

7 November 2024

# Statement of Proposal

## Freedom Camping Bylaw 2025

We'd like to hear your thoughts on the proposed changes to freedom camping rules in Porirua and the draft Freedom Camping Bylaw.

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## Summary of the proposal

The Council currently manages freedom camping on its land under both the Reserves Act 1977 through the Reserves Management Plan and the Local Government Act 2002 (LGA) through the Public Places Bylaw. The Council is now proposing to introduce a Freedom Camping Bylaw (Proposed Bylaw) to better manage freedom camping in areas throughout the city.

Under the Proposed Bylaw, freedom camping on reserves would continue to be managed under the Reserves Act, but freedom camping on other Council land would be managed under the Freedom Camping Act 2011.

The Proposed Bylaw will give Council officers the ability to issue on-the-spot fines. We hope this will reduce the number of people not complying with our freedom camping rules.

It is important to note that under the Freedom Camping Act, freedom camping can only be restricted or prohibited if it is necessary to:

- Protect the area;
- Protect the health and safety of people who may visit the area; or
- Protect access to the area

The Council has assessed these requirements and determined it is necessary to make this Bylaw.

The Proposed Bylaw addresses freedom camping in two different ways:

- Freedom camping on the Council's land in a tent or other temporary structure, or in a motor vehicle that is not self-contained, is not permitted
- Freedom camping in a self-contained motor vehicle is generally allowed, but prohibited in certain locations, and restricted in others (and subject to specific restrictions).

In effect, this continues the current approach in the district.

The sites where freedom camping in a self-contained motor vehicle are to be restricted are:

- Bedford Court car park
- Bradeys Bay
- Camborne Walkway northern car park
- Ngāti Toa Domain
- Ocean Parade car park
- The car park opposite 19-25 Terrace Rd

Freedom camping will be restricted to a maximum of 3 nights within a 30-day period at each site. At Ocean Parade car park and the Camborne Walkway northern car park, freedom camping is restricted to vehicles 6 meters in length or less – this will mean buses and larger campervans will not be permitted at these sites.

It is Council's intent that the Freedom Camping Bylaw will be used to manage genuine freedom camping and is not an appropriate tool to manage homelessness. It is important for submitters to bear this in mind when considering the proposal.

# Have your say

## Key dates

When	What
21 November 2024	Submissions open
10 February 2025	Submissions close
6 March 2025	Submitters present to Te Puna Kōrero
1 May 2025	Te Puna Kōrero deliberates and changes are agreed
29 May 2025	Bylaw adopted by Council

## Making a submission

You can find copies of this proposal at all Porirua City libraries, and at our front counter at Customer Services, Porirua City Council, 16 Cobham Court, Porirua 5022.

You can have your say in a number of ways:

- Make an online submission at the public consultation section of our website [poriruacity.govt.nz](https://poriruacity.govt.nz). You can also download a submission form here.
- By email to: [submissions@poriruacity.govt.nz](mailto:submissions@poriruacity.govt.nz) with Freedom Camping Bylaw in the subject line
- By hand at:
  - our front counter at 16 Cobham Court, Porirua City
  - any of our city libraries
- By post to: Freedom Camping Bylaw submission  
Porirua City Council  
PO Box 50218  
Porirua City 5240

## Your privacy

All submissions are public information. This supports our drive to be as transparent as possible, but if there are any personal details you don't want made public, please let us know.

## Want to know more

If you have any questions, or would like a little more information, please contact Council at [submissions@poriruacity.govt.nz](mailto:submissions@poriruacity.govt.nz) or 04 237 5089.

# The proposal

## What is freedom camping?

Freedom camping is defined in section 5 of the Freedom Camping Act (the Act) as to camp somewhere other than at a camping ground, using a tent or other temporary structure or a motor vehicle (or both). To be freedom camping it must be within 200m of an area accessible by a motor vehicle, or within 200m of a mean low-water springs line of any sea or harbour, or on or within 200m of a formed road or Great Walks Track. Freedom camping does not include short term parking, day-trip excursions, or resting at the roadside in a motor vehicle to avoid driver fatigue.

