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Sponsor/Group:	

## Draft Freedom Camping Bylaw (date to be inserted)

### Purpose and Scope

- The purpose of this Bylaw is to manage **freedom camping** in parts of Taupō district to ensure that, where necessary:
  - the local authority areas are protected
  - the health and safety of people visiting the local authority areas are protected, and
  - access to the local authority areas is protected.
- The Bylaw is made under the authority of section 11 of the Freedom Camping Act 2011. In addition freedom camping is also regulated and controlled by other Acts, regulations, standards, rules, bylaws, Taupō District Plan, policies, and reserve management plans, which should be referred to in conjunction with this Bylaw (refer to [www.taupo.govt.nz](http://www.taupo.govt.nz) for information).

### Commencement

- The Bylaw will come into force throughout the district on (date to be inserted)

### Definitions

- Any words, phrases or expressions used in this Bylaw have meanings assigned to them by the Freedom Camping Act 2011, unless inconsistent with the context in which such words occur.
- In this Bylaw, if not inconsistent with the context:

<b>Act</b>	The Freedom Camping Act 2011
<b>Chief Executive</b>	The chief executive of the <b>Council</b> and any person delegated to perform any duties of the chief executive
<b>Council</b>	Taupō District Council
<b>Enforcement officer</b>	A person appointed under section 32 of the <b>Act</b> for the purposes of the <b>Act</b>
<b>Freedom camp</b>	The same meaning as the <b>Act</b>
<b>Local authority area</b>	The same meaning as the <b>Act</b>
<b>Self-contained vehicle</b>	<del>In relation to a motor vehicle has the same meaning as “self-contained” in section 4 of the Freedom Camping Act 2011. Is 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 is certified that it complies with New Zealand Standard Self Containment of Motor Caravans and Caravans, NZS 5465:2001 (NZS 5462:2001). This is as evidenced by the display of a current self-containment warrant issued under NZS 5465:2001.</del>

### Permitted Freedom Camping Areas

- Freedom camping** is permitted within the **local authority area** unless it is restricted or prohibited in an area in accordance with:
  - this Bylaw; or

- b. any other act.

**The following note is explanatory and is not enforceable:** The Reserves Act 1977 restricts camping on reserves that includes additional prohibited areas under that Act that are not restricted under this Bylaw. A full map of areas where camping is prohibited in the district can be found here [Freedom camping - Taupō District Council \(taupodc.govt.nz\)](http://taupodc.govt.nz).

### Prohibited Freedom Camping Areas

7. A person may not freedom camp in any local authority area outlined in Schedule 1: Prohibited Freedom Camping Areas.

### Restricted Freedom Camping Areas

8. Subject to clause 7, a person may freedom camp in any local authority area in a self-contained vehicle. All other freedom camping is restricted to the areas outlined in Schedule 2: Open Freedom Camping Areas
9. A person may freedom camp for a maximum of three nights/four days, unless different restrictions are outlined in the relevant reserve management plan. If asked by an enforcement to move on from a site a person must move at least 500m from the original site.

### Exemptions/Defences

10. The Bylaw does not include the following activities:
  - a. temporary and short-term parking of motor vehicles;
  - b. day trip recreational activities; and
  - c. parking on the roadside to avoid driver fatigue.
11. A person is not in breach of this Bylaw if that person proves the act was conducted reasonably to:
  - a. save or protect life and health;
  - b. prevent injury;
  - c. prevent serious damage to property; or
  - d. avoid actual or likely damage to the environment.
12. Any person may apply in writing to the **Chief Executive** for permission for any freedom camping that would be in breach of any prohibition or restriction under this Bylaw.
13. Fees may be prescribed for processing these permissions. This fee may be refunded, remitted, or waived at the **Chief Executive's** discretion.

### Offences/Penalties/Powers

14. A person commits an offence under this Bylaw, or section 20(1) of the **Act**, if that person **freedom camps**, or makes preparations to **freedom camp**, contrary to the prohibitions and restrictions of this Bylaw.

### Penalties

15. A person who commits an infringement offence is liable to the following fee:
  - a. the amount prescribed by regulations made under section 43 of the **Act** as the infringement fee for the offence; or
  - b. \$200, if no fee is prescribed.

### Powers

16. Any person in breach of this Bylaw may be asked to leave the **local authority area** or conservation land where an **enforcement officer** believes on reasonable grounds that the person has:
  - a. acted in a manner likely to endanger the health and safety of other people;

- b. damaged or likely to cause damage to the site; or
- c. breached any of the conditions outlined for **freedom camping**.

Any person given direction to leave the site may have their right to **freedom camp** revoked.

- 17. **Council** may, after the conviction of any person for a continuing offence against this Bylaw, apply to the court for an injunction to restrain the further continuance of the offence.
- 18. **Council** may seize or impound, or cause to seize or impound, any **vehicle**, boat, or any other property, in accordance with sections 37 and 38 of the **Act**, on any **local authority area** or conservation land, in breach of this Bylaw, and/or recover all charges in connection with the seizure or impoundment, of any **vehicle**, boat, or any other property.
- 19. Any person whose **vehicle**, boat, or other property, is seized or impounded may request their return in accordance with section 39 of the **Act**.
- 20. **Council** may dispose of any **vehicle**, boat or other property, not returned 6 months after being seized, if reasonable efforts have been made to identify the owner, not less than 14 days after public notice of **Council's** intention to do so.
- 21. **Council** may require any permitted or restricted areas for **freedom camping** to be closed because of events occurring in an area. Notice of **Council's** intention to close an area will be made publically.

#### Public Availability

- 22. This Bylaw, and any supporting documentation, is available for public inspection.

THIS BYLAW WAS MADE BY RESOLUTION (date to be inserted) OF COUNCIL AT AN ORDINARY MEETING OF THE TAUPŌ DISTRICT COUNCIL HELD ON (date to be inserted).

The Common Seal of Taupo District Council

was hereto affixed in the presence of:

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Mayor

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Chief Executive

## Schedule 1: Prohibited Freedom Camping Areas

- Ferry Road, Taupō, Road Reserve.



## Schedule 2: Open Freedom Camping Areas

- Hipapatua/Reid's Farm Recreation Reserve
- Mangakino Recreation Reserve
- Whakamaru Recreation Reserve
- ~~Whakamaru Domain~~