

STATEMENT OF PROPOSAL

Review of Freedom Camping Bylaw

Waitomo District Council

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Proposed Freedom Camping Bylaw Error! Bookmark not defined.	
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PURPOSE

Waitomo District Council's (Council) vision is to be a vibrant District. Council policies support this vision and the community outcomes.

The purpose of the Freedom Camping Bylaw (the Bylaw) is to control freedom camping in the Waitomo District in order to:

- Protect local authority areas.
- Protect the health and safety of people who may visit local authority areas.
- Protect access to local authority areas.

BACKGROUND

A local authority is able to adopt a freedom camping bylaw under section 11 of the Freedom Camping Act 2011 (the Act) a bylaw that prohibit or restricts freedom camping in some local authority areas.

The local authority must determine that a bylaw is necessary for protection of the area (including access to). Also, the health and safety of those using the area is considered.

Council must be satisfied that the bylaw is the most appropriate and proportionate way of addressing the perceived problem in relation to the area and the bylaw must not be inconsistent with the New Zealand Bill of Rights Act 1990.

REASON FOR PROPOSAL

The Bylaw was first adopted by Council in November 2018 and came into effect 1 January 2019. Pursuant to section 13 of the Act, Council is required to review its Bylaw within five years of it being adopted.

This scheduled review of the Bylaw has provided an opportunity to make some minor amendments and updates to the Bylaw, such as removal of the Kiritehere Cemetery Reserve as a restricted area for freedom camping as it has been identified as a Site or Area of Significance to Māori (SASM) and is therefore being classified as a prohibited camping area.

Council wants your feedback on this Bylaw.

Key dates

WHEN	WHAT
8 July 2022	Submissions open
5 August 2022	Submissions close
30 August 2022	Hearings (should people wish to speak to their submissions)
30 August 2022	Deliberations – Council discusses feedback from the community and changes are agreed to if appropriate
30 August 2022	Council adopts the final Bylaw

This Statement of Proposal has been prepared to fulfil the requirements of sections 83 and 87 of the Local Government Act 2002 (LGA).

WHAT WE ARE PROPOSING

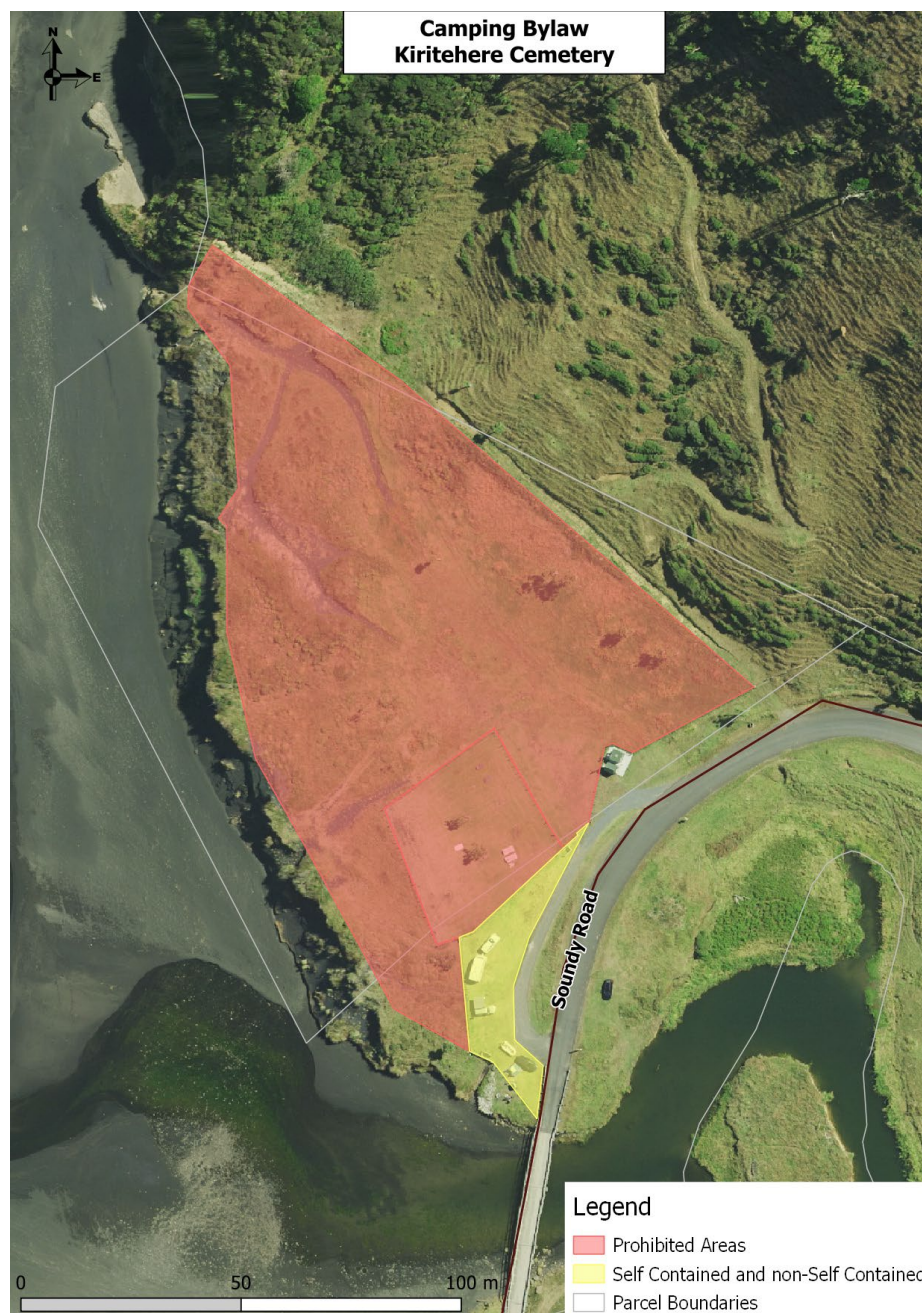
To ensure a balance of areas for freedom camping are available while providing protection to sensitive areas within the Waitomo District, Council is reviewing its Bylaw. Since its implementation in January 2019, the Bylaw has proven to be fit for purpose. Although, there have been reduced international tourist numbers during this time, there is no evidence that the Bylaw requires any significant changes.

