

Freedom Camping Bylaw 2017

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Pursuant to the powers vested in it by the Freedom Camping Act 2011, the Nelson City Council makes this Bylaw.

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

This Bylaw applies only to the areas under the control of the Nelson City Council. 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.

1. TITLE

This Bylaw may be cited as the Nelson City Council Freedom Camping Bylaw 2017.

2. COMMENCEMENT

This Bylaw comes into force on 1 December 2017.

3. PURPOSE

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

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

4. DEFINITIONS

In this Bylaw, unless the context otherwise requires:

Act: means the Freedom Camping Act 2011.

Certified self-contained vehicle: means a vehicle designed and built for the purpose of camping which is practically configured to meet 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, as evidenced by the display of a current self-containment warrant issued under New Zealand Standard Self Containment of Motor Caravans and Caravans, NZS 5465:2001 and any subsequent amendments.

Chief Executive: means the person for the time being exercising the functions of the Chief Executive of the Council.

City: means the territory contained within the City of Nelson as defined in Schedule 2 to the Local Government Act 2002.

Council: means the Nelson City Council.

Night: means the time period between 10pm and 7am.

Waste receptacle: means a receptacle or facility that is provided for the purposes of disposing of waste (for example, a rubbish bin, public toilet, a public dump station or public transfer station).

The following terms have the same definitions as in the Act:

Freedom camp:

(1) In this [Bylaw], 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 1 or more of the following:

- (a) A tent or other temporary structure:
- (b) A caravan:
- (c) A car, campervan, house-truck, or other motor vehicle

(2) 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.

(3) In subsection (1)

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

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.

Local authority area:

(1) In this [Bylaw], 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 the local authority 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.

5. LOCAL AUTHORITY AREAS WHERE FREEDOM CAMPING IS PERMITTED

Freedom camping is permitted in any local authority area within the City unless it is prohibited or restricted:

- (a) By this Bylaw; or
- (b) Under any other enactment or bylaw.

6. PROHIBITED AREAS

- (1) A person must not freedom camp in any local authority area in the City in any vehicle that is not a certified self-contained vehicle.
- (2) A person must not freedom camp in any tent or temporary structure in any local authority area, except as allowed in clause 7.
- (3) A person must not freedom camp in any local authority area described in Schedule 1 and marked red on the maps in Schedule 3.

7. RESTRICTED AREAS

- (1) In any area described in Schedule 2 and marked purple on the maps in Schedule 3, freedom camping is allowed subject to the following restrictions:
 - (a) The freedom camping must only take place in a certified self-contained vehicle or tent as specified in Schedule 2; and
 - (b) The maximum period of stay in any location within a purple area is two consecutive nights on no more than two separate occasions in any calendar month; and
 - (c) Other restrictions as specified in Schedule 2.
- (2) In clause 7(1)(b) location means the land within 500m of the place where the certified self-contained vehicle is situated for the purpose of freedom camping.

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

Council provides the Maitai, Brook, and Tahunanui Campgrounds for non-self-contained vehicles alongside other private accommodation and campground providers

8. PRIOR PERMISSION FROM COUNCIL

- (1) The Chief Executive of the Council may temporarily waive or modify the freedom camping restrictions in clauses 6 and 7 of this Bylaw. Permission may be granted by the Chief Executive with or without conditions.
- (2) Application for permission must be made:
 - (a) In writing;
 - (b) Provide sufficient detail about the proposed camping including information about how the applicant will manage all human and other waste generated while freedom camping; and
 - (c) Be made at least 20 working days in advance of the date planned for freedom camping in the area where the prohibition or the restrictions apply.

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

The purpose of this clause is to enable permission for temporary sites for freedom camping in prohibited or restricted areas, for example associated with one-off events.

9. COUNCIL MAY TEMPORARILY CLOSE AN AREA TO FREEDOM CAMPING

- (1) The Chief Executive of the Council may temporarily close or restrict freedom camping in any area or part of any area where the closure or restriction is considered necessary 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; or
 - (c) Protect the safety of persons or property; or
 - (d) Provide for better public access, including in circumstances where events are planned for that area.

(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.

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

Notice given by the Council may include any of the following: a sign erected in the area; and/or advertising on the Council's website or on the radio; and/or a public notice in the paper.

10. OFFENCE 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
 - (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

(2) As specified by section 23(1) of the Act, every person who commits an offence set out in clause 10(1) is liable to an infringement fee (fine) of \$200.

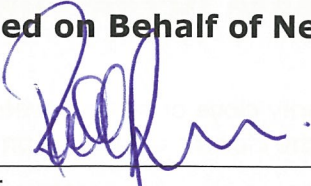
The following note is explanatory and is not part of the Bylaw:

Section 20 of the Act provides for the above offences and also for other offences, such as not properly disposing of waste into a waste receptacle, damaging or interfering with the flora and fauna in an area, and obstructing or threatening an enforcement officer. Section 22 of the Act sets out defences to a freedom camping offence. The defences include that an offence was committed due to an action or event beyond the control of the defendant that could not reasonably have been foreseen, or the act was necessary to protect life or health, prevent injury or serious damage to property. Council officers use their discretion when investigating freedom camping complaints, which will include consideration of any defences that may be available to a person.

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

Any future enforcement policy will include a provision that, where a person is homeless and sleeping in prohibited or restricted areas, Council officers will work with social agencies to try and find solutions for those persons as a first response.

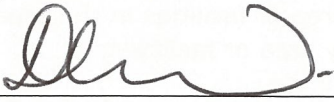
Signed on Behalf of Nelson City Council by:



Mayor

12/10/17

Date



Chief Executive

10/10/17

Date

Common Seal of Nelson City Council:



SCHEDULE ONE: PROHIBITED AREAS FOR FREEDOM CAMPING

A person must not freedom camp in any local authority area described in the table below.

