

## **WESTLAND DISTRICT COUNCIL RESPONSIBLE FREEDOM CAMPING BYLAW 2024**

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1998

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## **1. TITLE AND COMMENCEMENT**

- 1.1 This Bylaw is the Westland District Council Responsible Freedom Camping Bylaw 2024.
- 1.2 This Bylaw comes into force on [Date].
- 1.3 This Bylaw is due for review under section 13 of the Act by [Date].

## **2. APPLICATION OF BYLAW**

- 2.1 This Bylaw applies to all Local Authority Areas in the Westland District.
- 2.2 Nothing in this Bylaw shall limit the application of any other enactments, rules or codes or regulations made under any other enactment.

## **3. PURPOSE**

The purpose of this Bylaw is to control freedom camping the Westland District in order to:

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

## **4. DEFINITIONS AND INTERPRETATION**

- 4.1 References to a repealed enactment include its replacement.
- 4.2 Unless the context other requires, a term or expressions that is defined in the Act and used, but not defined, in this Bylaw has the meaning given by the Act.
- 4.3 Any headings, explanatory notes and attachments are for information purposes and do not form part of this Bylaw.
- 4.4 For the purpose of this Bylaw, unless the context otherwise requires:
  - (a) **Act** means the Freedom Camping Act 2011.
  - (b) **Camping ground** has the same meaning as in section 5(3) of the Act.
  - (c) **Chief Executive** means the chief executive appointed by the Council under section 42 of the Local Government Act 2002.
  - (d) **Council** means Westland District Council.

- (e) **District** means the district of the Council.
- (f) **Enforcement officer** means a person appointed as an enforcement officer under section 32 of the Act.
- (g) **Freedom camp** has the same meaning as in section 5 of the Act.
- (h) **Local authority area** has the same meaning as in section 6 of the Act.
- (i) **Non self-contained area** means an area identified in Schedule 2: Restricted Areas, in which freedom camping in a motor vehicle that is not self-contained is permitted subject to restrictions and conditions.
- (j) **Prohibited area** means an area identified in Schedule 1: Prohibited Areas, in which freedom camping is prohibited.
- (k) **Restricted area** means an area identified in Schedule 2: Restricted Areas, in which freedom camping is permitted subject to restrictions.
- (l) **Self-contained** –
  - a. during the Transitional period has the same meaning as in clause 1 of Schedule 1AA of the Act; and otherwise
  - b. has the same meaning as in section 4 of the Act.
- (m) **Transitional period** is defined in clause 1 of Schedule 1AA and means the period of time that—
  - a. starts on the commencement date [7 June 2023]; and
  - b. ends on the later of the following:
    - i. the day before the date that is 2 years after the commencement date [7 June 2025];
    - ii. the latest date specified as the end date of period 4 by an Order in Council made under clause 3 [of Schedule 1AA].

4.5 This bylaw contains explanatory notes, which are not part of the bylaw. The Council may add, amend or delete explanatory notes at any time without amending the bylaw.

## **5. AREAS WHERE FREEDOM CAMPING IS PERMITTED**

5.1 Freedom camping using a tent or other temporary structure or a self-contained motor vehicle is permitted in any local authority area within the District unless it is prohibited or restricted in an area:

- (a) Under clause 6 or 7 of this Bylaw; or
- (b) Under any legislation; or
- (c) In the case of a self-contained motor vehicle, by the limit placed on the maximum number of people for which the vehicle is certified.

*Explanatory note: Other relevant legislation includes the Reserves Act 1977, which generally prohibits camping in reserves (pursuant to section 44) and provides for infringement notices to be issued. The Council does not control freedom camping on reserves under this bylaw, which means any camping on reserves is prohibited under the Reserves Act 1977 unless otherwise expressly allowed by the Council.*

*Compliance with this bylaw does not remove the need to comply with all other applicable laws, including not littering, and complying with the direction of enforcement officers.*

5.2 Freedom camping using a motor vehicle that is not self-contained is permitted in a local authority area within the District, but only if;

- (a) It is used in a non self-contained area, and carried out in accordance with any restrictions and conditions imposed under clause 8 of this Bylaw; or
- (b) It is otherwise permitted under other legislation.

*Explanatory note: Examples of other legislation that may allow for non self-contained motor vehicles include: reserve management plans under the Reserves Act 1977, bylaws made under the Local Government Act 2002, or rules in a regional or district plan.*

## **6. PROHIBITED AREAS**

- 6.1. A person must not freedom camp in any area identified in Schedule 1: Prohibited Area.
- 6.2. Freedom camping in a tent or other temporary structure on any local authority area in the district is prohibited.
- 6.3. Freedom Camping within 20 meters of a lake or seashore or beach frontage is prohibited unless permitted in Schedule 2: Restricted Areas.
- 6.4. Despite subclause (6.1), a person may freedom camp in any prohibited area if they have obtained the prior written consent of the Council, granted under clause 9(1) of this Bylaw, and complies with any conditions on the consent.

