

Freedom Camping Bylaw 2023

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1. Introduction

1.1 Scope

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; or
- (c) protect access to Local Authority Areas.

1.2 Enabling Enactment

This Bylaw is made under the authority of sections 10A, 11 and 11A of the Freedom Camping Act 2011. In addition, other legislation and regulatory tools that regulate and control Freedom Camping include the Reserves Act 1977, reserve management plans, the Matamata-Piako District Plan and other Council bylaws. These should be referred to in conjunction with this Bylaw.

1.3 Title of this Bylaw

This Bylaw shall be known and cited as the Matamata-Piako District Council Freedom Camping Bylaw 2023 and shall come into operation on 20 December 2023. For expediency this Bylaw may be referred to as the Freedom Camping Bylaw in this or other Bylaws.

Explanatory notes

This Bylaw is due for review by 22 November 2028 (5 years after the date of the resolution to make this Bylaw).

1.4 Application

This Bylaw applies to all Local Authority Areas in the District of the Matamata-Piako District Council.

1.5 Explanatory notes

Sections headed 'Explanatory notes' in this Bylaw are for information purposes only, and –

- (a) they do not form part of this Bylaw; and
- (b) cannot be considered in the interpretation or application of a provision of this Bylaw; and
- (c) may be inserted, amended or removed without any formality.

1.6 Definitions and interpretation

1.6.1

In this Bylaw, unless context requires otherwise:

Act means the Freedom Camping Act 2011.

Council means Matamata-Piako District Council.

District means the Matamata-Piako District.

Freedom Camp has the meaning in sections 5(1), 5(2) and 5(2A) of the Act.

Explanatory notes

As at 7 June 2023, sections 5(1), 5(2) and 5(2A) of the Act, where Freedom Camping is defined, are as follows:

(1) In this Act, freedom camp means to camp (other than at a camping ground) within 200 m of an area accessible by motor vehicle or within 200 m of 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 either or both of the following:

- (a) a tent or other temporary structure:
- (b) a 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 motor vehicle to avoid driver fatigue.

(2A) In this Act, a person is not freedom camping if the person—

- (a) is a person other than a person who is in New Zealand on the basis of a visitor visa (within the meaning of the immigration instructions); and
- (b) is unable to live in appropriate residential accommodation; and
- (c) as a consequence of that inability, is living in either or both of the following:
 - (i) a tent or other temporary structure:
 - (ii) a motor vehicle.

For the avoidance of doubt, as at 7 June 2023, section 5(3) of the Act defines camping ground as:

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

Local Authority Area has the meaning in section 6 of the Act.

Explanatory notes

As at 7 June 2023, section 6(1) of the Act, where Local Authority Area is defined, is as follows:

(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—
 - (A) controlled or managed by or on behalf of the local authority under any enactment; or
 - (B) an area of NZTA land declared to be a local authority area in accordance with a bylaw made under section 10A; 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.

Self-contained has the meaning given in section 4 of the Act.

Explanatory notes

As at 7 June 2023, section 4 of the Act, where Self-contained is defined, is as follows:

(4) In relation to a motor vehicle, means that the vehicle has a valid certificate of self-containment issued in accordance with section 87U(3)(d) of the Plumbers, Gasfitters, and Drainlayers Act 2006 (but see subpart 1 of Part 1 of Schedule 1AA for the meaning of self-contained during the transitional period.)

Explanatory notes

To be certified Self-contained, the motor vehicle must achieve compliance with NZ Standard 5465:2001. The standard can be viewed or printed once for free at this link: <https://www.standards.govt.nz/shop/nzs-54652001>.

For the avoidance of doubt, the standard requires that a Self-contained motor vehicle be equipped with a toilet that is permanently fixed to the vehicle in order to be certified.

1.6.2

The Legislation Act 2019 applies to this Bylaw.

2. Freedom Camping restrictions and prohibitions

2.1 Areas where Freedom Camping is prohibited

Freedom Camping is prohibited in the areas defined in Schedule 1. A person must not Freedom Camp in the areas defined in Schedule 1.

Explanatory notes

The Reserves Act 1977 prohibits camping on all reserves unless it is specifically provided for on a particular reserve in an operative reserve management plan.

2.2 Areas where Freedom Camping is restricted

2.2.1

A person may not Freedom Camp in contravention of this clause.

2.2.2

Freedom Camping is restricted in all Local Authority Areas. The restrictions that apply to Freedom Camping in all those areas are:

- (a) A certified Self-contained motor vehicle must be used to Freedom Camp.
- (b) A vehicle must not stay in any one area for more than four consecutive nights in any one month period.

