

SOUTH WAIRARAPA DISTRICT COUNCIL FREEDOM CAMPING BYLAW 2024

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Bylaw History

Date of Decision	Description	Decision Reference
27 March 2024	Made a new Freedom Camping Bylaw 2024 under the Freedom Camping Act 2011.	DC2024 <mark>/XX</mark>

Foreword

The South Wairarapa District Council makes this Bylaw under sections 10A, 11 and 11A of the Freedom Camping Act 2011. This Bylaw should therefore be read alongside the Freedom Camping Act 2011.

Other legislation and regulatory tools which 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 1 July 2024.

Explanatory notes

This Bylaw is due for review by July 2029 (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

- 3.1 This Bylaw applies to all Local Authority Areas in the South-Wairarapa District.
- 3.2 Declaration of New Zealand Transport Agency (NZTA) land to be Local Authority Area
 - (a) The areas of NZTA land identified in the Schedules of this Bylaw are declared to be Local Authority Areas for the purpose of the Act and of this Bylaw and are regulated as such under this Bylaw.

Explanatory notes

Section 10A of the Act enables Council to make bylaw which declare areas of NZTA land as Local Authority Land for the purposes of the Act. As required by section 10A, Council received written consent from the chief executive of the NZTA prior to this bylaw being made for the areas identified in the Schedules.

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 27 February 2024, 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 of the Act.

Explanatory notes

As at 27 February 2024, section 5of the Act, where freedom camping is defined, is 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 27 February 2024, 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.

NZTA land

has the same meaning as in section 6A of the Act.

Explanatory notes

As at 27 February 2024, section 6A of the Act defines NZTA land as follows:

In this Act NZTA land —

- (a) means an area of land that is controlled or managed by the New Zealand Transport Agency under a transport Act; 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 27 February 2024, 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 the exercise of customary rights.
- 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 LocalAuthority 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.

10.3 Every person who commits an offence under the Act is liable to the infringement fine specified in regulations made under 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.

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/

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	Мар
Description	Reference
Martinborough Square Reserve, Martinborough	1
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.	
Includes the NZTA land from the intersection of State Highway 53 and Ohio Street up to and including Memorial Square.	
Clifford Square Reserve, Featherston	2
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 Cresent, 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.	
Includes the NZTA land where Fitzherbert Street/State Highway 2 intersects the Reserve.	
Ōtauira Reserve, Featherston	3

Ōtauira Reserve is located approximately 1.5 kilometres west of the centre of Featherston adjacent to and to the west of State Highway 2	
Hastwell Street Carpark, Greytown	4
Hastwell Street public carpark is located behind the South Wairarapa Workingmen's Club on the corner of Hastwell Street and West Street.	

Area Name	Мар
Description	Reference
Fitzherbert Street, Featherston	5
The section of Fitzherbert Street/State Highway 2 between Wakefield Street and Wallace Street.	
Includes the NZTA land along State Highway 2 between Wakefield Street and Wallace Street.	
Main Street, Greytown	6
The section of Main Street/State Highway 2 between the intersection at Wood and Church Streets and the intersection at Kuratawhiti and Jellicoe Streets.	
Includes the NZTA land along State Highway 2 between the intersection at Wood and Church Streets and the intersection at Kuratawhiti and Jellicoe Streets.	
Cape Palliser Coast	7
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.	
Tora-Te Awaiti Coast	8
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.	

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 as mapped, except for where freedom camping is prohibited as defined in Schedule 1. Includes the NZTA land from 977 State Highway 2 to Boundary Road.	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 as mapped, except for where freedom camping is prohibited as defined in Schedule 1. Includes the NZTA land from 2149 State Highway 2 to North Street.	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 as mapped, except for where freedom camping is prohibited as defined in Schedule 1. Includes the NZTA land from 47 Kitchener Street/State Highway 53 up to Martinborough Square Reserve.	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	Restriction	Мар
Description		Reference
Fell Museum Carpark, Featherston	3 nights maximum within	12
The camping area is located in the carpark behind the	4-week period.	
Fell Museum accessed via Lyon Street.	A certified self-contained vehicle must be used for Freedom Camping.	

