

# Freedom Camping Bylaw

Date made:	17 October 2024
Commencement:	17 October 2024
Amendments:	
Next review date:	17 October 2029
Review frequency:	No later than 5 years after the bylaw was first made, then every 10 years after the last review, as per section 158 and 159 of the Local Government Act 2002.
Relevant legislation:	This bylaw is made under the Freedom Camping Act 2011.

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# PART 1: INTRODUCTION

## 1.0 Short title, commencement and application

This Bylaw shall be known as the Whakatane District Council Freedom Camping Bylaw.

The commencement date is 17 October 2024.

This Bylaw shall apply to the Whakatane District.

## 2.0 Purpose

The purpose of this Bylaw is to define the local authority areas in the district where freedom camping is prohibited or restricted and, where restricted, the restrictions that apply.

### *Explanatory Note*

*Under section 11(2) of the Freedom Camping Act 2011, the prohibitions and restrictions can be made only if the Council considers they are necessary for one or more of the following purposes:*

- *to protect the area;*
- *to protect the health and safety of people who may visit the area;*
- *to protect access to the area.*

## 3.0 Interpretation

**Authorised officer** means an employee, or a contractor of the Whakatāne District Council appointed or authorised to carry out general or specific duties arising from any of the provisions of this Bylaw, and includes an Enforcement Officer.

**The Act** means The Freedom Camping Act 2011.

**Chief Executive** means the chief executive of the Council and any person delegated to perform any duties of the chief executive.

**Council** means the Whakatane District Council.

**Designated Area** means a parking area that is indicated by signs and/or road markings in an area where Freedom Camping is permitted subject to any restrictions and conditions.

**Enforcement officer** means any person appointed by Council under section 32 of the Act for the purpose of enforcing provisions of the Bylaw and the Act.

**Freedom camping** 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.

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.

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.

**Local authority area** has the same meaning as in section 6 of the Act.

**Motor Vehicle** means each of the following;

- (a) a motor vehicle within the meaning of section 2(1) of the Land Transport Act 1998:
- (b) a unit used for camping that is not itself a vehicle but is capable of being-
  - (i) transported by means of being loaded onto a vehicle; and
  - (ii) used for camping whether or not it is loaded onto a vehicle.

**Nohoanga** means specific Māori 'camping' sites to support mahinga kai activities.

**Nohoanga entitlement** means an entitlement granted to settled Iwi governance entities.

**Reserve** has the same meaning as in section 2(1) of the Reserves Act 1977.

**Self-contained vehicle** has the same meaning as "self-contained" in section 4 of the Freedom Camping Act 2011.

**Written permission** means a written approval, permit, licence, or consent provided by Council.

## PART 2: BYLAW CLAUSES

### 4.0 Permitted freedom camping areas

- 4.1 Freedom camping using a tent or other temporary structure or a self-contained motor vehicle is permitted within a local authority area, unless it is restricted or prohibited in an area in accordance with:
- a. clause 5 or 6 of this Bylaw; or
  - b. any other legislation.
- 4.2 Freedom camping using a motor vehicle that is not self-contained is only permitted in the local authority areas listed in Schedule One (Approved Freedom Camping Areas) of this Bylaw. All freedom camping in the local authority areas listed in Schedule One is subject to the restrictions listed for that area in Schedule One.

#### ***Explanatory Note***

*Section 44 of the Reserves Act 1977 generally prohibits camping in reserves unless certain statutory exceptions apply. One of those exceptions is where camping in a reserve is permitted in a reserves management plan (section 44(1)(e)). The Whakatāne District Council District Reserve Management Plan has been updated to provide for freedom camping in those reserves listed in Schedules One and Three of this Bylaw, subject to conditions. Where a local authority area listed in Schedules One and Schedule Three of this Bylaw is a reserve, a person must comply both with this Bylaw and with the Reserves Act, including any conditions imposed on camping under the District Reserve Management Plan.*

### 5.0 Prohibited freedom camping areas

- 5.1 Freedom camping is prohibited in any local authority area outlined in Schedule Two: Prohibited Freedom Camping Areas, without the prior written permission of the Council.

### 6.0 Restricted freedom camping areas

- 6.1 Subject to clause 4.1, a person may freedom camp in a self-contained vehicle in any area identified in Schedule Three (Restricted Freedom Camping Areas), but must comply with the restrictions listed for that area in Schedule Three.

