

23 Camping Control Bylaw 2015

- 23.1 Title**
- 23.2 Commencement**
- 23.3 Interpretation**
- 23.4 Purpose**
- 23.5 Restrictions on Freedom Camping**
- 23.6 Discretionary Council Consent to Freedom Camp**
- 23.7 Permitted freedom camping must comply with certain requirements**
- 23.8 Council may enforce consented freedom camping**
- 23.9 Offences and penalties**
- 23.10 Relationship of Bylaw with Ngai Tahu Claims Settlement Act**
- 1998 Schedule A: Prohibited Areas for Freedom Camping**
- Schedule B: Restricted Areas for Freedom Camping – self-contained vehicles only**
- Schedule C: Unrestricted Areas for Freedom Camping**

2

Adopted by Council: 21 September 2015
Date of Effect: 1 November 2015
Amendment Approved by Council: 27 October 2020
Date of Effect: 28 October 2020

PART 23: DUNEDIN CITY - CAMPING CONTROL BYLAW 2015

Pursuant to section 11 of the Freedom Camping Act 2011, the Dunedin City Council makes the following bylaw.

Contents

1. Title
2. Commencement
3. Interpretation
4. Purpose
5. Restrictions on Freedom Camping
6. Discretionary Council consent to freedom camp
7. Permitted freedom camping must comply with certain requirements
8. Council may revoke permitted freedom camping
9. Offences and penalties
10. Relationship of bylaw with Ngai Tahu Claims Settlement Act 1998

Bylaws

1. Title

This bylaw is the Part 23: Dunedin City - Camping Control Bylaw 2015

2. Commencement

This bylaw comes into force on the 1st of November 2015 and has been made by resolution of the Council passed at a meeting held on **21 September 2015**.

3. Interpretation

In this bylaw, unless the context requires otherwise

Act means the Freedom Camping Act 2011

Camping ground means -

- (a) a camping ground that is the subject of a current certificate of registration under the Camping Regulations 1985; and
- (b) any site at which a fee is payable for camping at the site

Council means the Dunedin City Council

Enforcement Officer means a person appointed by the Dunedin City Council as a enforcement officer under the Act

Freedom camp means to camp (other than at a camping ground) within 200m of a motor vehicle accessible area or the mean low-water springs line of any sea or harbour, or on or within 200m of a formed road or a Great Walks Track, using one or more of the following:

- (a) A tent or other temporary structure;
- (b) A caravan;
- (c) A car, campervan, housetruck, or other motor vehicle.

In this bylaw freedom camping does not include the following activities:

- (a) Temporary or 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.

Freedom Camping has the same meaning as freedom camp

Great Walk Track means –

- (a) A track specified in Schedule 1 of the Act; and
- (b) Any other track that the Governor-General may specified by Order in Council made to specify a track as a Great Walk Track and included in Schedule 1 of the Act or remove the name of a track specified in Schedule 1.

Explanatory Note: Dunedin currently has no Great Walk Tracks.

Infringement offence means an offence specified in section 20(1) of the Act – the list of offences are provided in Schedule D of this bylaw.

Local Authority area –

- (a) Means any area of land –
 - a. That is within the district; and
 - b. That is controlled or managed by the Council 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 in water.

Self-contained vehicle means a car, campervan, housetruck, or other 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 is certified that it complies with New Zealand Standard 5465:2001 Self Containment of Motor Caravans and Caravans.

4. Purpose

The purpose of this bylaw is to:

Define the local authority areas in Dunedin where freedom camping is restricted, and the restrictions that apply to freedom camping in those areas, and to define the local authority areas in the City where freedom camping is prohibited, to achieve one or more of the following purposes:

- (a) The areas are protected
- (b) The health and safety of the people who may visit the areas is protected
- (c) Access to the areas is protected

5. Restrictions on Freedom Camping

- (a) A person must not freedom camp in any local authority areas within a prohibited zone, as identified in Schedule A of this bylaw.
- (b) A person may only freedom camp in any restricted area, as identified in Schedule B, if they are using a self-contained vehicle where they comply with specified conditions in this schedule or displayed on the site.

- (c) A person may freedom camp in any area where freedom camping is unrestricted, as identified in Schedule C where they comply with specified conditions in this schedule or displayed on the site.
- (d) A person freedom camping in accordance with 5 (b) or (c) must not stay at any one local authority area for more than two consecutive nights.