Area Name / Description	Map Reference
Hira Reserve	Map 1
Frost Reserve	Map 1
Hira Cemetery	Map 1
Wakapuaka Reserve (excluding car park)	Map 1
Wakapuaka River Esplanade	Map 1
St Andrews Cemetery	Map 1
Teal Valley Esplanade	Map 1
Paremata Flats Foreshore	Map 1
Lud Valley Esplanade	Map 1
Cable Bay Esplanade	Map 1
Glenduan Reserve	Map 1
The Glen Beach Foreshore	Map 1
Werneth Reserve	Map 2
Ngapua Reserve	Map 2
Bayview Reserve	Map 2
Tod Reserve	Map 2
Frenchay Reserve	Map 2
Titoki Reserve	Map 2
Corder Park	Map 2
Marybank Reserve	Map 2
Tresillian Reserve	Map 2
Pukatea Reserve	Map 2
Te-Ata Reserve	Map 2
Tod Stream Esplanade	Map 2
Wakapuaka Sandflats Esplanade	Map 2
Miyazu Reserve	Map 3
Miyazu Japanese Gardens	Map 3
Queen Elizabeth II Reserve	Map 3
Wakapuaka Cemetery	Map 3
Sir Stanley Whitehead Park	Map 3
Atmore Reserve	Map 3
Tantragee Reserve	Map 3
Botanical Hill	Map 3
Montrose Reserve	Map 3
Hockey Reserve	Map 3
Maitai Arboretum	Map 3
Hanby Park	Map 3
Hockey Reserve	Maps 3 & 8
Branford Park	Map 3
Maitai Cricket Ground	Map 3
Maitai River Esplanade	Maps 3 & 4
Waahi Taakaro Golf Course	Map 3
Dixon Basin (Akersten Street)	Map 4
Old Boat Harbour (Vickerman Street)	Map 4
Brook Stream Esplanade	Map 4
Pipers Reserve	Map 4
Russell Reserve	Map 4

Wards Reserve	Map 4
Melrose Gardens	Map 4
Pipers Park	Maps 4 & 6
Emano West Reserve	Map 4
Vosper Reserve	Map 4
Waimea North Reserve	Map 4
Wigzell Park	Map 4
Ronaki Reserve	Map 4
St Lawrence Reserve	Map 4
Emano East Reserve	Map 4
Betsy Eyre Park	Map 4
Brook Park	Map 4
Wolfe Reserve	Map 4
Cattle Market Reserve	Map 4
Victory Square	Map 4
Botanics Sportsfield	Map 4
Murphy South Reserve	Map 4
Grampian Oaks Reserve	Map 4
Grampians Reserve	Maps 4 & 8
Andrews Farm Reserve	Map 4
Haven Cemetery	Map 4
Moncrieff Reserve	Map 4
Neale Park	Map 4
Abraham Heights Reserve	Map 4
Waimea South Reserve	Map 4
Custom House Reserve	Map 4
Queens Gardens	Map 4
Sequoia Reserve	Map 4
Haven Foreshore	Map 4
Grampians Reserve	Map 4
Murphy North Reserve	Map 4
Akersten Foreshore	Map 4
Fairfield Park	Map 4
Marina	Map 4
Guppy Park	Map 5
Quakers Acre Cemetery	Map 5
Wellington Reserve	Map 5
Pepper Tree Park	Map 5
Fountain Reserve	Map 5
Erin Reserve	Map 5
ANZAC Memorial Park	Map 5
Peace Grove	Map 5
Pikimai (Church Hill)	Map 5
Hallowell Cemetery	Map 5
Riverside Reserve	Map 5
Grove Reserve	Map 5
Saltwater Creek Esplanade	Map 5
Rutherford Park	Map 5
Trafalgar Park	Map 5
Pioneers Park	Map 5
Albion Square Reserve	Map 5
Haven Foreshore (excluding car park)	Map 5
Inner City (excluding Montgomery, Buxton & Whakatu carparks)	Map 5
Moana Reserve	Map 6
Paddys Knob Reserve	Map 6

Centennial Park	Map 6
Station Reserve	Map 6
Waterhouse Reserve	Map 6
Enner Glynn North Reserve	Map 6
Bruno Reserve	Map 6
Princes Lookout Reserve	Map 6
Cawthron Reserve	Map 6
Bledisloe South Reserve	Map 6
Bledisloe North Reserve	Map 6
Bolt Reserve	Map 6
Blackwood East Reserve	Map 6
Bishops Park	Map 6
Arapiki Stream Esplanade	Map 6
Isel Park	Map 6
Enner Glynn South Reserve	Map 6
Poplar Reserve	Map 6
Greenmeadows	Map 6
Bishopdale Reserve	Map 6
Annesbrook Youth Park	Map 6
Tasman Heights Reserve	Map 6
Tahunanui Beach Foreshore	Map 6
Bisley Reserve	Map 6
Centennial Park	Map 6
Commodore Reserve	Map 6
Neale Reserve	Map 6
Ngaio Reserve	Map 6
Ranui Reserve	Map 6
Pipers Reserve	Map 6
Burrell Park	Map 6
Blackwood West Reserve	Map 6
Tosswill Reserve	Map 6
Jenkins Creek Esplanade	Map 6
Highview Reserve	Map 6
Songer Reserve	Map 6
Kowhai Reserve	Map 6
Awatea Place Esplanade	Map 6
Bolwell Reserve	Map 6
Beatson Reserve	Map 6
Tahunanui Recreation Reserve	Map 6
Devon Reserve	Map 7
Foster Reserve	Map 7
Aldinga Reserve	Map 7
Orchard Reserve	Map 7
Airport Peninsula Esplanade	Map 7
Manson Reserve	Map 7
Seaview Cemetery	Map 7
Covent Reserve	Map 7
Nikau Reserve	Map 7
Marsden Recreation Ground	Map 7
Monaco Foreshore	Map 7
Ballard Reserve	Map 7
Orchard Stream Esplanade	Map 7
Broadgreen Gardens	Map 7
Ngawhatu Sportsfield	Map 7
Whakatu Drive Foreshore	Map 7

Harford Reserve	Map 7
Strawbridge Square	Map 7
Poorman Valley Stream Esplanade	Maps 7 & 8
Manu Kau Reserve	Map 7
Poets Park	Map 7
Tokomaru Reserve	Map 7
Orphanage Stream Esplanade	Map 7
Monaco Reserve	Map 7
Saxton Field	Map 7
Woodstock Reserve	Map 7
Marsden Valley Cemetery	Map 8
Marsden Valley Reserve	Map 8
Sanctuary Esplanade Reserve	Map 8
Plumtree Reserve	Map 8
Eureka Park	Map 8
Maitai Water Reserve	Map 9
Venner Reserve	Map 9
Roding Water Reserve	Map 9
Brook Conservation Reserve	Map 9

