

# Waitaki District Responsible Freedom Camping Bylaw 2021

December 2021

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*Waitaki District Council, in exercise of its powers under the Local Government Act 2002 and the Freedom Camping Act 2011 hereby makes the following bylaw about freedom camping in the Waitaki District.*

## **Waitaki District Responsible Freedom Camping Bylaw 2021**

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## 1. Title

- 1.1 This bylaw is the Waitaki District Responsible Freedom Camping Bylaw 2021.

## 2. Commencement

- 2.1 This bylaw comes into force on 8 December 2021.

## 3. Application

- 3.1 This bylaw applies to the Waitaki District.

# PART 1 – Preliminary Provisions

## 4. Purpose

- 4.1 The purpose of this bylaw is to regulate and manage freedom camping on land controlled and managed by Waitaki District Council to:

- a) Protect areas;
- b) Protect the health and safety of people who may visit areas;
- c) Ensure appropriate public access to areas is maintained;
- d) Provide transparency for those wishing to freedom camp in the District;
- e) Support a positive experience for campers and local residents.

**Explanatory note:**

*The provisions of this Bylaw only apply to land owned and controlled by Council, and do not apply to land owned or controlled by other organisations, for example the Department of Conservation, Land Information New Zealand, The New Zealand Transport Agency, or privately owned land.*

- 4.2 This Bylaw is intended to encourage responsible freedom camping in the Waitaki District. The principles by which freedom camping is managed to meet the purpose of this Bylaw are set out below:

- a) There is a cost-effective management solution to freedom camping in place for ratepayers of the district;
- b) There are a variety of camping choices available to visitors;
- c) The adverse effects of freedom camping are managed at “hot spot” locations;
- d) Access for other users is maintained;
- e) Waitaki District Council promotes responsible camping;
- f) There is an integrated approach to the management of freedom camping across agencies – DoC, LINZ, Iwi, NZTA, and neighbouring territorial authorities;
- g) Waitaki promotes a consistent freedom camping message across the Canterbury and Otago regions.

## 5. Interpretation

5.1 In this bylaw, unless the context otherwise requires:

**Act** means the Freedom Camping Act 2011.

**Certified self-contained** has the meaning set in the Freedom Camping Act 2011 or any subsequent legislation in amendment of, or substitution for, the same.

*Explanatory note:*

*A self-containment certificate is issued for vehicles that have systems to contain both black water (from toilets) and grey water (wastewater from sinks, showers or similar). The warrant that is issued in conjunction with the self-containment certificate should be displayed inside the front window of the vehicle.*

**Council** means the Waitaki District Council.

**Chief Executive** means the Chief Executive of the Waitaki District Council or his or her delegate.

**District** means the district of Waitaki District Council.

**Enforcement Officer** means a person appointed as an enforcement officer under the Act.

**Freedom camp** has the meaning set in the Freedom Camping Act 2011 or any subsequent legislation in amendment of, or substitution for, the same and includes using either or both of the following:

a tent or other temporary structure:

a motor vehicle

For clarification, as per the Act, this excludes temporary and short-term parking of a motor vehicle, recreational activities commonly known as day-trip excursions, and resting or sleeping at the roadside in a caravan or motor vehicle to avoid driver fatigue.

**Freedom camping** has an equivalent meaning.

**Infringement offence** means an offence specified in Section 20(1) of the Act.

**Local authority area** has the meaning set in the Freedom Camping Act 2011 or any subsequent legislation in amendment of, or substitution for, the same.

**Non-self-contained vehicle** means a vehicle that is being used for the purpose of camping and is not displaying a current self-containment warrant.

**Recreation Manager** means the Recreation Manager of Waitaki District Council or his or her delegate.

**Vehicle** has the same meaning as in section 2(1) of the Land Transport Act 1998, or  
A unit used for camping that is not itself a vehicle but is capable of being:

- a) Transported by means of loading onto a vehicle, and
- b) Used for camping whether or not it is loaded onto a vehicle.

**Waste** means any kind of waste, including human waste.

- 5.2 Every Schedule to the bylaw and the several parts thereof shall be deemed to form part of this Bylaw.
- 5.3 Any explanatory notes and attachments are for information purposes, do not form part of this Bylaw, and may be changed without formality.

## PART 2 – Permitted, Restricted And Prohibited Freedom Camping Areas

### 6. Local authority areas where freedom camping is permitted

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

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

6.2 All freedom camping must comply with the following conditions:

- a) No person may freedom camp except in a certified self-contained vehicle.
- b) No person may freedom camp for more than three nights in any four-week consecutive period in any one area. The four consecutive weeks begin from the first overnight stay.
- c) All effluent must be disposed of at Council-approved facilities.
- d) All solid waste is disposed of at Council-approved facilities.
- e) Campsites must be kept clean and tidy.
- f) Vehicles must be legally parked.
- g) Freedom camping must not prevent others from undertaking legitimate activities in the area.
- h) Freedom camping must not restrict public access to public areas.
- i) The safety of other users is not compromised.
- j) No washing of dishes or washing and drying of clothes in public facilities except for those facilities designated for that purpose.
- k) Enforcement officers must be able to inspect any camp site and freedom campers must comply with any reasonable directions from an enforcement officer including the request to view self-containment certificates and /or warrants.

6.3 The following Council-controlled land is exempt from this bylaw as they are designated fee-paying campground areas:

- Waitaki Lakes campgrounds
  - Parsons Rock
  - Boat Harbour
  - Wildlife Reserve
  - Loch Laird
  - Sailors Cutting
  - Falstone Creek
- Hampden Camping Ground
- Omarama Campground
- Kurow Camping Ground
- Ōamaru Top 10 Motor Camp
- Harbour Tourist Park, Ōamaru
- Dunback Domain camping area
- Duntroon Domain camping area

**Explanatory note:**

*The provisions of the Waitaki District Plan and other bylaws, including, but not limited to, the Roading Bylaw 2013, the Urban Fire Prevention Bylaw 2015, the General Bylaw 2006 and/or any other amendments to these bylaws also apply to freedom camping related activities.*

## 7. Local authority areas where freedom camping is restricted

- 7.1 Freedom camping in any of the areas identified in Schedule 1 is subject to the conditions listed in Schedule 1 and Clause 6.2.

## 8. Local authority areas where freedom camping is prohibited

- 8.1 Schedule 2 identifies areas where freedom camping is prohibited at all times.