Coastal area restrictions

Area Name	Restriction	Мар
Description		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 intersection of Tora Farm Settlement Road, Te Awaiti Road and Tora Road.	28 nights maximum within a 12-month period. Vehicles that are not self-contained may be used for Freedom Camping, as well as certified Self-contained vehicles and tents or other structures.	13
North Tora Reserve 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.	28 nights maximum within a 12-month period. Vehicles that are not self-contained may be used for Freedom Camping, as well as certified Self-contained vehicles and tents or other structures.	14
South Tora Reserve 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.	28 nights maximum within a 12-month period. Vehicles that are not self-contained may be used for Freedom Camping, as well as certified Self-contained vehicles and tents or other structures.	15
White Rock White Rock is located on the coastal side of Ngapotiki Road approximately 500 metres west from the Whawanui River mouth.	28 nights maximum within a 12-month period. Vehicles that are not self-contained may be used for Freedom Camping, as well as certified Self-contained vehicles and tents or other structures.	16
Ngawi Reserve Ngawi Reserve is located at 3111 Cape Palliser Road on the coastal side of the road opposite the Ngawi township.	28 nights maximum within a 12-month period. Vehicles that are not selfcontained may be used for Freedom Camping, as well as certified Self-contained	17

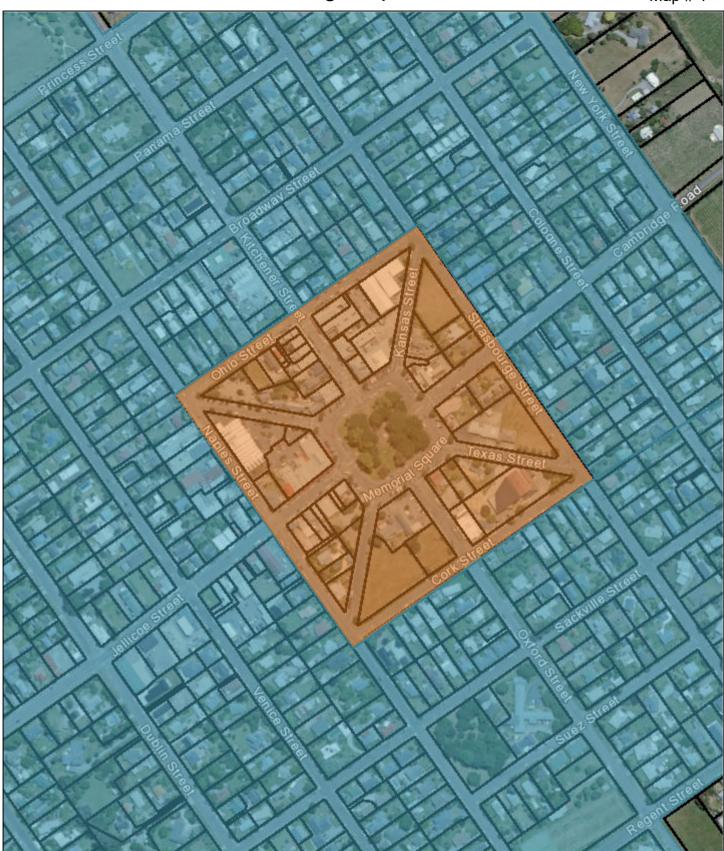
	vehicles and tents or other	
	structures.	
Ngawi Surf Breaks Ngawi Surf Breaks camping area is located on the coastal side of Cape Palliser Road, approximately 3 kilometres north of Ngawi settlement.	28 nights maximum within a 12-month period. Vehicles that are not self-contained may be used for Freedom Camping, as well as certified Self-contained	18
	vehicles and tents or other structures.	
Lake Domain Reserve Lake Domain Reserve is located at the southern end of Soldiers Settlement Road South on the shores of Wairarapa Moana/Lake Wairarapa.	28 nights maximum within a 12-month period. Vehicles that are not self-contained may be used for Freedom Camping, as well as certified Self-contained vehicles and tents or other structures.	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.



