

BULLER DISTRICT COUNCIL FREEDOM CAMPING BYLAW (2012)

EXPLANATORY NOTE

Pursuant to section 11 of the Freedom Camping Act 2011 (the Act), the Buller District Council makes this Freedom Camping Bylaw (2012).

This Bylaw applies to areas only under the control of the Buller District Council, within the Buller district.

The number of visitors to the Buller district using motorhomes as alternative accommodation, and others who choose to camp outside of licensed camping grounds, has focused public attention on issues such as disposal of grey water and refuse, protection of local flora and fauna, and maintaining access to all public areas. As such, this Bylaw is intended to encourage responsible freedom camping.

This Bylaw recognises freedom camping as a convenient way to experience our easy lifestyle and beautiful environment, and as part of our traditional Kiwi culture and as a valued tourist experience. It also recognises that many freedom campers bring economic and social benefits to the areas they visit, and their continued custom is to be encouraged.

Therefore, this Bylaw aims to find a balance between the needs and expectations of the local community with those of freedom campers visiting our district.

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Bylaws

1. Title

This Bylaw is the Buller District Council Freedom Camping Bylaw 2012.

2. Commencement

This Bylaw came into force on 30 August 2012.

Amendments to this Bylaw came into force on 29 November 2018.

3. Interpretation

In this Bylaw, unless the context requires another meaning –

Camping ground means –

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

Council means the Buller District Council.

District means the district of the Buller District Council.

Enforcement officer means a person appointed as an enforcement officer under the 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 200m of a formed road or a Great Walks Track, using one or more of the following:

- (a) a tent or other temporary structure;
- (b) a caravan;
- (c) a car, campervan, housetruck, or other motor vehicle (whether self-contained or not).

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

Freedom camping has an equivalent meaning.

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.

Infringement offence means an offence specified in section 20(1) of the Act.

Local authority area –

- (a) means an area of land –
 - (i) that is within the District; and
 - (ii) that is controlled or managed by the Council 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.

Self-contained vehicle means a vehicle designed and built for the purpose of camping which has the capability of meeting the ablutionary and sanitary needs of occupants of that vehicle for a minimum of three days without requiring any external services or discharging any waste and complies with New Zealand Standard 5465:2001, and any subsequent amendments to, or replacements of, this Standard.

The Act means the Freedom Camping Act 2011.

Using a self-contained vehicle means the occupier or occupiers of the self-contained vehicle use the ablutionary and sanitary capability of the vehicle to contain their waste until it can be discharged at a site approved by the Council for that purpose.

4. Purpose

The purpose of this Bylaw is to:

define the local authority areas in the District where freedom camping is prohibited or restricted (and the restrictions that apply to freedom camping in those areas) to ensure that:

- (a) the areas are protected;
- (b) the health and safety of people who may visit the areas is protected; and
- (c) access to the areas is protected.

5. Prohibitions on freedom camping

A person must not freedom camp **in any local authority areas within any no freedom camping zone**, as identified in the Schedule A to this Bylaw, without the prior written consent of the Council (which consent may be with or without conditions).

6. Restricted freedom camping in other areas

(1) A person may freedom camp in a self-contained vehicle in any local authority outside of any no camping zone as defined in Schedule A to this Bylaw, provided that:

- (a) Self-contained freedom camping at any one location, or within 500 metres of that location, is limited to no more than three consecutive days, and no more than 10 days per calendar month.

(2) Despite subclause (1), a person may freedom camp in any restricted area if he or she has obtained the prior written consent of the Council, granted under clause 7, and complies with any conditions on the consent.

7. Council consent to freedom camping discretionary

Any consent sought under Clause 5 or 6 must be applied for in writing to the Chief Executive Officer of the Council. Consent may be granted with or without conditions, at the absolute discretion of the Council, where the Council considers that the granting of that consent would not be contrary to the purpose of this Bylaw.

8. Permitted freedom camping must comply with certain requirements

A person freedom camping in accordance with the provisions of Clause 5 or 6 -

- (a) must leave the site clean and tidy when he or she departs;
- (b) must not light any fire at the site; and
- (c) where Council consent has been granted under Clause 7, must comply with any conditions included in the consent.