## PART 3: OTHER MATTERS

### 7.0 Fees

- 7.1 Council may in accordance with section 150 of the Local Government Act 2002 prescribe fees or charges for any certificate, licence, approval, permit, consent form, or inspection made by Council under this Bylaw as set out in Council Fees and Charges Schedule.
- 7.2 Where a fee has been paid under clause 7.1 for a service which has not been given, the Council may provide a refund, a remission, or waiver of such fee, or portion of it as the Council may determine.

### 8.0 Exemptions

- 8.1 Written permission can be sought from the Council to waive or modify restrictions imposed on freedom camping in a local authority area which may be granted with or without conditions. Permission must be applied for in writing to the Chief Executive of the Council at least 20 days in advance of the date planned for freedom camping in the area without restrictions applying.

### 9.0 Relationship of Bylaw with nohoanga

Relationship with the Ngāti Awa Claims Settlement Act 2005, the Ngāti Tūwharetoa Claims Settlement Act 2005, Central North Island Forest Land Collective Settlement Act 2008, Ngāti Manawa and Ngāti Whare Settlement Acts 2012, and the Tūhoe Claims Settlement Act 2014.

- 9.1 This Bylaw does not limit or affect the rights in relation to nohoanga entitlements or other Iwi entitlements under the Settlement Acts relating to Iwi within the Whakatāne District, including the Ngāti Awa Claims Settlement Act 2005, the Ngāti Tūwharetoa Claims Settlement Act 2005, Central North Island Forest Land Collective Settlement Act 2008, Ngāti Manawa and Ngāti Whare Settlement Acts 2012, and the Tūhoe Claims Settlement Act 2014.

#### ***Explanatory note***

*Current nohoanga entitlements include: Ngāti Awa Claims Settlement Act 2005 (Te Awa a Te Atua, Port Ōhope Recreation Reserve, Ōhineteraraku Scenic Reserve, and*

*Thornton Lagoon Wildlife Management Reserve), the Ngāti Tūwharetoa Claims Settlement Act 2005 (Te Awa a Te Atua), and Ngāti Manawa (Ngātāmawāhine Nohoanga site).*

## 10.0 Offences

- 10.1 Section 20(1) and 20C of the Act specifies the infringement offences applicable to local authority areas, which include that every person commits an offence who –
- a. freedom camps in a local authority area in breach of any prohibition 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.
- 10.2 For the purposes of section 20(1)(a) and (f) of the Act, any person who has obtained prior written permission of the Council, granted under clause 8.1 of this Bylaw, and who complies with any conditions on the permission, is not acting in breach of any prohibition or restriction in this Bylaw.

## 11.0 Penalties

- 11.1 As specified in section 20E of the Act, every 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. \$400, if no fee is prescribed.

### ***Explanatory note***

*Freedom camping infringements and penalties cannot be applied to people experiencing homelessness. Enforcement officers will refer these people to social support agencies when appropriate.*



# SCHEDULE ONE: Approved areas for freedom camping

As referred to in clause 4.2, freedom camping (including in a motor vehicle that is not self-contained) is permitted in the areas listed below.

Area name	Specific restrictions	Relevant map
Aniwhenua Reserve, Galatea (near Murupara township)	<ul style="list-style-type: none"><li>• Maximum 7-night stay in any four-week period.</li><li>• Camping sites must be left in clean and tidy condition- please take all rubbish and refuse with you.</li><li>• Campers must follow any direction(s) issued by an authorised officer.</li></ul>	Map 1

# SCHEDULE TWO: Prohibited areas for freedom camping

As referred to in clause 5.1, freedom camping is prohibited in the local authority areas identified below.

Area name	Description	Rationale	Relevant map
<b>WHAKATĀNE</b>			
Muriwai Drive	Muriwai Drive is located from The Strand at the eastern end of the Whakatāne CBD to the Whakatāne River entrance. There are various reserves along the length of Muriwai Drive from the Fishing Club to the road end that are popular and used for many different recreational activities, including the boat ramp, especially during the summer months.	To protect public health and safety, particularly in relation to road safety, and to protect against nuisances (including access issues for other recreational users), freedom camping is prohibited along the length of Muriwai Drive, including all reserves along the length of this road.	Map 2
Kōhī Point Scenic Reserve	Kōhī Point Scenic Reserve is located at the road end of Kōhī Point Look Out Road between Whakatāne and Ōhope. This is a culturally significant site with a statutory acknowledgement as set out in the Ngāti Awa Claims Settlement Act 2005. It is also a reasonably narrow road with limited parking on the road's edge.	To protect cultural values and to protect access issues that may become a nuisance to other users, freedom camping is prohibited in all parts of Kōhī Point Scenic Reserve.	Map 3
Rex Morpeth Park	Rex Morpeth Park is a popular active reserve with playing fields for a wide range of recreational uses including	To protect health and safety (particularly road safety), to ensure access is maintained for users, and to avoid nuisance	Map 4

