

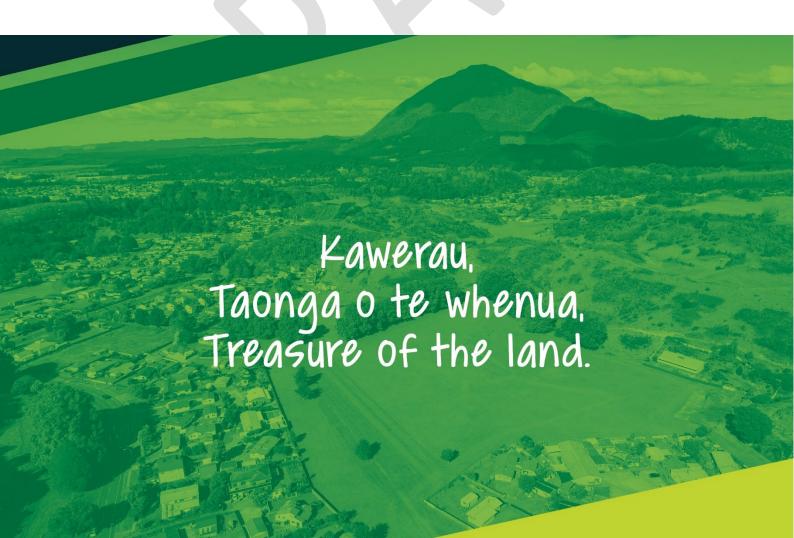




Proposed Freedom Camping Bylaw 2024

Kawerau District Council Proposed Reviewed Freedom Camping Bylaw (2019)

Date First Adopted:	1 Oct 2019
Last Reviewed :	July 2024
Next Review Date:	July 2034
Engagement Required:	Special Consultative Procedure (s83 LGA)
Document Number:	BYL 001
Responsibility:	Group Manager, Regulatory and Planning
Associated Documents:	Freedom Camping Act 2011, Kawerau District Council Reserve Management Plan



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1. Introduction

1.1. Title

This bylaw shall be known as the Kawerau District Council Freedom Camping Bylaw 2019.

1.2. Commencement

This bylaw came into	force o	n 1	October 20	19. An	nenc	dments to	this bylaw	come i	into
force on	_2024,	in	accordance	with	a re	solution	of Council	made	on
2024.									

1.3. Enabling enactment

This bylaw is made in accordance with section 11 of the Freedom Camping Act 2011 ('Act'). This bylaw should be read alongside the Act.

1.4. Purpose

The purpose of this bylaw is to control freedom camping in the Kawerau District in order to:

- a) Protect local authority areas;
- b) Protect the health and safety of people who may visit local authority areas; and
- c) Protect access to local authority areas.

Explanatory Notes

The provisions of this bylaw only apply to land owned and controlled by Council. It does not apply to private land or land owned by the Department of Conservation, Land Information New Zealand or the New Zealand Transport Agency.

1.5. Explanatory notes

This bylaw contains explanatory notes, which do not form part of this bylaw. The Council may add, amend or delete explanatory notes at any time without amending the bylaw.

2. Definitions

For the purpose of this bylaw, the following definitions apply:

Act means the Freedom Camping Act 2011 ("Act").

Chief Executive means the person appointed by Council under section

42 of the Local Government Act 2002.

Council means Kawerau District Council.

District means Kawerau District.

Enforcement Officer means a person appointed as an enforcement officer

under section 32 of the Freedom Camping Act 2011.

Freedom camp has the meaning set out in section 5 of the Act.

Explanatory notes

As at 7 June 2023, section 5 of the Act, defines freedom camp as:

- (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.

Freedom camping

has the equivalent meaning of Freedom camp.

Infringement offence

means an offence specified in section 20 of the Act.

Explanatory notes

Sections 20 of the Act, sets out the infringement offences which include the following:

- freedom camps or makes preparation to freedom camp in breach of any prohibition or restriction specified in a bylaw.
- freedom camps, in a vehicle that is not self-contained, in breach of a bylaw.
- fails to display a warrant card for the vehicle being used to freedom camp.
- freedom camps or makes preparation to freedom camp in a self-contained vehicle with more people than the vehicle is certified for.
- while freedom camping in a local authority area, interferes with or damages the area, its flora or fauna, or any structure in the area.
- deposits waste in or on the area (other than into an appropriate waste receptacle)
- fails or refuses to leave a local authority area when required to do so by an enforcement officer acting under <u>section 36</u>.

For clarification to **make preparations** means to do either or both of the following:

- (a)erect a tent to use it for freedom camping:
- (b)park a motor vehicle to use it for freedom camping.

Local authority area

has the meaning as 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, states:

- (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...

Prohibited area

means an area identified in Schedule 2: Prohibited Areas, in which freedom camping is prohibited.

Restricted area

means an area identified in Schedule 1: Restricted Areas, in which freedom camping is permitted subject to restrictions.

Reserve means any land classified as a reserve under the

Reserves Act 1977 or its amendments.

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

Explanatory Notes

As at 7 June 2023, section 4 of the Act, defines self-contained as:

(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, being 7 June 2023 to 7 June 2025)

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.

