



STAFF REPORT

TO: Environment & Planning Committee

FROM: Graham Caradus, Environmental Health Co-ordinator

REFERENCE: E402

SUBJECT: **STATEMENT OF PROPOSAL: TASMAN DISTRICT COUNCIL CONSOLIDATED BYLAW: CHAPTER 11: FREEDOM CAMPING 2011- REPORT REP11-03-06** - Report prepared for meeting of 10 March 2011

Executive Summary

This paper proposes that Council seek public feedback on a draft bylaw to control “freedom camping”. It responds to the Government’s invitation to have in place a bylaw by 31 May 2011 which will then be enforced through infringement regulations that the Government intends to pass.

Essentially this report is based on the premise that we welcome responsible campers to Tasman. Those in self contained vehicles are welcome to camp in public places that are not otherwise prohibited. Those not in self-contained vehicles should stay in camping grounds or other accommodation facilities. The bylaw however is not without its challenges.

This report is prepared as a statement of proposal for the purposes of Section 83 of the Local Government Act 2002. It is divided into four parts as follows:

- Part 1:** This part contains a “Summary of Information” which will be publicly notified.
- Part 2:** This part contains details of the statutory processes that Council is obliged to give consideration to as well as the details of the changes intended from the existing policy on freedom camping.
- Part 3:** This part contains discussion and the reasoning behind the recommended bylaw position, and includes comment on enforcement options. The discussion generally considers the environmental impact and nuisance caused by freedom campers and balances those against the benefits to the local community from allowing freedom camping in a controlled manner.
- Part 4:** This part contains the Draft Tasman District Council Consolidated Bylaw: Chapter 11: Freedom Camping 2011 (the Bylaw)

RECOMMENDATION:

THAT the Tasman District Council Environment & Planning Committee

- (a) **agrees** that it proceed with the Draft Tasman District Council Consolidated Bylaw: Chapter 11: Freedom Camping 2011, and that the draft Bylaw contained in Part 4 of this statement of proposal be notified to commence the consultative procedure as required by the Local Government Act 2002.
- (b) **requests** Local Government New Zealand to pressure the Minister of Transport to amend the Transport Act or enact whatever legislation might be necessary to ensure that an infringement notice issues in respect of a breach of a freedom camping bylaw can be recovered from a vehicle owner.

PART 1: THE TASMAN DISTRICT COUNCIL CONSOLIDATED BYLAW: CHAPTER 11: FREEDOM CAMPING: SUMMARY OF INFORMATION

This summary is made to fulfil the purposes of Sections 83, 86 and 89 of the Local Government Act 2002. The summary contains details of the Statement of Proposal for the Draft Bylaw.

- A. The Tasman District Council has for some time had a Freedom Camping Policy that allows self-contained camper vans and other fully self-contained vehicles to be used for camping on specified Council controlled public land. A number of conditions are imposed, including limiting stays, and imposing conditions on waste disposal.

The Draft Bylaw replaces the policy, and has as its purpose the protection of public health, the avoidance of nuisance and fire risk, by regulating freedom camping within the district. The Draft bylaw restricts freedom camping in certain places, including defined Department of Conservation land, and provides for fines to be issued to persons found to be camping in breach of the Bylaw.

- B. The full Statement of Proposal including the Draft Bylaw may be inspected during ordinary office hours at the following places:

| | |
|--|---|
| Tasman District Council 189 Queen Street Richmond 7031 | Tasman District Council 7 Hickmott Place Motueka |
| Tasman District Council 92 Fairfax Street Murchison | Tasman District Council 78 Commercial Street Takaka |
| District Library Queen Street Richmond | Motueka Library Pah Street Motueka |
| Takaka Memorial Library Commercial Street, Takaka | |

- C. A copy of the full Statement of Proposal may be viewed or copied from the Tasman District Council web site at: www.tasman.govt.nz

- D. All submissions on the proposal are to be in writing and posted or delivered to: The Administration Advisor, Tasman District Council, Private Bag 4, 189 Queen Street, Richmond 7031, or they may be emailed to info@tasman.govt.nz or faxed to 03 543 9524
- E. Submissions will be received at any time from 12 March 2011 up to 4.30 pm 12 April 2011.

