

# WORKSHOP AGENDA

## Responsible Freedom Camping

to be held on **Wednesday, 9 October 2024**, commencing at **2.00 pm**

in the Council Chambers, 36 Weld Street, Hokitika and via Zoom.

Facilitator:		Her Worship the Mayor
<b>Members</b>	Deputy Mayor Cassin	Cr Phelps
	Cr Baird	Cr Burden
	Cr Davidson	Cr Gillett
	Cr Manera	Cr Neale
	Kw Tumahai	Kw Madgwick
<b>Council Staff</b>	S. Baxendale, Acting Chief Executive	L. Crichton, Group Manager Corporate Services and Risk Assurance
	E. Bencich, Acting Group Manager District Assets	D. Maitland, Executive Assistant
	E. Rae, Strategy and Communications Advisor	P. Coleman, Governance Administrator
	Alicia Paulsen, Asset Strategy and Development Manager	Kate Baird, Asset Management Officer
	Vern Morris, Compliance Team Leader	



**The purpose of this workshop is for a discussion on Responsible Freedom Camping within the Westland District.**

**The purpose of the workshop is primarily for the provision of information and discussion and will not make any decisions or pass any resolutions.**

**1. PRESENT AND APOLOGIES**

**2. WORKSHOP ITEMS:**

- Bylaw Recommendations
- Site Designations

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Statement of Proposal  
under Special Consultative Procedure as per  
Section 86 of Local Government Act 2002:

## **Responsible Freedom Camping Bylaw 2024**

## **THE PROPOSAL:**

Westland District Council (the Council) is reviewing its regulatory approach to freedom camping. This statement of proposal details the Council's proposal to make a new Responsible Freedom Camping Bylaw under Section 11 of the Freedom Camping Act 2011 (the Act). A draft of the Proposed Bylaw is attached to this statement of proposal.

***Submissions open: 27<sup>th</sup> September 2024***

***Submissions close: 29<sup>th</sup> October 2024***

***Hearing date: 14<sup>th</sup> November 2024***

Westland District Council (the Council) is reviewing its regulatory approach to freedom camping. This statement of proposal details the Council's proposal to make a new Responsible Freedom Camping Bylaw under Section 11 of the Freedom Camping Act 2011 (the Act). A draft of the Proposed Bylaw is attached to this statement of proposal.

We are seeking feedback on the proposed Responsible Freedom Camping Bylaw 2024. Consultation allows the community to have a say on the content, and changes to, the Proposed Bylaw. Council welcomes your feedback with consultation open from 27<sup>th</sup> September 2024 to 29<sup>th</sup> October 2024.

This statement of proposal has been made for the purposes of section 82, 84 and 86 of the Local Government Act 2002 and section 11B of the Freedom Camping Act 2011.

## 1. What is Freedom Camping

Camping as an activity is managed through a range of other plans, bylaws and legislation. The Council does not currently have a freedom camping bylaw, and as a result, cannot effectively regulate or enforce rules relating to freedom camping at any parks or other Council land that is not gazetted Reserve.

The Act is permissible by default, which means its starting point is to allow freedom camping on all council controlled or managed land, unless prohibited under other legislation (such as the Reserves Act 1977). However, the Act does not recognise that some areas under control or management of councils may not be suitable for freedom camping and enables councils to make a bylaw to protect these areas. This includes protecting an area, protecting the health and safety of the people who may visit an area, and to protect access to an area.

Freedom camping bylaws can identify areas where freedom camping is prohibited and restricted to manage how and where freedom camping can occur, and what additional conditions may be needed in some areas. Bylaws can also identify areas where freedom camping can occur in vehicles that are not self-contained.

Any restrictions or prohibitions on freedom camping must be consistent with the Act and can only be applied if the restrictions or prohibitions are proportionate, and within the scope of the criteria within section 11(5) of the Act. According to the Act, areas may only be prohibited or restricted for the following reasons:

- (i) to protect the area
- (ii) to protect the health and safety of people who may visit the area
- (iii) to protect access to the area

Areas must be assessed against these criteria before any restrictions or prohibitions are applied to ensure the Bylaw is appropriate, proportionate, consistent, and defensible.

A freedom camping bylaw made under the Act cannot address issues other than camping as defined by the Act. This definition does not include staying at a camping ground, temporary or short-term parking of a motor vehicle, day trips, or resting or sleeping at the roadside to avoid driver fatigue. It also explicitly excludes those experiencing homelessness who may be living in their vehicle. The land covered by the Act is also limited to those areas controlled or managed by Council, and does not include private land or Department of Conservation (DOC) reserves.

## 2. Changes to National Legislation

The Self-contained Motor Vehicles Act 2023 came into force in June 2023 and made amendments to the Freedom Camping Act 2011. A key change made by the amendment means that since June 2023, if a person is freedom camping on council controlled or managed land using a vehicle, they must be using a certified self-contained vehicle to freedom camp. The definition of self-contained has been updated to require a fixed toilet. These changes apply nation-wide, regardless of whether or not a Council has a bylaw. There is a transition period to allow people with current 'blue sticker' certifications (under the old certification requirement) time to move to the new 'green sticker' certification (where a fixed toilet will be required) over the next two years.

Changes were also made to the infringement fees and fines structure under the Act. The original infringement fee of \$200 has been replaced by a new tiered penalty system which came into force on 13 July 2023 and provides Councils with more options to apply fines proportionate to the breach of a freedom camping bylaw or the Act.

## 3. Options Considered

Westland District is a popular destination for campers, however, the District faces a number of challenges in balancing the needs of these visitors with the wellbeing of the communities that host them. The coastline, in particular, is a place of historical, cultural and environmental significance, home to important archaeological sites, unique ecosystems and biodiversity. It is also vulnerable to the impacts of severe weather, coastal erosion and climate change with infrastructure and access to remote communities at risk.

The broad geographical distribution of the District presents an additional challenge for enforcement and heightens concerns for health and safety of both visitors and local communities. Any regulation imposed by a freedom camping bylaw must reflect these challenges and regulations must be balanced with the corresponding expectation of enforcement from the community.

Council can consider five ways to address matters related to freedom camping:

- i. Do nothing –

Under this, the Council maintains the status quo of having no bylaw and the Freedom Camping Act 2011 would apply. Under section 10 of that Act, freedom camping is generally permitted, subject to restrictions and prohibitions provided for in other legislation. A key area where such restrictions apply are in reserves, where the use of these areas for temporary accommodation, such as freedom camping, is restricted by section 44 of the Reserves Act 1977.

- ii. Make a bylaw under the Local Government Act 2002 –

This would restrict or prohibit freedom camping in some areas and, in accordance with section 10(b) of the Freedom Camping Act 2011, would be controlling freedom camping 'under any other enactment'.

- iii. Use reserve management plans –

This would permit freedom camping on some reserves, where it is appropriate to do so. Freedom camping would continue to be prohibited on all other reserves, but would be permitted on all other Council land, under the Freedom Camping Act 2011.

- iv. Add rules to the district plan –

Rules controlling freedom camping could be added to the Council’s Proposed District Plan by using the plan change process set out in the Resource Management Act 1991.

- v. Make a bylaw under the Freedom Camping Act 2011 -

This would restrict or prohibit freedom camping in some areas, including allowing freedom camping with restrictions on some reserves, where it is appropriate to do so.

Council considered the above options and given Council previously had a bylaw, concluded that creating a bylaw under the Freedom Camping Act 2011 would be the most reasonably practicable solution for addressing the issues caused by freedom camping.

## 4. What is Council proposing?

The Proposed Bylaw includes rules for Freedom Camping across the district including identification of prohibited and restricted areas. The Proposed Bylaw seeks to protect areas, the health and safety of people using areas, and protecting access to areas, from negative impacts caused by freedom camping.

A summary of the Proposed Bylaw is detailed below. The Proposed Bylaw is also attached to this document in full.