## **7. RESTRICTED AREAS**

- 7.1. A person may freedom camp in any area identified in Schedule 2: Restricted Areas, but must comply with the restrictions listed below:
  - (a) The freedom camping must only take place in a certified self-contained or non self-contained vehicle;
  - (b) The maximum stay in any one location is two nights within a 30-day-period and the location must not be within 500 meters of a location where the person has previously freedom camped within a 30-day period;
  - (c) All waste must either be removed or disposed of in the bins provided;
  - (d) All wastewater (including human waste) must be disposed of in the dumpsites provided at:
    - a. Hokitika – Oxidations Ponds State Highway 6,
    - b. Franz Josef – Between Cron Street and State Highway 6; and
    - c. Haast – by the toilets on Marks Road.
  - (e) Campsites must be kept clean and tidy;
  - (f) Freedom campers must not prevent others from undertaking legitimate activities in the area or restrict access to any public area or private land;
  - (g) No person may light fires;
  - (h) No person may interfere with or damage any freedom camping area, flora, fauna or structure; and

(i) Enforcement officers must be able to inspect any campsite and freedom campers must comply with any reasonable direction.

7.2. Schedule 2: Restricted Areas also places additional site specific restrictions on:

(a) the number of vehicles permitted;

(b) hours available; and

(c) If a vehicle must be certified self-contained or non self-contained.

7.3. Despite subclause (7.1), a person may freedom camp in a Restricted Freedom Camping Area if they have obtained prior written consent of the Council, granted under clause 9 (1) of this Bylaw, and complies with any condition of that consent.

## **8. LOCAL AUTHORITY AREAS WHERE FREEDOM CAMPING IS PERMITTED IN MOTOR VEHICLES THAT ARE NOT SELF-CONTAINED**

8.1 A person may freedom camp in a motor vehicle that is not self-contained in areas identified in Schedule 2: Restricted Areas, but must comply with the restrictions and conditions listed in clause 7(1) and Schedule 2.

8.2 Despite subclause (8.1), a person may freedom camp in a non self-contained area contrary to any restrictions or conditions listed for that area if they have obtained the prior written consent of the Council, granted under clause 9(1) of this Bylaw, and complied with any conditions of that consent.

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

9.1 The Council may grant consent to a person to freedom camp in any prohibited area, restricted area, or non self-contained area, contrary to any prohibition, restriction, or conditions that apply to that area under this Bylaw.

9.2 An application for consent must be made in writing to the Chief Executive at least two weeks in advance of the date planned for freedom camping in the area.

9.3 If the Council grants an application, it may impose any conditions it considers appropriate that are consistent with the purpose of this Bylaw.

9.4 If the Council refuses an application, Council must inform the applicant of the reasons for the decision.

9.5 An enforcement officer may revoke a consent given under subclause (9.1) if any person breaches the conditions specified in the consent or the freedom camping covered by the consent otherwise breaches this Bylaw or the Act.

## **10. CLOSURE OF FREEDOM CAMPING AREA**

10.1 The Chief Executive may temporarily close or restrict entry to any overnight freedom camping area or part of any freedom camping area where such restriction is considered necessary by Council 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 thereon; or
- (c) Protect the safety of persons or property; or
- (d) Allow or facilitate public access, including circumstances where events are planned for that area.

10.2 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.

## **11. OFFENCES**

11.1 Section 20(1) and 20C of the Act species the infringements offences applicable to local authority areas, which include that 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.

11.2 For the purposes of section 20(1)(a) and (f) of the Act, any person who has obtained the prior written consent of the Council, granted under clause 8(1) of this Bylaw, and who complies with any conditions on the consent, is not acting in breach of any prohibition or restriction in this Bylaw.

## **12. PENALTIES**

12.1 As specified in section 20E of the Act, every person who commits an infringement offence under the Act is liable to the infringement fine specified in regulations made under the Act, or if no regulations have been made an infringement fee of \$400.

*Explanatory note: The regulations made under section 43 that are in force at the time this bylaw was made provide for fines ranging from \$200 to \$800:*

<https://www.legislation.govt.nz/regulation/public/2023/0136/latest/LMS853101.html>

## **13. RELATIONSHIP OF THE BYLAW WITH THE NGAI TAHU CLAIMS SETTLEMENT ACT 1998**

13.1 This Bylaw does not limit or affect the rights in relation to nohoanga entitlements under the Ngai Tahu Claims Settlement Act 1998.