Vehicle has the meaning given in section 2(1) of the Land

Transport Act 1998.

Waste means any kind of waste, including human waste.

3. Freedom Camping Areas

3.1. Freedom Camping

- 3.1.1. Freedom camping is permitted in any local authority area within the District, in a self-contained vehicle, unless it is restricted or prohibited by this bylaw or under any associated enactment, bylaw, or reserve management plan.
- 3.1.2. For clarification, freedom camping in any tent or temporary structure in any local authority area is prohibited.

3.2. Freedom camping - Restricted Areas

- 3.2.1. A person may freedom camp in any area identified in Schedule 1: Restricted Areas for Freedom Camping, are marked yellow on the maps in Schedule 3. Freedom Campers must comply with the restrictions listed below:
 - a) No person may freedom camp except in a self-contained vehicle.
 - b) No person may freedom camp for more than 7 nights in any one calendar month.
 - c) No person may freedom camp for more than 7 consecutive nights when crossing over two months.
 - d) All waste must be either removed or disposed of in the bins provided.
 - e) All wastewater (including human waste) must be disposed of in the dump sites provided at Prideaux Park and Firmin Field.
 - f) Campsites must be kept clean and tidy.
 - g) Freedom campers must not prevent others from undertaking legitimate activities in the area or restrict access to any public area or private land.
 - h) No person may light any fires.
 - i) All persons are subject to all other requirements that apply generally to the area where they are camped, including dog, alcohol and noise control.
 - j) No person may interfere with or damage any freedom camping area, flora, fauna or structure.
 - k) Enforcement officers must be able to inspect any campsite and freedom campers must comply with any reasonable direction.
- 3.2.2. Despite sub clause, 3.2.1 some restricted areas require prior consent as identified in Schedule 1. Restricted Areas requiring prior consent are for large organised groups or events, which cannot be accommodated within existing Restricted Sites. Restricted Areas requiring prior consent are marked blue on the maps in Schedule 3.

3.2.3. Despite sub clause, 3.2.1 and 3.2.2 a person may freedom camp in any restricted area, if they have obtained the prior written consent of the Council, granted under clause 4 of this bylaw, and complies with any conditions of the consent. The written consent must be produced on request of an enforcement officer.

3.3. Freedom camping - Prohibited Areas

3.3.1. No person may freedom camp in any local authority area in the District described in Schedule 2: Prohibited Areas, and mark red on the maps in Schedule 3.

Explanatory notes

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

3.3.2. Despite sub clause, 3.3.1 a person may freedom camp in a prohibited area if they have obtained the prior written consent of the Council, granted under clause 4 of this bylaw, and complies with any conditions of the consent. The written consent must be produced on request of an enforcement officer.

4. Prior Consent from Council

4.1. Application for Consent

- 4.1.1. The Council may grant written consent to a person, to freedom camp, contrary to any prohibition or restrictions that apply under this bylaw.
- 4.1.2. An application for consent must be made in writing, to the Chief Executive Officer, at least 10 working days prior to the date on which freedom camping is planned to occur.
- 4.1.3. The application must be accompanied by the application fee, set in Council's schedule of fees and charges.
- 4.1.4. Completed applications will be considered by Council and may be granted at Council's sole discretion.

Explanatory Note:

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

- Where associated with a special event or occasion occurring in the area and an exemption is required for the duration of the event or occasion.
- Where the anticipated availability of freedom camping sites will not meet the expected needs.
- Complying with the restrictions or prohibition in the bylaw is not reasonable in the circumstances.
- 4.1.6. The consent is not transferable to another person or event.
- 4.1.7. An enforcement officer may revoke a consent given under clause 4.1.1 if any person breaches the conditions specified in the consent or the freedom camping covered by the consent, breaches this bylaw or the Act.

5. Temporary Closure or Restriction of Freedom Camping

5.1. Temporary Closure or Restriction

Council may temporary close or restrict freedom camping in any local authority area or part of any area, where the closure or restriction is considered necessary to:

- a) Allow maintenance of the area or facilities in the area;
- b) Prevent damage to the area or facilities;
- c) Protect the safety of persons or property; or
- d) Provide better public access to facilities, including access to local events held in the area.

5.2. Notice

Council will give notice of a closure or restriction of this bylaw, as soon as reasonability practicable, taking into the circumstances of such closure or restriction.

Explanatory Notes

Notice given by Council may include any of the following:

- A sign errected in the area
- Advertising on Council website and/or Council facebook page
- · Advertising on the radio
- Public notice in a paper

6. Offences

6.1. Offences

Every person who freedom camps, or makes preparation to freedom camp, in a local authority area in breach of any prohibition or restriction imposed in this bylaw commits an infringement offence under section 20(1) of the Act. This includes a breach of any condition of an approved prior consent.

6.2. Exceptions

Every person who has obtained a written consent from Council, granted under clause 4.1.1 of this bylaw, and who complies with all conditions of that consent, is not acting in breach of any prohibition or restriction in this Bylaw as set out under section 20(1)(a) and (f) of the Act.

