

Waitomo District Council

Freedom Camping Bylaw 2023

First Adopted:	27 November 2018
Review History:	June 2022, November 2023
Date of Next Review:	November 2033
Responsibility:	Infrastructure Services
Adopted by:	Council on 28 November 2023
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 2023.

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. In July 2022 the Bylaw was reviewed by special consultative procedure and an amended Bylaw was adopted on 30 August 2022.

In November 2023 the Bylaw was reviewed to ensure consistency pursuant to Schedule 1AA, Clause 10 of the Freedom Camping Act 2011 and the Self-contained Motor Vehicles Legislation Act 2023.

Council resolved to adopt the amended Waitomo District Council Freedom Camping Bylaw to give effect to the Self-contained Motor Vehicles Legislation Act 2023 at the Council Meeting on 28 November 2023. The amended Waitomo District Council Freedom Camping Bylaw was then publicly notified on 7 December 2023.

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; and
 - (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 an area accessible by motor vehicle or within 200 m of 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 either or both of the following:
 - (a) A tent or other temporary structure; or
 - (b) A 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; or

- (c) Resting or sleeping at the roadside in a caravan or motor vehicle to avoid driver fatigue.

2.3 In this [bylaw], a person is not freedom camping if the person —

- (a) is not in New Zealand on a visitor visa (within the meaning of the immigration instructions); and
- (b) is unable to live in appropriate residential accommodation; and
- (c) because of that inability, is living in either or both of the following:
 - (i) a tent or other temporary structure;
 - (ii) a motor vehicle.

2.4 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

2.5 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.

2.6 In this [Bylaw] motor vehicle means each of the following —

- (a) a motor vehicle within the meaning of section 2(1) of the Land Transport Act 1998; and
- (b) a unit used for camping that is not itself a vehicle but is capable of being—
 - (i) transported by means of being loaded onto a vehicle; and
 - (ii) used for camping whether or not it is loaded onto a vehicle.

DEFINITIONS | NGĀ WHAKAMĀRAMATANGA

Act	Freedom Camping Act 2011
Self-contained	In relation to a motor vehicle, means that the vehicle has a valid certificate of self-containment issued in accordance with section 87U(3)(d) of the Plumbers, Gasfitters, and Drainlayers Act 2006 (but see subpart 1 of Part 1 of Schedule 1AA for the meaning of self-contained during the transitional period)
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 in a self-contained vehicle unless it is prohibited or restricted:
- by this Bylaw; or
 - 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 self-contained vehicle, except as allowed in clause 3.
- 2.2. A person must not freedom camp in any tent or temporary structure in any local authority area, except as allowed in clause 3.
- 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:
- the freedom camping must only take place in a self-contained vehicle as specified in Schedule 2; and
 - 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
 - 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:
- the freedom camping must only take place in a self-contained vehicle, or non-self-contained vehicle, as specified in Schedule 2; and
 - 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
 - other restrictions as specified in Schedule 2.
- 3.3. In any area described in Schedule 2 and marked teal on the maps in Schedule 3, freedom camping is allowed subject to the following:
- the freedom camping must only take place in a 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 teal 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.
- 3.4. In clauses 3.1(b) and 3.2(b) "location" means the land within 500m of the place where the 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 2 and 3 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; and
 - (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 20(E) of the Act any person who commits an infringement offence is liable to:
- (a) an infringement fee not exceeding \$1000 that is prescribed by regulations made under section 43; or
 - (b) if no regulations have been made under section 43 prescribing infringement fees, an infringement fee of \$400; or
 - (c) a fine imposed by a court not exceeding \$3000 or any lesser or equal amount prescribed by the regulations.

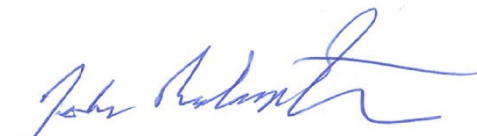
The following note is explanatory and is not part of the Bylaw:

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.