6. Discretionary Council consent to freedom camp

The Council may grant a discretionary consent, being an exemption to clause 5, upon written application. Consent may be granted in specific cases, where the Council considers that granting of that consent would not be contrary to the purpose of this bylaw. Consent may be granted with or without conditions, and is at the absolute discretion of the Council. Applications are to be made in writing at least four weeks prior to the proposed date of camping.

7. Permitted freedom camping must comply with certain requirements

A person camping in accordance with a consent granted under clause 6 –

- (a) Must comply with any conditions included in the consent; and
- (b) Must leave the site clean and tidy when he or she departs; and
- (c) Must not light any fire at the site.

8. Council may enforce consented freedom camping

1. Any person authorised by the Council for the purpose of freedom camping enforcement, may direct a person freedom camping in accordance with a consent granted under clause 6 to leave the site at which he or she is freedom camping if the enforcement officer believes on reasonable grounds that the person -
 - (a) Has acted in a manner likely to endanger the health and safety of other people; or
 - (b) Has damaged or is likely to cause damage to the site; or
 - (c) Has breached any of the conditions included in the consent
2. If a person is given a direction under subclause (1), his or her consent is revoked from the date and time that the direction is given.

9. Offences and penalties

1. In accordance with section 20(1) of the Act, every person who breaches this bylaw commits an infringement offence.
2. In accordance with section 27 of the Act, 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 as set out in section 20(1) of the Act (a copy of which is included as Schedule D of this Bylaw for information only).
3. A person who commits an infringement offence is liable to a \$200 infringement fee for each offence.

10. Relationship of Bylaw with Ngai Tahu Claims Settlement Act 1998

This bylaw does not limit or affect the rights in relation to nohaonga entitlements under the Ngai Tahu Claims Settlement Act 1998.

Schedule A – Prohibited Areas for Freedom Camping

To freedom camp is prohibited in local authority areas identified below.

Area Name	Map Reference Number / Description
Scenic Reserves	
Evansdale Glen	DCC – Camping – 01
Kaikorai Scenic Reserve	DCC – Camping – 02
Mount Cargill Reserve	DCC – Camping – 03
Mount Pleasant Scenic Reserve	DCC – Camping – 04
Mt Watkin	DCC – Camping – 05
Stevensons Bush	DCC – Camping – 06
Woodhaugh Scenic Reserve	DCC – Camping – 07
Additional Areas	
Ocean Grove	DCC – Camping – 08
Macandrew Bay - Broad Bay	DCC – Camping – 09
Portobello	DCC – Camping – 10
Taiaroa Head / Pukekura Reserves	DCC – Camping – 11
Dunedin City Cemeteries	
Andersons Bay Cemetery	192 Tomahawk Road, Dunedin
Broad Bay Cemetery	1 Virginia Avenue, Broad Bay
Dunedin Cemetery	133 Emerson Street, Concord
East Taieri Cemetery	14 Cemetery Road, East Taieri
Green Island Cemetery	District Road, Green Island
Greenpark Cemetery	480 Brighton Road, Brighton
Greytown (Allanton) Cemetery	Stack Street/Centre Road, Allanton
Hawksbury (Waikouaiti) Cemetery	61 Tumai Station Road, Waikouaiti
Hindon Cemetery	Hindon Road, Hindon
Hyde Cemetery	Cemetery Road, Hyde
Macandrew Bay Cemetery	4 Greenacres Street, Macandrew Bay
Merton Cemetery	2466 Waikouaiti-Waitati Road, Merton
Middlemarch Cemetery	91 Mold Street, Middlemarch
Northern Cemetery	40 Lovelock Avenue, Dunedin
Otokia Cemetery	Henley Road, Otokia
Port Chalmers Cemetery (new)	21 Cemetery Road, Port Chalmers
Port Chalmers Cemetery (old)	21 Cemetery Road, Port Chalmers
Portobello Cemetery	20 Harington Point Road, Portobello
Purakaunui Cemetery	Purakaunui Road, Purakaunui
Southern Cemetery	18 South Road, Dunedin
Waitati (Blueskin) Cemetery	Orokonui Road, Waitati
West Taieri Cemetery	1130 Lee Stream-Outram Road (SH87), Outram

Schedule B: Restricted Areas for Freedom Camping – self-contained vehicles only

Self-contained vehicles may camp at any Council controlled land not specified in Schedule A subject to the following conditions:

All restricted camping areas are subject to the following conditions and any additional conditions placed on the sites.

