
VEHICLE-BASED CAMPING IN WELLINGTON – OPPORTUNITIES AND MANAGEMENT

1. Purpose of report

This report proposes changing part 5 of the Wellington City Consolidated Bylaw 2008 to align with the Freedom Camping Act 2011, to allow a more visitor friendly approach for campers, and to initiate the special consultative procedure on the proposed bylaw amendments.

The focus of the changes is on the management of campervans but by definition freedom camping also includes tenting. Camping restrictions and prohibitions under reserve management plans still apply.

The Statement of Proposal for the draft bylaw is attached to this paper (Appendix 1). If adopted, the new model would be monitored, and reviewed after the summer of 2013/14.

2. Executive summary

The issues

A law change has provided the opportunity to look at how we can encourage visitors in campervans to stay in Wellington, meet their needs, deliver on their expectations, and manage demand for camping spots across the city.

Freedom camping is now a generally permitted activity under the Freedom Camping Act 2011 (the Act). The opposite approach is taken in the current Camping Bylaw which prohibits camping, 'other than in a place set aside by Council, unless prior written approval is given'. The Council's Camping Bylaw is now inconsistent with a fundamental change in law¹.

In practice the Council takes a relaxed approach to campers, but has not set aside any places for freedom camping under the current Bylaw. While some visitors access informal information about where to camp, the lack of official information increases the risk of confusion, or that visitors will perceive Wellington as unfriendly and go elsewhere. Those who stay are either unaware of the Bylaw or choose to ignore it, and people can generally camp anywhere and get away with it.

While freedom camping is generally not regarded as a problem in Wellington, a few issues arise in specific areas over the summer period. In reality, the Council can only enforce the current Camping Bylaw through prosecution, which is expensive and difficult, and there is no ability to resolve immediate issues.

¹ DLA Phillips Fox, 2013. Legal advice on draft Freedom Camping Statement of Proposal.

How can we encourage visitors

A Camping Bylaw aligned with the Act will be more effective for encouraging visitors to stay, and will assist the Council to manage demand and any irresponsible campers. The Council can designate specific sites for freedom camping, any restrictions on these areas, and can designate specific sites where camping is prohibited. Amenities and official information can be used to attract visitors to sites where camping can be well managed.

Officers have also been approached by some parties interested in developing opportunities for paying campers. Wellington generally lacks opportunities for campers, including low-cost sites for both campervans and tents. Aside from the temporary Waterfront site², the next closest sites with reasonable reviews are in Porirua and Lower Hutt³. Officers have identified Evans Bay Marina as having potential for a campervan park. This site was used successfully during the 2005 Lions Tour and 2011 Rugby World Cup. Developing low-cost options for campers should be part of the solution.

How will it be implemented?

We will work the sector to reinforce the message for campers to stay at holiday parks, Department of Conservation campsites, and other designated areas. The Council will need to designate specific places where freedom camping is prohibited, or where it is appropriate and any restrictions on these sites. Officers can promote compliance with friendly visits during the peak season, point visitors that do camp in inappropriate places to designated sites, and issue \$200 infringement notices as a last resort for irresponsible behaviour.

Freedom campers choose camping sites based on their needs. For example, the need for parking space, or company and security, or to use amenities that their vehicles lack. Officers have assessed places already frequented by campers and recommend the Council consults the public on prohibiting camping at Balaena Bay, and designating Te Raekaihau Pt, Evans Bay and Owhiro Bay (Quarry entrance) as areas where freedom camping is 'appropriate but restricted'. Specific details on the proposed areas are included in the draft Bylaw attached to this report (Appendix 2), and general information in the body of this report.

3. Recommendations

Officers recommend that the Strategy and Policy Committee:

1. *Receive the information.*
2. *Note the reasons to review the current approach to camping are to:*
 - (a) *provide clarity to visitors around freedom camping opportunities in Wellington*
 - (b) *align part 5 (Public Places) of the Wellington City Consolidated Bylaw 2008 with the Freedom Camping Act 2011*
 - (c) *provide better and more targeted options to manage campers where needed*

² The Waterfront Campervan Park is not expected to be available beyond summer 2013/14.