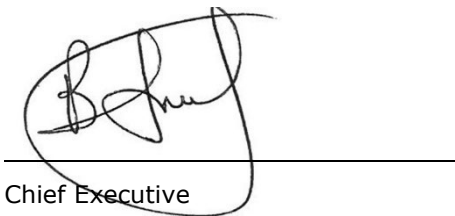
Section 22 of the Act sets out defences to a freedom camping offence. The defences include that an offence was committed due to an action or event beyond the control of the defendant that could not reasonably have been foreseen, or the act was necessary to protect life or health, prevent injury or serious 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.

Common Seal of Waitomo District Council:

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 Kūiti Domain – Te Kūiti	1
Brook Park – Te Kūiti	1
Redwood Park –Te Kūiti	1
Te Kūiti Skateboard Park – Te Kūiti	1
Centennial Park – Te Kūiti	1
Rose Garden Reserve – Te Kūiti	1
Te Kūiti Cemetery (new)	2
Te Kūiti Cemetery (old)	2
Piopio Cemetery	3
Rukuhia Domain – Piopio	4
Kara Park - Piopio	4
Mōkau Esplanade (Aria Terrace) and Point Road (including carpark) - Mōkau	5
Carpark area opposite Whitebait Inn - Mōkau	5
Tokopapa Street (including carparking area) – Mōkau	5
Takarei Terrace Recreation Reserve – Mōkau	5
Boat Ramp carparking, Te Kauri Road – Mōkau	5
Beach Road - Mōkau	5
Tainui Street – Mōkau	5
Rangi Street – Mōkau	5
Oha Street - Mōkau	5
Mōkau Cemetery	5
Carpark Area, Moana Quay – Marokopa	6
Esplanade – Marokopa	6
Marokopa Recreation Reserve – Carley Reeve Drive Marokopa	6
Moerua Street - Marokopa	6
Rauparaha Street - Marokopa	6
Marokopa Road - Marokopa	6
Carley Reeve Drive - Marokopa	6
Kiritehere Cemetery Reserve (including Road reserve)	6
Benneydale Domain – Maniaiti/Benneydale (part)	7
Benneydale Hall – Maniaiti Road – Maniaiti/Benneydale	7
Benneydale public toilets – State Highway 30, Maniaiti/Benneydale	7
Boat Ramp carpark – Te Waitere	8
Te Waitere Cemetery	8
Iredale Quay River Esplanade – Awakino	9
Awakino Heads Esplanade - Awakino Heads Road – Awakino	9
Aria Cemetery	10
St Helen Domain - Aria	10
Mapiu Cemetery	11
Mapiu Domain – Mapiu	11
Waikawau Beach/Tunnel Recreation Reserve	12
Kinohaku Hall – Kinohaku	13
Waitomo Village Road – Waitomo	15

SCHEDULE 2 | WAHANGA 2

Restricted Areas for Freedom Camping

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



General Restrictions

- a) Freedom camping must only take place in a 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 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 car parking 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 Kūiti	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.	4
Benneydale Domain (part)	Self-contained vehicles only. No tenting.	7
Te Waitere Reserve	Self-contained and non-self-contained vehicles. No tenting.	8
Te Anga Road Scenic Lookout	Maximum of 3 self-contained vehicles. No tenting	14

SCHEDULE 3 | MAPS



	<p>MAP 1 - Te Kuiti</p> <p>Waitomo District Council Freedom Camping Restricted and Prohibited Areas</p>	<p>Areas for Freedom Camping</p> <ul style="list-style-type: none"> ■ Self contained Freedom Camping ■ Self-contained and non-self-contained ■ Self-contained, non-self-contained, and tenting 	<ul style="list-style-type: none"> ■ Prohibited Areas for Freedom Camping ★ Paid Campground (no tenting) 	



MAP 2 - Te Kuiti Cemetery



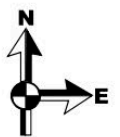
MAP 3 - Piopio Cemetery



Waitomo District Council
Freedom Camping Restricted
and Prohibited Areas

Areas for Freedom Camping

- Self Contained Freedom Camping
- Self-contained and non-self-contained
- Self-contained, non-self-contained, and tenting
- Prohibited Areas for Freedom Camping



