

APPENDIX 1

TASMAN DISTRICT COUNCIL CONSOLIDATED BYLAW:

CHAPTER 11:

FREEDOM CAMPING

May 2011

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**[Recommended editorial change shown as track change in clause 2 (d) and
Schedule 1]**

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EXPLANATORY NOTE

The Local Government Act 2002 enables Council to produce Bylaws to protect the public from nuisance, for protecting, promoting, and maintaining public health and safety, and for minimising the potential for offensive behaviour in public places.

Tasman District Council encourages travellers and campers to use camping grounds and other accommodation facilities as much as possible. This Bylaw recognises that some visitors to our District are choosing informal overnight camping, avoiding registered camping grounds or commercial facilities, as their preferred accommodation. It also recognises that the economic and social benefit campers bring to our District needs to be balanced against the potential impact or nuisance caused on the community by people camping in public places. This Bylaw does not apply to persons camping at any authorised camping ground.

1. SHORT TITLE AND COMMENCEMENT

This Bylaw is made pursuant to the Local Government Act 2002.
The Title of this Bylaw is the Tasman District Council Freedom Camping Bylaw 2011, being chapter 11 of the Tasman District Consolidated Bylaw.

This Bylaw comes into effect on 31 May 2011

2. PURPOSE

The purpose of this Bylaw is to

- (a) Protect, promote, and maintain public health through regulating freedom camping in the District,
- (b) Regulate wastewater and waste disposal and preventing the misuse of reserves, recreation grounds, and other land under the control of Tasman District Council that may otherwise result from unregulated camping,
- (c) Ensure that nuisance, public health risk, offensive behaviour or compromise of safety does not result from camping in public places under the control of Tasman District Council other than in accordance with the Bylaw or other statutory responsibility of Council,
- (d) ~~Restrict~~ Allow freedom camping ~~to~~ on certain public places in the District under strictly controlled circumstances.

3. DEFINITIONS

Authorised Officer: for the purposes of this Bylaw means a Police Constable, or any person appointed by the Council to carry out duties and exercise powers under this Bylaw.

Bylaw: for the purposes of this Bylaw, means the Tasman District Council Freedom Camping Bylaw 2011.

Freedom Camping: means camping overnight or camping with the intention of staying overnight in any public place that is on land within the territory of Tasman District Council that is not an authorised camping ground. **Freedom Camp** and **Freedom Campers** have similar meanings.

Public Place:

For the purposes of this Bylaw:

- (a) means a place that is under the control of Tasman District Council and that is open to, or being used by, the public (whether or not there is a charge for admission); and
- (b) includes any part of a public place; and
- (c) includes a road (whether under the control of the Council or otherwise).

Reserve: has the meaning given to it by section 2 of the Reserves Act 1977.

Self Contained Vehicle: means a vehicle including a Motor Caravan or Caravan which can be used as a place of abode and contains facilities for cooking, eating, sleeping and washing, and is capable of meeting the ablutionary and sanitary needs of the occupants for a minimum of three days without requiring any external services or discharging any waste. Such vehicle must also display evidence of a current self containment certificate issued pursuant to *NZS 5465:2001 Self Containment of Motor Caravans and Caravans*.

4. WHO MAY TAKE PART IN FREEDOM CAMPING

Freedom camping may only be undertaken by one or more persons in a self contained vehicle that is displaying evidence of a current self containment certificate for at least that number of persons, issued pursuant to *NZS 5465:2001 Self Containment of Motor Caravans and Caravans*.

5. WHERE FREEDOM CAMPING IS PERMITTED

Freedom camping in a self-contained vehicle may be undertaken on any public place except any prohibited land detailed in Schedule 1 of this Bylaw.

6. MAXIMUM PERIOD FREEDOM CAMPING IS PERMITTED

- 6.1 Freedom camping in self-contained vehicles is permitted at any single location that complies with clause 5 of this Bylaw, for a maximum period of two nights in any calendar month or consecutive four week period.
- 6.2 For the purposes of clause 6.1 of this Bylaw, no person shall freedom camp within 1 kilometre of any location in which that person has undertaken freedom camping for two nights within the last calendar month or consecutive four week period. For clarity, this provision requires any person freedom camping to move at least 1 kilometre if they are freedom camping more than two nights.

