

ŌPŌTIKI DISTRICT COUNCIL FREEDOM CAMPING BYLAW 2024 (DRAFT)

EXPLANATORY NOTE

The Ōpōtiki District Council makes this Bylaw under sections 10A, 11 and 11A of the Freedom Camping Act 2011, and should be read alongside that Act.

This Bylaw should also be read in conjunction with the Ōpōtiki District Council Beach Bylaw.

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1. TITLE

This Bylaw is the Ōpōtiki District Council Freedom Camping Bylaw 2024.

2. PROCEDURE AND COMMENCEMENT –

- (1) The initial resolution adopting a statement of proposal for this Bylaw was passed by the Ōpōtiki District Council at an **ordinary meeting of the Council held on [date]** and, following consideration of submissions received during the special consultative procedure, this Bylaw was made by a resolution at a subsequent meeting of the Council on **[date]**.

(2) This Bylaw comes into force on [date].

(3) This Bylaw is next due for review under section 13 of the Act by [date].

3. DEFINITIONS

- (1) In this Bylaw, unless the context requires otherwise:

Act means the Freedom Camping Act 2011.

Camping ground has the same meaning as in section 5(3) of the Act.

Chief Executive means the chief executive appointed by the Council under section 42 of the Local Government Act 2002.

Council means Ōpōtiki District Council.

District means the Ōpōtiki District of the Council.

Enforcement officer means a person appointed as an enforcement officer under section 32 of the Act.

Freedom camping has the same meaning as in Section 5 of the Act.

Local authority area has the same meaning as in section 6 of the Act.

NZTA land has the same meaning as in section 6A of the Act.

Prohibited area means an area identified in Schedule 1: Prohibited Areas, in which freedom camping is prohibited.

Restricted area means an area identified in Schedule 2: Restricted Areas, in which freedom camping is permitted subject to restrictions.

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.

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].

- (2) 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.

4. PURPOSE

The purpose of this Bylaw is to control freedom camping in the Ōpōtiki District 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.

5. PROHIBITED AREAS

- (1) A person must not freedom camp within any area identified in Schedule 1: Prohibited Areas.
- (2) Despite subclause (1), a person may freedom camp in any prohibited area if they have obtained the prior written consent of the Council, granted under clause 8(1) of this Bylaw, and complies with any conditions on the consent.
- (3) A person may only freedom camp at a particular freedom camping site for a maximum of three nights within a 4-week period.
- (4) All waste must be disposed of at a regional or district council approved facility.
- (5) Public facilities must not be used for washing and/or drying dishes, clothes, or any other camp related items.
- (6) Vehicles must be legally parked and will not prevent others from undertaking legitimate activities in the area.
- (7) Freedom campers must comply with the request/s of an authorised enforcement officer.
- (8) 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.
- (9) Additional area-specific restrictions apply.

6. RESTRICTED AREAS

- (1) A person may freedom camp in any area identified in Schedule 2: Restricted Areas, but must comply with the restrictions as detailed in Schedule 2:
- (2) Despite subclause (1), a person may freedom camp in any restricted area if they have obtained the prior written consent of the Council, granted under clause 8(1) of this Bylaw, and complies with any conditions of that consent.

W. DECLARATION THAT NZTA LAND IS A LOCAL AUTHORITY AREA

- (1) The areas of NZTA land identified in Schedule 3: NZTA Land are declared a local authority area for the purpose of the Act, which means they are local authority areas for the purpose of this Bylaw and are regulated as such under this Bylaw.

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

- (1) A person may freedom camp in a motor vehicle that is not self-contained in any area identified in Schedule 2: Restricted Areas but must comply with the restrictions and conditions listed in that Schedule.
- (2) Despite subclause (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 8(1) of this Bylaw, and complies with any conditions of that consent.

7. PRIOR CONSENT FROM COUNCIL

- (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, restrictions, or conditions that apply to that area under this Bylaw.
- (2) An application for consent must be made in writing to the Chief Executive at least 4-weeks in advance of the date planned for freedom camping in the area.
- (3) If the Council grants an application, it may impose any conditions it considers appropriate that are consistent with the purpose of this Bylaw.
- (4) If the Council refuses an application, it (Council) must inform the applicant of the reasons for the decision.
- (5) An enforcement officer may revoke a consent given under clause 8(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.