## SCHEDULE 1: PROHIBITED AREAS

A person must not freedom camp in any prohibited area freedom camping area within the district identified in this Schedule without the prior written consent of Council.

| Area Name        | Description of Area  | Map Reference |
|------------------|--|---------------|
| Kaniere          | Freedom camping is prohibited within the township and open spaces as shown by the red areas identified in the map. | Figure 1      |
| Ruatapu          | Freedom camping is prohibited within the township and open spaces as shown by the red areas identified in the map. | Figure 2      |
| Ross             | Freedom camping is prohibited within the township and open spaces as shown by the red areas identified in the map. | Figure 3      |
| Harihari         | Freedom camping is prohibited within the township and open spaces as shown by the red areas identified in the map. | Figure 4      |
| Okarito          | Freedom camping is prohibited within the township and open spaces as shown by the red areas identified in the map. | Figure 5      |
| Fox Glacier      | Freedom camping is prohibited within the township and open spaces as shown by the red areas identified in the map. | Figure 6      |
| Bruce Bay        | Freedom camping is prohibited within the township and open spaces as shown by the red areas identified in the map. | Figure 7      |
| Hannahs Clearing | Freedom camping is prohibited within the township and open spaces as shown by the red areas identified in the map. | Figure 8      |
| Okuru            | Freedom camping is prohibited within the township and open spaces as shown by the red areas identified in the map. | Figure 9      |
| Neils Beach      | Freedom camping is prohibited within the township and open spaces as shown by the red areas identified in the map. | Figure 10     |
| Jackson Bay      | Freedom camping is prohibited within the township and open spaces as shown by the red areas identified in the map. | Figure 11     |

*Explanatory note: Reserves are controlled under the Reserves Act 1977, which generally prohibits camping in reserves (section 44) and provides for infringement notices to be issued. The Council does not control freedom camping on reserves under this bylaw, which means any camping on reserves is prohibited under the Reserves Act 1977, unless provided for in a Reserve Management Plan or Council exercises its delegated ministerial consent.*

## SCHEDULE 2: RESTRICTED AREAS

Freedom camping in the areas described below is subject to the restrictions specified in clause 7 of this bylaw for each area.

Any restrictions must be complied with unless the prior written consent of the Council is obtained under clause 9 of this bylaw.

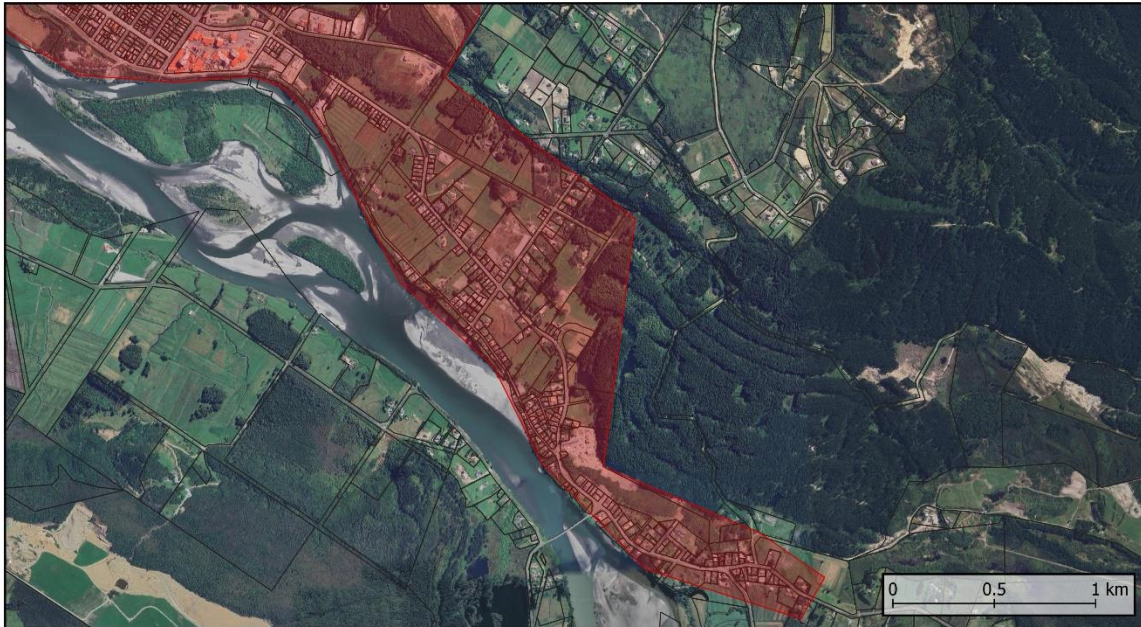
| Area Name | Description of Area   | Restriction  | Map Reference                                    |
|-----------|---|--|--|
| Kumara*   | Kumara Domain, Seddon Street, Kumara.   | <p>Hours available: 8pm – 7am</p> <p>Parking available: Until allocated carpark is full.</p> <p>Vehicles that are not self-contained may be used for Freedom Camping, as well as certified Self-contained vehicles.</p>  | Figure 12<br>Figure 13                           |
| Hokitika  | Freedom camping is restricted within the township to the areas of Sunset Point and the beach front. | <p><b>Sunset Point</b></p> <p>Hours available: 8pm – 7am</p> <p>Parking available: Until allocated carpark is full, approximately 12 sites.</p> <p>Vehicles that are not self-contained may be used for Freedom Camping, as well as certified Self-contained vehicles</p> <p><b>Beachfront</b></p> <p>Hours available: 8pm – 7am</p> <p>Parking available: Until allocated carpark is full, approximately 12 sites.</p> <p>Vehicles that are not self-contained may be used for Freedom Camping, as well as certified Self-contained vehicles.</p> | Figure 14<br>Figure 15<br>Figure 16<br>Figure 17 |

