

Christchurch City Council

# Freedom Camping Bylaw 2015



CHRISTCHURCH CITY COUNCIL

## FREEDOM CAMPING BYLAW 2015

Pursuant to the powers vested in it by the Freedom Camping Act 2011, the Christchurch City Council makes this Bylaw.

**The following note is explanatory and is not part of the Bylaw:** *Compliance with this Bylaw does not remove the need to comply with all applicable Acts, regulations, bylaws, and rules of law. This includes complying with any parking or other traffic restrictions in any area, not littering, not lighting fires in breach of any fire ban, not making excessive noise, no camping in parks and reserves, and complying with the directions of enforcement officers.*

### 1. SHORT TITLE

This Bylaw may be cited as the Christchurch City Council Freedom Camping Bylaw 2015.

### 2. COMMENCEMENT

This Bylaw comes into force on 1 December 2015.

### 3. PURPOSE

The purpose of this Bylaw is to control freedom camping in the district in order to:

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

### 4. INTERPRETATION

In this Bylaw, unless the context otherwise requires:

**Act** means the Freedom Camping Act 2011.

**Certified 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 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, 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.

**Council** means the Christchurch City Council

**District** means the district of the Council.

**The following terms have the same definitions as in the Act:**

**Freedom camp:**

(1) In this Act, freedom camp means 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 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.

(2) In this Act, 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.

(3) In subsection (1),—  
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

Great Walks Track means—

- (a) a track specified in Schedule 1; and
- (b) any other track specified by Order in Council made under section 44 as a Great Walks Track.

**Local authority area:**

(1) In this Act, local authority area—

(a) means an area of land—

- (i) that is within the district or region of a local authority; and
- (ii) that is controlled or managed by the local authority under any enactment; 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.

**Waste receptacle:** means a receptacle or facility that is provided by the Council for the purposes of disposing of waste (for example, a rubbish bin, public toilet, or bulk waste disposal unit).

## **5. LOCAL AUTHORITY AREAS WHERE FREEDOM CAMPING PERMITTED**

Freedom camping is permitted in any local authority area within the district unless it is prohibited or restricted:

- a. by this Bylaw; or
- b. under any other enactment or bylaw.

## 6. PROHIBITED AREAS

A person must not freedom camp in any area marked red on any map in the Schedule.

## 7. FREEDOM CAMPING IN CERTIFIED SELF CONTAINED VEHICLES

- (1) In any area marked orange on any map in the Schedule, freedom camping is allowed subject to the following restrictions:
  - a. The freedom camping must only take place in a certified self-contained vehicle; and
  - b. The maximum period of stay in any location within an orange area is 2 nights within a 30 day period.
- (2) In clause 7(1)(b) location means the land within 500m of the place where the certified self-contained vehicle is situated for the purpose of freedom camping.

## 8. OTHER FREEDOM CAMPING RESTRICTED AREAS

- (1) In the areas marked turquoise on maps 8 - French Farm and 9 - Wainui in the Schedule, freedom camping is allowed in any tent, temporary structure, caravan or motor vehicle, including certified self-contained vehicles, subject to the following restriction:
  - a. The maximum period of stay in the area is 2 nights within a 30 day period.
- (2) In the areas marked blue on maps 20 - Addington Park, 21 - Windsport Park and 22 - Lower Styx River Mouth in the Schedule, freedom camping is allowed in any tent, temporary structure, caravan or motor vehicle, including certified self-contained vehicles, subject to the following restrictions:
  - a. The maximum period of stay in the area is 5 nights within a 30 day period; and
  - b. Freedom campers must not erect their tent or temporary structure or park their caravan or motor vehicle for the purpose of freedom camping until 1 hour before sunset on any day, and must be gone from the site for the purpose of freedom camping by 9am the following day.

**The following note is explanatory and is not part of the Bylaw:** *There are two areas (French Farm and Wainui) subject to the restriction in clause 8(1), and three areas (Addington Park Car Park, Windsport Area and Lower Styx) subject to the restriction in clause 8(2). In all these areas freedom camping is allowed in any structure or vehicle whether self-contained or otherwise. The number of campers allowed in any restricted area will be limited by the size of the area. Signs will be erected at the clause 8 areas to advise the restrictions and advise where freedom campers can be located.*

## **9. PRIOR PERMISSION FROM COUNCIL**

- (1) The Chief Executive of the Council may waive or modify the freedom camping restrictions in clauses 6, 7 and 8 of this Bylaw. Permission may be granted by the Chief Executive with or without conditions.
- (2) Application for permission must be in writing, and provide sufficient detail about the proposed camping to the Chief Executive of the Council at least 20 working days in advance of the date planned for freedom camping in the area where the restrictions apply.

## **10. COUNCIL MAY TEMPORARILY CLOSE AN AREA TO FREEDOM CAMPING**

- (1) The Chief Executive of 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:
  - a. prevent damage to the local authority area or facilities in the area; or
  - b. allow maintenance to the local authority area or facilities; or
  - c. protect the safety of persons or property; or
  - d. provide for better public access, including in circumstances where events are planned for that area.
- (2) Notice will be given of any temporary closure or restriction, and the removal of any closure or restriction, in any manner the Chief Executive considers is appropriate to the reason for the closure or restriction. Prior notice of any temporary closure or restriction will be given where possible.

