

## Legacy Bylaw Provisions on Freedom Camping

Confirmed 29 October 2015

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### **20.3 Specific restrictions**

20.3.1 Except with permission of an authorised officer, or a licence from council, a person shall not, in, on, or over any public place:

(g) camp or sleep overnight, except in areas set aside by the council for that purpose. In this context, camping shall include the use of any vehicle whether or not it is specially fitted for sleeping;

(v) put up or erect any stall, booth, tent or structure of any kind.

### **20.8 Enforcement**

20.8.1 The provisions of Part 1 (Bylaw Administration) of council's bylaws shall apply to enforcement of this bylaw.

20.8.2 The person responsible for compliance with this bylaw shall include the organiser or person in charge of the street trade, street performance or event on a public place and the person who carries out or permits an act or activity that is regulated by this bylaw. For the avoidance of doubt, this includes the owner of any material or thing who fails to take all reasonable steps to prevent a breach of this bylaw occurring in respect of that material or thing.

20.8.3 Where any work or thing, is or had been, constructed in breach of this bylaw, an authorised officer may, pursuant to section 163 of the Local Government Act 2002, remove or alter the said material or thing.

20.8.4 The council may recover from any person responsible for the breach of the bylaw all expenses incurred by it in connection with such pulling down, removal or alteration. This includes the costs of any storage, debt collecting and legal fees.

20.8.5 The exercise of this authority shall not relieve any such person from responsibility for any penalty for erecting or permitting the continued existence of any such material.

20.8.6 Where any land or structure or material or thing, or any use of land, near or adjacent to a public place could, in the opinion of an authorised officer, cause injury or nuisance to the public, an authorised officer may require the owner or person in control thereof to take such action or to carry out such works required to make the land or structure or material or thing safe or remove the nuisance.

20.8.7 If the breach is such that public health, or safety consideration or the risk of damage to council property is such that delay would be unacceptable to the council, it may take immediate steps to rectify the defect and recover the costs referred in clause 20.8.4 of this bylaw.

20.8.8 In addition to the provisions of Part 1 (Bylaw Administration), an authorised officer may require a person found to be committing a breach of this bylaw to perform any or all of the following actions:

- a. immediately cease an activity;
- b. leave a public place;

c. not return to the public place for such period as the authorised officer deems fit (in which case the requirement shall be a notice in writing).

20.8.9 Failing to comply with the requirements of this bylaw shall be an offence against this bylaw and failing to comply with reasonable promptness with a requirement of an authorised officer made pursuant to this bylaw shall be a further offence.

## Auckland Regional Council Parks Bylaw 2007, clauses 6.1(b) and 8

### **6.0 Activities Requiring Approval**

6.1 No person shall, without the prior approval of the Council, or as approved by way of authorised signs:

(b) put up or erect any structure of any kind, or live or camp in any building, tent, structure or vehicle.

### **8.0 Penalties for Breach of Bylaw**

8.1 In the event of any breach of this Bylaw the Council may act under Sections 162, 164, 175, 176, 178, 239, 242 and Subpart 3 'Infringement offences' of the Act and may, with or without the assistance of the police, take such action as is necessary to stop the breach.

8.2 Every person who breaches this Bylaw commits an offence and is liable on conviction to a fine not exceeding \$20,000 and where the breach is a continuing one a further fine for every day on which the breach is continued.

8.3 In addition to the powers under clause 8.1 to act upon any breach of this Bylaw, the Council may pursuant to section 163 of the Act:

(a) remove or alter a work or thing that is, or has been constructed or set up in breach of this Bylaw; and

(b) recover the costs of removal or alteration or loss or damage to public property arising as a consequence of any such breach.

8.4 Where it is suspected that any person has committed a breach of this Bylaw, that person shall, on the direction of an Authorised Officer, provide his/her full name, and address.

Franklin District Council Public Places Bylaw 2007, clause 5(5)(b) and the First Schedule

**5. Public Safety and Nuisances**

- (5) Notwithstanding the requirements of any other clause of this Bylaw, no person shall in any public place:
- (b) Camp in any area not set aside for the purpose. In this context, camping shall include the use of any vehicle for sleeping, whether or not it is specially set out for sleeping. Areas so set aside, and subject to any conditions therein, are listed in the First Schedule to this Bylaw. The First Schedule to this Bylaw may be amended, from time to time, by Council resolution publicly notified.