PART 2: STATUTORY PROCESSES AND DETAILS OF DRAFT

A. Statutory Processes

The Special Consultative Procedure under the Local Government Act 2002 is required to be used where any bylaw is made by Council. The Draft Bylaw is not considered to be inconsistent with the New Zealand Bill of Rights Act 1990, and is made pursuant to the bylaw making provisions contained in sections 145 and 146 of the Local Government Act 2002, and the provisions of Litter Act 1979 and the Bylaws Act 1910.

B. Background and Details of Changes from the Existing Policy:

1. Reason for Report and Timeline

This report presents the draft Bylaw for the Committee's consideration with a recommendation for its adoption and release for public consultation.

A timeline for the process is planned to be as follows:

| | |
|---------------|---|
| 10 March 2011 | Consideration and recommendation to Council (with amendments if any) to adopt the draft bylaw for public consultation by the Environment & Planning Committee of Council; |
| 10 March 2011 | Tasman District Council adopts the draft bylaw for public consultation. |
| 11 March 2011 | Public notification begins using Special Consultative Procedure, calling for submissions to the draft Bylaw. |
| 12 March 2011 | Opening day for receiving submissions; |
| 12 April 2011 | Closing date for submissions; |
| 21 April 2011 | Detail of submissions reported to Environment & Planning Committee of Council with opportunity for submitters to speak to the Committee during the public forum; |
| 19 May 2011 | Decision of the Environment & Planning Committee of Council from 21 April meeting ratified by full Council |
| 31 May 2011 | Tasman District Council Consolidated Bylaw Chapter 11 Freedom Camping comes into effect. |

2. Background

The Draft Bylaw results from the need to better regulate freedom camping in public places. The existing Freedom Camping Policy, whilst clearly setting out Council's expectations for freedom campers, has had no enforcement provisions. Aside from the somewhat cumbersome provisions of the Trespass Act 1980, no enforcement process is available to Council staff other than to request that illegal campers move on.

3. Pre-draft Consultation

Problems associated with errant freedom campers are routinely reported over summer and Councillors will have either been part of dealing with complaints or be aware of the publicity that the matter has had both nationally and in local newspapers. Freedom Camping has been an issue for Council for over a decade. As a result of the direct involvement that Council staff have in dealing frequently with complaints about freedom camping, no additional consultation has been considered necessary.

4. The Existing "Tasman District Council Freedom Camping Policy"

The existing policy encourages travellers and campers to use camping grounds and other accommodation facilities as much as possible. The policy recognises that some visitors to our District choose overnight camping in public places as their preferred accommodation. It also recognises the economic and social benefit campers bring to our District. In detail the policy states:

1. *Overnight camping may occur on any Council-controlled public land, except land stated in prohibited areas below, and for a maximum of two nights in any calendar month at any single location.*
2. *Overnight camping may only be carried out in mobile vehicles fitted with a minimum three-day capacity toilet and greywater storage facility.*
3. *Toilet and greywater must be disposed of in a Council-approved dump point.*
4. *All refuse must be disposed of in an approved refuse collection bag and put out for collection on the appropriate day or dropped off at any Tasman District Council Resource Recovery Station. Bags and timetables for collection days are available at Council Offices.*
5. *All overnight camping sites must be left in a clean and tidy state.*
6. *Overnight campers are asked to comply with any request to move on, by any Officer of the Council.*

Note:

The deposit of litter, including any effluent in other than an approved location, may result in an instant fine or prosecution.

Prohibited Areas

- *All areas where No Camping signs are displayed.*

- *Kaiteriteri Beach area from Tapu Bay to Breaker Bay.*
- *On any Tasman District Council reserve (apart from road reserve) in any area, except for Edward Baigent Reserve, Wakefield and Motueka Beach Reserve, East Quay, Motueka.*
- *Any area within 500 metres of a registered camping ground.*
- *Marahau from the start of the residential area to the Park Cafe.*
- *On the river side of any stop bank except that area in the vicinity of the State Highway Bridge at Waitapu, Golden Bay.*

5. Additional Provisions that will be contained in the Draft Bylaw

As well as transferring provisions of the Policy, the Draft Bylaw will introduce three new aspects as follows:

5.1 The ability of a vehicle to meet the requirement to be fully self-contained:

5.1.1 Rather than specifying a performance standard that Council staff or contractors would have to assess on each occasion a freedom camper was encountered, the bylaw requires self-contained vehicles to display a NZS5465:2001 Self Containment Certificate. Members of the New Zealand Motor Caravan Association will be able to comply with this requirement.