- (c) A vehicle must not Freedom Camp within 500 metres of an area in which it has already been Freedom Camping for up to four consecutive nights in any one-month period.

2.2.3

Freedom Camping is further restricted in the areas identified in Schedule 2 of this Bylaw.

2.2.4

Notwithstanding clause 2.2.2(a) a person may only Freedom Camp in a vehicle that is not Self-contained in the Local Authority Areas identified in Schedule 3.

2.2.5

The restrictions that apply in the areas in Schedules 2 and 3 are:

- (a) If Schedule 2 or 3 specify a designated place in the Local Authority Area, a person must not Freedom Camp in another place in the Area, for example –
 - (i) where Schedule 2 or 3 specifies a designated place in a reserve, a person must not Freedom Camp in any other part of the reserve.
 - (ii) where Schedule 2 or 3 specifies a designated place on a road, a person must not Freedom Camp on any other part of the road.
- (b) If Schedule 2 or 3 specify a maximum number of consecutive nights, that number prevails over clause 2.2.2(b) of this Bylaw.
- (c) If Schedule 2 or 3 specify a time of day where Freedom Camping is permitted, a person must not Freedom Camp outside of those times.
- (d) If Schedule 2 or 3 specify a maximum number of vehicles, a person must not Freedom Camp in the area if the maximum number of vehicles are already present when they arrive at the area.

3. Declaration of New Zealand Transport Agency (NZTA) land to be Local Authority Area

Any areas of NZTA land identified in Schedules 1 and 2 are declared to be Local Authority Areas for the purposes of this Bylaw.

Explanatory notes

Section 10A of the Act enables Council to make bylaw which declare areas of NZTA land as Local Authority Land for the purposes of the Act. As required by section 10A, Council received written consent from the chief executive of the NZTA prior to this bylaw being made for the areas identified in the Schedules.

4. Approvals

4.1 Prior consent from Council

4.1.1

A person may only Freedom Camp in contravention of clause 2 if that person obtains prior written consent of the Council and complies with any conditions of the consent.

4.1.2

A person applying for consent under clause 3.1.1 of this Bylaw must apply to the Council. The application must:

- (a) Be made at least 30 days prior to the date on which Freedom Camping is planned to occur; and

- (b) Include information about the person applying for the consent and their contact details; and
- (c) Describe the area or give an address where the Freedom Camping is intended to occur; and
- (d) Describe the reason the consent is sought.

4.1.3

Applications which fulfil the requirements of clause 3.1.2 of this Bylaw will be considered by Council and may be granted at the Council's discretion. The Council may attach conditions to any consent that is granted.

Explanatory notes

Council anticipates the following reasons could be grounds for an application:

- Where Freedom Camping is associated with a special event or occasion occurring in an area, and an exemption is required for the duration of the event or occasion.
- Where there is a good reason for Freedom Camping in an area that cannot be reasonably met in another area.
- Complying with a restriction or prohibition within this Bylaw is not reasonable in the circumstances.

5. Temporary closures

5.1 Temporary closure of an Area to Freedom Camping

5.1.1

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.

5.1.2

The Council will publicise a closure or restriction under clause 4.1.1 of this Bylaw in any manner it considers is appropriate to the reason for the closure or restriction. The publicity may occur before the closure or restriction, but only if that is reasonably practicable.

Explanatory notes

The Council may publicise a closure or restriction using a sign erected in the area, and/or advertising on the Council's digital channels or on the radio, and/or a public notice in the newspaper.

6. Enforcement

6.1 Offences

6.1.1

Every person who Freedom Camps or makes preparation to Freedom Camp in a Local Authority Area in breach of any prohibition or restriction in this bylaw commits an offence under section 20(1) of the Act.

6.1.2

Every person who Freedom Camps, or makes preparation to Freedom Camp, in a Local Authority Area in breach of the conditions of any consent given in accordance with clause 3.1 of this Bylaw is in breach of a prohibition or restriction in this Bylaw and commits an offence under section 20(1) of the Act.

Explanatory notes

Section 20 of the Act specifies a range of matters that are offences. The offences in section 20(1) are known as 'infringement offences'. A Council enforcement officer can issue an infringement notice to a person committing an offence under section 20(1) requiring them to pay an infringement fee and/or a fine as prescribed by section 20E of the Act.

