



Freedom Camping Bylaw 2019

Explanatory Note

The Western Bay of Plenty District Council Freedom Camping Bylaw 2019 was made in accordance with the Freedom Camping Act 2011. This Bylaw regulates freedom camping on Council controlled or managed areas within the Western Bay of Plenty District.

It should be noted that the Western Bay of Plenty District Council Reserves and Facilities Bylaw 2018 provides for the orderly control and management of Council reserves (other than for freedom camping) and these provisions are of relevance and apply to ensure the benefit and enjoyment of all users of such reserves.



Western Bay of Plenty District Council

Freedom Camping Bylaw 2019

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Authority

Pursuant to the powers vested in it under section 11 of the Freedom Camping Act 2011 and the Local Government Act 2002, the Western Bay of Plenty District Council makes this Bylaw.

Title

This Bylaw is the Western Bay of Plenty District Council Freedom Camping Bylaw 2019 and shall come into force on 30 September 2019.

Repeal

The Western Bay of Plenty District Council Freedom Camping Bylaw 2012 is repealed.

Bylaw Structure

This Bylaw comprises the document, attached schedules and attached maps.

Scope

This Bylaw applies to the whole of the district administered by Western Bay of Plenty District Council, and other locations that are controlled by Western Bay of Plenty District Council, now and in the future.

Validation

The Western Bay of Plenty District Council Freedom Camping Bylaw 2019 was duly made at a meeting of the Western Bay of Plenty District Council held on 29 August 2019, after completion of the Special Consultative Procedure, and will come into force on 30 August 2019.

Savings

All approvals, permits, and other acts of authority (including any resolutions of the Council) which originated under the Western Bay of Plenty District Council Freedom Camping Bylaw 2012, and all applications, and other acts of parties and generally all documents, matters, acts, and things which so originated and are continuing at the commencement of this Bylaw, continue for the purposes of this Bylaw to have full force and effect.

The revocation of the Western Bay of Plenty District Council Freedom Camping Bylaw 2012 does not prevent any legal proceedings, criminal or civil, being taken to enforce that bylaw and such proceedings continue to be dealt with and completed as if that bylaw had not been revoked.



Western Bay of Plenty District Council

Freedom Camping Bylaw 2019

Definitions

In this Bylaw, unless the context requires;

Act means the Freedom Camping Act 2011

Authorised Officer means an officer or other person appointed by the Council to perform duties under this bylaw.

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

Council means the Western Bay of Plenty District Council

District means the area administered by the Western Bay of Plenty District Council.

Enforcement officer means any person appointed or authorised in writing by the Chief Executive or by the Council to act on its behalf and with its authority to enforce this Bylaw and includes a member of the Police.

Freedom camping means to camp (other than in a camping ground) within 200m of a motor vehicle accessible area or the mean low-water springs line of any sea or harbour, 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, housetruck, or other motor vehicle.



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.

Overnight means any period of time between half an hour after sunset on one day to half an hour before sunrise the following day.

Local authority area means an area of land, or any part of any area of land that is within the Western Bay of Plenty District and is controlled or managed by the Council under any enactment, but does not include an area of land that is permanently covered by water.

Person/s - includes a corporation sole and also a body of persons whether corporate or non-corporate.

Reserve means any open space, plantation, park, garden or ground set apart for public recreation or enjoyment which is under the management or control of the Council and includes the buildings and structures within those reserves.

Road has the meaning assigned to it under section 2 of the Land Transport Act 1998. It also means all land lying between the boundaries of a road including footpaths and berms.

Reserve Management Plan means a management plan prepared under section 41 of the Reserves Act 1977 for reserves under the Council's control, management or administration.

Self contained vehicle means a vehicle designated 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 New Zealand Standards 5465:2001.

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

Waste means any kind of waste, including human waste.



1. Purpose

The purpose of this Bylaw is to regulate freedom camping in the Western Bay of Plenty District by identifying local authority controlled and managed areas where freedom camping is permitted and the restrictions that apply in those areas; and to define areas where freedom camping is prohibited to:

- (a) protect the area; and
- (b) protect the health and safety of people who may visit the area; and
- (c) protect access to the area.

2. Areas where freedom camping is prohibited

- 2.1. No person may freedom camp in any local authority area identified in Schedule 1.

