

Waikato District Council

Proposed Freedom Camping Bylaw 2023

Waikato District Council, in exercise of its powers under the Freedom Camping Act 2011 and their respective amendments, and all other relevant powers, hereby makes the following bylaw.

Introduction

1.0 Purpose

- 1.1 To protect the Waikato District's unique environment and community from issues associated with freedom camping by regulating freedom camping in areas where it is necessary for the following purposes:
- a) To protect the area
 - b) To protect the health and safety of people who may visit the area
 - c) To protect access to the area.

2.0 Short title, commencement and application

- 2.1 The bylaw shall be known as the 'Waikato District Council Freedom Camping Bylaw 2023'.
- 2.2 The bylaw shall apply to the Waikato District.
- 2.3 The bylaw shall come into force on **XX October 2023**.

Related information

The bylaw is due for review by **XX** October 2028.

- 2.4 The bylaw is made under the authority of section 11 of the Freedom Camping Act 2011. In addition, other legislation and regulatory tools that regulate and control freedom camping include the Reserves Act 1977, reserve management plans, the Waikato District Plan and other Council bylaws. These should be referred to in conjunction with this Bylaw.

3.0 Related information

- 3.1 There are comment boxes headed 'related information' within the bylaw. This related information does not form part of the bylaw and may be inserted, changed or removed without any formality.

4.0 Definitions

- 4.1 For the purposes of this Bylaw, the following definitions shall apply, unless inconsistent

with the context:

Act means the Freedom Camping Act 2011.

Camping Ground has the meaning given by section 5(3) of the Act.

Related information

As at 7 June 2023, section 5(3) of the Act defines camping ground as:

- (a) a camping ground that is the subject of a current certificate of registration under the Camping-Grounds Regulations 1985; or
- (b) any site at which a fee is payable for camping at the site.

Council means the Waikato District Council

District means the Waikato District.

Freedom Camp has the meaning given by section 5(1), 5(2) and 5(2A) of the Act.

Related information

As at 7 June 2023, sections 5(1), 5(2) and 5(2A) of the Act, where freedom camping is defined, are as follows:

- (1) In this Act, freedom camp means to camp (other than at a camping ground) within 200 m 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 200 m of a formed road or a Great Walks Track, using either or both of the following:
 - (a) a tent or other temporary structure:
 - (b) a 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 motor vehicle to avoid driver fatigue.
- (2A) In this Act, a person is not freedom camping if the person—
 - (a) is a person other than a person who is in New Zealand on the basis of a visitor visa (within the meaning of the immigration instructions); and
 - (b) is unable to live in appropriate residential accommodation; and
 - (c) as a consequence of that inability, is living in either or both of the following:
 - (i) a tent or other temporary structure:
 - (ii) a motor vehicle.

Local Authority Area has the meaning given in section 6 of the Act.

Related information

As at 7 June 2023, section 6(1) of the Act, where local authority area is defined, is as follows:

- (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—
 - (A) controlled or managed by or on behalf of the local authority under any enactment; or
 - (B) an area of NZTA land declared to be a local authority area in accordance with a bylaw made under section 10A; 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

has the meaning given in section 4 of the Act.

Related information

As at 7 June 2023, section 4 of the Act, where self-contained is defined, is as follows:

- (4) 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.)

Related information

To be certified self-contained, the vehicle must achieve compliance with NZ Standard 5465:2001. The standard can be viewed or printed once for free at this link: <https://www.standards.govt.nz/shop/nzs-54652001>.

For the avoidance of doubt, the standard requires that a self-contained vehicle be equipped with a toilet that is permanently fixed to the vehicle.

4.2 The Legislation Act 2019 applies to this bylaw.

5.0 Prohibited areas

A person must not Freedom Camp in any prohibited area within the District, as identified in Schedule One of this bylaw.

Related information

The Reserves Act 1977 prohibits camping on all reserves unless it is specifically provided for in an operative reserve management plan.