Penalties for infringement offences under the Act are specified in the Freedom Camping (Penalties for Infringement Offences) Regulations 2023 and can be viewed here: <https://www.legislation.govt.nz/regulation/public/2023/0136/latest/LMS853101.html>

Section 26 of the Act explains the people who may be issued with an infringement notice. They include the person who committed the offence, the registered owner of the vehicle used to commit an offence, and/or the person lawfully in possession of the vehicle used in the commission of the offence.

Council officers have other powers under the Act to deal with offences too, e.g., under section 36 of the Act an officer can require a person to leave an area if the officer has reasonable grounds to believe the person is committing an offence.

7. Schedules and Appendices

7.1 Areas where Freedom Camping is Prohibited or Restricted

7.1.1

Schedule 1 defines the areas where, under clause 2.1 of this Bylaw, Freedom Camping is prohibited.

7.1.2

Schedule 2 defines the areas where, under clause 2.2 of this Bylaw, Freedom Camping is restricted.

7.1.3

Schedule 3 defines the areas where, under clause 2.2.4 of this Bylaw, a person can Freedom Camp in a vehicle that is not Self-contained.

7.2 Appendices

7.2.1

Appendix 1 shows all the prohibitions and restrictions described in Schedule 1, 2 and 3 on maps for ease of reference only. Appendix 1 is not part of this Bylaw and if there is any conflict or inconsistency between it and the Schedules, the Schedules prevail.

7.2.2

Appendix 1 may be amended or removed without any formality.

This Bylaw was made pursuant to a resolution passed by Matamata-Piako District Council on 22 November 2023, resolution number CO/2023/00002.

Schedule 1: Areas where Freedom Camping is Prohibited

Explanatory notes

Freedom Camping on reserves is prohibited under section 44 of the Reserves Act 1977 and therefore prohibited under section 10(2)(b) of the Freedom Camping Act 2011, except where it is permitted in the designated places on reserves specified in Schedule 2, which are subject to the restrictions in this Bylaw. Some reserves where Freedom Camping is prohibited are included in this Schedule (and in the maps in Appendix 1), but not all.

For information about the location of reserves that are not referred to in this Bylaw, see the council's Reserve Management Plans at this link: <https://www.mpdc.govt.nz/plans/reserve-management-plans>

Definition of area

All cemeteries, their associated carparks, and adjoining roadsides.

Matamata Cemetery, 155 Peria Road, Matamata 3472

Legal description: Lot 1 DPS 13600 Lot 2 DP 304507 Sec 112A SET MATAMATA Sec 175 SET MATAMATA

Waharoa Cemetery, Dunlop Road, Waharoa 3474

Legal description: Part Lot 14 DP 850; Part Section 1 Block XIII Wairere SD

Morrinsville Historic Cemetery, 412 Thames Road, Morrinsville 3300

Legal description: SA63/212, Part Motumaoho 2 Block

Piako Cemetery, 3 Seales Road, Morrinsville 3300

Legal description: PtL 21 DP 23869 PtL 22 DP 2465 Sec 1 SO 518533

Maukoro Cemetery, 253 Old Hill Road, RD 3, Morrinsville

Legal description: Sec 21A Blk V SD WAITOA

Te Aroha Cemetery, Stanley Road South, Te Aroha 3393

Legal description: Sec 8A Blk XI SD AROHA

Definition of area

Map reference number (see appendix 1)

Matamata Ward

Banks Road Reserve, and the area of road and road reserve on Banks Road and Richardson Road adjacent to the reserve.

Legal description of Reserve: Part Section 86 Matamata SETT

FC1

Centennial Drive Reserve, which starts at Tainui Street, crossing Rata, Tamihana and Tawa Streets before finishing on Broadway (State Highway 24).

Legal Description: PSc 155 Blk II SD TAPAPA Sec 154 Blk II SD TAPAPA

FC2

Tom Grant Drive, which runs from Rawhiti Avenue, crossing Weka and Ngaio Streets, before finishing at Tawari Street.

Legal Description: Lot 1 DPS 28404, Lot 1 DPS 30594, Lot 14 DPS 11320, Lot 15 DPS 11320, Lot 21 DPS 12591, Lot 26 DPS 21875, Lot 27 DPS 25162, Lot 28 DPS 21875, Lot 28 DPS 25163, Lot 3 DPS 28404, Lot 4 DPS 28404, Lot 5 DPS 28404, Lot 5 DPS 28864, Lot 6 DPS 28404, PtL 13 DPS 12591, PtL 15 DPS 12591, PtL 18 DPS 12591

FC3

Hawes Bush, and the area of road and road reserve on Mills Street and Walker Street adjacent to the reserve.

