



WESTLAND DISTRICT COUNCIL FREEDOM CAMPING CONTROL BYLAW 2011

Explanatory Note

The Council is empowered by the Local Government Act 2002 to make a bylaw restricting freedom camping. The Westland District Council recognises that some visitors choose overnight freedom camping as their preferred accommodation and that this activity has associated economic and social benefits for the District. To minimise potential adverse environmental effects and for the visitors' personal safety, this bylaw requires freedom campers who do not have self-contained vehicles or immediate access to toilet facilities to use camping grounds as an alternative to freedom camping. This bylaw is made pursuant to sections 145 and 146 of the Local Government Act 2002.

1. SHORT TITLE AND COMMENCEMENT

- 1.1 This bylaw shall be known as the Westland District Council Freedom Camping Control Bylaw 2011.
- 1.2 This bylaw shall come into force on 31 May 2011.

2. PURPOSE

The purpose of this bylaw is to –

- 2.1 protect, promote and maintain public health and safety by regulating freedom camping within the District; and
- 2.2 prevent freedom camping in certain public places within the District.

3. INTERPRETATION

In this bylaw, unless the context otherwise requires:

Camp means to stay overnight or more than 1 night, in any form of moveable, portable or temporary accommodation, at a Council controlled public area, including a road or a reserve that is not an accommodation facility.

Camping has an equivalent meaning.

Council means the Westland District Council.

Camping ground means a registered camping ground, or a camping area operated by the Department of Conservation.

Freedom camping means to camp other than at a camping ground.

NZS 5465:2001 means the New Zealand Standard "Self Containment of Motor Caravans and Caravans".

Public place means:

(a) a place:

- (i) that is under the control of the Council; and
- (ii) that is open to, or being used by, the public, whether or not there is a charge for admission; and

(b) includes:

- (i) a road, whether or not the road is under the control of the Council; and
- (ii) any part of a public place.

4. RESTRICTIONS ON FREEDOM CAMPING

4.1 A person must not camp:

- 4.1.1 in any area where Westland District Council "No Camping or Overnight Parking" signs are displayed; or
- 4.1.2 on any Council reserve (apart from legal road) in any town unless provided for in a management plan; or
- 4.1.3 within 1 km of the external boundary of all Westland District townships and settlements as identified in the Westland District Plan; or
- 4.1.4 in any area where there is no immediate access to toilet facilities.

4.2 Subclause 4.1 does not apply if a person is camping –

- 4.2.1 at a camping ground.

5. CONDITIONS FOR FREEDOM CAMPING

- 5.1 Freedom camping is permitted in areas other than those prohibited by Clause 4.1 of this bylaw.
- 5.2 Freedom camping must only be undertaken in a "Certified Self Contained Vehicle" fitted in accordance with NZS 5465:2001.
- 5.3 No person may undertake freedom camping for longer than two nights in any calendar month at any single location.
- 5.4 Toilet waste and greywater must be disposed of at an approved dump point.
- 5.5 All refuse must be disposed of at an approved refuse collection facility.
- 5.6 An area used for freedom camping must be left in a clean and tidy state by users.
- 5.7 Where an authorised officer suspects any person or persons to be in breach of this bylaw, then that Officer can require that person(s) to remove themselves and their vehicle from that place forthwith.

6. PENALTIES AND OFFENCES

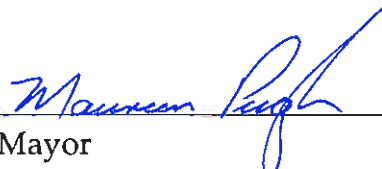
- 6.1 Every person commits a breach of this bylaw who:
 - 6.1.1 Commits, or causes to be committed, any act contrary to this bylaw; or
 - 6.1.2 Omits, or knowingly permits to remain undone, any act required by this bylaw; or
 - 6.1.3 Refuses, or neglects to comply with, any notice or request, or any condition in any such notice or request, given by a Council Officer pursuant to this bylaw; or
 - 6.1.4 Obstructs or hinders any officer of the Council in the performance of any power or duty conferred upon him or her by this bylaw.
- 6.2 Every person who breaches this bylaw commits an offence and is liable on summary conviction to a fine not exceeding \$20,000; the fee will be determined by the Minister for the Environment.

7. RELATIONSHIP OF BYLAW WITH NGAI TAHU CLAIMS SETTLEMENT ACT 1998

This bylaw does not limit or affect the rights in relation to Nohanga entitlements under the Ngai Tahu Claims Settlement Act 1998


The initial resolution to make this Bylaw was passed by the Westland District Council at an ordinary meeting of the Council held on the 24th day of March 2011 and was confirmed, following consideration of submissions received during the special consultative procedure, by a resolution at a subsequent meeting of the Council on the 28th day of April, 2011.

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



Mayor





Chief Executive Officer