## 9. Prior consent from Council

- 9.1 Consent may be sought from Council to allow freedom camping in an area listed in Schedule 2 (Prohibited Areas), which may be granted with or without conditions. Consent must be applied for in writing, providing sufficient detail about the proposed camping, to the Chief Executive of Council at least 20 working days in advance of the date planned for freedom camping in the prohibited area.
- 9.2 Permission may be sought from Council to waive or modify freedom camping restrictions in an area listed in Schedule 1 (Restricted Areas) and/or the restrictions as set out in clause 6.2 which may be granted, with or without conditions. Consent must be applied for in writing, providing sufficient detail about the proposed camping, to the Chief Executive of the Council at least 20 working days in advance of the date planned for freedom camping in the area where restrictions apply.
- 9.3 A Council Officer may revoke a consent granted under clause 9.1 or 9.2 by giving a direction for the person to leave the camping area where that person has:
- a) acted in a manner likely to endanger the health and safety of other people;
  - b) damaged or is likely to cause damage to the site;
  - c) breached any of the conditions included in any consent.
- 9.4 Council may temporarily close an area to freedom camping.
- 9.5 Council may temporarily close or restrict freedom camping on any area or part of any area where such restriction is considered necessary by Council to:
- a) prevent damage to the area or facilities in the area; or
  - b) allow maintenance to the area or facilities thereon; or
  - c) protect the safety of persons or property; or
  - d) provide for better public access, including in circumstances where events are planned for that area.
- 9.6 Notice will be given of any temporary closure or restriction, and the removal of any closure or restriction, in any manner the Chief Executive considers is appropriate to the reason for the closure or restriction. Prior notice of any temporary closure or restriction will be given where possible.



## PART 3 – ENFORCEMENT, OFFENCES AND PENALTIES

### 10. Offences

- 10.1 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 prohibitions or restriction in this bylaw that applies to the area: or
  - b) makes preparations to camp in a local authority area in breach of any prohibition or restriction in this Bylaw that applies to the area.
- 10.2 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.
- 10.3 Where any person is committing or has committed an offence under this Bylaw or the Act, that person must, on the request of an Enforcement Officer:
- a) leave the relevant area immediately; and
  - b) supply their full name, date of birth, full address, telephone number and occupation to the Enforcement Officer, as well as those same details for any other person connected in any way with the alleged offence.

### 11. Penalties

- 11.1 As specified by section 23(1) of the Act, every person who commits an offence pursuant to section 20(1) of the Act is liable to an infringement fine of \$400.
- 11.2 The enforcement officer may also take such other action against the permit holder as authorised by this Bylaw or the Act as the Enforcement Officer deems necessary. It shall not be a precondition to taking such other action that a permit is revoked.

*Explanatory notes:*

*Section 20 of the Act provides for offences, such as not properly disposing of waste into a waste receptacle, damaging or interfering with the flora and fauna in an area, and obstructing or threatening an enforcement officer.*

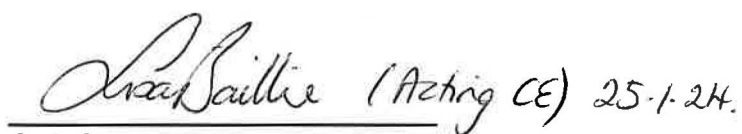
*Section 22 of the Act sets out defences to a freedom camping offence. Council officers use their discretion when investigating freedom camping complaints, which will include consideration of any defences that may be available to a person.*

The Waitaki District Responsible Freedom Camping Bylaw 2021 was made by the Waitaki District Council at a meeting of the Council held on 8 December 2021.

The Common Seal of the Waitaki District Council was affixed in the presence of:

  
Mayor



  
Chief Executive

## Schedule 1: List Of Restricted Freedom Camping Areas

The following are restricted freedom camping areas under the Bylaw (also refer to Schedule 3 for maps):

Area	Map references
Freedom camping in any Residential or Township Zones (as defined in the Operative Waitaki District Plan) that is also within a 50km/hour zone can only occur, provided it is not within a direct line of sight from a residential dwelling outside of which the vehicle is parked, complies with the conditions in Clause 6.2 of this bylaw, and the consent of the property owner or occupant has been obtained.	1A, 1C, 1D, 2, 3A, 3D, 4, 5B, 5D, 6, 7, 8B, 8C

## Schedule 2: List Of Prohibited Freedom Camping Areas

A person must not freedom camp in any prohibited area within the Waitaki District without the prior written consent of the Council (also refer to Schedule 3 for maps):

Area	Map references
<b>ŌHAU</b>	
Ōhau A Reserve	1A
McKinnon Reserve	1A
Lake Ōhau West of Village	1E
Lake Ōhau East of Village	1F
<b>OMARAMA</b>	
Omarama New Cemetery	1B
Omarama Community Centre carpark	1C
Omarama public toilet carpark	1C
Omarama Old Cemetery	1C
Cuthbert Place	1C
Omarama Golf Course	1C
Omarama Recreation Reserve / Domain	1C
<b>OTEMATATA</b>	
Otematata Lakes Centre carpark and shopping centre carpark	1D
Otematata Street Reserve	1D
Sefton Lane Reserve	1D
Otematata Recreation Reserve (Domain)	1D
<b>KUROW</b>	
Walkway Bridge Reserve	2
Kurow Recreation Reserve	2
Kurow Railway Reserve	2
Hydro Place carpark	2
Maxwell Place	2
Kurow Cemetery	2
Kurow Sports Domain	2

Area	Map references
<b>DUNTROON</b>	
Duntroon Cemetery	3A
Duntroon Railway Reserve	3A
Duntroon Domain	3A
<b>LIVINGSTONE</b>	
Livingstone Cemetery	3B
<b>NGAPARA</b>	
Ngapara Cemetery	3C
<b>ENFIELD</b>	
Enfield Domain	3D
<b>ŌAMARU</b>	
Extended Oamaru Harbour area – including reclamation area, old freezer building and eastern end of Test Street	4
Humber Street carparks	4
Lookout Point, Ōamaru	4
Cape Wanbrow	4
Bushy Beach carpark	4
Ōamaru Public Gardens	4
RSA Garden of Memories	4
Wairere Dell	4
Centennial Park	4
Holmes Hill Park	4
Bluestone Heights Reserve	4
Glendale Park	4
Queens Reserve	4
Awamoa Park	4
Awamoa Park East	4
King George Park	4