**The following note is explanatory and is not part of the Bylaw:** *Notice given by the Council may include any of the following: a sign erected in the area; and/or advertising on the Council's website or on the radio; and/or a public notice in the paper.*

## **11. EFFECT OF THIS BYLAW ON OTHER BYLAWS AND ENACTMENTS**

- (1) If any other bylaw or enactment requires Council to give approval for camping on any Council land, then providing for any area for freedom camping in clause 8 of this Bylaw provides the approval required by any other bylaw or enactment.
- (2) Providing for restricted freedom camping in clauses 7 and 8 of this Bylaw also provides for the parking of any vehicle being used for freedom camping in any area identified in clauses 7 and 8, but does not affect any time, vehicle class or other restrictions that apply to the parking of that vehicle, made under any other bylaw or enactment.

**The following note is explanatory and is not part of the Bylaw:** *This clause is to make it clear that approval of freedom camping under this Bylaw also satisfies any requirement for approval under another bylaw or enactment. For example:*

- *the Council designates parking areas under the Traffic and Parking Bylaw and Council approval is needed to make changes; approving the same area for freedom camping under this bylaw also provides any Traffic and Parking Bylaw approval, if required (but the freedom camping must still comply with any parking time limits, etc applicable to the area);*
- *under the Parks and Reserves Bylaw camping is not allowed in any park or reserve without Council approval, so allowing for freedom camping in a park or reserve in this Bylaw (eg at Wainui) also provides the required approval under the Parks & Reserves Bylaw.*

## **12. CHRISTCHURCH CITY GENERAL BYLAW**

The provisions of the Christchurch City General Bylaw 2008 (as amended from time to time) are implied into and form part of this Bylaw.

## **13. OFFENCE AND PENALTY**

(1) As specified by section 20(1) of the Act, every person commits an offence who:

- a. freedom camps in a local authority area in breach of any prohibitions or restriction in this Bylaw that applies to the area; or
- b. makes preparations to freedom camp in a local authority area in breach of any prohibition or restriction in this Bylaw that applies to the area

(2) As specified by section 23(1) of the Act, every person who commits an offence set out in clause 12 (1) is liable to an infringement fee (fine) of \$200.

**The following note is explanatory and is not part of the Bylaw:** *Section 20 of the Act provides for the above offences and also for other offences, such as not properly disposing of waste into a waste receptacle, damaging or interfering with the flora and fauna in an area, and obstructing or threatening an enforcement officer.*

*Section 22 of the Act sets out defences to a freedom camping offence. The defences include that an offence was committed due to an action or event beyond the control of the defendant that could not reasonably have been foreseen, or the act was necessary to protect life or health, prevent injury or serious damage to property. Council officers use their discretion when investigating freedom camping complaints, which will include consideration of any defences that may be available to a person.*

The initial resolution to make this Bylaw was passed by the Christchurch City Council at a meeting of the Council on the 13 day of August 2015 and was confirmed, following consideration of submissions received during a special consultative procedure by a resolution at a subsequent meeting of the Council on the 26 day of November 2015.

**The following note is explanatory and is not part of the Bylaw:** The table below contains a general description of the restricted freedom camping areas covered in each of the maps.

See Schedule maps at <http://www.ccc.govt.nz/the-council/plans-strategies-policies-and-bylaws/bylaws/freedom-camping-bylaw-2015>