Summary of the changes

Removal of Kiritehere Cemetery Reserve in its entirety and reclassification of the whole area as a prohibited camping area.

Transferring the Bylaw into the new Council Bylaw template.

The purpose to include the scope of the Bylaw by including the freedom camp definition and local authority (previously in the definitions section).



DRAFT

Waitomo District Council

Freedom Camping Bylaw 2022

First Adopted:	August 2018
Review History:	June 2022
Date of Next Review:	June 2032
Responsibility:	Infrastructure Services
Adopted by:	Council (27 November 2018)
Associated Documents:	Freedom Camping Act 2011

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Pursuant to the powers vested in it by the Freedom Camping Act 2011, the Waitomo District Council makes this Bylaw.

The following note is explanatory and is not part of the Bylaw:

This Bylaw applies only to the areas under the control of the Waitomo District Council. Compliance with this Bylaw does not remove the need to comply with all applicable Acts, regulations, bylaws, and rules of law. This includes complying with any parking or other traffic restrictions in any area, any restrictions on keeping of animals, not littering, not lighting fires in breach of any fire ban, not making excessive noise, and complying with the directions of enforcement officers. This Bylaw should also be read alongside the Freedom Camping Act 2011.

TITLE | TAITARA

This Bylaw may be cited as the Waitomo District Council Freedom Camping Bylaw 2022.

COMMENCEMENT | TĪMATA

The initial resolution to make this Bylaw was passed by the Waitomo District Council at an ordinary meeting of the Council held on 25 September 2018 and was adopted following consideration of submissions received during the special consultative procedure, by a resolution at a meeting of the Council on 27 November 2018. The bylaw came into force on 1 January 2019.

PURPOSE AND SCOPE | TE ARONGA ME TE KORAHĪ

1. The purpose of this Bylaw is to control freedom camping in the District in order to:
 - (a) Protect local authority areas;
 - (b) Protect the health and safety of people who may visit local authority areas;
 - (c) Protect access to local authority areas.
2. The scope covered by the term Freedom Camp for the purpose of this Bylaw is the same definition given in the Act:
 - 2.1 In this [Bylaw], freedom camp means to camp (other than at a camping ground) within 200m of a motor vehicle accessible area or the mean low- water springs line of any sea or harbour, or on or within 200m of a formed road or a Great Walks Track, using 1 or more of the following:
 - (a) A tent or other temporary structure;
 - (b) A caravan;
 - (c) A car, campervan, house-truck, or other motor vehicle.
 - 2.2 In this [Bylaw], freedom camping does not include the following activities:
 - (a) Temporary and short-term parking of a motor vehicle;
 - (b) Recreational activities commonly known as day-trip excursions;
 - (c) Resting or sleeping at the roadside in a caravan or motor vehicle to avoid driver fatigue.
 - 2.3 In this [Bylaw], camping ground means
 - (a) A camping ground that is the subject of a current certificate of registration under the Camping-Grounds Regulations 1985;

- (b) Any site at which a fee is payable for camping at the site

2.4 In this [Bylaw], Great Walks Track means

- (a) A track specified in Schedule 1 (of the Act); and
- (b) Any other track specified by Order in Council made under section 44 (of the Act) as a Great Walks Track.