1. Vehicles to freedom camp only in the designated areas.
2. Departure by 8.30am.
3. Maximum stay of two consecutive nights.
4. All vehicles must park overnight on gravelled or sealed areas set aside for parking.

Schedule C: Unrestricted Areas for Freedom Camping

All Council controlled land not specified in Schedule A or B is identified below as unrestricted camping.

Area Name	Map Reference Number	Additional Conditions
Unrestricted Camping Areas		
Ocean View Reserve Carpark	DCC – Camping – 12	Vehicles must park within the area indicated on the map
Warrington Reserve	DCC – Camping – 13	Non-self-contained vehicles restricted to the area shown on the map. Self-contained vehicles restricted to the area shown on the map. Tents restricted to the area shown on the map. Departure by 12.00 noon.
Thomas Burns Street Carpark	DCC – Camping - 14	Camping in non-self-contained vehicles is permitted at this site between the 1 st of November and the 30 th of April. Vehicles must park within the area indicated on the map.

All restricted and unrestricted camping areas are subject to the following conditions and any additional conditions placed on the sites.

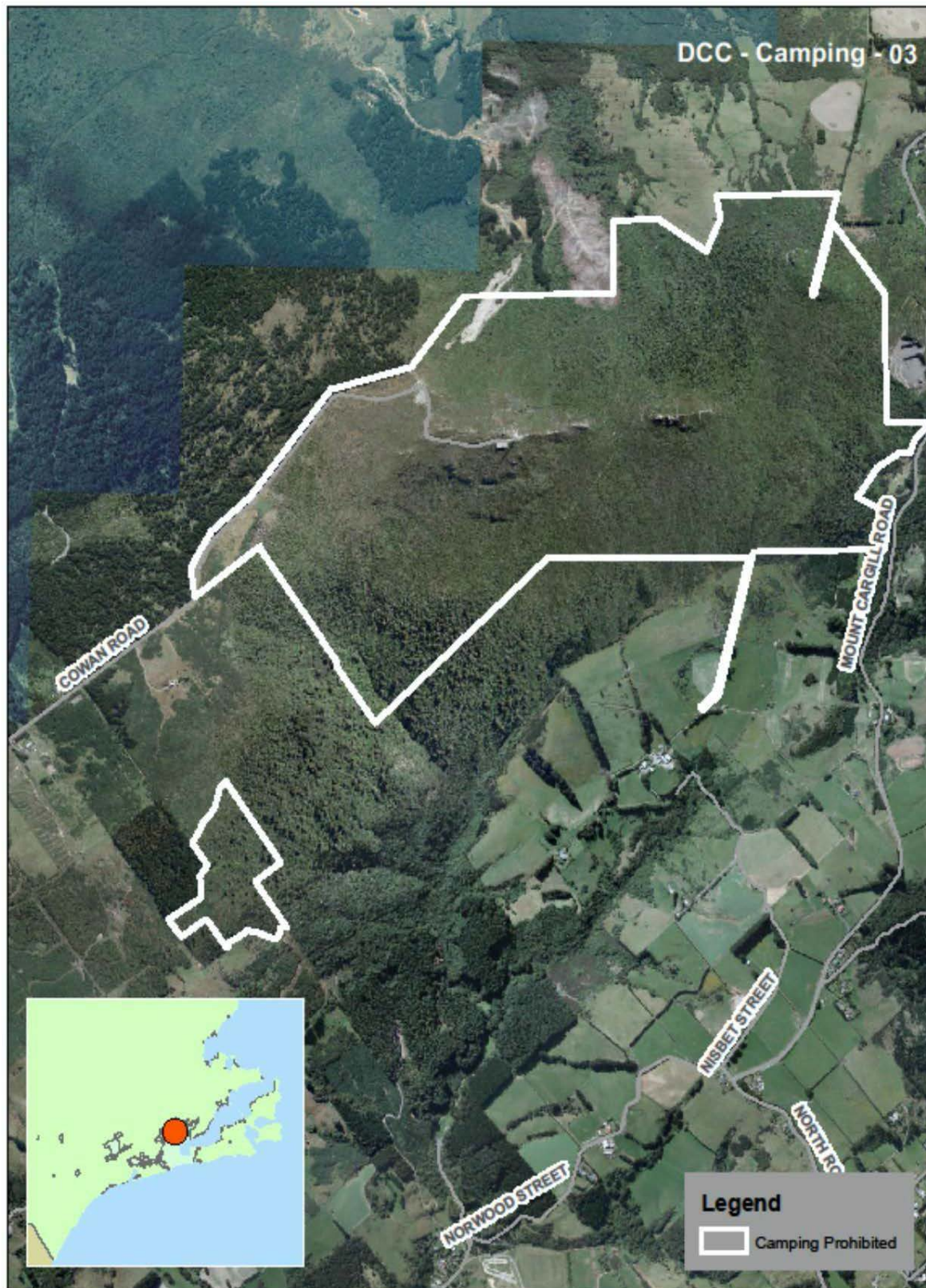
1. Vehicles to freedom camp only in the designated area.
2. Departure by 8.30am excluding Warrington Reserve.
3. Maximum stay of two consecutive nights.
4. All vehicles must park overnight on gravelled or sealed areas set aside for parking.