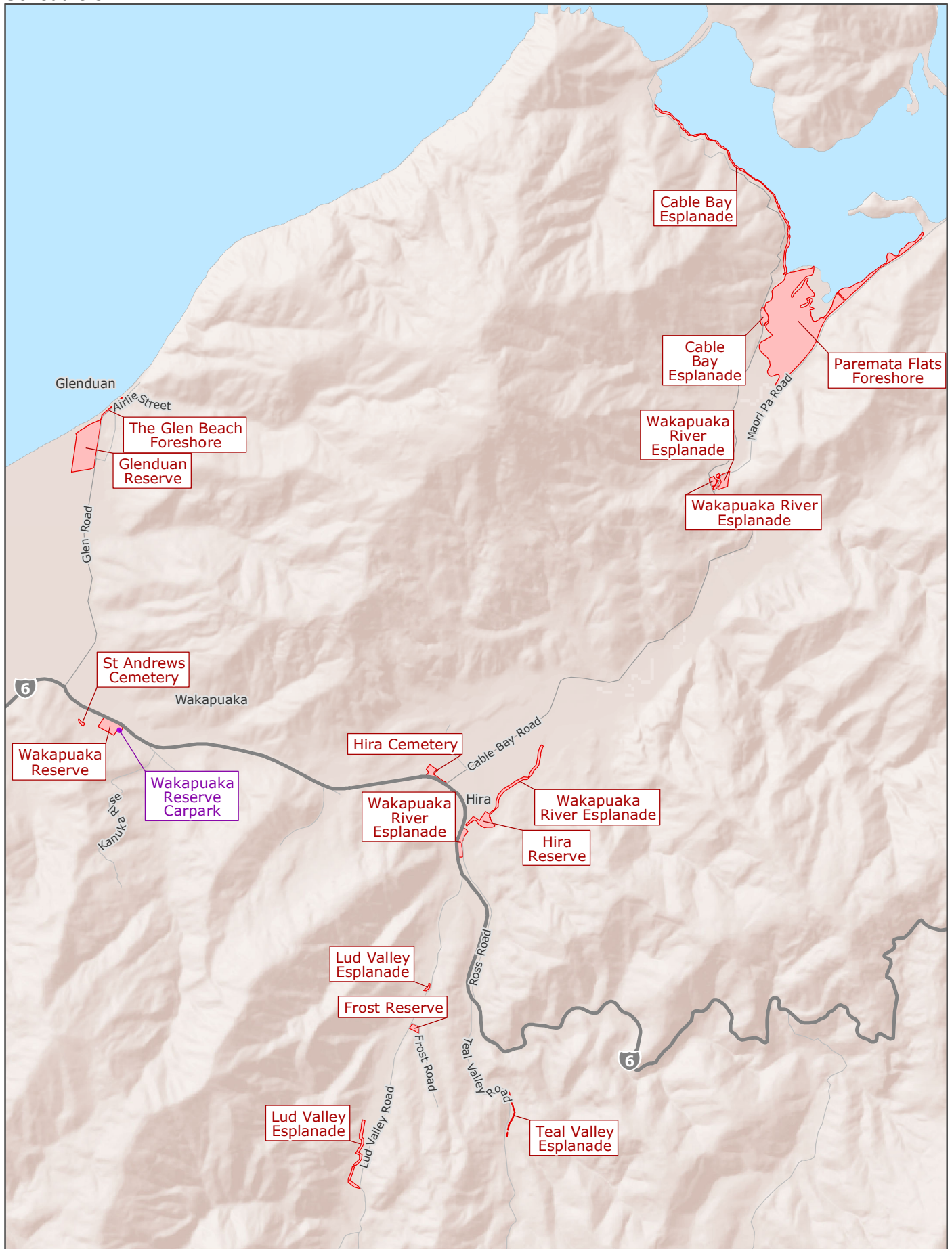
SCHEDULE TWO: RESTRICTED AREAS FOR FREEDOM CAMPING

Freedom camping is allowed in any local authority area described in the table below subject to the following general and area specific restrictions:

General restrictions

- a) The freedom camping must only take place in a certified self-contained vehicle or tent as specified in the table below.
- b) The maximum period of stay in any location is two consecutive nights on no more than two separate occasions in any calendar month.
- c) Freedom camping in certified self-contained vehicles is restricted to the signposted area. Space will be available on a 'first-in first-served' basis.
- d) Unless subject to area specific restrictions all vehicles being used for freedom camping must depart by 7am.
- e) All vehicles being used for freedom camping must be legally parked and any possessions associated with freedom camping contained within a single, defined carparking space. If undefined, vehicles must park in a courteous manner to allow other vehicles to also park within the signposted area, with all possessions no more than 1 metre from the vehicle in any direction.
- f) No person may light any fire while freedom camping in a local authority area except in a place specifically provided by the Council for that purpose, or with the prior written permission of Council.
- g) All waste must be disposed of into an appropriate waste receptacle
- h) The site must be left in a clean and tidy state.
- i) Every person must leave and not return if required to leave by an Enforcement Officer under the Act.
- j) All conditions stipulated on any signs in the local authority area must be complied with.

Area Name	Area specific restrictions	Map reference
Wakapuaka Reserve Carpark	Maximum of 3 self-contained vehicles	Map 1
Maitai Cricket Ground Carpark	Maximum of 2 self-contained vehicles	Map 3
Haulashore Island	Tenting with prior Council permission and subject to any conditions	Map 4
Queen Elizabeth II Drive Gardens	Self-contained vehicles in any available defined car parking areas	Map 5
Trafalgar Park – Haven Foreshore (Kinzett Terrace Carpark)	Maximum 4 self-contained vehicles in northern Kinzett Tce area	Map 5
Buxton Carpark	Maximum of 23 self-contained vehicles	Map 5
Montgomery Carpark	Maximum of 25 self-contained vehicles. Freedom camping is not permitted from Friday 10pm until Monday 8am	Map 5
Wakatu Carpark	Maximum of 20 self-contained vehicles	Map 5
Oyster Island	Tenting with prior Council permission and subject to any conditions	Map 7
Isel Park – Main Road Stoke Carpark	Maximum of 3 self-contained vehicles in any available defined car parking areas	Map 7



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Map 1 - Nelson City Freedom Camping Restricted and Prohibited Areas

