

Te Ture ā-rohe Pūninga Herekore o Te Tairāwhiti 2021

(Tairāwhiti Freedom Camping Bylaw 2021)



Te Kaunihera o Te Tairāwhiti
GISBORNE
DISTRICT COUNCIL

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1. Title

- (1) This bylaw is the Gisborne District Council Freedom Camping Bylaw 2021.

2. Commencement and application

- (1) This bylaw come into force on 30 June 2021.
- (2) This bylaw applies to the whole of the Gisborne District.
- (3) This bylaw revokes the Gisborne District Council Freedom Camping Bylaw 2016 from 30 June 2021.

3. Enabling enactments

- (1) This bylaw is made pursuant and subject to the Freedom Camping Act 2011 and the Local Government Act 2002.

4. Purpose

- (1) The purpose of this bylaw is to regulate freedom camping in order to protect public access, public health and safety and the environment of the area, including the District's beaches, dunes and rivers from harm.
- (2) This bylaw achieves this purpose by:
 - a) defining the areas in the District where freedom camping is restricted or prohibited; and
 - b) providing for the restrictions that apply to freedom camping in areas where freedom camping is restricted so that while freedom camping in these areas is encouraged, the areas, access to the areas, and the health and safety of people who may visit the areas, are protected.

5. Interpretation

- (1) The Interpretation Act 1999 applies to this Bylaw.
- (2) In this Bylaw, all definitions in Sections 4-7 of the Freedom Camping Act 2011 apply and unless the context otherwise requires:

Act means the Freedom Camping Act 2011.

Campsite means a site used for freedom camping in a local authority area.

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.

Enforcement officer has the same meaning as contained in Section 4 of the Act.

Freedom camp has the same meaning as contained in Section 5 of the Act.

Local authority area has the same meaning as contained in Section 6 of the Act.

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

Offence has the same meaning as contained in Section 4 of the Act.

Permit means a permit, issued under clause 8 of this bylaw, to freedom camp in a restricted Seasonal Camping area listed in Schedule 3.

Person includes a corporation and also a body of persons whether corporate or unincorporated.

Prohibited Area means a local authority area where freedom camping is prohibited under clause 6.

Restricted Area means any local authority area that is not identified as either:

- a) Prohibited in Schedule 1; or
- b) A restricted seasonal camping area in Schedule 3.

Restricted Seasonal Camping means to freedom camp in a restricted seasonal camping area.

Restricted Seasonal Camping Area means any local authority area defined and marked in Schedule 3.

Semi-permanent Structure means any structure not qualifying as a tent, self-contained vehicle or motor vehicle or portaloo as determined by a Council enforcement officer.

Self-contained vehicle means a motor 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 New Zealand Standard 5465:2001. This may be 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

For the avoidance of doubt, the vehicle must be equipped with a toilet that is adequately restrained or secured when travelling. The toilet must be readily usable within the vehicle including sufficient head and elbow room at all times, even with the bed made up.

Tent means a collapsible, portable shelter made from canvas, fabric or plastic supported by one or more poles and secured to the ground by pegs as determined by a Council enforcement officer.

Waste has the same meaning as contained in Section 4 of the Act.

- (3) Related information does not form part of this bylaw and may be inserted, changed or removed without any formality.

6. Freedom Camping in Prohibited Areas

- (1) A person must not freedom camp in a local authority area defined and marked as prohibited in Schedule 1 of this bylaw.
- (2) A person must not freedom camp in a restricted seasonal camping area between 1 May and the fourth Friday in October (the Friday preceding Labour Day).

Related Information

The Reserves Act 1977 also prohibits camping in reserves unless provided for under an active reserve management plan.

7. Freedom Camping in Restricted Areas

- (1) A person freedom camping in a restricted area must camp:
 - a) in a self-contained vehicle; and
 - b) in accordance with the conditions in clause 9
- (2) A person freedom camping in a restricted area must not camp within 1 kilometre of an area in which that person has undertaken freedom camping for three consecutive nights within the last four-week period.