APPENDIX 1 of the South Wairarapa District Council Freedom Camping Bylaw 2024 Maps



Freedom Camping prohibited
Freedom Camping restricted
Freedom Camping township
restrictions





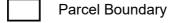
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Map created September 2023

DISCLAIMER



Freedom Camping prohibited
Freedom Camping restricted
Freedom Camping township
restrictions





1:2,000 0 20 40 80 Metres

Map created September 2023

DISCLAIMER



Freedom Camping prohibited
Freedom Camping restricted
Freedom Camping township
restrictions

Parcel Boundary



1:4,000 0 45 90 180 Metres

Map created September 2023

DISCLAIMER



Freedom Camping prohibited
Freedom Camping restricted
Freedom Camping township
restrictions

Parcel Boundary



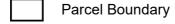
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Map created September 2023

DISCLAIMER



Freedom Camping prohibited
Freedom Camping restricted
Freedom Camping township
restrictions





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Map created September 2023

DISCLAIMER

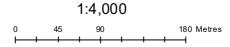




Freedom Camping prohibited
Freedom Camping restricted
Freedom Camping township
restrictions

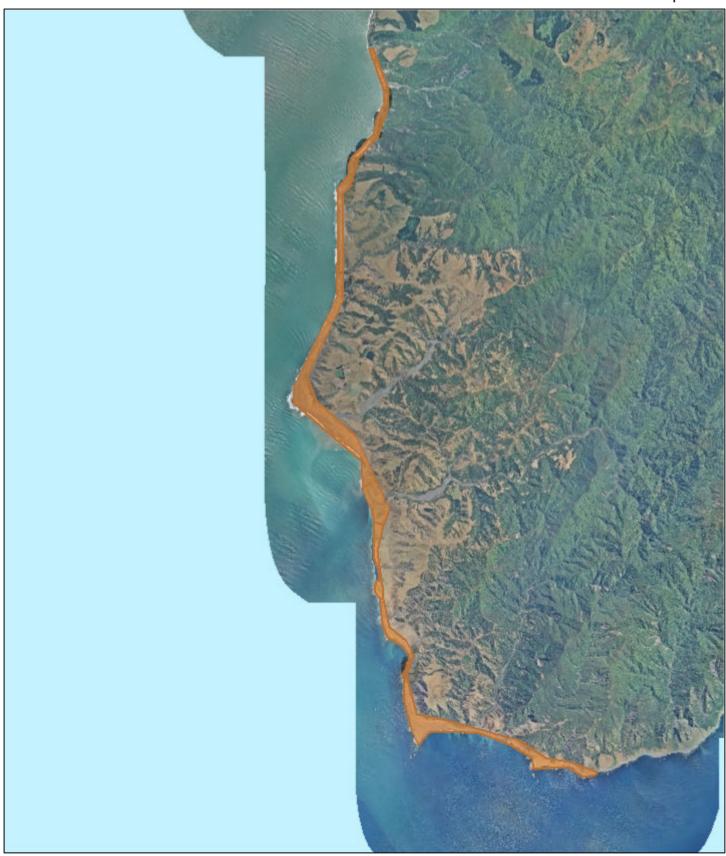






Map created September 2023

DISCLAIMER



Freedom Camping prohibited
Freedom Camping restricted
Freedom Camping township
restrictions

Parcel Boundary



1:100,000

0 1,100 2,200 4,400 Metres

Map created September 2023

DISCLAIMER



Freedom Camping prohibited
Freedom Camping restricted
Freedom Camping township
restrictions