5.1.2 Importantly, this expands the type of vehicles that may be used for freedom camping to include caravans, as well as the motor caravans already permitted by the existing Policy

5.2 A series of fines are specified for a number of offences such as:

5.2.1 Freedom camping in a location where it is not permitted.

5.2.2 Freedom camping in other than a vehicle displaying a NZS5465:2001 Self Containment Certificate.

5.3 Land controlled by the Department of Conservation is included in the areas in which freedom camping is prohibited.

PART 3:

DRAFT TASMAN DISTRICT COUNCIL CONSOLIDATED BYLAW: CHAPTER 11: FREEDOM CAMPING

DISCUSSION

1. Background: Why Freedom Camping Can be a Major Problem.

The draft bylaw is intended to be permissive, that is, generally facilitating self-contained freedom camping throughout the District in a controlled manner. The ability and right to travel and camp in Tasman District is a right that Council supports generally. There are advantages to both the traveller and to the local business community in encouraging such tourism.

Recently there has been an increase in people choosing to freedom camp in vehicles that are not self contained, and this has been reflected in an increasing intolerance of freedom camping generally. However, it is the campers in non-self contained vehicles that are earning much of the poor reputation, and getting the bad press.

When freedom campers comply with the Tasman District Council Freedom Camping Policy, (see Part 2, Section 4 above) very few problems are expected, nor is there a history of issues with such people.

The main issues with freedom camping are waste disposal and nuisance. The vast majority of locations in which people may freedom camp, have no or limited facilities for waste disposal. The consequence is that both toilet waste and grey water may be illegally disposed off with little consideration of the potential nuisance or public health risk that will result. One only needs to look behind the bushes near the sides of our main highways to find they are littered with toilet paper and faecal matter. It is believed that freedom campers that are not fully self contained and that do not rely on commercial camping grounds for overnight stays are the most regular contributors to this problem.

As well as being offensive, there is a very high public health risk associated with inadequate disposal of human waste. Even in locations where there are toilets provided, such as Kawatiri Junction and Motueka Beach Reserve, there is evidence of human waste in nearby bushes. Although there is less public health risk from the uncontrolled discharging of grey water, it remains an unacceptable and offensive practice and would certainly constitute a nuisance in terms of the provisions of the Health Act 1956.

Littering or inappropriate disposal of solid waste also presents a problem. The perception is that it is an irresponsible element amongst freedom campers that are primarily causing such problems, and that those people come from the ranks of those that are otherwise in breach of the freedom camping policy. No hard data exists on this problem other than to state that littering at locations where freedom camping occurs is noted.

Cooking in the open constitutes an obvious fire danger; particularly given that freedom camping is more likely to occur during the summer when fire risk is at its greatest. Clearly, there is little incentive for campers in a self contained motor-homes or caravans to cook out of doors. Conversely the users of vehicles that are not self contained will by virtue of the lack of appropriate alternative facilities be compelled to cook out of doors.

2. Breaches of the Freedom Camping Policy

The two obvious breaches of the policy that are routinely noted are:

- Non self contained vehicles or tents being used for freedom camping;
- Freedom camping occurring in locations where all camping is prohibited.

As Council staff and contractors see only a small proportion of the people that are involved in freedom camping (both in compliance and in breach of the policy) little statistical data is available about the non-compliance that occurs. However,

information obtained from Council's Service Request data base reveals that 75 complaints were received between 1 March 2010 and 21 February 2011. Council's contractor reports that about 20 to 30 non-complying freedom campers will have been spoken to and requested to move on each day patrols are undertaken for the period 1 November 2010 to the end of February 2011.

More specifically, Council's contractor reports that on the evening of 13 February 2011, 33 vehicles were used for camping at Motueka Beach Reserve. Only one (3%) of those was not in breach of the policy as it appeared to be a self contained motor-home, and the 32 remaining were vans or station wagons that were not self contained and obviously in breach of the policy. Of those 32 vehicles, four (12%) were identifiable as belonging to commercial hire companies while the remaining 28 (85%) appeared to be privately owned. Similarly, on the morning of 21 February 2011, 27 vehicles were seen to be associated with campers at Motueka Beach Reserve and none were self contained. Of that total, one was observed to be a commercial hire vehicle. A high rate of out of date registrations and warrants of fitness was noted when the vehicle registrations were subsequently researched and that has now become the subject of a separate enforcement strategy.