6.0 Restricted areas

- 6.1 A person may not Freedom Camp in contravention of this clause.
- 6.2 Freedom Camping is restricted in all Local Authority Areas. The restrictions that apply to Freedom Camping in all those areas are:
- a) A vehicle must be certified Self-contained vehicle to Freedom Camp.
 - b) A vehicle must not stay in any one area for more than five consecutive nights in any one month period.
 - c) A vehicle must not Freedom Camp within 500 metres of an area in which it has already been freedom camping for up to five consecutive nights in any one month period.
- 6.3 Freedom Camping is further restricted in the areas identified in Schedule Two of this bylaw.
- 6.4 Notwithstanding 6.2(a), a person may only Freedom Camp in a vehicle that is not Self-contained in the Local Authority Areas identified in Schedule Three.
- 6.5 The restrictions that apply in the areas in Schedule Two and Three are:
- a) If Schedule Two or Three specify a designated place in the Local Authority Area, a person must not Freedom Camp in another place in the area.
 - b) If Schedule Two or Three specify a maximum number of consecutive nights, that number prevails over clause 6.2(b) of the bylaw.
 - c) If Schedule Two or Three specify a time of day where Freedom Camping is permitted, a person must not Freedom Camp outside of those times.
 - d) If Schedule Two or Three specify a maximum number of vehicles, a person must not Freedom Camp in the area if that number of vehicles are already present when they arrive at the area.

7.0 Prior consent from Council

- 7.1 A person may only Freedom Camp in contravention of clause 6 if that person obtains prior written consent of the Council and complies with any conditions of the consent.
- 7.2 A person applying for consent under clause 7.1 must apply to the Council. The application must:
- a) Be made at least 30 days prior to the date on which Freedom Camping is planned to occur; and
 - b) Include information about the person applying for the consent and their contact details; and

- c) Describe the area or give an address where the Freedom Camping is intended to occur; and
- d) Describe the reason the consent is sought.

Related information

Council anticipates the following reasons could be grounds for an application:

- Where Freedom Camping is associated with a special event or occasion occurring in an area, and an exemption is required for the duration of the event or occasion
- Where there is a good reason for Freedom Camping in an area that cannot be reasonably met in another area.
- Complying with a restriction or prohibition within the bylaw is not reasonable in the circumstances.

Council's fees and charges can be reviewed on the website at:

<https://www.waikatodistrict.govt.nz/your-council/plans-policies-and-bylaws/plans/fees-and-charges>

7.3 Applications which fulfil the requirements of clause 7.2 of this bylaw will be considered by Council and may be granted at the Council's discretion. The Council may attach conditions to any consent that is granted.

8.0 Temporary closure of an area to freedom camping

8.1 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.

8.2 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.

Related information

The Council may publicise a closure or restriction using a sign erected in the area, and/or advertising on the Council's digital channels or on the radio, and/or a public notice in the newspaper.

9.0 Offences

9.1 Every person who Freedom Camps or makes preparation to Freedom Camp in a Local

Authority Area in breach of any prohibition or restriction in this bylaw commits an offence under section 20(1) of the Act.

9.2 Every person who Freedom Camps, or makes preparations to Freedom Camp, in a Local Authority Area in breach of the conditions of any consent given in accordance with clause 7 of this bylaw is in breach of a prohibition or restriction in this bylaw and commits an offence under section 20(1) of the Act.

This bylaw was made pursuant to a resolution passed by the Waikato District Council on XX
October 2023.

THE COMMON SEAL of WAIKATO DISTRICT
COUNCIL was hereto affixed in the presence of:

Mayor

Chief Executive

Schedule One: Prohibited areas for Freedom Camping

A. Freedom Camping is prohibited on all local authority cemetery areas and their associated car parks. This includes the following:

- Alexandra Redoubt Cemetery, Alexandra Redoubt Rd, Tuakau
- Gordonton Cemetery, Gordonton Rd, Gordonton
- Huntly Kimihia Cemetery, Great South Rd, Huntly
- Jackson Street Cemetery, 46/44 Jackson St, Ngaaruawaahia
- Maramarua Cemetery, State Hwy, Maramarua
- Mercer Cemetery, 15 Glass Rd, Mercer
- Ngaaruawaahia Old Cemetery, Great South Rd, Ngaaruawaahia
- Okete Cemetery, Raglan
- Onewhero Cemetery, Kaipo Flats Rd, Onewhero
- Orini Cemetery, Orini Rd, Orini
- Pookeno Cemetery, 60/38 Fraser Rd, Pookeno
- Pookeno Old Soldiers Cemetery, Helenslee Rd, Pookeno
- Raglan Cemetery, East St, Raglan
- Rangiriri Cemetery, Te Wheoro Rd, Rangiriri
- Rangiriri Historic War Cemetery, 7 Rangiriri Rd, Rangiriri
- Taupiri Cemetery, Gordonton Rd, Taupiri
- Te Mata Cemetery, Te Papatapu Rd, Raglan
- Tuakau Cemetery, Alexandra Redoubt Rd, Tuakau
- Waerenga Cemetery, Keith Rd, Waerenga
- Waiterimu / Matahuru Cemetery, Waiterimu Rd, Waiterimu
- Whatawhata Cemetery, Cemetery Rd, Whatawhata