Area	Map references
Glen Warren Recreation Reserve	4
Glen Eden Recreation Reserve	4
Glen Street Recreation Reserve	4
Fenwick Park	4
Orana Park	4
Roberts Park	4
Casa Nova Park	4
Oakleigh Park	4
Jones Park	4
Skateboard Park	4
Banks Park	4
Ōamaru Stream	4
Harbourside Gardens	4
Hine Marae Recreation Reserve	4
Stoke Street Reserve	4
Berkley Place Park	4
Takaro Park	4
Ōamaru Old Cemetery	4
Ōamaru New Cemetery	4
Southern Reclamation Reserve	4
<b>WESTON</b>	
Weston Park	4
Westview Drive Reserve (in part)	4
<b>MAHENO</b>	
Maheno Cemetery	5A
Maheno Recreation Reserve	5A
Medora Hill Memorial Reserve	5A

Area	Map references
<b>KAKANUI</b>	
Beach Road Foreshore Recreation Reserve	5B
Kakanui Esplanade, Campbell's Bay	5B and 5D
Kakanui River Walkway	5B
All Day Bay, Waianakarua (designated areas at southern and northern end)	5B
Kakanui River Mouth	5E
<b>HERBERT</b>	
Otepopo / Herbert Cemetery	5C
<b>HAMPDEN</b>	
Hampden Beach foreshore	6
Monmouth Reserve	6
Hampden Cemetery	6
<b>MOERAKI</b>	
Moeraki Boulder access road	6
Katiki Lighthouse carpark (Moeraki)	7
Moeraki village – seaward side of main access road	7
Moeraki Beach Reserve	7
Millars Bay Reserve	7
Passionfruit Gully Reserve	7
Centenary Park	7
Moeraki Lookout Point	7
Moeraki Plantation Reserve	7
<b>SHAG POINT</b>	
Shag Point Picnic reserve	8C
<b>MACRAES</b>	
Macraes Domain	8A
Macraes Old Cemetery	8A
Macraes New Cemetery	8A

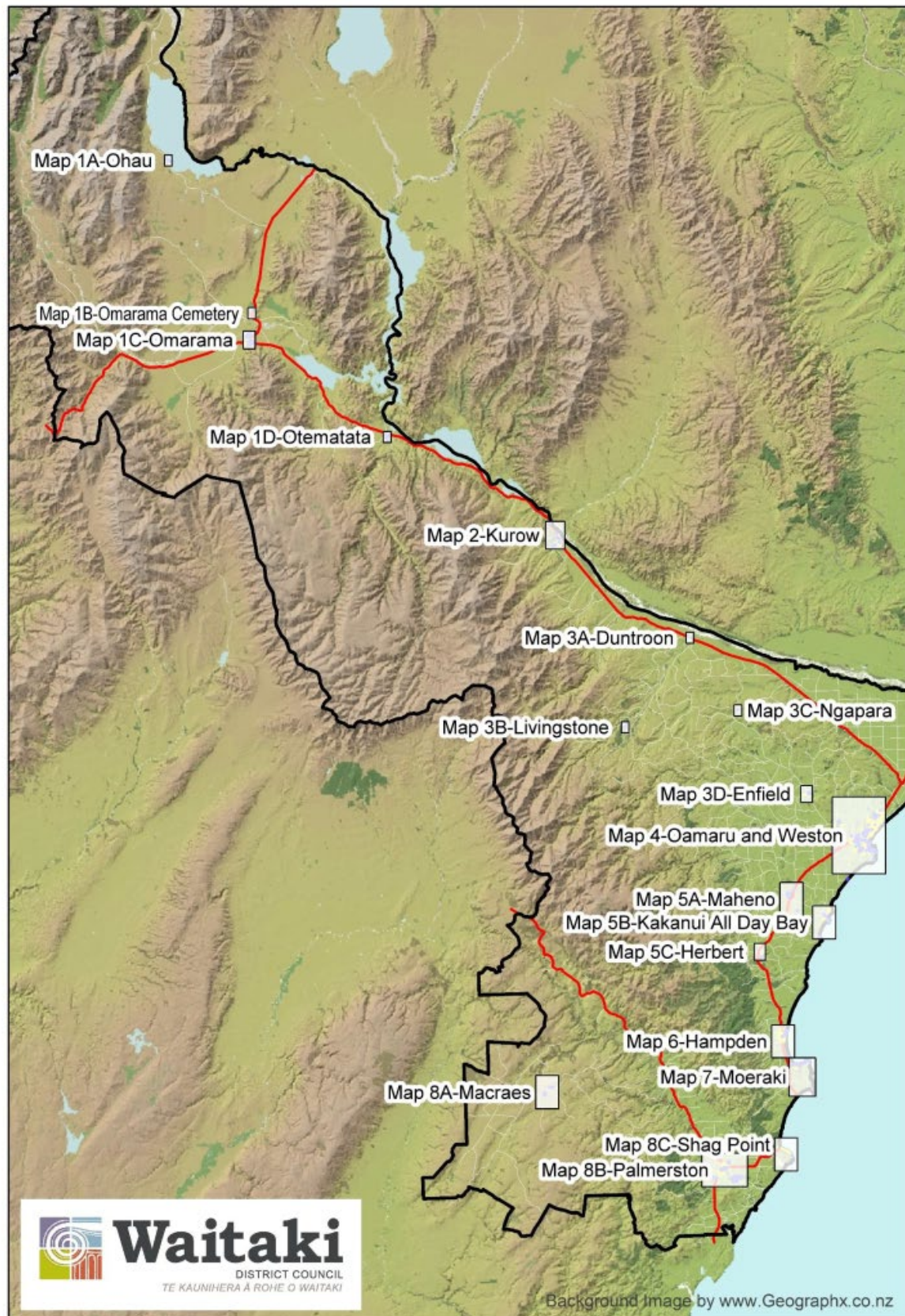
Area	Map references
<b>PALMERSTON</b>	
Palmerston lookout, Craig Street	8B
Centennial Park	8B
Palmerston Cemetery	8B
Ross Park	8B
Palmerston Railway Reserve	8B
Palmerston Domain	8B
Mill Domain	8B
Waihemo Recreation Reserve	8B
Waihemo Service Centre carpark, Palmerston	8B



