Freedom Camping Bylaw 2015





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Pursuant to the powers vested in it by the Freedom Camping Act 2011, the Christchurch City Council makes this Bylaw.

The following note is explanatory and is not part of the Bylaw:

This Bylaw applies only to the areas under the control of the Christchurch City Council within the Christchurch district, including Banks Peninsula.

This Bylaw incorporates amendments approved by the Council on 2 November 2016 (which came into force on 1 December 2016). The amendments included a ban on non-self-contained freedom camping in all local-authority areas throughout the district, and five new areas where there is a ban on all freedom camping: Lower Styx River car park, Windsport Park car park, Addington Reserve car park, French Farm foreshore and Wainui foreshore.

This Bylaw incorporates amendments approved by the Council on 8 November 2018 (which came into force on 1 December 2018), which prohibited all forms of freedom camping in Akaroa township, and enabled 18 parking spaces for self-contained freedom camping in the Akaroa Freedom Camping Area. A requirement that only one vehicle can park in a marked freedom camping parking space, and that all camping equipment must be kept within that parking space were also added.

Compliance with this Bylaw does not remove the need to comply with all applicable Acts, regulations, bylaws, and rules of law. This includes complying with any parking or other traffic restrictions in any area, not littering, not lighting fires in breach of any fire ban, not making excessive noise, no camping in parks and reserves, and complying with the directions of enforcement officers.

1. SHORT TITLE

This Bylaw may be cited as the Christchurch City Council Freedom Camping Bylaw 2015.

2. COMMENCEMENT

This Bylaw comes into force on 1 December 2016.

3. PURPOSE

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;
- c. protect access to local authority areas.

4. INTERPRETATION

In this Bylaw, unless the context otherwise requires:

Act: means the Freedom Camping Act 2011.

Certified self-contained vehicle: means 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 complies with New Zealand Standard 5465:2001, as evidenced by the display of a current self-containment warrant issued under New Zealand Standard Self Containment of Motor Caravans and Caravans, NZS 5465:2001.

Council: means the Christchurch City Council

District: means the district of the Council.

The following terms have the same definitions as in the Act:

Freedom camp:

- (1) In this Act, freedom camp means to camp (other than at a camping ground) within 200 m of a motor vehicle accessible area or 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 1 or more of the following:
 - (a) a tent or other temporary structure:
 - (b) a caravan:
 - (c) a car, campervan, housetruck, or other 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 caravan or motor vehicle to avoid driver fatigue.
- (3) In subsection (1), camping ground means—
 - (a) a camping ground that is the subject of a current certificate of registration under the Camping-Grounds Regulations 1985; and
 - (b) any site at which a fee is payable for camping at the site

Great Walks Track means—

- (a) a track specified in Schedule 1 (of the Act); and
- (b) any other track specified by Order in Council made under section 44 (of the Act) as a Great Walks Track.

Local authority area:

- (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 controlled or managed by the local authority 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 by water.

Waste receptacle: means a receptacle or facility that is provided by the Council for the purposes of disposing of waste (for example, a rubbish bin, public toilet, or bulk waste disposal unit).

5. LOCAL AUTHORITY AREAS WHERE FREEDOM CAMPING IS PERMITTED

Freedom camping is permitted in any local authority area within the district unless it is prohibited or restricted:

- a. by this Bylaw; or
- b. under any other enactment or bylaw.

6. PROHIBITED AREAS

- (1) A person must not freedom camp in any local authority area in the district in any tent, temporary structure, or in any vehicle that is not a certified self-contained vehicle.
- (2) A person must not freedom camp in a certified selfcontained vehicle in any area marked red on any map in the Schedule.

7. FREEDOM CAMPING IN CERTIFIED SELF-CONTAINED VEHICLES

- (1) In any area marked orange on any map in the Schedule, freedom camping is allowed subject to the following restrictions:
 - a. The freedom camping must only take place in a certified self-contained vehicle; and
 - b. The maximum period of stay in any location within an orange area is 2 nights within a 30-day period; and
 - c. If there are marked parking spaces in an orange area, only one vehicle may park overnight per marked parking space, and all freedom camping activities must be confined to that parking space.