Schedules 1 and 2



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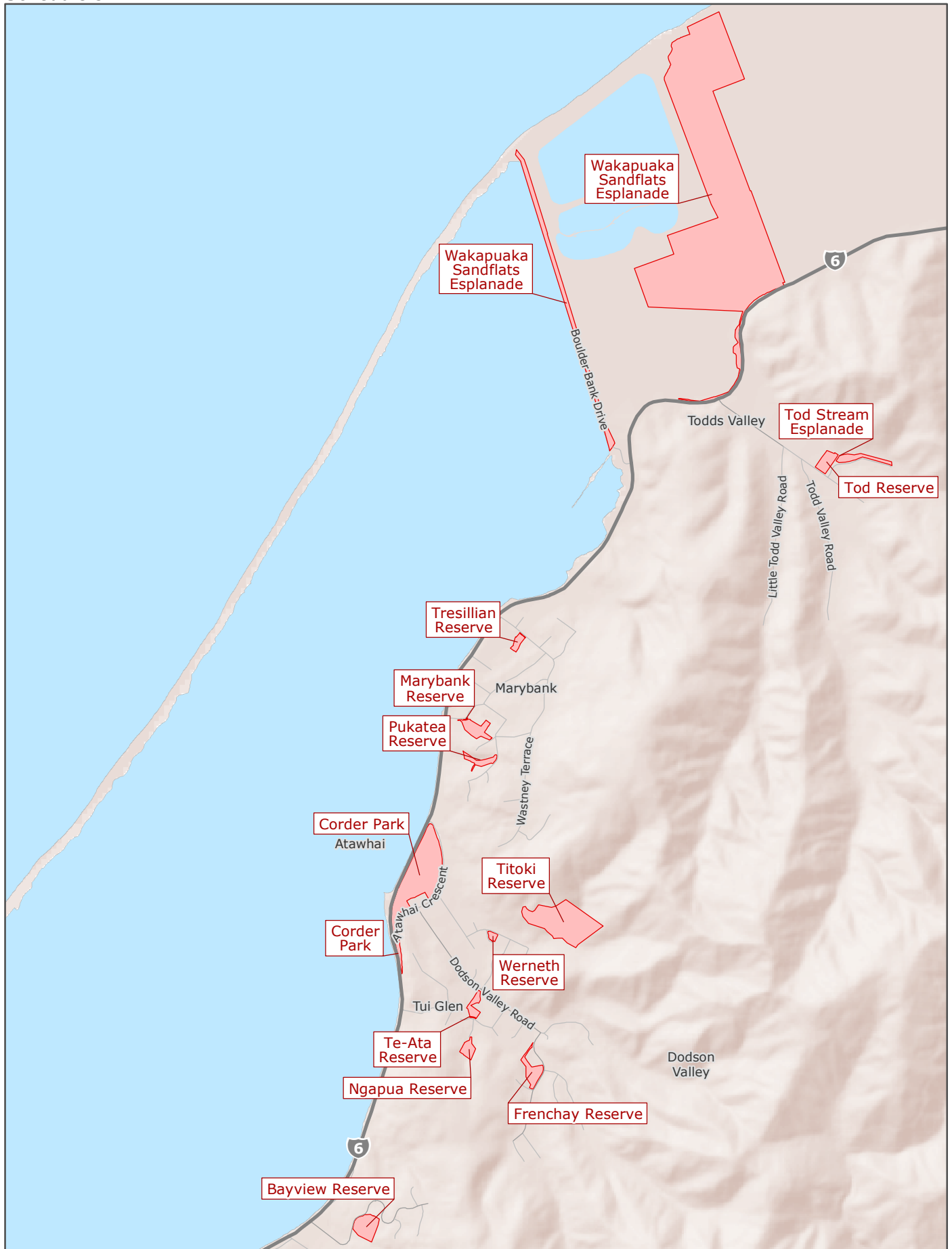
- Prohibited Areas for Freedom Camping
- Restricted Areas for Freedom Camping**
- Self-contained
- Tenting



December 2017



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Map 2 - Nelson City Freedom Camping Restricted and Prohibited Areas

Schedules 1 and 2



Legend

- Prohibited Areas for Freedom Camping
- Restricted Areas for Freedom Camping**
- Self-contained
- Tenting

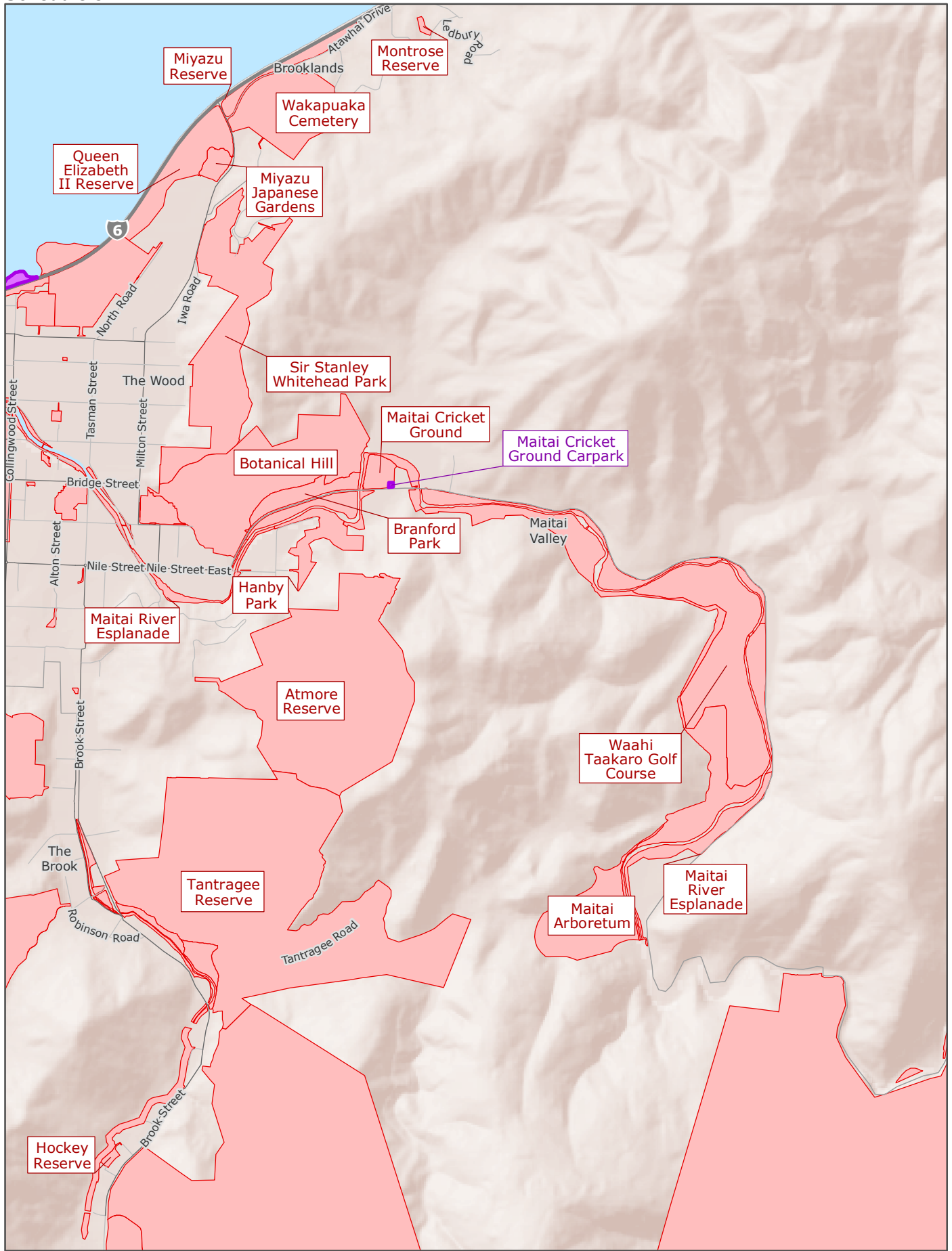
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Map 3 - Nelson City Freedom Camping Restricted and Prohibited Areas