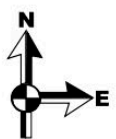


MAP 4 - Piopio

Waitomo District Council
Freedom Camping Restricted
and Prohibited Areas

Areas for Freedom Camping

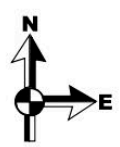
- Self Contained Freedom Camping
- Self-contained and non-self-contained
- Self-contained, non-self-contained, and tenting
- Prohibited Areas for Freedom Camping

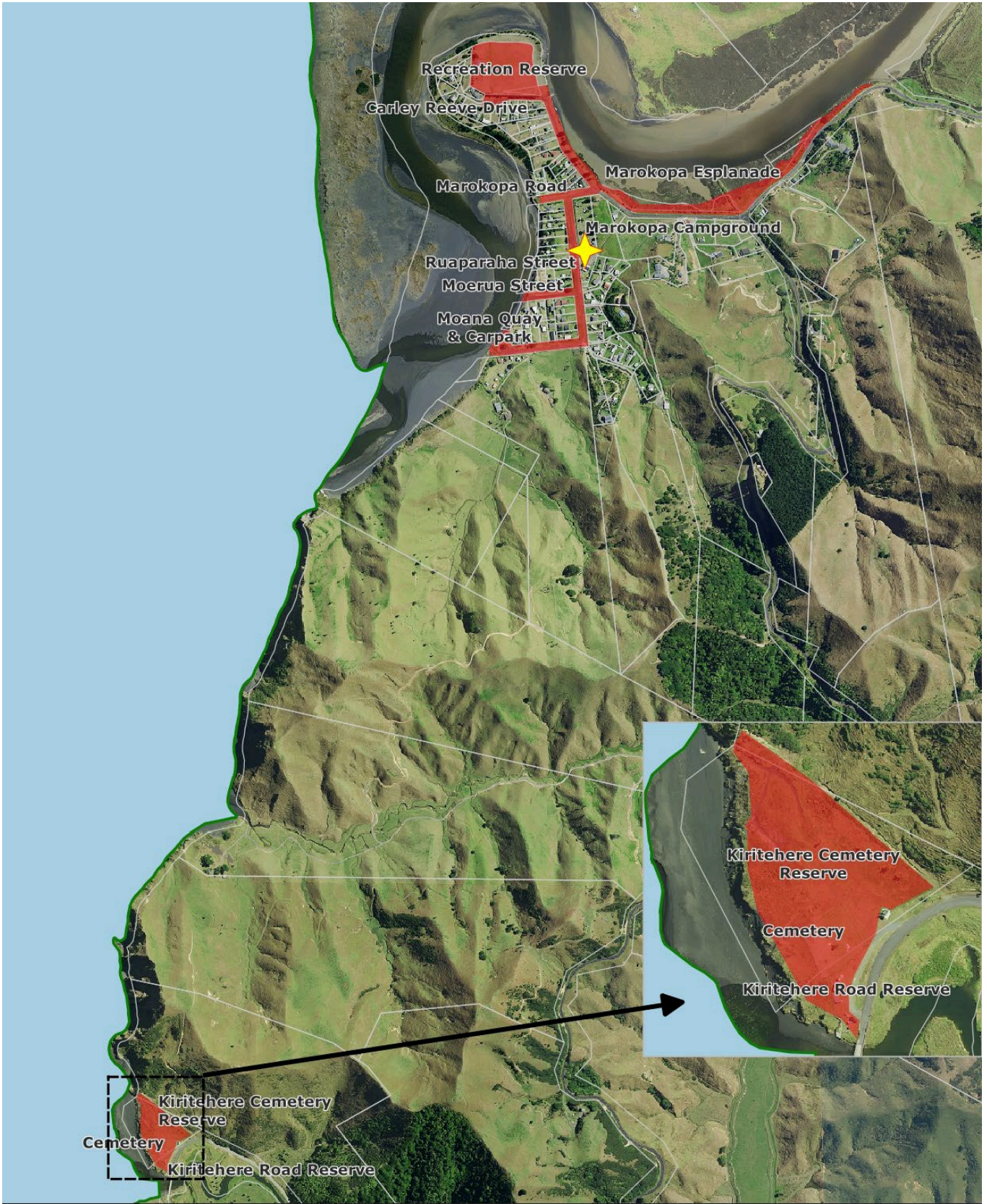




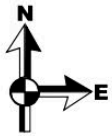



MAP 5 - Mōkau
 Waitomo District Council
 Freedom Camping Restricted
 and Prohibited Areas