Explanatory note: Clause 7(1)(c) is to prevent overcrowding and overflow in freedom camping areas. This means 'double-bunking' (where more than one vehicle occupies a parking space intended for one vehicle) is not allowed. Freedom camping activities (including awnings or shade structures) cannot spread outside of the marked parking space and encroach onto neighbouring spaces or into other areas, including any nearby grassed areas. These kinds of freedom camping areas are not intended to support traditional camping set-ups.

- (2) In clause 7(1)(b) location means the land within 500m of the place where the certified self-contained vehicle is situated for the purpose of freedom camping.
- 8. [Clause 8 of the Bylaw was revoked by an amendment to the Bylaw that came into force on 1 December 2016.]

9. PRIOR PERMISSION FROM COUNCIL

- (1) The Chief Executive of the Council may waive or modify the freedom camping restrictions in clauses 6 and 7 of this Bylaw. Permission may be granted by the Chief Executive with or without conditions.
- (2) Application for permission must be made:
 - a. in writing;
 - b. provide sufficient detail about the proposed camping including information about how the applicant will manage all human and other waste generated while freedom camping; and
 - c. be made at least 20 working days in advance of the date planned for freedom camping in the area where the prohibition or restrictions apply.

10. COUNCIL MAY TEMPORARILY CLOSE AN AREA TO FREEDOM CAMPING

- (1) The Chief Executive of 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.
- (2) Notice will be given of any temporary closure or restriction, and the removal of any closure or restriction, in any manner the Chief Executive considers is appropriate to the reason for the closure or restriction. Prior notice of any temporary closure or restriction will be given where possible.

The following note is explanatory and is not part of the Bylaw: Notice given by the Council may include any of the following: a sign erected in the area; and/or advertising on the Council's website or on the radio; and/or a public notice in the newspaper.

11. EFFECT OF THIS BYLAW ON OTHER BYLAWS AND ENACTMENTS

- (1) [Sub-clause 1 was revoked by an amendment to the Bylaw that came into force on 1 December 2016.]
- (2) Providing for restricted freedom camping in clause 7 of this Bylaw also provides for the parking of any vehicle being used for freedom camping in any area identified in clause 7, but does not affect any time, vehicle class or other restrictions that apply to the parking of that vehicle, made under any other bylaw or enactment.

The following note is explanatory and is not part of the Bylaw: This clause is to make it clear that approval of freedom camping under this Bylaw also satisfies any requirement for approval under another bylaw or enactment.

For example: the Council designates parking areas under the Traffic and Parking Bylaw and Council approval is needed to make changes; approving the same area for freedom camping under this bylaw also provides any Traffic and Parking Bylaw approval, if required (but the freedom camping must still comply with any parking time limits, etc applicable to the area).

12. CHRISTCHURCH CITY GENERAL BYLAW

The provisions of the Christchurch City General Bylaw 2008 (as amended from time to time) are implied into and form part of this Bylaw.

13. OFFENCE AND PENALTY

- (1) As specified by section 20(1) of the Act, every person commits an offence who:
 - a. freedom camps in a local authority area in breach of any prohibitions 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
- (2) As specified by section 23(1) of the Act, every person who commits an offence set out in clause 12(1) is liable to an infringement fee (fine) of \$200.

The following note is explanatory and is not part of the Bylaw: Section 20 of the Act provides for the above offences and also for other offences, such as not properly disposing of waste into a waste receptacle, damaging or interfering with the flora and fauna in an area, and obstructing or threatening an enforcement officer.

Section 22 of the Act sets out defences to a freedom camping offence. The defences include that an offence was committed due to an action or event beyond the control of the defendant that could not reasonably have been foreseen, or the act was necessary to protect life or health, prevent injury or serious damage to property. Council officers use their discretion when investigating freedom camping complaints, which will include consideration of any defences that may be available to a person.

