



New Plymouth District Council Bylaw

Freedom Camping Bylaw 2017

The purpose of this bylaw is to regulate freedom camping in the district in order to protect:

- local authority areas;
- the health and safety of people who may visit local authority areas;
- access to local authority areas.

(ECM 7601938)



Te Kaunihera-ā-Rohe o Ngāmotu

**New Plymouth
District Council**

DOCUMENT HISTORY

Meeting	Date	Decision	Next Review
Council meeting	27 October 2020	Amended to include three new prohibition areas (Corbett Park, Tongaporutu, Battiscombe Terrace, excluding 6 restricted areas). With effect from 14 November 2020	
Council meeting	29 November 2018	Amended and re-adopted with effect from 14 December 2018	
Council meeting	6 December 2017	Adopted with effect from 23 December 2017	5 years from adoption

1. Authority

- 1.1 This bylaw is made under the Freedom Camping Act 2011 and the Local Government Act 2002.

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

This bylaw applies only to the areas under the control of the New Plymouth District Council.

Compliance with this bylaw does not remove the need to comply with all applicable Acts, regulations, bylaws, and other regulatory requirements. This includes complying with any parking or other traffic restrictions in any area, not littering, complying with any restrictions or prohibitions on the lighting of fires, not making excessive noise, and complying with the directions of enforcement officers or other authorised persons.

2. Commencement

- 2.1 This bylaw comes into force on 14 December 2018.

3. Purpose

- 3.1 The purpose of this bylaw is to regulate freedom camping in the district in order to protect:
- a) local authority areas;
 - b) the health and safety of people who may visit local authority areas;
 - c) access to local authority areas.

4. Interpretation

- 4.1 In this part unless the context otherwise requires:

Definitions

Act means the Freedom Camping Act 2011.

Council means the New Plymouth District Council.

District means the New Plymouth District.

Prohibited areas means freedom camping is not allowed in this area, in accordance with clause 5 of this bylaw, unless a permit has been granted under clause 8.

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, and is certified under *New Zealand Standard 5465:2001* (including the March 2012 and May 2017 amendments to the Standard), as evidenced by the display of a current self-containment warrant issued under that Standard.

The following terms have the same definitions as in the Act – the definitions are set out in the guidance material:

Freedom camp

Local authority area

5. Prohibited areas

5.1 Subject to clause 8, a person must not freedom camp:

Prohibited areas

- a) in any local authority area in tents or other temporary structures; or
- b) in a vehicle in any area marked red on any map in Schedule 1 during the dates in which it is indicated that freedom camping is prohibited.

6. Freedom Camping Restricted Areas – non-self-contained vehicles

6.1 Subject to clause 8, a person may freedom camp in a non-self-contained vehicle in the areas identified for freedom camping in Schedule 2 of this Bylaw, subject to complying with all of the following restrictions:

Non-self-contained

- a) the vehicle must be parked in a non-self-contained restricted area;
- b) the vehicle must be parked legally;
- c) must not stay in the same area in the district for more than one period of up to 24 hours in a 30 day period;
- d) must not prevent others from undertaking legitimate activities in the area;
- e) must not light any fires at the area; and
- f) must comply with the noise requirements set out in the operative District Plan;

6.2 In clause 6.1(c) “the same area” means the land within 500 metres of the place where the person was last freedom camping.

7. Freedom camping Restricted Areas – self-contained vehicles

7.1 Subject to clause 8, a person may freedom camp in a self-contained vehicle in any local authority area, including non-self-contained restricted areas, excluding those prohibited in clause 5.1, subject to complying with all of the following restrictions:

Self-contained

- a) must be in a certified-self-contained vehicle;
- b) the vehicle must be parked legally;
- c) must not stay in the same area in the district for more than three periods of up to 24 hours in a 30 day period;
- d) must not prevent others from undertaking legitimate activities in the area;
- e) must not light any fires at the area; and

- f) must comply with the noise requirements set out in the operative District Plan.