- Areas for Freedom Camping**
- Self Contained Freedom Camping
 - Self-contained and non-self-contained
 - Self-contained, non-self-contained, and tenting
 - Prohibited Areas for Freedom Camping





 <p>MAP 6 - Marokopa</p> <p>Waitomo District Council Freedom Camping Restricted and Prohibited Areas</p>	 Self Contained Freedom Camping	
	 Paid Camping	



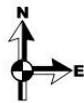
MAP 7 - Maniaiti/Benneydale

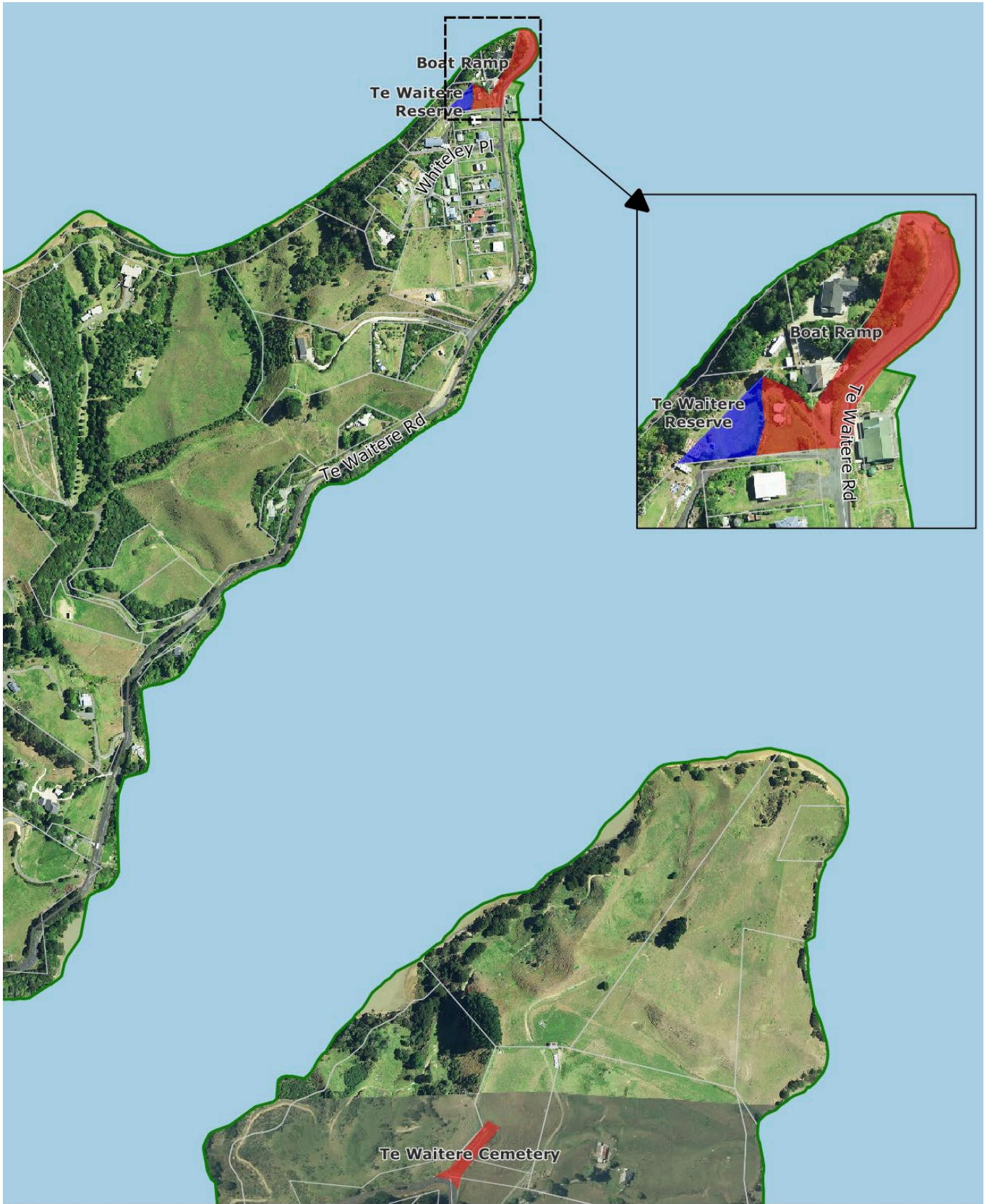
Waitomo District Council
Freedom Camping Restricted
and Prohibited Areas