## **Schedule 3: Maps Of Restricted And Prohibited Freedom Camping Areas**

## Freedom Camping

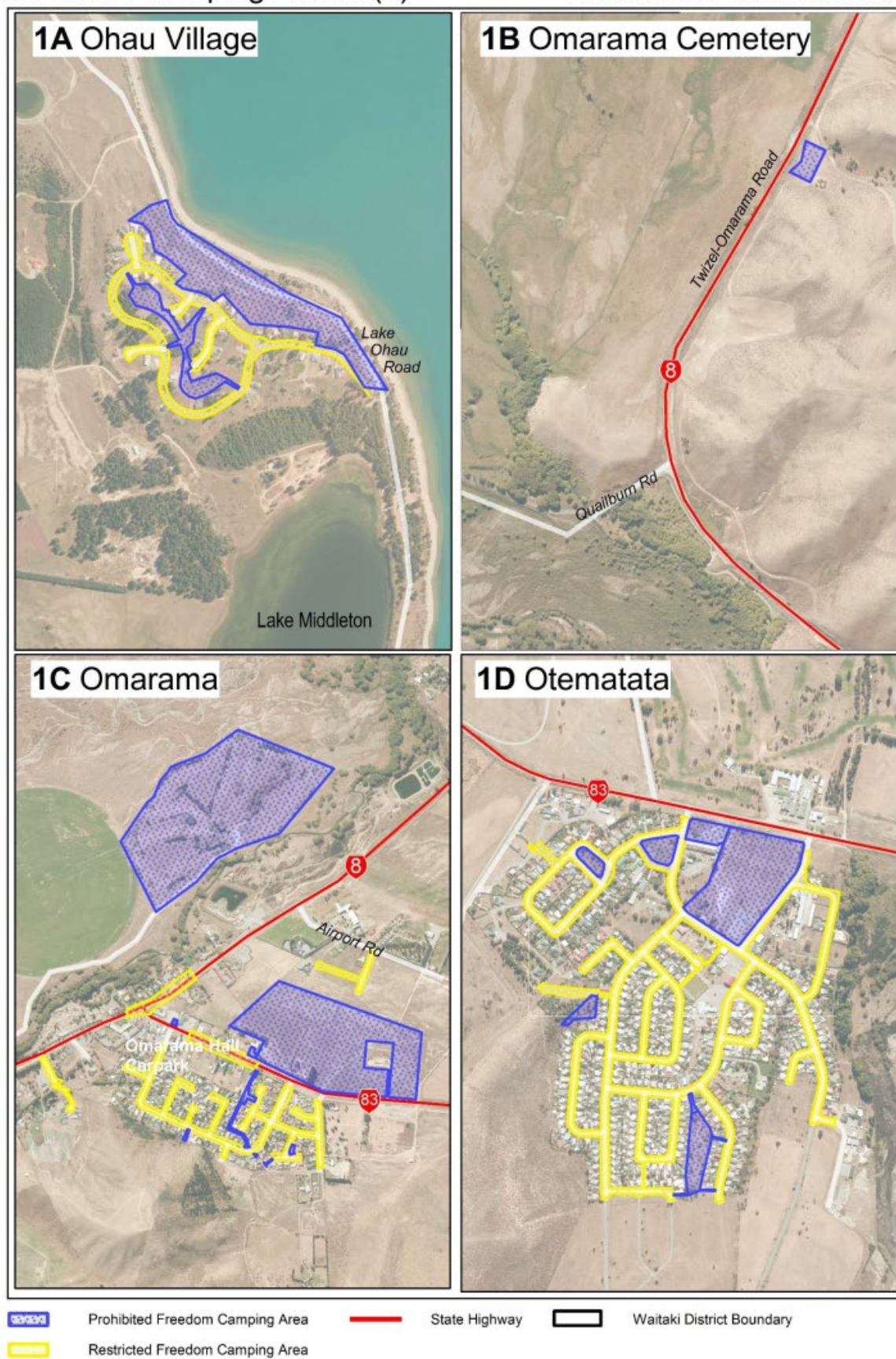
## Prohibited and Restricted Areas





# Freedom Camping Ahuriri (1)

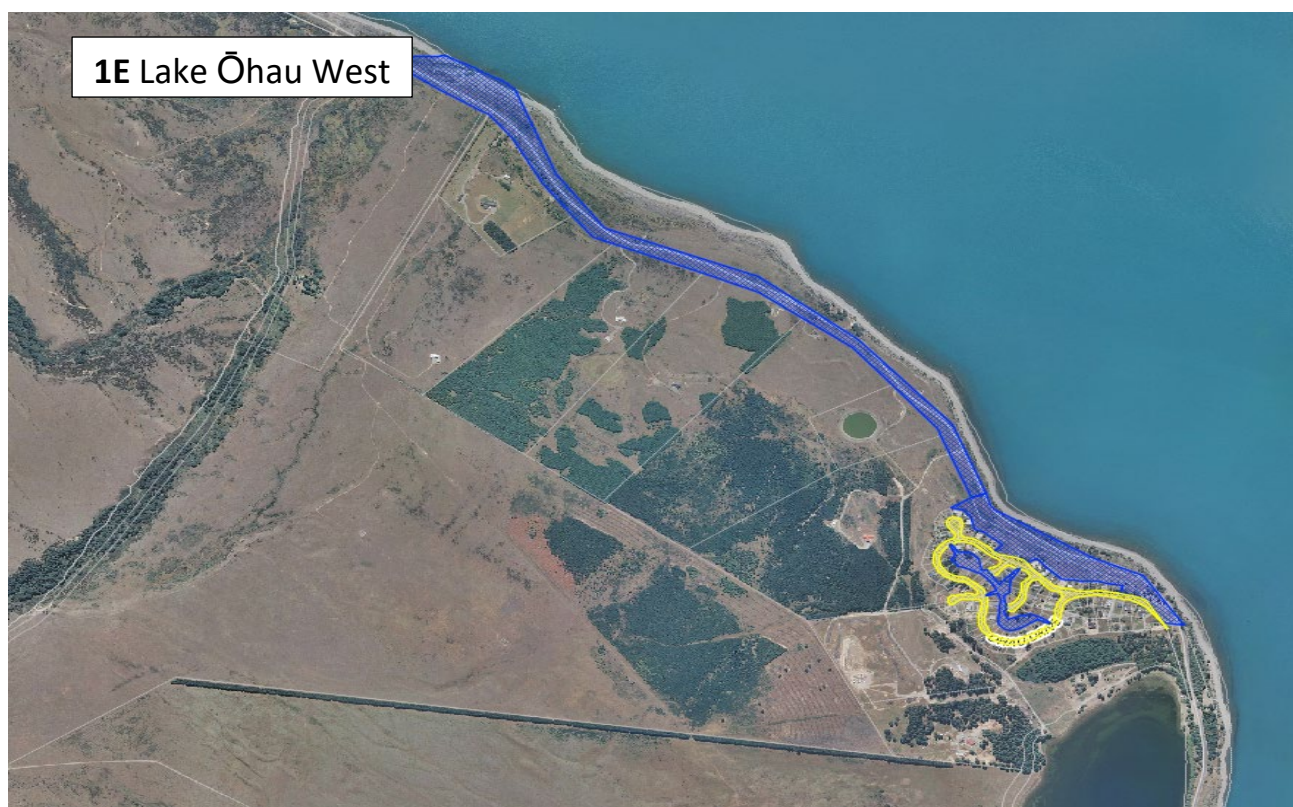