Section 5(2A) of the Freedom Camping Act clarifies that homeless people are not freedom camping and therefore not subject to freedom camping rules. The Reserves Act does not draw a distinction between freedom campers and homeless people. It is Council's intent that the Freedom Camping Bylaw will be used to manage genuine freedom camping and is not an appropriate tool to manage homelessness. It is important for submitters to bear this in mind when considering the proposal.

**Prohibited sites** are sites where freedom camping is not permitted at any time.

**Restricted sites** are sites where freedom camping is permitted but subject to specific restrictions (rules).

Freedom camping is permitted on all other Council land, but only if using a self-contained motor vehicle.

## Background

Freedom camping in Porirua was first trialled at Ngāti Toa Domain during the 2011 Rugby World Cup. As part of the 2013 Reserves Management Plan review, Council decided to make freedom camping permanent and expanded the number of sites to include Motukaraka Point, Bradeys Bay, and Onepoto Esplanade Reserve (rowing club car park).

The freedom camping rules for the district are currently set out in the Reserves Management Plan and are reflected in the Reserves Bylaw and Public Places Bylaw. Camping on reserve land is managed under the Reserve Act 1977 and camping on other Council land is managed under the Local Government Act 2002 (LGA). Camping in tents, or vehicles that are not self-contained, is not permitted.

## Reason for this proposal

Most freedom campers in Porirua follow the rules. However, a small number of campers consistently break the rules. The main issue for the Council is campers choosing to stay longer than permitted, in some cases for weeks. In addition, people choose to camp outside the designated areas and ignore the limit on the number of vehicles. There are also occasional issues with the dumping of rubbish and damage to sites. These issues sometimes lead to damage to areas and impacts on other visitors accessing the areas.

Recent changes to the Reserves Act mean officers are now able to issue on-the-spot fines to people violating bylaws made under the Act. These fines mean there are adequate powers to enforce our freedom camping rules, but only on reserve land.

On non-reserve land the only tools available to officers are education or prosecution under the LGA. Prosecution is difficult, time consuming, expensive, and often an excessive response to issues caused by freedom camping.

The lack of enforcement powers make it difficult to address the current issues with freedom camping on non-reserve land. Under the proposed bylaw, freedom camping on non-reserve land would now be managed under the Freedom Camping Act, which would give Council the power to issue on-the-spot fines to people breaking the rules on non-reserve land.

## The options

In reviewing the current issues with freedom camping in Porirua, Council considered all possible options. Council has identified three options for the future of freedom camping in the city. These are to:

- Maintain the status quo of managing freedom camping under the Reserves Act and LGA

- Introduce a bylaw entirely under the Freedom Camping Act for all Council land
- Introduce a bylaw under the Freedom Camping Act for non-reserve land only – recommended option

### **Option One – status quo**

Council can maintain the status quo and manage freedom camping using the Reserves Act for reserves and the LGA for all other land. This is the simplest approach as there is no change. Council can still alter the rules and sites if desired, and any changes may need to be consulted on.

The downside of this approach is that it does not address the current issues, specifically the lack of enforcement tools on non-reserve land. If Council adopted this approach, then the current issues with freedom camping on non-reserve land would continue and Council's ability to deal with any future issues on non-reserve land would be limited.

### **Option Two – bylaw under the Freedom Camping Act for all Council land**

The Freedom Camping Act was introduced in 2011, and amended in 2023, to manage freedom camping in New Zealand. Section 11(1) of the Freedom Camping Act allows councils to make bylaws defining where freedom camping is permitted with restrictions or where freedom camping is prohibited.