7.2 In clause 7.1(c) “the same area” means the land within 500 metres of the place where the person was last freedom camping.

8. Permits from the Council

8.1 The Council may grant a permit providing dispensation from a prohibition under clause 5.1 or one or more of the restrictions in clauses 6.1(a) to (f) or 7.1(a) to (f). Permits may be granted with or without conditions. Conditions may include, but are not limited to:

Permits

- a) maximum number of people;
- b) maximum number of vehicles / tents / caravans;
- c) maximum number of nights.

8.2 Application for a permit must be made:

- a) in writing;
- b) providing sufficient detail about the proposed freedom camping, including why the freedom camping will not comply with one or more of the requirements of clauses 6.1 and 7.1 and what efforts will be made to otherwise comply (for example, if freedom camping for more than three 24 hour periods, how the applicant will manage waste generated while freedom camping); and
- a) be made at least 20 working days in advance of the date planned for freedom camping.

9. The Council may temporarily close an area to freedom camping

9.1 In accordance with sections 145, 146(b), and 151(2) of the Local Government Act 2002, the Council may, by resolution, temporarily close any local authority area (or part of such area) in which freedom camping can be undertaken to some or all types of freedom camping where the closure is considered necessary to:

Temporary closures

- a) repair damage that significantly affects the use of the local authority area or facilities in the area for freedom camping, or to prevent damage occurring where there is an immediate threat of damage that would otherwise require the Council to close the area to repair the damage; or
- b) allow maintenance to be carried out on the local authority area or facilities; or
- c) to ensure public health and safety can be maintained by ensuring safe public access to and from temporary events and occasions.

9.2 Notice will be given of any temporary closure, and the removal of any closure, in any manner the Chief Executive considers is appropriate to the reason for the closure. Where possible, not less than 24 hours' notice of any temporary closure will be given.

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. Effect of this bylaw on other bylaws and enactments

- 10.1** This bylaw does not override or affect any time, vehicle class or other restrictions that apply to the parking of a vehicle, made under any other bylaw or enactment.

**Effect of this
bylaw on other
bylaws and
enactments**

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

This clause is to make it clear that approval of freedom camping under this bylaw also satisfies any requirement for approval under another bylaw or enactment. For example:

the Council designates parking areas under the Traffic Bylaw and Council approval is needed to make changes; approving the same area for freedom camping under this bylaw also provides any Traffic Bylaw approval, if required (but the freedom camping must still comply with any parking time limits, etc. applicable to the area).

- 10.2** The Council resolved to make a bylaw under the Freedom Camping Act 2011 at a meeting of the Council on 5 September 2017. Following consideration of submissions received during a special consultative procedure, the Council adopted this bylaw by resolution at a subsequent meeting of the Council on 6 December 2017. Public notice was issued on 16 December 2017 to set the operative date at 23 December 2017.


Schedule 1: Maps of prohibited areas

Map number	Where is freedom camping prohibited?
Map 1	Fitzroy Beach carpark
Map 2	Back Beach bottom carpark
Map 3	Oakura Beach front
Map 4	Waiwhakaiho River Mouth
Map 5	East End Beach
Map 6	Kawaroa Park
Map 7	Corbett Park
Map 8	Battiscombe Terrace
Map 9	Tongaporutu