³ <https://www.rankers.co.nz/respect/wellington>

- (d) *contribute to a nationally consistent approach to freedom camping.*
3. *Agree to the proposed amendments to Part 5 of the Bylaw, and that the proposed changes undergo public consultation.*
 4. *Recommend that Council adopt the Statement of Proposal attached (as Appendix 1 as amended) and to initiate the special consultative procedure under Section 83 of the Local Government Act 2002.*
 5. *Agree to delegate to the Chief Executive and the Portfolio Leader, the authority to amend the proposed Statement of Proposal to include any amendments agreed by the Committee and any associated minor consequential edits.*
 6. *Agree to review the Bylaw (if adopted) after this coming summer (2013-14).*
 7. *Agree that officers continue to work with the Freedom Camping Forum and interested parties on opportunities for camping in Wellington and for managing campers.*

4. Background

The Freedom Camping Act 2011 and the Council's Camping Bylaw

The Government introduced the Freedom Camping Act (the Act) in August 2011 with the support of a majority of councils and the tourism sector. The Act treats freedom camping as a generally permitted activity⁴. Under the Act the Council may only designate specific places where camping is restricted or prohibited. In contrast, part 12 (Camping) of part 5 (Public Places) of the Wellington City Consolidated Bylaw 2008, prohibits camping 'other than in a place set aside by Council, unless prior written approval is given'.

The Act promotes a site-specific, effects-based approach to managing camping. The Act provides that freedom camping on all Council owned land is permitted, unless the Council makes a bylaw defining the areas within its district or region where:

- freedom camping is restricted, and the restrictions that apply to freedom camping in those areas
- freedom camping is prohibited.

Or unless freedom camping is restricted or prohibited under any other enactment (for example within a district plan or reserve management plan).

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

⁴ 'Freedom camping' is defined in section 5 of the Act as including camping in a tent, caravan, car, housetruck or similar vehicle, but does not include parking a vehicle, day trips or simply resting to avoid driver fatigue.

'blanket ban' that prohibits freedom camping on all land it controls or manages.

Vehicle-based camping

Compared to other tourists, campervans tend to travel more widely, stay longer, and spend money on a wider range of goods and activities. Domestic and international tourists travelling the country by campervan spend \$500 million per year and an average of \$200 per night. A total of 138,124 adults travelled in campervans in 2011, 21,347 New Zealand residents and 116,776 international visitors.⁵

The New Zealand Motor Caravan Association (NZMCA) has 48,000 members and membership is growing rapidly, peaking at 75 new members per week last summer. The NZMCA expect this trend to continue as more 'baby-boomers' retire⁶. The proportion of certified self-contained (CSC) vehicles is also increasing. CSC vehicles can operate for at least three nights without needing facilities and 73% of the NZMCA's 28'000 vehicles are self contained.⁶

Camping in Wellington

Anecdotally the number of freedom campers is increasing year round, for example, despite the current Camping Bylaw there are regularly vehicles camping at Balaena Bay and Evans Bay, and other 'unofficial' sites. However, the current Camping Bylaw and lack of free or low-cost camping sites will be turning many people away. While 46% of campervans visit both islands during a trip², the vast majority take an inter-island ferry and by-pass Wellington City. Aside from the temporary Waterfront site, the next closest sites with reasonable reviews are in Porirua and Lower Hutt.

Ideally a mix of commercial and free sites, near to the city or to public transport links would be available for camping in Wellington. Space is always an issue however this issue can be resolved with smart-thinking – for example, the temporary 'pop-up' Waterfront Campervan Park. Council officers have been approached by parties interested in developing commercial camping opportunities close to the city. In some New Zealand cities, shopping centre car parks are also made available to CSC vehicles overnight.

The existing Camping Bylaw is not consistent with current practice. Freedom camping is not regarded as an issue in Wellington except at a few hotspots in summer, where it can be an annoyance to nearby residents. For example, the Council receives some complaints relating to specific places such as Mt Victoria, Balaena Bay, and Evans Bay, and when necessary council officers have attempted to move people on with mixed results. Visitors who want somewhere to stay can access informal information posted online. This information often includes advice on camper's rights under the Freedom Camping Act, particularly where local bylaws are inconsistent with this Act.⁷

⁵ Coker, J. 2012. Understanding the Value Created by Campervan Tourists in New Zealand. Covec Ltd.

⁶ Correspondence with the New Zealand Motor Caravan Association.

⁷ TripAdvisor.com.camping.at.Balaena.Bay.Wellington.