### **General provisions**

The Proposed Bylaw follows a similar form that other councils use, in order to better support freedom campers as they travel the country and seek to understand the different rules within each district. Where possible, the defined terms in the bylaw like ‘Self-contained’ and ‘Freedom Camping’ directly link back to the Act to limit any potential inconsistencies, however, the Proposed Bylaw includes copies of the relevant parts of the Act to make it easy for the meaning of those defined terms to be understood without needing to review the legislation.

The Proposed Bylaw provides Council with a tool to temporarily close an area to freedom camping if required to protect an area, protect the health and safety of the people who may visit an area, and to protect access to an area, and also provides a mechanism for an exemption to be granted if a person needs to freedom camp in a prohibited or restricted area, such as during an event.

The Proposed Bylaw does not specify District-wide rules in addition to those general requirements under the Act. Instead, the bylaw aims to formalise areas which are currently understood to be camping areas within the district, areas which experience problems associated with freedom camping, or areas which require additional protection. These areas are defined in the Schedules of the Proposed Bylaw and indicative maps of the areas are included as well.

### **Incorporation of NZ Standard by reference – Certified Self-contained**

The Proposed Bylaw uses the definition of certified self-contained motor vehicle within the Act. To support and provide further information to this definition, the Proposed Bylaw also incorporates by reference the NZ Standard 5465:2001 Self containment of motor caravans and caravans which has further detail of the more technical requirements of certification.

As required by clause 1 of Schedule 2 of the Legislation Act 2019, this statement of proposal is public notice of the proposal to incorporate the NZ Standard in the Freedom Camping Bylaw. The NZ Standard

is incorporated by reference because it is impracticable to include its content in the bylaw. The NZ Standard is publicly available here where it can be viewed or printed once for free. We are seeking feedback on the incorporation of the NZ Standard in the Proposed Bylaw, particularly comments about whether:

- the Proposed Bylaw clearly identifies the material incorporated; and
- the means of making the NZ Standard publicly available is sufficient to enable people to find and obtain copies of it with reasonable ease; and
- it is otherwise appropriate.

The standard can be viewed or printed once for free at this link:

<https://www.standards.govt.nz/shop/nzs-54652001>

## 5. Specific Area Restrictions

Any potential areas for prohibition or restriction must be first assessed against the criteria in section 11(2) of the Act before being included in a freedom camping bylaw. This section states that councils can only prohibit or restrict freedom camping in an area if this is necessary to:

- (i) protect the area - to protect areas that are environmentally or culturally sensitive.
- (ii) protect health and safety - to keep freedom campers and other visitors to an area safe.
- (iii) protect access to the area - where the presence of freedom campers could block access or damage infrastructure.

The assessments were completed using a tool which is used by many New Zealand councils and is considered best practice by the sector. This assessment looks at each of the three elements outlined in section 11(2) of the Act to determine whether prohibiting or restricting freedom camping is appropriate in the area. The tool provides councils with a standardised and transparent way of applying the Act and demonstrates a clear line of sight between the criteria in the Act, and the bylaw.

Prohibitions and restrictions have been included in the bylaw to formalise areas for freedom camping as well as identifying areas which require protection through a bylaw under the Act. These prohibitions and restrictions are proposed with consideration for the enforcement challenges present in the District. Consideration has been given to ensure an appropriate and practical balance between the need for and benefits of protection and the ability for enforcement, with the understanding that there is a relationship between the complexity of regulation and the level of service expected by the community.

As a result of this assessment, the Proposed Bylaw includes the following prohibitions and restrictions.

### **Prohibitions**

The Proposed Bylaw prohibits freedom camping in the following township areas:

- Kaniere
- Ruatapu
- Okarito
- Fox Glacier
- Hannahs Clearing
- Okuru
- Neils Beach
- Jacksons Bay

## Specific Area Restrictions

The Proposed Bylaw places restrictions on freedom camping in the areas of:

- Kumara
- Arahura
- Hokitika
- Milltown
- Rimu/Woodstock
- Ross
- Kakapotahi
- Harihari
- Franz Josef
- Bruce Bay
- Paringa
- Haast

Freedom camping in these urban areas is restricted to certified self-contained and non self-contained (depending on the area) for a maximum of two nights in one location within a 30-day period. These restrictions ensure that freedom campers can visit and enjoy the townships' amenities while protecting access to these areas and the health and safety of residents and visitors alike, by ensuring short stays that will not adversely impact on any one location within the townships.

## 6. New Zealand Bill of Rights Act 1990

The Council must determine whether the bylaws made under the Local Government Act 2002 give rise to any implications under the New Zealand Bill of Rights Act 1990.

This bylaw is similar to bylaws used by other territorial local authorities, and there is no legislative commentary reviewed that would suggest Bill of Rights implications. The Proposed Bylaw content is considered to reflect a suitable balance between personal freedoms and community protection, and is not considered to have discriminatory effects.

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## KEY DATES

**SUBMISSIONS OPEN:** 9am 27<sup>th</sup> September 2024

**SUBMISSIONS CLOSE:** 5pm 29<sup>th</sup> October 2024

**HEARING, DELIBERATION AND DECISION:** 9am 14<sup>th</sup> November 2024

**Revisions applied:** The revisions will generally take effect the day after the decision is made by Council.

The Responsible Freedom Camping Bylaw 2024 can be found [here](#).

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## SHARE YOUR FEEDBACK

**IN PERSON** You have the option to speak to Council during the hearing. If you have not provided a written submission either call or email us to discuss this option.

If you make a submission in writing you can tick the box on the online submission form to advise that you would like to speak at the hearing, or advise us in your email or letter and we will get in touch with you.

**ONLINE** You can make your submission online. Go to: <https://www.westlanddc.govt.nz/responsible-camping-bylaw/>

**IN WRITING** You can make a written submission by post or by sending us an email, or complete, scan and email the printable submission form.

**POST:** Westland District Council, 36 Weld Street, Hokitika 7811

**EMAIL:** [infrastructure@westlanddc.govt.nz](mailto:infrastructure@westlanddc.govt.nz)

**OVER THE PHONE:** If using the online submission form or sending an email is not an option, you can make a submission by calling Council on the number below:

**PHONE:** 03 756 9010

**FREEPHONE:** 0800 474 834

Please note, submissions will be publicly available on the council's website, through inclusion in council agendas, and/or retrievable by request under the Local Government Official Information and Meetings Act 1987. Contact details will redacted under the Privacy Act 2020.

If you have any questions about the Proposed Bylaw, or the submission process, please let us know. Call us on 03 756 9010 or 0800 474 834 and let our friendly Customer Services staff know you have a question about the Proposed Freedom Camping Bylaw or contact us via email at [infrastructure@westlanddc.govt.nz](mailto:infrastructure@westlanddc.govt.nz).

## **WESTLAND DISTRICT COUNCIL RESPONSIBLE FREEDOM CAMPING BYLAW 2024**

1. TITLE AND COMMENCEMENT
  2. APPLICATION OF BYLAW
  3. PURPOSE
  4. DEFINITIONS AND INTERPRETATION
  5. AREAS WHERE FREEDOM CAMPING IS PERMITTED
  6. PROHIBITED AREAS
  7. RESTRICTED AREAS
  8. LOCAL AUTHORITY AREAS WHERE FREEDOM CAMPING IS PERMITTED IN MOTOR VEHICLES THAT ARE NOT SELF-CONTAINED
  9. PRIOR CONSENT FROM COUNCIL
  10. CLOSURE OF FREEDOM CAMPING AREA
  11. OFFENCES
  12. PENALTIES
  13. RELATIONSHIP OF THE BYLAW WITH THE NGAI TAHU CLAIMS SETTLEMENT ACT  
1998
- SCHEDULE ONE: PROHIBITED AREAS
- SCHEDULE TWO: RESTRICTED AREAS
- SCHEDULE THREE: PROHIBITED AND RESTRICTED AREA MAPS

## 1. TITLE AND COMMENCEMENT

- 1.1 This Bylaw is the Westland District Council Responsible Freedom Camping Bylaw 2024.
- 1.2 This Bylaw comes into force on [Date].
- 1.3 This Bylaw is due for review under section 13 of the Act by [Date].