If Council introduced a bylaw under the Freedom Camping Act, officers would be able to issue on-the-spot fines for breaking the bylaw rules on both reserve and non-reserve land. This would address the current issue officers have enforcing the freedom camping rules on non-reserve land.

Section 11(2) of the Act only allows councils to create a bylaw in order to:

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

This means that under the Act, freedom camping is permitted by default, and councils can only restrict or prohibit freedom camping for the reasons above.

A site assessment was undertaken by Thrive Spaces and Places to determine the suitability of each site for freedom camping under the Freedom Camping Act. Through this review, Council identified 10 sites across the city where freedom camping would need to be permitted. These sites are:

- Bedford Court car park in Cannons Creek
- Bothamley Lane car park Titahi Bay
- Bradeys Bay in Whitby
- Camborne Walkway northern car park
- Dolly Varden car park in Mana
- Ngāti Toa Domain in Mana
- Ocean Parade car park in Pukerua Bay
- Onepoto Esplanade Reserve in Titahi Bay
- Car park opposite 19-25 Terrace Rd, Titahi Bay
- Car park on corner of Terrace Rd and Lambley Rd, Titahi Bay.

This isn't Council's preferred option as Council believes it is more appropriate to manage freedom camping on reserves under the Reserves Act. The additional sites under this option would also reduce the enforcement team's ability to adequately enforce the rules at the sites, or would come with an additional cost to ensure the enforcement team was resourced to adequately enforce the rules. Before this option could become effective, the Council would also need to consult on changes to its Reserve Management Plan.

### **Option Three – Bylaw under the Freedom Camping Act for non-reserve land only – recommended option**

Section 10 of the Freedom Camping Act makes it clear that freedom camping can be controlled through other legislation. It is possible to combine the powers of the Reserves Act and Freedom Camping Act and

use the Reserves Act to control reserve land and a bylaw made under the Freedom Camping Act to control all other Council land (and NZTA land if desired).

Section 44 of the Reserves Act 1977 prohibits freedom camping on reserves. This means that Council has full discretion on whether to allow freedom camping on reserve land.

This approach will still ensure that freedom camping rules and enforcement powers apply on all Council land. The benefit of this approach is that Council maintains full control over whether to allow freedom camping on reserve land.

### Restricted freedom camping sites under the Proposed Bylaw

Council has identified six sites where freedom camping would be permitted with restrictions under the Proposed Bylaw. These sites are located at:

- Bedford Court car park
- Bradeys Bay
- Camborne Walkway northern car park
- Ngāti Toa Domain
- Ocean Parade car park
- The car park opposite 19-25 Terrace Rd

Schedule 2 of the proposed bylaw contains maps of where freedom camping is permitted at each site and any site-specific rules.

The table below compares the freedom camping sites under each option.

Option 1: Status Quo	Option 2: Bylaw on all Council land	Option 3: Bylaw on reserve land only
Ngāti Toa Domain	Ngāti Toa Domain	Ngāti Toa Domain
Bradeys Bay	Bradeys Bay	Bradeys Bay
Onepoto Esplanade Reserve	Onepoto Esplanade Reserve	
Motukaraka Point		
	Bedford Court	Bedford Court
	Camborne Walkway	Camborne Walkway
	Ocean Parade	Ocean Parade
	Terrace Rd	Terrace Rd
	Bothamley Lane	
	Dolly Varden	
	Corner Terrace & Lambley Rd	

There would be more sites to manage under the recommended Option 3, but Council would have more tools available to manage freedom camping.

There would be fewer sites under the recommended Option 3 compared to a bylaw made under the Freedom Camping Act for all Council land (Option 2). This means less resourcing will be required to manage the freedom camping sites compared to option 2.

## **Restrictions**

The following restrictions are placed on freedom camping:

Freedom camping is restricted to a maximum of 3 nights within a 30-day period at each site.

At Ocean Parade car park and the Camborne Walkway northern car park, freedom camping is restricted to vehicles 6 meters in length or less – this will mean buses and larger campervans will not be permitted at these sites.

