



GISBORNE
DISTRICT COUNCIL

Gisborne District
Freedom Camping
Bylaw 2008

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PART I – Citation and Interpretation

1. Title

This bylaw may be cited as the “Gisborne District Freedom Camping Bylaw 2008”.

2. Commencement and Application

This bylaw shall come into force on the ____ of _____ 2008 and shall apply to the whole of the Gisborne District.

3. Enabling Enactments

This Bylaw is made pursuant and subject to the Local Government Act 2002 and the Litter Act 1979.

4. Scope

The purpose of this Bylaw is to provide for the management and regulation of facilities for the disposal of domestic sewage and household refuse from motorised mobile homes, caravans and tents parked on land owned or controlled by the Council and specified as *Freedom Camping Areas*.

5. Definitions and Interpretations

5.1 The Interpretation Act 1999 shall apply to this Bylaw.

5.2 In this Bylaw, unless the context otherwise requires:

Act	Means the Local Government Act 2002.
Agent	Means contractor delegated, appointed or authorised in writing by the Council to act on its behalf and with its authority to administer facilities for the disposal of domestic sewage and household refuse from motorised mobile homes and caravans parked and tents erected on land owned or controlled by the Council. subject to its supervision.

Approval	Means approval by Council or any authorised officer or agent so authorised on behalf of the Council and any approval may include conditions.
Authorised Officer	Means any person delegated, appointed or authorised in writing by the Council to act on its behalf and with its authority.
Caravan	Means the same as in Part 2A of the Transport (Vehicle Registration and Licensing) Regulations 1994 provided that any caravan shall have sanitary fixtures capable of the disposal of domestic sewage on board.
Council	Means the Gisborne District Council or any Committee of the Council or officer delegated to exercise the authority of Council.
District	Means the territory of Council.
Domestic Sewage	Means the same as in the Gisborne District Council Trade Waste Bylaw 2008 but shall include foul water discharged from any motorised mobile home or caravan.
Enactment	Means the same as in Section 29 of the Interpretation Act 1999.
Household Refuse	Means refuse originating from any motorised mobile home, caravan or tents.
Litter	Means the same as in Section 2 of the Litter Act 1979.
Motorised Mobile Home	Means the same as in Schedule 3 of the Land Transport (Driver Licensing) Amendment Rule 2006 and includes self-propelled caravans, buses and vehicles that have sanitary fixtures capable of the disposal of domestic sewage on board.
Permit	Means a permit issued by Council granting approval to operate in terms of this Bylaw.
Permit Holder	Means the holder or holders of a permit issued in terms of this Bylaw.
Person	Includes a corporation and also a body of persons whether corporate or unincorporated.

Public Notice	Means the same as in Section 2 of the Local Government Act 2002 and 'published' and 'publicly notified' have corresponding meanings. A public notice setting forth the object, purport, or general effect of a document shall in any case be sufficient notice of that document.
Refuse	Includes any litter, refuse, rubbish, animal remains, glass, metal, garbage, debris, dirt, filth, rubble, ballast, stones, earth, waste matter or any other thing of like nature.
Sewerage System	Means the same as in the Gisborne District Council Trade Waste Bylaw 2008.
Sign	Means every advertising device or advertising matter of whatever kind, whether consisting of a specially constructed device, structure, erection or apparatus, or painted, printed, written, carved, inscribed, endorsed, projected onto, placed, or otherwise fixed to or upon any premises, wall, fence, rock, stone, structure, stationary vehicle or erection of any kind whatsoever.
Vehicle	Means the same as section 2(1) of the Land Transport Act 1998.

- 5.3 Words importing the masculine gender include the feminine gender and the neuter gender.
- 5.4 Words importing the singular number include the plural number, and words importing the plural number include the singular number.
- 5.5 For the purposes of this Bylaw the word "shall" refers to practices that are mandatory for compliance with the Bylaw, while the word "may" refers to practices which are discretionary.
- 5.6 The headings to the clauses of this Bylaw shall not affect the construction thereof.
- 5.7 Every Schedule to this Bylaw shall be deemed to form part of the Bylaw provided that any such schedule may be altered from time to time by Council resolution.