## 2. APPLICATION OF BYLAW

- 2.1 This Bylaw applies to all Local Authority Areas in the Westland District.
- 2.2 Nothing in this Bylaw shall limit the application of any other enactments, rules or codes or regulations made under any other enactment.

## 3. PURPOSE

The purpose of this Bylaw is to control freedom camping 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.

## 4. DEFINITIONS AND INTERPRETATION

- 4.1 References to a repealed enactment include its replacement.
- 4.2 Unless the context other requires, a term or expressions that is defined in the Act and used, but not defined, in this Bylaw has the meaning given by the Act.
- 4.3 Any headings, explanatory notes and attachments are for information purposes and do not form part of this Bylaw.
- 4.4 For the purpose of this Bylaw, unless the context otherwise requires:
  - (a) **Act** means the Freedom Camping Act 2011.
  - (b) **Camping ground** has the same meaning as in section 5(3) of the Act.
  - (c) **Chief Executive** means the chief executive appointed by the Council under section 42 of the Local Government Act 2002.
  - (d) **Council** means Westland District Council.

- (e) **District** means the district of the Council.
- (f) **Enforcement officer** means a person appointed as an enforcement officer under section 32 of the Act.
- (g) **Freedom camp** has the same meaning as in section 5 of the Act.
- (h) **Local authority area** has the same meaning as in section 6 of the Act.
- (i) **Non self-contained area** means an area identified in Schedule 2: Restricted Areas, in which freedom camping in a motor vehicle that is not self-contained is permitted subject to restrictions and conditions.
- (j) **Prohibited area** means an area identified in Schedule 1: Prohibited Areas, in which freedom camping is prohibited.
- (k) **Restricted area** means an area identified in Schedule 2: Restricted Areas, in which freedom camping is permitted subject to restrictions.
- (l) **Self-contained** –
  - a. during the Transitional period has the same meaning as in clause 1 of Schedule 1AA of the Act; and otherwise
  - b. has the same meaning as in section 4 of the Act.
- (m) **Transitional period** is defined in clause 1 of Schedule 1AA and means the period of time that—
  - a. starts on the commencement date [7 June 2023]; and
  - b. ends on the later of the following:
    - i. the day before the date that is 2 years after the commencement date [7 June 2025];
    - ii. the latest date specified as the end date of period 4 by an Order in Council made under clause 3 [of Schedule 1AA].

4.5 This bylaw contains explanatory notes, which are not part of the bylaw. The Council may add, amend or delete explanatory notes at any time without amending the bylaw.

## 5. AREAS WHERE FREEDOM CAMPING IS PERMITTED

5.1 Freedom camping using a tent or other temporary structure or a self-contained motor vehicle is permitted in any local authority area within the District unless it is prohibited or restricted in an area:

- (a) Under clause 6 or 7 of this Bylaw; or
- (b) Under any legislation; or
- (c) In the case of a self-contained motor vehicle, by the limit placed on the maximum number of people for which the vehicle is certified.

***Explanatory note:** Other relevant legislation includes the Reserves Act 1977, which generally prohibits camping in reserves (pursuant to section 44) and provides for infringement notices to be issued. The Council does not control freedom camping on reserves under this bylaw, which means any camping on reserves is prohibited under the Reserves Act 1977 unless otherwise expressly allowed by the Council.*

*Compliance with this bylaw does not remove the need to comply with all other applicable laws, including not littering, and complying with the direction of enforcement officers.*

- 5.2 Freedom camping using a motor vehicle that is not self-contained is permitted in a local authority area within the District, but only if;
- (a) It is used in a non self-contained area, and carried out in accordance with any restrictions and conditions imposed under clause 8 of this Bylaw; or
  - (b) It is otherwise permitted under other legislation.

***Explanatory note:** Examples of other legislation that may allow for non self-contained motor vehicles include: reserve management plans under the Reserves Act 1977, bylaws made under the Local Government Act 2002, or rules in a regional or district plan.*

## **6. PROHIBITED AREAS**

- 6.1. A person must not freedom camp in any area identified in Schedule 1: Prohibited Area.
- 6.2. Freedom camping in a tent or other temporary structure on any local authority area in the district is prohibited.
- 6.3. Freedom Camping within 20 meters of a lake or seashore or beach frontage is prohibited unless permitted in Schedule 2: Restricted Areas.

- 6.4. Despite subclause (6.1), a person may freedom camp in any prohibited area if they have obtained the prior written consent of the Council, granted under clause 9(1) of this Bylaw, and complies with any conditions on the consent.

## **7. RESTRICTED AREAS**

- 7.1. A person may freedom camp in any area identified in Schedule 2: Restricted Areas, but must comply with the restrictions listed below:

- (a) The freedom camping must only take place in a certified self-contained or non self-contained vehicle;
- (b) The maximum stay in any one location is two nights within a 30-day-period and the location must not be within 500 meters of a location where the person has previously freedom camped within a 30-day period;
- (c) All waste must either be removed or disposed of in the bins provided;
- (d) All wastewater (including human waste) must be disposed of in the dumpsites provided at:
  - a. Hokitika – Oxidations Ponds State Highway 6,
  - b. Franz Josef – Between Cron Street and State Highway 6; and
  - c. Haast – by the toilets on Marks Road.
- (e) Campsites must be kept clean and tidy;
- (f) Freedom campers must not prevent others from undertaking legitimate activities in the area or restrict access to any public area or private land;
- (g) No person may light fires;
- (h) No person may interfere with or damage any freedom camping area, flora, fauna or structure; and
- (i) Enforcement officers must be able to inspect any campsite and freedom campers must comply with any reasonable direction.

- 7.2. Schedule 2: Restricted Areas also places additional site specific restrictions on:

- (a) the number of vehicles permitted;
- (b) hours available; and
- (c) If a vehicle must be certified self-contained or non self-contained.

7.3. Despite subclause (7.1), a person may freedom camp in a Restricted Freedom Camping Area if they have obtained prior written consent of the Council, granted under clause 9 (1) of this Bylaw, and complies with any condition of that consent.

## **8. LOCAL AUTHORITY AREAS WHERE FREEDOM CAMPING IS PERMITTED IN MOTOR VEHICLES THAT ARE NOT SELF-CONTAINED**

8.1 A person may freedom camp in a motor vehicle that is not self-contained in areas identified in Schedule 2: Restricted Areas, but must comply with the restrictions and conditions listed in clause 7(1) and Schedule 2.

8.2 Despite subclause (8.1), a person may freedom camp in a non self-contained area contrary to any restrictions or conditions listed for that area if they have obtained the prior written consent of the Council, granted under clause 9(1) of this Bylaw, and complied with any conditions of that consent.

## **9. PRIOR CONSENT FROM COUNCIL**

9.1 The Council may grant consent to a person to freedom camp in any prohibited area, restricted area, or non self-contained area, contrary to any prohibition, restriction, or conditions that apply to that area under this Bylaw.

9.2 An application for consent must be made in writing to the Chief Executive at least two weeks in advance of the date planned for freedom camping in the area.

9.3 If the Council grants an application, it may impose any conditions it considers appropriate that are consistent with the purpose of this Bylaw.

9.4 If the Council refuses an application, Council must inform the applicant of the reasons for the decision.

9.5 An enforcement officer may revoke a consent given under subclause (9.1) if any person breaches the conditions specified in the consent or the freedom camping covered by the consent otherwise breaches this Bylaw or the Act.