**First Schedule (as amended by Council Resolution 2008/2/36 on 28 February 2008): Areas Set Aside Under Clause 5(5)(b)**

Camping is only permitted in the areas listed hereunder, and subject to specified conditions, by vehicles holding and displaying current NZS 5465:2001 certification:

<b>Areas set aside:</b>	<b>Conditions:</b>
<b>Rays Rest, off East Coast Road</b> , within the signposted area	<ul style="list-style-type: none"> <li>• Permitted camping hours between 6pm at night and 10am the next morning</li> <li>• Maximum stay of two nights</li> <li>• All rubbish and other materials to be removed when vacating the area</li> <li>• Dogs are prohibited on the beach and adjoining reserve at all times under the Franklin District Council Dog Control Bylaw 2004.</li> </ul>
<b>Te Toro Reserve</b> within the signposted area	<ul style="list-style-type: none"> <li>• Permitted camping hours between 6pm at night and 10am the next morning</li> <li>• Maximum stay of two nights</li> <li>• All rubbish and other materials to be removed when vacating the area</li> <li>• Under the Franklin District Council Dog Control Bylaw 2004, dogs are allowed off leash on the reserve and adjoining beach between the permitted camping hours of 6pm and 10am. However, dogs must remain on a leash in these areas between 10am and 6pm on weekends, public holidays and school holidays from the beginning of Labour Weekend to the end of March in the following year.</li> </ul>
<b>Hamiltons Gap</b>	<ul style="list-style-type: none"> <li>• Permitted camping hours between 6pm at night and 10am the next morning</li> <li>• Maximum stay of two nights</li> <li>• All rubbish and other materials to be removed when vacating the area</li> <li>• Under the Franklin District Council Dog Control Bylaw 2004, dogs are allowed off leash on the reserve and adjoining beach between the permitted camping hours of 6pm and 10am. However, dogs must remain on a leash on the reserve and on that part of the beach within 250m either side of the creek mouth at the end of West Coast Road between 10am and 6pm on weekends, public holidays and school holidays from the beginning of Labour Weekend to the end of March in the following year.</li> </ul>

<p><b>Rosa Birch car park off Beresford Street, Pukekohe,</b> within the signposted area</p>	<ul style="list-style-type: none"> <li>• Permitted camping hours between 6pm at night and 10am the next morning</li> <li>• Maximum stay of two nights</li> <li>• All rubbish and other materials to be removed when vacating the area</li> <li>• Dogs must remain on a leash at all times as required under the Franklin District Council Dog Control Bylaw 2004.</li> </ul>
<p><b>St. Stephens car park, Tuakau,</b> within the signposted area</p>	<ul style="list-style-type: none"> <li>• Permitted camping hours between 6pm at night and 10am the next morning</li> <li>• Maximum stay of two nights</li> <li>• All rubbish and other materials to be removed when vacating the area</li> <li>• Dogs must remain on a leash at all times as required under the Franklin District Council Dog Control Bylaw 2004.</li> </ul>
<p><b>Western side of Waiuku Service Centre car park, Waiuku,</b> within the signposted area</p>	<ul style="list-style-type: none"> <li>• Permitted camping hours between 6pm at night and 10am the next morning</li> <li>• Maximum stay of two nights</li> <li>• All rubbish and other materials to be removed when vacating the area</li> <li>• Dogs must remain on a leash at all times as required under the Franklin District Council Dog Control Bylaw 2004.</li> </ul>

Manukau City Consolidated Bylaw 2008: Chapter 9 General Nuisance, Safety and Behaviour in Parks and Public Places, clause 4.1 (a) and (b)

#### **4 Residential Occupation of any Public Place by Vehicles, Tents and Caravans**

4.1 No person may occupy or permit to be occupied for the purpose of human habitation, any vehicle, tent, caravan or structure of any kind that is situated in or on a public place, except–

- (a) in a place set aside by the Council for the purpose of camping or overnight parking for a self-contained motor caravan; and
- (b) upon payment of the fees specified by the Council.

North Shore City Council Bylaw 2000: Part 2 Public Places, clauses 2.3.1 (g) and (j)

### **2.3 Nuisance in Public Places**

2.3.1 You must not in any public place:

- (g) Sleep overnight or camp in an area of public land not set aside for that purpose unless permitted by us. In this context, camping shall include the use of any vehicle, whether or not it is specially fitted out for sleeping.
- (j) Use any structure or vehicle as temporary living accommodation.

Papakura District Council Public Places Bylaw 2008, clauses 3.4(b) and 18.1

### **3 Public Safety and Nuisances**

3.4 Notwithstanding the requirements of any other clause of this bylaw a person must not in any public place:

- (b) Camp in an area not set aside for the purpose. In this context camping shall include the use of any vehicle for sleeping whether or not it is specially set out for sleeping.

