



## 1. INTRODUCTION

- 1.1. The Council encourages travelers and campers to use camping grounds and other accommodation facilities as much as possible.
- 1.2. The Kaikoura District Council makes this Bylaw under Section 11 of the Freedom Camping Act 2011.
- 1.3. The purpose of this Freedom Camping bylaw is to encourage responsible freedom camping in the Kaikoura District, whilst recognising that freedom camping is part of our traditional Kiwi culture and is a valued tourist experience.

## 2. TITLE

- 2.1. This Bylaw is the Kaikoura District Responsible Freedom Camping Bylaw 2019

## 3. PROCEDURE, COMMENCEMENT, AND REVIEW

- 3.1. This Bylaw comes into force on 18 December 2019 and shall apply to the whole of the Kaikoura District.
- 3.2. This Bylaw is required to be reviewed no later than 5 years after the Bylaw was made and thereafter no later than 10 years after the Bylaw was last reviewed.

## 4. DEFINITIONS AND INTERPRETATIONS

- 4.1. The Interpretation Act 1999 shall apply to this Bylaw.
- 4.2. In this Bylaw, unless the context requires otherwise:
  - 4.2.1. **Act:** means the Freedom Camping Act 2011.
  - 4.2.2. **Camping ground** means:
    - 4.2.2.1. a camping ground that is the subject of a current certificate of registration under the Camping Regulations 1985; or
    - 4.2.2.2. any site at which a fee is payable for camping at the site
  - 4.2.3. **Council:** means Kaikoura District Council or any Committee of the Council or officer delegated to exercise the authority of Council.
  - 4.2.4. **Enforcement Officer:** means a person appointed by the Kaikoura District Council as an enforcement officer under the Act
  - 4.2.5. **Freedom camp:** has the meaning in section 5(1) and (2) of the Act:
    - 4.2.5.1. 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:

- 4.2.5.1.1. a tent or other temporary structure:
- 4.2.5.1.2. a caravan:
- 4.2.5.1.3. a car, campervan, housetruck, or other motor vehicle.
- 4.2.5.2. In this bylaw freedom camping does not include the following activities:
  - 4.2.5.2.1. Temporary or short term parking of a motor vehicle;
  - 4.2.5.2.2. Recreational activities commonly known as day-trip excursions;
  - 4.2.5.2.3. Resting or sleeping at the roadside in a caravan or motor vehicle to avoid driver fatigue.
- 4.2.6. **Local Authority Area:** has the meaning in section 6 of the Act and means an area of land within the Kaikoura District—
  - 4.2.6.1. that is controlled or managed by the Kaikoura District under any enactment; but
  - 4.2.6.2. does not include an area of land that is permanently covered by water.
- 4.2.7. **Night:** means the period between 8pm and 7am or any part thereof.
- 4.2.8. **Restricted Area:** means a parking area or marked parking space identified within the areas in Schedule 2 of this Bylaw and indicated by signs erected in the area where camping is permitted subject to any restrictions and conditions.
- 4.2.9. **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 the occupants of that vehicle for a minimum of three days without requiring any external services or discharging any waste and
  - 4.2.9.1. 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 the availability on request of the associated self-containment certificate; and
  - 4.2.9.2. the toilet facility must be readily usable within the vehicle including sufficient head and elbow room at all times, even with the bed made up.
- 4.2.10. **Waste:** means any kind of waste, including human waste.
- 4.2.11. **Waste Receptacle:** means a receptacle or facility that is provided by the Council for the purposes of disposing of waste (for example, a rubbish bin, public toilet, or bulk waste disposal unit).
- 4.3. Every Schedule to this Bylaw shall be deemed to form part of the Bylaw.

## 5. PURPOSE

- 5.1. The purpose of this Bylaw is to regulate and manage freedom camping in Local Authority Areas and its effects on the Kaikoura District community and environment, in order to:
  - 5.1.1. protect Local Authority Areas; or
  - 5.1.2. protect the health and safety of people who may visit local authority areas; or
  - 5.1.3. protect access to Local Authority Areas.

- 5.2. Compliance with this Bylaw does not remove the requirement to comply with all other Acts, Regulations, Bylaws and rules. This includes all land; under Reserves Act 1977: under control and management by the Council: Council owned land under any lease agreement.