5. Discussion

The Council can send a clear message that campers are welcome, and there are great camping opportunities in Wellington. We can do this by aligning our Camping Bylaw with the Act, and working with the Responsible Camping Forum (the Forum) to get the word out. The Forum consists of representatives from central and local government and the tourism industry. The Forum uses a website, mobile app and information at key points to encourage campers to stay at holiday parks, Department of Conservation campsites, and other designated areas. The Forum's website, www.camping.org.nz receives 60,000 hits a year, and the most viewed pages are those carrying regional information.

If we revise the Council's Camping Bylaw to align with the provisions of the Act, the Council would only have regulations in place to control camping in specific places. The Council can introduce new areas where camping is restricted or prohibited, or use other bylaw provisions where applicable to control camping activity (the Public Places Bylaw prevents a person from putting up any structure without permission).

A revised Bylaw made under the Act would also confer infringement powers on the Council. The Council would have the ability to enforce the bylaw through a prosecution or by issuing \$200 infringement notices. In contrast, the current Camping Bylaw can only be enforced by prosecution, therefore the Council's ability to resolve any immediate issues is very limited.

Restrictions or prohibitions on camping made under other legislation remains, for example the Town Belt Management Plan. In practice the ability to enforce camping prohibitions under other Acts is likely to be limited, particularly for immediate issues. Providing attractive options for campers is expected to reduce instances of camping in inappropriate places.

5.1 Options

A range of options and opportunities to encourage and manage campers were identified through discussions with key stakeholders, including residents, campers and the tourism industry:

- work with the Responsible Camping Forum to help promote responsible camping in New Zealand
 - Be part of a nationally consistent approach
- work with interested parties to facilitate commercial campground opportunities
 - work with interested parties
 - identify alternative or additional 'pop-up' sites
- amend the Camping Bylaw
 - provide basic facilities at suitable sites to attract campers to those sites for efficient management (both regulatory and non-regulatory)
 - identify suitable free sites for self-contained campervans

Officers met with some parties interested in developing commercial campground opportunities and will work with these people to help progress their initiatives. The Waterfront Campervan Park's facilities are re-locatable, and could be utilised at another suitable site. This 'pop-up' model could also be replicated or adapted for other sites. Supermarkets or shopping centres with suitable car parks may also like to welcome CSC campervans overnight.

5.2 Amending the Camping Bylaw

Legal advice to officers is that retaining the current Bylaw is not a viable or appropriate option given the legislation. On this basis the Camping Bylaw needs to change to align with the Act, and the Council needs focus on how best to manage camping under the Act.

The Council may 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 is necessary to help manage the following issues:

- protect popular areas
- protect the health and safety of visitors to popular areas
- protect access to popular areas.

5.3 Protecting popular areas

Not all vehicles used by freedom campers have toilets; inappropriate toileting is therefore a common issue at sites frequented by freedom campers. The most popular 'unofficial' camping sites are those with toilet and shower facilities nearby. However, such facilities are often locked at night due to the risk of vandalism, which 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 will make these areas more popular. Ways to manage demand include restrictions on the maximum number of nights campers can stay and having more than one site available to help spread demand.

Many other issues can arise where people congregate. The vast majority of campers are responsible people, but to help curb irresponsible behaviour the Act provides offences for:

- damage to the area, flora or fauna, or any structure
- dumping rubbish inappropriately.

In addition, an enforcement officer can ask campers to leave if they have reasonable grounds to believe they are committing, or have committed, an

offence. Failing or refusing to leave an area when an enforcement officer requests is also an offence.

5.4 Protecting the health and safety of visitors to certain areas

At popular sites where there are no toilets, or where toilet facilities are inadequate or can't be opened at night, it is proposed that camping be restricted to certified self-contained campervans (those with toilets and sewage storage tanks). This will help protect the health and safety of visitors to these areas.

5.5 Protecting access to popular areas

At some sites there is already considerable demand for parking and facilities from day-visitors. Where there is sufficient capacity for campervans but the site is also popular with day visitors, it will be necessary to restrict campers to evening hours. If there is insufficient capacity at the site to cope with demand from campers then it will be necessary to prohibit camping.

5.6 Necessary Restrictions and Prohibitions on Camping

Table 1 lists the Council's rationale for restricting or prohibiting camping at certain sites. The restrictions are consistent with those used by the Department of Conservation, to align with freedom camping restrictions already in place in the region.

Table 1 Proposed prohibited and restricted areas for freedom camping.