|                 |   |   |                        |
|-----------------|---|---|------------------------|
| Rimu/Woodstock* | Woodstock Domain, 47 Back Creek Road.   | Hours available: 8pm – 7am<br><br>Parking available: Until allocated carpark is full<br><br>Vehicles that are not self-contained may be used for Freedom Camping, as well as certified Self-contained vehicles. | Figure 18<br>Figure 19 |
| Kakapotahi      | Kakapotahi Beach, End of Beach Road, Kakapotahi                                 | Hours available: 8pm – 7am<br><br>Parking available: Until allocated carpark is full<br><br>A certified self-contained vehicle must be used.  | Figure 20              |
| Franz Josef     | Franz Josef Heliport Carpark  | Hours: 8pm – 7am<br><br>Parking available: Until allocated carpark is full<br><br>Vehicles that are not self-contained may be used for Freedom Camping, as well as certified Self-contained vehicles.           | Figure 21<br>Figure 22 |
| Paringa         | Public toilet carpark area at Paringa Salmon Farm. 6156 Haast Highway, Paringa. | Hours available: 8pm – 7am<br><br>Parking available: Until allocated carpark is full<br><br>Vehicles that are not self-contained may be used for Freedom Camping, as well as certified Self-contained vehicles. | Figure 23              |
| Haast           | Haast Playground. Marks Road, Haast.  | Hours available: 8pm – 7am<br><br>Parking available: 10 sites<br><br>Vehicles that are not self-contained may be used for Freedom Camping, as well as certified Self-contained vehicles.                        | Figure 24<br>Figure 25 |

*\*Camping is currently managed by the community at these two sites. Campers must abide by the rules set out by the community which includes a donation for using these facilities.*