Explanatory notes

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

Where no regulations are made, the infringement fee is \$400 (s20E of the Act)

Infringements may be issued to:

- person who committed the offence;
- the registered owner of the vehicle used to freedom camp
- the person lawfully entitled to possession of the vehicle used to freedom camp. (s26 of the Act)

Enforcement officers may require a person to leave an area if the officer has reasonable grounds to believe the person is committing or has committed an offence. (s36 of the Act)

SCHEDULE ONE

Freedom Camping Restricted Areas

Freedom Camping in areas described below is subject to restrictions specified in clause 3.2 of this bylaw.

All restrictions must be complied with unless prior written consent of the Council is obtained under clause 4 of this bylaw.

Explanatory Notes

Restricted Areas included some locations which require prior consent to be accessed. These have been included as restricted due to the public interst in these areas for large events. These sites are shown as blue below and on the maps.

Map	Area and Description	Restrictions			
01	Prideaux Park	Restricted to self-contained vehicles.			
	Prideaux Park is located on the corner of Islington Street and Plunket Street and extends all the way to Glasgow Street.	Grassed area in front of Kawerau Bowling Club is only available where no events are being held at Prideaux Park. Vehicle and all camping equipment must not encroach on the			
	Access off Plunket Street, Kawerau.				
	Three areas are available for freedom camping at Prideaux Park.	access way.			
	 Stream side area located behind the Prideaux Park Pavilion. Four power sites available – contact Kawerau isite for details. 	Prior Consent required if requesting to use the sports field.			
	 Grassed area behind Kawerau Bowling Club. 				
	 Grassed area in front of Kawerau Bowling Club. 				
	Dump station available on site.				
01	Maurie Kjar Aquatics Centre Carpark	Restricted to self-contained vehicles.			
		Freedom camping only available between 4pm and 9am.			

Maurie Kjar Aquatics Centre is located on the corner of Plunket Street and Glasgow Street and is accessible from either street.

One area is available for freedom camping.

Sealed carpark on eastern edge.

Freedom camping is only available along the eastern edge of carpark from the corner of Glasgow and Plunket Street to about half way along the carpark on Plunket Street (excludes parking in front of the Bowling Club) – as marked in the map.

02 Firmin Field

Firmin Field is located between Waterhouse Street and Porritt Drive and runs along the side of Tarawera River.

Access is off Waterhouse Street.

One area is available for freedom camping.

 Sealed carpark along eastern edge. Six powered sites available - contact Kawerau isite for details.

Access off Waterhouse Street, Kawerau.

Dump station available on site.

Restricted to self-contained vehicles

Restricted to the eastern edge of the carpark closest to Tarawera River.

Prior Consent required if requesting to use the field as part of an organised group.

 No freedom camping within 10 metres of the riverbank or the residential properties.

Prior consent is also required for the use of non-self-contained vehicles or tents, and must be in association with the hireage of Firmin Lodge.

 No freedom camping within 10 metres of the riverbank or the residential properties.

No Мар	Roads with a speed limit of 50km/hr or less	Restricted to self-contained vehicles.			
	Freedom camping is available on local roads with a speed limit under 50km/s.	Campers must not be parked directly outside any residence, commercial or industrial premises on the same side of the road as that premises.			
		Exclusions:			
		Valley Road outside of Cemetery			
		Weld Street around reserve.			
		Robinson Street around reserve.			
		Holland Crescent around Cobham Drive Reserve.			
Мар	Area and Description	Restrictions			
03	Boyce Park Boyce Park is located on the corner of Tamarangi Drive and River Road. Access is of River Road. All freedom camping must seek prior approval	Prior Consent required if requesting to use the field as part of an organised group. • Restricted to self-contained vehicles. • No freedom camping within 10 metres of the riverbank.			
04	Waterhouse Street Reserve Waterhouse Street Reserve is located between Waterhouse Street and Tarawera High School and runs along the side of Tarawera River. All freedom camping must seek prior approval	Prior Consent required if requesting to use this reserve as part of an organised group. • Restricted to self-contained vehicles. • No freedom camping within 10 metres of the riverbank. Prior consent is also required for the use of non-self-contained vehicles or tents, and must be in association with the hireage of Firmin Lodge.			
05	Circus Paddock	Prior Consent required if requesting to use this site as part of an organised group.			

Circus Paddock is located on the corner of Plunket Street and Onslow Street. Access is off either Street.	Restricted vehicles.	to	self-contained
All freedom camping must seek prior approval.			



SCHEDULE TWO

Freedom Camping Prohibited Areas

Freedom Camping in areas described below is prohibited as specified in clause 3.3 of this bylaw.

Explanatory Notes

Freedom camping on reserves is prohbitied under section 44 of the Reserves Act 1977 and therefore prohibited unders section 10(2)(b) of the Freedom Camping Act 2011, except where it is premitted in the designated places on reserves specified in Schedule 1, which are subject to the restrictions in this Bylaw.