## **6. LOCAL AUTHORITY AREAS WHERE FREEDOM CAMPING IS PERMITTED**

- 6.1. Freedom camping is permitted in any Local Authority Areas unless it is prohibited in an area—
- 6.1.1. in accordance with this bylaw; or
  - 6.1.2. under any other enactment.
- 6.2. These General Restrictions apply in all Local Authority Area.
- 6.2.1. All Freedom Camping is restricted to Self-contained Vehicles
  - 6.2.2. Except where this Bylaw provides for a lesser period, no person may freedom camp for more than 3 nights in any four-week consecutive period in any one area or within 500 metres of that area.
  - 6.2.3. On-board storage tanks must be emptied on a regular basis at a Council approved dump point. See Schedule 3 of this bylaw for dump stations and public toilet locations.
  - 6.2.4. Vehicles must park within defined spaces or within identified parking areas, whichever is present. One vehicle per space.
  - 6.2.5. No use of public facilities to; wash dishes; wash clothes; dry clothes; bathe; except for facilities designated for that purpose. Advisory Note: Public facilities include public toilets, water taps (except for collecting water), flora and structures e.g. fences, signs and bollards.
- 6.3. Nothing in this Bylaw allows freedom campers to take up permanent or semi-permanent residence on any Local Authority Area unless allowed for in clause 10.1 of this Bylaw

## **7. PROHIBITED AREAS FOR FREEDOM CAMPING**

- 7.1. No person may Freedom Camp in any prohibited area identified in Schedule 1 of this Bylaw.

## **8. AREAS WITH ADDITIONAL RESTRICTIONS FOR FREEDOM CAMPING**

- 8.1. A person may freedom camp in any restricted Local Authority area identified in Schedule 2, but must comply with the restrictions listed for that area.

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

- 9.1. Council may grant consent to waive Freedom Camping restrictions in Section 9 or any areas identified in Schedule 1 and Schedule 2 of this Bylaw.
- 9.1.1. Consent must be applied for in writing to the Council. Council must decide to grant or decline the waiver within 20 working days of receiving the application.
  - 9.1.2. Council must notify Te Runanga O Kaikōura and Nga Uri O Mangāmāunu of applications received.
  - 9.1.3. If Council identifies any parties to be affected by an application under 9.1, the applicant must obtain written approval from identified parties.

- 9.1.4. A person Freedom Camping in accordance with a consent granted under clause 9.1 must comply with any conditions of consent.
- 9.1.5. Fees and forms may be prescribed for processing these permissions at Council's discretion
- 9.2. An Enforcement Officer may revoke a consent under 9.1 by giving a direction for the person to leave the camping area where that person has:
  - 9.2.1. Acted in a manner likely to endanger the health and safety of other people; or
  - 9.2.2. Damaged or likely to cause damage to the site; or
  - 9.2.3. Breached any of the conditions included in any consent

## **10. COUNCIL MAY TEMPORARILY CLOSE AN AREA TO FREEDOM CAMPING**

- 10.1. 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:
  - 10.1.1. prevent damage to the local authority area or facilities in the area; or
  - 10.1.2. allow maintenance to the local authority area or facilities; or
  - 10.1.3. protect the health and safety of persons or property; or
  - 10.1.4. provide for better public access, including in circumstances where events are planned for that area.
- 10.2. Notice will be given of any temporary closure or restriction, and the removal of any closure or restriction, in any manner the Council considers is appropriate to the reason for the closure or restriction.
- 10.3. The temporary closure shall not exceed 90 days without review from Council.

## **11. OFFENCES**

- 11.1. Every person commits an offence who;
  - 11.1.1. freedom camps in a local authority area in breach of offences listed in Section 20 of the Act—(attachment 1); or
  - 11.1.2. freedom camps in a Local Authority Area in breach of any prohibition or restriction in this bylaw.
- 11.2. Strict liability offences
  - 11.2.1. In prosecuting an offence under Section 20 of the Act, the prosecution does not need to prove that the defendant—
    - 11.2.1.1. intentionally or recklessly committed the offence; or
    - 11.2.1.2. knew that the offence occurred in, or in relation to, a local authority area or conservation land.

## **12. PENALTIES**

- 12.1. In accordance with section 27 of the Freedom Camping 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 of the Act, which includes, but is not limited to;

- 12.2. 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 or any restriction in this Bylaw is liable to the amount prescribed by regulations made under section 43 of the Act or if none \$200 or to any other fine prescribed in any other legislation.
- 12.3. Each offence is separable and individually subject to separate fines. A person who commits an infringement offence is liable to a \$200 infringement fee for each offence.
- 12.4. A person who is convicted of an offence against section 20(2) of the Act (Attachment 1) is liable to a fine not exceeding \$10,000.
- 12.5. A person who is convicted of an offence against section 20(3) of the Act (Attachment 1) is liable to a fine not exceeding \$5,000.
- 12.6. In accordance with 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.
- 12.7. In accordance with Sections (37 to 41) of the Act, enforcement officers may clamp or impound vehicles that are in breach of this bylaw.