3. Areas where freedom camping is permitted

- 3.1. Freedom camping is permitted in any of the local authority areas identified in Schedule 2 provided he or she complies with the following general restrictions:
 - (a) No person may freedom camp except in a self-contained vehicle;
 - (b) No person may freedom camp for more than three nights in any four week consecutive period at any one site. The four consecutive weeks begin from the first overnight stay;
 - (c) Self contained vehicle camping or preparing to camp overnight is restricted to the designated self contained vehicle camping area as shown the maps which accompany this bylaw;
 - (d) self contained vehicles must park within existing defined car parking lines.
 - (e) Self-contained vehicles must be legally parked.
 - (f) No person may light any fire in a local authority area except in a place specifically provided by the Council for that purpose, or with the prior written permission of an authorised officer.
 - (g) All waste must be removed from the site and disposed of in a Council approved disposal facility;
 - (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;



- (j) All conditions stipulated on any signs at the site must be complied with;
- (k) No animals may be kept on site except for disability assist dogs as defined in section 2 of the Dog Control Act 1996 or unless a Council bylaw allows the animal at the site, such as through a dog control bylaw.
- (l) No person may freedom camp if the Site has been temporarily closed due to specific events or activities as defined in the Reserves Act 1977 Section 53(d) and (e).

3.2. Freedom camping in tents is permitted in TECT All Terrain Park provided that:

- (a) He or she complies with the general restrictions set out at clause 4.1(f) – 4.1(k); and
- (b) It is in an area specifically set aside for the purpose of camping in tents as described in the aerial maps which accompany this bylaw and the length of stay does not exceed two nights in any four week consecutive period; or
- (c) Permission of the TECT All Terrain Park Manager is first obtained and any restrictions imposed on that permission complied with.



4. Offences and penalties

- 4.1. Every person commits an offence who –
- (a) freedom camps or makes preparation to freedom camp in the District in breach of any prohibition or restriction in this Bylaw
 - (b) interferes with or damages the area, its flora or fauna or any structure in the area
 - (c) deposits waste on the land
 - (d) discharges a substance which is likely to be noxious, dangerous, offensive or objectionable to the extent that it has or is likely to have a significant adverse effect on the environment; or has caused, or is likely to cause, significant concern to the community or users of the area or land under section 20(2) of the Act
 - (e) obstructs, hinders, impedes, assaults, threatens or behaves in a threatening manner or intimidates an enforcement officer, or incites others to do so, in the performance of any duty or exercise of any power conferred upon the enforcement officer under this Bylaw
 - (f) fails or refuses to leave a local authority area when required to do so by an enforcement officer
 - (g) refuses to give information when required to do so by an enforcement officer in accordance with clause 4.2 below or gives false or misleading information.
- 4.2. Where an enforcement officer believes on reasonable grounds that a person has committed or is committing an offence the enforcement officer may direct the person to give:
- (a) his or her full name, date of birth, full address, telephone number, and occupation, and
 - (b) the full name, date of birth, full address, telephone number, occupation, and whereabouts of any person connected in any way with the alleged offence.



5. Penalties for breach of bylaw

- 5.1. A person who commits an offence against this Bylaw is liable to:
- (a) an infringement fee the amount prescribed by regulations made under section 43 of the Act for the offence; or
 - (b) \$200.00, if no fee is prescribed for the offence.
- 5.2. A person who is convicted of an offence against section 20(2) of the Act is liable to a fine not exceeding \$10,000.

6. Schedules

Schedule 1 – Areas where freedom camping is prohibited.

Schedule 2 – Areas where freedom camping is permitted.

Schedule 3 – Location of Wastewater Dump Stations

Motorhome Wastewater Dump Stations

7. Review of Bylaw

- 7.1. This Bylaw is required by section 13 of the Freedom Camping Act 2011 to be reviewed no later than 5 years after the Bylaw was made and thereafter no later than 10 years after the Bylaw was last reviewed.



Schedule 1 – Areas where freedom camping is prohibited

Freedom camping on roads is prohibited in the following urban areas:

- **Katikati urban area** encompassing the entire length of State Highway 2 in the 50 km/h zone and all parking areas adjacent to the State Highway; Talisman Drive and Kotahi Lane.
- **Te Puke urban area** encompassing the entire length of Te Puke Highway in the 50 km/h zone and all parking areas adjacent to Te Puke Highway, Commerce Lane and Queen Street including the adjacent Council owned parking areas.
- **Waihi Beach urban area** encompassing Wilson Road from Waihi Beach Road to Dillon Street; Beach Road from Wilson Road to the entry of the car parking area adjoining the Surf Club.
- **Maketu** including Beach Road.

