

## **CARTERTON DISTRICT FREEDOM CAMPING BYLAW 2023**

### **1. EXPLANATORY NOTE**

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

This Bylaw applies only to the areas under the control of the Carterton District Council. This Bylaw sits alongside the Carterton Reserve Management Plan. Unless stated otherwise in this Bylaw, the camping restrictions in the Carterton Reserve Management Plan 2021 remain in place. State Highway Two is controlled and managed by Waka Kotahi (the New Zealand Transport Agency).

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.

Clause 9 is intended to allow permission, where appropriate, for temporary sites for freedom camping in prohibited or restricted areas, for example for one off special events.

This Bylaw should be read alongside the Freedom Camping Act 2011.

### **2. TITLE**

This Bylaw is the Carterton District Council Freedom Camping Bylaw 2023.

### **3. COMMENCEMENT**

This Bylaw comes into force on 13 September 2023.

### **4. INTERPRETATION**

- (1) The words or expressions used in this Bylaw that are referred to in the Freedom Camping Act 2011 have the same meaning as in that Act. The most relevant definitions as at the date of the passing of this Bylaw, are as follows:

**Freedom camp**

(1) means to camp (other than at a camping ground) within 200m of a motor vehicle accessible area or 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 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) 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**

(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);

(c) but does not include an area of land referred to in paragraph (a) or (b) that is permanently covered by water.

In this Bylaw, unless the context requires otherwise requires –

**Act**

means the Freedom Camping Act 2011

**Certified self-contained vehicle**

means a vehicle that –

has a valid certificate of self-containment issued in accordance with section 87U(3)(d) of the Plumbers, Gasfitters, and Drainlayers Act 2006

However, if the Freedom Camping Act 2011 or associated regulations specifies an alternative definition of “certified self-contained vehicle” or words to that effect, then that definition will apply from the date it comes into operation.

<b>Council</b>	means the Carterton District Council.
<b>Freedom camping consent</b>	means a consent granted under this bylaw and includes any and all conditions specified by the consent.
<b>Prohibited area</b>	means an area identified in Schedule 1: Prohibited Areas for Freedom Camping in which freedom camping is prohibited.
<b>Restricted area</b>	means an area identified in Schedule 2: Restricted Areas for Freedom Camping in which freedom camping is permitted subject to restrictions.

## 5. PURPOSE

The purpose of this Bylaw is to restrict or prohibit freedom camping in the Carterton District where necessary for one or more of the following purposes:

- (a) to protect local authority areas;
- (b) to protect the health and safety of people who may visit local authority areas; or
- (c) to protect access to local authority areas.

## 6. LOCAL AUTHORITY AREAS WHERE FREEDOM CAMPING PERMITTED

There are no areas where freedom camping is permitted in any local authority area without restriction.

## 7. PROHIBITED AREAS FOR FREEDOM CAMPING

- (1) A person must not freedom camp in any prohibited area identified in **Schedule 1: Prohibited Areas for Freedom Camping**.
- (2) Despite subclause (1), a person may freedom camp in a prohibited area if he or she:
  - (a) has obtained the prior written consent of the Council under clause 10; and
  - (b) complies with any and all conditions, or restrictions, specified in the consent.

## 8. RESTRICTED AREAS FOR FREEDOM CAMPING

- (1) All areas not identified as prohibited areas in Schedule 1 are restricted areas.
- (2) A person may freedom camp in the restricted areas identified in **Schedule 2: Restricted Areas for Freedom Camping** but must comply with the following general and specific restrictions set out below:

General restrictions:

- (a) a certified self-contained vehicle must be used; and
- (b) the certified self-contained vehicle must not stay in a location (or within 500m of that location) for more than three consecutive nights;

Specific restrictions as designated for the specific areas:

- (a) the person must not stay in the area for more than 21 nights in any 12-month period; and
- (b) freedom camping in these areas is not required to occur in a certified self-contained vehicle as facilities are available.

