

## **Consultation – Review of Responsible Freedom Camping Bylaw 2019**

Kaikōura District Council (KDC) currently regulates freedom camping in the Kaikōura District through its *Responsible Freedom Camping Bylaw 2019*.

As required by law a periodic review of this bylaw has been recently undertaken, which has concluded that subject to a few minor amendments the current bylaw remains fit for purpose. Public consultation is however required to be undertaken regarding this.

A copy of the proposed slightly amended bylaw and a more detailed Statement of Proposal is available from Council on request or from [www.kaikoura.govt.nz/council/public-notices](http://www.kaikoura.govt.nz/council/public-notices)

Submissions in respect of the proposed amended bylaw can be made in *writing, and should be addressed to:*

*The Chief Executive  
Kaikōura District Council  
PO Box 6, KAIKŌURA 7300*

*Or emailed to [Admin@kaikoura.govt.nz](mailto:Admin@kaikoura.govt.nz)*

*Submissions must be received by Monday 4 December 2023, and should indicate whether the submitter wishes to be heard by Council in support of their submission.*

### **8 RELEVANT LEGISLATION & DELEGATED AUTHORITY**

The power to make freedom camping bylaws is provided by section 11 of the Freedom Camping Act 2011 and the power and requirement to review such bylaws is provided by section 13 of that Act.

### **9 COMMUNITY OUTCOMES**

The issue discussed in this report relates to the following community outcomes:



Development

**We promote and support the development of our economy**



Environment

**We value and protect our environment**



Future

**We work with our community and our partners to create a better place for future generations**



## Statement of Proposal

### Review of Kaikoura Responsible Freedom Camping Bylaw 2019

---

#### 1. Introduction

The Freedom Camping Act 2011 provides local authorities with the power to make bylaws restricting freedom camping and also requires such bylaws to be periodically reviewed, with a first review of a new bylaw undertaken within 5 years of the adoption of that bylaw.

A review has been conducted of Council's Responsible Freedom Camping Bylaw 2019.

The conclusion of this review is a recommendation that the Kaikōura Responsible Freedom Camping Bylaw 2019 should be retained with only minimal change.

#### 2. Purpose of this Statement of Proposal

The Council must follow the Special Consultative Procedure contained in the Local Government Act for community consultation and comment in respect of a review or making of a Bylaw.

As part of the Special Consultative Procedure the Council must produce a Statement of Proposal, which contains a summary of information that is a fair representation of the major matters in the proposal and make it available to the community. This document is the Statement of Proposal. The information contained in this Statement of Proposal has been approved by Council for notification and consultation.

#### 1. Kaikoura Responsible Freedom Camping Bylaw 2019

Council made a Responsible Camping Bylaw in late 2019 with the intention of addressing issues of nuisance, public health and adverse environmental effects associated with freedom camping in and around Kaikōura.

Substantial community engagement occurred during the development of this bylaw, and the resultant document put in place some very significant controls on freedom camping, both in respect of where such camping was permitted and the form of vehicles that were allowed to do so. In particular the bylaw putting in place a requirement for functional toilets that were likely to be used, rather than just being present to theoretically make the vehicle self contained.

It appears that the adoption of the current bylaw has generally been effective in addressing the community concerns that led to its introduction, with few subsequent complaints regarding the adverse effects of freedom campers.

In addition to requirement of the Freedom Camping Act for periodic bylaw reviews there is also a need for some amendments to the bylaw to align it with the changes to central government legislation on freedom camping that were recently made with the introduction of the Self-contained Motor Vehicles Legislation Act 2023.

## 2. Performance of Current Bylaw

The two key elements of the KDC's bylaw are restrictions on the areas where freedom camping is permitted and controls to the types of vehicles that are allowed to freedom camp.

### Freedom Camping Vehicle Restrictions

Whilst there have been few community complaints regarding adverse effects since the introduction of the current bylaw, some challenges remain regarding it.

The KDC bylaw requires vehicles to go beyond just having self-containment certification under New Zealand Standard 5465:2001 (blue sticker) and are instead required to have a toilet can be used in the vehicle with the bed made up.

This requirement is different to most other local authorities, and campers visiting our district often claim that they are unaware of and surprised by this rule, which contributes to high levels of non-compliance.

To date education of campers on KDC rules by casually employed Freedom Camping Ambassadors has generally been prioritised over 'hard' enforcement and issue of infringements, but relatively high levels of non-compliance have continued to be observed.

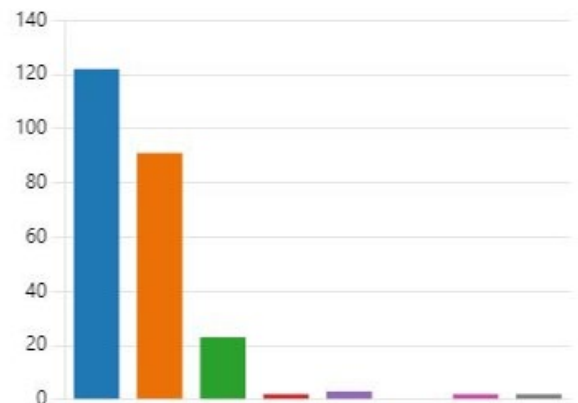
A factor that may contribute to this is the short period that freedom campers typically spend in the Kaikōura District. Information from the 'Çampermate' app, such as that below, suggests that very few campers spend more than 2 nights in the district, and that around half only spend a single night here.