Site	Proposed Classification	Proposed restrictions and rationale
Balaena Bay	Camping prohibited	<ul style="list-style-type: none"> Camping prohibited to preserve access to the beach. <p>This site is very close to the city, and very popular with campers and day visitors. However, the capacity of the site is insufficient for both campers and beach visitors.</p>
Evans Bay – Marina Carpark	Camping restricted	<ul style="list-style-type: none"> Camping restricted to CSC vehicles to protect the health and safety of visitors to the area. CSC vehicles may stay a maximum of four nights in a single calendar month, between 5pm and 9am the following day. <p>The provision of toilet facilities is insufficient to accommodate campers other than those in Certified Self-Contained (CSC) vehicles.</p>
Owhiro Bay – Te Kopahou Reserve entrance car park	Camping restricted	<ul style="list-style-type: none"> Camping restricted to protect the site and protect access to the site. Vehicles may stay a maximum of four nights in a single calendar month, between 5pm and 9am the following day.

		This site has some toilet facilities but the number of nights must be limited to manage demand. Campers will need to move on during the day to ensure access for day visitors.
Te Raekaihau Point	Camping restricted	<ul style="list-style-type: none"> • Camping restricted to protect the site and protect access to the site. • Vehicles may stay a maximum of four nights in a single calendar month, between 5pm and 9am the following day. <p>This site has some toilet facilities but the number of nights must be limited to manage demand. Campers will need to move on during the day to ensure access for day visitors.</p>

5.7 Consultation and Engagement

The special consultative procedure must be used in making or amending a freedom camping bylaw.

5.8 Financial Considerations

An estimated additional \$20,000 in operational costs will be needed to fund signage for restricted or prohibited sites, additional cleaning of toilets, monitoring, dealing with any vandalism, and security. For 2013/14 this will be met from existing funding, additional budget could be considered for the 2014/24 LTP once a more accurate picture of the costs is understood.

5.9 Climate change impacts and considerations

No climate change impacts or considerations are associated with this paper.

5.10 Long-term plan considerations

Additional funding of around \$20,000 per annum may need to be included in the next LTP.

6. Conclusion

The proposed Camping Bylaw would form part of a wider approach to provide camping opportunities in Wellington. It will also align the Council's management of camping with the Act, provide clarity to visitors around freedom camping opportunities, provide better and more targeted options to manage campers where needed, and contribute towards a nationally consistent approach to freedom camping.

Contact Officer: *Andrew Stitt, Policy Manager*

SUPPORTING INFORMATION

1) Strategic fit / Strategic outcome

The change in Bylaw supports the aims of the Council's Economic Development Strategy, in particular Destination Wellington, and Open for Business.

2) LTP/Annual Plan reference and long term financial impact

Operational expenditure is required to cover signage for restricted or prohibited sites, additional cleaning of toilets, and security.

3) Treaty of Waitangi considerations

There are no Treaty of Waitangi implications

4) Decision-making

This is not a significant decision.

5) Consultation

a) General consultation

Council is required under legislation to consult on this matter.

b) Consultation with Maori

Mana whenua were consulted during the development of the proposal.

6) Legal implications

Council's lawyers have been consulted during the development of this proposal.

7) Consistency with existing policy

The recommendations of this report are consistent with existing policy.

WELLINGTON CITY COUNCIL STATEMENT OF PROPOSAL JULY 2013

**FOR THE PROPOSAL TO AMEND THE CAMPING PROVISIONS IN THE
WELLINGTON CONSOLIDATED BYLAW 2008 PART 5: PUBLIC PLACES**

- **Proposed amended section 12 Camping in Part 5 (Public Places) of the Wellington Consolidated Bylaw**
- **Proposed Schedule 1 to section 12: Prohibited Sites for Camping**

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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
- problem analysis
- legislative requirements, including the rationale and analysis for the proposed bylaw amendments
- a draft of the proposed bylaw amendments.

1. Summary of information

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

The changes will make it easier for people in campervans and other vehicles to stop in Wellington in most places. However, it will also prohibit or restrict camping in some areas including Balaena Bay, Evans Bay (Marina car park), Owhiro Bay (Te Kopahou Reserve entrance car park) and Te Raekaihau Point (see Table 2 on page 6).