Information gathered by Council's contractor from the users of self contained motor-homes, suggests that the occupancy of such sites as Motueka Beach Reserve by the vans and station wagons that are not self contained, is driving potentially legitimate users away. The contractor reports a perception that the basic vans and station wagons are associated with people who have less inclination to want to comply. This is reinforced by complaints received relating to alcohol consumption and noise from such vehicles at the Motueka Beach Reserve. The Motueka Police reported on 21 February 2011 that they had attended the site several times over the preceding weekend in response to complaints from local residents.

3. Enforcement Issues

A bylaw is by its very nature a legal instrument, the breach of which creates an offence. Under the Bylaws Act the Council can set penalties which are recovered on summary conviction. The Government also proposes to issue Regulations that will prescribe infringement fines and we have drafted the bylaw to cover both options.

However let us be under no illusion, there will be problems. Infringement notices will be issued to the person in breach. All Council enforcement staff will be able to do is ask for a name and address and issue the notice accordingly. False names will be a problem. If the recipient is out of the country before the 56 day period allowed for under the Summary Proceedings Act, there is little that can be done to recover any fine. Even if they are in the country it will be difficult to trace transient tourists.

If the infringement notice could be issued to the owner of an offending vehicle as with a parking ticket, then recovery through from the liable vehicle owner is more likely. This would require a further change to the Transport Act and LGNZ advises that Minister Joyce is further investigating this. The recommended resolution suggests further pressure should be brought to bear to secure this enforcement ability.

The Bylaw authorises a Police Constable to also act as an authorised officer. However staff and contract resources are restricted and as discussed in the Annual planning round no extra capacity has been provided to increase enforcement presence.

4. Wheel Clamping or Towing Offending Vehicles

Given the shortcomings associated with an infringement notice, we have identified either wheel clamping offending vehicles, or towing away offending vehicles as other enforcement remedies. From an enforcement perspective, being able to exert such instant control appears very attractive, not the least because there would be a reasonable certainty of Council recovering costs from the offending parties.

Unfortunately, there would be associated logistical issues and there are also legal issues associated with wheel clamping or towing vehicles where people are present in the vehicle. However section 164 of the Local Government Act gives powers to seize property not on private land, so this is a power that could be used if an offender chose not to move on when requested.

An instant fine, although incurring some costs for Council in administering the process, is the most practical instant penalty that can be applied to offenders. As with RMA and Litter infringement notices, where people do not choose to pay, we have to follow a process where they have 28 days to pay whereupon a reminder notice is sent out and at the end of a further 28 day period, the matter is referred to Court for summary conviction. We propose a 25 percent reduction if the fine is paid within five working days. However, as stated earlier in this report we are dubious as to the effectiveness of any freedom camping bylaw based on an infringement fine only.

5. A Bylaw Controlling Council Controlled Public Land May Just Shift The Problem

One of the risks that exist in establishing more stringent controls of freedom camping on Tasman District Council controlled land is the potential for displacement. That is, the problem remains, but simply shifts to another location, such as Department of Conservation (DoC) controlled land.

The aim of this bylaw should be to establish a consistent approach to freedom camping throughout Tasman District. It should not be necessary for freedom campers to go through the potentially difficult task of establishing the tenure of public places so that the rules that will apply can be determined. To keep the matter simple, the same rules should generally apply in public places throughout the District.

DoC has similar difficulties to those experienced by Council with freedom campers at many locations within the District and has asked that specified conservation land also come under the jurisdiction of the Bylaw. Whilst DoC has the ability to make bylaws under the National Parks and Reserves Acts to control freedom camping within such conservation lands, it has welcomed the opportunity to have specified areas of its estate included in the bylaw. It is proposed these areas would continue to be controlled by DoC staff, but that DoC staff would have the ability to issue infringement notices for breaches of the bylaw thus providing a consistent control on those specified areas of DoC land, and Council controlled land.

This arrangement is unique to Tasman as far as we are aware but staff agree it should form part of the draft bylaw for the purpose of consultation.

6. Options for Specifying Controlled Areas

Regulating activities by Bylaw requires a standard of precision to enhance enforceability. We can either list areas where people can freedom camp or we list areas where they can not. The current policy allows people to freedom camp on road reserves. Because there are simply too many such locations to specify in a schedule, we have chosen to permit freedom camping in public places in vehicles that comply with the terms of the Bylaw except in those areas where it would be prohibited. The prohibitions are described in Schedule 1, subject to any exceptions.