Schedules 1 and 2



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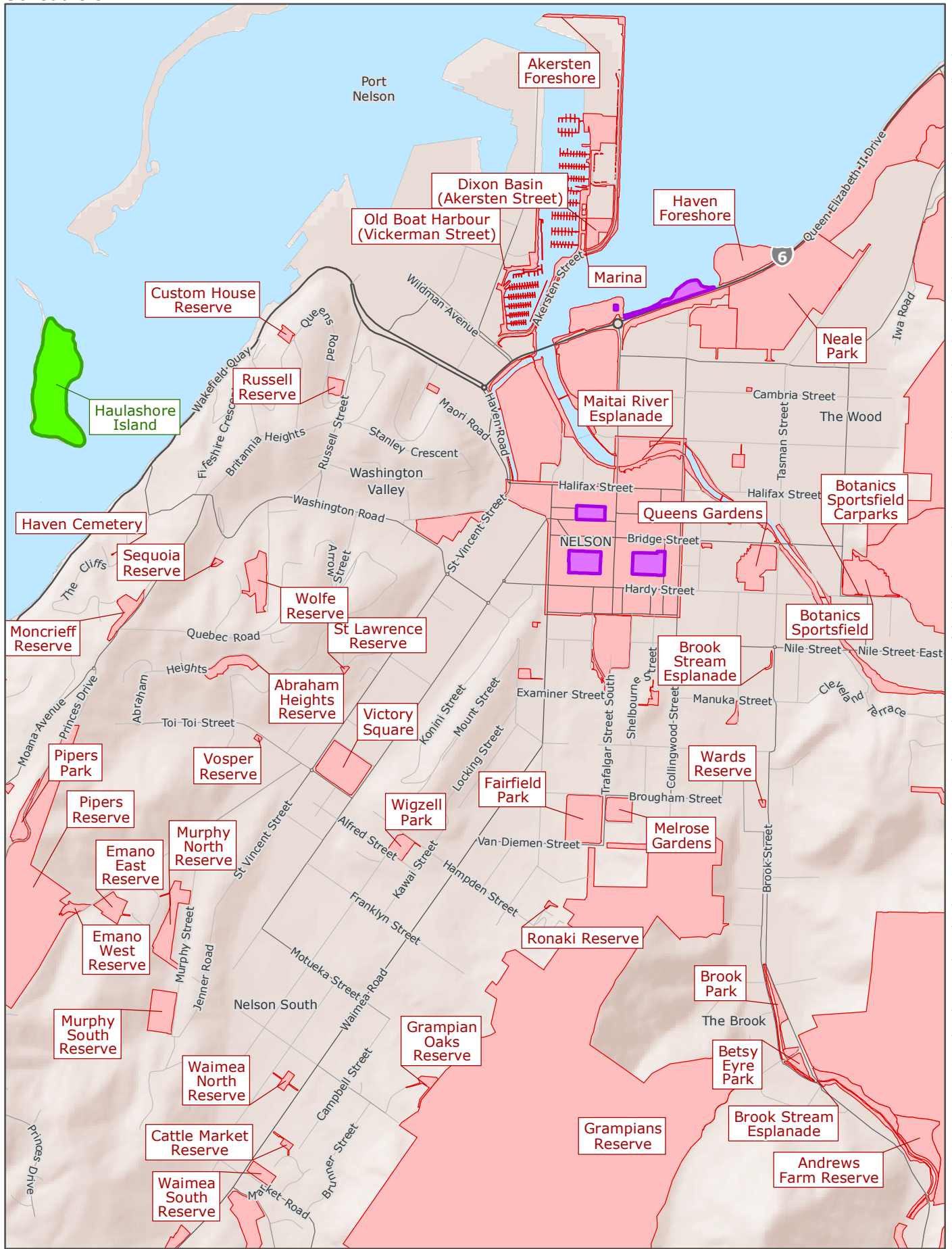
- Prohibited Areas for Freedom Camping
- Restricted Areas for Freedom Camping**
- Self-contained
- Tenting

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Map 4 - Nelson City Freedom Camping Restricted and Prohibited Areas

Schedules 1 and 2



Legend

- Prohibited Areas for Freedom Camping
- Restricted Areas for Freedom Camping**
- Self-contained
- Tenting