Мар	Area and Description
06 & 01	Stoneham Walk, Ruruanga Reserve and the Valley Road/Kirk Crescent Reserve
	Freedom camping is prohibited within Stoneham Walk which incorporates Ruruanga Reserve and Valley Road/Kirk Crescent Reserve.
	This area is bounded by Valley Road (northwest) and Fenton Mill Road (southeast). Around the edges the reserve backs onto residential properties off Blundell Avenue, Marshall Street, Kirk Crescent and Bell Street. The previous stock pound also backs onto the reserve to the south.
07	Recreation Centre Reserve
	Freedom camping is prohibited from the recreation centre reserve located on Tombleson Way (off Onslow street). This encompasses the parking area in front of the Ron Hardie Recreation Centre, the geothermal area behind the Ron Hardie Recreation Centre, the bmx track, basketball court, skate park and play ground.
08	Keith McKenzie Park
	Freedom camping is prohibited from Keith MacKenzie Park located off Tamarangi Drive on the north side just west of the entrance into Kawerau town centre.
09	Tarawera Park, Lyn Hartley Reserve and Roy Weston Park
	Tarawera Park. Lyn Hartley and Roy Weston Park all link together running along the edge of Tarawera River. The main entrances is from either Porritt Drive entering Roy Weston Reserves or off Cobham drive. The three

	reserves extends from the Golf Club to the south and Firmin Field to the North. On the western side they are border by residential properties off Cobham Drive, Holland Crescent, Ward Street and Porritt Drive.				
10	Monika Lanham Reserve and Fraser Street Reserve				
	Freedom Camping is prohibited on Monika Lanham. Monika Lanham encompasses the hill to the southwest of the town centre. This reserve is surrounded by Fenton Mill Road, River Road and Onslow Street and the Fraser Street Reserve to the south.				
11	River Road Reserve				
	Freedom camping is prohibited from the River Road reserve which is largely inaccessible. This reserve sits in between the Tarawera High School, and the Tarawera River				
12	Waterwheel Heritage Park				
	Waterwheel Heritage Park is located off Spencer Avenue on the right hand side. It sits between the commercial businesses and the Council Pound.				
13	Previous Stock Pound Area (yet to be renamed)				
	Freedom Camping is prohibited from the previous stock pound area located off Fenton Mill Road. This reserve is bordered by Fenton Mill Road, Kirk Crescent and Stoneham Walk.				
14	Neighbourhood Reserves (in Residential Areas)				
	Freedom camping is prohibited on all neighbourhood reserves as listed below: Balance/Seddon Street Reserve Boss Road Reserve Fraser Street Reserve Hilldale Reserve — Beattie Road and Hardie Avenue Porritt Glade Reserve Tuwharetoa Road Reserve Valley Road/Delamere Drive Reserve Reserve Weld Street Reserve Weld Street Reserve Weld Street Reserve				
	Each of the reserves above are small reserves located on the roads as set out in the reserves name.				

1				
15	Kawerau Cemetery			
	Kawerau Cemetery is located off Valley Road and is surrounded by residential houses from Delamere Drive and Ryder Place.			
16 & 17	Kawerau Town Centre			
	Freedom camping is prohibited in the Kawerau Town Centre being the inner area bounded by Islington Street, Onslow Street and Plunket Street. This area also includes all of Islington Street and Liverpool Street. (See restrictions under Road lower than 50km.)			
18	Council Owned Carparks			
	Freedom camping is prohibited in the following Council owned carparks:			
	Porritt Drive long side the river) Fenton Mill Road (located at the entrance to Stoneham Walk)			
	Corner Plunket and Glasgow Corner Onlsow and Plunket Street (Parking area around Street (Customer Parking) Skate Park)			
	 Plunket Street carpark opposite the Maurie Kaur Aquatics Centre (Customer Parking) Islington Street main carpark located on the northern side of Council Offices (Customer Parking) Islington Street main carpark located on the northern side of Council Offices (Customer Parking) Keith Mackenzie Park carpark off Tamarangi Drive (Park Access) 			
19 & 20 &	All Kawerau Local Purpose/Amenity Reserves			
21	 These include the following reserves: Fenton Road Reserve – This is the large open grassed berm on the western side of Fenton Road. Tamarangi Drive Reserve - This is the large grassed berms from the start of Tamarangi Drive from the east to Valley Road in the west. Pat Baker Reserve, Beattie Road Reserve and Dump Reserve – These three reserves form one larger reserve. They are located off River Road or Beattie Road and apart from Pat Baker Reserve which is a scenic reserve at the northern edge, the rest of the reserve travels in a southerly direction out towards farmland. 			

- Owen/Julian Road Reserve This reserve is located between the ends of both Owen and Julian Road and spread out with farmland on one end and Hilldale reserve on the other.
- Reserve near Manukorihi Drive This reserve is located to the east of Tarawera River off Tamarangi Drive directly east of the bridge crossing the river. The reserve sits between the Tarawera River and the Industrial area.



