

HURUNUI DISTRICT COUNCIL BYLAW

Freedom Camping Bylaw 2018 (inc 2019 amendment)



The Bylaw was amended by the Council on 29 August 2019.

1. EXPLANATORY NOTE

- 1.1 Hurunui District Council makes this Bylaw under section 11 of the Freedom Camping Act 2011 (the Act). This Bylaw should therefore be read in conjunction with the Act.
- 1.2 Other legislation and regulatory enactments that are relevant to the activity of freedom camping include the Reserves Act 1977, the Council's District Plan, the Northern Pegasus Bay Bylaw 2015 and other Council bylaws.
- 1.3 The enactment of this Bylaw revokes the Hurunui District Council Freedom Camping Bylaw 2011.

2. TITLE

- 2.1 This Bylaw is the Hurunui District Council Freedom Camping Bylaw 2018.

3. COMMENCEMENT

- 3.1 This Bylaw comes into force on 1 September 2018.

4. PURPOSE

- 4.1 The purpose of this Bylaw is to regulate 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; or
 - (c) Protect access to local authority areas.

5. DEFINITIONS

- 5.1 In this Bylaw, unless the context requires otherwise:

Act means the Freedom Camping Act 2011.

Council means the Hurunui District Council.

District means the district of the Council.

Freedom camp has the same meaning as section 5 of the Act –

- (1) In this Act, freedom camp means to camp (other than at a camping ground) within 200 m of a motor vehicle accessible area or the mean low-water springs line of any sea or harbour, or on or within 200 m 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, housetruck, or other motor vehicle.
- (2) In this Act, 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.
- (3) In subsection (1),—
- camping ground means—
- (a) a camping ground that is the subject of a current certificate of registration under the Camping-Grounds Regulations 1985; and
 - (b) any site at which a fee is payable for camping at the site
- Great Walks Track means—
- (a) a track specified in Schedule 1; and
 - (b) any other track specified by Order in Council made under section 44 as a Great Walks Track.

Local authority area has the same meaning as section 6 of the Act –

- (1) In this Act, local authority area-
- (a) means an area of land—
 - (i) that is within the district or region of a local authority; and
 - (ii) that is controlled or managed by the local authority under any enactment; and
 - (b) includes any part of an area of land referred to in paragraph (a); but
 - (c) does not include an area of land referred to in paragraph (a) or (b) that is permanently covered by water.

Self-contained vehicle means a vehicle designed and built for the purpose of camping which has the capability of meeting 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: Self Containment of Motor Caravans and Caravans, as evidenced by the display of a current self-containment warrant issued under NZS 5465:2001.

Waste has the same meaning as section 4 of the Act.

6. LOCAL AUTHORITY AREAS WHERE FREEDOM CAMPING IS PERMITTED

6.1 Freedom camping is permitted in any local authority area within the district unless it is 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

7.1 A person must not freedom camp:

- (a) within any prohibited area identified in Schedule 1: Prohibited areas for freedom camping; and
- (b) in any location where Hurunui District Council signage indicates that freedom camping is prohibited.

8. RESTRICTED AREAS AS OUTLINED IN SCHEDULE 2

8.1 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) The maximum period of stay at any location is two nights within a 30 day period; and
- (b) Vehicles must be parked legally and not prevent others from undertaking legitimate activities in the area; and
- (c) Freedom Camping must comply with Hurunui District Council signage at the site.

8.2 In clause 8.1(a) location means the land within 500m of the place where the certified self-contained vehicle is situated for the purpose of freedom camping.

9. PRIOR CONSENT FROM COUNCIL

9.1 The Chief Executive of the Council may waive or modify the freedom camping restrictions in clauses 7 and 8 of this Bylaw. Permission may be granted with or without conditions.

9.2 Applications for permission must:

- (a) be made 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 restriction applies.

10. TEMPORARY CLOSURE OF AN AREA TO FREEDOM CAMPING

10.1 The Chief Executive of the Council may close or restrict freedom camping in any local authority area or part of any area where such restriction is considered necessary by Council to:

- (a) prevent damage to the area or facilities in the area; or
- (b) allow maintenance to the area or facilities in the area; or
- (c) protect the health and/or safety of persons or property; or

(d) provide for better public access.

10.2 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.

11. OFFENCES

11.1 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.