DEFINITIONS | NGĀ WHAKAMĀRAMATANGA

Act	Freedom Camping Act 2011
Certified self-contained vehicle	Refers all vehicles designed and built for the purpose of camping which is practically configured to meet the ablutionary and sanitary needs of occupants of that vehicle for a minimum of three days, without requiring any external services or discharging any waste and complies with New Zealand Standard 5465:2001, as evidenced by the display of a current self- containment warrant issued under New Zealand Standard Self-Containment of Motor Caravans and Caravans, NZS 5465:2001 and any subsequent amendments.
Chief Executive	The person for the time being exercising the functions of the Chief Executive of the Council.
District	The territory contained within the Waitomo District as defined in Schedule 2 to the Local Government Act 2002.
Council	Waitomo District Council
Night	The time period between 10pm and 9am
Waste receptacle	A receptacle or facility that is provided for the purposes of disposing of waste (for example, a rubbish bin, public toilet, a public dump station or public transfer station).

BYLAW | PĀERO

1. Local authority areas where freedom camping is permitted

- 1.1. Freedom camping is permitted in any local authority area within the District unless it is prohibited or restricted.
 - a) By this Bylaw; or
 - b) Under any other enactment or bylaw

2. Prohibited Areas

- 2.1. A person must not freedom camp in any local authority area in the District in any vehicle that is not a certified self-contained vehicle.
- 2.2. A person must not freedom camp in any tent or temporary structure in any local authority area, except as allowed in clause 7.
- 2.3. A person must not freedom camp in any local authority area described in Schedule 1 and marked red on the maps in Schedule 3.

3. Restricted Areas

- 3.1. In any area described in Schedule 2 and marked blue on the maps in Schedule 3, freedom camping is allowed subject to the following restrictions:
- (a) The freedom camping must only take place in a certified self-contained vehicle as specified in Schedule 2; and
 - (b) The maximum period of stay in any location within a blue area is two consecutive nights on no more than two separate occasions in any calendar month (unless otherwise detailed in the schedule); and
 - (c) Other restrictions as specified in Schedule 2.
- 3.2. In any area described in Schedule 2 and marked yellow on the maps in Schedule 3, freedom camping is allowed subject to the following restrictions:
- (a) The freedom camping must only take place in a certified self-contained vehicle non-self-contained vehicle or tent as specified in Schedule 2; and
 - (b) The maximum period of stay in any location within a yellow area is two consecutive nights on no more than two separate occasions in any calendar month (unless otherwise detailed in the schedule); and
 - (c) Other restrictions as specified in Schedule 2.
- 3.3. In any area described in Schedule 2 and marked green on the maps in Schedule 3, tenting only is allowed in the location defined, subject to other restrictions as defined in Schedule 2.
- 3.4. In clauses 7.1(b) and 7.2(b) "location" means the land within 500m of the place where the certified self-contained vehicle or tent is situated for the purpose of freedom camping.

4. Prior Permission from Council

- 4.1. The Chief Executive of the Council may temporarily waive or modify the freedom camping restrictions in clauses 6 and 7 of this Bylaw. Permission may be granted by the Chief Executive with or without conditions
- 4.2. Application for permissions must be made:
- (a) In writing;
 - (b) Provide sufficient detail about the proposed camping including information about how the applicant will manage all human and other waste generated while freedom camping; and
 - (c) Be made at least 20 working days in advance of the date planned for freedom camping in the area where the prohibition or the restrictions apply.

The following note is explanatory and is not part of the Bylaw:

The purpose of this clause is to enable permission for temporary sites for freedom camping in prohibited or restricted areas, for example associated with one-off events.

5. Council may temporarily close an area to freedom camping

- 5.1. The Chief Executive of the Council may temporarily close or restrict freedom camping in any area or part of any area where the closure or restriction is considered necessary 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; 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.
- 5.2. 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.

