



Wellington City Council Statement of Proposal April 2015

## **Proposal: Amending the camping provisions in the Wellington consolidated bylaw 2008 part 5: public places**

---

**Proposed amended Schedule 1 to section 12: Restricted and Prohibited Areas for Camping**

### **Your chance to have a say**

Before making any final decisions, we'd like to know your views.

The closing date for submissions is **5pm, 17 July 2015.**

Please use the enclosed form to make your submission.

# Contents

---

<b>Summary of information</b>	<b>3</b>
Have your say	4
<b>Background information</b>	<b>5</b>
<b>Problems caused by freedom camping</b>	<b>6</b>
Protecting popular areas from high demand	6
Protecting the health and safety of visitors to certain areas	6
Protecting access to popular areas	5
Is a bylaw the most appropriate and proportionate way to address the perceived problem?	7
Is the bylaw in line with the Bill of Rights?	8
<b>Proposed amendments to Wellington's Camping Bylaw</b>	<b>8</b>

## Statement of proposal

---

This statement of proposal is prepared under section 11(5) of the Freedom Camping Act 2011 (the Act), and sections 83, 86, and 89 of the Local Government Act 2002. The document contains:

- a summary of information
- background information
- a description of the problem
- legislative requirements, including reasons for the proposed bylaw amendments
- a draft of the proposed bylaw amendments.

## Summary of Information

---

Wellington City Council is proposing changes to its camping bylaw and wants to hear what ratepayers and stakeholders think about them.

The changes we're suggesting will restrict the number of freedom campers at Te Kopahou Reserve entrance car park to 12, and restrict camping to self-contained vehicles only. The amendments would be included within Schedule One to section 12 of the Wellington Consolidated Bylaw 2008 Part 5: Public Places (the bylaw).

The number of visitors to New Zealand who are choosing to "self-drive" (by hiring camper vans, for example) is growing. Tourism NZ actively promotes this type of experience.

The Council can deal with freedom camping-related problems in different ways, including bylaws that restrict or prohibit camping at some sites.

**Consultation on these changes starts on Tuesday 16 June.**

**Submissions must be received by 5pm on Friday 17 July 2015.**



## Have your say

---

You can make a submission online at [wellington.govt.nz](http://wellington.govt.nz), email a submission to [policy.submission@wcc.govt.nz](mailto:policy.submission@wcc.govt.nz) or fill out the form in this document and send it to: Camping Bylaw, Freepost, Wellington City Council, PO Box 2199, Wellington. Note that if you make a submission, it will be publicly available after the submission period closes.

If you need more copies of this proposal, it's available online at [wellington.govt.nz](http://wellington.govt.nz), from the Council Service Centre at 101 Wakefield, and the Central Library.

You can also phone 04 499 4444 to ask for a copy or email [policy.submission@wcc.govt.nz](mailto:policy.submission@wcc.govt.nz)

If you'd like to speak to Councillors, you can make an oral submission. There will be a hearing on Thursday 6 August 2015. Please state clearly in your submission if you want to make an oral submission, and make sure you have given your contact details. We will contact you to arrange a time for you to speak on this date.

The Council's Environment Committee will consider the submissions and other information and make recommendations to the full Council. The Council will then decide whether to change the Camping Bylaw.

## Timeline for considering the proposed bylaw

16 June 2015-17 July 2015	Consultation period
6 August 2015	Oral submissions heard
17 September 2015.	Environment Committee considers report on all written and oral submissions received
30 September 2015	The Council decides whether to adopt the proposed changes
Following Council adoption of the proposed changes	The amended camping bylaw will come into force

The Council's Environment Committee will consider the submissions and other information and make recommendations to the full Council. The Council will then decide whether to change the Camping Bylaw.

# Have your say on our proposal to change the camping bylaws - submission form

We are keen to get your views on a proposed camping bylaw which will restrict the number of freedom campers at Te Kopahou Reserve entrance car park to 12, and restrict camping to self-contained vehicles only.

