



FREEDOM CAMPING BYLAW

2018

1. **EXPLANATORY NOTE**

The Westland District Council makes this Bylaw under section 11 of the Freedom Camping Act 2011. This Bylaw should therefore be read alongside the Freedom Camping Act.

This Bylaw should also be read in conjunction with the Westland District Council's Freedom Camping Policy.

2. **TITLE**

This Bylaw is the Westland District Council Freedom Camping Bylaw 2018.

3. **PROCEDURE AND COMMENCEMENT**

The initial resolution adopting a statement of proposal for this Bylaw was passed by the Westland District Council at an extraordinary meeting of the Council held on Thursday 11 October 2018 and, following consideration of submissions received during the special consultative procedure, this Bylaw was made by a resolution at a subsequent meeting of the Council on 29th November 2018.

The Bylaw comes into force on the day after its final approval 30th November 2018.

4. **DEFINITIONS**

In this Bylaw, unless the context requires otherwise:

Act means the Freedom Camping Act 2011.

Camping ground has the meaning given in section 5(3) of the Act.

Council means Westland District Council.

District means the district of the Council.

Enforcement Officer means a person warranted or authorised to act as an enforcement officer under the Act.

Freedom camp has the meaning in section 5(1) and (2) of the Act.

Local authority area has the meaning in section 6 of the Act.

Prohibited area means an area identified in Schedule 1: Prohibited Areas for Freedom Camping in which freedom camping is prohibited.

Restricted area means an area identified in Schedule 2: Restricted Areas for Freedom Camping in which freedom camping is permitted subject to restrictions.

5. PURPOSE

The purpose of this Bylaw is to control freedom camping in the Westland District in order to:

- (a) protect local authority areas;
- (b) protect the health and safety of people who may visit local authority areas;
or
- (c) protect access to local authority areas.

6. LOCAL AUTHORITY AREAS WHERE FREEDOM CAMPING PERMITTED

Freedom camping is permitted in any local authority area within the Westland District unless it is restricted or prohibited in an area:

- (a) in accordance with this Bylaw; or
- (b) under any other enactment.

7. PROHIBITED AREAS AS OUTLINED IN SCHEDULE 1

- (1) A person must not freedom camp in any prohibited area identified in Schedule 1: Prohibited Areas for Freedom Camping.
- (2) Despite subclause (1), a person may freedom camp in any prohibited area if he or she has obtained the prior written consent of the Council, granted under clause 9(1), and complies with any conditions on the consent.

8. RESTRICTED AREAS AS OUTLINED IN SCHEDULE 2

- (1) A person may freedom camp in any restricted area identified in Schedule 2: Restricted Areas for Freedom Camping, but must comply with the restrictions listed below and any additional restrictions listed for that area in Schedule 2:
 - (a) Freedom camping is limited to “Certified Self-Contained Vehicles” in accordance with NZS 5465:2001; and
 - (b) Freedom camping at any one location or within 500m of the same location is limited to no more than two consecutive nights, and no more than 10 nights per 30-day period.
 - (c) Non self-contained freedom camping is prohibited on all land owned and administered by the local authority. Camping is only permitted in areas designated as “Responsible Camping Sites” as provided in Schedule 3 of this Bylaw.
 - (d) Designated “Responsible Camping Sites” are provided free of charge for all persons wishing to freedom camp subject to compliance with Schedule 4, conditions of use.
- (2) Despite subclause (1), a person may freedom camp in any restricted area if he or she has obtained the prior written consent of the Council, granted under clause 9(1), and complies with any conditions on the consent.

9. PRIOR CONSENT FROM COUNCIL

- (1) The Council may grant consent to a person to freedom camp in a prohibited area or a restricted area, with or without conditions.
- (2) Consent must be applied for in writing to the Chief Executive Officer of the Council at least two weeks in advance of the date planned for freedom camping in the prohibited area or restricted area.