Freedom camping is prohibited on the following roads:

- **Ngamuwahine Road**, off SH 29, Kaimai.
- **Plummers Point Road**, from Kotuku Reserve to Huharua Park

Freedom camping is prohibited in the following reserves administered by Council and for the avoidance of doubt includes any road/car parks (whether formed or unformed) associated with that reserve:

Katikati/Waihi Beach Ward

Reserve Name	Location
Aongatete Domain Reserve	Morton Road, Aongatete, Katikati
Binnie Road Reserve	Binnie Road, Katikati
Earl Drive Reserve	Earl Drive, Katikati
Gilfillan Drive Reserve	Gilfillan Drive, Katikati
Henry Road Wildlife Refuge	Henry Road, Katikati
Lancaster Road Landing Reserve	Lancaster Road, Katikati
Levley Lane Reserve	Levley Lane, Katikati
Lund Road Reserve	Lund Road, Katikati
Ongare Point Reserve	Ongare Point Road, Ongare, Katikati
Park Road Tennis Reserve	Park Road, Katikati
Park Road/Beach Road Reserve	Park Road/Beach Road, Katikati
Park Road Reserve	Park Road, Katikati
Sapphire Springs Recreation Reserve	Hot Springs Road, Katikati
Sharp Road Landing Reserve	Sharp Road (unformed Road), Katikati



Sheffield Street Reserve	Sheffield Street, Katikati
Tahawai Reserve	SH 2/Tanners Point Rd, Katikati
Tamawhariua Reserve	Beach Road, Katikati
Tetley Road Landing Reserve	Tetley Road, Katikati
Twickenham Close Reserve	Twickenham Close, Katikati
Waterford Reserve	Waterford Road, SH 2, Katikati
Woodlands Road Esplanade Reserve	Woodlands Road, Katikati

Katikati/**Waihi Beach Ward**

Reserve Name	Location
Adela Stewart Drive Reserve	Adela Stewart Drive, Athenree
Athenree Historic Reserve	Pohutukawa Drive, Athenree
Athenree Homestead Reserve	Athenree Road, Athenree
Athenree Motorcamp	Waione Ave, Athenree
Athenree South Foreshore Reserve	Athenree, Harbour
Athenree North Foreshore Reserve	Athenree, Harbour
Beach Road Reserve	Beach Road, Waihi Beach
Beachaven Holiday Park	Leo Street, Waihi Beach
Bowentown Reserve (Balance)	Seaforth Road, Bowentown, Waihi Beach
Bowentown Reserve (Leased as Holiday Park)	Seaforth Road, Bowentown, Waihi Beach
Bowentown Domain (Anzac Bay)	Seaforth Road, Waihi Beach
Brewer Park	Shaw Road, Waihi Beach
Bridgeman Lane Esplanade Reserve	Bridgeman Lane, SH2
Broadlands Block	Beach Road, Waihi Beach
Coronation Park Reserve	Leo Street, Waihi Beach
Didsbury Drive Drainage Reserve	Didsbury Drive, Waihi Beach
Doctor North Memorial Reserve	Pohutukawa Drive, Athenree
Fyfe Road Utilities Reserve	1 Fyfe Road, Waihi Beach
Koutunui Reserve	Koutunui Road, Athenree
Ocean View Road Reserve	Ocean View Road, Waihi Beach
Papaunahi Road Recreation Reserve	Papaunahi Road Seaforth Road, Bowentown,
Pio Shores Recreation and Drainage Reserve	Pio Shores, Waihi Beach
Pohutukawa Park	Seaview Road, Waihi Beach
Roretana Drive Reserve	Roretana Drive, Athenree
Seaforth Road Reserve	Seaforth Road, Waihi Beach
Shaw Road Reserve	Shaw Road, Waihi Beach
Three Mile Creek Reserve	Seaforth Road, Waihi Beach



Tohoroa View and Brown Drive Drainage Reserve	Tohoroa View and Brown Drive, Waihi Beach
Tui Park	Bowentown Boulevard, Bowentown.
Waihi Beach Holiday Park	Beach Road, Waihi Beach
Waihi Beach Plunket Reserve	Marine Ave, Waihi Beach
Waihi Beach Surf Club Reserve	The Esplanade, Waihi Beach
Waihi Beach water catchment reserve	Oceanview Road, Waihi Beach
Waiiti Ave Reserves	Waiiti Ave, Bowentown, Waihi Beach
Wilson Park	Citrus Ave, Waihi Beach