The initial resolution to make this Bylaw was passed by the Christchurch City Council at a meeting of the Council on the 13th day of August 2015 and was confirmed, following consideration of submissions received during a special consultative procedure by a resolution at a subsequent meeting of the Council on the 26th day of November 2015.

This Bylaw was amended by the Council on 2 November 2016, and the amendments came into force on 1 December 2016.

This Bylaw was amended by the Council on 8 November 2018, and the amendments came into force on 1 December 2018.

14. SCHEDULE: FREEDOM CAMPING AREA MAPS

The following note is explanatory and is not part of the Bylaw:

FREEDOM CAMPING IS PERMITTED IN CERTIFIED SELF-

CONTAINED VEHICLES ONLY

For certified self-contained vehicles, freedom camping is allowed, except in the prohibited areas marked RED on the maps.

In the areas marked ORANGE on the maps, the maximum period of stay is two nights within a 30-day period.

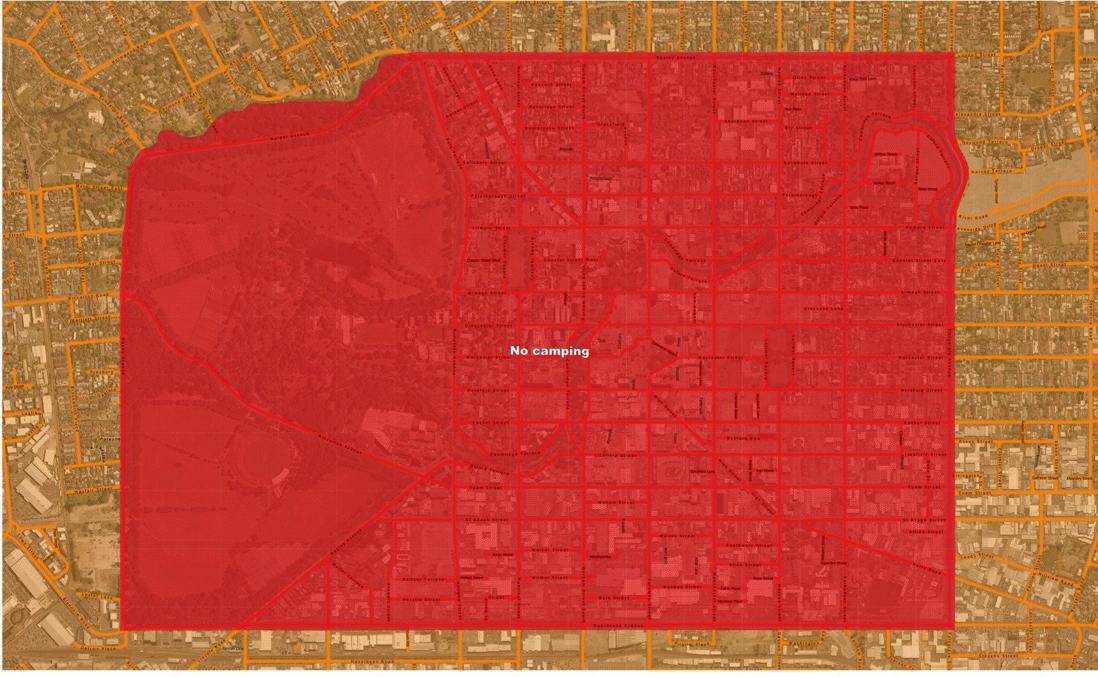
The tables below contain a general description of the RED and ORANGE areas covered in each of the Schedule maps that follow.