PART II – General

6. Application of Other Bylaws

This Bylaw is subject to the Gisborne District Reserves Bylaw 2008 and the Gisborne District Public Places Bylaw 2008.

7. Determination Of Freedom Camping Areas

The Council may from time to time specify by resolution, publicly notified and set out in Schedule 1 of this Bylaw:

- (a) Areas owned or controlled by the Council referred to as *Freedom Camping Areas* on which facilities are provided for the collection and disposal of domestic sewage and household refuse from motorised mobile homes, caravans and tents;
- (b) The periods within the year when motorised mobile homes and caravans may be parked and tents erected on the areas referred to in sub clause (a) for the purpose of collection and disposal of domestic sewage and household refuse and the Council may set different periods for each area;

8. Determination of Freedom Camping Areas

- 8.1 The Council may from time to time make and amend by resolution, publicly notified a set of rules containing the conditions of use for each area specified by the Council as a *Freedom Camping Area*.
- 8.2 The rules of any area specified by the Council as a *Freedom Camping Area* may provide for:
 - (a) The maximum continuous number of days that any person may use the area;
 - (b) The maximum number of days within a year that any person may use that area;
 - (c) The particulars and information the Council requires to issue a permit to use that area;
 - (d) The fees payable for the use of that area;

- (e) The specifications for discharge of domestic sewerage into the Council's sewerage system that are required of any motorised mobile homes and caravans that enter in or stay overnight in that area;
- (f) The requirements for the disposal of domestic sewerage by any person who erects a tent in that area;
- (g) Measures to provide for the disposal of household refuse from any motorised mobile homes, caravans and tents that enter in or stay overnight in that area;
- (h) The control of access to that area by persons not in possession of a permit issued by the Council;
- (i) Measures to ensure the orderly conduct of persons and to prevent the creation of nuisance in that area;
- (j) Measures to prevent littering in that area;
- (k) The control of access to that area by animals;
- (l) The lighting of fires at fireplaces specially provided, or in an appliance designed for outdoor cooking in that area, subject to any restriction imposed by Council on the lighting of fires;

9. Closing in Special Circumstances

The Council may close or restrict entry to, or any portion of, any area specified by the Council as a *Freedom Camping Area* at such times as are considered necessary to prevent damage to, or allow maintenance of the facilities provided by the Council for the discharge of domestic sewage or household refuse or at any other times that the Council considers necessary. The closure of any area specified by the Council as a *Freedom Camping Area* in these circumstances shall be advertised by signs at the entrances to the area.

10. Permit Required

- 10.1 Access by any motorised mobile home, caravan or tent to any area specified by the Council as a *Freedom Camping Area* for the purpose of an overnight stay without the person in control of the vehicle being in possession of a permit issued by the Council or its agents shall be a breach of this Bylaw and shall be guilty of an offence.
- 10.2 Every person in charge of any motorised mobile home, caravan or tent who has access to any area specified by the Council as a *Freedom Camping Area* for the purpose of an overnight stay pursuant to the permit issued by the Council or its agents shall have access to and may make use of the domestic sewage disposal and household refuse disposal facilities provided by the Council.

11. Application for Permit

- 11.1 Every person in control of any motorised mobile home, caravan or tent who intends to access any area specified by the Council as a *Freedom Camping Area* for the purpose of an overnight stay shall provide the Council with an application containing the information that the Council requires to issue a permit for the use of that area.
- 11.2 Every application for a permit shall be accompanied by the prescribed fee.
- 11.3 The Council may refuse to issue a permit if the required information or equipment is not provided or if the information or equipment does not conform with the requirements and rules of that *Freedom Camping Area*.

12. Issue of Permit

The Council may issue a permit in the name of that person allowing the holder thereof to have access with a motorised mobile home, caravan or tent to a *Freedom Camping Area*, subject to:

- (a) The rules of that *Freedom Camping Areas*; and
- (b) Such other conditions as the Council may determine.