DoC has identified a list of locations where problems are experienced with freedom campers and where prohibitions should also apply and these are identified in Schedule 2 of the Draft Bylaw.

7. Signage

There will be an on-going obligation on Council to ensure appropriate signage is in place warning people about restrictions on camping. Community Services Department already has signs up at many reserves there are about 64 reserves that will need signs or improved signs. This is estimated to cost about \$18,500 which is not fully budgeted but which can be progressively attended to over the next few years on a priority basis. However, this may have an impact on the Council's ability to enforce the bylaw, the provision of full signage for all reserves is preferred.

12. Specifying Compliant Vehicles

The Draft Bylaw only allows freedom camping where vehicles are self-contained. To avoid argument, and like other bylaws (eg Queenstown Lakes District Council), we have chosen to define a self-contained vehicle by reference to the existing New Zealand Standard NZS 5465:2000 Self Containment of Motor Caravans and Caravans. The draft bylaw requires motor caravans and caravans used for freedom camping to display a self containment certificate issued under that standard.

13. Bylaw Options Available to Council

The development of this bylaw was commenced after LGNZ offered to assist with development of Infringement Regulations to support Local Authority Bylaws controlling Freedom Camping. Council has in the past been involved with the development of such Infringement regulations, for example, the *Local Government (Infringement Fees for Offences: Tasman District Council Consolidated Bylaw, Chapter 5: Navigation Safety) Regulations 2007*. I can report that the process of developing these Regulations was convoluted and lengthy. Also, when bylaws such as the current Navigation Safety Bylaw are renewed as they must be from time to time, a new set of Regulations needs to be developed. This process results in a lengthy delay between the establishment of the bylaw and the promulgation of the required regulations, during which period infringement fines cannot be issued.

To avoid this complexity, the Bylaws Act 1910 contains provisions that allow a local authority to establish bylaws and provides for fines to be imposed. The proposed bylaw is drafted in a manner that will allow fines to be imposed as an interim measure prior to the promulgation of regulations for infringement offences.

Advice received from Local Government New Zealand suggests that an understanding has been reached with the Department of Internal Affairs that will see supporting regulations for the proposed Bylaw completed prior to the Rugby World Cup. The proposed regulations will formalise the fines contained in the Bylaw as infringement offences.

Graham Caradus
Co-ordinator Environmental Health

PART 4

TASMAN DISTRICT COUNCIL CONSOLIDATED BYLAW:

CHAPTER 11:

FREEDOM CAMPING

May 2011

FREEDOM CAMPING BYLAW: CONTENTS

Page No.

| | |
|---|----------|
| 1. SHORT TITLE AND COMMENCEMENT..... | 1 |
| 2. PURPOSE..... | 1 |
| 3. DEFINITIONS..... | 1 |
| 4. WHO MAY TAKE PART IN FREEDOM CAMPING..... | 2 |
| 5. WHERE FREEDOM CAMPING IS PERMITTED..... | 2 |
| 6. MAXIMUM TIME FREEDOM CAMPING IS PERMITTED..... | 2 |
| 7. DISCHARGES ARE STRICTLY CONTROLLED..... | 3 |
| 8. FREEDOM CAMPING AREAS TO BE LEFT CLEAN AND TIDY..... | 3 |
| 9. FREEDOM CAMPERS TO MOVE ON IF REQUESTED..... | 3 |
| 10. AMENDMENT TO SCHEDULES..... | 3 |
| 11. ANY PERSON CAMPING ON COUNCIL OR DEPARTMENT OF CONSERVATION CONTROLLED LAND TO PROVIDE DETAILS | 3 |
| 12. PENALTIES AND OFFENCES..... | 3 |
| SCHEDULE 1: DEPARTMENT OF CONSERVATION LAND ON WHICH FREEDOM CAMPING MAY OCCUR..... | 4 |
| SCHEDULE 2: CAMPERVAN WASTE DUMPING LOCATIONS..... | 5 |
| SCHEDULE 3: SCHEDULE OF FINES FOR BREACH OF THE BYLAW..... | 6 |

EXPLANATORY NOTE

The Local Government Act 2002 enables Council to produce bylaws to protect the public from nuisance, for protecting, promoting, and maintaining public health and safety, and for minimising the potential for offensive behaviour in public places.