	rugby, soccer, cricket, athletics, tennis, and croquet.	effects on other recreational users, freedom camping is prohibited in all parts of Rex Morpeth Park.	
<b>ŌHOPE</b>			
Mahy Reserve	Mahy Reserve is located on Pohutukawa Ave, Ōhope at the intersection of Pohutukawa Ave, West End Road and Ōhope Road. This is a popular beach side reserve and is used for a wide range of recreational uses, including community events, family picnics, children’s play area and the Surf Lifesaving Club. The car park on this reserve is reasonably narrow with limited parking.	To protect health and safety (particularly road safety) and to protect against nuisance effects such as accessibility issues for other recreational users, freedom camping is prohibited in all parts of Mahy Reserve.	Map 5
Wharekura East Reserve	Wharekura East Reserve is a small reserve with a car park at 177B Pohutukawa Ave, Ōhope located adjacent to the tennis courts and opposite Ōhope Beach School.	For road safety reasons and for accessibility reasons (restricting access to the beach, tennis court users and school users), freedom camping is prohibited in all parts of Wharekura East Reserve.	Map 6
Ocean Road and Park, 243 Pohutukawa and Otao North Reserves	This is a long stretch of road and roadside reserve extending from the eastern boundary of Maraetōtara Reserve, Ōhope to the eastern end of Ocean Road, Ōhope.	To protect this sensitive coastal environment and to protect accessibility for other users, freedom camping is prohibited in all parts of these reserves and along the length of Ocean Road.	Map 7
Goodwins Landing	This is a small pull over area on the Ōhiwa Harbour margin that is used heavily for parking by landowners	To protect against nuisance, specifically accessibility to parking for Ohakana Island	Map 8

	travelling by boat to Ohakana Island. It is located off Waterways Drive, Ōhope.	residents, freedom camping is prohibited at Goodwins Landing.	
Uretara East and West	Uretara East and West are reserve strips on the Ōhiwa Harbour Margin accessed by Harbour Road and Ōhiwa Parade, Ōhope. These reserves are planned to form part of the Ōhiwa Bay Walkway and freedom camping on these reserves would restrict access creating a public nuisance. Both these reserves are also sensitive coastal environments.	To ensure these reserves remain accessible, freedom camping on these sites is prohibited.	Map 9
Otao South Reserve	Otao South Reserve is a reserve strip on Ōhiwa Harbour running along Harbour Road extending from approximately Liddon Grove to Anne Street. This reserve has a stormwater and flooding issue and therefore is not suitable for regular or heavy vehicle use.	Freedom camping is prohibited on the Otao South Reserve to protect the reserve and the amenity of the reserve. This is specifically to minimise nuisance effects resulting from vehicles causing rutting of the reserve that is prone to flooding issues as this is likely to impact on the accessibility and enjoyment of other recreational users.	Map 10
Ōhiwa Harbour Wharf car park	This is a car parking area in front of the Ōhiwa Harbour Wharf, a popular recreation area. As well as being a boat launching area and a recreational wharf, the sailing club and a popular restaurant is also situated here.	Freedom camping is prohibited in all areas of the Ōhiwa Harbour Wharf carpark for public road safety, and to protect against nuisances such as accessibility by other recreational users.	Map 11

<b>OTAKIRI</b>			
Braemar Springs (Wairere-a-tu), Otakiri	Braemar Springs is located on Braemar Road, Otakiri. Braemar Springs is a water supply facility. It is also a place of historic and cultural significance to Ngāti Tūwharetoa as identified in the Ngāti Tūwharetoa Claims Settlement Act 2005.	Freedom camping in this area would impede emergency access to the water supply facility and may compromise cultural values. For these reasons freedom camping is prohibited in all areas of Braemar Springs.	Map 12
<b>THORNTON / MATATĀ</b>			
Western Coastal Recreation Reserve (excluding No.2 carpark)	The Western Coastal Recreation Reserve is a coastal strip running from Otamarakau to Golf Links Road and is approximately 30 km in length. This is a sensitive coastal environment identified in the Western Coastal Recreation Reserve Management Plan, made under the Reserve Management Act 1977. The areas along the coastal strip are small and there is reasonable recreational use of the reserves, particularly for fishing.	With the exception of No.2 car park, freedom camping is prohibited along the Western Coastal Recreation Reserve to protect from public nuisance, specifically accessibility issues, and to protect the sensitive coastal environment.	Map 13
Awatarariki Debris Flow Area	The Awatarariki Debris Flow Area is located at the west end of Matata, covering the areas around Clem Elliot Drive, Kaokaoroa Street and the car parks at Richmond Drive as shown in Map 16. This area is high risk to life and property from debris flows. This area is also culturally significant.	Freedom camping is prohibited within the Awatarariki Debris Flow Area to protect public safety and an area of cultural significance.	Map 14

