



Freedom Camping Bylaw 2021

As at 29/06/2021 (Resolution by Council [2021/___](#))

Draft for consultation

1 **Title**

- (1) This bylaw is the “Freedom Camping Bylaw 2021”.

2 **Commencement**

- (1) This bylaw comes into force on 1 November 2021

3 **Application**

- (1) This bylaw applies to the **Whanganui District**.

4 **Purpose**

- (1) The purpose of this **Bylaw** is to regulate the practice of freedom camping in the **Defined Areas** in order to:
- (a) protect those areas;
 - (b) protect the health and safety of visitors to those areas; and
 - (d) protect access to those areas.

5 **Interpretation**

In this **Bylaw** unless the context otherwise requires or where otherwise expressly provided:

Act means the Freedom Camping Act 2011.

Approval means a licence, permit or other form of written approval granted to allow an activity normally restricted or prohibited under this bylaw, and includes all conditions to which the approval is subject.

Authorised Officer means any person appointed by **Council** to act on its behalf and with its authority, and may include a police officer.

Bylaw means the Freedom Camping Bylaw 2021.

Camping Paraphernalia means any item or items associated with camping including, but not limited to, detached chairs, tables, umbrellas, barbecues, rubbish and recycling receptacles, tents and other semi-permanent structures, washing lines, showering and hygiene equipment or awnings, whether or not the item or items are attached to the vehicle.

Certified Self-Contained or **Self-Contained**, unless otherwise defined in the **Act**, means a **Vehicle** that is certified under the New Zealand Standard Self-Containment of Motor Caravans NZS 5465:2001 and is designed and built for the purpose of camping, which is practically configured to meet the ablutionary and sanitary needs of the current number of occupants of that vehicle for a minimum of three days without requiring access to external services or discharge of waste, as evidenced by the display of a current self-containment warrant issued under NZS 5465:2001.

Note: If a vehicle is certified as self-contained for fewer occupants than it currently has, that vehicle is considered not to be certified as self-contained. For example, a vehicle certified to meet the needs of three occupants but which is housing four or more occupants is considered not to be certified self-contained under this Bylaw.

Council means the Whanganui District Council or any **Authorised Officer**.

Defined Area means any area referred to in Schedule 1 Table 1 – Restricted Areas or Table 2 – Prohibited Areas.

District or **Whanganui District** means the area within the territorial boundary of the Whanganui District Council.

Freedom Camping and **Freedom Camp** have the meaning given to them by section 5 of the Act.

“5 Meaning of freedom camp

(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 camp 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.”*

Local Authority Area has the meaning given to it by section 6 of the Act.

“6 Meaning of local authority area

*(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 or on behalf of 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.*

Park/Reserve means the grassed area, in any land vested in or administered by the Council under the provisions of the Reserves Act 1977; or any park, domain or recreational area under the control or ownership of the Council.

Person includes a corporation sole, a body corporate, and an unincorporated body.

Vehicle has the meaning given to it by s2 of the Land Transport Act 1998.

“vehicle—

- (a) means a contrivance equipped with wheels, tracks, or revolving runners on which it moves or is moved; and
- (b) includes a hovercraft, a skateboard, in-line skates, and roller skates; but
- (c) does not include—
 - (i) a perambulator or pushchair:
 - (ii) a shopping or sporting trundler not propelled by mechanical power:
 - (iii) a wheelbarrow or hand-trolley:
 - (iv) [Repealed]
 - (v) a pedestrian-controlled lawnmower:
 - (vi) a pedestrian-controlled agricultural machine not propelled by mechanical power:
 - (vii) an article of furniture:
 - (viii) a wheelchair not propelled by mechanical power:
 - (ix) any other contrivance specified by the rules not to be a vehicle for the purposes of this definition:
 - (x) any rail vehicle“

Note: vehicle includes a campervan

Washing Lines means any strung line outside of a vehicle used for hanging, airing or drying of clothes.