Related Information

Restricted areas are illustrated in Schedule 2 and are clearly marked. Restricted areas are available for freedom camping, without a permit.

8. Freedom Camping in a Restricted Seasonal Camping Area

- (1) A person may apply for a renewable 28-day permit to freedom camp in a restricted seasonal camping area.
- (2) A person freedom camping within a restricted Seasonal Camping Area must camp in accordance with:
 - a) a permit (including the terms and conditions of the permit); and
 - b) the conditions listed in clause 9 (other than clause 9. (1)a)
- (3) A person freedom camping in a seasonal freedom camping area must camp in;
 - a. a self-contained vehicle; or
 - b. a tent or motor vehicle with a chemical toilet.
- (4) An enforcement officer, or any other person authorised by the Council, may revoke a permit.

Related Information

Council provides for freedom camping between the Saturday of Labour weekend and 30 April of the following calendar year in the restricted Seasonal Camping areas listed in Schedule 3 of this bylaw. These areas are closed from 1 May to Labour Weekend.

9. Conditions for freedom camping in local authority areas

- (1) A person freedom camping in a local authority area must:
- a) dispose of effluent in an appropriate manner at purpose-built septage disposal facilities; and
 - b) dispose of solid waste in Council rubbish bins or at facilities marked for waste management; and
 - c) not restrict access to public areas, private land or motor vehicle access ways; and
 - d) comply with any reasonable directions of an enforcement officer
 - e) provide evidence of any matter necessary for compliance with this bylaw, if requested by an enforcement officer.

Related Information

Council enforcement officers do not have a right to enter a dwelling but may, for example, inspect the outside for evidence of wastewater arrangements

- f) Ensure that they do not behave in a manner which, in the opinion of an enforcement officer, causes a nuisance or unreasonable disturbance, through the creation of excessive noise, to other persons camping in the area or local residents.
 - g) ensure the campsite is left tidy and free from damage.
- (2) A person in a local authority area must not:
- a) camp in a semi-permanent structure; or
 - b) build, erect, or bring a semi-permanent structure onto the area.

Related Information

These conditions apply to a person freedom camping in a restricted area or restricted seasonal camping area, in addition to the obligations under clauses 7 and 8.

The Freedom Camping Act 2011 and other legislation may impose additional restrictions in relation to camping. For example, the lighting of fires is regulated under the Fire and Emergency New Zealand Act 2017.

10. Prior consent from Council

- (1) A person may freedom camp otherwise than in accordance with clause 6 to 9, if the person is freedom camping in accordance with written consent from the Council.

Related Information

Council may grant consent following consultation with iwi, with or without conditions. Consent may be applied for in writing, providing sufficient detail about the proposed freedom camping, to the Chief Executive of the Council at least 20 working days in advance of the date planned for freedom camping.

11. Council may close an area to freedom camping

- (1) The Council may temporarily close or restrict freedom camping in any area or part of an area where the closure or restriction is considered necessary to:
- a) prevent damage to the local authority area or facilities in the area; or
 - b) allow maintenance of the local authority area/ facilities thereon; or
 - c) protect the safety of persons/property; or
 - d) provide for unfettered public access, including in circumstances where events are planned for that area; or
 - e) protect residents from adverse effects associated with freedom camping in public spaces.

Related Information

Notice will be given of any temporary closure or restriction, and the removal of any closure or restriction, in any manner Council considers is appropriate. Prior notice of any temporary closure or restriction will be given where possible.

12. Enforcement

- (1) An enforcement officer may use the powers under the Act to enforce this Bylaw.

13. Offences

- (1) Every person who fails to comply with this Bylaw or the Act commits an offence as specified in section 20 of the Act.

Related Information

Section 20 of the Act specifies further offences which are not listed under this bylaw. For example, requirements in relation to compliance with the instructions of an enforcement officer.

14. Penalties

- (1) Every person who commits an offence under this Bylaw or the Act is liable to a penalty as specified in section 23 of the Act.