Tasman District Council encourages travellers and campers to use camping grounds and other accommodation facilities as much as possible. This Bylaw recognises that some visitors to our District are choosing informal overnight camping, avoiding registered camping grounds or commercial facilities, as their preferred accommodation. It also recognises that the economic and social benefit campers bring to our District needs to be balanced against the potential impact or nuisance caused on the community by people camping in public places. This Bylaw does not apply to persons camping at any camping ground.

1. SHORT TITLE AND COMMENCEMENT

This bylaw is made pursuant to the Local Government Act 2002, the Litter Act 1979, and the Bylaws Act 1910.

The Title of this Bylaw is the Tasman District Council Freedom Camping Bylaw 2011, being chapter 11 of the Tasman District Consolidated Bylaw.

This Bylaw comes into effect on 31 May 2011

2. PURPOSE

The purpose of this Bylaw is bylaw is to

- (a) Protect, promote, and maintain public health through regulating freedom camping in the district
- (b) Ensure that nuisance, public health risk or compromise of safety does not result from camping other than in accordance with the Bylaw or other statutory responsibility of Council,
- (c) Restrict freedom camping in certain areas in the District under strictly controlled circumstances.

3. DEFINITIONS

Authorised Officer: for the purposes of this bylaw means a Police Constable, or any person appointed by the Council to carry out duties and exercise powers under this bylaw and may include staff employed or contracted to the Department of Conservation.

Bylaw: for the purposes of this Bylaw, means the Tasman District Council Freedom Camping Bylaw 2011.

Freedom Camping: means camping overnight or camping with the intention of staying overnight in a self contained vehicle, in any public place that is on land either under the control of Tasman District Council or Department of Conservation.

Reserve: has the meaning given to it by section 2 of the Reserves Act 1977.

Self Contained Motor Caravan or Caravan: means a vehicle which can be used as a place of abode and contains facilities for cooking, eating, sleeping and washing, and is capable of meeting the ablutionary and sanitary needs of the occupants for a minimum of three days without requiring any external services or discharging any waste. Such vehicle must also display a current self containment certificate issued pursuant to *NZS 5465:2000 Self Containment of Motor Caravans and Caravans*.

4. WHO MAY TAKE PART IN FREEDOM CAMPING

Freedom camping may only be undertaken by one or more persons in a self contained motor caravan or caravan that is displaying a current self containment certificate for at least that number of persons, issued pursuant to *NZS 5465:2000 Self Containment of Motor Caravans and Caravans*.

5. WHERE FREEDOM CAMPING IS PERMITTED

- 5.1 Freedom camping may be undertaken on any Council controlled public land except any prohibited land detailed in Schedule 1 of this Bylaw.
- 5.2 Freedom camping may be undertaken on any Department of Conservation controlled public land, except any prohibited land detailed in Schedule 2 of this Bylaw.

6. MAXIMUM PERIOD FREEDOM CAMPING IS PERMITTED

- 6.1 Freedom camping is permitted at any single location that complies with clause 5 of this bylaw, for a maximum period of two nights in any calendar month or consecutive four week period.
- 6.2 For the purposes of clause 6.1 of this Bylaw, no person shall freedom camp within 1 kilometre of any location in which that person has undertaken freedom camping for two nights within the last calendar month or consecutive four week period. For clarity, this provision requires any person freedom camping to move at least 1 kilometre if they are freedom camping more than two nights.

7. DISCHARGES ARE PROHIBITED

Discharges of sewage or toilet waste or grey water are prohibited other than into a Council approved dump point. These are listed in Schedule 3 of this Bylaw. Leaving or depositing litter is prohibited. Solid waste must be appropriately disposed of in an approved refuse collection bag and put out for collection on the appropriate day or dropped off at any Tasman District Council Resource Recovery Station.

8. FREEDOM CAMPING AREAS TO BE LEFT CLEAN AND TIDY

Any area used for Freedom Camping must be left in a clean and tidy state by users.

9. FREEDOM CAMPERS TO MOVE ON IF DIRECTED

Any direction made by an Authorised Officer to move on must be complied with.

10. AMENDMENTS TO SCHEDULES

From time to time by resolution, the Council may amend, remove and/or replace any of the Schedules to this Bylaw.