9. Council may revoke permitted freedom camping

1. Any person authorised by the Council for the purpose may direct a person freedom camping in accordance with the provisions of Clause 5 or Clause 6 to leave the site at which he or she is freedom camping if the officer believes on reasonable grounds that the person-
 - (a) has acted in a manner likely to endanger the health and safety of other people;
 - (b) has damaged or is likely to cause damage to the site; or
 - (c) where Council consent has been granted under Clause 7, has breached any of the conditions included in the consent.
2. If a person who has been granted Council consent under Clause 7 is given direction under subclause (1), his or her consent is revoked as from the date and time that the direction is given.

10. Temporary closure of an area to freedom camping

1. The Chief Executive of the Council may close or restrict freedom camping in any local authority area or part of any area where such restriction is considered necessary by Council to:
 - (a) prevent damage to the area or facilities in the area; or
 - (b) allow maintenance to the area or facilities in the area; or
 - (c) protect the health and/or safety of persons or property; or
 - (d) provide for better public access.
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.

11. Offences and penalties

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 (c) 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.
2. In accordance with section 27 of the Act, an enforcement officer may issue an infringement notice to anyone who the enforcement officer believes on reasonable grounds has committed or is committing an infringement offence as set out in section 20(1) of the Act.

12. Relationship of bylaws with Ngai Tahu claims Settlement Act 1998.

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

This Bylaw has been made by resolution of the Council passed at a meeting held on 28 November 2018.

THE COMMON SEAL of
BULLER DISTRICT COUNCIL
was hereunto affixed in the
presence of:

MAYOR

CHIEF EXECUTIVE

Schedule A – No freedom camping zones

- (a) Oparara River mouth, west of Kohaihai Road, Karamea.
- (b) Flagstaff, Karamea.
- (c) Beach access tracks at the Dolphin Reserve, Hector, on the north side of the Ngakawau River.
- (d) The full length of both Buller River Tipheads: True left Tiphead from Marrs Beach to the northern extent, and true right Tiphead from Craddock Drive to the northern extent, Westport.
- (e) All areas of Marrs Beach, east of Tiphead Road, Westport.
- (f) Both north and south adjacent parking areas of the eastern end of the Buller Bridge, Westport.
- (g) Carters Beach Domain from Golf Links Road to the Top 10 Holiday Park, Carters Beach.
- (h) Tui Dellaca Reserve, Old Beach Road, adjacent to the public toilet, and the large grass area on the south side of Tauranga Beach Road, Tauranga Bay.
- (i) Okari Road, from the causeway to the Okari River lagoon.
- (j) The first layby to the north of the Nile River mouth, Charleston.
- (k) Turnaround area at the end of Hands Road, Charleston.
- (l) Constant Bay, Charleston.
- (m) Joyce Bay, Charleston.
- (n) All areas from the Fox River market entrance (junction with State Highway 6) southwards to the Buller District boundary at the Punakaiki River, Punakaiki (excluding the State Highway corridor).
- (o) Bridge Street from Broadway to The Strand, and The Strand from Bridge Street up to, and including, the Reefton Swimming Pool carpark, Reefton.
- (p) All cemeteries within the Buller district, as described in Table 1.

Table 1: Legal Descriptions of Buller District Cemeteries

Cemetery Name	Legal Description
Karamea Cemetery	Section 17A Block XIV Oparara Survey District
Mokihinui Cemetery	Part R230 Section 4A Block X Mokihinui Survey District
Waimangaroa Cemetery	Section 42 Block I Kawatiri Survey District
Orowaiti Cemetery	Lots 1-2, DP 6239; Part Section 2; Sections 62, 335; Part Section 173, Square 141; Lot 1, DP 123 Block III Kawatiri Survey District
Addisons Cemetery	Section 33 Block II Waitakere Survey District
Charleston Cemetery	Section 3 Block III Waitakere Survey District
Boatmans Cemetery	Section 4 Block VI Reefton Survey District
Inangahua Cemetery	Part Section 28, Square 134 Block V Inangahua Survey District
Reefton Cemetery	Section 7 Block IX Reefton Survey District
Reefton Cemetery	Part Section 1329 Town of Reefton
Lyell Cemetery	Section 26 Block I Mariua Survey District