SCHEDULE THREE - MAPS



Te Kaunihera ā rohe o Kawerau

TAONGA O TE WHENUA - TREASURE OF THE LAND

21

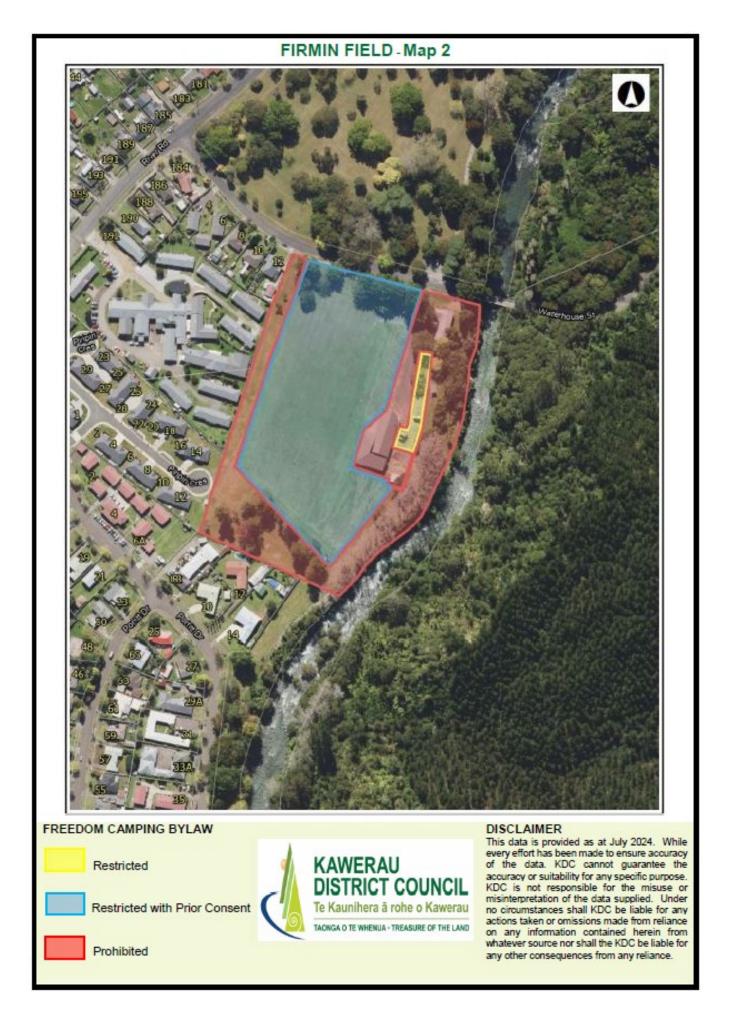
actions taken or omissions made from reliance

on any information contained herein from whatever source nor shall the KDC be liable for

any other consequences from any reliance.

Restricted with Prior Consent

Prohibited



BOYCE PARK - Map 3



FREEDOM CAMPING BYLAW



Restricted



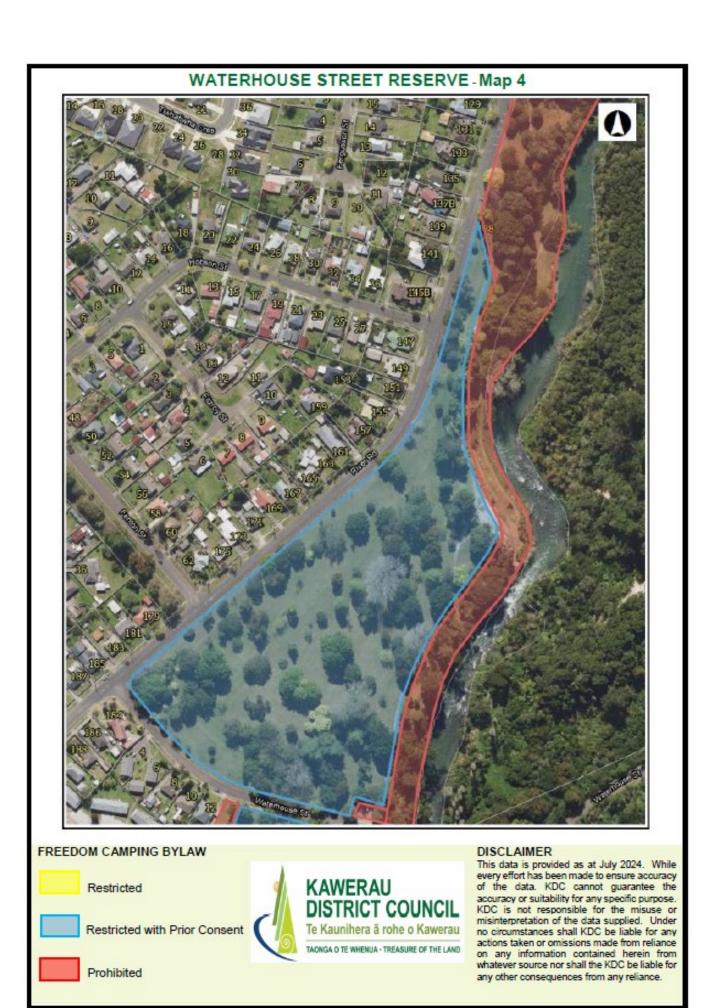
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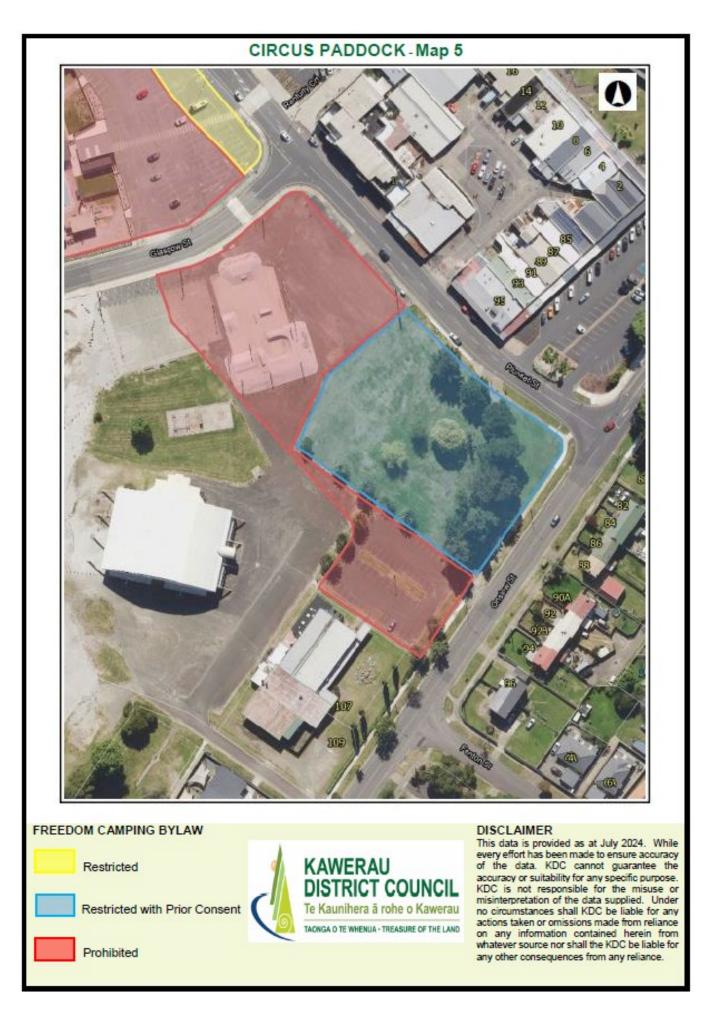