Kaimai Ward

Reserve Name	Location
Beach Grove Recreation Reserve, the Esplanade reserve between Beach Grove and the southern end of The Esplanade and the entire length of The Esplanade Road	Omokoroa.
Gerald Crapp Historic Reserve	Harbour Road, Omokoroa
Hamurana Reserve	Hamurana Road, Omokoroa
Hunters Creek Landing Reserve	Hunters Creek, Matakana Island
Kaiate Hall	Waitao Road, Welcome Bay, Tauranga
Kotuku Recreation Reserve	Plummers Point Road, Te Puna
Links View Drive Reserve	Links View Drive, Omokoroa
Lower Kaimai Hall site (former)	SH 29, Kaimai
Lower Kaimai Reserve	SH 29, Kaimai
Matakana Island Reserve	Matakana Island
Minden Lookout	Minden Road, Te Puna
Minden Scenic Reserve	Minden Road, Te Puna
Mountain Road Quarry Reserve	Mountain Road, Oropi, Tauranga
Nell's Dell	Omokoroa Road, Omokoroa
Ngamuwahine Local Purpose Esplanade reserves	Ngamuwahine Road, Lower Kaimai
Ohauti Settlers Hall	Ohauti Road, Welcome Bay, Tauranga
Omanawa Hall/Domain	Omanawa Road, Tauranga
Omokoroa Service Centre/Library (former fire station site)	McDonnell Street, Omokoroa
Omokoroa Settlers Hall	Omokoroa Road, Omokoroa
Ongaonga Scenic Reserve	SH 29, Kaimai
Oropi War Memorial Hall	Oropi Road, Tauranga
Pahoia Land Reserve	Pahoia Road, Katikati
Panepane	Matakana Island



Poripori Picnic area	Poripori Road, SH 29
Precious Family Reserve	Hamurana Road, Omokoroa
Prole Road harbour access	Prole Road, Omokoroa
Pyes Pa Hall	Pyes Pa Road, Tauranga
Te Kopa O Te Hotu Reserve	Lindoch Ave, Te Puna
Te Puna War Memorial Hall	Te Puna Road/SH2, Te Puna
Tinopai Reserve	Margaret Place, Omokoroa
Western Avenue Utilities Reserve	Rear of 43 Western Avenue, Omokoroa
Wairoa River Reserve Road	Wairoa River Reserve Road (immediately north of the Wairoa River bridge)
Wairoa Road Reserve area	End of Wairoa Road (next to rowing club)
Walnut Grove Reserve	Walnut Grove, Omokoroa
Whakamarama Hall	Whakamarama Road, Whakamarama

Maketu/Te Puke Ward

Reserve Name	Location
Arawa Ave Reserve	Arawa Ave, Maketu
Conway Road Reserve	Conway Road, Paengaroa
Kaituna River and Kaituna Bridge Esplanade	Kaituna River, SH 2.
Kaituna Sand Spit and Recreation Reserve	Ford Road, Kaituna
Kiokio Place Reserve	Kiokio Place, Maketu
MacDougall's Quarry Reserve	MacDougall's Quarry Road, Otamarakau
Maketu Local Purpose and Historic Reserve	Maketu Road, Maketu
Maramarua Park	Pukehina Parade, Pukehina
Ngaparaoa Drive Reserve	Ngaparaoa Drive, Maketu
Old Coach Road/Pokopoko Stream	Old Coach Road, Paengaroa
Ororoa Park	Pukehina Parade, Pukehina
Palm Park	Pukehina Parade, Pukehina
Pongakawa Domain	Pongakawa
Pukehina Ocean Reserves	Pukehina
Pukehina Parade Esplanade Reserve	Pukehina Parade, Pukehina
Seabreeze Park	Pukehina Parade, Pukehina
Spencer Ave Reserve	Spencer Ave, Maketu
Waitangi Quarry Reserve	Waitangi, Te Puke Highway, Te Puke
Whakaue – Maketu Sports Ground	Maketu Road, Maketu
Williams Crescent Reserve	Williams Crescent, Maketu

**Maketu/Te Puke Ward**

Reserve Name	Location
Ben Keys Street Road Reserve	Ben Keys Street, Te Puke
Boucher Ave Reserve	Boucher Ave/Jocelyn Street, Te Puke
Fairhaven Park	Boucher Ave, Te Puke
Gemming Green	Clydesburn Ave, Te Puke
Gordon Street Reserve	Gordon Street, Te Puke
Hayward Court Reserve	Hayward Court, Te Puke
Lawrence Oliver Park	Te Puke Highway, Te Puke
Te Puke Domain	Beatty Ave/Queen Street, Te Puke
Te Puke Holiday Park	Te Puke Highway, Te Puke
Te Puke Service Centre/Library	Jellicoe Street, Te Puke
Te Puke Small Bore Rifle Club Reserve	Atuaroa Ave/Jellicoe Street, Te Puke
Te Puke War Memorial Hall	Jellicoe Street, Te Puke



Schedule 2 – Areas where freedom camping is permitted

Freedom camping is permitted in the following local authority areas provided he or she complies with the general restrictions set out in clauses 4.1 and 4.2 of this Bylaw.