The following note is explanatory and is not part of the Bylaw:

Notice given by the Council may include any of the following: a sign erected in the area; and/or advertising on the Council's website or on the radio; and/or a public notice in the paper.

6. Offence and Penalties

- 6.1 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 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
- 6.2 As specified by section 23(1) of the Act, every person who commits an offence set out in clause 10(1) is liable to an infringement fee (fine) of \$200.

The following note is explanatory and is not part of the Bylaw:

Section 20 of the Act provides for the above offences and also for other 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. The defences include that an offence was committed due to an action or event beyond the control of the defendant that could not reasonably have been foreseen, or the act was necessary to protect life or health, prevent injury or serious damage to property. 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 Common Seal of the Waitomo District Council
was hereto affixed in the presence of:

Mayor

Chief Executive

SCHEDULE 1 | WAHANGA 1

Prohibited Areas for Freedom Camping

A person must not freedom camp in any local authority area described in the table below.

Area Name / Description	Map Reference
Te Kuiti Cemetery (new)	1
Te Kuiti Cemetery (old)	1
Te Kuiti Domain – Te Kuiti	1
Brook Park – Te Kuiti	1
Redwood Park –Te Kuiti	1
Te Kuiti Skateboard Park – Te Kuiti	1
Centennial Park – Te Kuiti	1
Rose Garden Reserve – Te Kuiti	1
Rukuhia Domain – Piopio	2
Kara Park - Piopio	2
Piopio Cemetery	2
Mokau Esplanade (Aria Terrace) and Point Road (including carpark) - Mokau	3
Carpark area opposite Whitebait Inn - Mokau	3
Tokopapa Street (including carparking area) – Mokau	3
Takarei Terrace Recreation Reserve – Mokau	3
Boat Ramp carparking, Te Kauri Road – Mokau	3
Beach Road - Mokau	3
Tainui Street – Mokau	3
Rangi Street – Mokau	3
Oha Street - Mokau	3
Mokau Cemetery	3
Carpark Area, Moana Quay – Marokopa	4
Esplanade – Marokopa	4
Marokopa Recreation Reserve – Carley Reeve Drive Marokopa	4
Moerua Street - Marokopa	4
Rauparaha Street - Marokopa	4
Marokopa Road - Marokopa	4
Carley Reeve Drive - Marokopa	4
Kiritehere Cemetery Reserve (cemetery portion only)	4
Benneydale Domain – Benneydale (part)	5
Benneydale Hall – Maniaiti Road - Benneydale	5
Benneydale public toilets – State Highway 30, Benneydale	5
Boat Ramp carpark – Te Waitere	6
Te Waitere Cemetery	6
Iredale Quay River Esplanade – Awakino	7
Awakino Heads Esplanade - Awakino Heads Road – Awakino	7
Aria Cemetery	8
St Helen Domain - Aria	8
Mapiu Cemetery	9
Mapiu Domain – Mapiu	9
Waikawau Beach/Tunnel Recreation Reserve	10
Kinohaku Hall – Kinohaku	11
Waitomo Village Road – Waitomo	13

SCHEDULE 2 | WAHANGA 2

Restricted Areas for Freedom Camping

Freedom camping is allowed in any local authority area described in the table below subject to the following general and area specific restrictions:

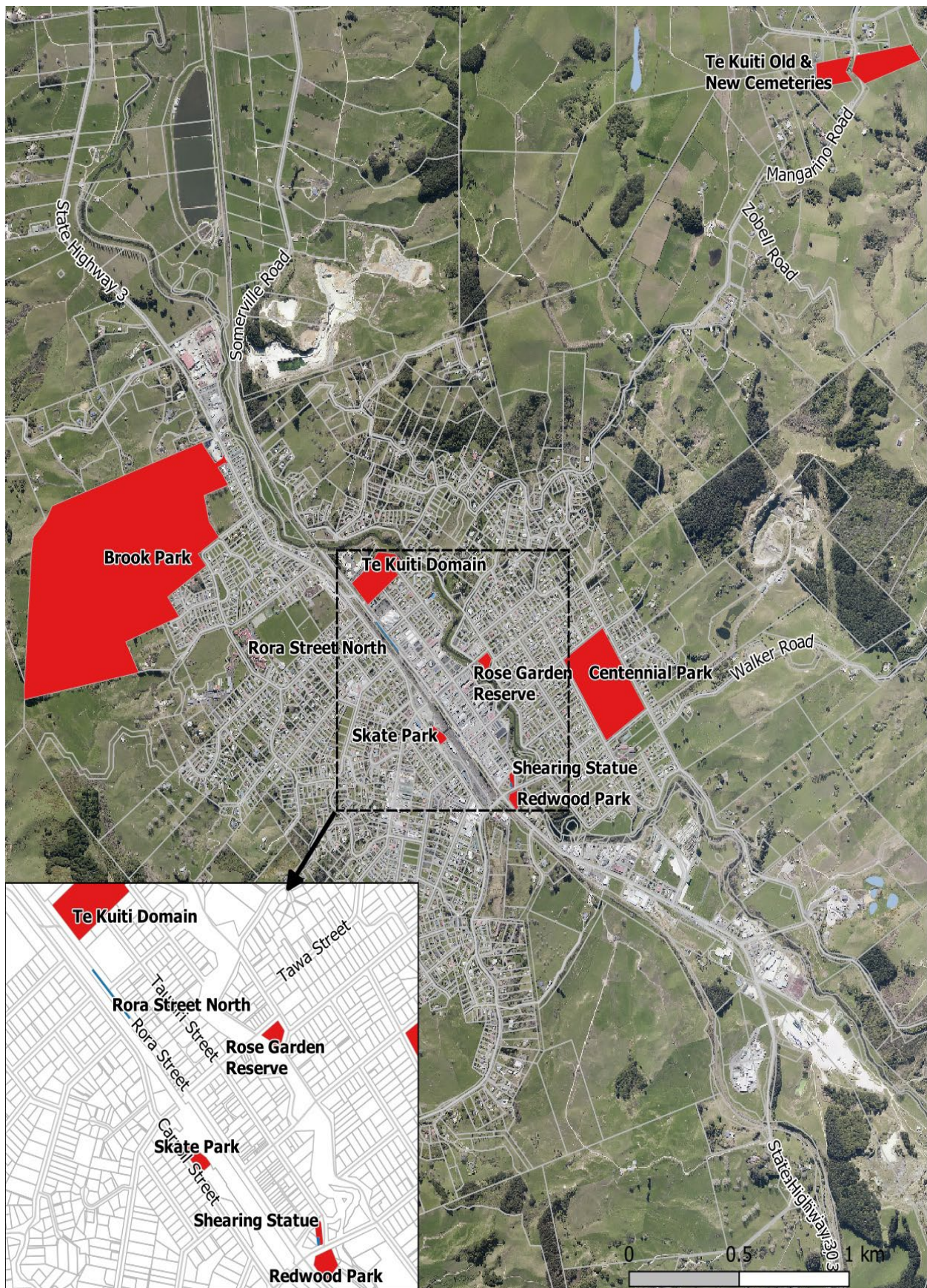
General Restrictions

- a) The freedom camping must only take place in a certified self-contained vehicle or tent as specified in the table below.
- b) The maximum period of stay in any location is two consecutive nights on no more than two separate occasions in any calendar month.
- c) Freedom camping in certified self-contained vehicles is restricted to the signposted area (where signposted). Space will be available on a 'first-in first-served' basis.
- d) Unless subject to area specific restrictions all vehicles being used for freedom camping must depart by 9am.
- e) All vehicles being used for freedom camping must be legally parked and any possessions associated with freedom camping contained within a single, defined carparking space. If undefined, vehicles must park in a courteous manner to allow other vehicles to also park within the signposted area, with all possessions no more than 1 metre from the vehicle in any direction.
- f) All vehicles being used for freedom camping must be parked clear of any entry and exit points to the site.
- g) No person may light any fire while freedom camping in a local authority area except in a place specifically provided by the Council for that purpose, or with the prior written permission of Council.
- h) All waste must be disposed of into an appropriate waste receptacle or removed from site.
- i) The site must be left in a clean and tidy state.
- j) Every person must leave and not return if required to leave by an Enforcement Officer under the Act.
- k) All conditions stipulated on any signs in the local authority area must be complied with.