12. PENALTIES

12.1 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) the amount prescribed by regulations made under section 43 of the Act; or
- (b) if no fee is prescribed by regulations, a fine of \$200.

Schedule 1: Prohibited areas for freedom camping

Freedom camping is prohibited in all areas described in the table below.

Area	Location
All local authority road reserves within the Ashley and Okuku forestry areas	The full extent of: <ul style="list-style-type: none"> • Paringa Road • Cramptons Bush Road • Rachael Road • Okuku Pass Road.
All local authority road reserves within the Hanmer Forestry area	The full extent of: <ul style="list-style-type: none"> • Chatterton Road • Clarence Valley Road • Fowlers Lane • Hossack Road • Hydro Road • Jacks Pass Road • Jollies Pass Road • Leslie Pass Road • Rogerson Road • Tophouse Road.
Amberley Beach Settlement Area including Mimimoto Lagoon, Grierson Plantation and the beach	<ul style="list-style-type: none"> • Grierson Plantation • Mimimoto Lagoon • Amberley Beach Settlement Area as defined by the Hurunui District Plan. <p>This area commences approximately 100 metres west of the intersection of Amberley Beach Road and Grierson Avenue and includes all land seaward of this point. It includes all roads, reserves and foreshore between the southern-most point of Mimimoto Lagoon and the northern most point of Grierson Plantation.</p>
Amberley Reserve	Access from 50 Douglas Road and Lawcocks Road, Amberley
Balcairn Cemetery	281 Leithfield Road, Balcairn
Chamberlain Park	3A Church Street, Amberley
Cheviot Domain including the Cheviot Tennis Courts, Cheviot Rugby Club and Miller Street Reserve	57 Ward Road, Cheviot
Cheviot Hills Reserve	Access from 5 Domett Road, Cheviot and alternative access from Gore Bay Road.
Cheviot Oxidation Ponds	55-91 Seddon Street, Cheviot
Culverden Cemetery	70 Cemetery Road, Culverden
Domett Recreation Reserve	669 Domett Road, Cheviot
Domett Stock Resting Reserve	1767 Domett Road, Cheviot

Area	Location
Eastern Reserve	Corner of Double Corner Road and Fantail Avenue, Amberley
Findlays Plantation	61 Caverhill Road, Cheviot
Glenmark Cemetery	51 Church Road, Waipara
Glenmark Reserve (except the restricted area as designated in Schedule 2)	3 Church Road, Waipara
Gore Bay Settlement Area (except for two parks outside Old School Reserve as designated in Schedule 2)	<p>The Gore Bay Settlement Area as defined by the Hurunui District Plan.</p> <p>This area commences on the seaward side of 670 Gore Bay Road and finishes at 45 Cathedral Road. This area includes all roads and reserves accessed between these two points.</p> <p>This excludes two parks outside the Old School Reserve included in Schedule 2.</p>
Great Northern Green (Waikari Village Green)	82 Princes Street, Waikari
Greta Valley Settlement Area	<p>The Greta Valley Settlement Area as defined by the Hurunui District Plan.</p> <p>This area includes:</p> <ul style="list-style-type: none"> • all roads and reserves accessed from Valley Road • the road reserve outside 4 Motunau Beach Road (Greta Valley School) • 72-80 Greta Road.
Hanmer Springs Cemetery	304 Jollies Pass Road, Hanmer Springs
Hanmer Springs Settlement Area (except for two sets of two prescribed parks in Schedule 2)	<p>The Hanmer Springs Settlement Area as defined by the Hurunui District Plan.</p> <p>This area is bounded by the Chatterton River to the west, Dog Stream Reserve to the east and Conical Hill to the north.</p> <p>This area is bounded by the following access points:</p> <ul style="list-style-type: none"> • Northern boundary: 3 Clarence Valley Road and 200 Jacks Pass Road • Eastern boundary: 103 Jollies Pass Road • Southern boundary: 210 Hanmer Springs Road • Western boundary: Chatterton River, 80 Woodbank Road. <p>This excludes four parks available for freedom camping included in Schedule 2.</p>