**Explanatory note:**

*The relationship between this bylaw and the Reserves Act 1977 is such that in addition to those areas where freedom camping is prohibited within the Bylaw (Schedule 2), the Reserves Act 1977 also generally prohibits camping in most reserves (pursuant to section 44). The Whakatane District Reserve Management Plan should be read in conjunction with this Bylaw.*

## SCHEDULE THREE: Restricted areas for freedom camping in self-contained vehicles

As referred to in clause 6.1, a person may freedom camp in a local authority area identified below, only pursuant to the following restrictions and any further specific restrictions for that area.

1. Vehicles to camp only in the designated area.
2. Certified self-contained vehicles only.
3. Vehicles to camp for a maximum of three consecutive nights within any four-week period.

Area name	Description	Designated area / Specific restrictions	Relevant map
McAlister Street car park, Whakatane	McAlister Street car park is located in the Whakatāne township near the Whakatāne River and New World Supermarket, adjacent to the skate park and Ocean playground. Toilet facilities are available.	The designated area is in identified carparks only within the northern end of the car park.	Map 15
West End Road, car park, and Reserve	West End Road, car park, and reserve is a popular summer spot. Toilet facilities are available.	Freedom camping is prohibited at West End Carpark from the beginning of the third week of December to 31 March. The designated area is the car park area behind the toilet facilities at the western most point of West End Road.	Map 16

<p>Maraetōtara Reserve, Ōhope</p>	<p>Maraetōtara Reserve is a popular beachfront reserve located at 243 Pohutukawa Avenue, Ōhope (access opposite Maraetōtara Road). This is a large open space reserve with playground, car park, BBQ and toilet facilities.</p>	<p>The designated area is in identified carparks only within the car park area to the north-west of the round-about adjacent to the beach.</p>	<p>Map 17</p>
<p>Eastern end of Harbour Road and Port Ōhope Reserve, Ōhope</p>	<p>Port Ōhope is a large reserve at 541 Harbour Road Ōhope, the eastern most point of Harbour Road. Port Ōhope Reserve is a popular harbour side reserve encompassing the boat ramp at the eastern end. Toilet facilities are available.</p>	<p>The designated area is at the south-west end of the reserve adjacent to the harbour's edge.</p>	<p>Map 18</p>



Map 1



Freedom Camping  
 Approved Camping Area



Map 1 - Aniwhenua Reserve

Date of issue: 24/07/2024

Scale: 1:2,500

Author: KR

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# Map 2



Map 2 - Muriwai Drive

Scale: 1:5,600

Author: KR

Date of issue: 31/07/2024

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Freedom Camping  
Prohibited



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Freedom Camping  
■ Prohibited



Map 5 - Mahy Reserve

Date of issue: 23/07/2024

Scale: 1:1,800

Author: KR

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Freedom Camping  
■ Prohibited

Map 6 - Wharekura East Reserve



Date of issue: 22/07/2024

Scale: 1:1,100  
 Author: KR

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Map 8

Uretara East and West



Freedom Camping  
■ Prohibited



Map 8 - Goodwins Landing

Date of Issue: 22/07/2024

Scale: 1:500  
 Author: KR

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Map 9



Freedom Camping  
■ Prohibited



Map 9 - Uretara East and West

Date of issue: 22/07/2024

Scale: 1:3,900

Author: KR

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Map 11

Surf and Sand Conference Park



 Campground  
 Prohibited  
 Freedom Camping



Date of issue: 22/07/2024

Map 11 - Ohiwa Harbour Wharf Car Park

Scale: 1:1,300

Author: KR

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Map 12



Freedom Camping  
 Prohibited



Map 12 - Braemar Springs

Date of issue: 22/07/2024

Scale: 1:3,000

Author: KR

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Freedom Camping  
 Prohibited



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**Freedom Camping**

-  Designated Area
-  Prohibited



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Freedom Camping  
 ▨ Designated Area  
 ■ Prohibited



Map 16 - West End Road, Car Park and Reserve

Date of Issue: 22/07/2024


Scale: 1:4,000  
 Author: KR

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Freedom Camping

-  Designated Area
-  Prohibited



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Freedom Camping  
 Designated Area  
 Prohibited



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