Road at the Oterei River mouth, approximately 6.4 kilometres north of the	28 nights maximum within a 12-month period. Vehicles that are not self-contained may be used for	13

intersection of Tora Farm Settlement Road, Te Awaiti Road and Tora Road.	Freedom Camping, as well as certified Self-contained vehicles and tents or other structures.	
<p>North Tora Reserve</p> <p>North Tora Reserve is located on the coastal side of the road adjacent to the Awhea River Mouth, across the bridge, approximately 200 metres south from the intersection of Tora Farm Settlement Road, Te Awaiti Road and Tora Road.</p>	<p>28 nights maximum within a 12-month period.</p> <p>Vehicles that are not self-contained may be used for Freedom Camping, as well as certified Self-contained vehicles and tents or other structures.</p>	14
<p>South Tora Reserve</p> <p>South Tora Reserve is located on the coastal side of the Tora Farm Settlement Road approximately 1.6 kilometres south from the intersection of Tora Farm Settlement Road, Te Awaiti Road and Tora Road.</p>	<p>28 nights maximum within a 12-month period.</p> <p>Tenting or other structures must be used for Freedom Camping. Camping in vehicles, whether certified self-contained or not, is not permitted.</p>	15
<p>White Rock</p> <p>White Rock is located on the coastal side of Ngapotiki Road approximately 500 metres west from the Whawanui River mouth.</p>	<p>28 nights maximum within a 12-month period.</p> <p>Vehicles that are not self-contained may be used for Freedom Camping, as well as certified Self-contained vehicles and tents or other structures.</p>	16
<p>Ngawi Reserve</p> <p>Ngawi Reserve is located at 3111 Cape Palliser Road on the coastal side of the road opposite the Ngawi township.</p>	<p>28 nights maximum within a 12-month period.</p> <p>Vehicles that are not self-contained may be used for Freedom Camping, as well as certified Self-contained vehicles and tents or other structures.</p>	17
<p>Ngawi Surf Breaks</p> <p>Ngawi Surf Breaks camping area is located on the coastal side of Cape Palliser Road, approximately 3 kilometres north of Ngawi settlement.</p>	<p>28 nights maximum within a 12-month period.</p> <p>Vehicles that are not self-contained may be used for Freedom Camping, as well as certified Self-contained vehicles and tents or other</p>	18

	structures.	
<p>Lake Domain Reserve</p> <p>Lake Domain Reserve is located at the southern end of Soldiers Settlement Road South on the shores of Wairarapa Moana/Lake Wairarapa.</p>	<p>28 nights maximum within a 12-month period.</p> <p>Vehicles that are not self-contained may be used for Freedom Camping, as well as certified Self-contained vehicles and tents or other structures.</p>	19

Explanatory notes

Lake Domain Reserve and White Rock are under Treaty Settlement. Council currently retains a role in managing these areas so they are considered Local Authority Land under the Freedom Camping Act 2011, and therefore are included in this bylaw. If management arrangements change, these areas may no longer fall under the definition of Local Authority Area.

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