



**CENTRAL
HAWKE'S BAY**
DISTRICT COUNCIL



Freedom Camping Bylaw

Adopted: 27 June 2024

Together we Thrive! E ora ngātahi ana!

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1. Freedom Camping Bylaw 2024

This bylaw, made under section 11 of the Freedom Camping Act 2011, is the Central Hawke's Bay District Council Freedom Camping Bylaw 2024.

This bylaw relates to Council-owned or Council-managed land within the Central Hawke's Bay District.

Note: Land that is owned by the Council and is under any lease or agreement managed by other legislation is not considered as freely available public land that can be utilised for freedom camping purposes. The Reserves Act 1977 also prohibits camping in reserves unless provided for under an active reserve management plan.

Compliance with this bylaw does not remove the requirement to comply with all other acts, regulations, bylaws and rules. This includes parking or other traffic restrictions, littering, lighting of fires, excessive noise, and the compliance with the directions of Enforcement Officers.

2. Commencement and application

2.1. This bylaw will come into force following adoption. This bylaw applies to the whole of the Central Hawke's Bay District.

3. Purpose

The purpose of this bylaw is to regulate freedom camping on Council-owned or managed public land in order to protect public access, public health and safety, and the environment of the areas. This specifically includes the protection of the district's beaches, dunes and rivers from harm.

3.1. This bylaw identifies the land managed by Council that is:

- (a) not suitable for freedom camping and prohibited;
- (b) suitable with restrictions (including seasonal restrictions) for freedom camping in self-contained vehicles; and
- (c) suitable for freedom camping in non-self-contained motor vehicles, including tenting.

3.2. All other Council-owned and managed land that is not prohibited by other legislation (such as reserves designated under the Reserves Act) is presumed to be permitted for freedom camping, subject to the General Rules under section 9.

3.3. This bylaw achieves this purpose by:

- (a) defining the Council-owned public areas in the district where freedom camping is prohibited, restricted, restricted on a seasonal basis, or suitable for non-self-contained motor vehicles and tents;
- (b) stating the restrictions that apply to freedom camping in areas where freedom camping is restricted so that while freedom camping in these areas is encouraged, the areas, access to the areas, and the health and safety of people who may visit the areas are protected; and
- (c) including general rules that apply to all freedom camping on Council-owned or managed land in Central Hawke's Bay.

4. Interpretation and definitions

4.1. The Interpretation Act 1999 applies to this bylaw.

4.2. In this bylaw, unless the context otherwise requires:

Act means the Freedom Camping Act 2011.

Campsite means a site used for freedom camping in a local authority area.

Certificate of Self-containment means a certificate of self-containment issued under section 87U of the Plumbers, Gasfitters and Drainlayers Act 2006.

Motor vehicle has the same meaning as contained in section 2(1) of the Land Transport Act 1998.

Permit means a permit, issued under section 8 of this bylaw, to freedom camp in a restricted seasonal camping area listed in Schedule 2.

Restricted Area means any local authority area that is not identified as either:

- (a) prohibited in Schedule 1; or
- (b) a restricted seasonal camping area in Schedule 2.

Restricted Seasonal Camping means to freedom camp in a restricted seasonal camping area.

Restricted Seasonal Camping Area means any local authority area defined and marked in Schedule 2.

Semi-permanent Structure means any structure not qualifying as a tent, self-contained vehicle or motor vehicle, or port-a-loo as determined by a Council Enforcement Officer.

Tent means a collapsible, portable shelter made from canvas, fabric or plastic supported by one or more poles and secured to the ground by pegs as determined by a Council Enforcement Officer.

- 4.3. Words or phrases used in this bylaw shall have the same meanings as defined in the Act.
- 4.4. Reference should be made to Part 1 Introductory Bylaw for any other definitions not included in this bylaw.
- 4.5. Related information and definitions referred to in this bylaw do not form part of this bylaw and may be inserted, changed or removed without this bylaw being formally reviewed.

5. Freedom camping in prohibited areas

- 5.1. A person must not freedom camp in a local authority area marked as prohibited in Schedule 1 of this bylaw.
- 5.2. The matrix below has been used on a site-by-site basis when considering if a site should be classified as prohibited or not.

Accessibility to basic ablutions	Likely to Impact conservation/environment
Site/location sensitivity by virtue of traditional functions	Where the site is potentially unsafe, due to accessibility

Sites assessed as "prohibited" are based on one or more of the key indicators above.

Related Information

The Reserves Act 1977 also prohibits camping in reserves unless provided for under an active reserve management plan.

6. Freedom camping in permitted areas

- 6.1. A person freedom camping in a permitted area for self-contained vehicles must camp:
- (a) in a self-contained motor vehicle; and
 - (b) in accordance with the conditions in section 9.