Area Name	Area specific restrictions	Map reference
Shearing Statute (Municipal) Reserve – Te Kuiti	Maximum of 6 self-contained vehicles in defined area only. No tenting.	1
Rora Street North	Self-contained vehicles only. No tenting.	1
Tui Park - Piopio	No time restrictions. Self-contained, non self-contained and Tenting allowed.	2
Kiritehere Cemetery Reserve (excluding fenced cemetery portion) Road reserve area next to Kiritehere Cemetery Reserve	Maximum of 14 consecutive nights.	4
Benneydale Domain (part)	Self-contained vehicles only. No tenting.	5
Te Waitere Reserve	Self-contained and non-self-contained vehicles. No tenting.	6
Te Anga Road Scenic Lookout	Maximum of 3 self-contained vehicles. No tenting	12

SCHEDULE 3 | WAHANGA 3

Maps

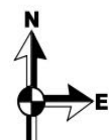


MAP 1 - Te Kuiti

Waitomo District Council
Freedom Camping Restricted
and Prohibited Areas

Legend

- Prohibited Areas for Freedom Camping
- Restricted Areas for freedom Camping**
- Self Contained
- Self Contained and Non-Self Contained





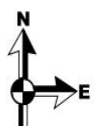
MAP 2 - Piopio



Waitomo District Council
Freedom Camping Restricted and
Prohibited Areas

Legend

- Prohibited Areas for Freedom Camping
- Restricted Areas for Freedom Camping**
- Self Contained
- Self Contained and Non-Self Contained