## **10. CLOSURE OF FREEDOM CAMPING AREA**

10.1 The Chief Executive may temporarily close or restrict entry to any overnight freedom camping area or part of any freedom camping area where such restriction is considered necessary by Council to:

- (a) Prevent damage to the local authority area or facilities in the area; or
- (b) Allow maintenance to the local authority area or facilities thereon; or
- (c) Protect the safety of persons or property; or
- (d) Allow or facilitate public access, including circumstances where events are planned for that area.

10.2 The Council will publicise a closure or restriction under clause 8(1) of this Bylaw in any manner it considers is appropriate to the reason for the closure or restriction. The publicity may occur before the closure or restriction, but only if that is reasonably practicable.

## **11. OFFENCES**

11.1 Section 20(1) and 20C of the Act species the infringements offences applicable to local authority areas, which include that every person commits an offence who –

- (a) Freedom camps in a local authority area in breach of any prohibition or restriction 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 or restriction in this Bylaw that applies to the area.

11.2 For the purposes of section 20(1)(a) and (f) of the Act, any person who has obtained the prior written consent of the Council, granted under clause 8(1) of this Bylaw, and who complies with any conditions on the consent, is not acting in breach of any prohibition or restriction in this Bylaw.

## **12. PENALTIES**

12.1 As specified in section 20E of the Act, every person who commits an infringement offence under the Act is liable to the infringement fine specified in regulations

made under the Act, or if no regulations have been made an infringement fee of \$400.

*Explanatory note: The regulations made under section 43 that are in force at the time this bylaw was made provide for fines ranging from \$200 to \$800:*

<https://www.legislation.govt.nz/regulation/public/2023/0136/latest/LMS853101.html>

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

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

## SCHEDULE 1: PROHIBITED AREAS

A person must not freedom camp in any prohibited area freedom camping area within the district identified in this Schedule without the prior written consent of Council.

Area Name	Description of Area	Map Reference
Kaniere	Freedom camping is prohibited within the township and open spaces as shown by the red areas identified in the map.	Figure 1
Ruatapu	Freedom camping is prohibited within the township and open spaces as shown by the red areas identified in the map.	Figure 2
Okarito	Freedom camping is prohibited within the township and open spaces as shown by the red areas identified in the map.	Figure 3
Fox Glacier	Freedom camping is prohibited within the township and open spaces as shown by the red areas identified in the map.	Figure 4
Hannahs Clearing	Freedom camping is prohibited within the township and open spaces as shown by the red areas identified in the map.	Figure 5
Okuru	Freedom camping is prohibited within the township and open spaces as shown by the red areas identified in the map.	Figure 6
Neils Beach	Freedom camping is prohibited within the township and open spaces as shown by the red areas identified in the map.	Figure 7
Jackson Bay	Freedom camping is prohibited within the township and open spaces as shown by the red areas identified in the map.	Figure 8

***Explanatory note:** Reserves are controlled under the Reserves Act 1977, which generally prohibits camping in reserves (section 44) and provides for infringement notices to be issued. The Council does not control freedom camping on reserves under this bylaw, which means any camping on reserves is prohibited under the Reserves Act 1977, unless provided for in a Reserve Management Plan or Council exercises its delegated ministerial consent.*

## SCHEDULE 2: RESTRICTED AREAS

Freedom camping in the areas described below is subject to the restrictions specified in clause 7 of this bylaw for each area.

Any restrictions must be complied with unless the prior written consent of the Council is obtained under clause 9 of this bylaw.

Area Name	Description of Area	Restriction	Map Reference
Kumara*	Kumara Domain, Seddon Street, Kumara.	Hours available: 8pm – 7am  Parking available: Until allocated carpark is full.  Vehicles that are not self-contained may be used for Freedom Camping, as well as certified Self-contained vehicles.	Figure 9 Figure 10
Arahura	Arahura Historic Bridge Reserve located just off State Highway 6 on Arahura Valley Road.	Hours available: 8pm – 7am  Parking available until carpark is full.  A certified self-contained vehicle must be used.	Figure 11
Hokitika	Freedom camping is restricted within the township to the areas of Cass Square, Sunset Point and the beach front.	Cass Square Park Hours available: 8pm – 7am Parking available: 5 sites. A certified self-contained vehicle must be used.  Sunset Point Hours available: 8pm – 7am Parking available: 7 sites. Vehicles that are not self-contained may be used for Freedom Camping, as well as certified Self-contained vehicles  Beachfront Hours available: 8pm – 7am Parking available: Until allocated carpark is full.	Figure 12 Figure 13 Figure 14 Figure 15

Area Name	Description of Area	Restriction	Map Reference
		A certified self-contained vehicle must be used.	
Milltown	Milltown Road. Carpark before bridge crossing Arahura River.	Hours available: 8pm – 7am  Parking available: 10 sites  Vehicles that are not self-contained may be used for Freedom Camping, as well as certified Self-contained vehicles.	Figure 16
Rimu/Woodstock*	Woodstock Domain, 47 Back Creek Road.	Hours available: 8pm – 7am  Parking available: Until allocated carpark is full  Vehicles that are not self-contained may be used for Freedom Camping, as well as certified Self-contained vehicles.	Figure 17 Figure 18
Ross	Ross Hall, Corner of Moorhouse Street and Aylmer Street. State Highway 6.	Hours available: 8pm – 7 am  Parking available: 4 sites  Vehicles that are not self-contained may be used for Freedom Camping, as well as certified Self-contained vehicles.	Figure 19 Figure 20
Kakapotahi	Kakapotahi Beach, End of Beach Road, Kakapotahi	Hours available: 8pm – 7am  Parking available: Until allocated carpark is full  A certified self-contained vehicle must be used.	Figure 21
Harihari	Harihari Community Domain, State Highway 6 carparking outside mosaic garden.	Hours available: 8pm – 7am  Parking available: 8 sites  Vehicles that are not self-contained may be used for Freedom Camping, as well as	Figure 22 Figure 23

Area Name	Description of Area	Restriction	Map Reference
		certified Self-contained vehicles.	
Franz Josef	Franz Josef Heliport Carpark	Hours: 8pm – 7am  Parking available: 8 sites  Vehicles that are not self-contained may be used for Freedom Camping, as well as certified Self-contained vehicles.	Figure 24 Figure 25
Bruce Bay	State Highway 6 on foreshore opposite public toilets.	Hours available: 8pm – 7am  Parking available: 10 sites  Vehicles that are not self-contained may be used for Freedom Camping, as well as certified Self-contained vehicles.	Figure 26 Figure 27
Paringa	Public toilet carpark area at Paringa Salmon Farm. 6156 Haast Highway, Paringa.	Hours available: 8pm – 7am  Parking available: Until allocated carpark is full  Vehicles that are not self-contained may be used for Freedom Camping, as well as certified Self-contained vehicles.	Figure 28
Haast	Haast Playground. Marks Road, Haast.	Hours available: 8pm – 7am  Parking available: 5 sites  Vehicles that are not self-contained may be used for Freedom Camping, as well as certified Self-contained vehicles.	Figure 29 Figure 30

*\*Camping is currently managed by the community at these two sites. Campers must abide by the rules set out by the community which includes a donation for using these facilities.*