7. Freedom camping in restricted seasonal areas for self-contained motor vehicles

- 7.1. A person may apply for a renewable 28-day permit to freedom camp in a restricted seasonal camping area.
- 7.2. A person freedom camping within a restricted seasonal camping area must camp in accordance with:
- (a) a permit (including the terms and conditions of the permit); and
 - (b) the conditions listed in section 9 (other than section 9.2).
- 7.3. A person freedom camping in a restricted seasonal freedom camping area must camp in:
- (a) a self-contained motor vehicle; or
 - (b) a tent with a chemical toilet.
- 7.4. An Enforcement Officer, or any other person authorised by the Council, may revoke a permit if the freedom camping is in breach of the conditions set out in section 9, or if continued freedom camping will adversely impact another person or the environment.

Related Information

Restricted and seasonal areas are illustrated and mapped in Schedule 2. Restricted areas are available for freedom camping without a permit.
Seasonal areas are open to freedom camping between the dates stated in Schedule 2.

8. Freedom camping in permitted areas for non-self-contained vehicles and tenting

- 8.1. A person freedom camping in a permitted area for non-self-contained motor vehicles and tents can camp:
- (a) in any vehicle;
 - (b) in a tent; and
 - (c) in accordance with the conditions in section 9.

Related Information

Fully permitted areas are illustrated and mapped in Schedule 3.

9. Conditions for Freedom Camping on land managed or owned by the Council

- 9.1. A person freedom camping in a permitted area must not camp within one kilometre of an area in which that person has undertaken freedom camping for three consecutive nights within the last one-week period.
- 9.2. A person freedom camping may stay a maximum of three (3) nights in the same road or off-road parking area and vacate by noon.
- 9.3. A maximum of three (3) vehicles may be parked in any one area on any one night, unless expressly provided for by signage at the site.
- 9.4. There must be no more than three (3) tents (in any one area as listed and permitted in Schedule 3) at any one time, unless expressly provided for by signage at the site.
- 9.5. All vehicles must park within existing defined car parking areas, where they exist. If parking at the site contains designated freedom camping parking spaces, freedom campers must use those parking spaces for their vehicles.
- 9.6. All vehicles must be legally parked.
- 9.7. A person freedom camping in a local authority area must:
- (a) dispose of effluent in an appropriate manner at purpose-built septage disposal facilities;
 - (b) dispose of solid waste in Council rubbish bins or at facilities marked for waste management;
 - (c) not restrict access to public areas, private land or motor vehicle access ways;
 - (d) use the serviceable public toilet facilities available at the designated sites, if no self-contained facilities are available on-board their vehicle;

- (e) comply with any reasonable directions of an Enforcement Officer;
- (f) provide evidence of any matter necessary for compliance with this bylaw, if requested by an Enforcement Officer;
- (g) ensure that they do not behave in a manner that, in the opinion of an Enforcement Officer, causes a nuisance or unreasonable disturbance, through the creation of excessive noise, to other persons camping in the area or local residents;
- (h) not damage or remove vegetation from the site; and
- (i) ensure the campsite is left tidy and free from damage.

9.8. A person in a local authority area must not:

- (a) camp in a semi-permanent structure; or
- (b) build, erect or bring a semi-permanent structure onto the area.

Related Information

These general conditions apply to freedom camping in all areas in the district, including freedom camping in a restricted area or restricted seasonal camping area in addition to the obligations under section 7. The Freedom Camping Act 2011 and other legislation may impose additional restrictions in relation to camping.

For example, the lighting of fires is regulated under the Fire and Emergency New Zealand Act 2017.

10. Prior consent from the Council

10.1. A person may freedom camp otherwise than in accordance with sections 5 to 7, if the person is freedom camping in accordance with written consent from the Council.

Related Information

Council may grant consent following consultation with iwi, with or without conditions. Consent may be applied for in writing, providing sufficient detail about the proposed freedom camping, to the Chief Executive of the Council at least 20 working days in advance of the date planned for freedom camping.

11. Council may close an area to freedom camping

11.1. The Council may temporarily close or restrict freedom camping in any area or part of an area where the closure or restriction is considered necessary to:

- (a) prevent damage to the local authority area or facilities in the area;
- (b) allow maintenance of the local authority area/facilities thereon;
- (c) protect the safety of persons/property;
- (d) provide for unfettered public access, including in circumstances where events are planned for that area.

Related Information

Notice will be given of any temporary closure or restriction, and the removal of any closure or restriction, in any manner Council considers is appropriate. Prior notice of any temporary closure or restriction will be given where possible.