## Prohibited and Restricted Areas





# Freedom Camping Ahuriri (1)

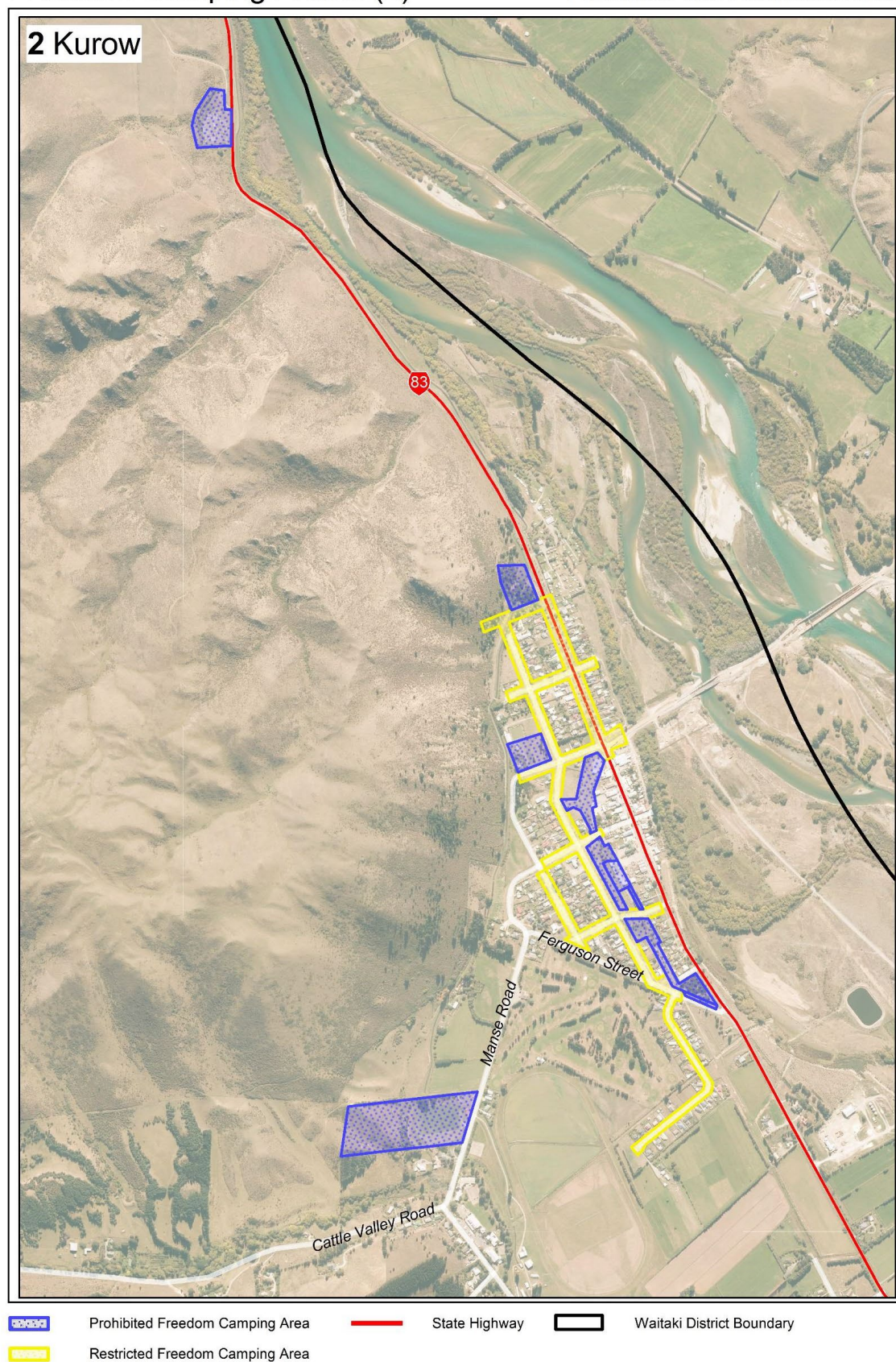
## Prohibited and Restricted Areas





## Freedom Camping Ahuriri (2)

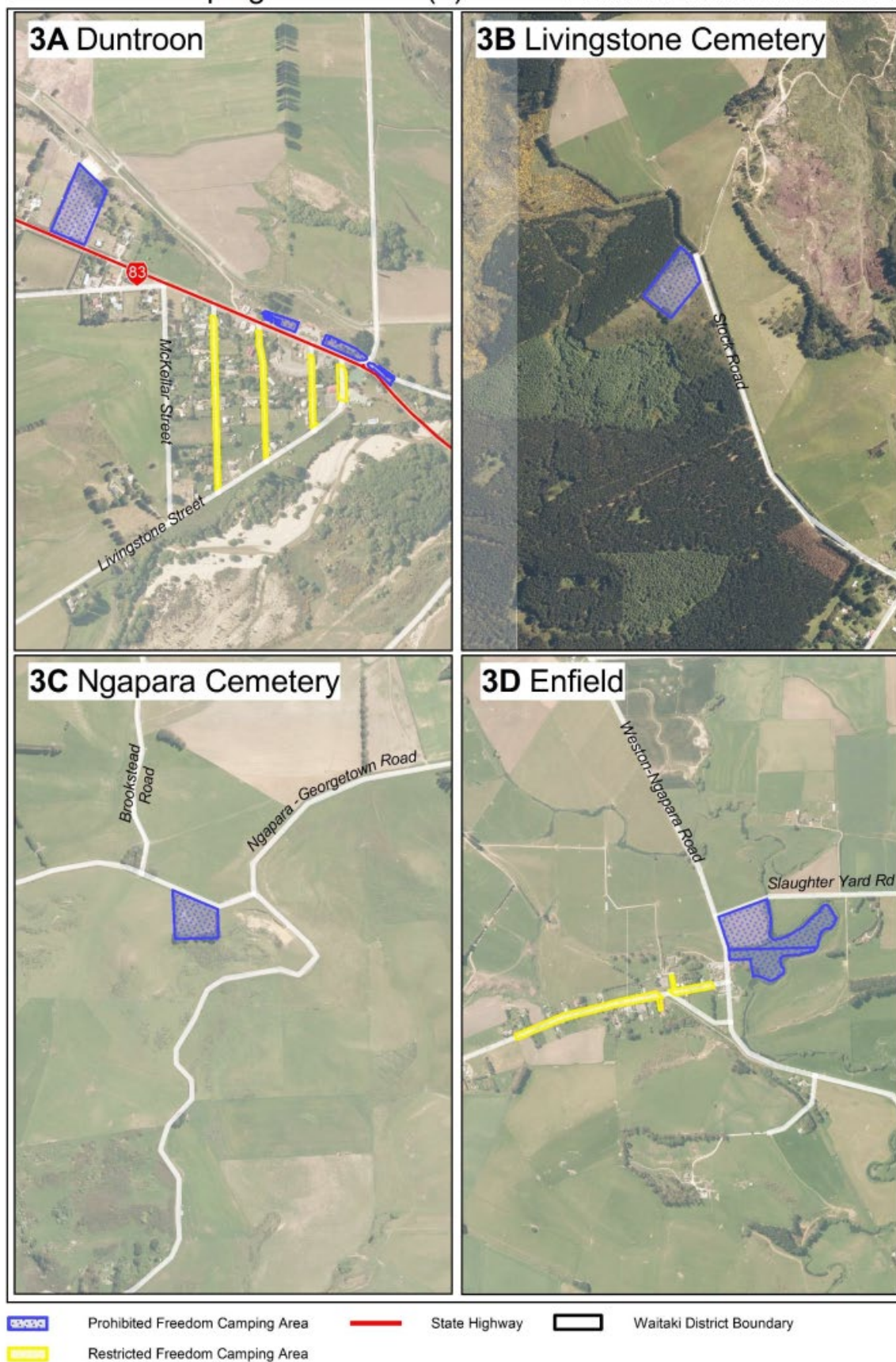