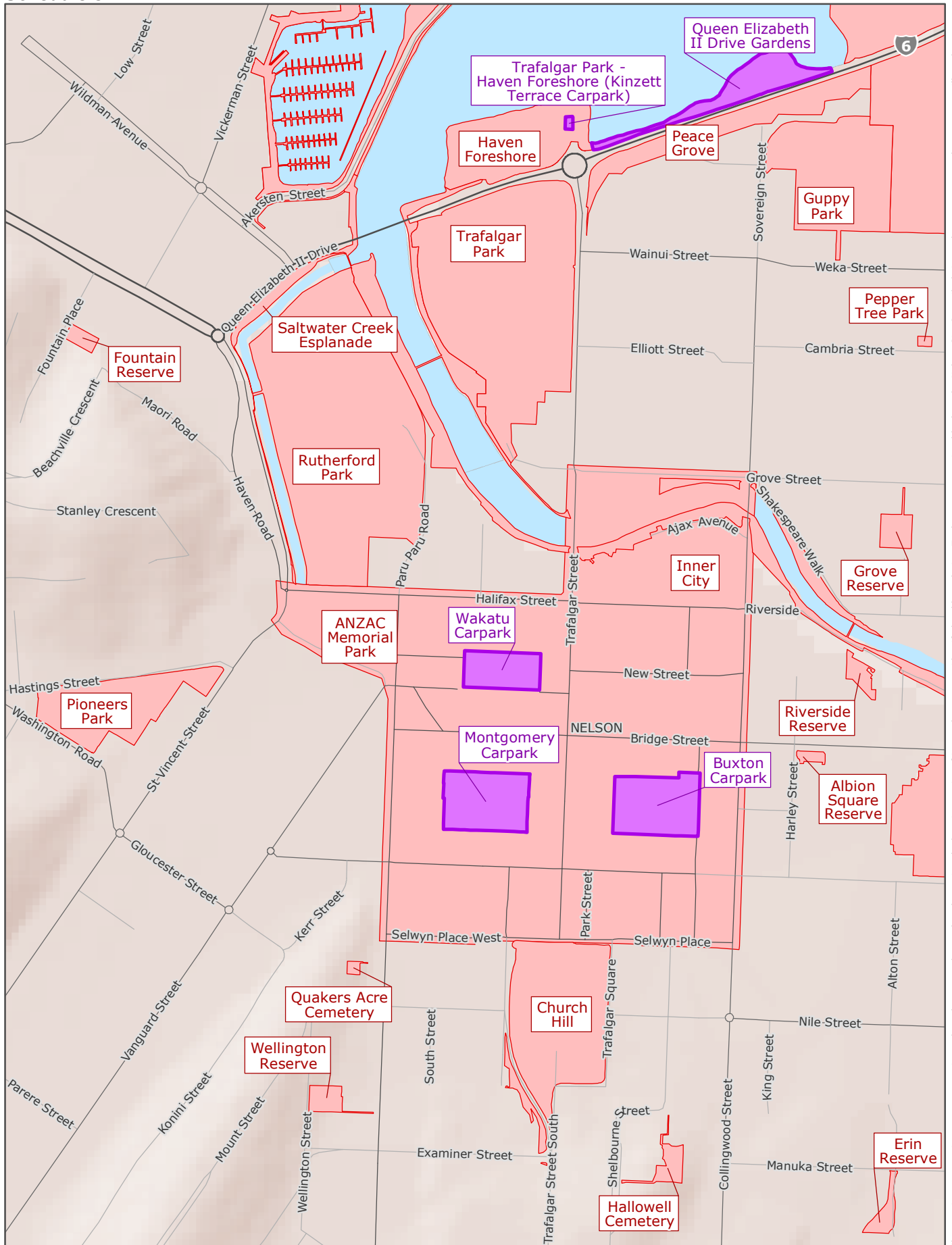
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Map 5 - Nelson City Freedom Camping Restricted and Prohibited Areas

Schedules 1 and 2



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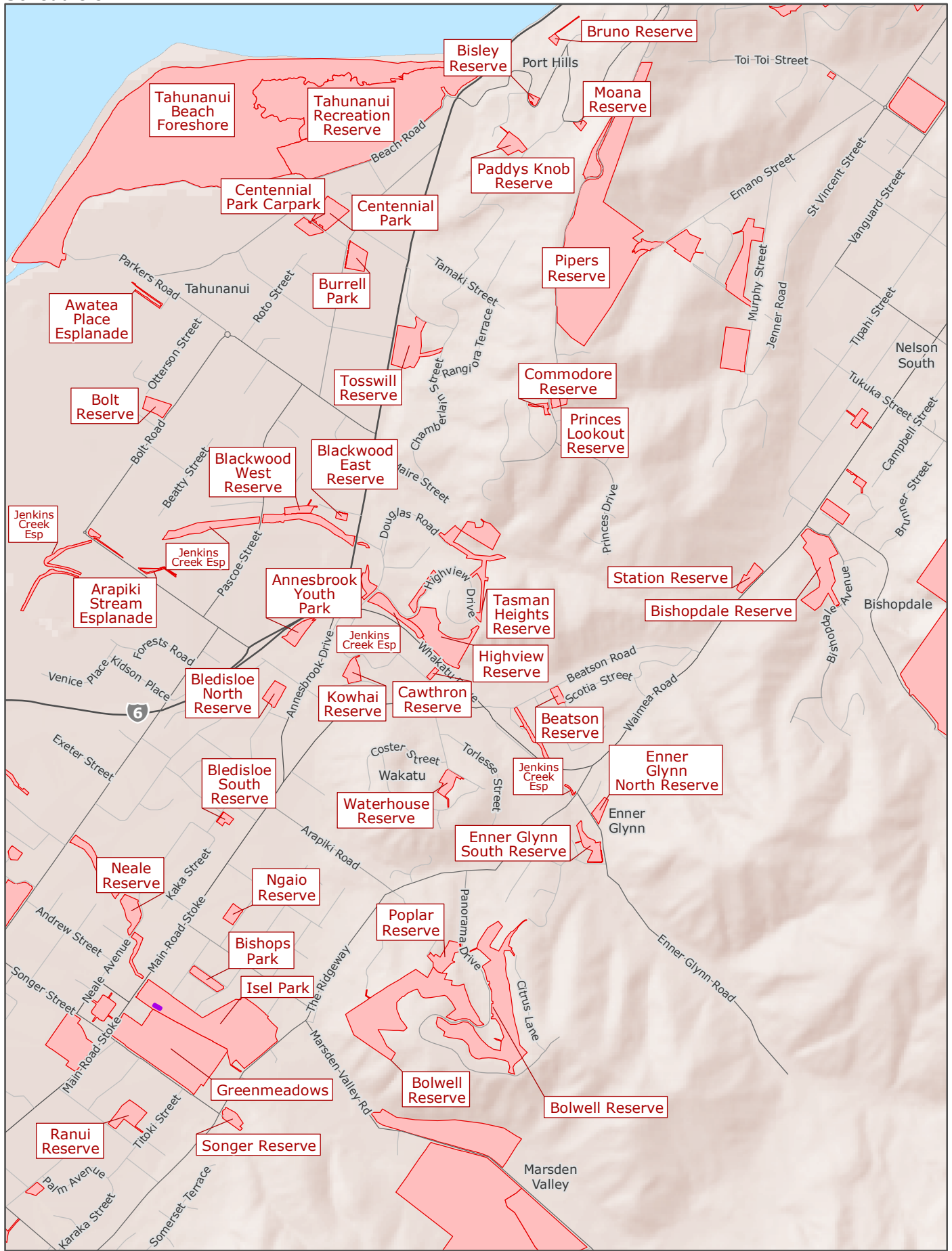
- Prohibited Areas for Freedom Camping
- Restricted Areas for Freedom Camping**
- Self-contained
- Tenting