## SCHEDULE 3: PROHIBITED AND RESTRICTED AREA MAPS

### Prohibited Areas



**Map Legend:**

- Restricted Area
- Prohibited Area
- Parcel Boundary

### Freedom Camping Bylaw 2024

#### Kaniere

Map is indicative only



**Figure 1: Kaniere**





**Map Legend:**  
 Restricted Area  
 Prohibited Area  
 Parcel Boundary

**Freedom Camping Bylaw 2024**  
**Ruatapu**  
 Map is indicative only



**Figure 2: Ruatapu**



**Map Legend:**  
 Prohibited Area  
 Restricted Area  
 Land Parcels

**Freedom Camping Bylaw 2024**  
**Ross**  
 Map is indicative only



**Figure 3: Ross**





- Map Legend:**
- Prohibited Area
  - Restricted Area
  - Land Parcels

**Freedom Camping Bylaw 2024**  
**Harihari**  
 Map is indicative only



**Figure 4: Harihari**



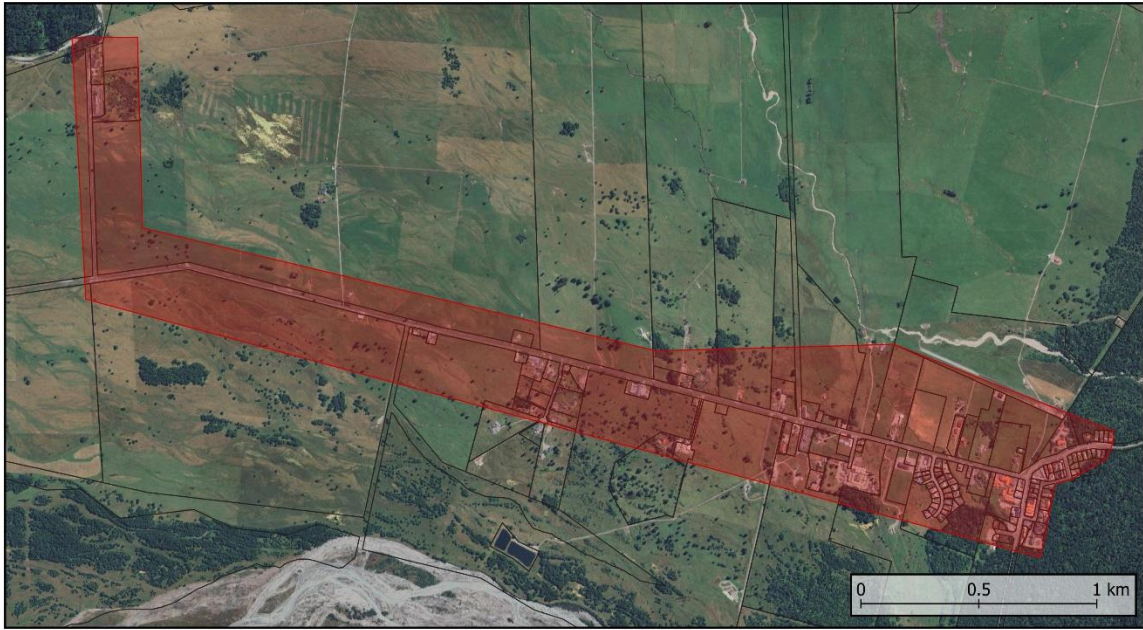
- Map Legend:**
- Restricted Area
  - Prohibited Area
  - Parcel Boundary