Map 1: Fitzroy Beach carpark



Map 2: Back Beach bottom carpark

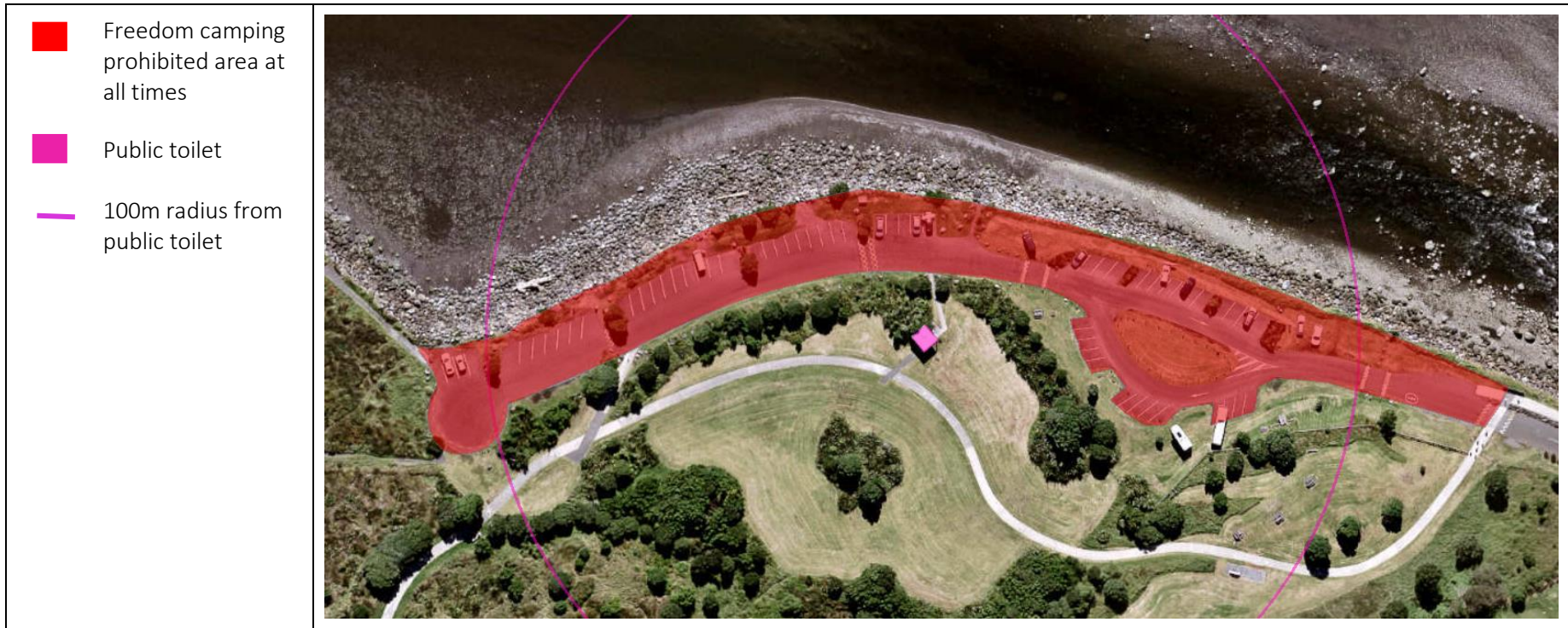
 Freedom camping prohibited area at all times



Map 3: Oakura Beach front



Map 4: Waiwhakaiho River Mouth



Map 5: East End Beach



Map 6: Kawaroa Park



Map 7: Corbett Park



Map 8: Battiscombe Terrace



Map 9: Tongaporutu



Schedule 2: Maps of non-self-contained restricted areas

Map number	Where is non-self-contained freedom camping allowed?
Map 10	Battiscombe Terrace
Map 11	Lake Rotomanu

Map 10: Battiscombe Terrace



Map 11: Lake Rotomanu



Freedom Camping Bylaw - Guidance Material

1. Freedom Camping Act 2011 interpretation
2. Freedom Camping Act offences and penalties, and offenders liable for cost of damage - Section 20, 23 and 24
3. New Zealand Standard: Self-containment of motor caravans and caravans NZS 5465:2001
4. Department of Conservation
5. New Plymouth District camp grounds
6. New Plymouth District dump stations and transfer stations
7. New Plymouth District Public Toilets

1. Freedom Camping Act 2011 interpretation

Freedom camp

- (1) In this 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 200 m 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, housetruck, or other motor vehicle.
- (2) In this Act, 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 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 Act, 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.

