

Proposed Responsible Freedom Camping Bylaw

Westland District Council

Westland District Council is seeking public feedback on its Proposed Bylaw to help manage freedom camping and ensure everyone, including the visitors to Westland, continue to enjoy our public open spaces.

Freedom Camping is an increasingly popular sector of the tourism market. We are committed to encouraging the benefits it brings, while managing the increasing pressure it places on key coastal and river publicly owned sites, particularly at peak times of the year.

The Proposed Bylaw enables us to identify those areas where freedom camping is appropriate and those areas which may need protection for reasons including environmental and cultural significance, risks to health and safety and other practical considerations. We want to ensure we find the right balance between the needs of our communities and visitors and all those who choose to freedom camp.

About the Proposed Bylaw

Council currently manages freedom camping by educating and engaging with campers through our compliance team.

However, we have no enforcement powers when asking campers to move on if they are adversely impacting others and the environment. The Proposed Bylaw contains rules that will help to prevent irresponsible camping along with other laws and bylaws.

The Self-contained Motor Vehicle Legislation Act 2023 is now law and has been incorporated into the **Freedom Camping Act 2011**. As a result, this means there are some nationwide changes to where you can freedom camp, the meaning of self-contained vehicles and changes to the infringement fees and charges.

The Proposed Bylaw has been designed to address the following:

- Allow freedom camping in suitable areas where the impacts are low and can be managed;
- Prohibit freedom camping in residential areas unless at an allocated restricted site; and
- Allow council to have enforcement powers and the ability to apply penalties for offences.

Introducing restricted and prohibited areas

The Proposed Bylaw manages freedom camping on land it covers within two categories:

Prohibited areas where no freedom camping is allowed. The Council is proposing to introduce prohibited areas in the following townships: Kaniere, Ruatapu, Ross, Harihari, Okarito, Fox Glacier, Bruce Bay, Hannahs Clearing, Okuru, Neils Beach and Jackson Bay.

Restricted areas where freedom camping is allowed for certified self-contained vehicles, including time restrictions and maximum number of nights. The Council is proposing to introduce restricted areas in the townships of Kumara, Hokitika, Rimu/Woodstock, Kakapotahi, Franz Josef, Paringa and Haast.

We want your feedback

We want your views on whether Westland District Council should introduce a Freedom Camping Bylaw.

Council will take feedback into account during deliberations in December 2024. Please share your views with us by filling out the form located on our website before 5pm 25th November 2024. Before sharing your feedback, we recommend reading the Statement of Proposal and Proposed Freedom Camping Bylaw.

Freedom Camping – What are some of the issues?

In general, Freedom camping refers to overnight camping in tents or vehicles in places other than a camping ground as part of leisure travel, or for lifestyle reasons. It provides a flexible and affordable way for residents and domestic and international visitors to experience and enjoy our district.

Most freedom campers are respectful and contribute positively to Westland, supporting local business and tourism. However, freedom camping can cause some issues:

- Irresponsible camping, including harmful and antisocial behaviors, such as going to the toilet in public places and dumping rubbish.
- Demand for legal camping areas exceeding supply at periods of high demand, such as Christmas and Easter.
- Noises and smells impacting other users nearby local residents.
- Campers blocking views/access or displacing other users of the area.
- Kaitiakitanga principles not being upheld.



Frequently Asked Questions

What is Freedom Camping?

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

- to camp (other than at a camping ground) within 200m 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; and
- 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>

Why do we need a Bylaw?

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 bylaw to help manage freedom camping, 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 Westland District.

What are we changing?

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 that 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 Proposed Bylaw applies to land controlled or managed by the Westland District Council 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 a number of restrictions.

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

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

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; and
3. Access to the area requires protection.

Areas through the district were considered and assessed under these criteria. A summary of this assessment was considered by Council at its meeting on 26th September 2024, alongside the Proposed Bylaw. The agenda for this meeting can be viewed on the Council website.

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 Westland District. 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; and
- 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 resting on the side of the road to avoid 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.

How will the bylaw be enforced?

Council is currently working through options for enforcement. It is intended that the Proposed Bylaw will be managed through education, on a complaints basis and with enforcement officers. Providing a list of areas appropriate for freedom camping and having accurate signage at each location will be an enforcement tool. While education is important, having a bylaw gives 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.