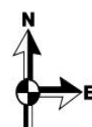
MAP 3 - Mokau

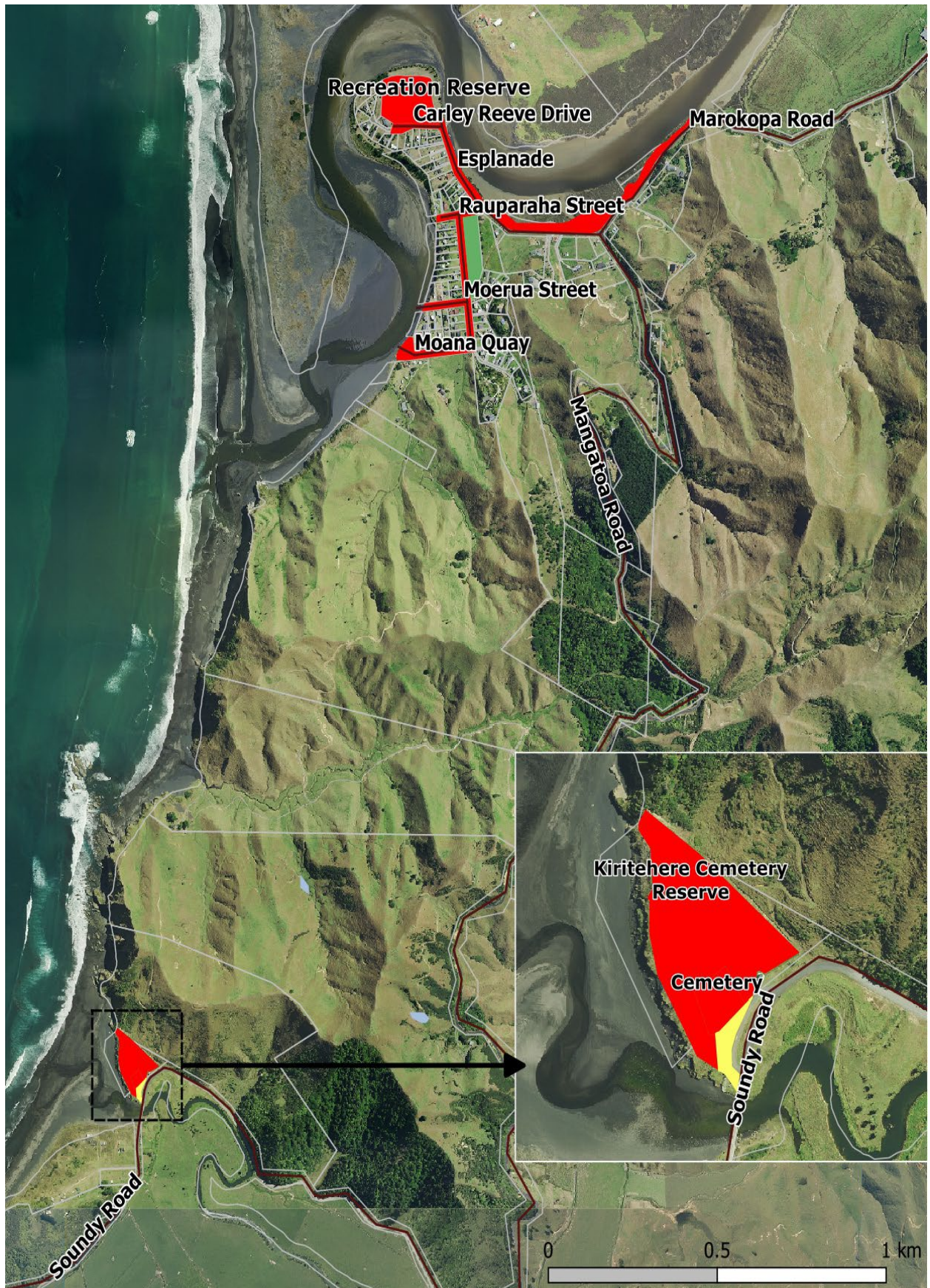


Waitomo District Council
Freedom Camping Restricted and Prohibited Areas

Legend

- Prohibited Areas for Freedom Camping
- Restricted Areas for Freedom Camping**
- Self Contained
- Self Contained and Non-Self Contained





MAP 4 - Marokopa

Waitomo District Council
Freedom Camping Restricted
and Prohibited Areas

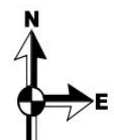
Legend

■ No Freedom Camping

Restricted Areas for Freedom Camping

■ Self Contained

■ Self Contained and non-Self Contained





MAP 5 - Benneydale



Waitomo District Council
Freedom Camping Restricted and Prohibited Areas

Legend

■ Prohibited Areas for Freedom Camping

Restricted Areas for Freedom Camping

■ Self Contained
■ Self Contained and Non-Self Contained





MAP 6 - Te Waitere



Waitomo District Council
Freedom Camping Restricted and
Prohibited Areas

Legend

- Prohibited Areas for Freedom Camping
- Restricted Areas for Freedom Camping**
- Self Contained
- Self Contained and Non-Self Contained





