



Clutha District Council
Freedom Camping Bylaw 2021

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1 INTRODUCTION

- 1.1 This Freedom Camping Bylaw has been created to provide transparency for those wishing to freedom camp in the Clutha District, and to encourage a positive experience for campers and local residents.
- 1.2 The Clutha District Council encourages travellers and campers to use camping grounds and other accommodation facilities as much as possible.

2 TITLE

- 2.1 This Bylaw is the Clutha District Council Freedom Camping Bylaw.

3 PROCEDURE, COMMENCEMENT, AND REVIEW

- 3.1 This Bylaw comes into force on 1 January 2021 and shall apply to the whole of the Clutha District.
- 3.2 This Bylaw is required to be reviewed no later than 5 years after the Bylaw was made and no more than 10 years after the Bylaw was last reviewed.

4 DEFINITIONS AND INTERPRETATIONS

In this Bylaw, unless the context requires otherwise, the following definitions apply:

- 4.1 **Act** means the Freedom Camping Act 2011.
- 4.2 **Authorised Officer** means a person appointed or authorised by the Council to act on its behalf and with its authority including a member of the police.
- 4.3 **Camping ground** means
 - 4.3.1 a camping ground that is the subject of a current certificate of registration under the Camping Regulations 1985; or
 - 4.3.2 any site at which a fee is payable for camping at the site
- 4.4 **Council** means Clutha District Council or any Committee of the Council or officer delegated to exercise the authority of Council.
- 4.5 **Local Authority Area** means an area of land within the Clutha District that is controlled or managed by the Council under any enactment, but does not include land that is permanently covered by water.
- 4.6 **Freedom camp** has the meaning in section 5(1) and (2) of the Act:
 - 4.6.1 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, using 1 or more of the following:
 - 4.6.1.1. a tent or other temporary structure:
 - 4.6.1.2. a caravan:
 - 4.6.1.3. a car, campervan, house truck, or other motor vehicle.
 - 4.6.2 In this bylaw freedom camping does not include the following activities:

- 4.6.2.1 Temporary or short-term parking of a motor vehicle;
- 4.6.2.2 Recreational activities commonly known as day-trip excursions;
- 4.6.2.3 Resting or sleeping at the roadside in a caravan or motor vehicle to avoid driver fatigue.

- 4.7 **Night** means the period between 8pm and 7am or any part thereof.
- 4.8 **Restricted Freedom Camping Area** means a parking area or marked parking space identified within Schedule 3 of this Bylaw and indicated by signs erected in the area where camping is permitted subject to any restrictions and conditions.
- 4.9 **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 the occupants of that vehicle for a minimum of three days without requiring any external services or discharging any waste and:
- 4.9.1 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 the availability on request of the associated self-containment certificate; and
 - 4.9.2 The toilet facility must be readily usable within the vehicle including sufficient head and elbow room at all times, even with the bed made up.
- 4.10 **Waste** means any kind of waste, including human waste.
- 4.11 **Waste Receptacle** means the appropriate receptacle or facility, as provided by Council for the purpose of disposing of waste (for example, a rubbish bin, public toilet, bulk waste disposal unit, or approved dump point as listed in Schedule 2).
- 4.12 Every Schedule to this Bylaw shall be deemed to form part of the Bylaw.

5 PURPOSE

- 5.1 The purpose of this Bylaw is to regulate and manage freedom camping on Council controlled public land and its effects on the Clutha District community and environment, in order to:
- 5.1.1 Protect the area; or
 - 5.1.2 Protect the health and safety of people who may visit the area; or
 - 5.1.3 Protect access to the area.
- 5.2 Compliance with this Bylaw does not remove the requirement to comply with all other Acts, Regulations, Bylaws and rules. This includes all land; under Reserves Act 1977: under control and management by the Council: Council owned land under any lease agreement.