- (1) Any undefined words, phrases or expressions used in this bylaw have the same meaning as in the Act unless the context plainly requires a different meaning.
- (2) Explanatory notes and additional information attached to this **Bylaw** are for information purposes only, do not form part of this **Bylaw**, and may be made, amended, revoked or replaced by **Council** at any time.
- (3) The Interpretation Act 1999 applies to this bylaw as if it were an enactment.

6 Freedom Camping Generally

- (1) Except with the approval of **Council**, no persons shall **Freedom Camp**:
 - (a) in contravention of controls within any area identified in Schedule 1 Table 1 – Restricted Areas; or
 - (b) within any area identified in Schedule 1 Table 2 – Prohibited Areas.

7 Temporary controls

- (1) The **Council** may temporarily close or restrict **Freedom Camping** in any location where the closure or restriction is considered necessary to:
 - (a) prevent damage to that location or facilities in that location; or
 - (b) allow maintenance to that location or facilities in that location; 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 location.
- (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. Prior notice of any temporary closure or restriction will be given where reasonably practicable.

Note: Notice may include any of the following: a sign erected in the area; advertising on the Council's website, official social media pages, or on the radio; notifications via Council-approved apps; and/or a public notice in the paper.

8 **Approval**

- (1) The Council may grant (with or without conditions) or refuse any application for an **Approval** at its discretion.
- (2) **Approvals** under clause 8(1) only be granted in relation to events.
- (3) In deciding to grant or decline any application for an **Approval** the **Council** will consider the following general matters:
 - (a) compliance with the standards in schedule 1 tables 1 and 2;
 - (b) reasonableness or practicality of compliance with the general and specific conditions;
 - (c) the location of the activity and whether it is likely to impact an area, the health and safety of visitors to that area, or access to that area;
 - (d) the suitability of a person to hold an approval taking into account any known past operational issues and the applicant's experience and track record;
 - (e) whether the activity is consistent with Council policies and plans;
 - (f) whether the activity is in conjunction with any event(s).
- (4) An **Approval** may be applied for in writing to the **Council** at least 48 hours in advance of the date planned for **Freedom Camping** in the **Defined Area**.
- (5) An **Approval** must be applied for at the same time as consent for the event it is in relation to.

9 **Penalties and offences**

- (1) It is an offence under the Act to breach any provisions of the Act or any of the restrictions provided in this Bylaw.
- (2) Every person who commits an offence under the Act is liable for a penalty of any amount prescribed under [section 23](#) of the **Act**, or in any regulations made under [section 43](#) of the Act.

*Any person who commits an offence under the **Act** may also be liable for costs associated with repairing any damage caused to a local authority area instead of, or in addition to, any other penalty.*

SCHEDULE 1 – LOCATIONS AND RESTRICTIONS

- (1) Except as expressly provided for, **Freedom Camping** in any area identified under Schedule 1 Table 1 – Restricted Areas is subject to the following general restrictions:
- (a) All vehicles must be parked within marked spaces where provided;
 - (b) Where freedom camping occurs in ordinary marked parking spaces, freedom camping vehicles must be parked with at least one full marked space between them. Where there are specific spaces marked for freedom camping, vehicles may be parked next to each other;
 - (c) Vehicles must not be parked in such a way as to block access to or from any other vehicle or the access of any vehicle to or from any parking space that that vehicle does not directly occupy, or any public area or private property;
 - (d) Where a **Max Time** is given, these are non-consecutive and apply within any calendar month;
Note: A two night time limit means that a freedom camper can only stay in that freedom camping area for three days total within any calendar month.
 - (e) Where a **Max Vehicle** is given, that is the maximum number of vehicles that can be **Freedom Camping** in the specified area at any one time.
 - (f) Where a **Vehicle Type** is specified, only vehicles of that type can be used for **Freedom Camping** in the specified area. Where **Large Vehicles** are referred to, these refer to any vehicle of class 2 or higher;
Note: A vehicle type of “certified self-contained only” means that only vehicles that are certified as self-contained can freedom camp in the specified area. A vehicle type of “any” means that any vehicle can freedom camp in the specified area.
 - (g) Where an area is restricted to “**Contained camping only**”, **Camping Paraphernalia** must be contained within any vehicle **Freedom Camping** in that area;
 - (h) Vehicles that are **Certified Self-Contained** must display evidence of their certification at all times;
- (2) **Freedom Camping** is Prohibited:
- (a) within any area identified in Schedule 1: Table 2 – Prohibited Areas;
 - (b) within 500m of the boundary of any **Defined Area** (the **Buffer Zone**), unless otherwise specified in Table 1 – Restricted Areas or Table 2 – Prohibited Areas; and
 - (c) within a tent or other structure on any **Park/Reserve** except where expressly provided for under Schedule 1: Table 1 – Restricted Areas
- (3) **Washing Lines** are prohibited within Schedule 1 Table 1 – Restricted Areas and Schedule 1: Table 2 – Prohibited Areas.