**Freedom Camping Bylaw 2024**  
**Okarito**  
 Map is indicative only



**Figure 5: Okarito**





- Map Legend:**
- Restricted Area
  - Prohibited Area
  - Parcel Boundary

**Freedom Camping Bylaw 2024**

**Fox Glacier**

**Map is indicative only**



**Figure 6: Fox Glacier**



- Map Legend:**
- Prohibited Area
  - Restricted Area
  - Land Parcels

**Freedom Camping Bylaw 2024**

**Bruce Bay**

**Map is indicative only**



**Figure 7: Bruce Bay**





**Map Legend:**  
 ■ Restricted Area  
 ■ Prohibited Area  
 □ Parcel Boundary

**Freedom Camping Bylaw 2024**  
**Hannahs Clearing**  
 Map is indicative only



**Figure 8: Hannahs Clearing**



**Map Legend:**  
 ■ Restricted Area  
 ■ Prohibited Area  
 □ Parcel Boundary

**Freedom Camping Bylaw 2024**  
**Okuru**  
 Map is indicative only



**Figure 9: Okuru**





**Map Legend:**  
 ■ Restricted Area  
 ■ Prohibited Area  
 □ Parcel Boundary

**Freedom Camping Bylaw 2024**

**Neils Beach**

Map is indicative only



**Figure 10: Neils Beach**



**Map Legend:**  
 ■ Restricted Area  
 ■ Prohibited Area  
 □ Parcel Boundary

**Freedom Camping Bylaw 2024**

**Jackson Bay**

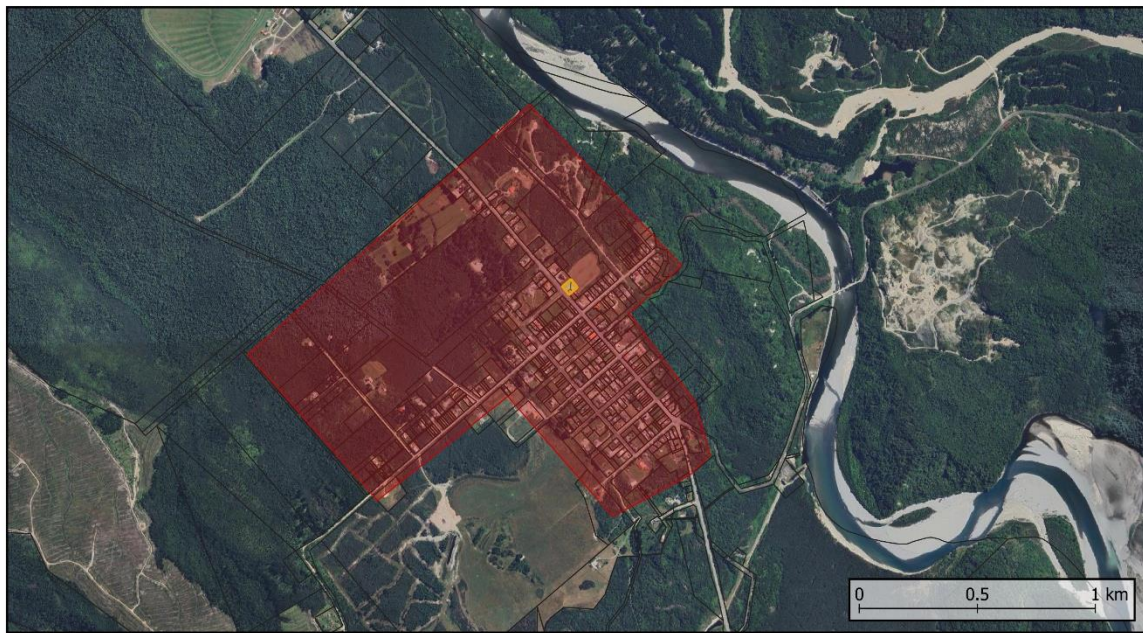
Map is indicative only