6 LOCAL AUTHORITY AREAS WHERE FREEDOM CAMPING IS PERMITTED

- 6.1 Freedom camping is permissible on any local authority area unless it is

prohibited:

- 6.1.1 In accordance with this bylaw; or
 - 6.1.2 Under any other enactment.
- 6.2 These general restrictions apply on all local authority areas:
- 6.2.1 Camping must be carried out in a self-contained mobile vehicle currently certified to the New Zealand Standard 5465:2001 and displaying the necessary documentation.
 - 6.2.2 Vehicles must park within defined spaces or within identified parking areas, where these are present. One vehicle per space.
 - 6.2.3 Camping may take place on local authority areas for a maximum of three consecutive nights at any single location, and for no more than five nights in any four-week period at any single location, with the exception of the prohibited areas listed in Clause 7.
 - 6.2.4 All toilet waste and greywater is to be disposed of in Council approved dump points, set out in Schedule 2. This Schedule may be changed from time to time by resolution of Council.
 - 6.2.5 Council may provide for freedom camping to occur at restricted freedom camping areas as set out in Schedule 3, subject to any restrictions and conditions which may apply at particular sites. Advisory Note: Council would be required to use a special consultative procedure to inform any decision on changes to its bylaw regarding local authority areas where freedom camping is restricted.
 - 6.2.6 No use of public facilities to; wash dishes; wash clothes; dry clothes; bathe; except for facilities designated for that purpose. Advisory Note: Public facilities include public toilets, water taps (except for collecting water), and structures e.g. fences, signs and bollards.
 - 6.2.7 Refuse is only disposed of in an approved litter bin, skip or landfill; and
 - 6.2.8 Campers must leave sites in a clean and tidy state with all rubbish and waste removed.
 - 6.2.9 There is to be no lighting of any open fire at the site.
 - 6.2.10 Gas cookers or gas barbeques are permitted at all times.

7 PROHIBITED AREAS FOR FREEDOM CAMPING

- 7.1 No person may freedom camp in any prohibited area identified in Schedule 1 of this Bylaw.

8 PRIOR CONSENT FROM COUNCIL

- 8.1 Council may grant consent to waive Freedom Camping restrictions in any areas identified in Schedule 1 of this Bylaw.
 - 8.1.1 Consent must be applied for in writing to the Council. Council must decide to grant or decline the waiver within 20 working days of receiving the application.
 - 8.1.2 Council must notify the local community board (if applicable) of applications received.
 - 8.1.3 If Council identifies any parties to be affected by an application under

- 8.1.1, the applicant must obtain written approval from identified parties.
- 8.1.4 Applications in the Taieri Mouth urban area must be accompanied by written approval from Moturata Taieri Whānau.
- 8.1.5 A person freedom camping in accordance with a consent granted under 8.1 must comply with any conditions of consent.
- 8.1.6 Fees and forms may be prescribed for processing these permissions at Council's discretion.
- 8.2 An Authorised Officer may revoke a consent under 8.1 by giving a direction for the person to leave the camping area where that person has:
 - 8.2.1 Acted in a manner likely to endanger the health and safety of other people; or
 - 8.2.2 Damaged or likely to cause damage to the site; or
 - 8.2.3 Acted in a manner likely to endanger wildlife or environmental values; or
 - 8.2.4 Breached any of the conditions included in any consent.

9 COUNCIL MAY TEMPORARILY CLOSE AN AREA TO FREEDOM CAMPING

- 9.1 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:
 - 9.1.1 Prevent damage to the local authority area or facilities in the area; or
 - 9.1.2 Allow maintenance to the local authority area or facilities; or
 - 9.1.3 Protect the health and safety of persons or property; or
 - 9.1.4 Provide for better public access, including in circumstances where events are planned for that area.
- 9.2 Notice will be given of any temporary closure or restriction, and the removal of any closure or restriction, in any manner the Council considers is appropriate to the reason for the closure or restriction.
- 9.3 The temporary closure shall not exceed 90 days without review from Council.