Katikati/Waihi Beach Ward

Reserve Name	Location	Map Reference
Pohutukawa Park*	The Esplanade, Waihi Beach	1
Brighton Reserve **	Brighton Road, Waihi Beach	2
Waihi Beach Community Centre	Beach Road, Waihi Beach	3
Island View Reserve	Seaforth Road, Waihi Beach	4
Island View Esplanade Reserve (Tuna Ave)	Corner Broadway Road/Tuna Ave, Waihi Beach	5
Bowtown Domain Formed Carpark	Seaforth Road, Waihi Beach	6

Katikati/Waihi Beach Ward

Tanners Point Utility Reserve	Tanners Point Road	7
Tuapiro Reserve	Tuapiro Road	8
McMillan Road Reserve (including road)	McMillan Road	9
Kauri Point Historic Reserve	Kauri Point Road	10
Lindemann Lookout Reserve (including road)	Lindemann Road	11
Uretara Domain	Major Street off Katikati Main Road	12
Moore Park	Fairview Road, Katikati	13
Vesey Stewart Reserve	Carisbrooke Street, Katikati	14
Haiku Park	Main Road, Katikati	15
Digglemann Park (including road)	Main Road, Katikati	16
MacMillan Reserve	Beach Road, Katikati	17
Hunter Estate Reserve	Wharawhara Road	18

* Freedom camping is prohibited from the conclusion of Labour weekend through to the conclusion of the following Easter weekend.

** Freedom Camping is prohibited from the beginning of the third weekend of December up to and including 10 February in each year.

**Kaimai Ward**

Reserve Name	Location	Map Reference
Apata Hall (Old Site)	Wainui South, Apata	19
Pahoia Domain	Pahoia Beach Road, Pahoia	20
Omokoroa Domain	The Esplanade, Omokoroa	21
Cooney Reserve	Omokoroa Road, Omokoroa	22
Omokoroa Sports Ground	Western Avenue, Off Omokoroa Road, Omokoroa	23
Huharua Park	Plummers Point Road, Omokoroa	24
Waitui Reserve	Matahui Road	25
Maramatanga Park	Tangitu Road, Te Puna	26
Maramatanga Park (Tennis)	Tangitu Road, Te Puna	27
Te Puna Station Road Reserve	Te Puna Station Road, adjacent railway bridge	28
Wairoa Road Reserve	Wairoa Road, Te Puna, south of the State Highway 2 bridge	29
Puketoki Scenic Reserve (including road)	Leyland Road, Off Whakamarama Road	30
Kaiate Falls Scenic Reserve	Kaiate Falls Road, Waitao, Tauranga	31
TECT All Terrain Park	State Highway 36, Tauranga	32, 33

Maketu/Te Puke Ward

Reserve Name	Location	Map Reference
Centennial Park	No 3 Road Car park, Te Puke	34
Hayward Park	Atuaroa Avenue, Te Puke	35
Donovan/Pioneer Park	Dunlop Road, Te Puke	36
Landscape Road	Landscape Road, Te Puke	37
Jamieson Oval/Jubilee Park	Commerce Lane Car Park, Te Puke	38

**Maketu/Te Puke Ward**

Reserve Name	Location	Map Reference
Paengaroa Domain	SH 33, Paengaroa	39
Maketu Surf Lifesaving Club and Car Park Reserve*	Beach Road, Townpoint Road, Maketu	40
Park Road Reserve*	Park Road, Maketu	41
Dotteral Point Reserve	Pukehina Parade North, Pukehina	42
Motunau Park	Pukehina Parade, Pukehina	43
Midway Park	Pukehina Parade, Pukehina	44
Poutuia Park	Pukehina Parade South, Pukehina	45
Otamarakau Beach Access	SH 2, Otamarakau	46

- * Freedom camping is prohibited from the conclusion of Labour weekend through to the conclusion of the following Easter weekend.



Schedule 3 – Location of Wastewater Dump Stations

Wastewater Dump Stations are shown on the following maps:

- Map 04
- Map 12
- Map 21
- Map 38
- Map 47