**13. STATUS OF THE BYLAW:**

- 13.1. Where any provision in a Council Bylaw, Policy or practice document conflicts with any provision contained herein or otherwise creates any confusion, the provisions of the Bylaw will take precedence.

**14. REGARDLESS OF SECTION 15, RELATIONSHIP OF BYLAW WITH NGAI TAHU CLAIMS SETTLEMENT ACT 1998 AND OTHER IWI SETTLEMENTS.**

- 14.1. This bylaw does not limit or affect the rights in relation to nohoanga entitlements under the Ngai Tahu Claims Settlement Act 1998.
- 14.2. This Bylaw does not limit or affect the rights of iwi entitlements under any legislation passed in order to give effect to settlements under the Treaty of Waitangi.

**15. AMENDMENTS TO THIS BYLAW**

- 15.1. In accordance with Section 11(6) of The Act, The Council may by resolution, publicly notified, make minor changes to, or correct errors in this Bylaw.

**16. SEVERABILITY OF ANY AND ALL PROVISIONS**

- 16.1. In the case that any provision in this bylaw shall be found to be invalid, illegal, or unenforceable, the validity, legality, and enforceability of the remaining provisions shall not in any way be affected or impaired thereby.

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

- 17.1. Freedom Camping is prohibited in these Local Authority Areas without prior written consent of The Council in Clause 9.1:
  - 17.1.1. All areas as mapped in Figure 1, 2 and 3