## **Prohibited sites**

Motukaraka Point is a current freedom camping site that sits mostly on non-reserve land. This means that prohibiting freedom camping here can only be done under the Freedom Camping Act and Council must justify the ban. Motukaraka Point is a site of significance to Ngāti Toa Rangatira as a pā or kāinga with cultivations and mahinga kai. There are archaeological features, such as middens, which are exposed at Motukaraka Point and have been damaged by freedom campers in the past. Restrictions on freedom camping at Motukaraka Point is unlikely to adequately address the risk of damage to the site. Council has prohibited freedom camping to protect the area.

Onepoto Esplanade Reserve is also a current freedom camping site and Council intends to prohibit freedom camping there as well. As this site is on reserve land, this will not be done through the Proposed Freedom Camping Bylaw, but through the Reserves Management Plan.

In addition to Onepoto Esplanade Reserve and Motukaraka Point, the proposed bylaw also prohibits freedom camping at a number of other sites.

To protect health and safety, freedom camping is prohibited at:

- Civic Place car park
- Cobham Court car park
- Ferry Place car park
- Lydney Place car park
- Te Rauparaha Arena car park
- Waitangirua Community Park car park.

In order to protect access to the area, freedom camping is prohibited at:

- Bedford Court – except for designated freedom camping area
- Camborne Walkway northern car park – except for designated freedom camping area
- Lambley Rd car park
- Ocean Parade car park – except for designated freedom camping area
- Onepoto Boatshed car park
- Plimmerton Fire Station car park
- Queens Park (Taihuka Park)
- Terrace Rd car park – except for designated freedom camping area

Schedule 1 of the proposed bylaw contains maps and descriptions of all the sites where freedom camping is prohibited.

## **Other rules**

Council has discretion under the Act to permit freedom camping in vehicles that are not self-contained. Under the Proposed Freedom Camping Bylaw, freedom camping will not be permitted in vehicles that are not self-contained in any part of the district.

Under the Act, freedom camping includes camping in a tent or temporary structure. As this bylaw covers non-reserve land, Council does not consider there to be any suitable sites for freedom camping in tents or temporary structures. Therefore, under the Proposed Freedom Camping Bylaw, freedom camping in a tent or temporary structure is not permitted.



## Legal considerations

This Statement of Proposal has been prepared in accordance with the requirements of section 11 of the Freedom Camping Act, and sections 83 and 86 of the Local Government Act 2002, and includes:

- a) Consideration of whether the bylaw is necessary to protect the areas in which it is proposed to prohibit or restrict freedom camping, the health and safety of people who may visit those areas, or access to those areas;
- b) Consideration of whether a bylaw is the most appropriate and proportionate way of addressing the perceived problem in relation to the areas in which it is proposed to prohibit or restrict freedom camping;
- c) Consideration of the bylaw's consistency with the New Zealand Bill of Rights Act 1990;
- d) A draft of the proposed Freedom Camping Bylaw 2025.

### **Is the bylaw necessary?**

A site assessment was undertaken by Thrive Spaces and Places to determine the suitability of each site for freedom camping. This review, and the ongoing issues with freedom camping under our current rules, illustrates that a Freedom Camping Bylaw is necessary in order to protect areas of Porirua, the health and safety of visitors to these areas, or to protect access to these areas.

### **Is a bylaw appropriate?**

The options described above illustrate that the proposed bylaw is the most appropriate way to deal with the issues of freedom camping. Council has explored other pieces of legislation, but none can adequately deal with the issues identified above that are created by or associated with freedom camping.

### **Are there implications under the Bill of Rights?**

In drafting the proposed bylaw, Council has ensured the restrictions are fair and reasonable limits on individual rights.

## Supporting information

The draft bylaw is attached. Schedule 1 of the proposed bylaw contains the sites where freedom camping is prohibited, including maps. Schedule 2 contains the sites where freedom camping is permitted with restrictions, including maps and site-specific rules.