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Map 6 - Nelson City Freedom Camping Restricted and Prohibited Areas

Schedules 1 and 2



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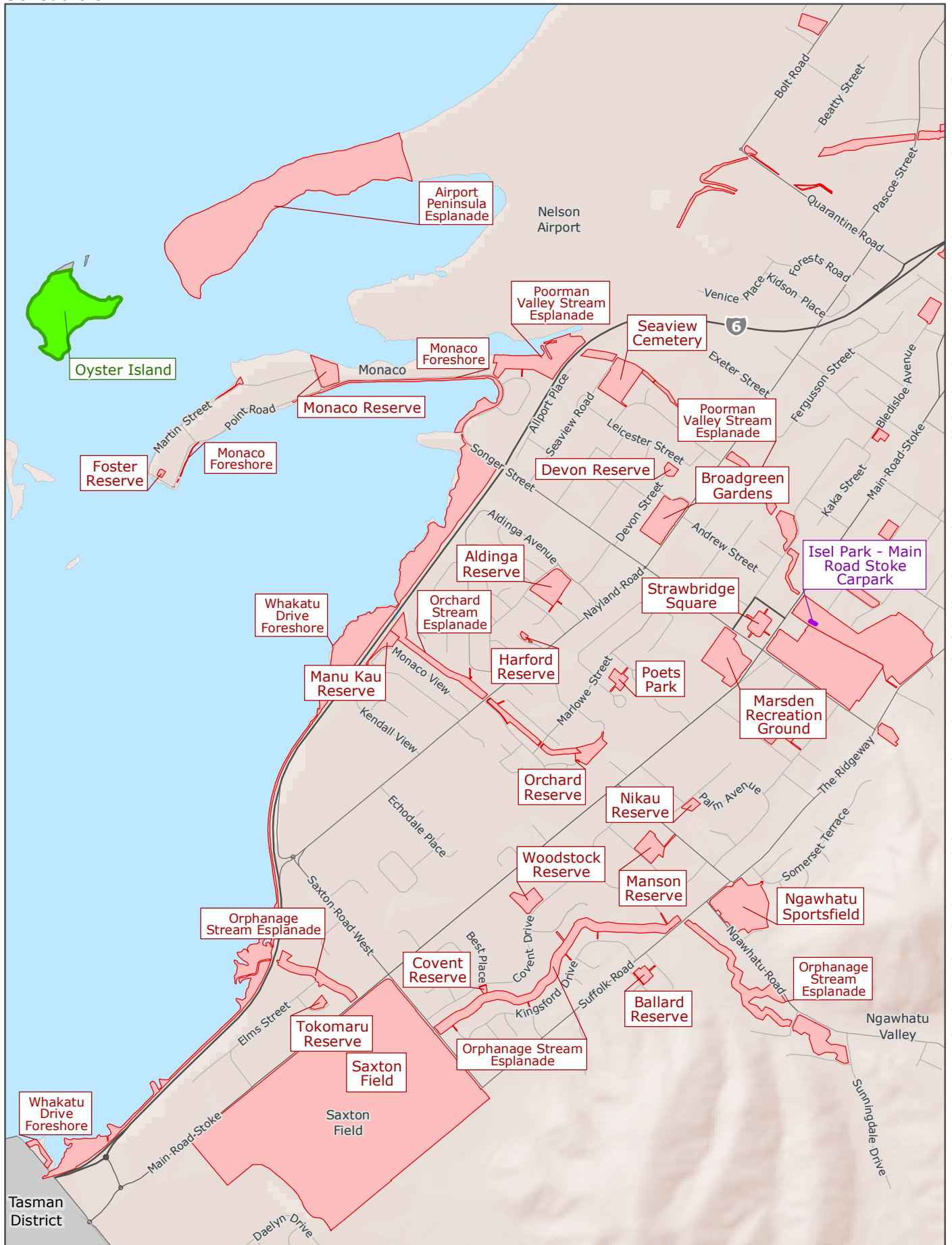
- Prohibited Areas for Freedom Camping
- Restricted Areas for Freedom Camping**
- Self-contained
- Tenting

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December 2017

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Map 7 - Nelson City Freedom Camping Restricted and Prohibited Areas