Evansdale Glen



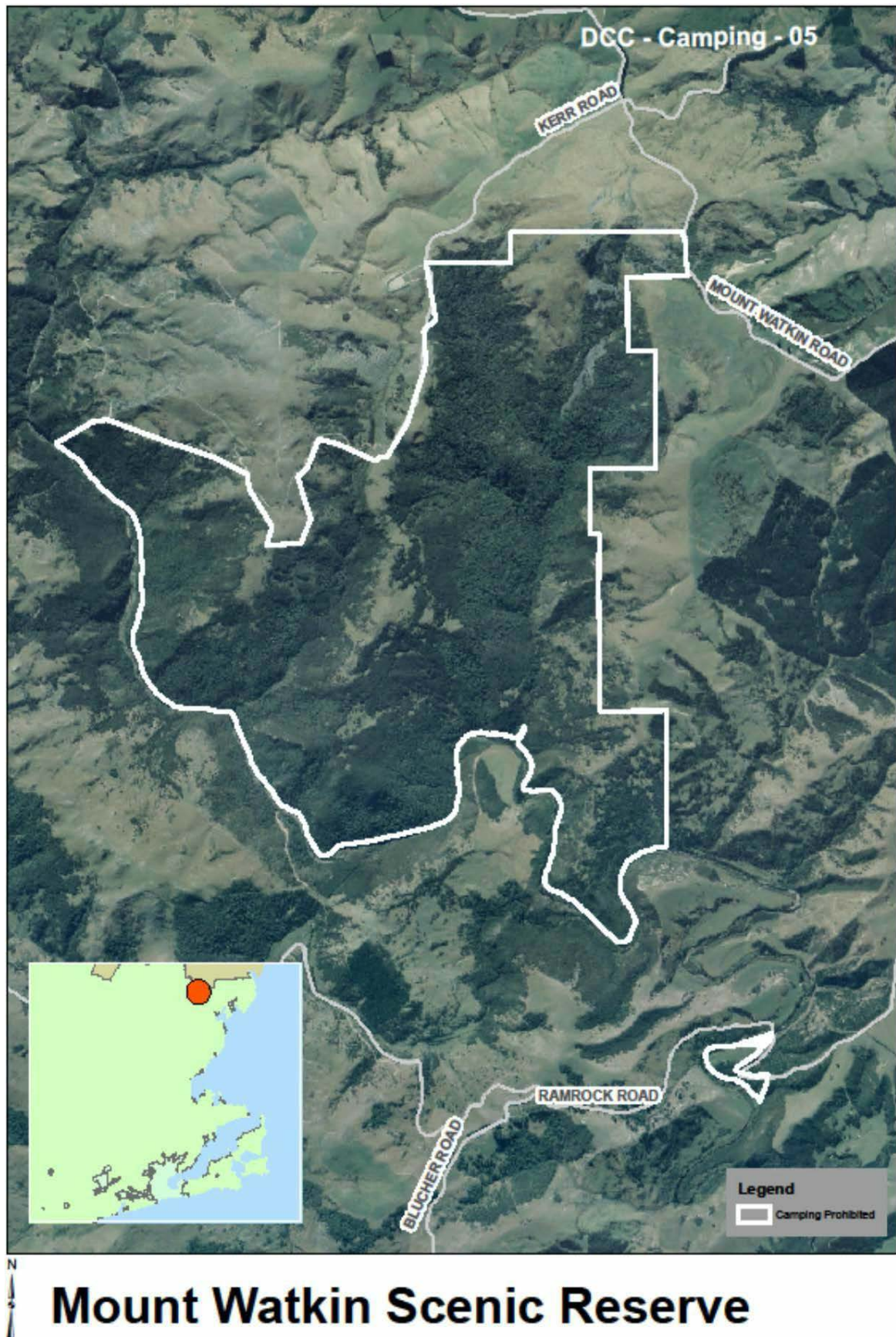
Kaikorai Scenic Reserve



Mount Cargill Scenic Reserve