---

### 6. Length of stay?

[More Details](#)

● 1 night	122
● 2 nights	91
● 3 nights	23
● 4 nights	2
● 5 nights	3
● 6 nights	0
● 7+ nights	2
● Passing through	2



As such the commonly taken approach of educating people who have been found to be non-compliant with our bylaw often has little real effect because those same people were going to leave the district shortly and at that point increasing their awareness of our rules (if that was the real cause of non-compliance) has very little real benefit.

It is also suspected that campers are often aware of the local rules but choose to disregard them because they believe that the risk of being infringed for non-compliance is low.

Despite this difficulty in achieving compliance it is however believed that the provisions of the existing bylaw in respect of vehicles are not unreasonable.

## **Restrictions of Freedom Camping Areas**

The rules in the current bylaw on areas where freedom camping may occur are relatively simple. Freedom camping is prohibited in well-defined areas in and around Kaikōura, and off Kiwa Road at Mangamanu. It is also generally prohibited in Council reserves.

There are currently 5 small 'restricted' freedom camping areas within the prohibited areas where freedom camping is permitted, these being at West End, Jimmy Armers Beach, South End Railway Station Carpark, Scarborough Street and (depending on the season) Pohowera.

When the bylaw was originally introduced a 'restricted' area was also included opposite the former Fire Station on the Esplanade, but this was subsequently closed at the request of FENZ because of its potential to interfere with station operations. With the station now moved to its new premises on Churchill Street this issue no longer remains, but it is believed that permitting freedom camping at this site is not necessary, and it is therefore proposed that it is permanently removed from the bylaw.

In total the currently remaining 5 restricted freedom camping areas have capacity for up to 57 vehicles, which appears to be sufficient to meet overall demand, with relatively few cases of camping observed in other (prohibited) locations.

Whilst the current sites are generally considered to be satisfactory and no changes are proposed, an issue does however exist regarding the use of some of these sites.

The West End, Jimmy Armers Beach, South End Railway Station Carpark sites (with a total capacity of 22 vehicles) tend to be most heavily utilised because they are relatively close to public toilets and unfortunately also attract a lot of vehicles that do not meet the self-containment requirements of the bylaw.

There are sometimes so many such non-compliant vehicles in these sites that no space remains for other compliant vehicles, which is considered a very unsatisfactory situation.

It is however expected that this situation could be resolved through firmer enforcement of the self-containment provisions of the bylaw.

## **Firmer Enforcement Approach**

Such a move to firmer enforcement is also now considered more appropriate because the essence of the Self-Contained Motor Vehicles Legislation Act 2023 is to progressively move requirements for freedom camping vehicles towards something similar to what KDC has previously required in its bylaw.

From June 2025 there will be a national prohibition of freedom camping in vehicles that do not meet the new self-containment requirements put in place by law, with exceptions only created by particular local authorities if they wish to do so.

As such it seems reasonable to expect that campers should be aware of the approaching increasingly stringent self-containment requirements, and it is believed that in this context it would be reasonable for KDC to be more rigorous in enforcement of its current rules, using the funding that has been provided by MBIE to councils to support this.

As noted previously it is believed that a significant degree of non-compliance with the self-containment provisions of our bylaw occurs through disregard of our rules rather than a genuine lack of knowledge.

Many campers make use of the excellent Campermate app to guide them to our sites, and on this app our rules regarding self-containment are also presented, yet many camper claim to be unaware of them.

It is intended that this firmer enforcement approach will become communicated amongst the freedom camping community, creating an expectation amongst that community that if they freedom camp in the district in a way that does not comply with our bylaw that they are likely to receive an infringement.

### **3. Proposal**

It is believed that KDC's Responsible Camping Bylaw 2019 largely remains fit for purpose, meets the legislative tests for such a bylaw and that the only changes required are minor amendments to ensure that it is aligned with recent changes to legislation brought about by the Self-contained Motor Vehicles Legislation Act 2023.

Such changes include:

- revising the definitions of 'Freedom Camp' and 'Self Contained Vehicle' to align with legislation.
- Formalising a previous Council interpretation of 'fatigue stops' (which provide an exemption from freedom camping) as only being applicable where the stop is in close proximity to the State Highway and of limited duration.
- Permanent removal of the 'Restricted' freedom camping site opposite the former fire station.

### **4. Consultation Process**

Freedom Camping Bylaws are made under the Freedom Camping Act 2011 rather than under the Local Government Act 2002, but the former Act does however state that when a bylaw is made, amended or reviewed the local authority must use the special consultative procedure in section 83 of the LGA.

Accordingly submissions on the review and the proposed amended bylaw are invited.

Submissions must be made in *writing, and should be addressed to:*

*The Chief Executive  
Kaikōura District Council  
PO Box 6, KAIKŌURA 7300*

*Or emailed to Admin@kaikoura.govt.nz*

*Submissions must be received by Monday 4 December 2023, and should indicate whether the submitter wishes to be heard by Council in support of their submission.*

**Dave Clibbery**  
**Senior Manager Operations**