7. DISCHARGES ARE PROHIBITED

- 7.1 Discharges of sewage or toilet waste or grey water are prohibited other than into a Council approved dump point, as listed in Schedule 2 of this Bylaw.
- 7.2 Leaving or depositing litter is prohibited. Solid waste must be appropriately disposed of in an approved refuse collection bag and put out for collection on the appropriate day or dropped off at any Tasman District Council Resource Recovery Station.

8. FREEDOM CAMPING AREAS TO BE LEFT CLEAN AND TIDY

Any area used for Freedom Camping must be left in a clean and tidy state by users.

9. FREEDOM CAMPERS TO MOVE ON IF DIRECTED

Any direction made by an Authorised Officer to move on must be complied with.

10. AMENDMENTS TO SCHEDULES

From time to time by resolution, the Council may amend, remove and/or replace any of the Schedules to this Bylaw.

11. ANY PERSON CAMPING ON COUNCIL CONTROLLED LAND TO PROVIDE DETAILS

If an Authorised Officer believes on reasonable grounds that a person is committing or has committed an offence against this Bylaw, the Authorised Officer may direct the person to give:

- (a) his or her name and address; and
- (b) the name and address and whereabouts of any other person connected in any way with the alleged offence.

12. PENALTIES AND OFFENCES

12.1 Every person commits a breach of this Bylaw who:

- (a) Commits, or causes to be committed, any act contrary to this Bylaw; or
- (b) Omits, or knowingly permits to remain undone, any act required by this Bylaw; or

- (c) Refuses, or neglects to comply with, any notice, request or direction, or any condition in any such notice, request or direction, given by an Authorised Officer pursuant to this Bylaw; or
- (d) Obstructs or hinders any officer of the Council or an Authorised Officer in the performance of any power or duty conferred upon him or her by this Bylaw.

12.2 Every person who breaches this Bylaw commits an offence under section 239 of the local Government Act 2002, and is liable on summary conviction to the penalty set out in section 242(4) of that Act (being a fine not exceeding \$20,000).

SCHEDULE 1

TASMAN DISTRICT COUNCIL CONTROLLED LAND ON WHICH FREEDOM CAMPING IS PROHIBITED

Freedom Camping is prohibited on the following public places:

1. Within 500 metres of any “no camping” signs on Council controlled land;
2. Kaiteriteri Beach area from Tapu Bay to Breaker Bay;
3. Any Tasman District Council reserve (apart from road reserve) in any area, except for:
 - (a) Edward Baigent Memorial Reserve, 8 Wakefield Kohatu Highway;
 - ~~(b) Wakefield Reserve;~~
 - ~~(c) Motueka Beach Reserve, 10 Everett Street, Motueka;~~
 - ~~(d) East Quay, Motueka.~~
4. Marahau from the start of the residential area to the end of the Marahau-Sandy Bay Road;
5. The river side of any stop bank except that area in the vicinity of the State Highway Bridge at Waitapu, Golden Bay.
6. Any formed roadway.
7. Any location where the activity of freedom camping may cause an obstruction or hazard to traffic.

SCHEDULE 2:

SELF CONTAINED VEHICLES WASTE DUMPING LOCATIONS

The following locations in the Tasman District are available for dumping self contained vehicle waste.

Sewage/wastewater disposal points available to patrons staying at each camping ground are available at:

- Pohara Beach Top 10 Holiday Park
- Abel Tasman Marahau Beach Camp
- Kaiteriteri Beach Motor Camp
- Bethany Park Christian Camp
- Motueka Top 10 Holiday Park
- McKee Memorial Recreation Reserve campground
- Mapua Leisure Park Holiday Resort
- Greenwood Park Camping Ground Appleby
- Club Waimea
- Richmond Motel and Top 10 Holiday Park
- Quinney's Bush Camp and Caravan Park
- Tapawera Settle Motels and Campground
- Murchison Motor Home Park
- Kiwi Park Motels and Holiday Park, Murchison

Sewage/wastewater disposal points on payment of a fee are available at:

- Greenwood Park Camping Ground Appleby
- Motor Caravan Association dump-station, Main Road Tapawera

Sewage/wastewater disposal points are also available at:

- Entrance to camping ground, Collingwood
- Abel Tasman National Park Toilets at Totaranui
- Mobil Takaka
- Golden Bay i-Site Visitor Centre
- Hickmott Car Park, adjacent to New World Supermarket, Motueka
- Jubilee Park, Gladstone Road, Richmond
- Nelson Lakes National Park Kerr Bay Camping Ground
- Mobil Murchison