

Responsible Freedom Camping Bylaw

2023



Mackenzie
DISTRICT COUNCIL

Responsible Freedom Camping Bylaw 2023

REVISION HISTORY

Date Adopted:	12 December 2023
Review Date:	12 December 2028
Department:	Operations
Responsible Officer:	Manager Planning
Sponsor:	General Manager – Operations
Adopted by:	Chief Executive

1. Short Title

1.1 This bylaw is the “Mackenzie District Council Responsible Freedom Camping Bylaw 2023”.

2. Procedure and Commencement

2.1 This bylaw is made under the Freedom Camping Act 2011.

2.2 This bylaw comes into force on 16 December 2023.

3. Interpretation

3.1 In this bylaw, unless the context requires otherwise:

Term	Definition
Act	means the Freedom Camping Act 2011.
Council	means the Mackenzie District Council or any Committee of the Council or officer delegated to exercise the authority of Council.
District	means the district of the Council.
Local authority area	Is: <ul style="list-style-type: none"> (a) an area of land- <ul style="list-style-type: none"> (i) that is within the district or region of a local authority; and (ii) that is – <ul style="list-style-type: none"> (A) controlled or managed by or on behalf of the Council under any enactment; or (B) an area of NZTA land declared to be a local authority area in accordance with a bylaw made under section 10A; 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.
Self-contained, in relation to a motor vehicle, means –	<ul style="list-style-type: none"> (a) during the transition period, the same meaning as in clause 1 of Schedule 1AA of the Act; but otherwise (b) has the same meaning as in section 4 of the Act.

Responsible Freedom Camping Bylaw 2023

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.
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- 3.2 Any undefined words, phrases or expressions used in this bylaw have the same meaning as in the Act unless the context plainly requires a different meaning.
- 3.3 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.

Explanatory note: Explanatory notes are used for several reasons, including to explain the intent of a clause in less formal language, to include additional helpful information, or because the information may be subject to change and need to be updated before the bylaw itself must be updated.

4. Purpose

4.1 The purpose of this bylaw is to regulate responsible freedom camping in the district and to manage its effects on the community and environment, in order to:

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

Explanatory note: This bylaw applies only to land under the control or management of the Council. Other land owned by the Crown or other landowners may also be subject to freedom camping controls, for example:

- Land Information New Zealand: <https://www.linz.govt.nz/our-work/crown-property-management/types-crown-property/camping-areas>
- Nohoanga sites: <https://ngaitahu.iwi.nz/environment/nohoanga/>
- Department of Conservation: <https://www.doc.govt.nz/parks-and-recreation/places-to-stay/stay-at-a-campsite/>

5. Local Authority Areas Where Freedom Camping is Permitted

5.1 Freedom camping in a tent or other temporary structure, or in a self-contained motor vehicle is permitted in any local authority area within the district unless restricted or prohibited in that area:

- (a) by this bylaw; or
- (b) under any other legislation.

5.2 Freedom camping using a motor vehicle that is not self-contained is only permitted in a local authority area within the district if it is permitted in that area under any other legislation.

Explanatory note: Other relevant legislation includes the Reserves Act 1977, which generally prohibits camping in reserves (section 44) and provides for infringement notices to be issued. The Council does not control freedom camping on reserves under this bylaw, which means any camping on reserves is prohibited under the Reserves Act 1977 unless otherwise expressly allowed by the Council.

Compliance with this bylaw does not remove the need to comply with all other applicable laws, including not littering, and complying with the direction of enforcement officers.

6. Prohibition on Freedom Camping

- 6.1 A person must not freedom camp in any Prohibited Freedom Camping Areas described in Schedule 1 of this bylaw and shown in red on maps in Schedule 2 of this bylaw.
- 6.2 Freedom camping in a tent or other temporary structure on any local authority area in the district is prohibited.
- 6.3 The use of open fires and firepits while freedom camping is prohibited in any local authority area in the district.
- 6.4 Despite the above clauses, a person may freedom camp in any Prohibited Freedom Camping Area or contrary to clauses 6.2 or 6.3 if they have obtained the prior written consent of the Council, granted under clause 9, and they comply with any conditions imposed as part of granting the consent.