Areas for Freedom Camping

- Self contained Freedom Camping
- Self-contained and non-self-contained
- Self-contained, non-self-contained, and tenting

■ Prohibited Areas for Freedom Camping

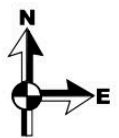


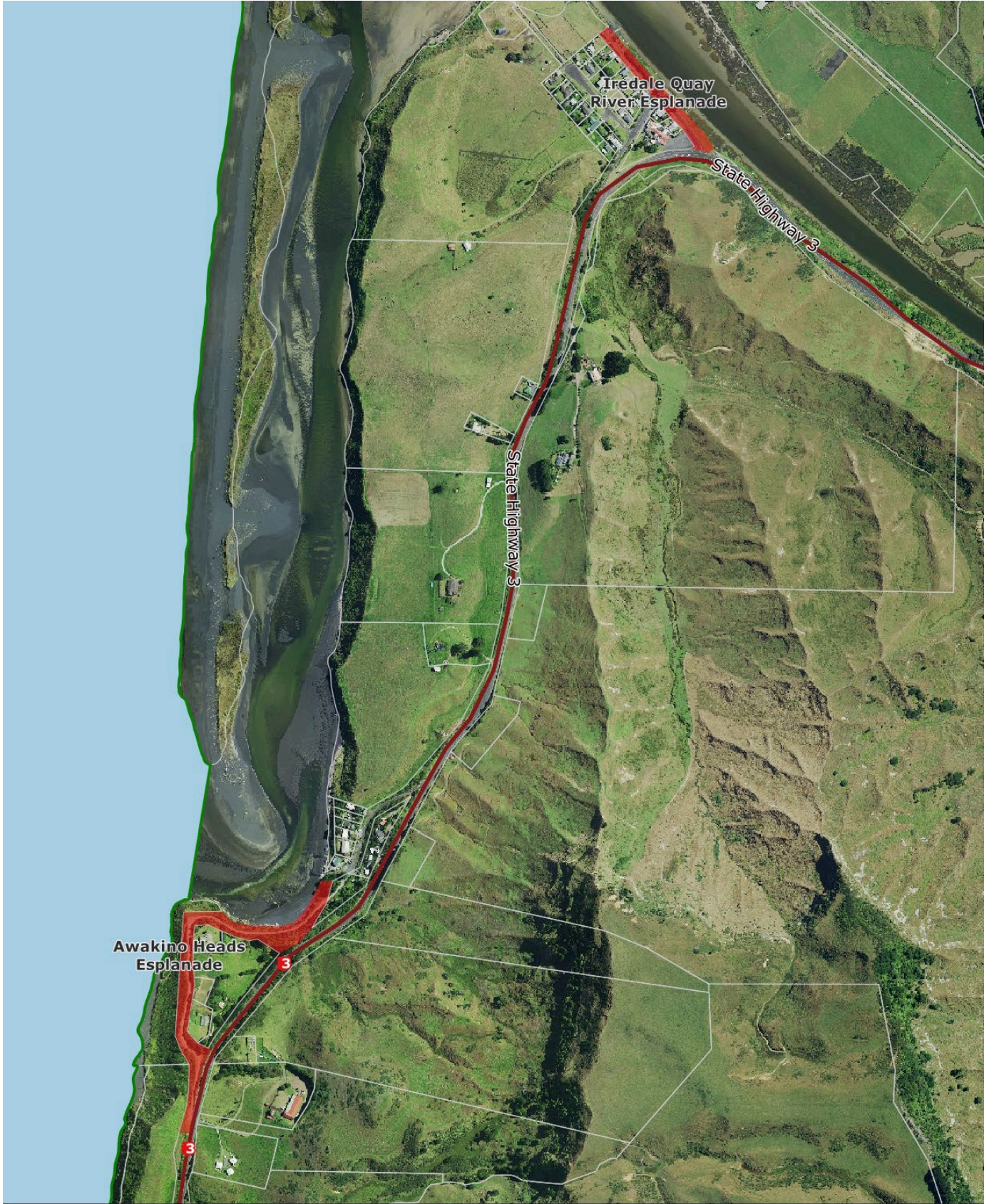


MAP 8 - Te Waitere
 Waitomo District Council
 Freedom Camping Restricted
 and Prohibited Areas

Areas for Freedom Camping

- Self Contained Freedom Camping
- Self-contained and non-self-contained
- Self-contained, non-self-contained, and tenting
- Prohibited Areas for Freedom Camping



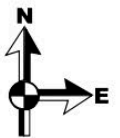


MAP 9 - Awakino

Waitomo District Council
Freedom Camping Restricted
and Prohibited Areas

Areas for Freedom Camping

- Self Contained Freedom Camping
- Self-contained and non-self-contained
- Self-contained, non-self-contained, and tenting
- Prohibited Areas for Freedom Camping



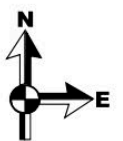


MAP 10 - Aria

Waitomo District Council
Freedom Camping Restricted
and Prohibited Areas

Areas for Freedom Camping

- Self Contained Freedom Camping
- Self-contained and non-self-contained
- Self-contained, non-self-contained, and tenting
- Prohibited Areas for Freedom Camping



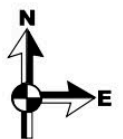


MAP 11 - Mapiu

Waitomo District Council
Freedom Camping Restricted
and Prohibited Areas

Areas for Freedom Camping

- Self Contained Freedom Camping
- Self-contained and non-self-contained
- Self-contained, non-self-contained, and tenting
- Prohibited Areas for Freedom Camping

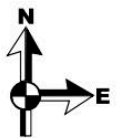




MAP 12 - Waikawau
 Waitomo District Council
 Freedom Camping Restricted
 and Prohibited Areas

Areas for Freedom Camping

- Self Contained Freedom Camping
- Self-contained and non-self-contained
- Self-contained, non-self-contained, and tenting
- Prohibited Areas for Freedom Camping



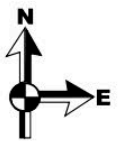


MAP 13 - Kinohaku

Waitomo District Council
Freedom Camping Restricted
and Prohibited Areas

Areas for Freedom Camping

- Self Contained Freedom Camping
- Self-contained and non-self-contained
- Self-contained, non-self-contained, and tenting
- Prohibited Areas for Freedom Camping