10. OFFENCES

- (1) As specified by section 20(1) of the Act, every person commits an offence who –
 - (a) freedom camps in a local authority area in breach of any prohibition, restriction or conditions in this Bylaw that applies to the area; or
 - (b) makes preparations to freedom camp in a local authority area in breach of any prohibition, restriction or conditions in this Bylaw that applies to the area.

(3) In accordance with section 27 of the Act, an enforcement officer may issue an infringement notice to anyone who the enforcement officer believes on reasonable grounds has committed or is committing an infringement offence as set out in section 20(1) of the Act (A copy of which is included as information only in Schedule 5

(4) Any person who has obtained the prior written consent of the Council, granted under clause 9(1), and who complies with any conditions on the consent, is not acting in breach of any prohibition or restriction in this Bylaw.

11. PENALTIES

(1) As specified by section 23(1) of the Act, every person who commits an offence pursuant to section 20(1)(a) and (c) of the Act is liable to a fee of \$200 for each offence.

(2) Subject to Section 24 of the Act a person who commits an offence may, in addition to, or instead of the penalty for the offence, be ordered to pay the costs incurred by the local authority in repairing any damage done to the local authority area as a result of the offence.

12. Amendment to restricted and prohibited areas.

(1) The Council may by resolution, publicly notified, add to, amend or alter Schedules 1-4 (One through to four), to include any such area where it is satisfied the additions, amendments or alterations meet the requirements of S11(2) (a)-(c) of the Act

13. RELATIONSHIP OF BYLAW WITH THE NGAI TAHU CLAIMS SETTLEMENT ACT 1998

This Bylaw does not limit or affect the rights in relation to nohoanga entitlements under the Ngai Tahu Claims Settlement Act 1998.

THE COMMON SEAL of the WESTLAND DISTRICT COUNCIL was affixed in the presence of:

Mayor

SCHEDULE 1: PROHIBITED AREAS FOR FREEDOM CAMPING

Location	Reason(s)
Legal road opposite 6440 Otira Highway, adjacent to Otira Hotel	Protection (kiwi habitat) and safety (link to railway sidings and rail corridor, natural hazards including flooding and landslips)
Serpentine Road and beach, Kumara Junction	Access and safety (narrow road and prone to coastal inundation)
One Mile Line Road, Hokitika	Access and safety (narrow, uneven road)
Three Mile Beach Access Road, Hokitika	Access and safety (narrow, uneven road)
Richards Drive west of Revell St, Hokitika	Access and safety (narrow, uneven road)
Unnamed road between 243 and 245 Revell St, Hokitika	Access and safety (narrow, uneven road)
Tudor Street beach access west of Revell St, Hokitika	Access and safety (narrow, uneven road)
Hampden Street beach access west of Revell St, Hokitika	Access and safety (narrow, uneven road)
Stafford Street west of Revell St, Hokitika	Access (high demand for locals and visitors)
Entirety of Beach Street, Hokitika	Access (high demand for locals and visitors)
Gibson Quay west of Beach Street, Hokitika	Access (high demand for locals and visitors)
Sunset Point, excluding an area yet to be developed to the left of the entry gate, Hokitika	Access (high demand for locals and visitors)
Lake Kaniere Road from the forks to Geologist Creek including Hans Bay and Sunny Bight, Lake Kaniere	Access and safety (narrow, uneven road)
South Spit Road, Hokitika	Access and safety (narrow, uneven road)
Shanghai Road beach access west of SH 6, Ruatapu	Access and safety (narrow, uneven road)