Parcel Boundary

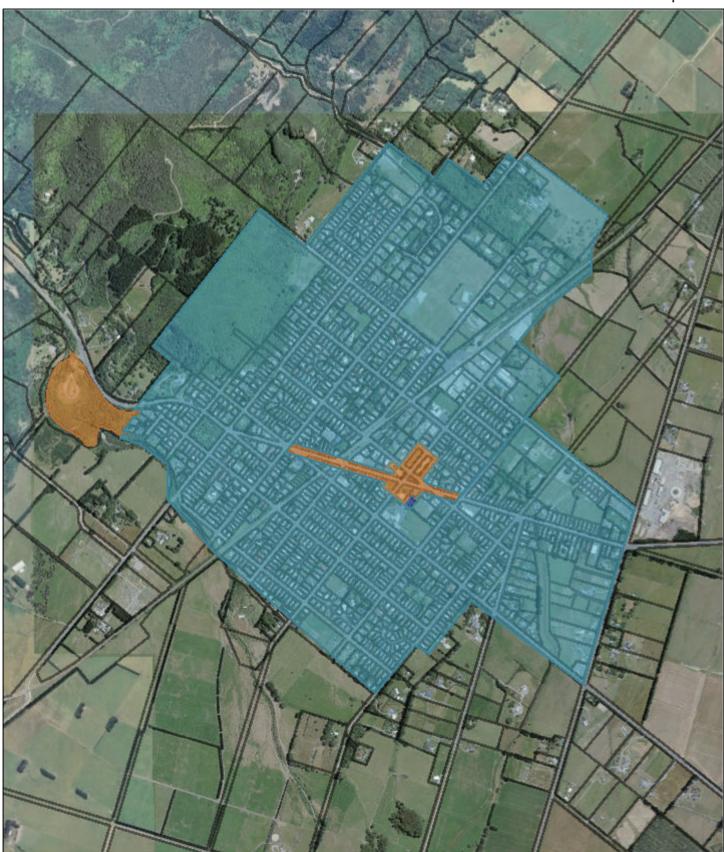


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Map created September 2023

DISCLAIMER



Freedom Camping prohibited
Freedom Camping restricted
Freedom Camping township
restrictions

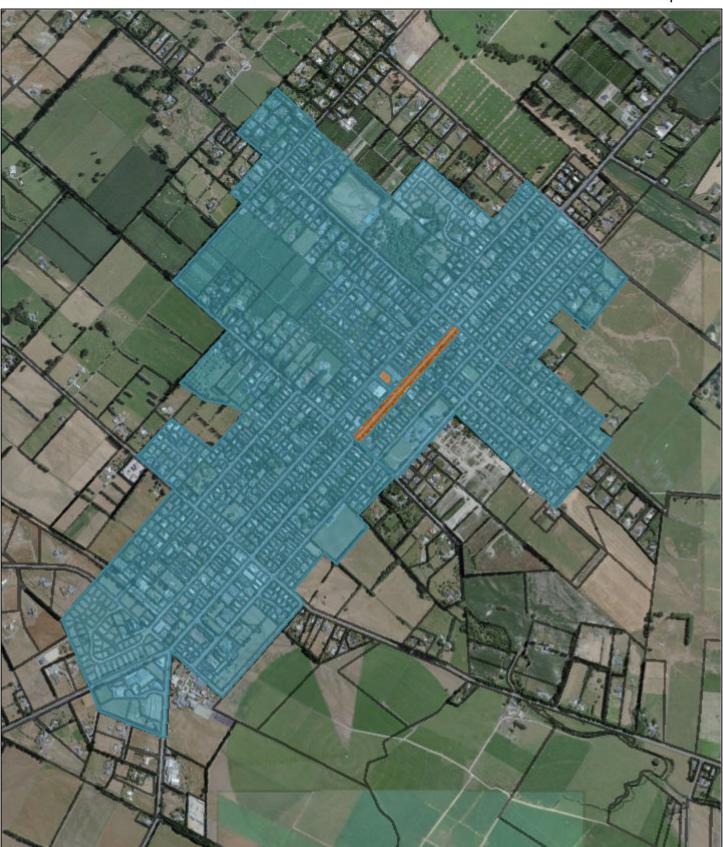
Parcel Boundary



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Map created September 2023

DISCLAIMER



Freedom Camping prohibited
Freedom Camping restricted
Freedom Camping township
restrictions

Parcel Boundary



1:15,000 170 340 680 Metres

Map created September 2023

DISCLAIMER



Freedom Camping prohibited
Freedom Camping restricted
Freedom Camping township
restrictions

Parcel Boundary



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Map created February 2024

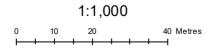
DISCLAIMER



Freedom Camping prohibited
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Freedom Camping township
restrictions

Parcel Boundary





Map created September 2023

DISCLAIMER



Freedom Camping prohibited
Freedom Camping restricted
Freedom Camping township
restrictions

Parcel Boundary



1:2,000 0 20 40 80 Metres

Map created September 2023

DISCLAIMER



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Freedom Camping restricted
Freedom Camping township
restrictions