Areas where freedom camping is prohibited

Map number	Where is Freedom Camping prohibited?
Map 1 red area	Christchurch Central City – all Council-owned and/or -managed land between and inclusive of Bealey Avenue, Fitzgerald Avenue, Moorhouse Avenue, Deans Avenue, Harper Avenue, and Little Hagley Park.
Map 2 red area	New Brighton North Ramp and South Ramp Off street car parks – all Council-owned and/or -managed land off street car parks, immediately north and south of the New Brighton Pier.
Map 3 red area	Lyttelton Main Business Area – Council owned and/or -managed land between and inclusive of London Street, Oxford Street, Norwich Quay, and Dublin Street.
Map 4 red area	Rāpaki Settlement – all Council owned and managed land beside and between Governors Bay Road and the foreshore at Rāpaki Jetty.
Map 5 red area	Birdlings Flat residential zone – all Council-owned and/or -managed land. Residential zone within the Birdlings Flat settlement area, from 107 Poranui Beach Road, Hill View Rd, Forest View Road, Lake Terrace Road, Clifton St and Coates Roads to the foreshore of Burlington Bay.
Map 6 red area	Ōnawe Flat Road – all Council-owned and/or -managed land including Ōnawe Point and all areas of Ōnawe Flat Road, up to but excluding the Duvauchelle settlement.
Map 7 red area	Takamātua – all Council-owned and/or -managed land including the road and coastline along Takamātua Bay Road to its intersection with McRae's Road.
Map 8 red areas	French Farm – All Council-owned and/or -managed land including the roads and foreshore.
Map 9 red areas	Wainui – including Stanbury Park. All Council-owned and/or -managed land, including the roads and foreshore.
Maps 10 & 11 red areas	Akaroa Prohibited Area – All Council-owned and/or managed land in Akaroa township is prohibited to freedom camping (other than in the marked parking spaces in the Akaroa Freedom Camping Area, where certified self-contained vehicles can camp for up to two nights in any 30-day period). The Akaroa prohibited area includes: the whole of the Akaroa waterfront (from Children's Bay to Red House Bay (including the whole of Beach Road)); Takapūneke Reserve (from and including Beach Road to Ōnuku Road); the residential part of Lighthouse Road (as shown on the map); Grehan Valley Road and Aylmers Valley Road (including the parking area for Misty Peaks Reserve); Rue Balguerie and the first parts of Purple Peak Road and Stony Bay Road (as shown on the map); Old Coach Road up to and including the turnaround area by Long Bay Road / State Highway 75; and part of Morgan's Road (as shown on the map).
Map 11 red areas	[Entry deleted by the 2018 amendment (Takapūneke Reserve was amalgamated into the full Akaroa prohibited entry, above and in effect remains a prohibited area for freedom camping)]
Map 12 red areas	Ōnuku – All Council-owned and/or -managed land including the roads and foreshore within the Ōnuku settlement area.
Map 13 red areas	Purau – All Council-owned and/or -managed land along the foreshore of Purau Bay.
Map 14 red areas	Koukourārata / Port Levy settlement – All Council-owned and/or -managed land within the Koukourārata/Port Levy settlement area.
Map 20 red area	Addington Park Car Park – no written description. Please see Map 20 red area.
Map 21 red area	Lower Styx River mouth – no written description. Please see Map 21 red area.
Map 22 red area	Windsport Park – all of the land at 21–23 Humpfreys Road, Woolston/Ferrymead.

Areas where freedom camping is restricted (self-contained vehicles only, two nights within any 30-day period)

Map number	Where can you camp in a fully self-contained vehicle for a maximum of 2 nights in any 30-day period?
Map 23 orange area	Christchurch City – all Council-owned and/or -managed land in the greater City urban areas, including Lyttleton, Cass Bay, Corsair Bay, Rāpaki and Governors Bay, excluding and bounded by prohibited areas.
Maps 10 & 11 orange area	Akaroa Freedom Camping Area is located at the northern end of Akaroa, south of Woodills Road / State Highway 75, and in the north eastern part of Akaroa Boat Park. There are two rows of freedom camping parking spaces to the west of the Akaroa Croquet Club (one row with seven larger parks, and one row with eight medium parks). A third row of freedom camping parking spaces is located alongside the northern fork of Grehan Stream (with three medium parks). Freedom camping parking spaces are clearly marked on-site.
Map 15 orange area	Governors Bay residential zone – No written description. Please see Map 15 orange areas.
Map 16 orange area	Diamond Harbour – All Council-owned and/or -managed land within the Diamond Harbour area, excluding the prohibited area in Purau Bay.
Map 17 orange area	Little River settlement - No written description. Please see Map 17 orange areas.
Map 7 orange area	Takamātua residential zone – All Council-owned and/or -managed land within the Takamātua settlement area is bounded by the road and coastline along Takamātua Bay Road to its intersection with McRae's Road.
Map 18 orange area	Duvauchelle settlement – No written description. Please see Map 18 Orange Areas.
Map 19 orange area	Robinsons Bay – All Council-owned and/or -managed land within the Robinsons Bay area. Please see Map 19 orange areas.