Prohibited



DISCLAIMER





STONEHOME WALK, VALLEY ROAD/KIRK CRESCENT RESERVE - Map 6



FREEDOM CAMPING BYLAW

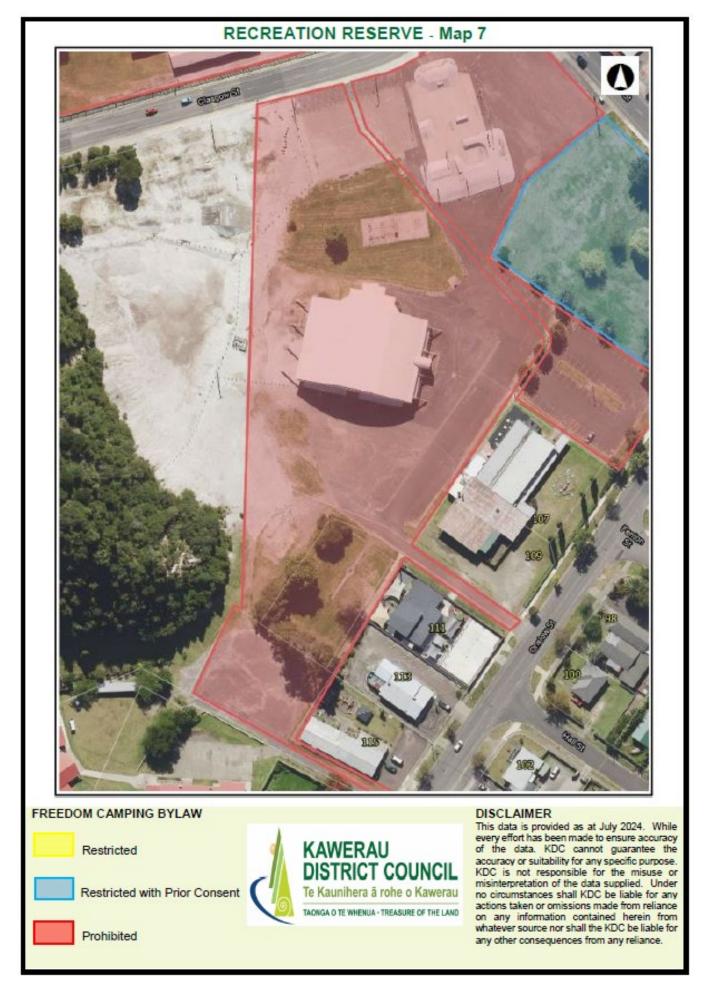


Restricted with Prior Consent





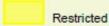
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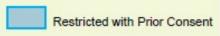