15. Relationship of bylaw with treaty settlement legislation

- (1) This Bylaw does not limit or affect the rights of iwi entitlements under any legislation passed in order to give effect to settlements under the Treaty of Waitangi.

THE COMMON SEAL OF GISBORNE DISTRICT COUNCIL WAS HERETO AFFIXED PURSUANT TO RESOLUTION PASSED AT A MEETING OF THE GISBORNE DISTRICT COUNCIL HELD ON 30th OF JUNE 2021.

_____ MAYOR

_____ CHIEF EXECUTIVE

Schedule 1: Prohibited Areas

Council prohibits freedom camping in Prohibited Areas as set out in clause 6 of this Bylaw.

a) Gisborne Urban Area and Surrounds



b) Sponge Bay, Wainui and Okitu



c) Makorori Beach



d) Turihaua Point North



e) Waihou Beach



f) Tolaga Bay South



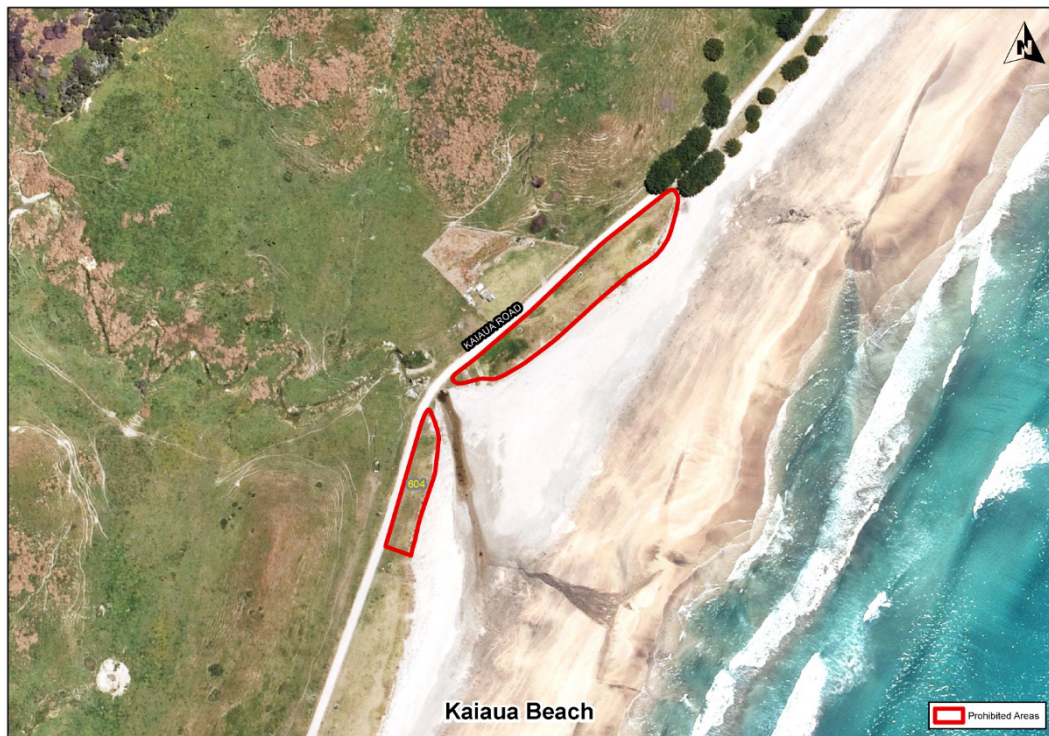
g) Tolaga Bay North



h) Tolaga Bay Wharf Carpark



i) **Kaiaua Beach**



j) **Te Araroa**



Schedule 2: Restricted Areas

Council restricts freedom camping in restricted areas as set out in clause 7 of this Bylaw.