Area	Location
Hawarden Reserve (except the restricted area as designated in Schedule 2)	11 Allandale Road, Hawarden
Homeview (Cheviot) Cemetery	183 Parnassus Road, Cheviot
Horsley Downs Cemetery	27 Lance Road, Medbury
Hurunui River Mouth Settlement Area and Reserves	<ul style="list-style-type: none"> • Hurunui River Mouth Settlement Area as defined by the Hurunui District Plan • Hurunui River Reserve • Hurunui Mouth Reserve • All road reserve adjacent to and seaward of the Hurunui River Reserve. <p>This area commences at the intersection of Blythe Road and Hurunui Mouth Road and includes all roads and reserves accessed from Hurunui Mouth Road seaward of this point.</p>
Jed Cemetery	675 Gore Bay Road, Gore Bay
Leithfield Beach Settlement Area including Kowai Lagoon and the beach	<ul style="list-style-type: none"> • Kowai Lagoon • The Leithfield Beach Settlement Area as defined by the Hurunui District Plan. • Beach adjacent to Leithfield Beach Settlement Area and Kowai Lagoon. <p>This area commences at 97 Kings Road and includes all roads and reserves accessed seaward of this point.</p>
Manuka Bay and Port Robinson local authority areas	<ul style="list-style-type: none"> • Port Robinson Bay Coastal Reserves • Water Springs Reserve • The full extent of: <ul style="list-style-type: none"> • Bell Street • Campbell Street • Manuka Bay Road • Port Robinson Road • Robinson Street • Cathedral Road from 2 Cathedral Road to the intersection with Manuka Bay Road.
Motunau Beach Settlement Area including the Clifftop Coastal Reserve	<ul style="list-style-type: none"> • The Motunau Beach Settlement Area as defined in the Hurunui District Plan. • Clifftop Coastal Reserve • Land adjacent to 23-33 Fishermans Lane <p>This area commences at 45 Lindsay Terrace and includes all roads and reserves past this point. It also includes the land adjacent to 23-33 Fishermans Lane on the alternative side of the Motunau River.</p>
Mt Lyford Settlement Areas and Reserve	Mt Lyford Settlement Area as defined by the Hurunui District Plan and the Mt Lyford Reserve.
Omihi Reserve	11 Reeces Road on the corner of Omihi Road, Omihi

Area	Location
Rotherham Cemetery	21 Davison Road, Rotherham
Rotherham Settlement Area	<ul style="list-style-type: none"> • The Rotherham Settlement Area as defined by the Hurunui District Plan. <p>This area is bounded to the north and east by Davidson Road and includes:</p> <ul style="list-style-type: none"> • the full extent of Davidson Road, Heaton Street and Turpin Place • the road reserve between 2-68 Wilkin Street • the road reserve between 2-76 George Street.
Scargill Motunau Reserve (except the restricted area as designated in Schedule 2)	125 Scargill Valley Road, Scargill
Spotswood Hall	6 Waiau East Road, Spotswood
St Anne's Lagoon	313 Parnassus Road, Cheviot
Ti Papa Stream Reserve	Greta Valley Walkway Road, Greta Valley
Waiau Cemetery	34 Parnassus Street, Waiau
Waiau Hall and Library	3 Cheviot Street and 6 Highfield Street, Waiau
Waiau Reserve	32 Parnassus Street and 33 Lyndon Street, Waiau
Waiau Village Green including Waiau Historical Reserve	17 Lyndon Street and 6 Cheviot Street, Waiau
Waikari Bowling Club Reserve	3 Cambridge Street, Waikari
Waikari Cemetery	29-35 Kellocks Road, Waikari
Waikari Memorial Hall	97-99 Princes Street, Waikari
Waikari Recreation Reserve	22 Princes Street, Waikari
Waipara Settlement Area	<p>The Waipara Settlement Area as defined by the Hurunui District Plan</p> <p>This area includes:</p> <ul style="list-style-type: none"> • All reserves and roads between 1-129 Glenmark Drive • Road reserve adjacent to 1-35 MacKenzies Road • The entirety of: <ul style="list-style-type: none"> ○ Ferguson Avenue ○ Johnston Street ○ Loffhagen Drive ○ Townend Street ○ Anzac Street.