B. Freedom Camping is prohibited on the Local Authority Areas identified below:

Raglan	
Area Name / Description	Map Reference No.
Manu Bay Reserve and surrounding area 696 Wainui Road, Raglan and that section of Wainui Road adjacent to the Manu Bay reserve.	WDC_2016_01
Tohora Close, Calvert Road, Whale Bay	WDC_2016_02
Ngarunui Beach Reserve, Wainui Reserve 330 Wainui Road, Raglan	WDC_2016_03
Papahua Domain 61 Marine Parade, Raglan	WDC_2016_04
Cliff Street, Puriri Street From 2 Cliff Street to 1 Puriri Street, Raglan	WDC_2016_05
Riria Kereopa Drive, Wainamu Road	WDC_2016_06
Wainui Road - Turning bay across from 765A Wainui Road; and - Wainui Road road reserve	WDC_2016_07
Wainui Reserve Bush Park, Wainui Road, Raglan	WDC_2023_01
Water treatment ponds, Wainui Road, Raglan	WDC_2023_02
Papanui Point Carpark	WDC_2016_08
Swann Access Road, Ruapuke Beach	WDC_2016_09
Ruapuke Beach Road	WDC_2016_10
Bridal Veil Falls Carpark Kawhia Road, Te Mata	WDC_2016_11
Greenslade Road	WDC_2016_26
Earles Place	WDC_2016_27
Raglan CBD	WDC_2016_28
Raglan Wharf	WDC_2016_29
Lorenzen Bay Road, Sunshine Rise	WDC_2016_30

Ngaaruawaahia	
Area Name / Description	Map Reference No.
Te Huinga o Ngaa Wai (The Point), Ngaaruawaahia	WDC_2016_19
Waikato Esplanade I-52 Waikato Esplanade.	WDC_2016_12
Patterson Park	WDC_2016_13
Horotiu Bridge carpark area	WDC_2016_14
Waingaro Road Section at end of Hakarimata track	WDC_2016_15
Brownlee Ave Hakarimata Track carpark area	WDC_2016_16
Hopuhopu 451-477 Old Taupiri Road Hopuhopu	WDC_2016_17

Port Waikato	
Area Name / Description	Map Reference No.
Maraetai Bay Reserve Maunsell Road	WDC_2016_18
Sunset Beach carpark Maunsell Rd	WDC_2016_25

Schedule Two: Restricted areas for Freedom Camping

The following areas have specific restrictions for Freedom Camping.

Area Name / Description	Restriction	Map Reference No.
Te Huinga o Ngaa Wai (The Point), Ngaaruawaahia Lower Waikato Esplanade	Location is restricted to a designated area. The designated area cannot be used if it is required for events.	WDC_2016_19
St. Stephens carpark, Tuakau 8 St Stephens Avenue.	Sign posted part of car park only. Permitted camping hours between 6pm and 10am. Maximum stay of two nights.	WDC_2016_20
Stewart Street, Raglan Parking area on the street outside 1 Stewart Street and 3 Stewart Street	Location is restricted to a designated area. Permitted camping hours between 5pm and 8am.	WDC_2023_03

Schedule Three: Designated areas for Freedom Camping for vehicles that are not Self-contained

Vehicles that are not Self-contained may only Freedom Camp for a maximum of two nights in the areas that are specified in the table below:

Area Name / Description	Restriction	Map Reference No.
Onewhero Domain 14 Hall Road	Location is restricted to a designated area. The designated area cannot be used if it is required for events.	WDC_2016_21
Te Kauwhata Domain Mahi Road	Location is restricted to a designated area. The designated area cannot be used if it is required for events.	WDC_2016_22

Schedule I Maps of Prohibited Areas

Raglan





Legend

Freedom Camping status:

Prohibited



Tohora Close, Calvert Road, Whale Bay

Map number: WDC_2016_02

Waikato District Council
Prepared 4 Jul 2023
Cadastre Boundaries and
addresses - LINZ
Projection: NZTM2000
Ref: ME43997



Legend

Freedom Camping status:

Prohibited



Ngarunui Beach Reserve

Map number: WDC_2016_03

Waikato District Council
Prepared 4 Jul 2023
Cadastre Boundaries and
addresses - LINZ
Projection: NZTM2000
Ref: ME43997





Legend

Freedom Camping status:

Prohibited



Cliff Street, Puriri Street

Map number: WDC_2016_05

Waikato District Council
Prepared 4 Jul 2023
Cadastral Boundaries and
addresses - LINZ
Projection: NZTM2000
Ref: ME43997



Legend

Freedom Camping status:

Prohibited



Riria Kereopa Drive, Wainamū Road

Map number: WDC_2016_06

Waikato District Council
Prepared 5 Jul 2023
Cadastre Boundaries and
addresses - LINZ
Projection: NZTM2000
Ref: ME43997





Legend

Freedom Camping status:

Prohibited

Parcel boundary



Wainui Reserve Bush Park, Raglan

Map number: WDC_2023_01

Waikato District Council
Prepared 11 Jul 2023
Cadastral Boundaries and
addresses - LINZ
Projection: NZTM2000
Ref: ME43997



Legend

Freedom Camping status:

Prohibited



Water treatment ponds - Wainui Road - Raglan

Map number: WDC_2023_02

Waikato District Council
Prepared 4 Jul 2023
Cadastral Boundaries and
addresses - LINZ
Projection: NZTM2000
Ref: ME43997



Legend

Freedom Camping status:

■ Prohibited



Papanui Point Carpark

Map number: WDC_2016_08

Waikato District Council
Prepared 5 Jul 2023
Cadastre Boundaries and
addresses - LINZ
Projection: NZTM2000
Ref: ME43997



Legend

Freedom Camping status:

Prohibited

Parcel boundary



Swann Access Road, Ruapuke Beach

Map number: WDC_2016_09

Waikato District Council
Prepared 11 Jul 2023
Cadastre Boundaries and
addresses - LINZ
Projection: NZTM2000
Ref: ME43997



Legend

Freedom Camping status:

■ Prohibited



Ruapuke Beach Road

Map number: WDC_2016_10

Waikato District Council
Prepared 5 Jul 2023
Cadastre Boundaries and
addresses - LINZ
Projection: NZTM2000
Ref: ME43997



Legend

Freedom Camping status:

■ Prohibited



Bridal Veil Falls

Map number: WDC_2016_11

Waikato District Council
Prepared 4 Jul 2023
Cadastre Boundaries and
addresses - LINZ
Projection: NZTM2000
Ref: ME43997



Legend

Freedom Camping status:

Prohibited



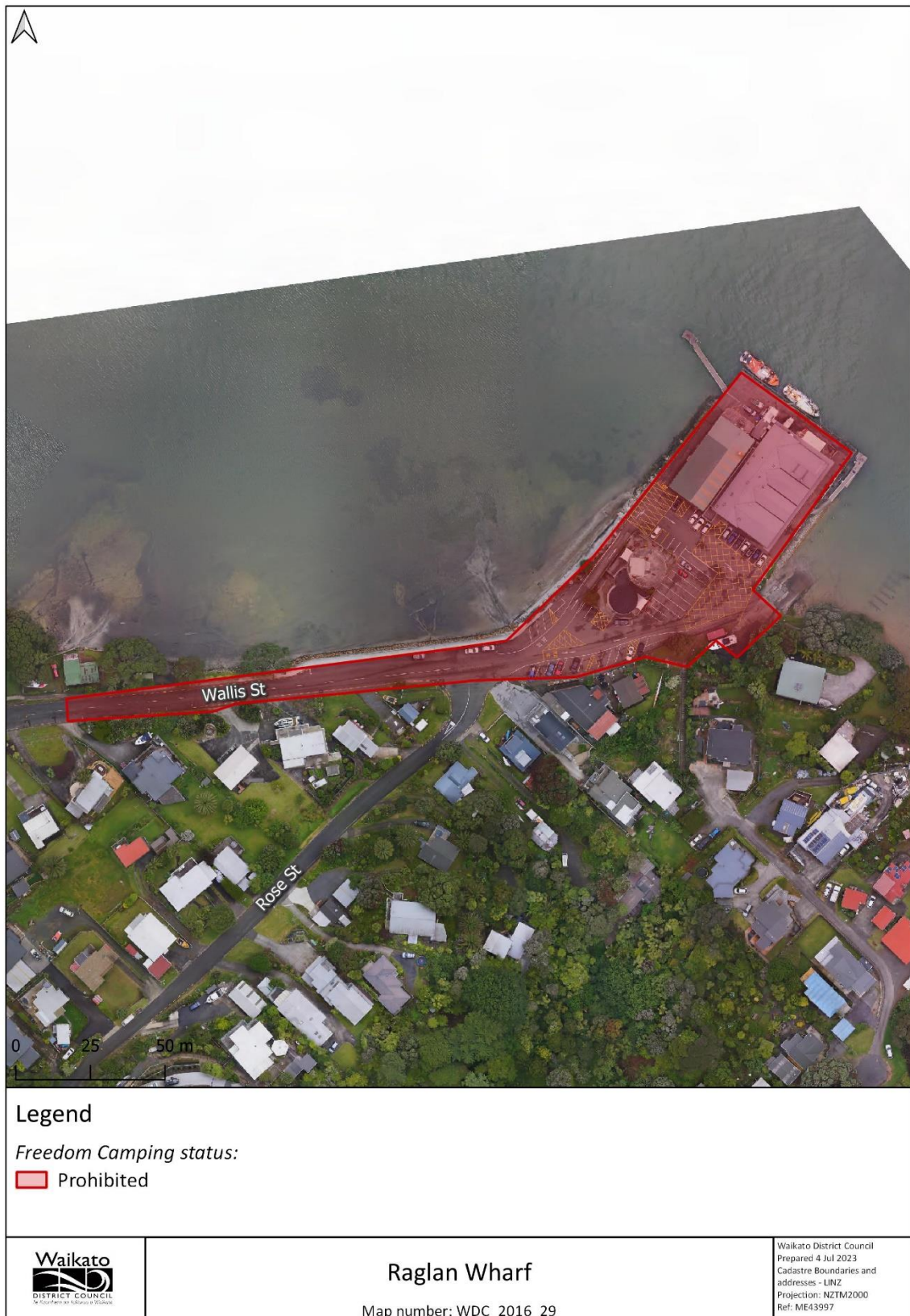
Greenslade Road

Map number: WDC_2016_26

Waikato District Council
Prepared 5 Jul 2023
Cadastral Boundaries and
addresses - LINZ
Projection: NZTM2000
Ref: ME43997









Legend

Freedom Camping status:

■ Prohibited



Lorenzen Bay Road, Sunshine Rise

Map number: WDC_2016_30

Waikato District Council
Prepared 4 Jul 2023
Cadastral Boundaries and
addresses - LINZ
Projection: NZTM2000
Ref: ME43997

Ngaaruawaahia





Legend

Freedom Camping status:

Prohibited



Waikato Esplanade

Map number: WDC_2016_12

Waikato District Council
Prepared 5 Jul 2023
Cadastral Boundaries and
addresses - LINZ
Projection: NZTM2000
Ref: ME43997



Legend

Freedom Camping status:

Prohibited



Patterson Park

Map number: WDC_2016_13

Waikato District Council
Prepared 4 Jul 2023
Cadastre Boundaries and
addresses - LINZ
Projection: NZTM2000
Ref: ME43997



Legend

Freedom Camping status:

■ Prohibited



Horotiu Bridge Carpark

Map number: WDC_2016_14

Waikato District Council
Prepared 4 Jul 2023
Cadastre Boundaries and
addresses - LINZ
Projection: NZTM2000
Ref: ME43997



Legend

Freedom Camping status:

■ Prohibited




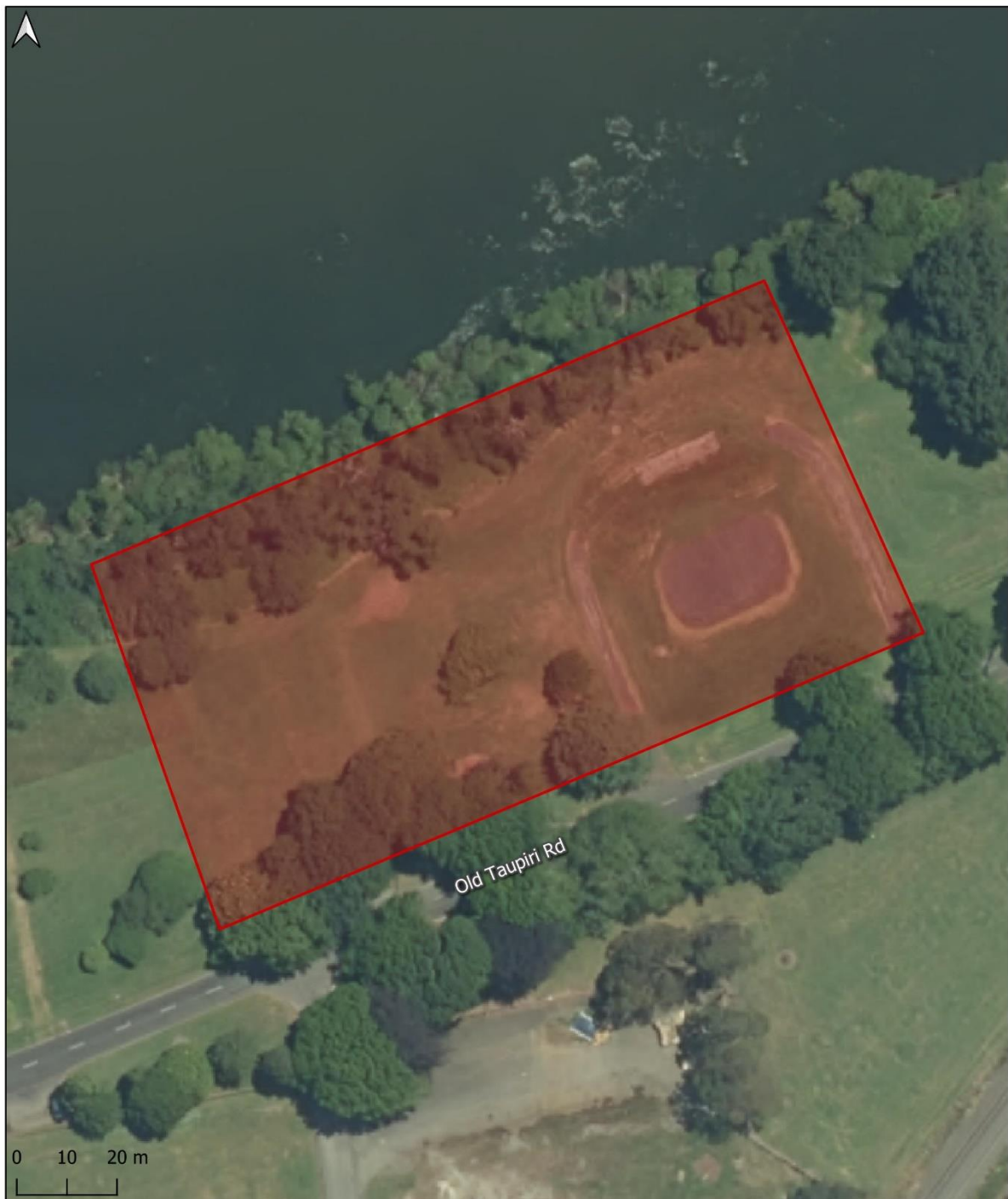
Waingaro Road - Hakarimata Track

Map number: WDC_2016_15

Waikato District Council
Prepared 4 Jul 2023
Cadastre Boundaries and
addresses - LINZ
Projection: NZTM2000
Ref: ME43997



<p>Legend</p> <p><i>Freedom Camping status:</i></p> <p> Prohibited</p>		
	<p>Brownlee Avenue</p> <p>Map number: WDC_2016_16</p>	<p>Waikato District Council Prepared 4 Jul 2023 Cadastre Boundaries and addresses - LINZ Projection: NZTM2000 Ref: ME43997</p>



Legend

Freedom Camping status:

Prohibited



Hopuhopu Reserve

Map number: WDC_2016_17

Waikato District Council
Prepared 4 Jul 2023
Cadastre Boundaries and
addresses - LINZ
Projection: NZTM2000
Ref: ME43997

Port Waikato





Legend

Freedom Camping status:

Prohibited

Parcel boundary



Sunset Beach, Port Waikato

Map number: WDC_2016_25

Waikato District Council
Prepared 11 Jul 2023
Cadastral Boundaries and
addresses - LINZ
Projection: NZTM2000
Ref: ME43997

Schedule 2 Restricted Maps

Ngaaruawaahia



Raglan



Tuakau



Schedule 3 Maps of areas for Freedom Camping for vehicles that are not Self-contained

Onewhero



Te Kauwhata