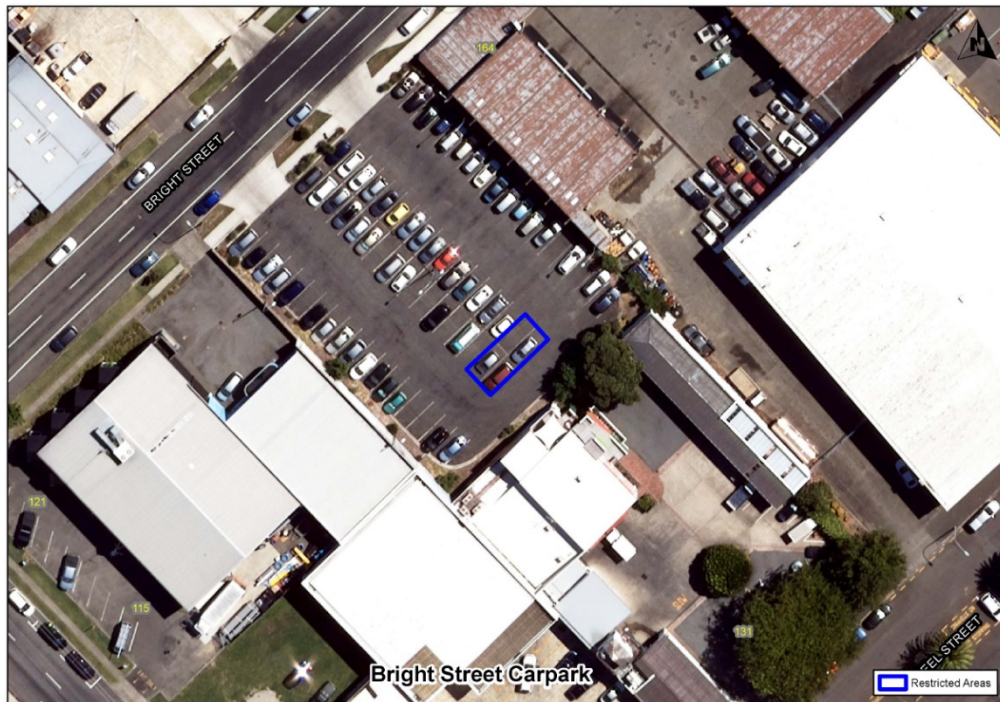
Related Information

Freedom camping is prohibited outside the areas identified by the blue box. If all car parks within the blue restricted area are occupied, persons wishing to freedom camp will need to find an alternative site or use commercial accommodation.

a) Makorori Carpark



b) Bright Street Carpark



c) Midway Surf Club Carpark



d) Motu Rest Area



e) Tokomaru Bay North (Winter only - 1 May to Labour weekend)



f) Tokomaru Bay South (Winter only - 1 May to Labour weekend)



g) Kaiti Beach



Schedule 3: Restricted Seasonal Camping Areas

Council permits freedom camping in restricted seasonal camping areas as set out in clause 8