10 OFFENCES

- 10.1 Every person commits an offence against this bylaw who freedom camps or prepares to freedom camp in any local authority area in breach of any restriction or prohibition in this bylaw.
- 10.2 An Authorised Officer may issue an infringement notice to anyone who the Authorised Officer believes on reasonable grounds has committed or is committing an infringement offence as specified in Section 20 of the Act or this Bylaw. Advisory Note: Part 3 of the Act prescribes the fines which are associated with particular offences.
- 10.3 In prosecuting an offence under Section 20 of the Act, the prosecution does not need to prove that the defendant—
 - 10.3.1 intentionally or recklessly committed the offence; or
 - 10.3.2 knew that the offence occurred in, or in relation to, a local authority area.

11 PENALTIES

- 11.1 Every person who commits an offence against this bylaw is liable to penalties prescribed by any regulations made under the Act.
- 11.2 In accordance with Section 24 of the Act 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 in repairing any damage done to the local authority area as a result of the offence.
- 11.3 In accordance with Sections 37 to 41 of the Act, enforcement officers may clamp or impound vehicles that are in breach of this bylaw.

12 AMENDMENTS TO THIS BYLAW

- 12.1 In accordance with Section 11(6) of The Act, The Council may by resolution, publicly notified, make minor changes to, or correct errors in this Bylaw.

SCHEDULE 1: PROHIBITED AREAS FOR FREEDOM CAMPING

Freedom camping is prohibited in local authority areas within:

1. Urban Areas (as described in Part 1 of this Schedule)
2. Other mapped areas (as described in Part 2 of this Schedule)

Freedom camping is also prohibited in the following local authority areas across the Clutha District:

3. Council-controlled boating areas (including any wharf, jetty, boat ramp, and boat marshalling areas)
4. Playgrounds
5. Sports grounds
6. Cemeteries
7. Walking tracks

Part 1: Urban Areas

Freedom Camping is prohibited in local authority areas in the following urban areas without prior written consent of Council in Clause 8.1:

- Balclutha
- Clinton
- Jacks Bay
- Kaitangata
- Kaka Point
- Lawrence
- Milton
- New Haven
- Owaka
- Papatowai
- Pounaweia
- Stirling
- Taieri Mouth
- Tapanui
- Waihola

This prohibition does not apply to any signposted sites within those urban areas, which have been designated as a restricted freedom camping area.

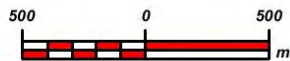
The reason for defining these areas is to protect access within the area, and to protect the health and safety of people who may visit the area.



BALCLUTHA



Clutha District Council



Freedom Camping is prohibited in Council controlled public places within this area.



Figure 1: Balclutha



CLINTON



Clutha District Council



Freedom Camping is prohibited in Council controlled public places within this area.



Figure 2: Clinton



JACKS BAY



Clutha District Council




 Freedom Camping is prohibited in Council controlled public places within this area.



Figure 3: Jacks Bay



KAITANGATA



Clutha District Council



Freedom Camping is prohibited in Council controlled public places within this area.



Figure 4: Kaitangata



KAKA POINT




 Freedom Camping is prohibited in Council controlled public places within this area.



Figure 5: Kaka Point



LAWRENCE



Clutha District Council



Freedom Camping is prohibited in Council controlled public places within this area.



Figure 6: Lawrence



MILTON



Freedom Camping is prohibited in Council controlled public places within this area.




Figure 7: Milton



Figure 8: New Haven






Clutha District Council

OWAKA

Freedom Camping is prohibited in Council controlled public places within this area. This prohibition does not apply to any signposted sites within this area which have been designated as a Restricted Freedom Camping Area.

Restricted Freedom Camping Area

Maximum duration of stay 2 nights



200 0 200 m


NORTH 

Figure 9: Owaka



PAPATOWAI



Clutha District Council




 Freedom Camping is prohibited in Council controlled public places within this area.



Figure 10: Papatowai



POUNAWEA



Clutha District Council



Freedom Camping is prohibited in Council controlled public places within this area.