Location	Reason(s)
Paiere Road, Ruatapu	Access and safety (narrow road, part of West Coast Wilderness Trail)
Butlers Road beach access west of SH6, Ruatapu	Access and safety (narrow, uneven road)
Ross Cemetery	Protection, access and safety (culturally sensitive site, with narrow, steep access road)
Ross Beach Road, Ross	Access and safety (narrow, uneven road)
Forks-Okarito Road and all of Okarito village except the Domain	Protection, access and safety (Environmentally sensitive site (kiwi habitat), with narrow access road)
SH 6 between McDonald's Creek and Docherty Creek Road	Access and safety (very busy road with poor visibility, uneven road, and flood risk)
Waiho Flat Road, Franz Josef	Access and safety (narrow, uneven road, and flood risk)
Docherty Creek Road, Franz Josef	Access and safety (narrow, uneven road, and flood risk)
Hunts Beach Road, Jacobs River	Protection, access and safety (culturally sensitive site, with narrow access road)
All beach access roads off Haast-Jackson Bay Road, between Haast Beach and Hannah's Clearing, including all roads in Okuru and the entirety of Haast-Jackson Bay Road between Neils Beach and Jackson Bay Wharf	Access and safety (narrow, uneven roads)

Refer to Appendix A for maps of the prohibited areas.

SCHEDULE 2: RESTRICTED AREAS FOR FREEDOM CAMPING

The entire district is subject to the restrictions listed in Section 8 of this bylaw, in order to protect public health and to preserve access by limiting the potential for permanent or semi-permanent occupation by any one vehicle in any particular location.

SCHEDULE 3: DESIGNATED RESPONSIBLE CAMPING SITES.

Location	Map Reference Number
Acre Creek	X 2354955 Y 5844554
Okuku	X 2366266 Y 5831380
Ross	X 2332054 Y 5809553
Beach Road	X 2319590 Y 5802990
Paringa	X 2227717 Y 5716074
Bruce Bay	X 2234882 Y 5727123
Hannahs Clearing	X 2176587 Y 5686913
Jackson Bay	X 2158205 Y 5683588

Refer to Appendix B for maps of the Responsible Camping Areas.

SCHEDULE 4: CONDITIONS OF USE.

All persons freedom camping in designated responsible camping sites provided by the local authority must comply with the following conditions of use;

All sign posted rules situated within the responsible camping sites must be adhered too at all times. This is to include.

- (1) All human waste and refuse must be disposed of in the appropriate manner and within the waste receptacles provided.
- (2) To ensure continued access and use of responsible camping sites, no person shall freedom camp for more than 2 consecutive nights in any one designated site shown in schedule 3
- (3) No person may freedom camp for more than 10 nights in any calendar month within any of the designated sites shown in schedule 3.
- (4) No person is to light any fires except at a fireplace specially provided, or in an appliance designed for outdoor cooking.
- (5) Dogs and our other animals must be restrained at all times and must not cause a disturbance to any other campers.
- (6) No vegetation is to be cut or destroyed.
- (7) The amenity value of all camp users must be respected at all times. This is to include noise and times of travel.

Failure to adhere to this rules may result in fines and removal from the area.

Schedule 5 : Infringement offences in section 20(1) of the Freedom Camping Act 2011.

(This does not form part of the bylaw but is included for information)

20 Offences

- (1) Every person commits an offence who--
 - (a) freedom camps in a local authority area in breach of any prohibition or restriction in a bylaw made under section 11 that applies to the area; or
 - (b) while freedom camping in a local authority area,--
 - (i) interferes with or damages the area, its flora or fauna, or any structure in the area; or
 - (ii) deposits waste in or on the area (other than into an appropriate waste receptacle); or
 - (c) makes preparations to freedom camp in a local authority area in breach of any prohibition or restriction in a bylaw made under section 11 that applies to the area; or
 - (d) deposits waste, generated while freedom camping, in or on a local authority area other than into an appropriate waste receptacle; or fails or refuses to leave a local authority area when required to do so by an enforcement officer acting under section 36; or refuses to give information when required to do so by an enforcement officer under section 35 or gives false or misleading information;

- (2) In this section, **waste receptacle** means a receptacle or facility that is provided by a local authority or the Department for the purposes of disposing of waste (for example, a rubbish bin, public toilet, or bulk waste disposal unit).

- Appendix A for maps of the prohibited areas.
- Appendix B for maps of Responsible Camping Sites.