## SCHEDULE 3: PROHIBITED AND RESTRICTED AREA MAPS

### Prohibited Areas



**Map Legend:**

- Restricted Area
- Prohibited Area
- Parcel Boundary

### Freedom Camping Bylaw 2024

#### Kaniere

Map is indicative only



**Figure 1: Kaniere**



**Map Legend:**  
 Restricted Area  
 Prohibited Area  
 Parcel Boundary

**Freedom Camping Bylaw 2024**  
**Ruatapu**  
 Map is indicative only



**Figure 2: Ruatapu**

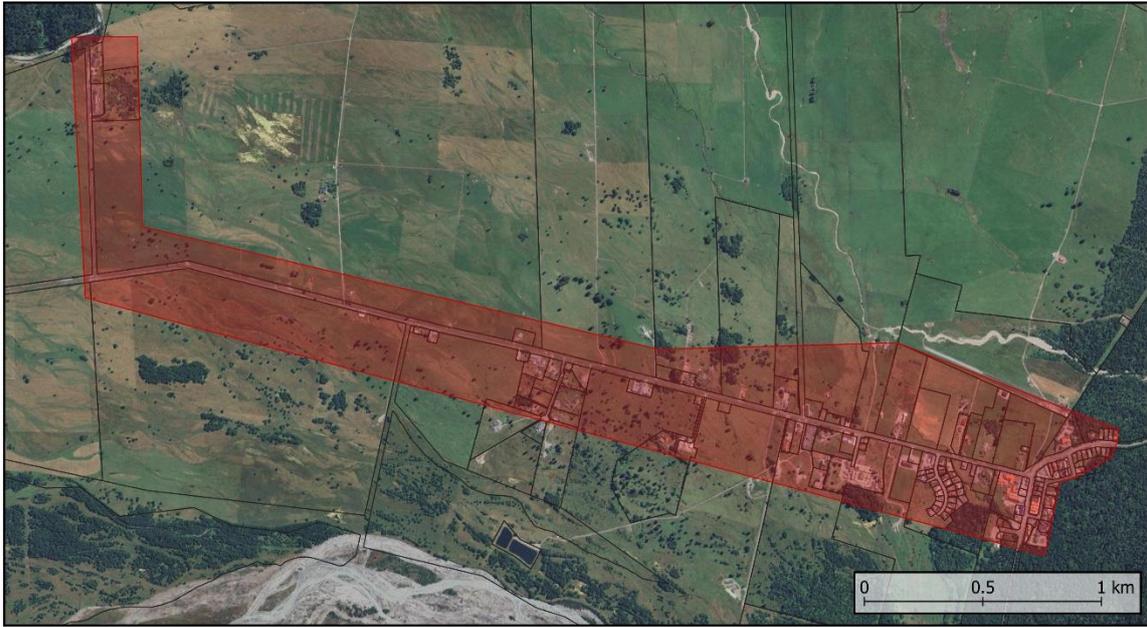


**Map Legend:**  
 Restricted Area  
 Prohibited Area  
 Parcel Boundary

**Freedom Camping Bylaw 2024**  
**Okarito**  
 Map is indicative only



**Figure 3: Okarito**



**Map Legend:**  
 Restricted Area  
 Prohibited Area  
 Parcel Boundary

**Freedom Camping Bylaw 2024**  
**Fox Glacier**  
 Map is indicative only



**Figure 4: Fox Glacier**



**Map Legend:**  
 Restricted Area  
 Prohibited Area  
 Parcel Boundary

**Freedom Camping Bylaw 2024**  
**Hannahs Clearing**  
 Map is indicative only



**Figure 5: Hannahs Clearing**



**Map Legend:**  
 ■ Restricted Area  
 ■ Prohibited Area  
 □ Parcel Boundary

**Freedom Camping Bylaw 2024**

**Okuru**

Map is indicative only



**Figure 6: Okuru**



**Map Legend:**  
 ■ Restricted Area  
 ■ Prohibited Area  
 □ Parcel Boundary

**Freedom Camping Bylaw 2024**

**Neils Beach**

Map is indicative only



**Figure 7: Neils Beach**



**Map Legend:**

-  Restricted Area
-  Prohibited Area
-  Parcel Boundary

**Freedom Camping Bylaw 2024**

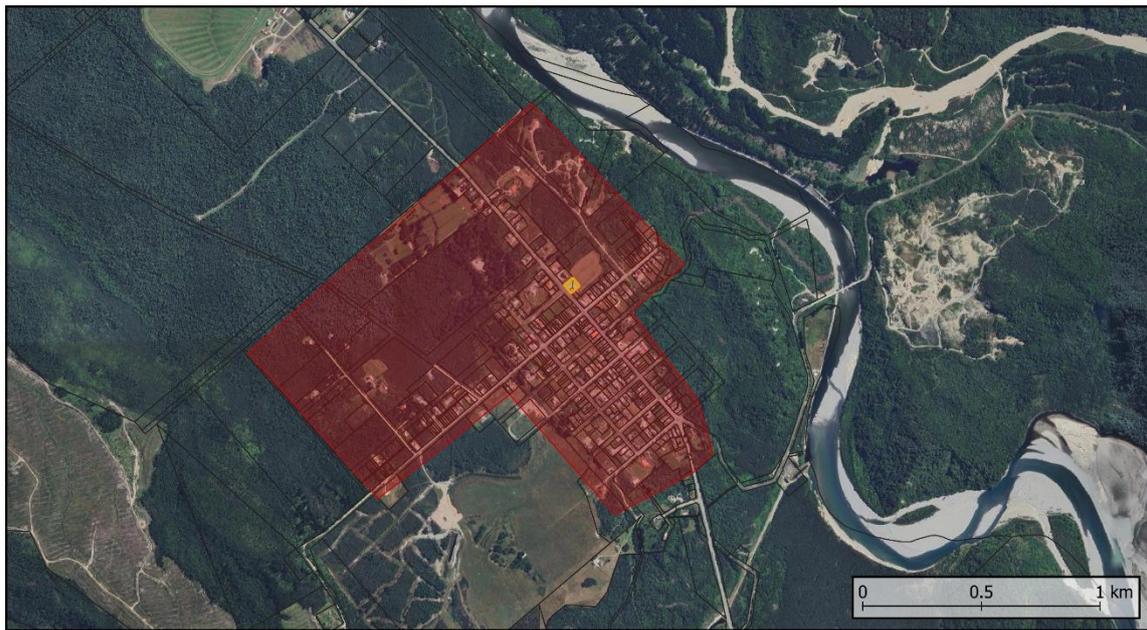
**Jackson Bay**

Map is indicative only



**Figure 8: Jackson Bay**

## Restricted Areas



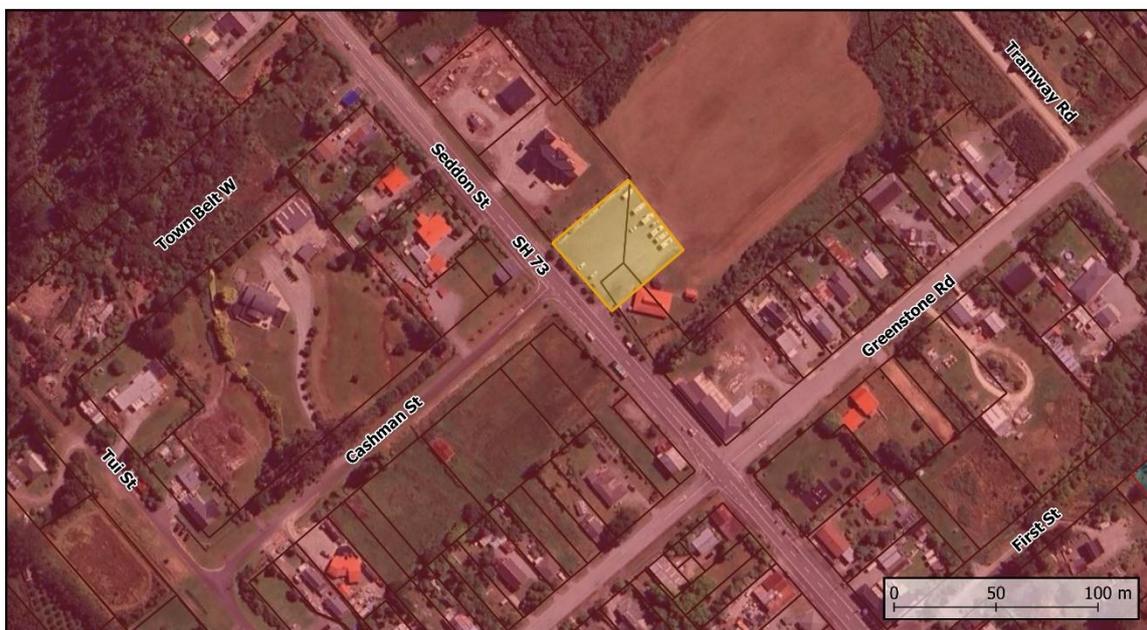
**Map Legend:**  
 Restricted Area  
 Prohibited Area  
 Parcel Boundary