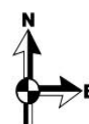
MAP 7 - Awakino

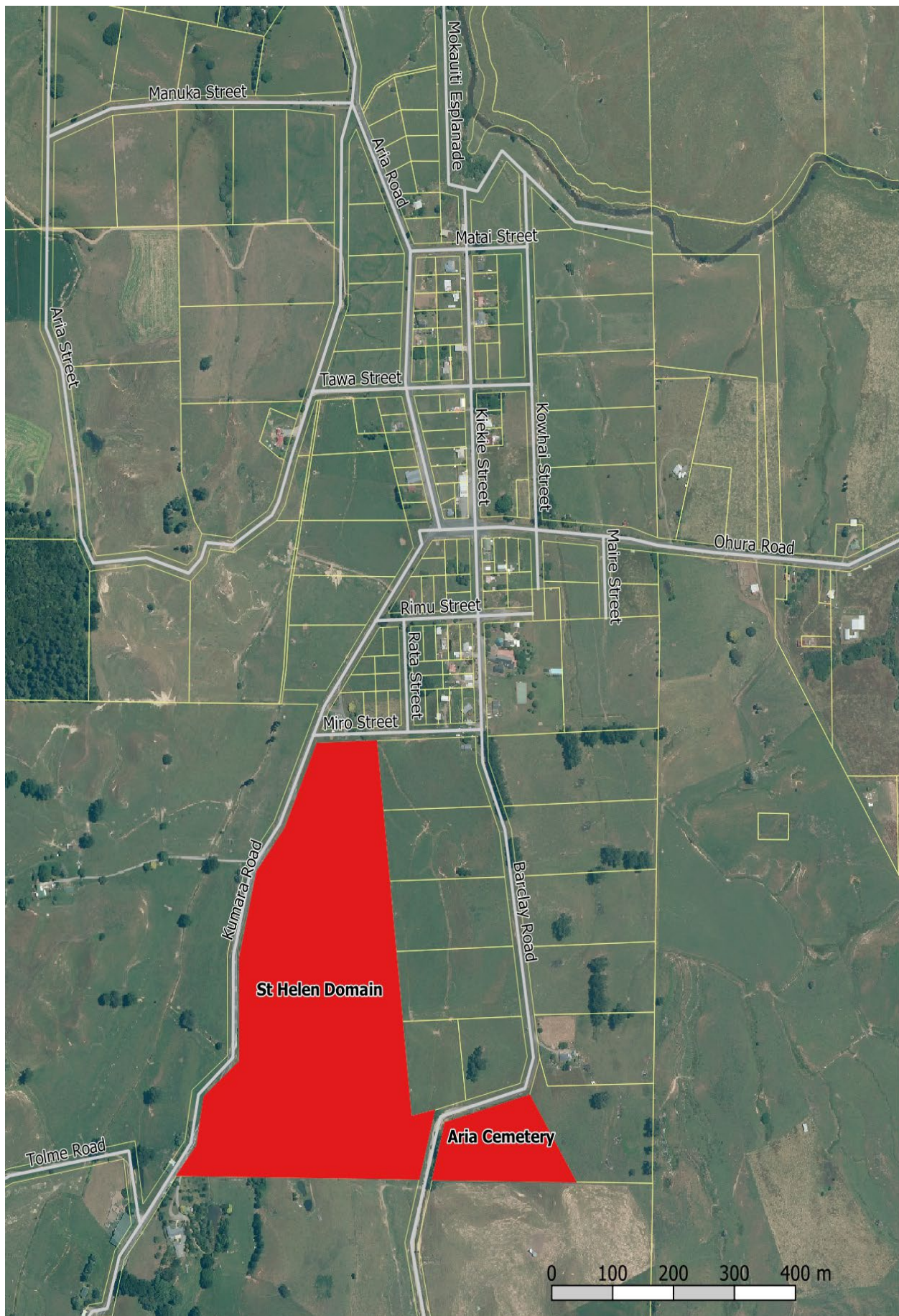


Waitomo District Council
Freedom Camping Restricted and
Prohibited Areas

Legend

- Prohibited Areas for Freedom Camping
- Restricted Areas for Freedom Camping**
- Self Contained
- Self Contained and Non-Self Contained





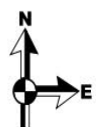
MAP 8 - Aria



Waitomo District Council
Freedom Camping Restricted and
Prohibited Areas

Legend

- Prohibited Areas for Freedom Camping
- Restricted Areas for Freedom Camping**
- Self Contained
- Self Contained and Non-Self Contained





MAP 9 - Mapiu

Waitomo District Council
Freedom Camping Restricted and
Prohibited Areas

Legend

- Prohibited Areas for Freedom Camping
- Restricted Areas for Freedom Camping**
- Self Contained
- Self Contained and Non-Self Contained



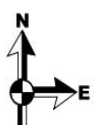


MAP 10 - Waikawau

Waitomo District Council
Freedom Camping Restricted and
Prohibited Areas

Legend

- Prohibited Areas for Freedom Camping
- Restricted Areas for Freedom Camping**
- Self Contained
- Self Contained and Non-Self Contained





MAP 11 - Kinohaku



Waitomo District Council
Freedom Camping Restricted and Prohibited Areas

Legend

■ Prohibited Areas for Freedom Camping

Restricted Areas for Freedom Camping

■ Self Contained
■ Self Contained and Non-Self Contained



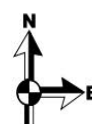


MAP 12 - Te Anga

Waitomo District Council
Freedom Camping Restricted and
Prohibited Areas

Legend

- Prohibited Areas for Freedom Camping
- Restricted Areas for Freedom Camping**
- Self Contained
- Self Contained and Non-Self Contained





MAP 13 - Waitomo Village

Waitomo District Council
Freedom Camping Restricted and Prohibited Areas

Legend

■ Prohibited Areas for Freedom Camping

Restricted Areas for Freedom Camping

■ Self Contained

■ Self Contained and Non-Self Contained

Submission Form

Draft Freedom Camping Bylaw 2022

Sub No.
For office use only

Submissions close at 5.00pm on Friday 5 August 2022

You can share your views by:

- Completing this Submission Form and returning it to us by:
 - Visiting our office on Queen Street, Te Kuiti
 - Emailing it to: haveyoursay@waitomo.govt.nz (scan and pdf or take a photo)
 - Posting to: FREEPOST 112498, Waitomo District Council, PO Box 404, Te Kuiti 3941
- Visiting our website: waitomo.govt.nz/consultation and complete an online Submission Form

Full Name:	
Organisation: (if responding on behalf of)	
Phone: (home/mobile)	
Address:	
Postcode:	
Email:	

The Local Government Act 2002 requires submissions to be made available to the public. Your name and/or organisation will be published with your submission and made available in a report to elected members and to the public. Other personal information supplied (such as address / email address) will be removed from the public copy.

I wish to speak to Council about my submission.

(Hearings are scheduled for 30 August 2022. We will contact you to arrange a time.)

Yes ☐ No ☐

YOUR FEEDBACK

Please give us your feedback on the Draft Freedom Camping Bylaw 2022