13. Costs of the Permit

- 13.1 The Council may from time to time determine and recover fees in accordance sections 150 and 151 of the Act.
- 13.2 It shall be an offence to enter any area specified as a *Freedom Camping Area* with any motorized mobile home or caravan or to erect any tent therein without having paid the prescribed fee, if a fee is payable.

14. Transfer of Permit

The permit given by the Council or its agents to a person named in that permit shall not be transferable to any other person and no permit shall authorise any person other than the person named therein to act in any way under its conditions.

15. Non-Compliance With Permit Conditions

In the case of non-compliance with the conditions of the permit, the Council may withdraw the permit and require the removal of the motorised mobile home, caravan or tent from the area specified as a *Freedom Camping Area*.

16. Duration of Stay

- 16.1 No motorised mobile home or caravan shall remain in any area specified as a *Freedom Camping Area* for any period longer than that specified by the Council.
- 16.2 The Council may require that any person in control of a motorised mobile home, caravan or tent remove that motorised mobile home, caravan or tent from any area specified as a *Freedom Camping Area* for a period determined by the Council before a further permit may be issued that allows that motorised mobile home or caravan to re-enter that area or any tent to be erected by that person in that area.

17. Litter

Every person who enters any area specified as a *Freedom Camping Area* shall ensure the area on which that person's motorised mobile home or caravan is parked or that person's tent is erected remains clean and tidy.

PART III – Miscellaneous

18. Directions of Authorised Officer or Agent

- 18.1 An authorised officer or agent of the Council may inspect any area specified as a *Freedom Camping Area* to ensure that every person adheres to the Council's Bylaws and the conditions of their permit.
- 18.2 Every person who is present on any area specified as a *Freedom Camping Area* shall observe any direction or notice which is given by an authorised officer or agent of the Council.
- 18.3 It shall be an offence against this Bylaw to disregard or refuse to comply with any direction or notice by an authorised officer or agent of the Council

19. Ordering Off

- 19.1 A person committing a breach of this Bylaw shall, upon request by an authorised officer or agent, immediately leave the area specified as a *Freedom Camping Area* and shall be prohibited from appearing on that area for such period as the authorised officer or agent deems fit.
- 19.2 A person in control of a motorised mobile home, caravan or tent ordered to leave any area specified as a *Freedom Camping Area* as provided for this clause of this Bylaw shall forthwith remove that motorised mobile home, caravan or tent from the area specified as a *Freedom Camping Area*.
- 19.3 A person ordered to leave any area specified as a *Freedom Camping Area* as provided for this clause of this Bylaw shall remain liable for the breach of this Bylaw.

20. Offenders Required to Give Names

Any authorised officer or agent may require any person who commits a breach of this Bylaw to give their full name and address.

21. Offences and Breaches

- 21.1 No application for a permit from the Council, and no payment of or receipt for any fee paid in connection with such application, shall confer any right, authority, or immunity on the person making such application or payment.
- 21.2 Any person commits a breach of this Bylaw who:
- (a) Does, or causes to be done, or knowingly permits or suffers to be done anything whatsoever contrary to or otherwise than as provided by this Bylaw, or
 - (b) Omits or neglects to do, or knowingly permits or suffers to remain undone, anything which according to the true intent and meaning of this Bylaw, ought to be done by them at the time and in the manner therein provided, or
 - (c) Does not refrain from doing anything which under this Bylaw they are required to abstain from doing, or
 - (d) Knowingly permits or suffers any condition of or things to exist contrary to any provision contained in this Bylaw, or
 - (e) Refuses or neglects to comply with any notice or instruction duly given to him/her under this Bylaw, or
 - (f) Obstructs or hinders any authorised officer in the performance of any duty to be discharged by that officer under or in the exercise of any power conferred upon them by this Bylaw or the enabling enactments, or
 - (g) Fails to comply with any notice or direction given under this Bylaw.

22. Penalties for Breach of the Bylaw

- 22.1 Every person who fails to comply with this Bylaw commits an offence and shall be subject to the penalty provisions outlined in the offences, penalties, infringement offences, and legal proceedings provisions of the Local Government Act 2002 and the Reserves Act 1977.