Mount Pleasant Scenic Reserve





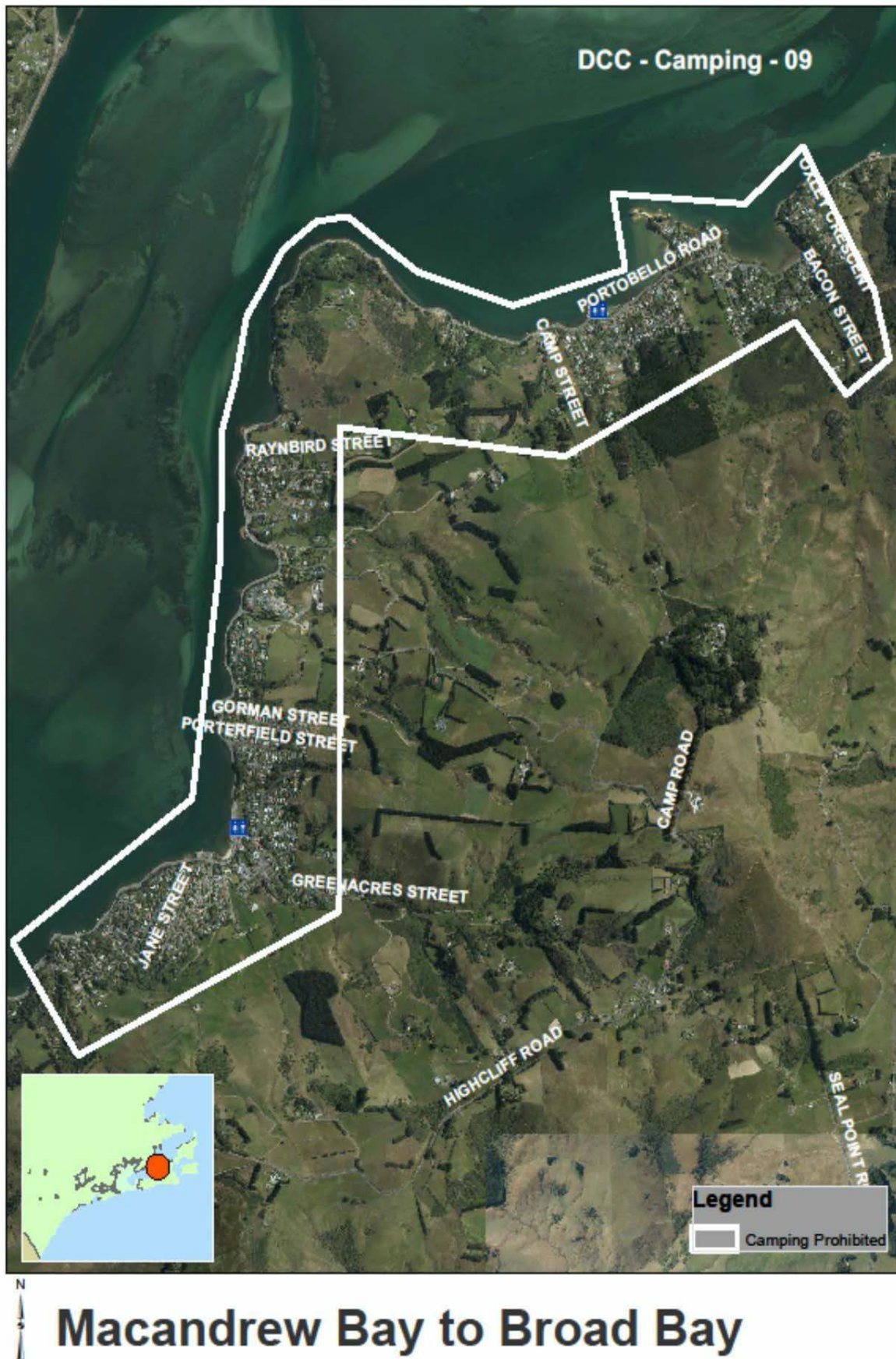
Stevensons Bush



Woodhaugh Scenic Reserve