### Freedom Camping Bylaw 2024 Kumara

Map is indicative only



**Figure 9: Kumara**



**Map Legend:**  
 Restricted Area  
 Prohibited Area  
 Parcel Boundary

### Freedom Camping Bylaw 2024 Kumara

Map is indicative only



**Figure 10: Kumara (Zoomed)**



- Map Legend:**
- Restricted Area
  - Prohibited Area
  - Parcel Boundary

**Freedom Camping Bylaw 2024**  
**Arahura Bridge**  
 Map is indicative only



**Figure 11: Arahura Bridge**



- Map Legend:**
- Restricted Area
  - Prohibited Area
  - Parcel Boundary

**Freedom Camping Bylaw 2024**  
**Hokitika**  
 Map is indicative only



**Figure 12: Hokitika**



- Map Legend:**
- Restricted Area
  - Prohibited Area
  - Parcel Boundary

**Freedom Camping Bylaw 2024**  
**Cass Square - Hokitika**  
 Map is indicative only



**Figure 13: Cass Square - Hokitika**



- Map Legend:**
- Restricted Area
  - Prohibited Area
  - Parcel Boundary

**Freedom Camping Bylaw 2024**  
**Sunset Point - Hokitika**  
 Map is indicative only



**Figure 14: Sunset Point - Hokitika**



**Map Legend:**  
 Yellow box: Restricted Area  
 Red box: Prohibited Area  
 Black line: Parcel Boundary

**Freedom Camping Bylaw 2024**  
**Beachfront - Hokitika**  
 Map is indicative only



**Figure 15: Beachfront - Hokitika**

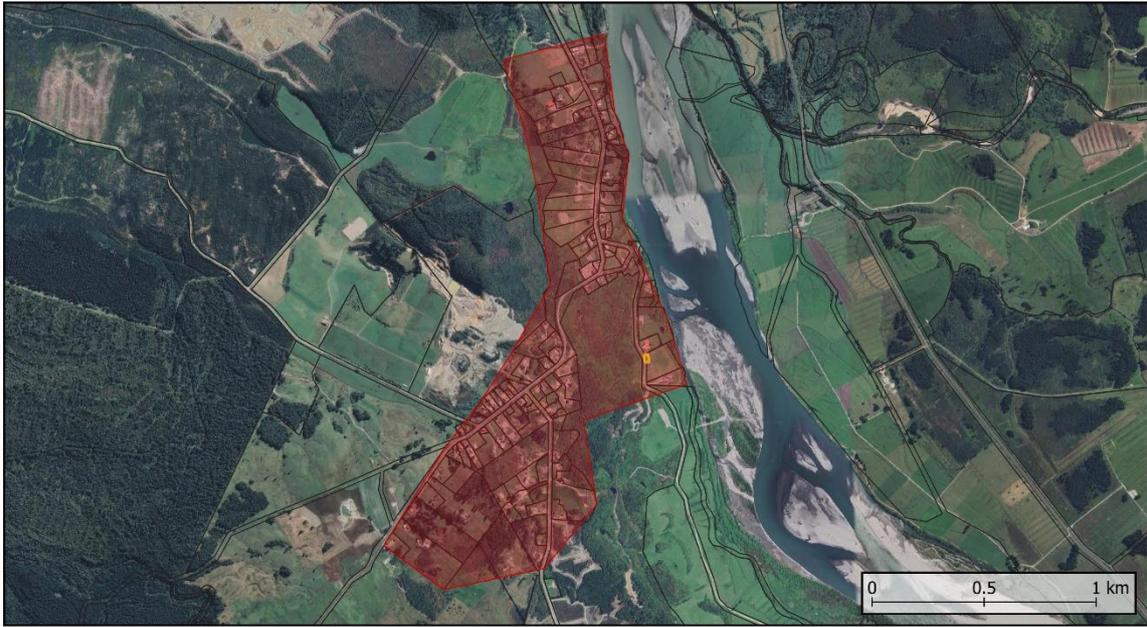


**Map Legend:**  
 Yellow box: Restricted Area  
 Red box: Prohibited Area  
 Black line: Parcel Boundary

**Freedom Camping Bylaw 2024**  
**Milltown**  
 Map is indicative only



**Figure 16: Milltown**



**Map Legend:**  
 ■ Restricted Area  
 ■ Prohibited Area  
 □ Parcel Boundary

**Freedom Camping Bylaw 2024**  
**Woodstock-Rimu**  
 Map is indicative only



**Figure 17: Woodstock/Rimu**



**Map Legend:**  
 ■ Restricted Area  
 ■ Prohibited Area  
 □ Parcel Boundary

**Freedom Camping Bylaw 2024**  
**Woodstock-Rimu**  
 Map is indicative only



**Figure 18: Woodstock/Rimu(Zoomed)**



- Map Legend:**
- Restricted Area
  - Prohibited Area
  - Parcel Boundary

**Freedom Camping Bylaw 2024**

**Ross**

Map is indicative only



**Figure 19: Ross**



- Map Legend:**
- Restricted Area
  - Prohibited Area
  - Parcel Boundary

**Freedom Camping Bylaw 2024**

**Ross**

Map is indicative only



**Figure 20: Ross (zoomed)**



**Map Legend:**  
 Yellow box: Restricted Area  
 Red box: Prohibited Area  
 White box: Parcel Boundary

**Freedom Camping Bylaw 2024**  
**Kakapotahi**  
 Map is indicative only



**Figure 21: Kakapotahi**



**Map Legend:**  
 Yellow box: Restricted Area  
 Red box: Prohibited Area  
 White box: Parcel Boundary

**Freedom Camping Bylaw 2024**  
**Harihari**  
 Map is indicative only



**Figure 22: Harihari**



- Map Legend:**
- Restricted Area
  - Prohibited Area
  - Parcel Boundary

**Freedom Camping Bylaw 2024**

**Harihari**

**Map is indicative only**



**Figure 23: Harihari (Zoomed)**



- Map Legend:**
- Restricted Area
  - Prohibited Area
  - Parcel Boundary

**Freedom Camping Bylaw 2024**

**Franz Josef**

**Map is indicative only**



**Figure 24: Franz Josef**



**Map Legend:**

- Restricted Area
- Prohibited Area
- Parcel Boundary

**Freedom Camping Bylaw 2024**

**Franz Josef**

Map is indicative only



**Figure 25: Franz Josef (Zoomed)**



**Map Legend:**

- Restricted Area
- Prohibited Area
- Parcel Boundary

**Freedom Camping Bylaw 2024**

**Bruce Bay**

Map is indicative only



**Figure 26: Bruce Bay**

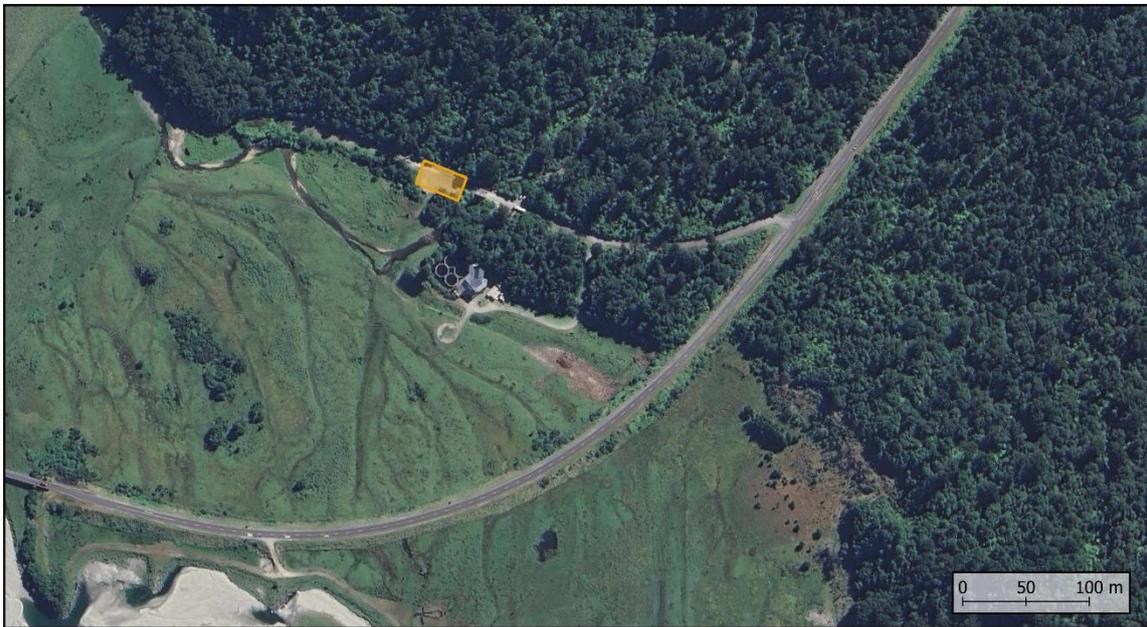


**Map Legend:**  
 ■ Restricted Area  
 ■ Prohibited Area  
 □ Parcel Boundary

**Freedom Camping Bylaw 2024**  
**Bruce Bay**  
 Map is indicative only



**Figure 27: Bruce Bay (Zoomed)**



**Map Legend:**  
 ■ Restricted Area  
 ■ Prohibited Area  
 □ Parcel Boundary

**Freedom Camping Bylaw 2024**  
**Paringa**  
 Map is indicative only



**Figure 28: Paringa**



- Map Legend:**
- Restricted Area
  - Prohibited Area
  - Parcel Boundary

**Freedom Camping Bylaw 2024**

**Haast**

Map is indicative only



**Figure 29: Haast**



- Map Legend:**
- Restricted Area
  - Prohibited Area
  - Parcel Boundary

**Freedom Camping Bylaw 2024**

**Haast**

Map is indicative only



**Figure 30: Haast (Zoomed)**

## **Summary of site assessments for informing proposed Freedom Camping Bylaw**

Summary of site assessments against the criteria within the Freedom Camping Act 2011 to inform a proposed Westland District Council Freedom Camping Bylaw

### **Introduction**

As part of the development of a Freedom Camping Bylaw, Westland District Council (WDC) has collated information on areas relevant to the proposed bylaw to inform where it may be appropriate to prohibit, restrict, or permit freedom camping. This document provides a summary of the full site assessment document developed for this purpose.

Freedom camping is currently permitted by the national legislation, the Freedom Camping Act 2011, using an assessment matrix considered best practice by the Local Government sector. The assessment matrix is used to inform where it may be necessary and appropriate to prohibit or restrict freedom camping according to the following criteria:

1. Protect the area - Consider cultural and historical significance and the natural environment;
2. Protect the health and safety of people who may visit the area - Consider levels of vehicular traffic (car parks/lookout points), use for other activities (like sports grounds), and issues of persistent vandalism; and
3. Protect access to the area - Consider damage caused by vehicular access to flora and fauna and the impact that people accessing the site will have on other users of the area.

The sites included in this assessment are Local Authority Areas identified as where there is specific interest in managing freedom camping.