Parcel Boundary



1:2,000 0 20 40 80 Metres

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Freedom Camping restricted
Freedom Camping township
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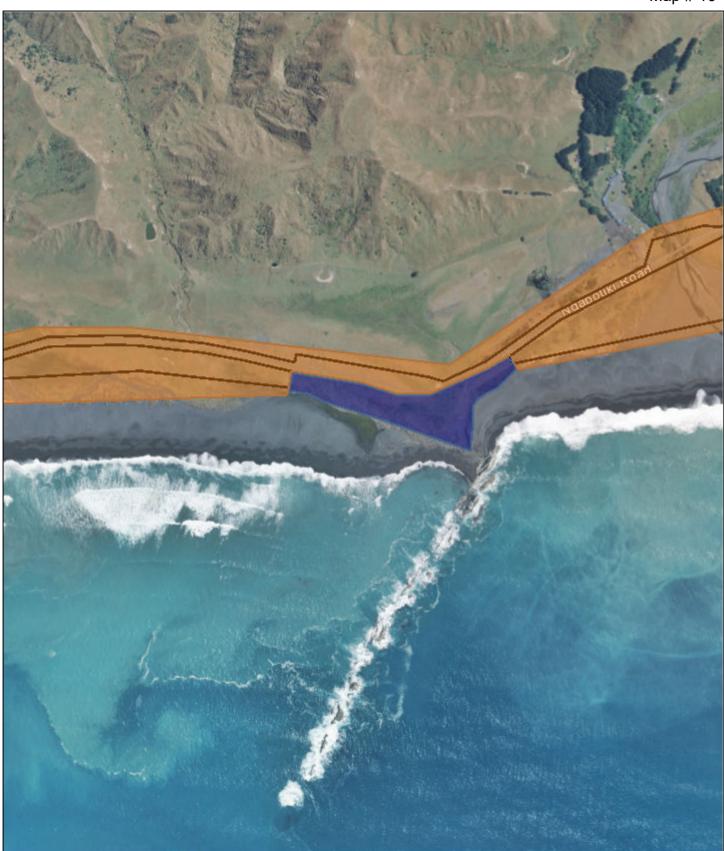
Parcel Boundary



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Map created September 2023

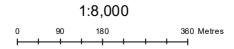
DISCLAIMER



Freedom Camping prohibited
Freedom Camping restricted
Freedom Camping township
restrictions

Parcel Boundary





Map created September 2023

DISCLAIMER



Freedom Camping prohibited
Freedom Camping restricted
Freedom Camping township
restrictions

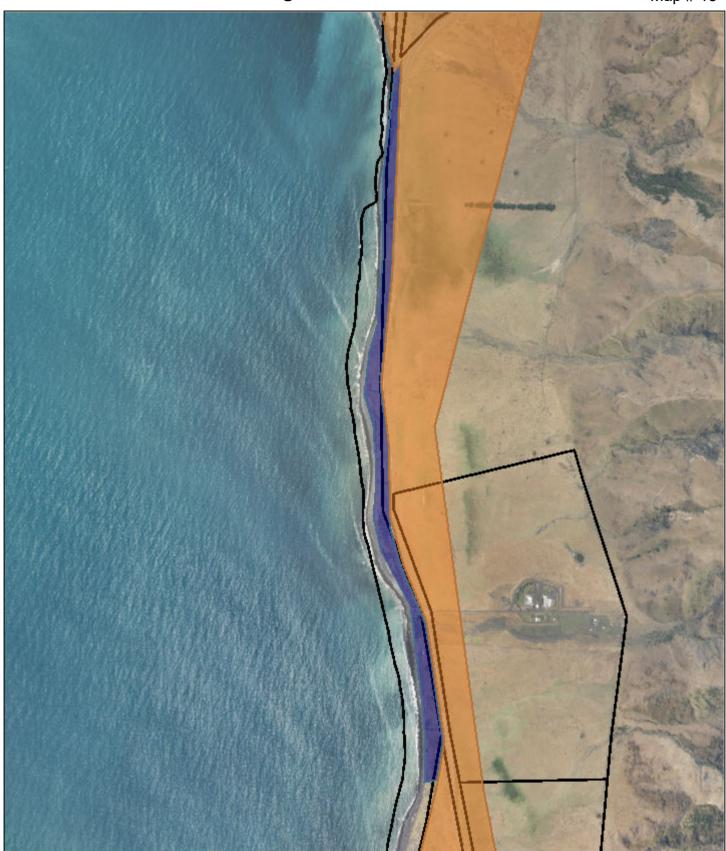
Parcel Boundary





Map created February 2024

DISCLAIMER



Freedom Camping prohibited
Freedom Camping restricted
Freedom Camping township
restrictions







Map created February 2024

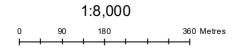
DISCLAIMER



Freedom Camping prohibited
Freedom Camping restricted
Freedom Camping township
restrictions







Map created September 2023

DISCLAIMER