The site review is provided to provide context on Council's decision to restrict or prohibit freedom camping at specific sites. The site review was undertaken on all Council land, but as the Proposed Freedom Camping Bylaw does not manage reserve land, reserve sites have been removed from the attached site review.

## Submission form

We'd love your feedback on the Proposed Freedom Camping Bylaw to assist our Council in its decision-making.

### Privacy

All submissions are public information. We do not publish contact details or demographic information. We collect demographic information to help us understand what areas of the community voices we are hearing from.

### Your details

We'd like to know a little more about you

First name		Last name	
Suburb			
Email			
Age (please circle)	(15 or under) (16-25) (26-35) (36-50) (51-65) (66-75) (76 or over)		
Ethnicity			
Gender			

Please withhold my name from being published.

*Please note, your name must be public if you are presenting your submission in person, or you are representing an organisation. Contact details or demographic data will not be made public.*

Are you submitting on behalf of a group, such as an organisation, club, business, or residents' association?

*Please note, this is not your place of work, please ensure you have permission to make a submission on behalf of the group.*

If yes, please provide the name of the group:

### Presenting your submission in person

Would you like to present your submission to Council? The hearing date for this consultation is 6 March at 8:30am

Yes       No

If yes, please provide a phone number so we can get in touch:

Have you used a freedom camping site, in Porirua or elsewhere, in the last two years?

Yes       No

Please let us know where and the experience you had

**1.** Do you agree that the proposed bylaw on non-reserve land (Option 3) is the best way to manage freedom camping in Porirua City?

Yes    No    Partially

Comments

**2.** If you don't agree that the proposed bylaw is the best way to manage freedom camping in Porirua, what is your preferred option?

Option 1: Status Quo       Option 2: A bylaw under Freedom Camping Act on all Council land

Other

Comments

*Schedule 2 of the proposed bylaw outlines the sites where freedom camping is permitted*

**3.** Do you agree with the proposed sites set out in schedule 2?

Yes    No    Partially

Comments

4. Would you like to comment further on any of the sites where freedom camping would be permitted under this bylaw?

- Bedford Court       Bradeys Bay       Camborne Walkway northern car park  
 Ngāti Toa Domain       Ocean Parade       Terrace Rd

Comments

*Section 8 of the draft bylaw prohibits camping in tents or other temporary structures and limits camping to 3 days within a 30-day period at all sites. Schedule 2 also sets site specific rules for each site. At Camborne Walkway northern car park and Ocean Parade car park, only vehicles 6 meters in length or less are permitted. At all sites freedom camping must be in the designated area.*

5. Do you agree with the proposed restrictions?

- Yes    No    Partially

Comments

6. Do you think any other restrictions are needed?

- Yes    No    Partially

Comments

*Under the draft bylaw, freedom camping would be prohibited on all reserve land, except where permitted in schedule 2, and at all sites in Schedule 1.*

7. Do you support prohibiting freedom camping at Motukaraka Point

- Yes    No    Partially

Comments

8. Do you agree that freedom camping should be prohibited at the sites in Schedule 1 and on reserve land (except where included in Schedule 2)

Yes  No  Partially

Comments

9. Do you want to comment on any of the prohibited sites in Schedule 1?

- Civic Place       Cobham Court       Ferry Place       Kilkerran Place  
 Lambley Place       Lydney Place       Motukaraka Point       Onepoto Boatshed car park  
 Plimmerton Fire Station       Queens Park       Te Rauparaha Arena  
 Waitangirua Community Park

Comments

*Freedom camping will also be prohibited at Onepoto Esplanade Reserve (rowing club carpark) under the Reserves Management Plan*

10. Do you support prohibiting freedom camping at Onepoto Esplanade Reserve

Yes  No  Partially

Comments

11. Are there any other comments you would like to make?

Comments