12. Enforcement

12.1. An Enforcement Officer may use the powers under the Act to enforce this bylaw.

13. Offences

13.1. Every person who fails to comply with this bylaw or the Act commits an offence as specified in section 20 of the Act.

13.2. Part 3, sections 20–20C of the Act specifies the infringement offences. Offences include:

- (a) freedom camping in a prohibited area or in a restricted area in breach of the stated restrictions;
- (b) interfering with or damaging an area, its flora or fauna, or any structure in the area;
- (c) depositing waste in or on the area (other than into an appropriate waste receptacle);
- (d) freedom camping in a vehicle that is not self-contained unless in an area where this is specifically allowed;
- (e) presenting an altered or a fraudulent certificate of self-containment to an Enforcement Officer; and
- (f) having more campers staying in a vehicle than it is certified for.

13.3. Other offences (that on conviction carry a fine of up to \$10,000) include discharging certain substances that are likely to be noxious, dangerous, offensive or objectionable, to such an extent that it:

(a) has, or is likely to have, a significant adverse effect on the environment; or

(b) has caused, or is likely to cause, significant concern to:

(i) residents living on or near the area or land; or

(ii) other users of the area or land.

Related Information

Section 20 of the Act specifies further offences that are not listed under this bylaw. For example, requirements in relation to compliance with the instructions of an Enforcement Officer.

14. Penalties

14.1. Every person who commits an offence under this bylaw or the Act is liable to a specific penalty as specified in section 20 of the Act.

14.2. A person who commits an offence against this bylaw is liable to:

(a) an infringement fee, up to \$1,000, of the amount prescribed by regulations made under section 43 of the Act for the offence; or

(b) \$400.00, if no fee is prescribed for the offence.

Related Information

The maximum infringement fee is \$1,000 (section 43 of the FCA). Notices can be emailed to the offending vehicle owner (section 27A of the Act?), and rental vehicle owners are liable for the infringement incurred by a rented vehicle.

15. Relationship of bylaw with treaty settlement legislation

15.1. This bylaw does not limit or affect the rights of iwi entitlements under any legislation passed in order to give effect to settlements under the Treaty of Waitangi.

THE COMMON SEAL OF CENTRAL HAWKE'S BAY DISTRICT COUNCIL WAS HERETO AFFIXED PURSUANT TO RESOLUTION PASSED AT A MEETING OF THE CENTRAL HAWKE'S BAY DISTRICT COUNCIL HELD ON 27 June 2024.



Alex Walker
Mayor
Central Hawke's Bay District
Council

Date: 27 June 2024



Doug Tate
Chief Executive
Central Hawke's Bay District Council

Date: 27 June 2024



16. Schedule 1: Prohibited areas

Council prohibits freedom camping in prohibited areas as set out in section 5 of this bylaw. Detailed Maps outlining these areas can be found in appendix 1, which is attached at the end of this document.

Waipukurau

1. Russell Park (part of)
2. A'Deane Park
3. Pioneer Corner
4. Paul Hunter Memorial Park, Pukekaihou Pā
5. Mackie Street Reserve
6. Waipukurau Cemetery
7. Holt/Porritt Place and Redwood Drive reserves
8. The Green Patch
9. Bogle Brothers
10. Waipukurau Dump Station

Waipawa

1. Coronation Park (part of)
2. Abbotsford Domain
3. Don Allen Reserve
4. St Peter's Cemetery Reserve
5. Waipawa War Memorial
6. Islington Drive Gardens
7. Waipawa Cemetery and Central Hawke's Bay Cemetery
8. Madge Hunter Park
9. Nelly Jull Park
10. Loten Park
11. St Johns Corner

Takapau

1. Takapau Rest Area
2. Takapau Playground
3. Takapau Reserve and Cenotaph
4. Takapau Cemetery
5. Takapau Memorial Sports Park (part of)
6. Takapau Railway Reserve (part of)

Otane

1. Kaikora North Cemetery
2. Otane Town Hall Reserve (part of)
3. Otane Old Library and War Memorial
4. Otane Playground
5. Otane Higginson Rest Area
6. Otane Cemetery
7. Otane Higginson St Drainage Reserve
8. Otane Recreation Ground
9. Otane Old School Reserve (Arts and Crafts Corner)