## Prohibited and Restricted Areas





# Freedom Camping Corriedale (3)

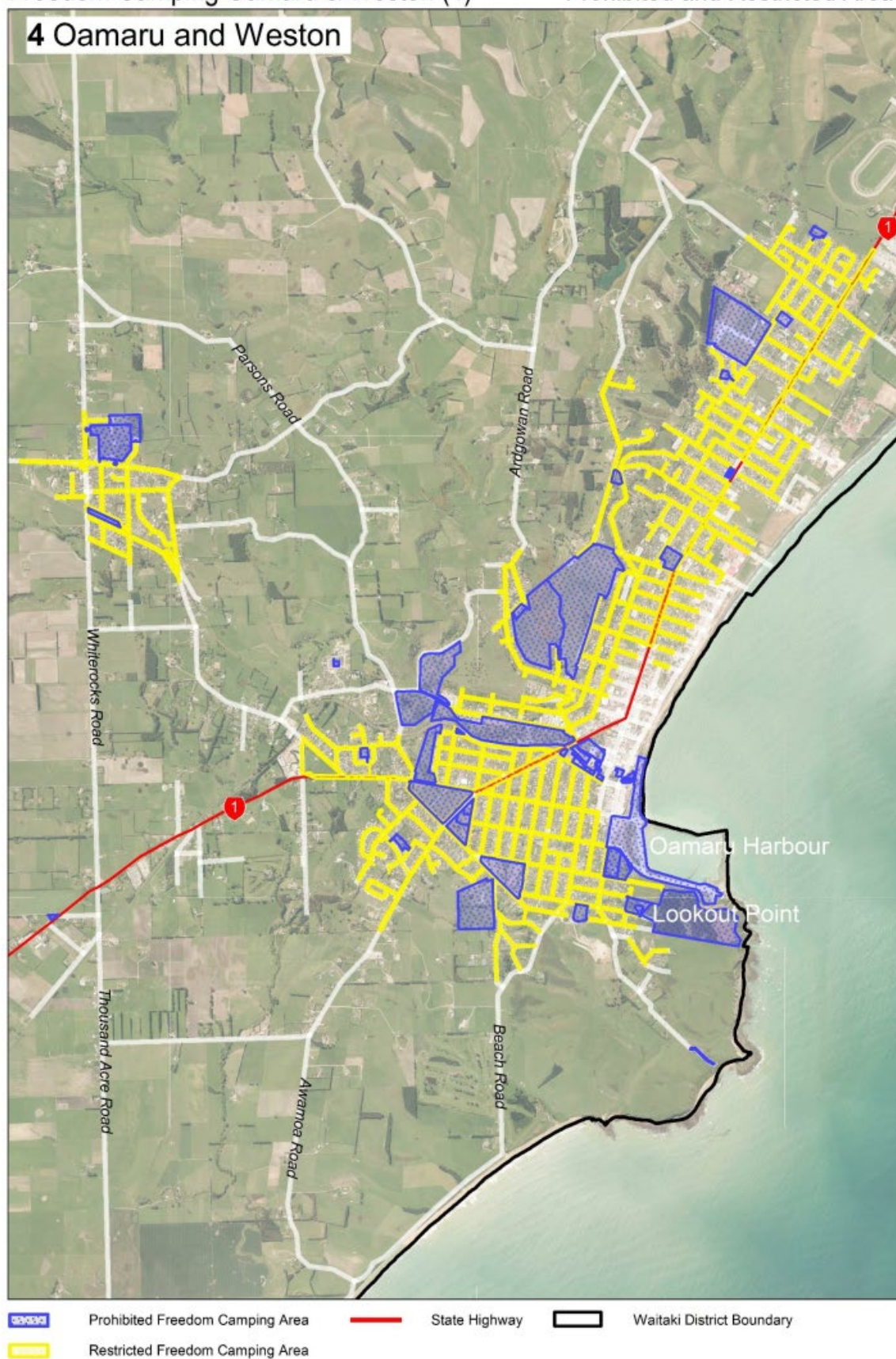
## Prohibited and Restricted Areas





# Freedom Camping Oamaru & Weston (4)

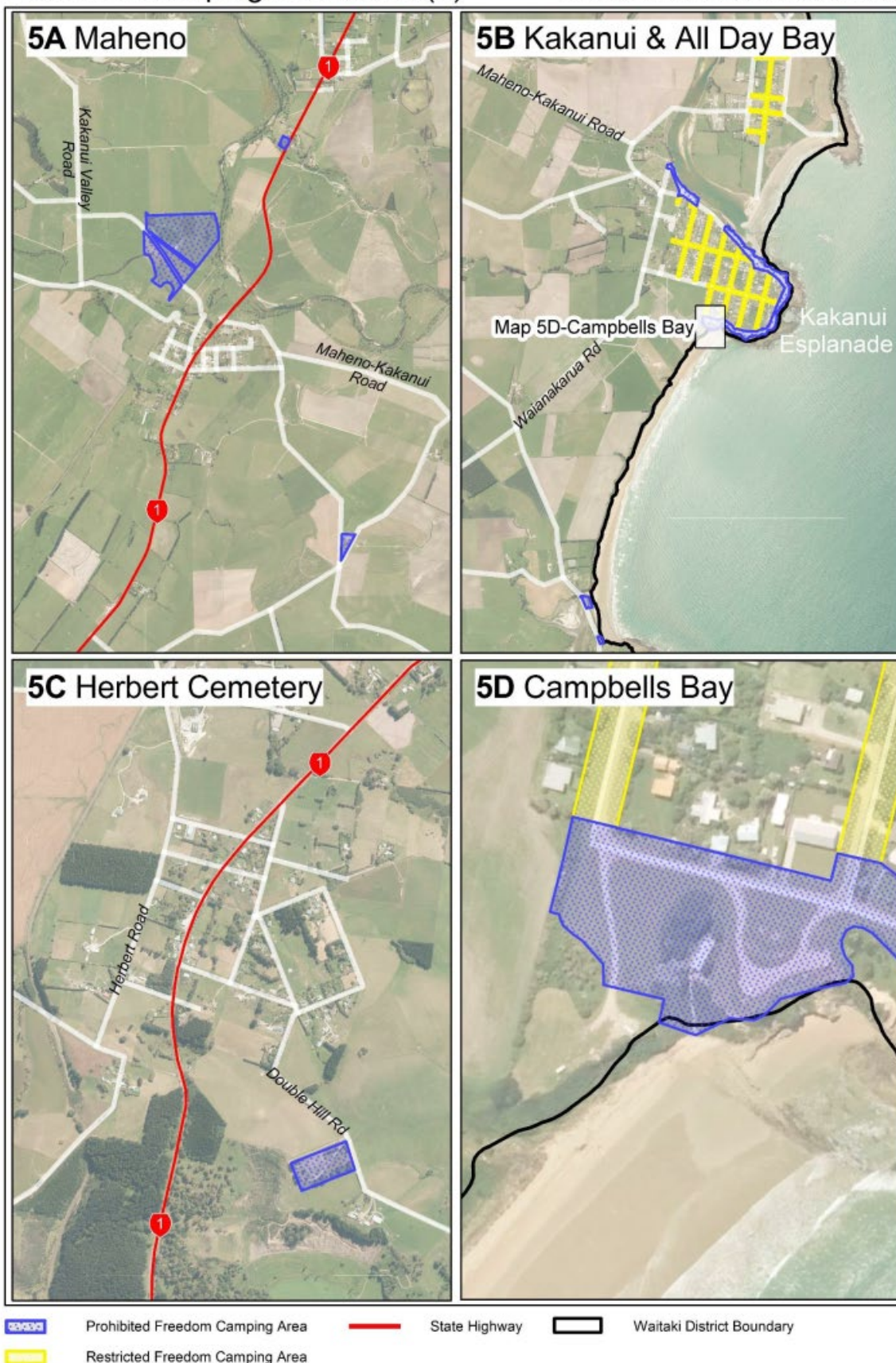