7. Restrictions on Freedom Camping

- 7.1 A person may freedom camp within any Restricted Freedom Camping Areas described in Schedule 1 of this Bylaw and shown in orange on maps in Schedule 2 of this bylaw but must comply with the conditions in clauses 7.2 and 7.3.
- 7.2 Any person may freedom camp in a restricted area, subject to the following conditions:
 - (a) the freedom camping must only take place in a certified self-contained vehicle; and
 - (b) the maximum stay in any location is three nights within a 30-day-period; and
 - (c) the location must not be within 500 metres of a location where the person has previously freedom camped within a 30-day period; and
 - (d) no camping within 20 metres of a lake shore.
- 7.3 No freedom camping is allowed from 23 December to the second Monday in January (inclusive) at any of the three restricted sites at Lake Opuha.
- 7.4 Despite clause 7.1, a person may freedom camp in any Restricted Freedom Camping Area if they have obtained the prior written consent of the Council, granted under clause 9, and they comply with any conditions imposed as part of granting the consent.

8. Declaration that NZTA Land is a Local Authority Area

- 8.1 Having received the consent of the chief executive of NZTA, the NZTA land identified in Schedules 1 and 2 as a Restricted Freedom Camping Area is declared a local authority area for the purpose of this bylaw and the Act.

- 8.2 A person may freedom camp in that area but must comply with the restrictions set out in clause 7.2 of this bylaw.

9. Prior Consent from Council

- 9.1 The Chief Executive may grant written consent to a person to camp in any of the areas identified in Schedule 1 and Schedule 2 of this bylaw, by temporarily waiving the restrictions or prohibitions in that area and/or imposing any conditions.
- 9.2 Any application for consent must be made in writing to the Council at least two weeks in advance of the date planned for freedom camping within the relevant area.
- 9.3 A person freedom camping in accordance with a consent granted under clause 9.1 must comply with any conditions of consent imposed by the Council.
- 9.4 The Chief Executive may revoke a consent granted under clause 9.1 by giving a direction to any person to leave the Camping Area, in circumstances where that person has:
- (a) acted in a manner likely to endanger the health and safety of other people;
 - (b) damaged or is likely to cause damage to the site;
 - (c) breached any of the conditions included in any consent.

10. Closure of Freedom Camping Area

- 10.1 The Chief Executive may temporarily close or restrict entry to any overnight freedom camping area or part of any freedom camping area where such restriction is considered necessary by Council 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 thereon; or
 - (c) protect the safety of persons or property; or
 - (d) allow or facilitate public access.

11. Offences

- 11.1 Pursuant to section 20(1) of the Act, every person commits an infringement offence who:
- (a) freedom camps in a local authority area in breach of any of the prohibitions or restrictions in this bylaw, that apply to the area: or

- (b) makes preparations to camp in a local authority area in breach of any of the prohibitions or restrictions in this Bylaw, that apply to the area.

11.2 An Enforcement Officer may issue an infringement notice to anyone who the Enforcement Officer believes on reasonable grounds has committed or is committing an infringement offence under the Act.

11.3 Where an Enforcement Officer believes on reasonable grounds that a person is committing or has committed an offence under this Bylaw or the Act, the Enforcement Officer may require the person to:

- (a) leave the relevant area; and
- (b) supply their full name, date of birth, full address, telephone number and occupation to the Enforcement Officer, as well as those same details for any other person connected in any way with the alleged offence.

Explanatory note: Section 20 of the Act contains further infringement offences in relation to freedom camping on local authority areas, including freedom camping in a vehicle that is not self-contained, failing to display a warrant card, and littering.

12. Penalties

12.1 As specified by section 20E of the Act, every person who commits an infringement offence 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.