a) Doneraile Park



b) Turihaua Beach South



c) Turihaua Beach North



d) Turihaua Point



e) Pouawa



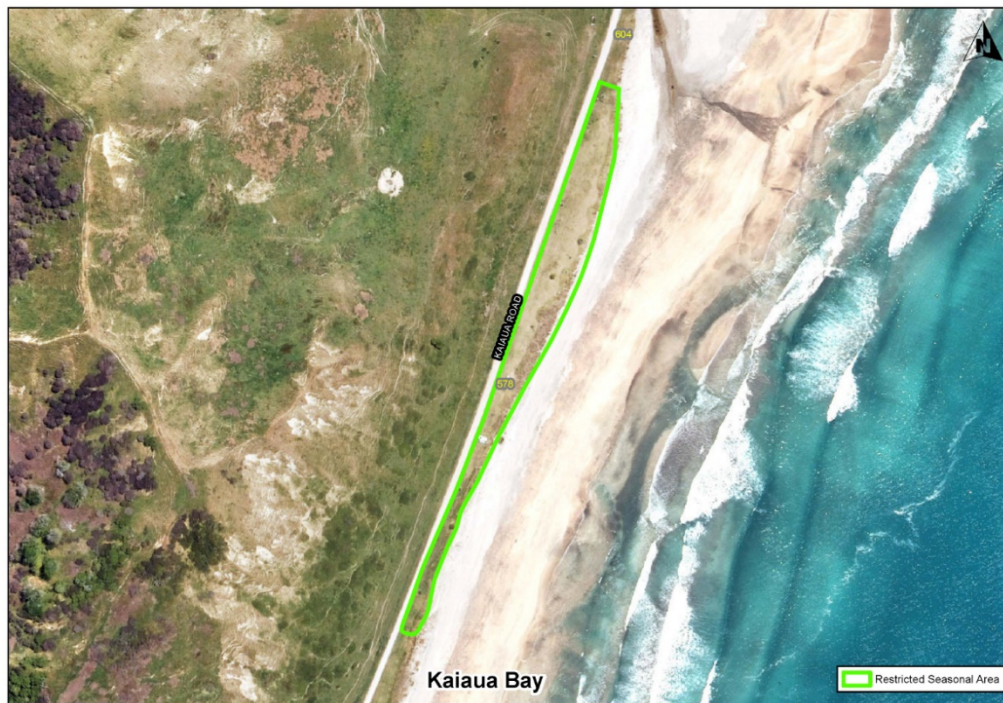
f) Waihou Beach



g) Tolaga Bay



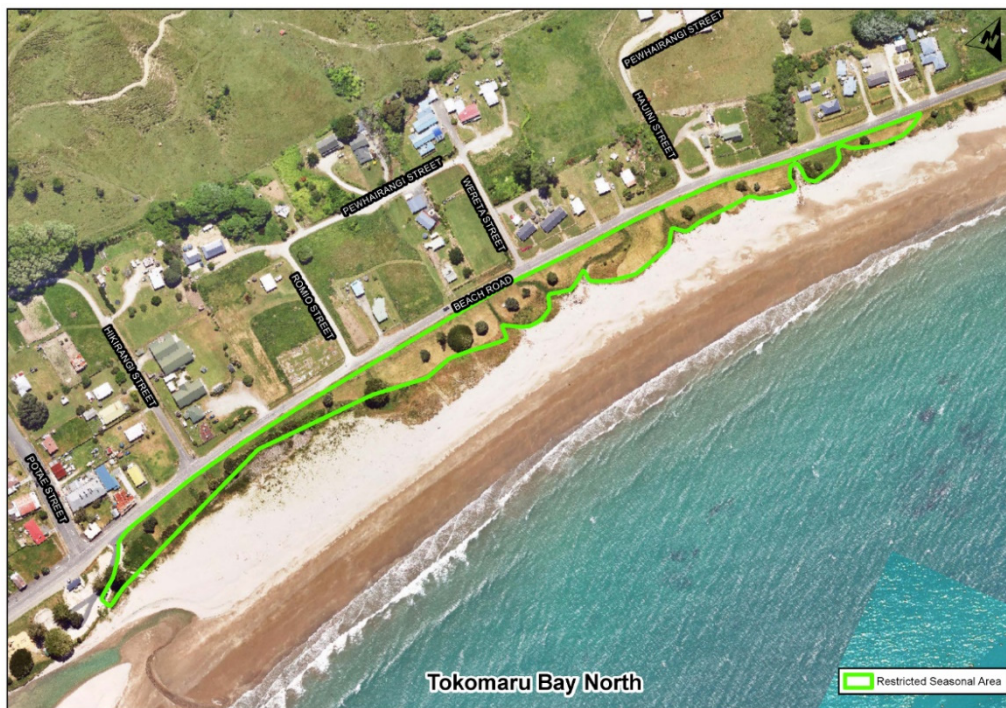
h) Kaiaua Beach



i) Tokomaru Bay (South)



j) Tokomaru Bay (North)



k) Waipiro Bay