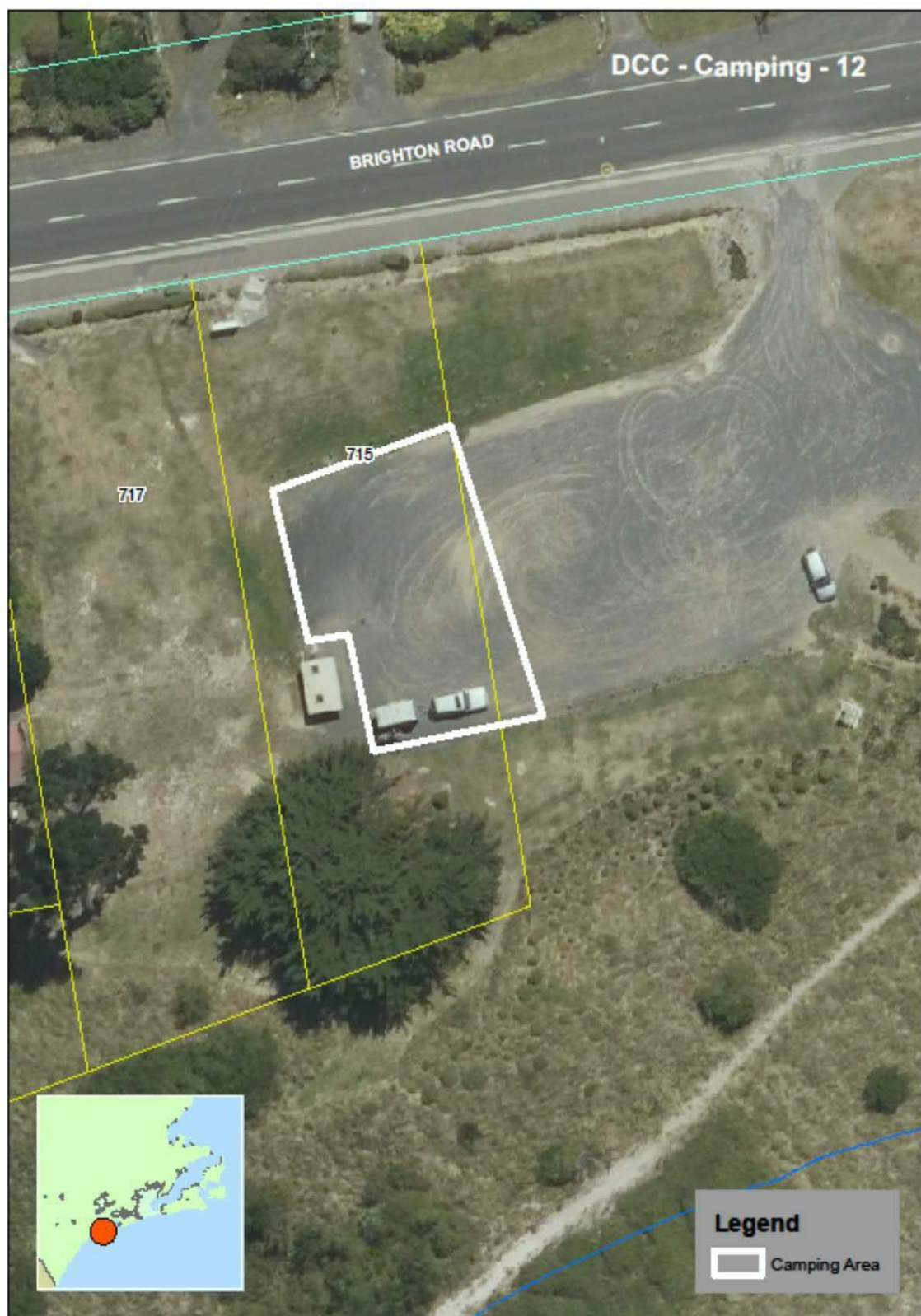
Ocean Grove





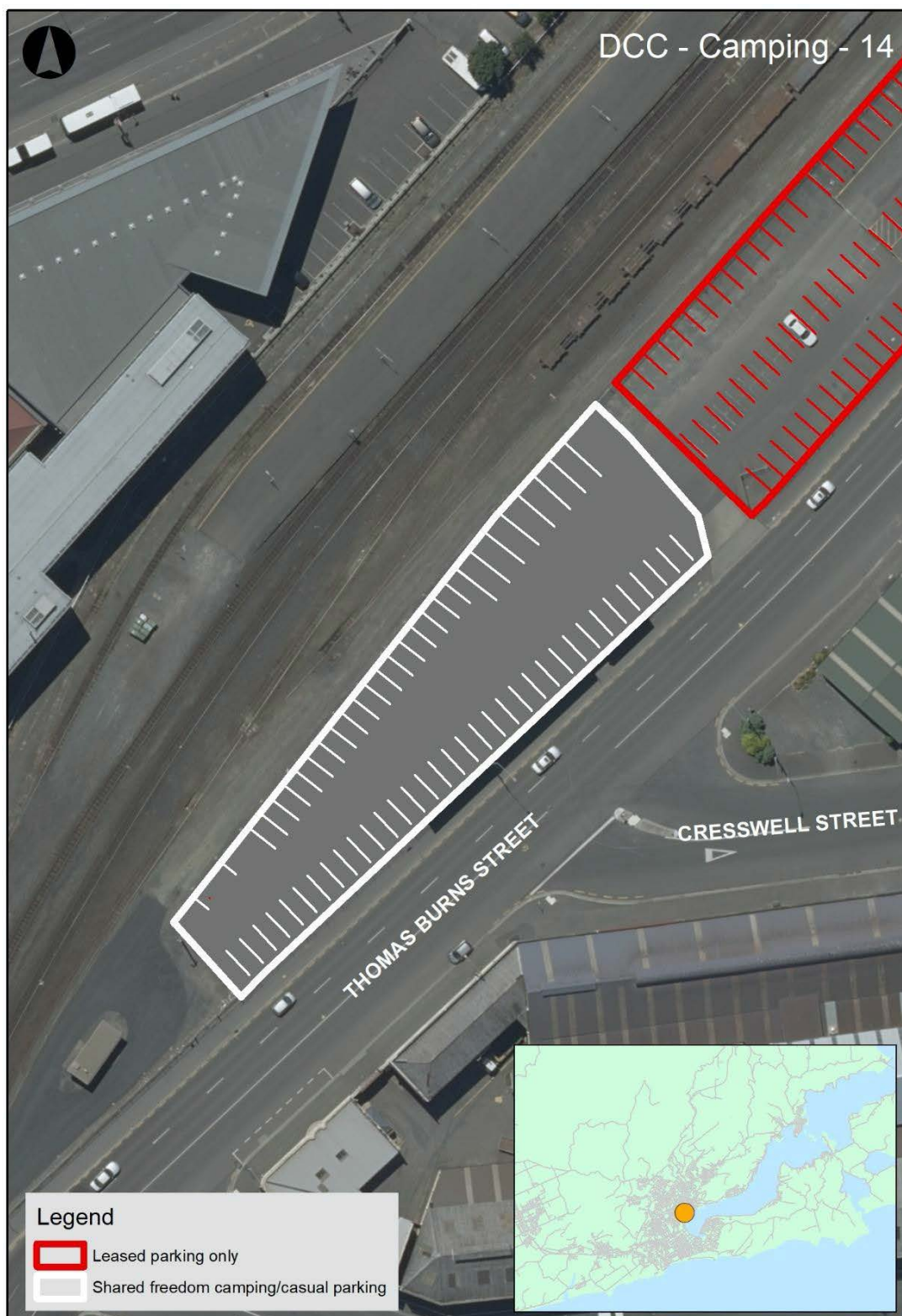


Taiaroa Head / Pukekura



Ocean View Reserve Car Park





Thomas Burns Street Carpark

Schedule D (this does not form part of the bylaw but is included for information)