- 22.2 Where any person is alleged to have committed an infringement offence, that person may either:
- (a) Be proceeded against summarily for the offence; or
 - (b) Be served with an infringement notice as provided in the Act or the Reserves Act 1977.
- 22.3 The Council may in accordance with section 162 of the Local Government Act 2002 apply for an injunction restraining a person from committing a breach of this Bylaw or an offence against the Act.
- 22.4 The Council may in accordance with section 176 of the Local Government Act 2002 recover the costs of remedying any damage caused in the course of committing an offence against this Bylaw.
- 22.5 The continued presence of a person on any area specified as a *Freedom Camping Area* contrary to this Bylaw shall be deemed a continuing offence within the meaning of this clause.

23. Delegation and Appeal

- 23.1 In all cases where this Bylaw provides for the issue of any permit, direction or order, such permit, direction or order shall be deemed to be issued in compliance with this Bylaw if the same is issued by any officer or agent of the Council authorised by the Council for that purpose.
- 23.2 (a) There shall be a right of appeal by an affected party from any decision by a delegated authority to original holder of the power and duty. Provided that the original holder of the power and duty may, after consultation with the Chief Executive refer the appeal to the Council when in his opinion this is justified.
- (b) Where the original holder of the delegated power and duty is the Council the right of appeal may be to a committee of the Council or authorised officer appointed for this purpose, who shall be the final arbitrator of the merits of the matter.

24. Dispensing Power

- 24.1 Where in the opinion of the Council full compliance with any of the provisions of this Bylaw would needlessly or injuriously affect any person, or the course or operation of the business of, or be attended with loss or inconvenience to any person without any corresponding benefit to the community, the Council may, on the special application of that person, dispense with the full compliance with the provisions of this Bylaw; provided that any other terms or conditions (if any) that Council may deem fit to impose shall be complied with by that person.
- 24.2 The Council may, after consideration of any representation by affected persons and if in its opinion it is justified, extend, withdraw or amend the dispensation granted in terms of clause 24.1.
- 24.3 Except if expressly granted otherwise, the dispensation by the Council in terms of clause 24.1 shall only be applicable to the person it is granted to and shall be restricted to the particular issue considered by the Council and such dispensation will not constitute a justification for the breach of the provisions of this Bylaw outside the expressed terms of the dispensation.

THE COMMON SEAL OF GISBORNE DISTRICT COUNCIL WAS HERETO
AFFIXED PURSUANT TO RESOLUTION PASSED AT A MEETING OF THE
GISBORNE DISTRICT COUNCIL HELD ON _____(DAY) OF _____
(MONTH) 2008.

----- MAYOR

----- CHIEF EXECUTIVE

SCHEDULE 1 OF THE GISBORNE DISTRICT

FREEDOM CAMPING BYLAW 2008

Remote Camp Sites Specified As Freedom Camping Areas

The following remote camp sites owned or maintained by the Council on public reserves within the district are specified as freedom camping sites and shall be open for the periods indicated:

REMOTE CAMP SITE	PERIOD THAT FREEDOM CAMPING IS ALLOWED
Pouawa Beach, Loisel's Beach, Tolaga Bay, Kaiaua Beach, Tokomaru Bay, Waipiro Bay, Turihaua Beach and Donneraille Park	The period that daylight saving time is applicable;
Turihaua Beach	26 December to 1 February of the following year

Note: This is not a schedule to the bylaw and the information is supplied for information purposes.

Currently the Council requires the following information from the applicant:

- Name, address and phone number.
- Registration number of caravan, van and/or vehicle(s) on the *Freedom Camping Area*.
- Dates that the applicant requires the permit cover (maximum 28 days) or a period of 2 or 10 days.
- *Freedom Camping Areas* where the applicant intends to stay or visit.
- Number of campers (adults and children). One permit is issued for every 6 persons
- Confirmation that the applicant will provide a chemical toilet
- Information if the applicant will have any dogs will be on site.
- Payment of prescribed fees.