Rural Areas and Reserves

1. Ongaonga Forest Gate Cemetery
2. Ongaonga Forest Gate Domain
3. Ongaonga Museum Reserve (part of)
4. Ongaonga Rest Area
5. Ongaonga War Memorial
Ongaonga Hall Reserve
6. Tikokino/Hampden Cemetery
7. Old Hampden Bush Reserve Cemetery
8. Tikokino Hall and War Memorial (part of)
9. Ashley Clinton Cemetery
10. Elsthorpe Domain
11. Elsthorpe Cemetery
12. Makaretu Cemetery
13. Hatuma Memorial Cairn
14. Ruataniwha Memorial Cairn
15. Hatuma Domain
16. Matthews Memorial Park
17. Otaia Bush/Lindsay Bush/Tukituki Scenic Reserve
18. Waikareao Bush Reserve
19. Wallingford Hall Reserve
20. Elsthorpe Hall Reserve

Coastal Towns and Reserves

1. Pourerere Church Knoll
2. Pourerere Old Woolpress Site
3. Pōrangahau Cemetery
4. Te Paerahi/Pōrangahau Coastal Reserves (part of)
5. Whangaehu Historic Reserve (part of)
6. Kairakau Beach Front Reserve (part of)
7. Kairakau Commercial Campground
8. Kapiti Place Reserve
9. Kairakau Bush Reserve
10. Kairakau Esplanade Reserve
11. Mangakuri Reserve
12. Pourerere Reserve North
13. Pourerere Beach Front and Amenity Area (part of)
14. Pourerere Domain
15. Ouepoto Beach Domain
16. Aramoana Esplanade Reserve
17. Shoal Beach Reserve (part of)
18. Blackhead Beach Esplanade Reserve
19. Pōrangahau Memorial Hall and Courts
20. Pōrangahau River Reserve
21. Pōrangahau White Domain

Related Information

GIS Maps for Schedule 1 are included as appendix 1.

17. Schedule 2: Restricted areas for self-contained motor vehicles

Council allows freedom camping for certified self-contained vehicles in restricted areas, including seasonal restrictions, as set out in section 7 of this bylaw. Detailed Maps outlining these areas can be found in appendix 2, which is attached at the end of this document. *There is a one-week standdown period for each site/location, meaning campers cannot camp at the same location for seven days after departure from site/location.*

Related Information

Freedom camping is prohibited outside the areas identified by the yellow restricted areas box. If all car parks within the yellow restricted area are occupied, persons wishing to freedom camp will need to find an alternative site or use commercial accommodation.

Site/Location	Facilities	Maximum capacity self-contained vehicles	Seasonal restrictions	Max no. nights
Kairakau Beach Reserve Freedom Camping, side of the road/beach side	Public toilets	Various	None	3 nights
Pourerere Tommy Ireland Point <i>Need to assess safety of this site due to ongoing erosion</i>	Parking area only No public toilets	Various	None	3 nights
Aramoana Shoal Beach Reserve Freedom Camping, Council car park adjacent to Local Purpose Reserve	Public toilets and 3 marked car parks	Various	None	1 night
Whangaehu Beach	Public toilet	Various	None	1 night
Russell Park, Scout Hall car park	Public toilets at Russell Park	Various	None	1 night
Coronation Park Waipawa	Public toilets and car parking	Various	None	3 nights
Takapau Memorial Sports Park or Takapau Reserve (Takapau Rugby Club)	No public toilets	Various	None – to be agreed by the lease holder.	1 night
Takapau Railway Reserve	No public toilets	Various	None	1 night
Tikokino Hall	Public toilets and car parking	Various	None	1 night
Ongaonga Museum Reserve, car park	Public toilets and car parking	Various	None	1 night
Otane, behind the hall on Miller Street	Public toilets and car parking	Various	None	1 night

Related Information

GIS Maps for Schedules 2 are included as appendix 2.

Schedule 3: Freedom camping in permitted areas.

Council allows freedom camping for vehicles (including non-self-contained vehicles) and tents in permitted areas as set out in section 8 of this bylaw. Detailed Maps outlining these areas can be found in appendix 3, which is attached at the end of this document. *There is a one-week standdown period for each site/location, meaning campers cannot camp at the same location for seven days after departure from site/location.*

Related Information

Freedom camping is prohibited outside the areas identified by the yellow restricted areas. If all car parks within the yellow restricted area are occupied, persons wishing to freedom camp will need to find an alternative site or use commercial accommodation.

Site/Location	Facilities	Maximum capacity for sites for non-self-contained motor vehicles and tenting	Seasonal restrictions	Max no. nights
Pourerere Beach Road, located on Road Reserve	Public toilets	Various	Permit required for 14 Dec–29 Feb on a ballot system.	14 nights during the peak season with a permit required, 7 nights outside of the peak season.
Pōrangahau: Te Paerahi Beach Freedom Camping, adjacent to Recreation Reserve	Public toilets, potable water via drinking fountain, dog water dish and outdoor shower	Various		7 nights

Related Information

GIS Maps for Schedules 3 are included as appendix 3.