Infringement offences in Part 3 Enforcement, miscellaneous, and transitional provisions of the Freedom Camping Act 2011 relating to local authority areas:

Subpart 1 – Offences, defences, and penalties

20 Offences

- (1) Every person commits an offence who—
 - (a) freedom camps in a local authority area in breach of any prohibition or restriction in a bylaw made under [section 11](#) that applies to the area; or
 - (b) while freedom camping in a local authority area,—
 - (i) interferes with or damages the area, its flora or fauna, or any structure in the area; or
 - (ii) deposits waste in or on the area (other than into an appropriate waste receptacle); or
 - (c) makes preparations to freedom camp in a local authority area in breach of any prohibition or restriction in a bylaw made under [section 11](#) that applies to the area; or
 - (d) deposits waste, generated while freedom camping, in or on a local authority area other than into an appropriate waste receptacle; or
 - (e) fails or refuses to leave a local authority area when required to do so by an enforcement officer acting under [section 36](#); or
 - (f) *[Repealed]*
 - (g) freedom camps on conservation land in breach of any prohibition or restriction in a freedom camping notice that applies to the land; or
 - (h) while freedom camping on conservation land,—
 - (i) interferes with or damages the land, its flora or fauna, or any structure on the land; or
 - (ii) deposits waste in or on the land (other than into an appropriate waste receptacle); or
 - (i) *[Repealed]*
 - (j) makes preparations to freedom camp on conservation land in breach of any prohibition or restriction in a freedom camping notice that applies to the land; or
 - (k) deposits waste, generated while freedom camping, in or on conservation land other than into an appropriate waste receptacle; or
 - (l) refuses to give information when required to do so by an enforcement officer under [section 35](#) or gives false or misleading information; or
 - (m) fails or refuses to leave conservation land when required to do so by an enforcement officer acting under [section 36](#).
- (2) Every person commits an offence who discharges a substance in or on a local authority area or conservation land in circumstances where the discharge of the substance is likely to be noxious, dangerous, offensive, or objectionable to such an extent that it—
 - (a) has, or is likely to have, a significant adverse effect on the environment; or
 - (b) has caused, or is likely to cause, significant concern to the community or users of the area or land.
- (3) Every person commits an offence—

- (a) who, while an enforcement officer is carrying out his or her functions and duties under this Act,—
 - (i) intentionally prevents the officer from carrying out those functions and duties; or
 - (ii) obstructs or impedes the officer; or
 - (iii) assaults, threatens, or intimidates the officer; or
 - (iv) uses language that is abusive or threatening to the officer; or
 - (v) behaves in a threatening manner towards the officer; or
 - (b) who incites any other person to do any act referred to in paragraph (a).
- (4) In this section, **waste receptacle** means a receptacle or facility that is provided by a local authority or the Department for the purposes of disposing of waste (for example, a rubbish bin, public toilet, or bulk waste disposal unit).

Section 20(1)(f): repealed, on 1 April 2012, by [section 8](#).

Section 20(1)(i): repealed, on 1 April 2012, by [section 8](#).

Explanatory Notes (this does not form part of the bylaw)

Principles

The Dunedin City Council welcomes responsible freedom campers to the city. This bylaw recognises the popularity of freedom camping for both domestic and international visitors. The principles by which freedom camping is regulated to meet the purpose of this bylaw are set out below:

- (a) We welcome visitors who camp responsibly and respect our city
- (b) Some controls on freedom camping are necessary to protect our community and environment, especially our coastal areas which support outstanding wildlife
- (c) The right to freedom camp comes with the responsibility to respect our city by protecting our environment.
- (d) People using self-contained camping vehicles may stay outside of the no camping areas, in the Dunedin City Council area, subject to conditions
- (e) People not using self-contained vehicles should stay in licensed camp grounds, or within areas set aside for freedom camping
- (f) Specific traditional local camping sites may be recognised
- (g) Those who are found contravening the provisions of the bylaw will be subject to fines