KEITH MCKENZIE RESERVE - Map 8



FREEDOM CAMPING BYLAW









DISCLAIMER

TARAWERA PARK, LYN HARTLEY RESERVE, ROY WESTON PARK - Map 9



FREEDOM CAMPING BYLAW



Restricted



Restricted with Prior Consent



Prohibited

KAWERAU DISTRICT COUNCIL

Te Kaunihera ā rohe o Kawerau

TAONGA O TE WHENUA - TREASURE OF THE LAND

DISCLAIMER

MONIKA LANHAM RESERVE, FRASER STREET RESERVE-Map 10







Restricted



Restricted with Prior Consent



Prohibited



DISCLAIMER

RIVER ROAD RESERVE - Map 11



FREEDOM CAMPING BYLAW



Restricted



Restricted with Prior Consent



Prohibited



DISCLAIMER

WATERWHEEL HERITAGE PARK - Map 12



KAWERAU

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Te Kaunihera à rohe o Kawerau

TAONGA O TE WHENUA - TREASURE OF THE LAND

FREEDOM CAMPING BYLAW



Restricted



Restricted with Prior Consent



Prohibited

DISCLAIMER

PREVIOUS STOCK POUND AREA - Map 13







Restricted



Restricted with Prior Consent

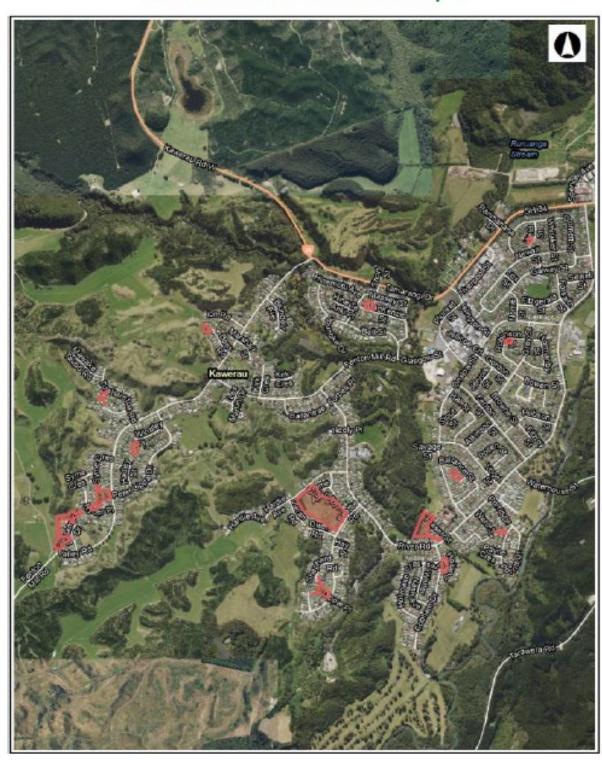


Prohibited

KAWERAU DISTRICT COUNCIL Te Kaunihera à rohe o Kawerau TAONGA O TE WHENUA - TREASURE OF THE LAND