## Prohibited and Restricted Areas





# Freedom Camping Corriedale (5)

## Prohibited and Restricted Areas





# Freedom Camping Corriedale (5)

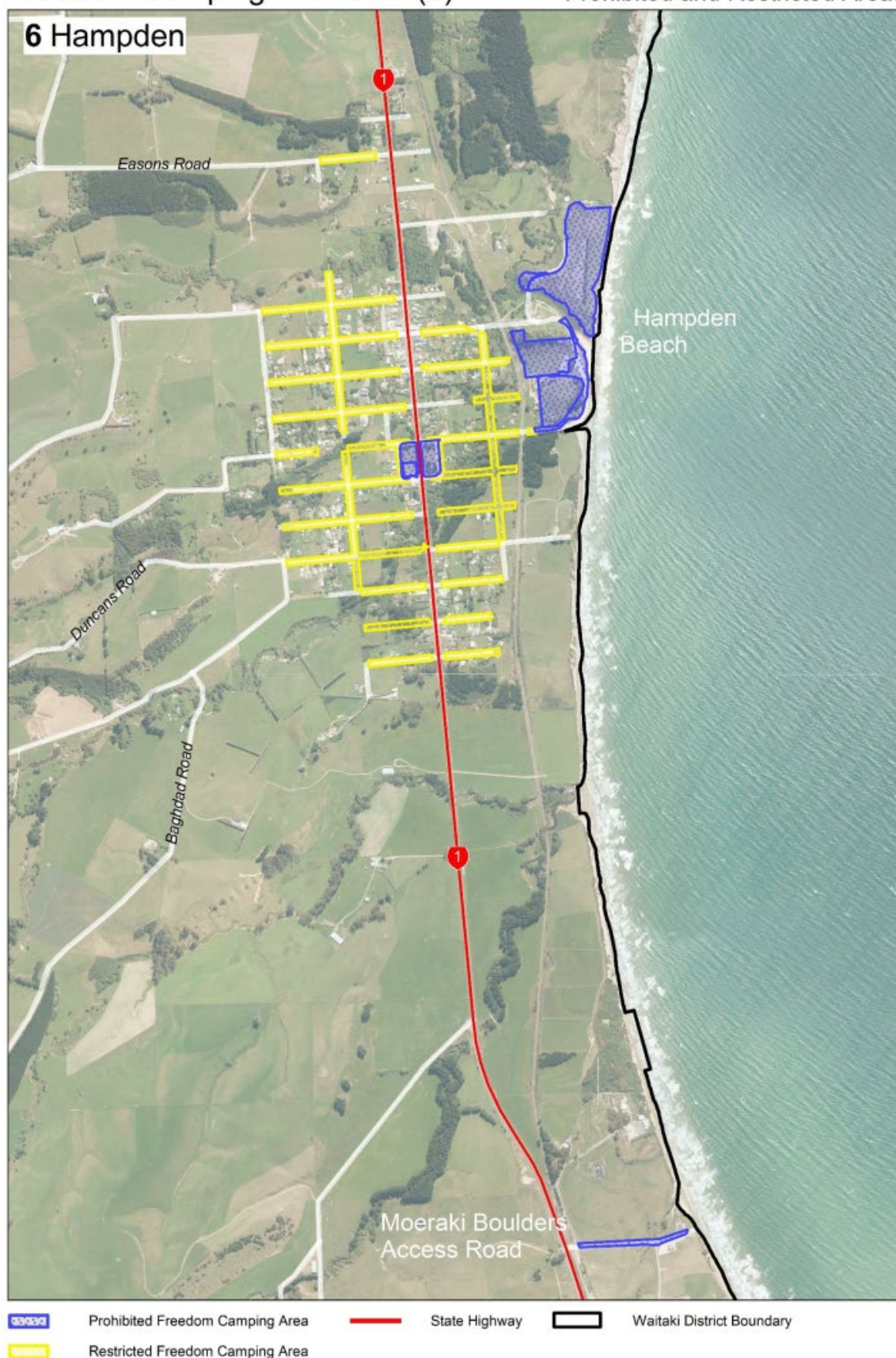
Prohibited and Restricted Areas