### **18 Offences**

18.1 A person who fails to comply with or contravenes this bylaw commits an offence and is liable on summary conviction to a maximum penalty of \$20,000 in accordance with section 242(2) of the Local Government Act 2002.

Rodney District Council General Bylaw 1998: Chapter 8 Public Places,  
clauses 6.1 (a) and (c), 7, and 8

**6.0 Activities Require Consent**

6.1 No person shall in any public place without the consent of an Authorised Officer or as indicated by signs:

- (a) put up or erect any stall, booth, tent, tree hut, swing or structure of any kind; or live in or use any building, tent, structure or vehicle; or
- (c) park any vehicle (including self contained vehicles but excluding cycles) in any public place including any beach, except in a place set aside by the Council for the parking of vehicles or on any road where parking is permitted; or

**7.0 Offences and Penalties**

7.1 Any person carrying out an activity in a public place contrary to this bylaw shall cease the activity immediately on being required to do so by an Authorised Officer.

7.2 In the event of any breach of this bylaw the Council or an authorised officer may act under Sections 162, 163, 164, 175, 176, 178, 239 and 242 of the Local Government Act 2002, and may, with or without the assistance of the police, take such action as is deemed necessary to stop the activity.

7.3 In addition to the powers under Chapter 1 to act upon any breach of this bylaw, the Council may institute legal proceedings to recover loss or damage to public property as a consequence of any such breach.

7.4 Where it is suspected that any person has committed a breach of this bylaw, that person shall, on the direction of an Authorised Officer provide his/her full name and address.

**8.0 Other Requirements**

8.1 In addition to requirements of this Chapter of the Bylaw, activities in public places may be subject to further requirements as set out in:

- (a) Chapter 1 - Bylaw Administration
- (b) Chapter 5 Trading in Public Places
- (c) Chapter 6 Stock on Roads
- (d) Chapter 9 Road and Traffic Control and Numbering of Premises
- (e) Chapter 12 Use of Public Wharves and Boat Ramps
- (f) Chapter 16 Liquor Ban
- (g) Chapter 18 - Road Speed Limits
- (h) Chapter 25 Parking and Traffic Control
- (i) The Auckland Regional Council Navigation Safety Bylaws 2001

## **6 Restrictions on the Use of Public Places**

6.1 No person shall behave in any public place in such a way as to cause any obstruction or nuisance to the enjoyment of public places or threaten public health and safety or be offensive. Without limiting the generality of the foregoing no person shall, in any public place:

- (i) Camp or reside in an area not set aside for that purpose, whether in a vehicle or otherwise.

## **7 Activities Requiring Approval**

7.1 No person shall, without the prior approval of the Council and then only in compliance with any conditions attached to that approval:

- (a) Erect or place any structure including but not limited to a stall, tent, awning, blind or screen on or over a public place.

## **17 Offences**

17.1 Every person commits a breach of this bylaw who:

- (a) Knowingly permits or allows anything to be done that is a breach of this bylaw; or
- (b) Is party to, or incites to be done, anything that is a breach of this bylaw; or
- (c) Does anything or causes any condition to exist for which a licence, consent or approval from the Council is required under this bylaw and operates without first obtaining that licence, consent or approval. No application for a licence, consent or approval from the Council, and no payment or receipt for any fee paid in connection with such application, licence, consent or approval shall confer any right, authority or immunity on the person making such application or payment; or
- (d) Fails to comply in all respects with any condition attached to any licence, consent, or approval; or
- (e) Fails to obey a lawful instruction of an Authorised Officer; or
- (f) Obstructs or hinders any Authorised Officer of the Council in the performance of his or her duties under this bylaw.

## **18 Penalties**

18.1 Pursuant to section 239 of the Act, every person who breaches this bylaw, commits an offence and is liable on summary conviction to the penalties set out in section 242 of the Act.

18.2 Pursuant to section 162 of the Act, the Council may apply to the District Court for an injunction restraining a person from committing a breach of this bylaw.

18.2 The Council may exercise the powers under section 163 of the Act in respect of any work or anything constructed in breach of this bylaw.



18.3 Where an infringement regime is introduced under Subpart 3 of Part 9 of the Act and bylaws are deemed to infringement offences, an offence against this bylaw is an infringement offence.

**19           Dispensing Power**

19.1 The Council may, on an application in writing, grant dispensation from complying with this bylaw (in whole or in part), subject to any other terms or conditions (if any) that the Council may choose to impose, where, in the opinion of the Council, full compliance with any of the provisions of this bylaw causes injurious affection to any person, or the operation of any business, or causes inconvenience to any person in either case without any corresponding benefit to the community.