DISCLAIMER

NEIGHBOURHOOD RESERVES - Map 14



KAWERAU

DISTRICT COUNCIL

Te Kaunihera å rohe o Kawerau

TAONGA O TE WHENUA - TREASURE OF THE ILAND

FREEDOM CAMPING BYLAW



Restricted



Restricted with Prior Consent



Prohibited

DISCLAIMER

KAWERAU CEMETERY - Map 15



FREEDOM CAMPING BYLAW



Restricted



Restricted with Prior Consent



Prohibited



DISCLAIMER

KAWERAU TOWN CENTRE - Map 16







Restricted



Restricted with Prior Consent



Prohibited



DISCLAIMER

KAWERAU TOWN CENTRE, LIVERPOOL STREET - Map 17



FREEDOM CAMPING BYLAW



Restricted



Restricted with Prior Consent

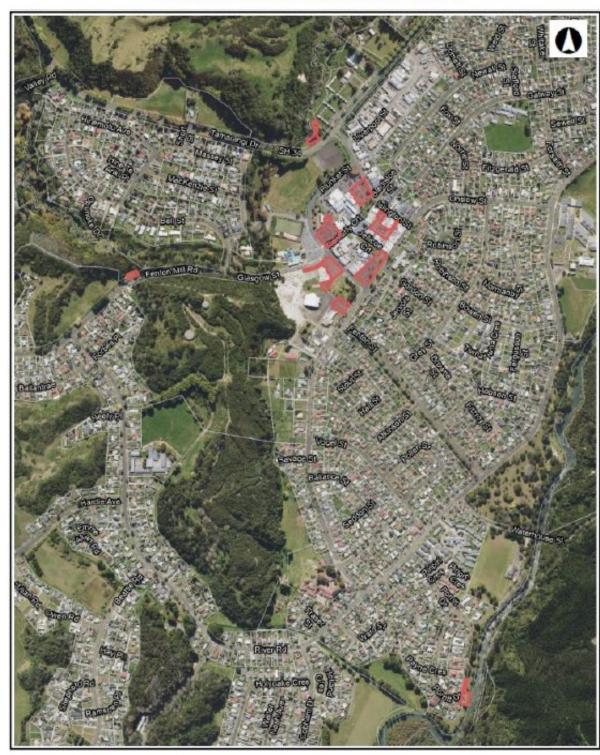


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DISCLAIMER

COUNCIL OWNED CARPARKS - Map 18







Restricted



Restricted with Prior Consent

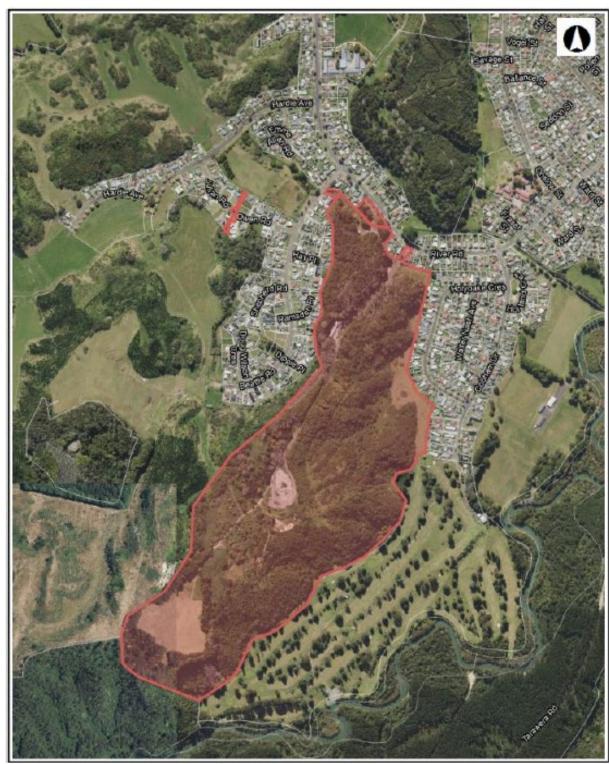


Prohibited



DISCLAIMER

KAWERAU LOCAL PURPOSE/AMENITY RESERVES - Map 19







Restricted



Restricted with Prior Consent

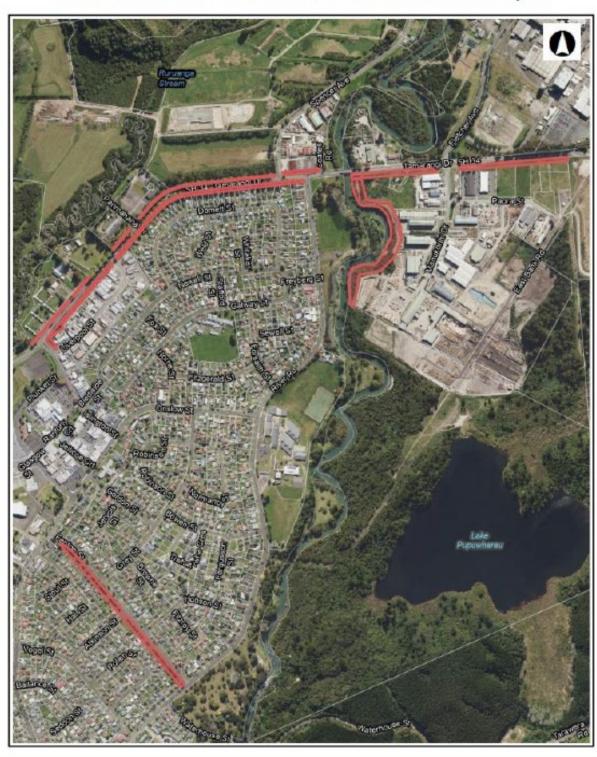


Prohibited



DISCLAIMER

KAWERAU LOCAL PURPOSE/AMENITY RESERVES - Map 20



FREEDOM CAMPING BYLAW



Restricted



Restricted with Prior Consent

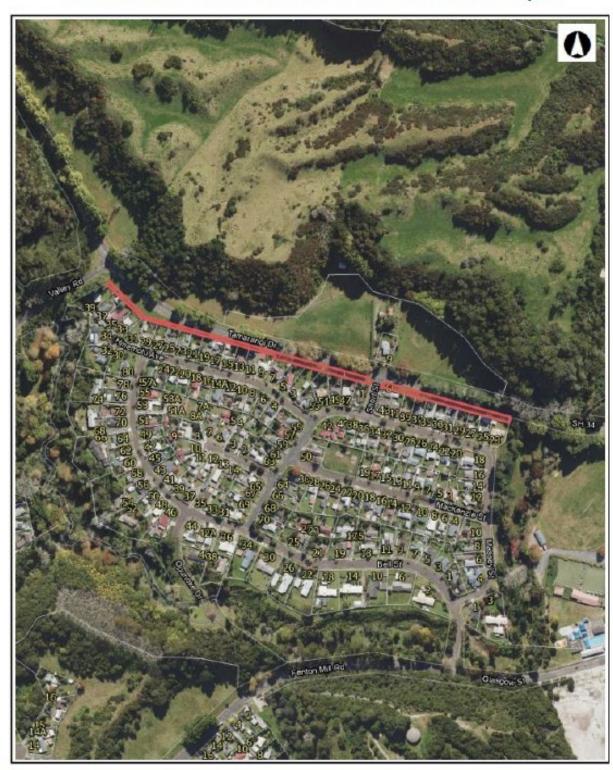


Prohibited



DISCLAIMER

KAWERAU LOCAL PURPOSE/AMENITY RESERVES - Map 21



FREEDOM CAMPING BYLAW



Restricted



Restricted with Prior Consent



Prohibited



DISCLAIMER