Explanatory note: The regulations made under section 43 that are in force at the time this bylaw was made provide for fines ranging from \$200 to \$800:

<https://www.legislation.govt.nz/regulation/public/2023/0136/latest/LMS853101.html>

Schedule 1 Freedom Camping Prohibited and Restricted Areas

Prohibited Areas

A person must not freedom camp in any prohibited freedom camping area within the district identified in this Schedule without the prior written consent of the Council.

Prohibited area	Description of prohibited area
Twizel Township Prohibited Area	Freedom camping is prohibited within Twizel’s town centre and open space areas as highlighted in red within Figure 1.
Takapō/Lake Tekapo Township Prohibited Area	Freedom camping is prohibited within Takapō /Lake Tekapo’s residential, recreation and open space, town centre, and neighbourhood centre zones of the Mackenzie District Council’s Operative District Plan.
Fairlie Township Prohibited Area	Freedom camping is prohibited within Fairlie’s town centre, and open space areas as highlighted in red within Figure 3.

Explanatory note: Reserves are controlled under the Reserves Act 1977, which generally prohibits camping in reserves (section 44) and provides for infringement notices to be issued. The Council does not control freedom camping on reserves under this bylaw, which means any camping on reserves is prohibited under the Reserves Act 1977, unless provided for in a Reserve Management Plan or Council exercises its delegated ministerial consent.

Lake Ruataniwha is a reserve under the Reserves Act 1977 and camping is prohibited at the reserve, other than the freedom camping site described in its Reserve Management Plan (self-contained camping in the reserve area adjacent to Max Smith Drive and the boundary with Meridian Energy land), and as shown on the map in the explanatory note to Schedule 2.

Restricted Areas

Freedom Camping in the areas described below is subject to the restrictions specified in clauses 7.2 and 7.3 of this bylaw for each area.

Any restrictions must be complied with unless the prior written consent of the Council is obtained under clause 9 of this bylaw.

Explanatory note: Lake Wardell is a reserve and camping will be managed under the Reserves Act 1977. Council intends to approve camping at Lake Wardell, under the Reserves Act, with camping restrictions that are consistent with this Bylaw.

Responsible Freedom Camping Bylaw 2023



Restricted area	Description of restricted area
Twizel Township Restricted Area	Freedom camping is restricted within the wider Twizel Township, within the orange areas identified in Figure 1.
Fairlie Township Restricted Area	Freedom camping is restricted within the wider Fairlie Township, within the orange areas identified in Figure 3.
Lake Opuha – Bennetts Road Restricted Area	Freedom camping is restricted within Lot 30 DP 301678.
Lake Opuha – Hayes Road Restricted Area	Freedom camping is restricted within Lot 28 DP 301677.
Lake Opuha – Opuha George Road Restricted Area	Freedom camping is restricted within Lot 29 DP 301677.
Edwards Stream Restricted Area (NZTA land which is declared to be a local authority area in accordance with clause 8 of this Bylaw.)	Appellation Section 2 SO 457473 Statutory Actions: [Create] Road New Zealand Gazette 2013 p 955 Vests in the Crown