11. ANY PERSON CAMPING ON COUNCIL OR DEPARTMENT OF CONSERVATION CONTROLLED LAND TO PROVIDE DETAILS

If an Authorised Officer believes on reasonable grounds that a person is committing or has committed an offence against this Bylaw, the Authorised Officer may direct the person to give:

- (a) his or her name and address; and
- (b) the name and address and whereabouts of any other person connected in any way with the alleged offence.

12. PENALTIES AND OFFENCES

12.1 Every person commits a breach of this bylaw who:

- (a) Commits, or causes to be committed, any act contrary to this bylaw; or
- (b) Omits, or knowingly permits to remain undone, any act required by this bylaw; or
- (c) Refuses, or neglects to comply with, any notice, request or direction, or any condition in any such notice, request or direction, given by an Authorised Officer pursuant to this bylaw; or
- (d) Obstructs or hinders any officer of the Council or an Authorised Officer in the performance of any power or duty conferred upon him or her by this bylaw.

12.2 Every person who breaches this bylaw commits an offence under section 20 of the Bylaws Act 1910 and is liable on summary conviction to a fine not exceeding \$500 as specified in Schedule 4 of this Bylaw

12.3 Every person who breaches the bylaw commits an offence under section 239 of the local Government Act 2002 and is liable on summary conviction to a fine not exceeding \$20,000

SCHEDULE 1

TASMAN DISTRICT COUNCIL CONTROLLED LAND ON WHICH FREEDOM CAMPING IS PROHIBITED

Freedom Camping is prohibited on Council Controlled land which is:

1. Within 500 metres of any “no camping” signs on Council controlled land;
2. Kaiteriteri Beach area from Tapu Bay to Breaker Bay;
3. On any Tasman District Council reserve (apart from road reserve) in any area, except for:
 - (a) Edward Baigent Reserve;
 - (b) Wakefield Reserve ;
 - (c) Motueka Beach Reserve;
 - (d) East Quay, Motueka.
4. Marahau from the start of the residential area to the end of the Marahau-Sandy Bay Road;
5. On the river side of any stop bank except that area in the vicinity of the State Highway Bridge at Waitapu, Golden Bay.
6. On any formed roadway.
7. Any location where the activity of freedom camping may cause an obstruction or hazard to traffic.

SCHEDULE 2:

DEPARTMENT OF CONSERVATION CONTROLLED LAND ON WHICH FREEDOM CAMPING IS PROHIBITED

Freedom Camping is prohibited on Department of Conservation Controlled land which is:

1. Within 500 metres of any “no camping” signs on Department of Conservation controlled land;
2. In any of the following defined areas;
 - (a) Big Bush Conservation Area –
 - (i) Teetotal Recreation Area - areas accessible off main access road,
 - (b) Nelson Lakes National Park:
 - (i) end of Lodge Road
 - (ii) end of Ward Street and helipad
 - (iii) car park off Visitor Centre..
 - (iv) Lake Rotoiti: all areas of Kerr Bay both east and west of Black Valley Stream excluding the campground.
 - (v) Lake Rotoiti. West Bay foreshore, area around playground, around jetty and launching ramp area and accessible areas from jetty through to and just past start of Buller River but excluding the campground.
 - (vi) Mt. Robert Road, car parks and helipads
 - (vii) Lake Rotoroa foreshore including car park and adjacent grassed areas
 - (viii) Lake Rotoroa. entrance to Braeburn Track.
 - (c) Glenhope Scenic Reserve
 - (d) Rotoroa Buildings - land around adjacent to ex Rotoroa Field Base buildings
 - (e) Local Purpose Reserve - Public Utility - Matiri: Paddock immediately west of Mangles, Buller confluence alongside SH6
 - (d) Conservation Area - St Arnaud SH 63 - Roadside adjacent to Black Valley wetland, SH63.
 - (e) Conservation Area - Town of St Arnaud - off Ward Street next to telephone exchange
 - (f) Maruia Falls Scenic Reserve – car park and grassed area below falls accessible off separate entrance
 - (g) King-Turner Scenic Reserve - grassed area through reserve alongside drive into Borlase farm
 - (h) Local Purpose Reserve:
 - (i) Stock Resting -SH 6 Matiri