Legal description of Reserve: Lot 1 DPS 26844, Lot 2 DPS 26844, Section 77 Block XIII Wairere SD

FC4

Waharoa (Matamata) Aerodrome, including old campground.

Legal description of Reserve: Section 72 Block XIII Wairere SDPT SEC 71 BLK XIII WAIRERE SDPT LOT 1 DP 29064MATAMATA NORTH EMATAMATA NORTH F).

FC5

Matamata Domain, located between Meura and Hohaia Streets, with Huia Street to the south.

Legal description of Reserve: BlkXII Matamata TNSP,,Section 1 Block XXIII Matamata TNSP,Section 1 Block XXIII Matamata TNSP,BlkXXII Matamata TNSP, BlkXII Matamata TNSP

FC6

Definition of area	Map reference number (see appendix 1)
Rapurapu Reserve, located on State Highway 28, approximately 800m south-west from the intersection of State Highway 28 and 29. <i>Legal description of Reserve: Section 78 Block XII Tapapa SD, Section 79 Block XII Tapapa SD, Lot 1 DPS 17684</i>	FC7
Swap Park, located between Firth Street (SH 27) and Burwood Road. <i>Legal description of Reserve: Lot 4 DP 306522</i>	FC8
Bruce Clothier Reserve, Waharoa Rest area and adjacent roadside. Includes rail land that runs through the centre of the reserve which is subject to a lease held by Council. <i>Legal description of Reserve: Lot 2 DPS 86557, Lot 1 DPS 86557</i> Includes the NZTA land between the Reserve and State Highway 26. <i>Primary road parcels: 4600781, 4585228, 4600790 and 4576276</i>	FC9
Morrinsville Ward	
Davies Park stretches along Fairway Drive. Includes the Reserves known as Davies Park East and Davies Park West. For the avoidance of doubt, this also includes the area within the existing carpark, café and the planned Early Childhood Education Centre. <i>Legal description of Reserve: Lot 71 DP 569808, Lot 9000 DP 577756, Lot 9001 DP 577756, Lot 1 DP 568806, Lot 3 DP 568806, Lot 2 DP 568806</i>	FC10
Holmwood Park and adjacent roadside carparking. Located at the end of Holmwood Park Drive. <i>Legal description of Reserve: Lot 91 DPS 87084</i>	FC11
Murray Oaks Scenic Reserve and adjacent roadside, located between State Highway 26 and Murray Road, north-east of the Morrinsville Township <i>Legal description of Reserve: Section 4 Block II Maungakawa SD, Section 5 Block II Maungakawa SD</i> Includes the NZTA land between the Reserve and State Highway 27. <i>Primary road parcel: 4589929</i>	FC12
Thomas Park and adjacent road reserve and road on Moorhouse and Anderson Streets. <i>Legal description of Reserve: Lot 9 DP 17212, Lot 10 DP 17212</i>	FC13
Te Aroha Ward	
Te Aroha Boat Ramp, parking area and skatepark, which is on road reserve located off Lawrence Ave/Terminus Street alongside the Coulter Bridge.	FC14
Council Office Carpark, includes Council Car park and adjacent Library Car park, 35 Kenrick Street. <i>Legal description: Lot 2 DPS 33537, Sec 1 Blk XVI Twn TE AROHA Sec 2 Blk XVI Twn TE AROHA</i>	FC15
Seddon Street Reserve is located on both sides of Seddon Street. The reserve to the west runs from Seddon Street through to the end of Ward Street. The reserve to the east is bordered by Seddon Street and the old Te Aroha Railway Station. <i>Legal description of Reserve: Section 36 Block LII TN OF Te Aroha, Section 24 Block LII TN OF Te Aroha, Section 39 Block LII TN OF Te Aroha, Section 95 Block LII TN OF Te Aroha, Section 23 Block LII TN OF Te Aroha, Section 35 Block LII TN OF Te Aroha, Section 40 Block LII TN OF Te Aroha, Part Section 38 Block LII TN OF Te Aroha, Part Section 37 Block LII TN OF Te Aroha</i>	FC16
Skidmore Reserve, located on Kenrick Street, neighbouring 56 Kenrick Street. <i>Legal description of Reserve: Lot 2 DPS 85918, Lot 2 DPS 85918</i>	FC17
Te Aroha Domain and adjacent roadside parking on Wilson Street. Includes the section of Koromiko Street that runs through the domain. <i>Legal description of Reserve: Section 16 Block IX Aroha SD</i>	FC18

Schedule 2: Areas where Freedom Camping is Restricted

Explanatory notes

The restrictions in the table below apply in addition to the district-wide restrictions in clause 2.2.2.