Freedom Camping is camping outside a camping ground within 200 metres of a motor vehicle accessible area or the mean low-water springs line of any sea or harbour, or on or within 200 meters of a formed road or a Great Walks. Track; using a tent or other temporary structure, a caravan, a car, campervan, house-truck, or other motor vehicle. It does not include temporary and short-term parking of a motor vehicle, day-trip excursions, or resting or sleeping at the roadside in a caravan or motor vehicle to avoid driver fatigue.

Self-Contained Only

Certified self-contained vehicles only. No time limit Self-Contained 2 Nights Only

Certified self-contained vehicles only for up to two nights per location in any 30-day period No Camping

No camping of any kind

Self contained camping vehicles must display a current self-containment warrant issued under the New Zealand Standard for Self Containment of Motor Caravans and Caravans, NZS 5465:2001. Restricted and prohibited freedom camping areas are defined by map and a written description of their leastly.





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The written description is conclusive If there is any inconsistency between the map and the description.



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Lyttelton Harbour/Whakaraupo

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Scale: 1: 1000 Layout: A1 Dated: 23 November 2016 Workspace: MRT942 Monitoring and Research



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Freedom Camping is camping outside a camping ground within 200 metres of a motor vehicle accessible area or the mean low-water springs line of any sea or harbour, or on or within 200 meters of a formed road or a Great Walks other temporary structure, a caravan, a car, campervan, housetruck, or other motor vehicle. It does not include temporary and short-term parking of a motor vehicle, day-trip excursions, or resting or sleeping at the roadside in a caravan or motor vehicle to avoid driver fatigue.

Certified self-contained vehicles only. No time limit

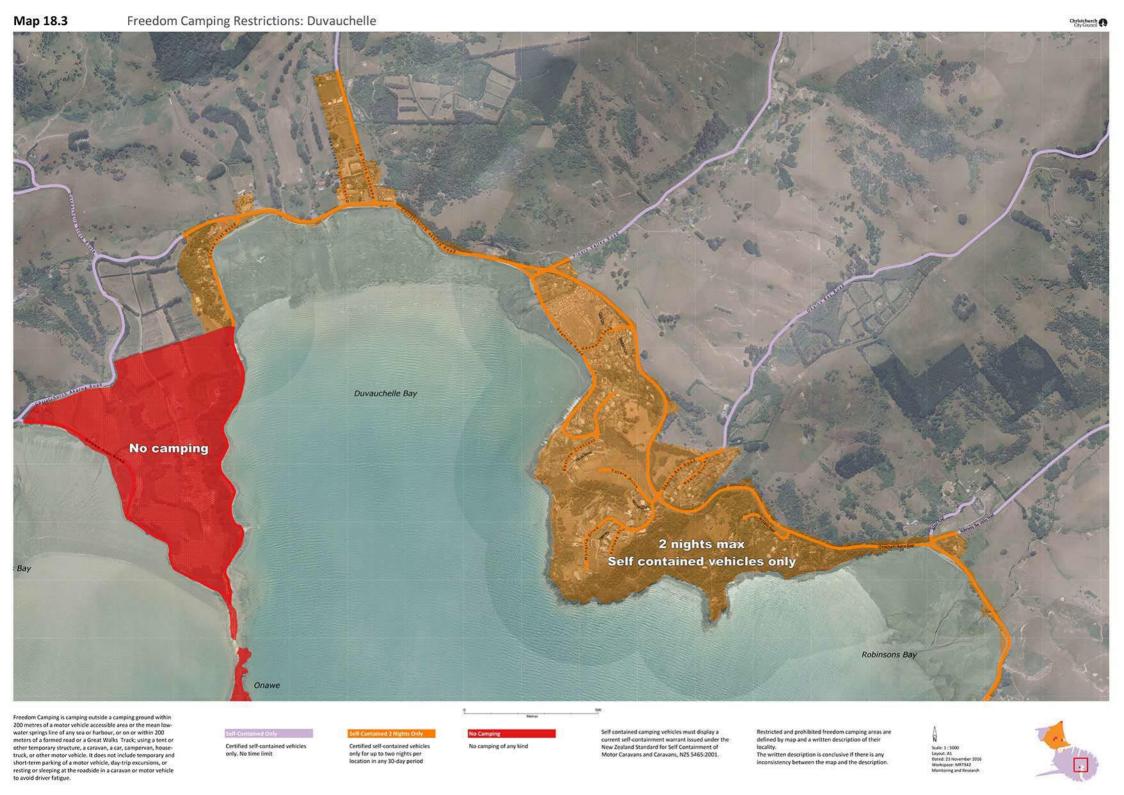
Certified self-contained vehicles only for up to two nights per location in any 30-day period