# Freedom Camping Waihemo (6)

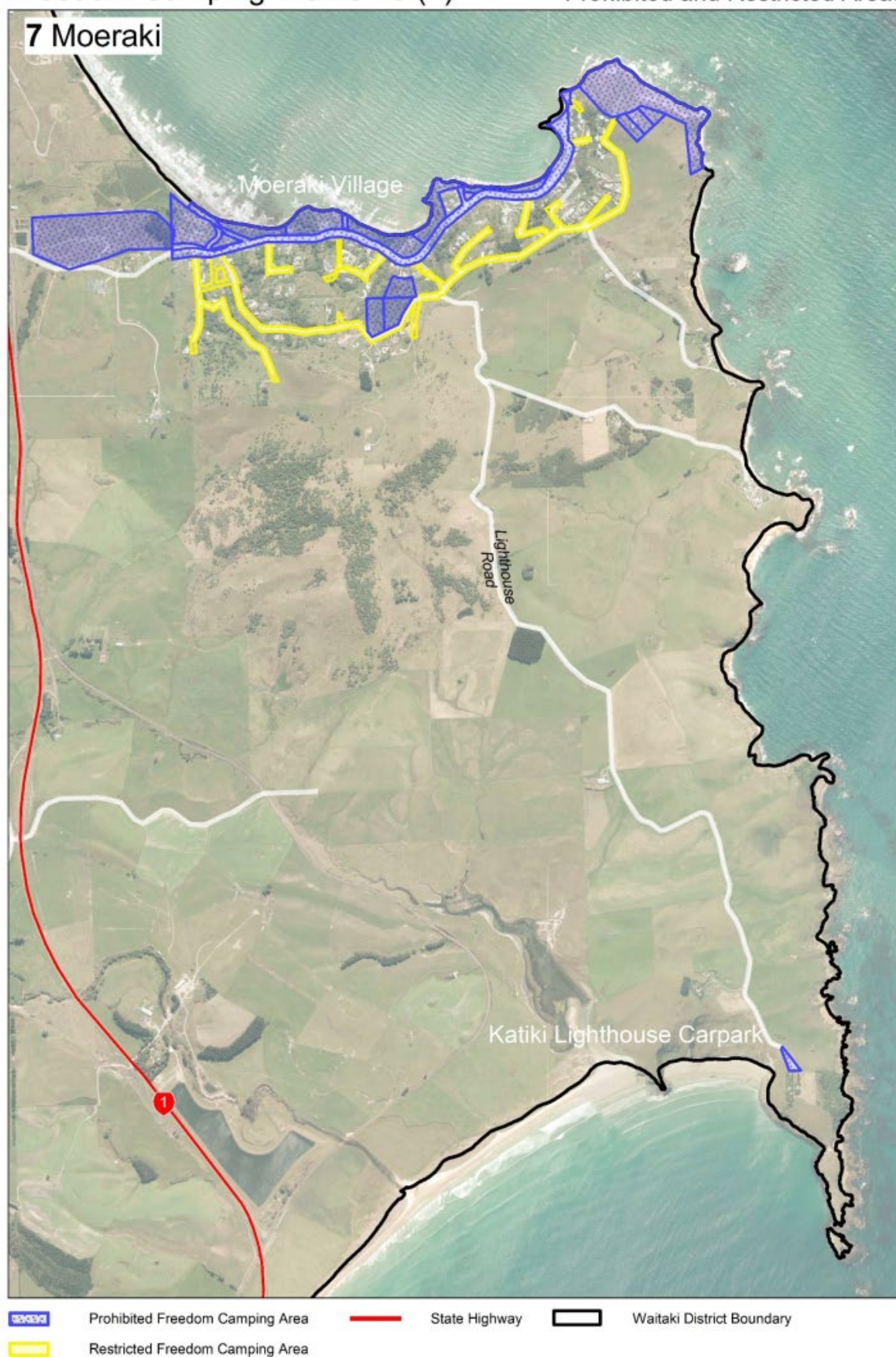
## Prohibited and Restricted Areas





# Freedom Camping Waihemo (7)

## Prohibited and Restricted Areas





## Freedom Camping Waihemo (8)

## Prohibited and Restricted Areas