**Figure 11: Jackson Bay**



## Restricted Areas



**Map Legend:**

- Restricted Area
- Prohibited Area
- Parcel Boundary

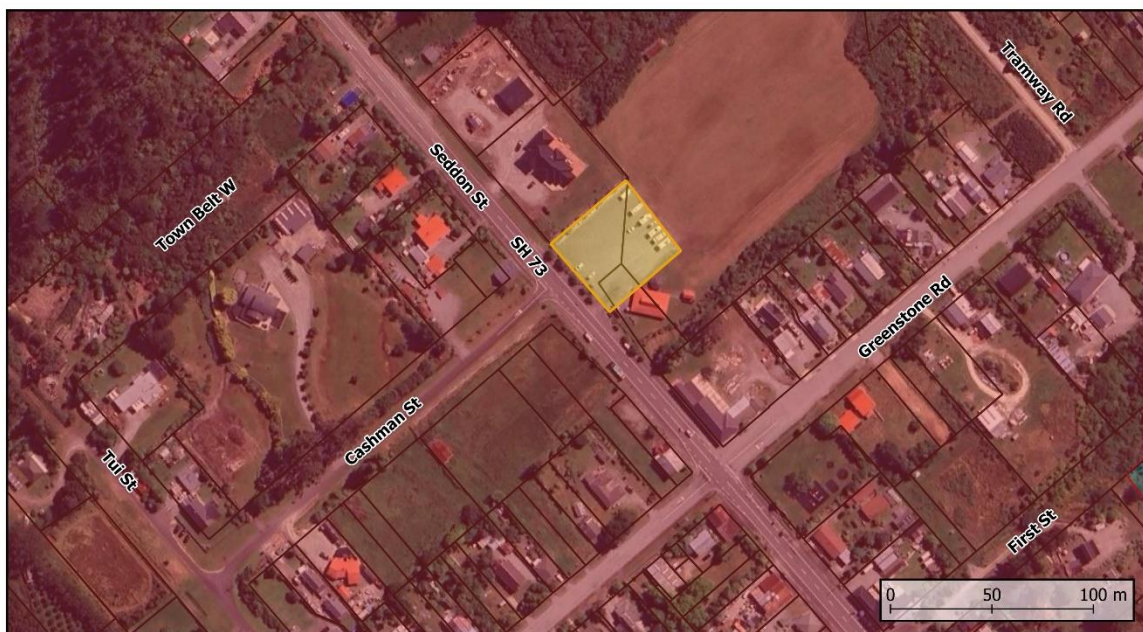
**Freedom Camping Bylaw 2024**

**Kumara**

*Map is indicative only*



**Figure 12: Kumara**



**Map Legend:**

- Restricted Area
- Prohibited Area
- Parcel Boundary

**Freedom Camping Bylaw 2024**

**Kumara**

*Map is indicative only*



**Figure 13: Kumara (Zoomed)**





- Map Legend:**
- Prohibited Area
  - Restricted Area
  - Land Parcels

**Freedom Camping Bylaw 2024**  
**Hokitika & Kaniere**  
 Map is indicative only



**Figure 14: Hokitika**



- Map Legend:**
- Prohibited Area
  - Restricted Area
  - Land Parcels

**Freedom Camping Bylaw 2024**  
**Hokitika**  
 Map is indicative only



**Figure 15: Hokitika (Zoomed)**





**Map Legend:**  
 [Yellow Box] Restricted Area  
 [Red Box] Prohibited Area  
 [Black Line] Parcel Boundary

**Freedom Camping Bylaw 2024**  
**Sunset Point - Hokitika**  
 Map is indicative only



**Figure 16: Sunset Point - Hokitika**



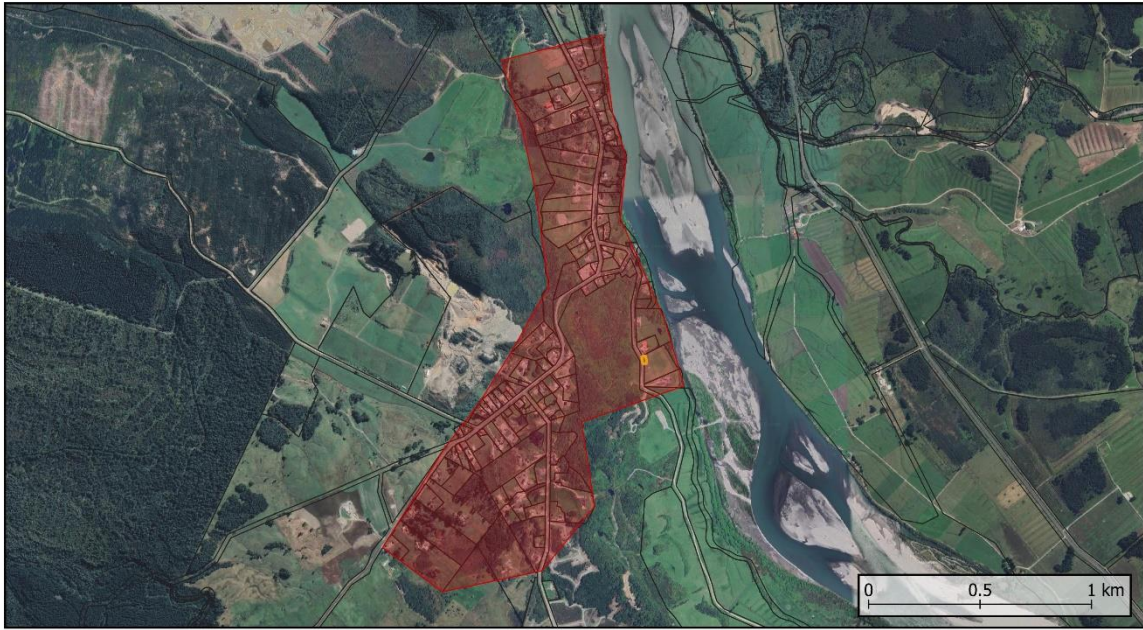
**Map Legend:**  
 [Yellow Box] Restricted Area  
 [Red Box] Prohibited Area  
 [Black Line] Parcel Boundary