Definition of area	Restriction	Map reference number (see appendix 1)
Matamata Ward		
Hetana Street Reserve, located between State Highway 24 to the north and Tui Street to the south, with access off Hetana Street to the east. <i>Legal description of Reserve: Section 255 Matamata SETT, Section 2 SO 332296, Lot 2 DPS 86435, Sec 1 SO 332296</i>	Restricted to 6 vehicles within the 6 “back-in” car parking spaces located on the reserve across from the intersection of Arawa Street and Hetana Street, south of the public toilets.	FC19
Pohlen Park and adjoining car park accessed from Western Street. <i>Legal description of Reserve: Lot 11 DPS 8842, Lot 45 DP 15621, Lot 46 DP 15621, Lot 101 DP 13191, Lot 100 DP 13191</i>	Restricted to 3 vehicles in the south east corner of the car park.	FC20
Wairere Falls Car Park, located at the end of Goodwin Road, Okauia. <i>Legal description: Section 1 Survey Office Plan 523878.</i>	Restricted to 11 vehicles within the 11 large car parking spaces at the far south side of the car park.	FC21
Morrinsville Ward		
Morrinsville Recreation Ground, located at the end of Cureton Street. <i>Legal description: Part Lot 28 DP 2465</i>	Restricted to 6 vehicles within the formed car park area accessed from Cureton Street.	FC22
Waterworks Road Reserve (Te Miro Forest Car Park, located at 684 Waterworks Road, Te Miro. <i>Legal description: Section 11 Block III Cambridge SD, Section 12 Block III Cambridge SD, Section 73 Te Miro SETT, Kiwitahi 2D Block, Section 13 Block III Cambridge SD, Part Lot 1 DP 21110</i>	Restricted to 2 vehicles on the southern edge of the existing car park.	FC23
Te Aroha Ward		
Boyd Park, located along Stanley Avenue and Spur Street. Includes a large portion of the Howarth Memorial wetlands. <i>Legal description: Section 90 Block IX Aroha SD</i>	Restricted to 6 vehicles in the north west corner of the existing formed car park between the netball courts and Boyd Park.	FC24
Herries Memorial Park, which includes gravel section of Council office carpark, located off Kenrick Street. <i>Legal description: Sec 167 Blk IX SD AROHA</i>	Restricted to 6 vehicles along the southern side of the existing formed car park behind the Council buildings, accessed from Kenrick Street (the north point of Herries Park). Freedom Camping vehicles must only park between 7pm and 7am Monday – Friday, any time on weekends and public holidays.	FC25

Definition of area	Restriction	Map reference number (see appendix 1)
<p>Waihou Recreation Reserve, located off Ngutumanga Road, Waihou.</p> <p><i>Legal description: SEC 57 BLK XVI WAITOA SD, Lot 18 DPS 7681 Lot 19 DPS 7681 PSc 52 Blk XVI SD WAITOA PtL 20 DPS 7681 Sec 50 Blk XVI SD WAITOA Sec 51 Blk XVI SD WAITOA, Sec 13 Blk XVI SD WAITOA</i></p>	<p>Restricted to 3 vehicles in centre row of car park spaces within the section of car park near the rugby fields, accessed opposite 16 Ngutumanga Road.</p>	<p>FC26</p>
<p>Waitoa Railway reserve, across from the Farmers Road/SH 26 intersection in Waitoa. Approximately 10 kilometres from the Te Aroha township.</p> <p><i>Legal description: Section 27 Block IV Maungakawa SD, Lot 1 DPS 68970, Section 26 Block IV Maungakawa SD, Section 1 SO 56525</i></p>	<p>Restricted to 2 vehicles within the car park.</p>	<p>FC27</p>
<p>Waiorongomai Car Park, adjacent to the start of the Te Aroha Gold Mining Walking Tracks, approximately 5 kilometres from the Te Aroha township.</p>	<p>Restricted to 4 vehicles within the car park.</p>	<p>FC28</p>

Schedule 3: Areas where a person can Freedom Camp in a vehicle that is not Self-contained

The Bylaw does not define any areas where a person can Freedom Camp in a vehicle that is not Self-contained on Local Authority Areas within the Matamata-Piako District.

Appendix 1: Maps

[See attached]