You can make a submission online at [wellington.govt.nz](http://wellington.govt.nz),

email a submission to [policy.submission@wcc.govt.nz](mailto:policy.submission@wcc.govt.nz)

or fill out the form in this document, detach and send it to:

**Camping Bylaw, Freepost, Wellington City Council, PO Box 2199, Wellington.**

Submissions close at 5pm, Friday 17 July 2015

## Section one - your details

### Enter your name and contact details

First name\*

Last name\*

<input type="text"/>	<input type="text"/>
----------------------	----------------------

Street address\*

Phone/mobile

Email

<input type="text"/>	<input type="text"/>
----------------------	----------------------

\* Mandatory fields

I would like make an oral submission  yes (if so, please provide a phone number so a speaking time can be arranged)  no

I am making a submission  as an individual  on behalf of an organisation

Name of organisation

Number of people whose views are represented by this submission

#### Privacy statement

All submissions (including name and contact details) are published and made available to elected members of the Council and the public. Personal information supplied will be used for the administration and reporting back to elected members of the Council and the public as part of the consultation process. All information collected will be held by Wellington City Council, 101 Wakefield Street, Wellington. Submitters have the right to access and correct personal information.

## Section two - questions

### Question 1: Which of the following best describes you? (tick all that apply)

- A. I sometimes choose to camp when I travel.
- B. I live near a site used by campers.
- C. I live near the Te Kopahou Reserve entrance at Owhiro Bay.
- D. I visit sites popular with campers (eg to go swimming, fishing or walking).
- E. I visit/use the Te Kopahou Reserve entrance car park.
- F. Campers are potential customers of the business I own or work for.
- G. Other (please describe).



**Question 5: Is there another matter that concerns you about Te Kopahou Reserve entrance car park?**

Comments:

**Question 6: Thinking about the current proposal at Te Kopahou Reserve Entrance car park, the Council should:**

*(please tick a box to indicate your level of agreement - strongly disagree, disagree, agree, strongly agree)*

**A. Ban camping completely at the Te Kopahou Reserve entrance car park.**

strongly disagree     disagree     agree     strongly agree

**B. Restrict the number of campers.**

strongly disagree     disagree     agree     strongly agree

**C. Restrict camping to certified self-contained vehicles only.**

strongly disagree     disagree     agree     strongly agree

**D. Provide a greater level of enforcement and monitoring.**

strongly disagree     disagree     agree     strongly agree

**E. Do nothing, it's fine the way it is.**

strongly disagree     disagree     agree     strongly agree

Question 7. Is there anything else you think the Council should do to protect the area, health and safety, or access at Te Kopahou Reserve entrance car park?

Comments:

8. Do you have any further comments or suggestions?

Comments:

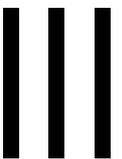
1st fold here - fasten here once folded

2nd fold here

Free Post Authority Number 2199

**Absolutely Positively  
Wellington City Council**

Me Heke Ki Pōneke



Freepost Wellington City Council  
Camping Bylaw (COPO01)  
Wellington City Council  
PO Box 2199  
Wellington 6140

## Background Information

---

Because the interisland ferry terminals are based in Wellington, the city is a hot spot for freedom camping. Around 100 vehicles a night are looking for places to stay, with at least two people per vehicle. They usually stay 1 or 2 nights.

We estimate that about 70 percent are non-self-contained vehicles (without toilets and sewage storage tanks) and 30 percent are certified self-contained (with toilets and sewage storage tanks). Given our location, it's expected demand will stay fairly steady.

In November 2014, the Council adopted a camping bylaw to align with the Freedom Camping Act (2011). Freedom camping is generally permitted in New Zealand unless specifically restricted or prohibited,

and restrictions must only be made if necessary to protect the area, health and safety, or to protect access to an area.

The Council prohibited some areas under the 2014 bylaw, and placed restrictions at Evans Bay Marina, and Te Kopahou Reserve visitor centre. Most visitors are heading to these sites (rather than just parking anywhere) but high demand is causing problems in those areas.