Table 1 – Restricted Areas

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Location	Restrictions	Buffer Zone
Babbage Place – the lower car park directly adjacent to Great North Road.	<p>Max Time – 2 nights</p> <p>Max Vehicles – 4</p> <p>Vehicle Type – Certified self-contained only</p> <p>Other Restrictions – Freedom camping may only be undertaken between the hours of 7pm and 10am, Contained camping only</p>	200m
Blyth St – the non-restricted car park in the middle of the road at the end of Blyth Street.	<p>Max Time – 2 nights</p> <p>Max Vehicles – 4</p> <p>Vehicle Type – Any</p> <p>Other Restrictions – Freedom camping may only be undertaken between the hours of 7pm and 10am, Contained camping only</p>	200m
Castlecliff Beach – the lower car park between the Whanganui Surf Lifesaving Club and the Duncan Pavilion, as well as the upper car park and beach viewing area.	<p>Max Time – 2 nights</p> <p>Max Vehicles – 10</p> <p>Vehicle Type – Any</p> <p>Other Restrictions – None</p>	500m
Jubilee Stadium Carpark – the carpark directly between Jubilee Stadium and London Street.	<p>Max Time – 2 nights</p> <p>Max Vehicles – 10</p> <p>Vehicle Type – Certified self-contained only</p> <p>Other Restrictions – None</p>	100m
Kowhai Park – the designated freedom camping area between the Anzac Parade Toilets and the boat ramp. Freedom camping is prohibited in Kowhai Park outside of this area.	<p>Max Time – 2 nights</p> <p>Max Vehicles – 10</p> <p>Vehicle Type – Any</p> <p>Other Restrictions – None</p>	100m

Table 1 – Restricted Areas		
Location	Restrictions	Buffer Zone
Moutoa Quay – the designated freedom campsite behind 13 Taupo Quay.	Max Time – 2 nights Max Vehicles – 10 Vehicle Type – Any Other Restrictions – No camping is permitted on Friday nights to allow the Saturday market to be set up	50m
Mowhanau Lookout Carpark	Max Time – 2 nights Max Vehicles – 3 Vehicle Type – Certified self-contained only Other Restrictions – None	200m
Pukenamu Drive – the carpark overlooking Bell Street	Max Time – 1 night Max Vehicles – 2 Vehicle Type – Certified self-contained only Other Restrictions – Contained camping only, No large vehicles	None
River Road – Entire length	Max Time – 2 nights Max Vehicles – Any Vehicle Type – Certified self-contained only Other Restrictions – None	500m
Taupo Quay – the section at 83 Taupo Quay.	Max Time – 2 nights Max Vehicles – Any Vehicle Type – Certified self-contained only Other Restrictions – None	500m
Westmere Lake – the carpark on Rapanui Road.	Max Time – 2 nights Max Vehicles – 3 Vehicle Type – Certified self-contained only Other Restrictions – None	500m

Table 2 – Prohibited Areas

Table 2 – Prohibited Areas	
Location	Buffer Zone
The Bason Reserve – the entire area of the reserve.	500m
The Central Business District – the area bordered by St Hill Street, Dublin Street, Wicksteed Street, Cameron Terrace, Bell Street, Market Place, and Taupo Quay.	200m
Kowhai Park – Except as identified with Table 1 above	100m
Springvale Stadium – any area outside of the carpark between Jubilee Stadium and London Street.	100m

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