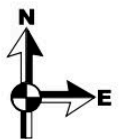


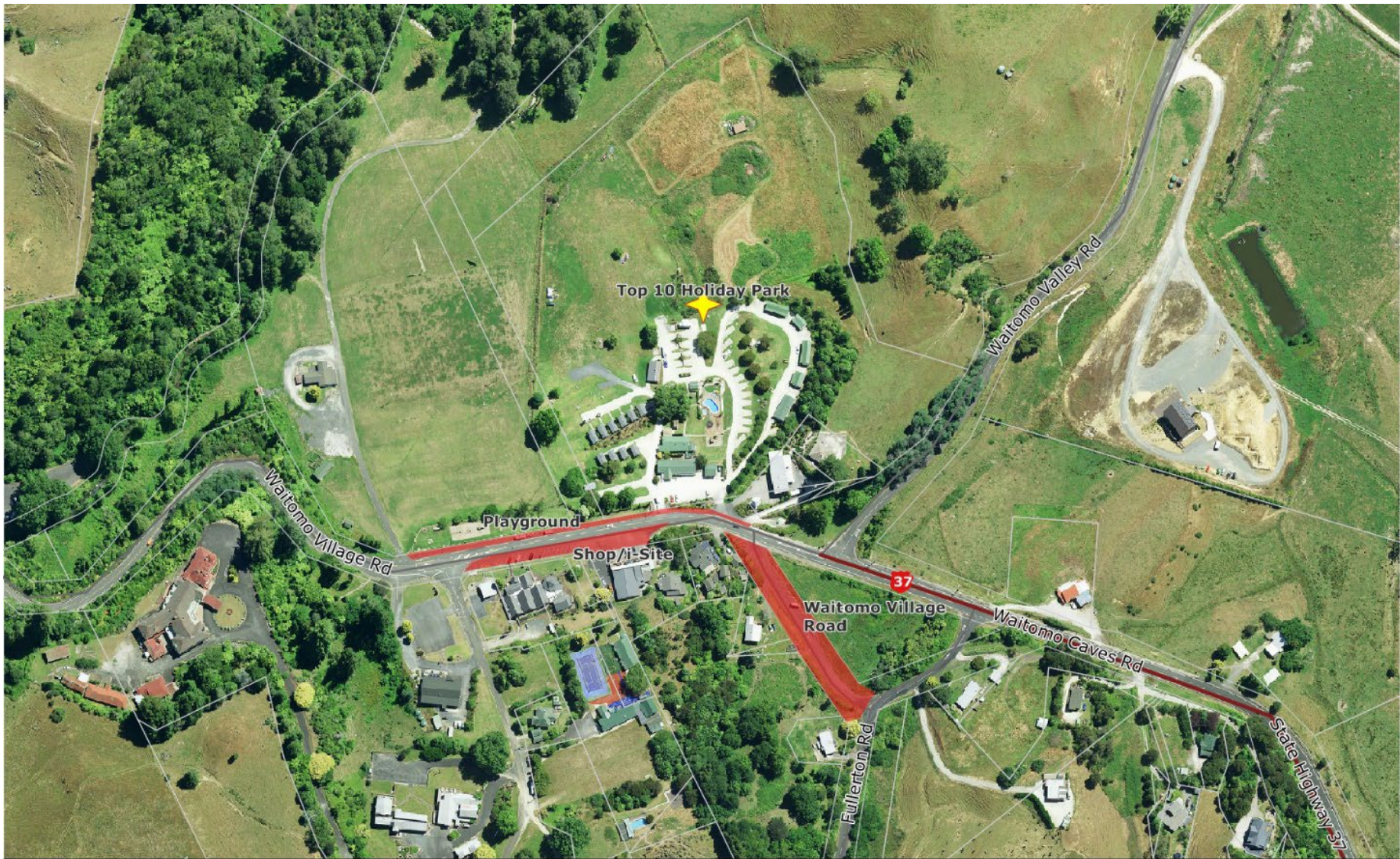
MAP 14 - Te Anga

Waitomo District Council
Freedom Camping Restricted
and Prohibited Areas

Areas for Freedom Camping

- Self Contained Freedom Camping
- Self-contained and non-self-contained
- Self-contained, non-self-contained, and tenting
- Prohibited Areas for Freedom Camping





MAP 15 - Waitomo Caves

Waitomo District Council
Freedom Camping Restricted
and Prohibited Areas

Areas for Freedom Camping

- Self contained Freedom Camping
- Self-contained and non-self-contained
- Self-contained, non-self-contained, and tenting

- Prohibited Areas for Freedom Camping
- ★ Paid Campground