## **9. COUNCIL MAY TEMPORARILY PROHIBIT OR CHANGE RESTRICTIONS ON FREEDOM CAMPING**

- (1) Council may temporarily prohibit freedom camping in a local authority area or change the restrictions that apply in a given restricted area for one or more of 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; or
  - (d) to carry out maintenance to the local authority area or facilities in the area.
- (2) Council will notify and/or publicise a temporary prohibition or restriction on freedom camping in any manner it considers appropriate.
- (3) Council will only notify or publicise a temporary prohibition or restriction on freedom camping in advance if it is reasonably practicable to do so.

## **10. PRIOR CONSENT FROM COUNCIL**

- (1) The Council may grant consent to a person to freedom camp (**FCC**) in a prohibited area, or a restricted area on different restrictions than apply in clause 8 above, with or without conditions.
- (2) A person may only make application for a FCC if one of the below circumstances apply:
  - (a) to cater for accommodation needs for a specific and one off event; or

- (b) where the anticipated availability of freedom camping sites will not meet the expected need.
- (3) It is within the Council's sole discretion to grant or deny a FCC, and any restrictions or conditions which may apply, having regard to the purposes set out in clause 5 of this Bylaw.
- (4) An application for a FCC must be submitted:
- (a) on the required form addressed to the Chief Executive Officer of the Council and include all information required on that form;
  - (b) at least 30 days in advance of the date planned for freedom camping in the prohibited area or restricted area; and
  - (c) be accompanied by the required application fee specified in the application form.
- (5) A FCC is non-transferable to any other person.
- (6) The restrictions or conditions in a FCC may include but are not limited to the following:
- (a) the requirement for an FCC to be displayed;
  - (b) limiting the days or times of day for freedom camping;
  - (c) the number of people camping;
  - (d) the facilities provided;
  - (e) the requirement for a single point of contact;
  - (f) the specific site constraints/characteristics;
  - (g) the removal of litter or other waste;
  - (h) the requirement to cease freedom camping in adverse weather conditions;
  - (i) traffic safety;
  - (j) the amenity of neighbours;
  - (k) the requirement for a Management Plan to address the above points; and
  - (l) any other matter Council considers necessary to uphold the purposes of the Act.
- (7) A person granted a FCC may apply for an amendment to the FCC or its conditions or restrictions prior to or during the period the FCC is applicable. It is within the sole discretion of Council whether the application can reasonably be processed in a timely

manner and whether the amendment is granted. An amendment to the FCC will require another application fee.

- (8) A FCC does not limit or affect the obligations of any person to comply with the Act, this Bylaw or any other act, regulations or bylaws that may apply in the circumstances.
- (9) Council may carry out inspections at any time to determine whether a FCC is being complied with.
- (10) The FCC may be suspended or revoked if the Council determines that it is not being complied with or if the person commits any other offence under the Act.

## **11. ENFORCEMENT**

- (1) If any camping is required to be in a self-contained vehicle Council may require the person to produce the self-containment certificate issued in accordance with NZS 5465:2001.
- (2) Council is entitled to inspect any freedom camping site to determine whether a person is complying with:
  - (a) the Act;
  - (b) this Bylaw;
  - (c) the conditions of any FCC issued pursuant to this Bylaw; and
  - (d) any other applicable act, regulation or bylaw.

## **12. OFFENCES**

- (1) Every person who freedom camps in a local authority area in breach of any prohibition or restriction, including the breach of FCC conditions, imposed by this Bylaw commits an offence under section 20(1) of the Act.
- (2) Every person who makes preparations to freedom camp in a local authority area in breach of any prohibition or restriction imposed by this Bylaw commits an offence under section 20(1) of the Act.

## **13. PENALTIES**

As specified by section 23(1) of the Act, every person who commits one of the offences set out above is liable to pay an infringement fee that is either:

- (a) the amount prescribed by regulations made under section 43 of the Act as the infringement fee for the offence; or

(b) \$200, if no fee is prescribed.