- (ii) Roadside adjacent to SH6 near Claybank Creek, Motueka Area:
- (i) Mount Richmond Forest Park - within 500 metres of any formed road
 - (j) Abel Tasman National Park - within 500 metres of any formed road
 - (k) Riwaka Scenic Reserve
 - (l) W.F Moss Scenic Reserve
 - (m) Conservation Area - Marahau Car park
 - (n) Wairoa Gorge Recreation Reserve
 - (o) Aniseed Valley Scenic Reserve
 - (p) Aniseed Valley Recreation Reserve
 - (q) Eves Valley Scenic Reserve
 - (r) Snowdens Bush Scenic Reserve
 - (s) Motueka Sand spit
 - (t) Government Purpose Reserve – Marahau
 - (u) Conservation Area - Motueka Area Office
 - (v) Raumanuka Scenic Reserve
 - (w) Conservation Area – Hackett
 - (x) Foreshore - Little Kaiteriteri
 - (y) Foreshore - Moutere Estuary - Motueka Harbour
 - (z) Foreshore - Moutere Estuary
 - (aa) Kina Peninsula
 - (ab) Foreshore – Mapua
 - (ac) Kahurangi National Park - within 500 metres of any formed roads excluding designated camping areas
 - (ad) Onekaka Recreation Reserve
 - (ae) Paynes Ford Scenic Reserve
 - (af) Puponga Farm Park Recreation Reserve including the road end car parks
 - (ag) Te Waikoropupu Scenic Reserve

- (ah) The Grove Scenic Reserve
- (ai) Parapara Historic Reserve
- (ai) Kaihoka Lakes Scenic Reserve
- (ak) Road ends:
 - (i) Wainui road end car park
 - (ii) Wainui falls track road end

SCHEDULE 3:

CAMPERVAN WASTE DUMPING LOCATIONS

The following locations in the Tasman District are available for dumping motor caravan waste.

Sewage/wastewater disposal points for camping ground patrons are available at:

- Pohara Beach Top 10 Holiday Park
- Bethany Park Christian Camp
- Kaiteriteri Beach Motor Camp
- Mapua Leisure Park Holiday Resort
- Abel Tasman Marahau Beach Camp
- Motueka Top 10 Holiday Park
- Kiwi Park Motels and Holiday Park, Murchison
- Club Waimea
- Richmond Motel and Top 10 Holiday Park
- Quinney's Bush Camp and Caravan Park

Sewage/wastewater disposal points on payment of a fee are available at:

- Greenwood Park
- Tapawera Settle Motels and Campground

Sewage/wastewater disposal points are also available at:

- Jubilee Park, Gladstone Road, Richmond
- Thorp Bush Toilets, Motueka
- New World Supermarket car park, Motueka
- Abel Tasman Regional Park Toilets at Totaranui
- Uruwhenua Bridge, Upper Takaka
- Golden Bay i-Site Visitor Centre
- Mobil Takaka
- Entrance to camping ground, Collingwood
- Mobil Murchison
- Nelson Lakes National Park Camping Ground
- Nelson Lakes National Park Porika Road, Rotoroa

SCHEDULE 4:

SCHEDULE OF FINES FOR BREACH OF THE TASMAN DISTRICT COUNCIL FREEDOM CAMPING BYLAW 2011

| Breach of Bylaw | Fine* | Reference to Bylaw |
|--|--------------|---------------------------|
| Vehicle or structures used for freedom camping do not comply with the definition of a self contained motor caravan or caravan: First Offence against the Bylaw within the last 12 months. | \$100.00 | Clauses 5,14 and 15 |
| Vehicle or structures used for freedom camping do not comply with the definition of a self contained motor caravan or caravan: Second offence against the Bylaw within the last 12 months. | \$300.00 | Clauses 5, 14 and 15 |
| Vehicle or structures used for freedom camping do not comply with the definition of a self contained motor caravan or caravan: third offence against the Bylaw within the last 12 months. | \$500.00 | Clauses 5,14 and 15 |
| Freedom camping in a place freedom camping is not permitted or is prohibited. | \$200.00 | Clauses 6, 7,14 and 15 |
| Exceeding the maximum time freedom camping is permitted. | \$200.00 | Clauses 8,14 and 15 |
| Allowing a discharge of sewage, toilet waste or grey water. | \$200.00 | Clauses 9,14 and 15 |
| Failing to leave an area used for freedom camping clean and tidy. | \$100.00 | Clauses 10,14 and 15 |
| Failing to move on when directed to do so. | \$100.00 | Clauses 11,14 and 15 |
| Obstructing or hindering an Authorised Officer or Council Officer. | \$400.00 | Clause 14 and15 |

* The fine will be discounted by twenty five (25) percent if paid within five working days of issue