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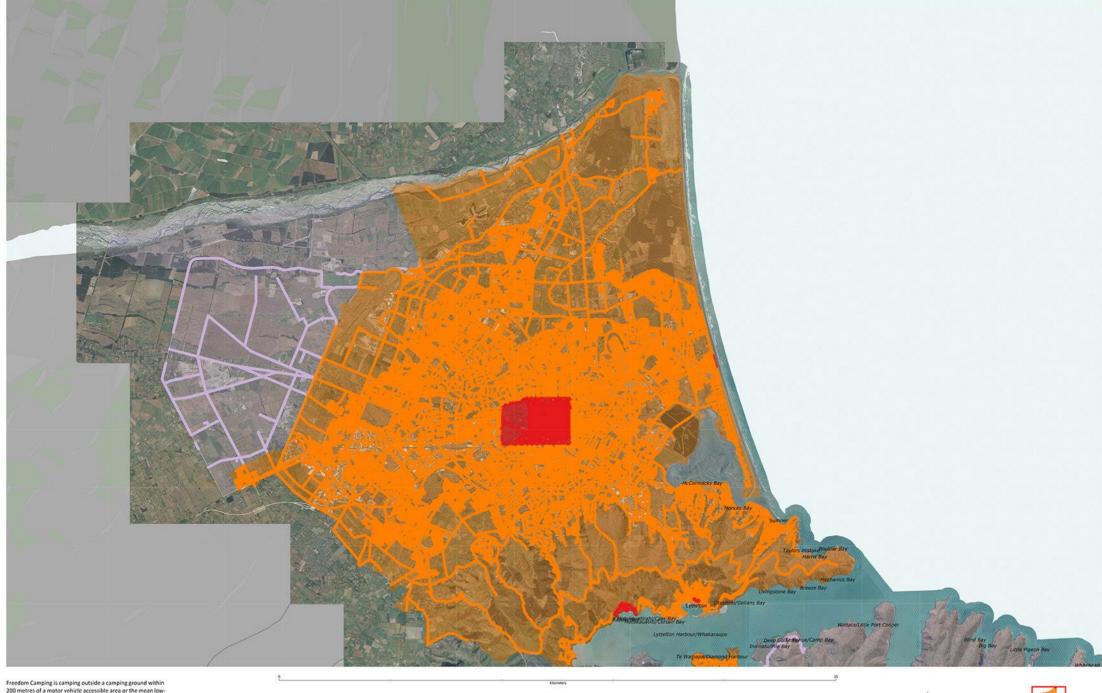
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