Map number	Where is Freedom Camping <b>Prohibited</b>
Map 1 red area	<b>Christchurch Central City - all Council owned and/or managed land</b> between and inclusive of Bealey Avenue, Fitzgerald Avenue, Moorhouse Avenue, Deans Avenue, Harper Avenue, and Little Hagley Park.
Map 2 red area	<b>New Brighton North Ramp and South Ramp Off street car parks - all Council owned and/or managed land off street car parks</b> , immediately north and south of the New Brighton Pier.
Map 3 red area	<b>Lyttelton Main Business Area - Council owned and/or managed land</b> between and inclusive of London Street, Oxford Street, Norwich Quay, and Dublin Street.
Map 4 red area	<b>Rapaki Settlement - all Council owned and managed land</b> beside and between Governors Bay Road and the foreshore at Rapaki Jetty.
Map 5 red area	<b>Birdlings Flat residential zone - all Council owned and managed land</b> Residential zone within the Birdlings Flat settlement area, from 107 Poranui Beach Road, Hill View Rd, Forest View Road, Lake Terrace Road, Clifton St and Coates Roads to the foreshore of Burlington Bay.
Map 6 red area	<b>Onawe Flat Road - all Council owned and/or managed land</b> including Onawe Point and all areas of Onawe Flat Road, up to but excluding the Duvauchelle settlement.
Map 7 red area	<b>Takamatua – all Council owned and/or managed land</b> including the road and coastline along Takamatua Bay Road to its intersection with McRae's Road.
Map 8 red areas	<b>French Farm – parts of waterfront area.</b> No written description, please see Map 8 Red Areas.
Map 9 red areas	<b>Wainui – part of waterfront area. All Council owned and/or managed land</b> along the roadside and foreshore from the Eastern most point of Wainui Beach and extending South/West along the foreshore to including the area outside and opposite Stanbury Park. A prohibition also applies on the length of Cemetery Road that abuts the Maori reserve.
Map 10 red areas	<b>Akaroa Main Business Area and Boat Ramp - All Council owned and/or managed land</b> Beach Road from Bruce Terrace to Rue Benoit; Rue Lavaud from Rue Benoit to Woodills Road; Woodills Road from Rue Lavaud to Rue Jolie north; Rue Jolie South from Bruce Terrace to Beach Road; Rue Jolie North from the waterfront to Rue Brittan; Rue Balguerie from Rue Lavaud to Dalys Wharf; Bruce Terrace – from Beach Road to Rue Jolie South; Aubrey Street – all; Church Street – all; Rue Croix – all; Akaroa boat park area from Rue Brittan along the foreshore to Woodills Road up to Rue Lavaud and includes Children's Bay foreshore. Note: Excluding the areas designated for self-contained vehicles.
Map 11 red areas	<b>Akaroa - All Council owned and/or managed land</b> at Takapūneke Reserve, Green Point Park and Beach Road Park.
Map 12 red areas	<b>Onuku – All Council owned and/or managed land</b> including the roads and foreshore within the Onuku settlement area.
Map 13 red areas	<b>Purau - All Council owned and/or managed land</b> along the foreshore of Purau Bay.

<b>Map 14 red areas</b>	<b>Koukourata / Port Levy settlement – All Council owned and/or managed land</b> within the Koukourata/Port Levy settlement area.
<b>Map number</b>	<b>Where can you camp in a fully self-contained vehicle for a maximum of 2 nights in any 30 day period?</b>
<b>Map 23 orange area</b>	<b>Christchurch City - all Council owned and/or managed land</b> in the greater City urban areas including Lyttleton, Cass Bay, Corsair Bay , Rapaki and Governors Bay, excluding and bounded by other restricted and prohibited areas.
<b>Map 8 orange area</b>	<b>French Farm</b> - parts of waterfront area. No written description, please see Map 8 Orange Areas.
<b>Map 9 orange area</b>	<b>Wainui Beach area</b> – No written description, please see Map 9 Orange Areas.
<b>Maps 10 &amp; 11 orange area</b>	<b>Akaroa – residential zone</b> - All Council owned and/or managed land comprising the urban area within the Akaroa residential and urban area, including the boat ramp, excluding the prohibited areas.
<b>Map 15 orange area</b>	<b>Governors Bay residential zone</b> - No written description, please see Map 15 orange areas.
<b>Map 16 orange area</b>	<b>Diamond Harbour - All Council owned and/or managed land</b> within the Diamond Harbour area, excluding the prohibited area in Purau Bay.
<b>Map 17 orange area</b>	<b>Little River settlement</b> - No written description, please see Map 17 Orange Areas.
<b>Map 7 orange area</b>	<b>Takamatua residential zone All Council owned and/or managed land</b> within the Takamatua settlement area is bounded by the road and coastline along Takamatua Bay Road to its intersection with McRae's Road.
<b>Map 18 orange area</b>	<b>Duvauchelle settlement</b> - No written description, please see Map 18 orange areas.
<b>Map 19 orange area</b>	<b>Robinsons Bay - All Council owned and/or managed land</b> within the Robinsons Bay area Map 19 orange areas.
<b>Map number</b>	<b>Where can you Freedom Camp for up to 2 nights in any 30 day period on council owned or managed land in any structure or vehicle?</b>
<b>Map 8 turquoise area</b>	<b>French Farm main access areas</b> <u>Description:</u> Restricted to the area just south of the French Farm Valley Road intersection and extending approximately 50 metres in a southern direction. Excludes those areas that are prohibited or restricted.
<b>Map 9 turquoise area</b>	<b>Wainui</b> <u>Description:</u> Restricted to Stanbury Park (Department of Conservation park managed by the City Council).



<b>Map number</b>	<b>Where can you Freedom Camp for up to 5 nights in any 30 day period on council owned or managed land in any structure or vehicle?</b>
<b>Map 20 blue area</b>	<b>Addington Park Car Park</b> <u>Description:</u> Restricted to the sealed parking area within Addington Park.
<b>Map 21 Blue area</b>	<b>Lower Styx River mouth</b> <u>Description:</u> Restricted to the parking area adjacent to the public toilets at the Lower Styx River Mouth Recreation area.
<b>Map 22 Blue area</b>	<b>Windsport Park</b> <u>Description:</u> 21-23 Humphreys Road, Woolston/Ferrymead. Restricted to the parking area, excluding the entrance and exit roads.