In completing the reviews, Council also considered sites where it may be suitable for freedom camping vehicles which are not self-contained or in tents. All sites included within the assessment fall within local authority areas, which is defined in section 6 (1) of the Act, and is land controlled or managed by or on behalf of Council.

Certain areas have been excluded from this assessment, such as:

- Private land;
- Crown land including conservation land, land managed by Waka Kotahi, and LINZ Land; and
- Inaccessible land.

### **Assessment of Sites**

In total, 17 sites across the District were assessed. Table 1 outlines the freedom camping assessment matrix and Table 2 outlines the assessment of freedom camping sites.

**Table 1. Freedom Camping Area Assessment Matrix**

<b>Protect the area</b> Consider cultural and historical significance and the natural environment		<b>Protect the health and safety of people who may visit the area</b> Consider levels of vehicular traffic (car parks/lookout points), use for other activities (like sports grounds), and issues of persistent vandalism		<b>Protect access to the area</b> Consider damage caused by vehicular access to flora and fauna and the impact that people accessing the site will have on other users of the area	
Has historical, cultural, or environmental significance and requires full protection	5	Risk to health and safety is too great to allow access to the site, including no vehicle access to, or car parking on, the site	5	No access to the site and any vehicle access would cause significant damage	5
Contains some significant historical, cultural or environmental areas	4	Significant health and safety concerns	4	Restricted access to the site and any vehicle access would cause damage	4
Contains some areas that should be protected	3	Minimal health and safety concerns (risk for the elderly or children)	3	Moderate access to the site and any vehicle access would cause minimal damage	3
Low concerns about areas that need protecting	2	Low concerns regarding health and safety	2	Good access to the site, which would not cause damage	2
No significant area concerns	1	No health and safety concerns	1	Fully formed access to the site	1

**Applying the assessment matrix**

- Each area is given a score of 1-5 for each of the three criteria.
- If the total score of all three criteria is **9 or more**, restricting or prohibiting freedom camping in the area may be necessary. If the score **for any one of the three criteria is 5**, this also indicates a need to protect the area by prohibiting or restricting freedom camping.
- If the total score of all three criteria is **8 or less** the area is a reserve, and there is an indication that freedom camping may be permitted on the reserve. For the area that have a score of **8 or less**, the tool indicates that it is appropriate for freedom camping to remain permitted.

**Table 2. Assessment of Sites**

Area Assessed	Current Status	Score	Summary of assessment	Recommendation
Kumara Domain, Kumara	Public Carpark. No freedom camping restriction in place.	Total: 3 Protect area: 1 Protect H&S: 1 Protect access: 1	The Kumara Domain is a suitable site for freedom camping with facilities such as waste bins, public toilets, and seating available.	It is recommended that the Kumara Domain be a registered freedom camping site in the Kumara township. It should be noted that the Domain is currently used by the local community as a campsite where donations are required.
Arahura Historic Bridge Reserve, Arahura	Public carpark, No freedom camping restrictions in place	Total: 4 Protect area: 2 Protect H&S: 2 Protect access: 1	The Arahura Historic Bridge Reserve is a suitable site for freedom camping. The carpark is located off State Highway 6.	It is recommended that the Arahura Historic Bridge Reserve Carpark be a registered freedom camping site between the hours of 8 pm – 7 am with 8 sites allocated.
Gibson Quay, Hokitika	Public Carpark. No freedom camping restriction in place.	Total: 9 Protect area: 4 Protect H&S: 2 Protect access: 3	The Gibson Quay Western Carpark is not a suitable site for freedom camping.	It is recommended that the Gibson Quay area is not allocated as a freedom camping site due to the cultural significance of the area.
Cass Square, Hokitika	Public Carpark. No freedom camping restriction in place.	Total: 6 Protect area: 2 Protect H&S: 2 Protect access: 2	The Cass Square South facing carpark is a suitable site for freedom camping with facilities such as waste bins, public toilets and seating available.	It is recommended that the Cass Square South facing carpark have five allocated carparks to be a registered freedom camping site. We recommend that freedom camping be restricted to the hours of 8pm – 7am.
Sunset Point, Hokitika	Public Carpark. No freedom camping restriction in place.	Total: 7 Protect area: 2 Protect H&S: 3 Protect access: 2	The Sunset Point Northern carpark is a suitable site for freedom camping with facilities such as waste bins, public toilets and seating available.	It is recommended that the parking area north of the Sunset Point public toilets be a freedom camping site. We recommend that freedom camping be restricted to the hours of 8pm – 7am with 7 sites allocated.
Hokitika Beachfront, Hokitika	Public Carpark. No freedom camping restriction in place.	Total: 3 Protect area: 1 Protect H&S: 1 Protect access: 1	The Hokitika Beachfront Southern car park is a suitable site for freedom camping with facilities such as waste bins, public toilets and seating nearby.	It is recommended that the Hokitika Beachfront Southern car park be an allocated site for freedom camping. We recommend that freedom camping be