#### **14. RELATIONSHIP OF BYLAW WITH [RELEVANT SETTLEMENT LEGISLATION]**

This Bylaw does not limit or affect the rights in relation to iwi entitlements under the Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Claims Settlement Act 2022 and the Rangitāne Tū Mai Rā (Wairarapa Tamaki nui-ā-Rua) Claims Settlement Act 2017.

#### **15. SCHEDULES**

**Schedule 1** defines the areas where, under clause 7 above, freedom camping is prohibited.

**Schedule 2** defines the areas where, under clause 8 above, freedom camping is restricted per the restrictions set out in that clause and the Schedule.

For the avoidance of doubt any local authority areas not identified in either schedule are restricted.

## **SCHEDULE 1: PROHIBITED AREAS FOR FREEDOM CAMPING**

**Kaipatangata Water Collection Reserve – as shown on Map 2.**

**Carterton Township – as shown on Maps 3A-3D.**

Note that the Carterton Holiday Park at 198 Belvedere Road, Carterton is operated on part of Howard Booth Park as a campground under the Camping-Grounds Regulations 1985.

**Map 3A – Sparks Park, Belvedere Road, Carterton**

**Map 3B – Memorial Square / Park Road, Carterton**

**Map 3C – Carrington Park, High Street, Carterton**

**Map 3D - Carterton BMX Track, 60 Brooklyn Road, Carterton**

**Ngatawhai Reserve – as shown on Map 4.**

**Flat Point – as shown on Map 5.**

**Areas on the periphery of Kokotau, Gladstone, and The Cliffs River Reserves (maps 6, 7, and 8 respectively).**

## **SCHEDULE 2: RESTRICTED AREAS FOR FREEDOM CAMPING**

**All areas not shown as Prohibited Areas in Schedule 1 are Restricted Areas.**

**General restrictions for these areas are as follows:**

- a certified self-contained vehicle must be used; and
- the certified self-contained vehicle must not stay in an area for more than three consecutive nights within any six month period.

**The following specific areas are subject to the below specific restrictions:**

**Kokotau Reserve – Kokotau Road, Carterton – As shown on Map 6**

**Gladstone Reserve – Gladstone Road, Carterton – As shown on Map 7**

**The Cliffs Reserve – Daikins Road, Carterton – As shown on Map 8**

**Specific Restrictions:**

- the person(s) must not stay in the area for more than 21 nights in any 12-month period;
- freedom camping in these areas is not required to occur in a certified self-contained vehicle as facilities are available.