Schedule 2 Freedom Camping Prohibited and Restricted Areas

Prohibited Areas

Figure 1 - Takapō /Lake Tekapo Township Prohibited Area

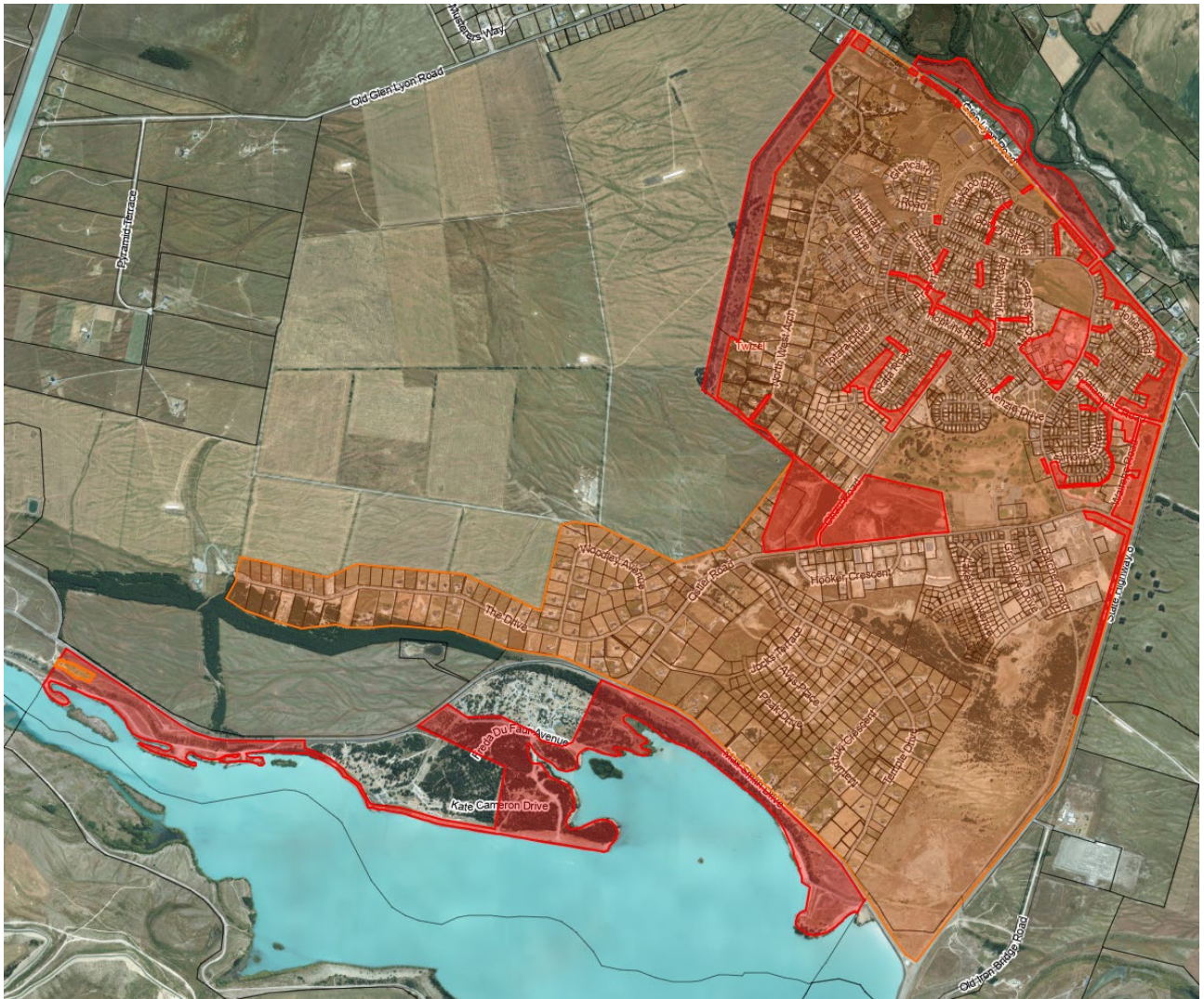


Prohibited and Restricted Areas

Figure 2 – Fairlie Prohibited and Restricted Areas



Figure 3 – Twizel Prohibited and Restricted Areas



Restricted Areas

Figure 4 - Lake Opuha - Bennetts Road Restricted Area



Figure 5 - Lake Opuha - Hayes Road Restricted Area



Figure 6 - Lake Opuha - Opuha George Road Restricted Area



Figure 7 - Edwards Stream Restricted Area



Explanatory note: The following maps, showing the prohibited area and camping site available at Lake Ruataniwha, a reserve under the Reserves Act 1977, are not part of the Bylaw but are for information purposes only.

Figure A - Lake Ruataniwha Reserve Prohibited Area



Figure B - Lake Ruataniwha Reserve (West End) Restricted Area





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