8. OFFENCES

- (1) Section 20(1) and 20C of the Act specifies the infringement 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.
- (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.

9. PENALTIES

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 \$400.00

SCHEDULE 1: PROHIBITED AREAS

Freedom camping is prohibited in all areas of the Ōpōtiki District except in specific locations in the Schedule 2: Restricted Areas.

Of particular note, Freedom Camping is prohibited in these areas of the ODC reserves:

Te Ahiaua Reserve (Pipi Beds), Waiotahi

Te Ahiaua Reserve is located near Waiotahi Beach, approximately 9km west of Ōpōtiki township.

It is accessed from State Highway 2. Freedom camping is prohibited in the majority of the reserve within the red outlined area in the image below.



Hikuwai Reserve, Hukuwai Beach

Hikuwai Reserve is located at Hukuwai Beach, approximately 3km east of Ōpōtiki township.

Freedom camping is prohibited in the majority of the reserve within the red outlined area in the image below.



Hoani Waititi Reserve, Omaio

Hoani Waititi Reserve is located in Omaio, approximately 55km east of Ōpōtiki township.

Freedom camping is prohibited in the unmanaged bush areas on the outer edges of the reserve within the red outlined areas in the image below.



Te Kaha Reserve, Maraetai Bay

Te Kaha Reserve is located at Maraetai Bay in Te Kaha, approximately 68km east of Ōpōtiki township.

Freedom camping is prohibited in the majority of the reserve within the red outlined area in the image below.



SCHEDULE 2: RESTRICTED AREAS

Freedom camping is prohibited in all areas of the Ōpōtiki District except in specific locations in the Schedule 2: Restricted Areas.

General restrictions that apply to all Schedule 2: Restricted Areas unless otherwise specified for that area:

1. All freedom camping in the Opotiki local authority areas is restricted.
2. A person may only freedom camp at a particular freedom camping site for a maximum of three nights within a 4-week period.
3. All waste must be disposed of at a regional or district council approved facility.
4. Public facilities must not be used for washing and/or drying dishes, clothes, or any other camp related items.
5. Vehicles must be legally parked and will not prevent others from undertaking legitimate activities in the area.
6. Freedom campers must comply with the request/s of an authorised enforcement officer.
7. 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.
8. Dogs must be under control at all times.
9. Additional area-specific restrictions apply.

Te Ahiaua Reserve (Pipi Beds), Waiotahi

Te Ahiaua Reserve is located near Waiotahi Beach, approximately 9km west of Ōpōtiki township.

It is accessed from State Highway 2. Freedom camping is restricted to the southeast portion of the reserve within the green outlined area in the image below.

Additional restrictions applying to this restricted area:

- No fires are permitted



Hikuwai Reserve, Hikuwai Beach

Hikuwai Reserve is located at Hikuwai Beach, approximately 3km east of Ōpōtiki township.

It is accessed from State Highway 35. Freedom camping is restricted to the southcentral area of the reserve within the green outlined area in the image below.

Additional restrictions applying to this restricted area:

- No fires are permitted



Hoani Waititi Reserve, Omaio

Hoani Waititi Reserve is located in Omaio, approximately 55km east of Ōpōtiki township.

It is accessed from Omaio Pa Rd. Freedom camping is restricted to the central area of the reserve within the green outlined area in the image below.

Additional restrictions applying to this restricted area:

- The maximum period anyone can freedom camp in this area is fourteen consecutive nights in any four-week period
- Campfires are permitted but must be under control at all times



Te Kaha Reserve, Maraetai Bay

Te Kaha Reserve is located at Maraetai Bay in Te Kaha, approximately 68km east of Ōpōtiki township.

Freedom camping is restricted to the southcentral area of the reserve within the green outlined area in the image below.

Additional restrictions applying to this restricted area:

- No fires are permitted



SCHEDULE 3: NZTA LAND SUBJECT TO THIS BYLAW

The following NZTA land is a local authority area for the purposes of the Act:

NZTA Land includes the entire State Highway 2 and State Highway 35 network within the Ōpōtiki District Council territory, excluding the Restricted Freedom Camping locations in Schedule 2.