The proposed freedom camping provisions would be included in the Wellington Consolidated Bylaw 2008 Part 5: Public Places (the bylaw). The proposed changes to part 12 (Camping) of part 5 (Public Places) of the Wellington City Consolidated Bylaw 2008, are designed to align the Council's management of camping with the Freedom Camping Act, 2011 (the Act) and contribute towards a nationally consistent approach to freedom camping. 'Freedom camping' is defined in section 5 of the Act as including camping in a tent, caravan, car, housetruck or similar vehicle, but does not include parking a vehicle, day trips or simply resting to avoid driver fatigue.

Freedom camping is not regarded as a problem in Wellington except at a few areas in summer. A more significant issue for Wellington is attracting visitors, meeting their needs and delivering on their expectations. Very few campgrounds are available close to the city, and up till now freedom camping has only been permitted in places set aside for that purpose or with the Council's written approval under the Council's Public Places Bylaw.

The proposed bylaw changes would be part of a wider approach to managing campers and providing camping opportunities in Wellington. To align with the Act, the amended bylaw will confirm that freedom camping can occur in the Wellington City area (defined in section 6 of the Act as Council-controlled and managed land), and outline where it is prohibited or restricted. The proposal is to amend Clause 12 in part 5 of the bylaw by replacing the existing camping provisions with new provisions.

The Council would have the ability to enforce the bylaw through a prosecution or by issuing infringement notices. People who breach the bylaw could be prosecuted or receive a \$200 infringement notice.

1.1 Have your say

Consultation on these changes starts on Tuesday 16 July. Submissions must be received by 5pm on Friday 16 August 2013.

APPENDIX 1

You can make a submission online at Wellington.govt.nz, email a submission to policy.submission@wcc.govt.nz or fill out the form in this document and send it to: Camping Bylaw, Freepost, Wellington City Council, P O Box 2199, Wellington. Submitters should note that their submission will be publicly available after the submission period closes.

If you need additional copies of this proposal, it is available online at Wellington.govt.nz, from our Service Centre at 101 Wakefield and the Central Library. You can also phone 499 4444 to request a copy or email policy.submission@wcc.govt.nz.

Submitters can speak to City Councillors by making an oral submission. A hearing has been scheduled for Tuesday 3 September 2013. Please clearly state in your submission whether you wish to make an oral submission, and ensure you have given your contact details. We will contact you to arrange a time for you to speak on the scheduled hearing date.

The Council's Strategy and Policy 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.

Table 2. Timeline for considering the proposed bylaw

16 July 2012–16 August 2013	Consultation period
3 September 2013	Oral submissions heard
September 2013	Strategy and Policy Committee considers report on all written and oral submissions received
September 2013	The Council decides whether to adopt the proposed changes
Following Council adoption of the proposed changes	The amended camping bylaw will come into force

2. Background

Freedom camping is a generally permitted activity under the Freedom Camping Act 2011 (the Act), the opposite approach is taken in the current Camping Bylaw which prohibits camping, 'other than in a place set aside by Council, unless prior written approval is given'. The Council's Camping Bylaw is now inconsistent with a fundamental change in law⁸.

In practice the Council takes a relaxed approach to campers, but has not set aside any places for freedom camping under the current bylaw. This is confusing to visitors. While some visitors access informal information about where to camp, many perceive the lack of official information and opportunities as unfriendly and go elsewhere.

In reality, the Council can only enforce the current Camping Bylaw through prosecution, which is expensive and difficult, and there is no ability to resolve immediate issues. Visitors can camp anywhere and get away with it now, yet freedom camping has not been regarded as an issue in Wellington except at a few hotspots in summer.

⁸ DLA Phillips Fox, 2013, Legal advice on draft Freedom Camping Statement of Proposal.

A Camping Bylaw aligned with the Act will be more effective for encouraging visitors to stay, and will assist the Council to manage demand and any irresponsible campers. The Council can designate specific sites for freedom camping, any restrictions on these areas, and can designate specific sites where camping is prohibited. Amenities and official information can be used to attract visitors to sites where camping can be well managed.

Ideally Wellington would provide a range of commercial and free sites near the city and public transport links. Low-cost options should also be part of the mix, but the Waterfront Campervan Park is temporary, and not expected to be available beyond summer 2013/14.

The Freedom Camping Act, which came into force in 2011, promotes a site-specific, effects-based approach to managing camping. The Act provides that freedom camping on all Council owned land is permitted, unless the Council makes a bylaw defining the areas within its district or region where:

- freedom camping is restricted, and the restrictions that apply to freedom camping in those areas
- freedom camping is prohibited.