Schedule 2: Restricted areas for freedom camping

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

General restrictions

1. All freedom camping in local authority areas is restricted to certified self-contained vehicles only, except where other forms are explicitly permitted in Table 2 of this Schedule.
2. A person may only freedom camp at a particular freedom camping site for a maximum of two nights within a 30-day period.
3. All waste must be disposed of at a regional or district council approved facility.
4. Public facilities must not be used for washing and/or drying dishes, clothes or any other camp-related items.
5. Vehicles must be legally parked and will not prevent others from undertaking legitimate activities in the area.
6. Freedom campers must comply with the request/s of an authorised enforcement officer.
7. 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.
8. Additional area-specific restrictions apply as set out in Table 2.

Area	Location	Specific restrictions
All local authority areas not specified in Schedule 1 or listed separately below		<ul style="list-style-type: none"> • Certified self-contained vehicles only.
Cheviot Rest Reserve	Cheviot Service Centre, 41 Hall Street, Cheviot (access off Cadman Street)	<ul style="list-style-type: none"> • Freedom camping only permitted between 8pm and 8am. • No more than 2 vehicles at any time. • Non-self-contained vehicles permitted. • Tents are prohibited.
Chisholm Park Carpark	27 Chisholm Crescent, Hanmer Springs	<ul style="list-style-type: none"> • Freedom camping permitted during the hours of 8pm to 8am only. • Non-self-contained vehicles permitted. • No more than 2 vehicles camping at any time. • Tents are prohibited.

Area	Location	Specific restrictions
Glenmark Reserve	3 Church Road, Waipara	<ul style="list-style-type: none"> • Freedom camping is not permitted in the plantation area. • Freedom camping is only permitted in the signposted area. • Freedom camping is prohibited elsewhere in the reserve. • No more than 10 vehicles or tents at any time. • Non-self-contained vehicles and tents permitted.
Hanmer Springs River Reserve	692 Hanmer Springs Road, Hanmer Springs	<ul style="list-style-type: none"> • Freedom camping is only permitted in the signposted area. • Freedom camping is prohibited elsewhere in the reserve. • No more than 10 vehicles or tents at any time. • Certified self-contained vehicles only (until such a time that a new toilet is installed. At this time non self-contained vehicles and tents will be permitted).
Hawarden Reserve	11 Allandale Road, Hawarden	<ul style="list-style-type: none"> • Freedom camping permitted during the hours of 8pm to 8am only. • No more than 2 vehicles at any time. • Freedom camping is only permitted in the signposted area. • Non-self-contained vehicles permitted. • Tents are prohibited.
Hurunui District Council carpark	66 Carters Road	<ul style="list-style-type: none"> • Freedom camping permitted during the hours of 8pm to 8am only. • No more than 5 vehicles at any time. • Non-self-contained vehicles permitted. • Tents are prohibited.
Old School Reserve	22 Cathedral Road, Gore Bay	<ul style="list-style-type: none"> • Freedom camping permitted during the hours of 8pm to 8am only. • Non-self-contained vehicles permitted. • No more than 2 vehicles at any time. • Tents are prohibited.
Rutherford Reserve Carparks	21 and 27 Mountain View Road, Culverden	<ul style="list-style-type: none"> • Freedom camping permitted during the hours of 8pm to 8am only. • Non-self-contained vehicles permitted. • No more than 2 vehicles at any time in each carpark. • Tents are prohibited.

Area	Location	Specific restrictions
Scargill Motunau Reserve	125 Scargill Valley Road, Scargill	<ul style="list-style-type: none"> • Freedom camping is only permitted within the signposted area at the southern end of this reserve. • No more than 6 vehicles or tents at any time. • Freedom camping is prohibited elsewhere in the reserve. • Non-self-contained vehicles and tents permitted.
Stocks Reserve	6 Weka Pass Road, Waikari	<ul style="list-style-type: none"> • Freedom camping permitted during the hours of 8pm to 8am only. • Non-self-contained vehicles permitted. • No more than 2 vehicles at any time. • Tents are prohibited.
Wandle Bridge lay-by area	Inland Road, approximately 11km north of Waiau	<ul style="list-style-type: none"> • Certified self-contained vehicles only. • Freedom camping permitted during the hours of 8pm to 8am only. • No more than 2 vehicles at any time.
War Memorial Hall Carpark	Corner of Amuri Ave and Cheltenham Street, Hanmer Springs. Parks available are on Cheltenham St.	<ul style="list-style-type: none"> • Freedom camping permitted during the hours of 8pm to 8am only. • Non-self-contained vehicles permitted. • No more than 2 vehicles camping at any time. • Tents are prohibited.