Figure 1: Kaikoura Township

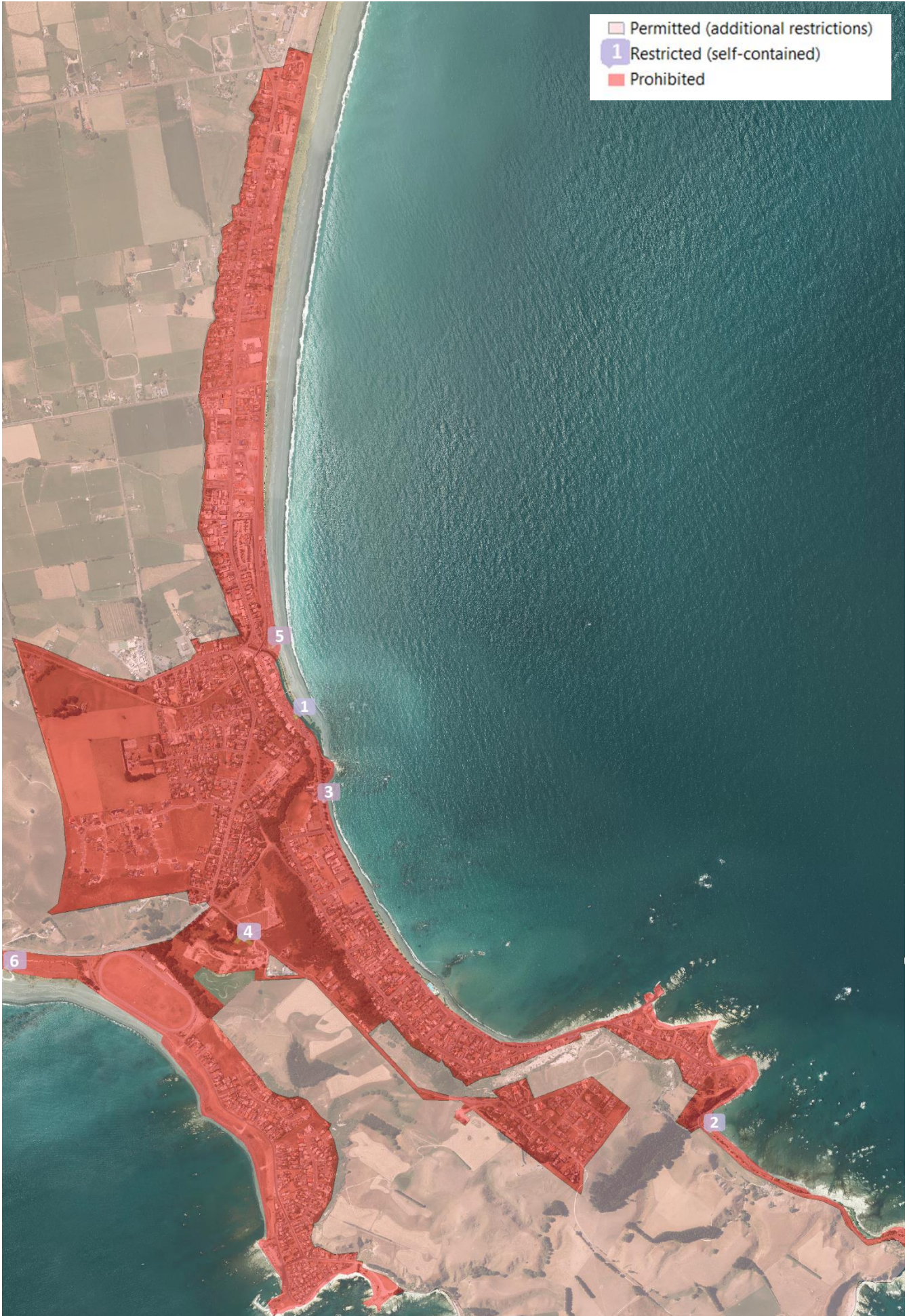


Figure 2: Coastal Strip from South Bay Parade until the Kowhai River



Figure 3: Kiwa Road, Mangāmāunu



**18. SCHEDULE 2: AREAS WITH ADDITIONAL RESTRICTIONS FOR FREEDOM CAMPING**

18.1. Freedom Camping is restricted at the areas listed below to the number of vehicles specified and restrictions as to the size of vehicle, and to the following:

- 18.1.1. No person may freedom camp for more than 1 night in any four-week consecutive period at any of the listed areas; and
- 18.1.2. All personal effects must be kept within the vehicles.

18.2. Areas, and vehicle number and size restrictions: Advisory Note: For location of Restricted Areas: See Schedule 1, Figure 1.

18.2.1. West End car park: Maximum of 10 vehicles;



18.2.2. Jimmy Armers Beach: Maximum of 6 vehicles: Maximum vehicle length of 7.5 metres;



18.2.3. Esplanade Fire Station: Maximum of 6 vehicles: Maximum vehicle length 6.5 metres;





18.2.4. Scarborough Street Reserve: Maximum of 20 vehicles;



18.2.5. South End Railway Station Carpark: Maximum of 6 vehicles: Maximum vehicle length 5 metres;



18.2.6. Pohowera (South Bay) - Maximum of 15 vehicles with NO FREEDOM CAMPING between 15 August and the last day in February of the following year;



## 19. SCHEDULE 3: DUMP STATIONS (DS) AND TOILETS (T).

- 19.1. South Bay Reserve DS T
- 19.2. BP Service Station DS
- 19.3. Boat Harbour - Kaka Road T
- 19.4. West End Car Park T
- 19.5. Jimmy Armers Beach T
- 19.6. Mill Road and Beach Road T
- 19.7. Goochs Beach T
- 19.8. Kiwa Road, Mangāmāunu T

### ATTACHMENT 1

Reprinted as at 1 March 2017 Freedom Camping Act 2011. Part 3: Enforcement, miscellaneous, and transitional provisions. Subpart one—Offences, defences, and penalties:

(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
- (e) fails or refuses to leave a local authority area when required to do so by an enforcement officer acting under section 36; or
- (f) [Repealed]
- (g) freedom camps on conservation land in breach of any prohibition or restriction in a freedom camping notice that applies to the land; or
- (h) while freedom camping on conservation land,—
  - (i) interferes with or damages the land, its flora or fauna, or any structure on the land; or
  - (ii) deposits waste in or on the land (other than into an appropriate waste receptacle); or
- (i) [Repealed]
- (j) makes preparations to freedom camp on conservation land in breach of any prohibition or restriction in a freedom camping notice that applies to the land; or
- (k) deposits waste, generated while freedom camping, in or on conservation land other than into an appropriate waste receptacle; or
- (l) refuses to give information when required to do so by an enforcement officer under section 35 or gives false or misleading information; or
- (m) fails or refuses to leave conservation land when required to do so by an enforcement officer acting under section 36.

(2) Every person commits an offence who discharges a substance in or on a local authority area or conservation land in circumstances where the discharge of the substance is likely to be noxious, dangerous, offensive, or objectionable to such an extent that it—

(a) has, or is likely to have, a significant adverse effect on the environment; or

(b) has caused, or is likely to cause, significant concern to the community or users of the area or land.

(3) Every person commits an offence—

(a) who, while an enforcement officer is carrying out his or her functions and duties under this Act,—

(i) intentionally prevents the officer from carrying out those functions and duties; or

(ii) obstructs or impedes the officer; or

(iii) assaults, threatens, or intimidates the officer; or

(iv) uses language that is abusive or threatening to the officer; or

(v) behaves in a threatening manner towards the officer; or

(b) who incites any other person to do any act referred to in paragraph (a).

(4) 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).