Or unless Freedom camping is restricted or prohibited under any other enactment (for example within a district plan or reserve management plan).

To make a bylaw, a Council must be able to show that the bylaw is the most appropriate and proportionate way of addressing a perceived problem in a specific area, and that the bylaw is not inconsistent with the New Zealand Bill of Rights Act 1990 (NZBORA). The Act does not allow a Council to impose a 'blanket ban' that prohibits freedom camping on all land it controls or manages.

The ability for campers to clearly understand the areas in a district where they can and can't camp is an essential part of bylaws made under the Act. For this reason the bylaw must include a map and/or a clear description of the areas where camping is restricted or prohibited. The vast majority of campers are responsible, and aligning Wellington City Council's management of campers with the Act will better reflect current practice, and provide better and more targeted management options where required.

The Council would be able to issue \$200 infringement notices to people who breach the bylaw.

3. Problem analysis

As we've said, freedom camping is not a problem in Wellington, except at a few areas in summer. A more significant issue for Wellington is attracting visitors, meeting their needs and delivering on their expectations. However, the Council will need to use a range of approaches to address problems that are likely to occur in some areas, including restricting or prohibiting camping at some sites.

The Council may 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 is necessary to help manage the following issues.

3.1 Protecting popular areas from high demand

Not all vehicles used by freedom campers have toilets; inappropriate toileting is therefore a common issue at sites frequented by freedom campers. The most popular 'unofficial' camping sites are those with toilet and shower facilities nearby. However, such facilities are often locked at night due to the risk of vandalism, which 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 will make these areas more popular. Ways to manage demand include restrictions on the maximum number of nights campers can stay and having more than one site available to help spread demand.

Many other issues can arise where people congregate. The vast majority of campers are responsible people, but the Act to help curb irresponsible behaviour the Act includes offences for:

- damage to the area, flora or fauna, or any structure
- dumping rubbish inappropriately.

In addition, an enforcement officer can ask campers to leave if they have reasonable grounds to believe they are committing, or have committed, an offence. Failing or refusing to leave an area when an enforcement officer requests is also an offence.

3.2 Protecting the health and safety of visitors to certain areas

At popular sites where there are no toilets, or where toilet facilities are inadequate or can't be opened at night, it is proposed that camping be restricted to certified self-contained campervans (those with toilets and sewage storage tanks). This will help protect the health and safety of visitors to these areas.

3.3 Protecting access to popular areas

At some sites there is already considerable demand for parking and facilities from day-visitors. Where there is sufficient capacity for campervans but the site is also popular with day visitors, it will be necessary to restrict campers to evening hours. If there is insufficient capacity at the site to cope with demand from campers then it will be necessary to prohibit camping.

3.4 Necessary restrictions and prohibitions on camping

Table 3 lists the Council's rationale for restricting or prohibiting camping at certain sites. The restrictions are consistent with those used by the Department of Conservation, to align with freedom camping restrictions already in place in the region.

APPENDIX 1

Table 3 Proposed prohibited and restricted areas for freedom camping

Site	Proposed Classification	Proposed restrictions and rationale
Balaena Bay	Camping prohibited	<ul style="list-style-type: none"> Camping prohibited to preserve access to the beach.
		This site is very close to the city, and very popular with campers and day visitors. However, the capacity of the site is insufficient for both campers and beach visitors.
Evans Bay – Marina Carpark	Camping restricted	<ul style="list-style-type: none"> Camping restricted to CSC vehicles to protect the health and safety of visitors to the area. CSC vehicles may stay a maximum of four nights in a single calendar month, between 5pm and 9am the following day.
		The provision of toilet facilities is insufficient to accommodate campers other than those in Certified Self-Contained (CSC) vehicles.
Owhiro Bay – Te Kopahou Reserve entrance car park	Camping restricted	<ul style="list-style-type: none"> Camping restricted to protect the site and protect access to the site. Vehicles may stay a maximum of four nights in a single calendar month, between 5pm and 9am the following day.
		This site has some toilet facilities but the number of nights must be limited to manage demand. Campers will need to move on during the day to ensure access for day visitors.
Te Raekaihau Point	Camping restricted	<ul style="list-style-type: none"> Camping restricted to protect the site and protect access to the site. Vehicles may stay a maximum of four nights in a single calendar month, between 5pm and 9am the following day.
		This site has some toilet facilities but the number of nights must be limited to manage demand. Campers will need to move on during the day to ensure access for day visitors.