2. Freedom Camping Act offences, penalties, and offenders liable for cost of damage - Section 20, 23 and 24

20 Offences

- (1) Every person commits an offence who—
- a) freedom camps in a local authority area in breach of any prohibition or restriction in a bylaw made under section 11 that applies to the area; or
 - b) while freedom camping in a local authority area,—
 - i. interferes with or damages the area, its flora or fauna, or any structure in the area; or
 - ii. deposits waste in or on the area (other than into an appropriate waste receptacle); or
 - c) makes preparations to freedom camp in a local authority area in breach of any prohibition or restriction in a bylaw made under section 11 that applies to the area; or
 - d) deposits waste, generated while freedom camping, in or on a local authority area other than into an appropriate waste receptacle; or
 - e) fails or refuses to leave a local authority area when required to do so by an enforcement officer acting under section 36; or
 - f) *[Repealed]*
 - g) freedom camps on conservation land in breach of any prohibition or restriction in a freedom camping notice that applies to the land; or
 - h) while freedom camping on conservation land,—
 - i. interferes with or damages the land, its flora or fauna, or any structure on the land; or
 - ii. deposits waste in or on the land (other than into an appropriate waste receptacle); or
 - i) *[Repealed]*
 - j) makes preparations to freedom camp on conservation land in breach of any prohibition or restriction in a freedom camping notice that applies to the land; or
 - k) deposits waste, generated while freedom camping, in or on conservation land other than into an appropriate waste receptacle; or
 - l) refuses to give information when required to do so by an enforcement officer under section 35 or gives false or misleading information; or
 - m) fails or refuses to leave conservation land when required to do so by an enforcement officer acting under section 36.
- (2) Every person commits an offence who discharges a substance in or on a local authority area or conservation land in circumstances where the discharge of the substance is 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 the community or users of the area or land.
- (3) Every person commits an offence—
- a) who, while an enforcement officer is carrying out his or her functions and duties under this Act,—
 - i. intentionally prevents the officer from carrying out those functions and duties; or
 - ii. obstructs or impedes the officer; or
 - iii. assaults, threatens, or intimidates the officer; or
 - iv. uses language that is abusive or threatening to the officer; or
 - v. behaves in a threatening manner towards the officer; or
 - b) who incites any other person to do any act referred to in paragraph (a).
- (4) In this section, waste receptacle means a receptacle or facility that is provided by a local authority or the Department for the purposes of disposing of waste (for example, a rubbish bin, public toilet, or bulk waste disposal unit).

23 Penalties

- (1) A person who commits an infringement offence is liable to the following fee:
 - a) the amount prescribed by regulations made under section 43 as the infringement fee for the offence; or
 - b) \$200, if no fee is prescribed in accordance with paragraph (a).
- (2) A person who is convicted of an offence against section 20(2) is liable to a fine not exceeding \$10,000.
- (3) A person who is convicted of an offence against section 20(3) is liable to a fine not exceeding \$5,000.

24 Offenders liable for cost of damage

- (1) A person who commits an offence may, in addition to, or instead of, the penalty for the offence, be ordered to pay the costs incurred by the local authority or Department in repairing any damage done to the local authority area or the conservation land concerned as a result of the offence.
- (2) The costs must be assessed by the District Court and are recoverable as if they were a fine.

3. New Zealand Standard Self-Containment of Motor Caravans and Caravans, NZS 5465:2001

The Self Containment Standard NZS5465:2001 defines the minimum facilities that a motor caravan or caravan needs to contain the waste which its occupants produce, and to provide the fresh water which they require for a minimum of three days. Below is a brief overview of the requirements:

Water supply

- Motor caravan or caravan shall be fitted with a water supply tank or tanks having a capacity of not less than 4 L per day for each of the number of persons authorised by the Self Containment Certificate, for not less than three days (i.e. a minimum of 12 L per person).