Schedules 1 and 2



Legend

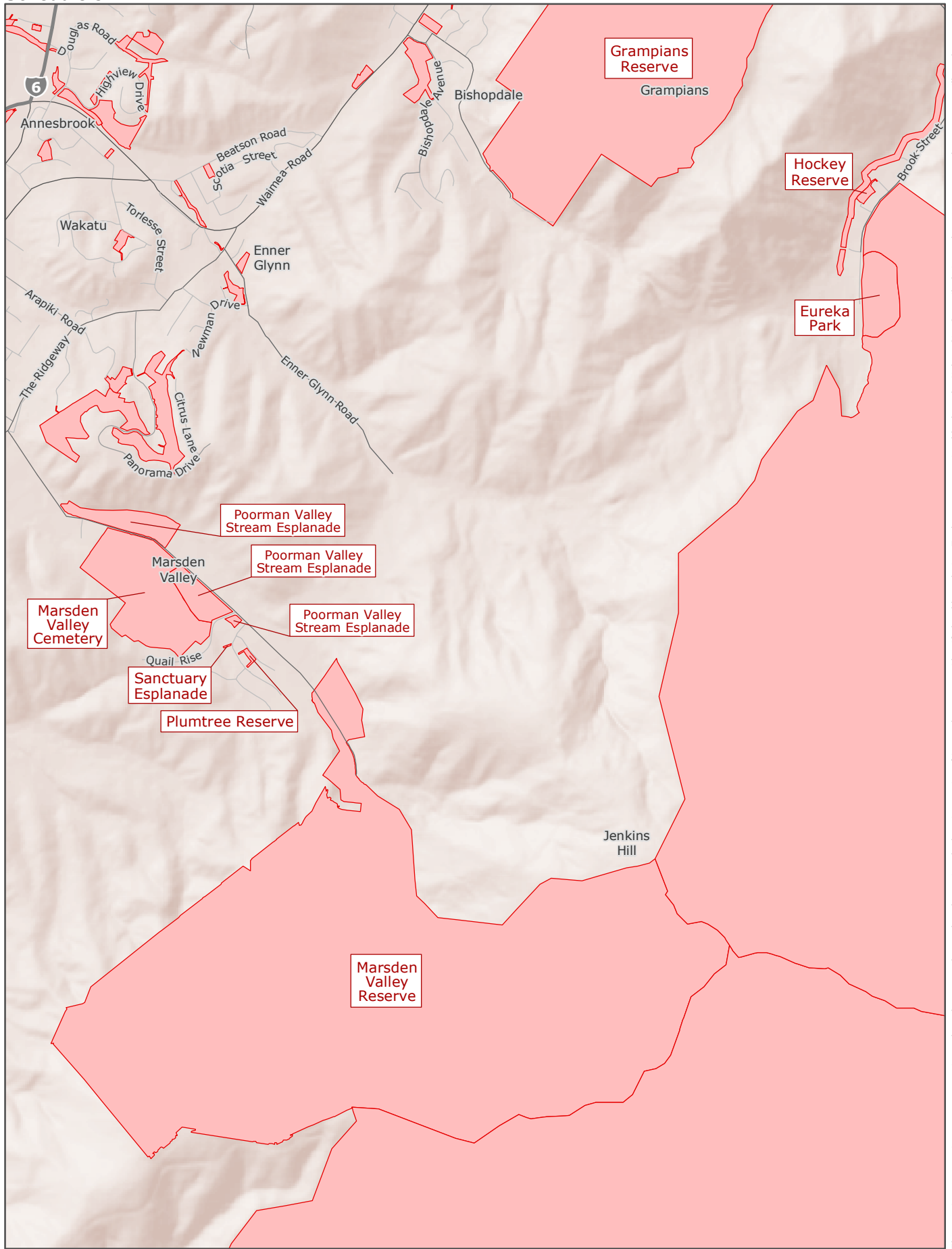
- Prohibited Areas for Freedom Camping
- Restricted Areas for Freedom Camping**
- Self-contained
- Tenting

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Schedule 3



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Map 8 - Nelson City Freedom Camping Restricted and Prohibited Areas

Schedules 1 and 2



Legend

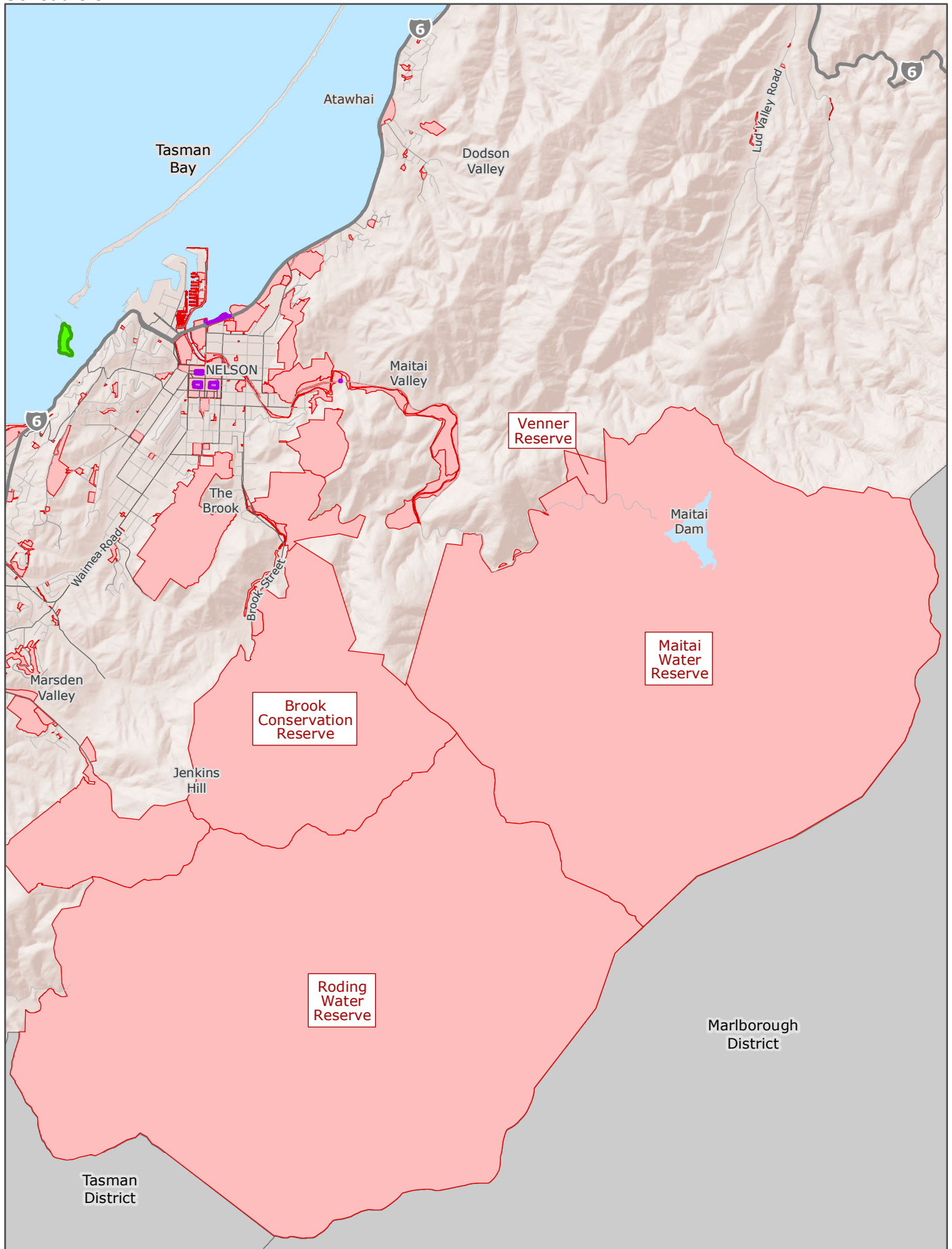
- Prohibited Areas for Freedom Camping
- Restricted Areas for Freedom Camping**
- Self-contained
- Tenting

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December 2017

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Map 9 - Nelson City Freedom Camping Restricted and Prohibited Areas

Schedules 1 and 2



Legend

- Prohibited Areas for Freedom Camping
- Restricted Areas for Freedom Camping**
- Self-contained
- Tenting

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December 2017

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