**Freedom Camping Bylaw 2024**  
**Beachfront - Hokitika**  
 Map is indicative only



**Figure 17: Beachfront - Hokitika**





**Map Legend:**  
 ■ Restricted Area  
 ■ Prohibited Area  
 □ Parcel Boundary

**Freedom Camping Bylaw 2024**  
**Woodstock-Rimu**  
 Map is indicative only



**Figure 18: Woodstock/Rimu**



**Map Legend:**  
 ■ Restricted Area  
 ■ Prohibited Area  
 □ Parcel Boundary

**Freedom Camping Bylaw 2024**  
**Woodstock-Rimu**  
 Map is indicative only



**Figure 19: Woodstock/Rimu(Zoomed)**





- Map Legend:**
- Restricted Area
  - Prohibited Area
  - Parcel Boundary

**Freedom Camping Bylaw 2024**  
**Kakapotahi**  
 Map is indicative only



**Figure 20: Kakapotahi**



- Map Legend:**
- Restricted Area
  - Prohibited Area
  - Parcel Boundary

**Freedom Camping Bylaw 2024**  
**Franz Josef**  
 Map is indicative only



**Figure 21: Franz Josef**





**Map Legend:**

- Restricted Area
- Prohibited Area
- Parcel Boundary

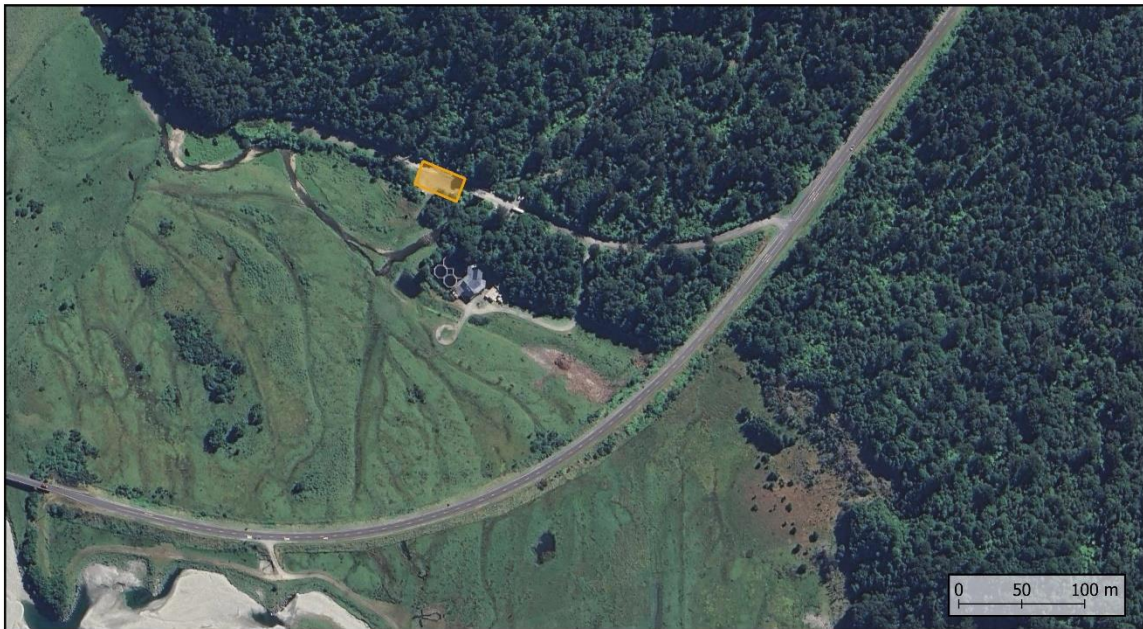
**Freedom Camping Bylaw 2024**

**Franz Josef**

*Map is indicative only*



**Figure 22: Franz Josef (Zoomed)**



**Map Legend:**

- Restricted Area
- Prohibited Area
- Parcel Boundary

**Freedom Camping Bylaw 2024**

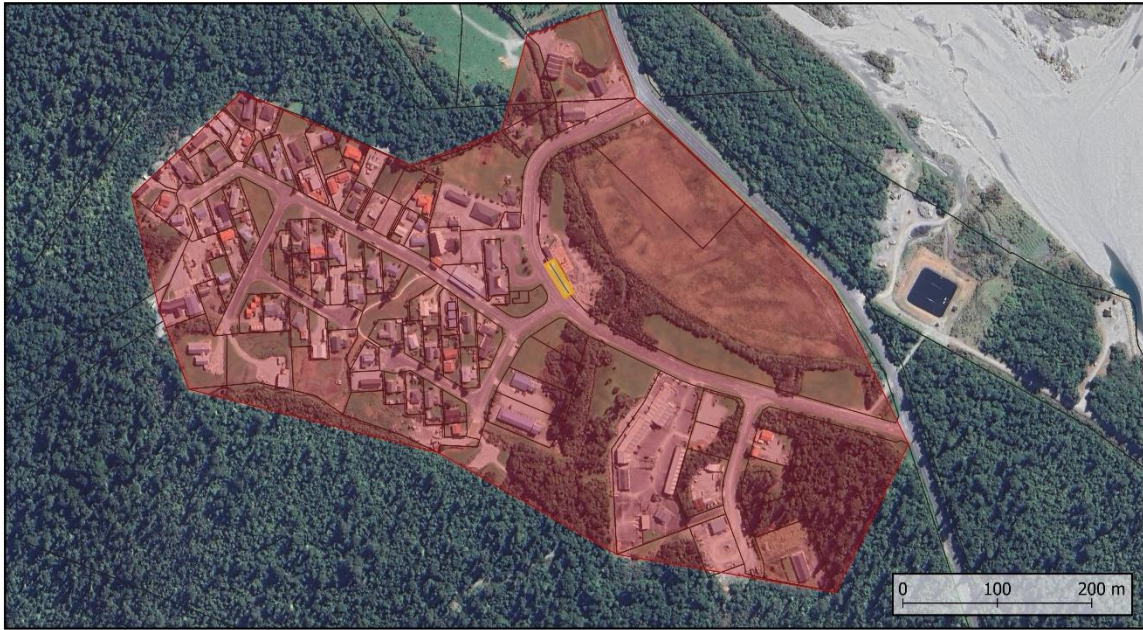
**Paringa**

*Map is indicative only*



**Figure 23: Paringa**





- Map Legend:**
- Restricted Area
  - Prohibited Area
  - Parcel Boundary

**Freedom Camping Bylaw 2024**

**Haast**

Map is indicative only



**Figure 24: Haast**



- Map Legend:**
- Restricted Area
  - Prohibited Area
  - Parcel Boundary

**Freedom Camping Bylaw 2024**

**Haast**

Map is indicative only



**Figure 25: Haast (Zoomed)**