Sanitary fittings

- The motor caravan or caravan shall be equipped with a sink. Additional sanitary fittings, like a handbasin, shower etc. are optional.

Toilet

- The motor caravan or caravan shall be equipped with a toilet that is adequately restrained or secured when travelling. The toilet shall be usable within the vehicle, including sufficient head and elbow room whenever required, even with the bed made up.
- All toilet systems shall provide sufficient waste holding capacity for the occupants of the motor caravan or caravan for a minimum of three days. The waste holding capacity shall be the net capacity after deducting the initial charge, or the internal flushing water. The minimum capacity required per personal per day shall be one litre.
- Self composting toilets shall comply with the sanitary requirements of the NZBC.

Waste tank

- The motor caravan or caravan shall be provided with a waste tank or tanks to receive all the waste water from all permanently installed fixtures. The capacity of the water tank shall not be less than, and preferably larger than, the minimum water supply as water supply requirements above.
- All tanks shall be adequately secured while the motor caravan or caravan is in motion. The evacuation valve or macerator pump shall be mounted to prevent accidental damage.

Evacuation hose

- Any vehicle fitted with a waste tank shall be supplied with an evacuation hose. The hose shall have a leak-proof coupling for attaching it to the holding tank evacuation valve. For a 75mm black water connection, a bayonet coupling to connect to a dump point is required.
- The hose diameter shall not be less than the minimum valve size appropriate for the tank, have a minimum length of 3m and be carried in a separate container.

Waste water treatments

- Chemical or biological treatments should be used in a waste tank.

Solid waste containment

- The motor caravan or caravan shall have a sealable solid waste container for rubbish.

Issuing Authority

A self containment issuing authority shall be one of the following:

- A plumber registered under the Plumbers, Gasfitters, and Drainlayers Act 1976; or
- A suitable qualified person, registered under the Plumbers, Gasfitters, and Drainlayers Act 1976; or
- Any organisation that operates a scheme of qualification for testing officers who shall be members of the organisation concerned. Documentation of this qualification scheme shall be made available on a public website or to any party on request as evidence that testing officers are competent to certify to this Standard.

4. Department of Conservation

The Department of Conservation provides a number of campsites across New Zealand. In the Taranaki Region there is one Department of Conservation campsite:

Waitoetoe campsite:

Facilities

Only accessible on foot and with minimal facilities, this is the spot for those seeking a back to basics holiday.

The campsite is a paddock that is occasionally grazed by stock.

Getting there

The campsite is on Waitoetoe Road, off SH3, 35 minutes north of New Plymouth.

A slump in the road means this campsite is only accessible by foot. Park your vehicle at the Waitoetoe Road end and follow the rough track down to the camping area - approximately 300m away.

Location

NZTM2000 coordinates: E1724050, N5685995

Latitude: -38.9662. Longitude: 174.4319

Fees

Free.

Maximum four night stay.

Activities

A perfect place for fishing, walking, surfing, swimming, relaxing or hiking the nearby [Whitecliffs Walkway](#).

Know before you go

Take your rubbish away with you.

There is a flush toilet onsite, you will need to bring your own toilet paper.

The campsite can be exposed to the weather - make sure you tie your tent down well!

The ocean can have tidal rips so be wary if swimming. Keep clear of the eroding cliffs along the beach. If you're going for a walk make sure you are aware of tide times so you don't get trapped against the cliffs by an incoming tide.