Camping is not permitted on reserve land that is managed under the Reserves Act, unless a Reserves Management Plan allows it. The current Reserves Management Plans only allow camping for educational purposes and permission must be granted.



## Problems caused by freedom camping

---

Freedom camping is not generally a problem for Wellington except at a few sites. A bigger issue for Wellington is attracting visitors, meeting their needs, and making sure their experience lives up to their expectations.

The Council can deal with freedom camping-related problems in different ways, including bylaws that restrict or forbid camping at some sites.

The Council can only make bylaws prohibiting or restricting freedom camping in specific public places if it is necessary to:

- protect the area
- protect the health and safety of people who may visit the area
- protect access to the area.

The Council has identified that the proposed bylaw amendment is necessary to help manage the following issues.

### Protecting popular areas from high demand

Not all vehicles used by freedom campers have toilets, so inappropriate toileting is a common issue at sites used by freedom campers. The most popular “unofficial” camping sites are those with toilet and shower facilities nearby, but for safety reasons and the risk of vandalism these are often locked at night. This means some campers choose to defecate outdoors or in other inappropriate places. This is a health risk and unacceptable.

Keeping some toilet facilities open at night is an obvious solution, but also makes these areas more popular. Ways to manage this demand could include limiting the number of nights campers can stay, and having more than one site available.

The space available to campervans at the Te Kopahou visitor centre car park could also be restricted so that no more than 12 campervans can camp each night.

### Protecting the health and safety of visitors to certain areas

At popular sites where there are no or not enough toilets, or facilities can’t be opened at night, it is proposed that camping be restricted to certified self-contained campervans. This will help protect the health and safety of visitors to these areas.

There are two toilets at the Te Kopahou car park, and the Council has been keeping these open. However, we have found there are not enough toilets for the number of campers that have been using this site.

Te Kopahou car park was never designed to cater to campers, and lacks the kitchen/ablution facilities needed for steady and sustained numbers of non-self-contained campers. The Council doesn’t think it would be suitable to provide such facilities at this site. For this reason, it may be necessary to restrict camping at Te Kopahou to certified self-contained vehicles only.

### Protecting access to popular areas

At some sites, there is already a high demand for parking and facilities from day visitors. Where there is enough room for campervans but the site is also popular with day visitors, camping may need to be restricted or prohibited. If there is not enough room at the site to cope with demand from campers, then it will be necessary to prohibit camping.

As above, the Council is proposing to restrict the space available to campervans at the Te Kopahou visitor centre car park so that a maximum of 12 campervans can camp on any one night.

### Legislative requirements

The following legislation is relevant to the proposed amendment:

#### *Freedom Camping Act 2011*

The Freedom Camping Act 2011 requires the Council to use the special consultative procedure in the Local Government Act 2002 to make, amend, or revoke a freedom camping bylaw.

### *Local Government Act 2002*

The Local Government Act 2002 sets out the special consultative procedure the Council must follow to make, amend, or revoke a bylaw.

To make a bylaw, the Council must be able to show that the bylaw is the most appropriate and proportionate way of addressing the perceived problem in relation to a specific area, and that the bylaw is not inconsistent with the New Zealand Bill of Rights Act 1990 (NZBORA).

### **Is a bylaw the most appropriate and proportionate way to address the perceived problem?**

The proposed bylaw will form part of a wider approach to managing and providing opportunities for campervans in Wellington, as part of a nationally consistent approach to freedom camping.

The proposed restrictions on camping at the Te Kopahou visitor centre are consistent with the requirements of the Act. The Council considers the proposed restrictions are the most appropriate way to resolve camping-related issues at the Te Kopahou car park, while providing appropriate protection to areas. The proposed restrictions are necessary to manage camping at this site, in conjunction with other non-regulatory tools such as signs and information.