Figure 11: Pounaweia



STIRLING



Clutha District Council



■ Freedom Camping is prohibited in Council controlled public places within this area.



Figure 12: Stirling



TAIERI MOUTH



Clutha District Council



Freedom Camping is prohibited in Council controlled public places within this area. Note that any applications to Council to waive freedom camping restrictions in this area must be accompanied by written approval from Moturata Taieri Whānau



Figure 13: Taieri Mouth




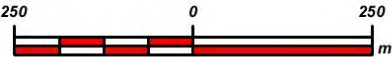


<p style="text-align: center;">TAPANUI</p>  <p>Clutha District Council</p> 	<p> Freedom Camping is prohibited in Council controlled public places within this area.</p> 
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Figure 14: Tapanui






<p style="text-align: center;">WAIHOLA</p>  <p>Clutha District Council</p> 	<p> Freedom Camping is prohibited in Council controlled public places within this area.</p>  <p>NORTH</p>
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Figure 15: Waihola

Part 2: Other Prohibited Areas

Freedom Camping is prohibited in the following local authority areas without prior written consent of The Council in Clause 8.1.

- The foreshore area between Kaka Point and The Nuggets
- Tautuku Beach Carpark and Florence Hill Lookout
- The foreshore area of Catlins Lake
- The Wetherstons area near Lawrence
- Cannibal Bay
- Long Point

The reason for defining these areas is to protect the area, to protect the health and safety of people who may visit the area, and to protect access to the area.



Figure 16: The foreshore area between Kaka Point and The Nuggets



TAUTUKU



Clutha District Council


 Freedom Camping is prohibited in Council controlled public places within this area.



Figure 17: Tautuku Beach Carpark and Florence Hill Lookout



Figure 18: Catlins Lake Foreshore



Figure 19: Wetherstons (Lawrence)



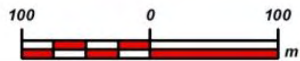
Figure 20: Cannibal Bay



LONG POINT



Clutha District Council




 Freedom Camping is prohibited in Council controlled public places within this area.



Figure 21: Long Point

SCHEDULE 2: DUMP POINT LOCATIONS

- | | |
|---|--------------|
| 1. Balclutha - Balclutha Camping Ground | (commercial) |
| 2. Balclutha – Crown Street (under construction) | (public) |
| 3. Balclutha – BP Clyde Street | (commercial) |
| 4. Catlins Valley – River Ridge Retreat | (commercial) |
| 5. Chaslands - McLean Falls Holiday Park, Rewcastle Road | (commercial) |
| 6. Clinton - Triangle Reserve opposite RD Petroleum Station | (public) |
| 7. Kaitangata - Kaitangata Riverside Motor Camp | (commercial) |
| 8. Kaka Point - Kaka Point Camping Ground | (commercial) |
| 9. Lawrence - Reserve opposite Police Station | (public) |
| 10. Milton - Taylor Park | (commercial) |
| 11. Owaka - Catlins Inn | (commercial) |
| 12. Owaka – Inn Street | (public) |
| 13. Owaka - Thomas’s Catlins Lodge & Holiday Park | (commercial) |
| 14. Pounaweia - Pounaweia Motor Camp | (commercial) |
| 15. Tapanui - Near Bushyhill Street playground | (public) |
| 16. Waihola - Lake Waihola Holiday Park | (commercial) |
| 17. Waihola – Waihola NPD | (commercial) |

Note: Dump Point locations may be added to or deleted from this list from time to time as availability changes. Fees may apply for using dump points at commercial locations.

SCHEDULE 3: RESTRICTED FREEDOM CAMPING AREAS

The following sites have been identified through a process of public consultation with the appropriate local community as being suitable restricted freedom camping areas. Camping is permitted at these sites in certified self-contained vehicles, subject to any restrictions and conditions as indicated by Council-erected signage at the site.

Town	Address	Number of spaces	Additional facilities
Owaka	Inn Street	8	<ul style="list-style-type: none">• Potable Water• Dump Station