4. 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).

4.1 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, and will contribute towards a nationally consistent approach to freedom camping. It will also align the Council's bylaw with the current provisions in the Act.

The restrictions and prohibitions on camping within the draft camping bylaw are consistent with the requirements of the Act. The Council considers the proposed bylaw is the most appropriate way to resolve camping-related issues in Wellington City, while providing appropriate protection to the specific areas identified. The proposed bylaw is necessary to manage camping at these specific sites, in conjunction with other non-regulatory tools such as signs and information.

4.2 Bill of Rights implications

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.. By amending the current camping bylaw, the Council's approach to camping will be more consistent with the Act.

5. Draft camping bylaw

The following proposed wording and schedules are to be included in part 5 (Public Places) of the Wellington Consolidated Bylaw, as clause 12 Camping as an amendment to the existing clause 12.

Part 12 – CAMPING

PURPOSE

12.1 The purpose of this bylaw is to encourage responsible camping in Wellington, as part of a nationally consistent approach to freedom camping. This bylaw regulates camping in specific public places to:

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

INTERPRETATION

12.2 The following definitions apply to the camping bylaw:

The Act means the Freedom Camping Act 2011.

Definitions: where this bylaw uses terms also used in the Act, those terms have the same meaning as defined in section 4 of the Act.

Camp or camping means to stay overnight, or more than one night, at any public place:

- a. in a building, tent, or other structure; or
- b. in a car, campervan, caravan, or other vehicle.

Certified self-contained vehicle (CSC vehicle) means a vehicle designed and built for the purpose of camping, which has the capability of meeting the ablutionary and sanitary needs of occupants of that vehicle for a minimum of three days without requiring any external services or discharging any waste, and complies with New Zealand Standard 5465:2001.

RESTRICTED AND PROHIBITED AREAS AS OUTLINED IN SCHEDULE ONE

12.3 A person must not camp in an area in which camping is prohibited, as identified in Schedule One: Restricted and prohibited areas for camping, unless they have prior written consent from the Council.

12.4 A person may camp in an area identified in Schedule One: Restricted and prohibited areas for camping, but must comply with the specific restrictions listed for that site unless they have prior written consent from the Council that waives these restrictions.

AREAS WHERE CAMPING IS PERMITTED

12.5 Camping is permitted in any local authority area in Wellington City, unless it is restricted or prohibited in an area under:

- a. this bylaw; or
- b. under any other enactment.⁹

PRIOR WRITTEN CONSENT FROM THE COUNCIL

12.6 If written consent is sought in accordance with clause 12.3 above then it must be applied for in writing to the Council at least two weeks in advance of the date planned for freedom camping in the prohibited area. Consent may be granted at the Council's sole discretion, with or without conditions.

12.7 If written consent is sought from the Council in accordance with clause 12.4 above then it must be applied for in writing to the Council at least two weeks in advance of the date planned for camping in the restricted area. Consent may be granted at the Council's sole discretion, with or without conditions.

SCHEDULE ONE: RESTRICTED AND PROHIBITED AREAS FOR CAMPING

⁹ A list can be obtained from the Council's website of all areas where freedom camping is restricted or prohibited under any other statutory powers.

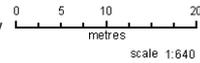


Evans Bay Marina is situated at the south end of Evans Bay Parade, where it meets Cobham Drive. The south end of the marina carpark is available for freedom camping with restrictions. Freedom camping in all other areas of the marina complex is prohibited.

Restrictions: Certified self-contained vehicles, four nights max in a single calendar month, between 5pm and 9am the following day.

Evans Bay, Wellington Freedom camping restrictions & prohibited areas

- Restrictions apply
- Prohibited



Property boundaries, 20m Contours, road names, rail line, address & title points sourced from Land Information NZ. Crown Copyright reserved. Property boundaries accuracy: +/-1m in urban areas, +/-30m in rural areas. Census data sourced from Statistics NZ. Pastures sourced from NZ Post. Assets, contours, water and drainage information shown is approximate and must not be used for detailed engineering design. Other data has been compiled from a variety of sources and its accuracy may vary, but is generally +/- 1m.

MAP PRODUCED BY:
Wellington City Council
101 Wakefield Street
WELLINGTON, NZ

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