Area Assessed	Current Status	Score		Summary of assessment	Recommendation
					restricted to the hours of 8pm – 7am.
Rimu Lookout, Rimu	Public carpark for lookout, No freedom camping restrictions in place	Total: Protect area: Protect H&S: Protect access:	<b>9</b> 2 4 3	The Rimu Lookout was highlighted as not being a suitable freedom camping site due to the small parking area and the dangerous vision entering and existing the lookout.	It is recommended that the Rimu Lookout be included in the restricted zone due to its small parking area and access to Woodstock Rimu Road.
Woodstock Domain, Woodstock	Carpark for Woodstock Domain. Maintained and operated camping site by local community.	Total: Protect area: Protect H&S: Protect access:	<b>3</b> 1 1 1	The Woodstock Domain is a suitable site for freedom camping. It is currently a campground managed by the local community.	It is recommended that the Woodstock Domain be a registered freedom camping site. It should be noted that the Domain is currently used by the local community as campsite where visitors are charged.
Kaniere Domain, Kaniere	Public carpark located along Kaniere road on edge on Domain.	Total: Protect area: Protect H&S: Protect access:	<b>9</b> 2 5 2	The Kaniere Domain carpark was highlighted as not being a suitable freedom camping site due to the level of traffic along Kaniere Road. No facilities such as toilets or waste bins are available.	It is recommended that the Kaniere Domain be included in the prohibited zone due to its location in proximity to Kaniere Road.
Miltown Shelter, Miltown	Public carpark located on West Coast Wilderness Trail	Total: Protect area: Protect H&S: Protect access:	<b>5</b> 1 3 1	The Miltown shelter carpark is a suitable site for freedom camping. It is located off Miltown Road. Public toilets and covered seating is also available.	It is recommended that the Miltown shelter carpark have ten allocated carparks to be a registered freedom camping site. We recommend that freedom camping be restricted to the hours of 8pm – 7am.
Ross Hall, Ross	Public carpark, No freedom camping restrictions currently in place.	Total: Protect area: Protect H&S: Protect access:	<b>6</b> 2 3 1	The Ross Hall carpark is a suitable site for freedom camping. It is located off State Highway 6 and is close to facilities such as waste bins and public toilets.	It is recommended that the Ross Hall carpark have four allocated carparks to be a registered freedom camping site. We recommend that freedom camping be restricted to the hours of 8pm – 7am.

Area Assessed	Current Status	Score	Summary of assessment	Recommendation
Harihari Hall, Harihari	Public carpark next to domain. No freedom camping restrictions currently in place.	Total: 6 Protect area: 1 Protect H&S: 2 Protect access: 3	The Harihari hall carpark between the garden and State Highway 6 provides a safe area for freedom campers to park. This location is within close proximity to the public toilets and waste bins.	It is recommended that the Harihari Hall carpark have eight allocated carparks to be a registered freedom camping site. We recommend that freedom camping be restricted to the hours of 8pm – 7am.
Kakapotahi Beach, Kakapotahi	Public carpark, Currently a popular freedom camping site. No restrictions in place.	Total: 7 Protect area: 2 Protect H&S: 3 Protect access: 2	The Kakapotahi Beach carpark is a suitable site for freedom camping. The off the highway/road large carpark would be a safe location for campers to park.	It is recommended that the Kakapotahi Beach carpark be a registered freedom camping site. We recommend that freedom camping be restricted to the hours of 8pm – 7am.
Franz Josef Heli Carpark, Franz Josef	Public paid carpark. No freedom camping restriction in place.	Total: 3 Protect area: 1 Protect H&S: 1 Protect access: 1	The Franz Josef Heli carpark located off State Highway 6 provides a safe area for freedom campers to park. This location is within close proximity to the public toilets and waste bins.	It is recommended that the Franz Josef Heli carpark have eight allocated carparks to be a registered freedom camping site. We recommend that freedom camping be restricted to the hours of 8pm – 7am.
Paringa Salmon Farm, Paringa	Public carpark. Currently popular freedom camping site. No restrictions in place.	Total: 3 Protect area: 1 Protect H&S: 1 Protect access: 1	The Paringa Salmon Farm carpark located off State Highway 6 provides a safe area for freedom campers to park. This location includes public toilets.	It is recommended that the Paringa Salmon Farm carpark be a registered freedom camping site. We recommend that freedom camping be restricted to the hours of 8pm – 7am.
Bruce Bay Beach, Bruce Bay	Road reserve, no freedom camping restriction in place.	Total: 5 Protect area: 1 Protect H&S: 3 Protect access: 1	The Bruce Bay Beachfront near the Public toilets would be a suitable site for freedom camping. The off the highway/road large parking area would be a safe location for campers to park. The location would also be across the road from public toilets.	It is recommended that the Bruce Bay Beachfront car park area towards the South could be a registered freedom camping site. We recommend that freedom camping be restricted to the hours of 8pm – 7am. We recommend it be restricted to 10 sites.

Area Assessed	Current Status	Score		Summary of assessment	Recommendation
Haast Playground, Haast	Public carpark, No freedom camping restriction in place.	Total:	5	The Haast playground carpark is a suitable site for freedom camping with facilities such as waste bins, public toilets and seating available.	It is recommended that the Haast playground carpark have five allocated carparks to be a registered freedom camping site. We recommend that freedom camping be restricted to the hours of 8pm – 7am.
		Protect area:	1		
		Protect H&S:	3		
		Protect access:	1		



# **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 29<sup>th</sup> November 2018.

The Bylaw comes into force on the day after its final approval 30<sup>th</sup> 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:

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Mayor

**SCHEDULE 1: PROHIBITED AREAS FOR FREEDOM CAMPING**

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

<b>Location</b>	<b>Reason(s)</b>
<b>Paiere Road, Ruatapu</b>	Access and safety (narrow road, part of West Coast Wilderness Trail)
<b>Butlers Road beach access west of SH6, Ruatapu</b>	Access and safety (narrow, uneven road)
<b>Ross Cemetery</b>	Protection, access and safety (culturally sensitive site, with narrow, steep access road)
<b>Ross Beach Road, Ross</b>	Access and safety (narrow, uneven road)
<b>Forks-Okarito Road and all of Okarito village except the Domain</b>	Protection, access and safety (Environmentally sensitive site (kiwi habitat), with narrow access road)
<b>SH 6 between McDonald's Creek and Docherty Creek Road</b>	Access and safety (very busy road with poor visibility, uneven road, and flood risk)
<b>Waiho Flat Road, Franz Josef</b>	Access and safety (narrow, uneven road, and flood risk)
<b>Docherty Creek Road, Franz Josef</b>	Access and safety (narrow, uneven road, and flood risk)
<b>Hunts Beach Road, Jacobs River</b>	Protection, access and safety (culturally sensitive site, with narrow access road)
<b>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</b>	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.