## MAPS

**Map 1** Map Overview

### **Prohibited areas**

**Map 2** Kaipatangata Water Collection Reserve

**Maps 3A-3D** Carterton Township

**Map 4** Ngatawhai Reserve

**Map 5** Flat Point

**Map 6** Kokotau Reserve, area outside of designated camping location

**Map 7** Gladstone Reserve, area outside of designated camping location

**Map 8** The Cliffs Reserve, area outside of designated camping location

### **Restricted areas**

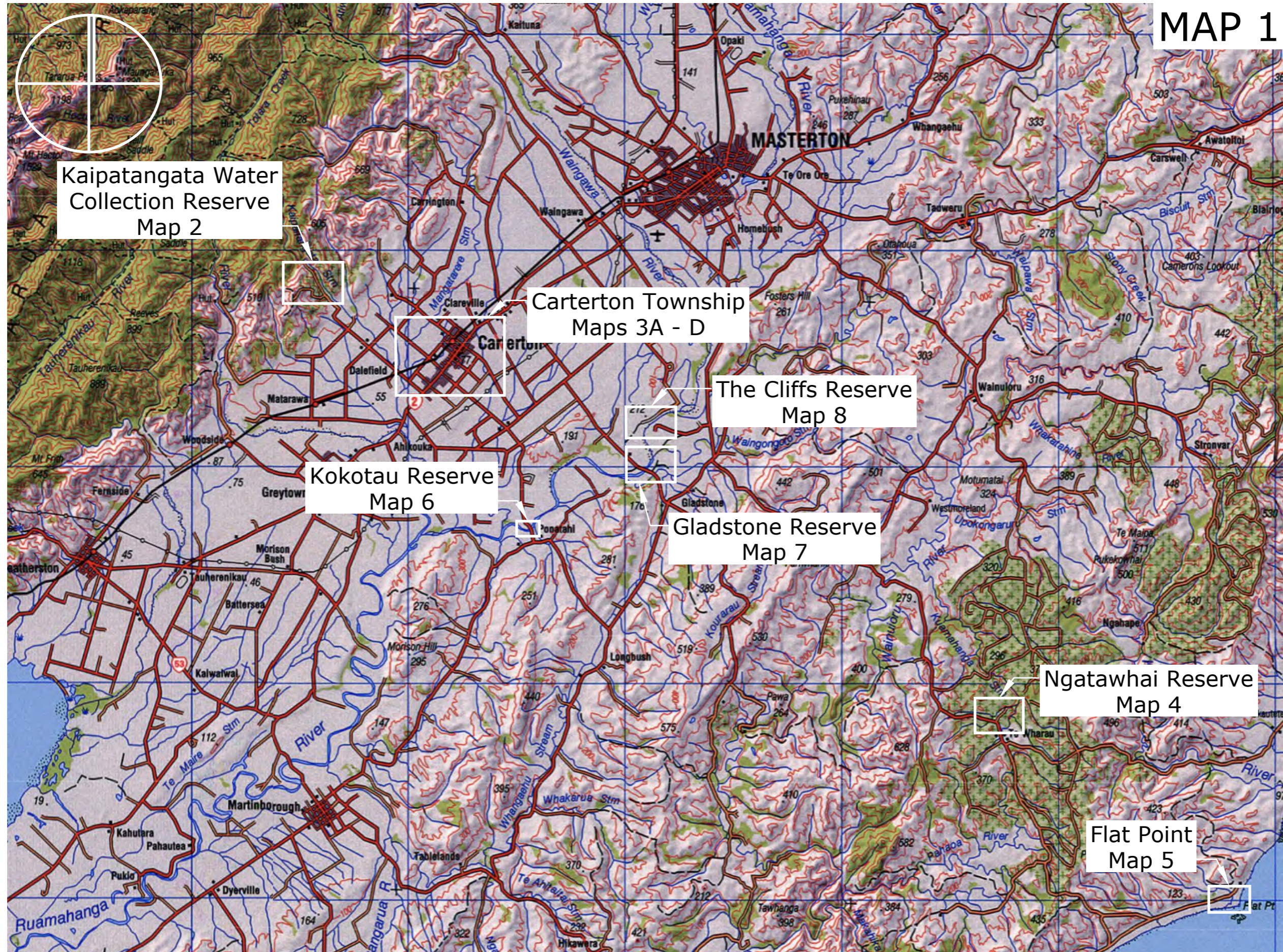
**Map 6** Kokotau Reserve

**Map 7** Gladstone Reserve

**Map 8** The Cliffs Reserve

# MAP OVERVIEW

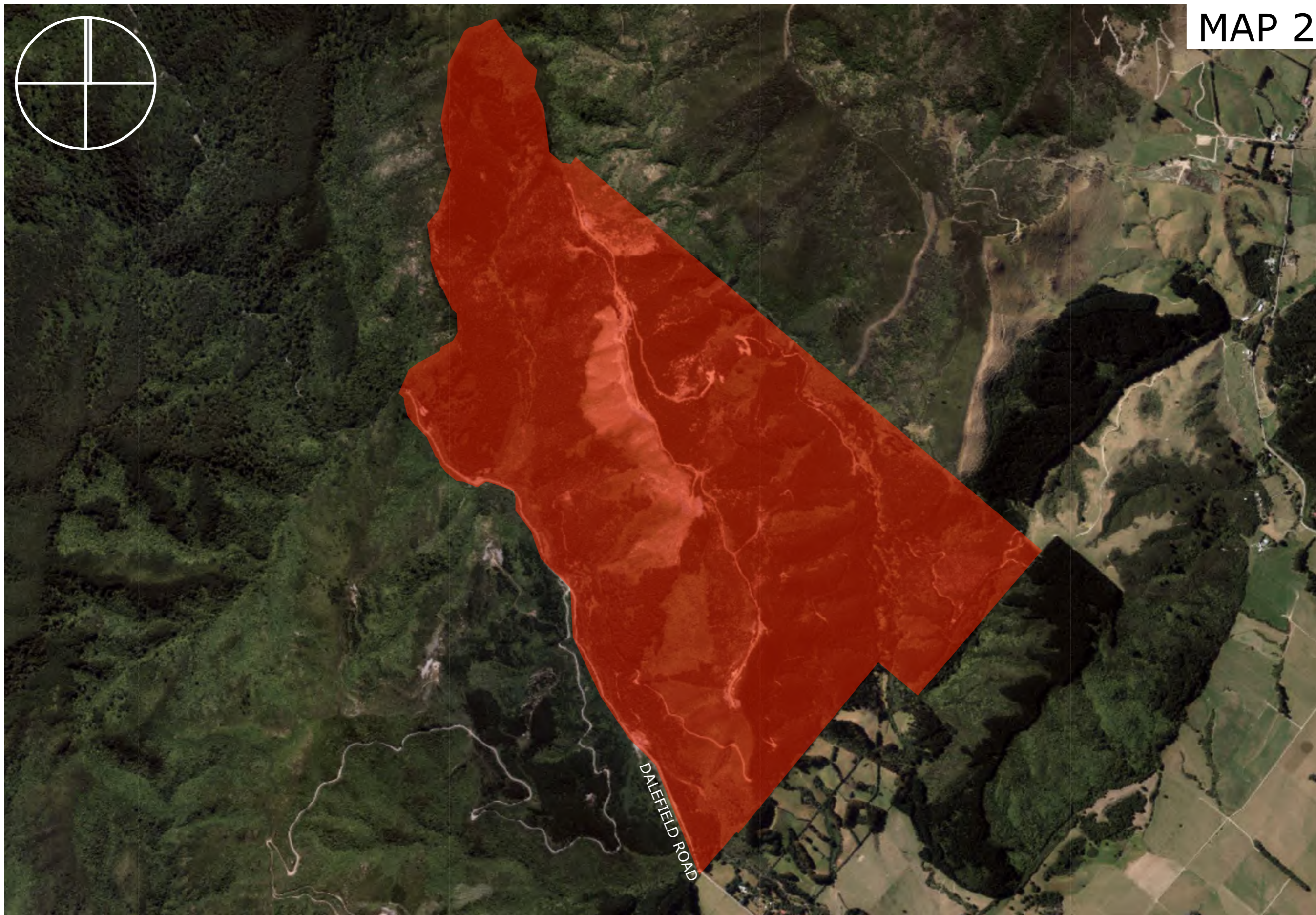
MAP 1



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# KAIPATANGATA WATER COLLECTION RESERVE

MAP 2



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# CARTERTON TOWNSHIP

MAP 3A



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 Prohibited Camping Areas

# CARTERTON TOWNSHIP

MAP 3B



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 Prohibited Camping Areas

# CARTERTON TOWNSHIP

MAP 3C



Carrington Park

STATE HIGHWAY TWO

WAKELIN STREET

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 Prohibited Camping Areas

# CARTERTON TOWNSHIP

MAP 3D



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 Prohibited Camping Areas

# NGATAWHAI RESERVE

MAP 4



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# FLAT POINT

MAP 5



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 Prohibited Camping Areas

# KOKOTAU RESERVE

MAP 6



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# GLADSTONE RESERVE

MAP 7



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# THE CLIFFS RESERVE

MAP 8



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