For more information contact the Ngāmotu/New Plymouth Office

Phone: +64 6 759 0350

Address: 55A Rimu Street, New Plymouth 4312

Email: newplymouth@doc.govt.nz

5. New Plymouth District camp grounds

1. URENUI BEACH CAMP Urenui Domain, Urenui. Phone: 06-752 3838
2. ONAERO BEACH HOLIDAY PARK 1147 Main Road, Onaero. Phone: 0508 662 376
3. MARINE PARK MOTOR CAMP 8 Centennial Avenue, Waitara. Phone: 06-754 7121
4. NEW PLYMOUTH TOP 10 HOLIDAY PARK 29 Princes Street, Fitzroy, New Plymouth. Phone: 06-758 2566
5. FITZROY BEACH HOLIDAY PARK 1D Beach Street, New Plymouth. Phone: 06-758 2870
6. BELT ROAD SEASIDE HOLIDAY PARK 2 Belt Road, New Plymouth. Phone: 0800 804 204
7. OAKURA BEACH HOLIDAY PARK 2 Jans Terrace, Oakura. Phone: 06-752 7861

6. New Plymouth District dump stations and transfer stations

Dump Stations:

1. BP POWDERHAM SERVICE STATION 71 Powderham Street, New Plymouth
2. MOBIL SERVICE STATION Corner Leach and Eliot streets, New Plymouth
3. AA VEHICLE TESTING STATION 14D Swans Road, Bell Block

Transfer Stations:

1. OKATO Hampton Road
2. INGLEWOOD King Road
3. NEW PLYMOUTH Colson Road
4. WAITARA Norman Street
5. TONGAPORUTU Hutiwai Road

7. New Plymouth District public toilets

	Public toilet location	Access times
1	Ahu Ahu Reserve	24/7
2	Awanui Cemetery Reserve	Open 6.30am close 8.30pm
3	Battiscombe Terrace Car park	24/7
4	Bell Block Beach – Mangati Walkway	24/7
5	Brooklands Park	24/7
6	Brooklands Zoo	Open 9.00am closed 5.00pm
7	Centennial park	24/7
8	Coastal Walkway CBD	24/7
9	Coastal Walkway Waiwhakaiho River Mouth	24/7
10	Corbett Park	24/7
11	East End Beach	24/7

	Public toilet location	Access times
12	East End Reserve Buller Street	Toilet access is 24/7, vehicle access is 6.00am to 8.30pm
13	Fitzroy Beach	24/7
14	Fitzroy Shopping Centre	24/7
15	Hickford Park	24/7
16	Inglewood CBD	24/7
17	James Lane Rest Rooms CBD	Women's rest rooms are 10.00am – 5.00pm most days, closed Sunday. Outside toilet attached that is 24/7
18	Jubilee Park	24/7
19	Kawaroa Park	24/7
20	Lake Mangamahoe	Toilet access is 24/7, vehicle access is 6.00am to 8.30pm
21	Lake Rotomanu	24/7
22	Lee Breakwater	24/7
23	Marine Park	24/7
24	Merrilands Domain – Audrey Gale Reserve	Toilets are 24/7, vehicle access is 6.00am to 8.30pm
25	Motorua Shopping Centre	24/7
26	New Plymouth CBD	24/7
27	New Plymouth CBD Exaloo	24/7
28	Ngamotu Beach	24/7
29	Oakura Beach	24/7
30	Oakura Motor Camp	Motor camp administered toilets
31	Okato	24/7
32	Okato Domain	24/7
33	Onaero Beach Motor Camp	Motor camp administered toilets
34	Plunket Women's Rest Rooms	Custodian administered
35	Puke Ariki	Museum opening hours
36	Pukekura Park behind Tea House	24/7
37	Pukekura Park Bellringer Pavillion	24/7
38	Pukekura Park Playground	24/7
39	Pukekura Park Rogan St Entrance	24/7
40	Pukekura Park Women's Toilets	24/7
41	Tarata Domain	24/7

	Public toilet location	Access times
42	Tongaporutu Recreational Reserve	24/7
43	Urenui Community Centre	24/7
44	Urenui Motor Camp – Beach	Motor camp administered toilets
45	Urenui Motor Camp – River	Motor camp administered toilets
46	Wai-iti Beach	24/7
47	Waitara CBD	24/7
48	Waiwhakaiho Park	24/7
49	Weld Road Reserve	24/7
50	Westown	24/7
51	Yandle Park	24/7