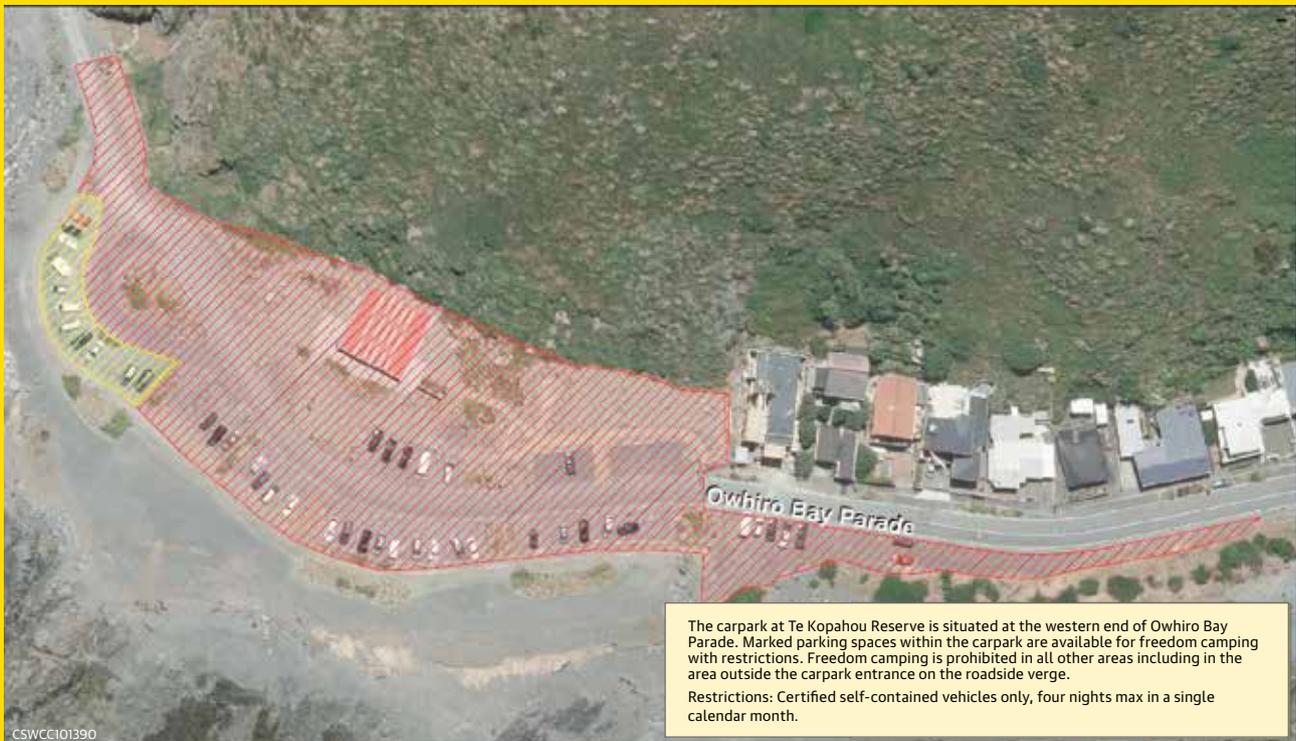
### Is the bylaw in line with the Bill of Rights?

Everyone lawfully in New Zealand has the right to freedom of peaceful assembly (section 16), association (section 17), and movement (section 18) in New Zealand. The Act provides a specific statutory framework for local authorities to manage camping by only restricting these rights in areas where it is justified and necessary.

The Council considers that the proposed bylaw is not inconsistent with NZBORA, and does not unlawfully interfere with the rights of people to move and reside in Wellington. The restrictions on freedom camping are reasonable in the interests of protecting public places and visitors.

## Proposed amendments to Wellington's Camping Bylaw

The additional restrictions to camping at the Te Kopahou visitor centre car park sit within Schedule One of clause 12, part 5 (Public Places) of the Wellington Consolidated Bylaw.



**We need your feedback by 5pm on 17 July 2015.**