

# STATEMENT OF PROPOSAL

## Proposed Freedom Camping Bylaw

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# STATEMENT OF PROPOSAL

## 1. Introduction

Kawerau District Council ('the Council') first adopted a Freedom Camping Bylaw in 2019. Bylaws must be reviewed every five years and having now been five years, and in light of the amendments to the Freedom Camping Act 2011, Council has undertaken a review of the bylaw.

The review process has highlighted that while the previous Freedom camping Bylaw was generally working well, there are some changes that Council wish to make, and Council is proposing to make a new Bylaw.

The Council must follow the special consultative procedure in amending an existing bylaw. This Statement of Proposal has been prepared for that purpose, under Section 11B of the Freedom Camping Act 2011 ('FCA'), and sections 83, 83AA and 86 of the Local Government Act 2002.

This statement or proposal includes:

- Background to the proposal
- Reasons for the proposal
- Key changes
- 'Have your say' details

## 2. Background

Freedom Camping is enabled through the Freedom Camping Act 2011, which essentially allows for any freedom camping in public areas where not restricted under a Bylaw or Reserve Management Plan. Council's Freedom Camping Bylaw controls freedom camping by designating certain areas for freedom camping purposes, and prohibiting other areas. Most of the designated areas limit the use to self-contained vehicles only.

The Self-contained Motor Vehicle Legislation Act 2023 is now law and has been incorporated into the Freedom Camping Act 2011<sup>1</sup>. As a result this means there are some nation-wide changes to where you can freedom camp, the meaning of self-contained vehicles and changes to the infringement fees and charges.

The recent changes to the Freedom Camping Act 2011, have been reflected in the proposed Freedom Camping Bylaw and ensures alignment with the new legislation.

While Council determine a Bylaw as the most appropriate means to control freedom camping, they remain committed to encouraging tourism and the benefits it brings to the community. Council does expect freedom campers, like the community, to respect the area by helping to ensure the areas are protected under the bylaw for all to enjoy.

Council is seeking your feedback on the proposed Draft Freedom Camping Bylaw. Consultation allows the community to have a say in the content of, and changes to, the proposed Freedom Camping Bylaw.

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<sup>1</sup> A full explanation of the legislation changes is available on the Ministry of Business, Innovation and Employment's website [here](#)

Feedback is welcome during the consultation period of 5 August 2024 to 6 September 2024.

### **3. Reasons for the Proposal**

In undertaking a review of the Freedom Camping Bylaw, alongside the recent changes to the Freedom Camping Act 2011, Council considered two options before deciding to make a new bylaw to regulate freedom camping.

The options considered are as follows:

#### Option 1: Status Quo

This would have the effect of allowing the Freedom Camping Bylaw 2019 to lapse and then Council would need to rely on the default provisions within legislation in order to enforce Freedom Camping. The legislation associated to Freedom Camping includes the Freedom Camping Act 2011, the Reserves Act 1977 and the Resource Management Act 1991.

This would mean permitting freedom camping on all Council land except reserves, where it is prohibited (unless expressly allowed for under the reserve management plan). Council would also be limited to enforcement powers as set out under the Freedom Camping Act 2011, such as requiring freedom camping to be self-contained.

This option was not approved by Council

#### Option 2: Review and Make a new Bylaw under the Freedom Camping Act 2011

This option would require Council to review and make a new bylaw under section 11 of the Freedom Camping Act 2011 to prohibit or restrict freedom camping within Kawerau District.

This option means that freedom camping is permitted on all Council land except reserves where it is prohibited (unless expressly provided for under the reserves management plan) and areas that are restricted or prohibited in a freedom camping bylaw

This option enables Council to establish a bespoke bylaw, which is applied to the local context, with a range of enforcement options to respond to freedom camping issues within the district. Council approved the option to make a bylaw under the Freedom Camping Act 2011 due to this being the most reasonably practical option for addressing freedom camping related concerns and complaints.

### **4. Key Changes**

Council believes that, on the whole, the Freedom Camping Bylaw 2019 has been working well. However, following a review of how it has been operating, and the recent amendments to the Freedom Camping Act, some improvements have been identified.

The key changes between the Freedom Camping Bylaw 2019 and the proposed Draft Freedom Camping Bylaw have been set out below. A copy of the Proposed Freedom Camping Bylaw is attached to this Statement of Proposal and sets out all of the changes.

- **Key Change 1 – Explanatory Statement Removed**  
The explanatory statement was removed as this did not add value to the bylaw.
- **Key Change 2 – New Bylaw format**  
Updated the template to reflect a modernised bylaw.
- **Key Change 3 - Enabling Enactment Added**  
This references the legislation that enabled the bylaw.
- **Key Change 4 – Incorporation of Explanatory Notes**  
Incorporation of explanatory notes. Explanatory notes allows relevant additional information to be added to better inform the community, without affecting the content of the bylaw. For example references to key definitions in legislation such as “self-contained” and “freedom camp” are included and can be updated without a review of the bylaw. This enables the bylaw to respond to changes efficiently, providing the actual content of the Bylaw is not altered.
- **Key Change 5 – Purpose altered for simplicity**  
Removal of additional words that were not required.
- **Key Change 6 – Definitions Updated**  
Definitions updated to reflect the changes in legislation and to help people better understand the bylaw. Definitions added for act, infringement offence, prohibited and restricted areas, while the definition for council and self-contained (through explanatory notes) were amended. The definition for area was changed to local authority area and we removed the definition for authorised officer as this was no longer required.
- **Key Change 7 – Permitted Freedom Camping modified**  
Changes to the Freedom Camping Act 2011, which provided for the presumption of freedom camping, required the phrasing to be adjusted within the Bylaw. Freedom camping is permitted in self-contained vehicles unless restricted or prohibited. No freedom camping in a tent or temporary structure.
- **Key Change 8 - General conditions now sits under Restricted Areas**  
Restricted areas sets out all general restrictions that apply across the district. A few key changes to the condition include:
  - The maximum nights has been adjusted from 7 consecutive nights to a maximum of 7 nights in a calendar month and no person can stay for more than 7 consecutive nights when crossing over two calendar months. This was introduced to prevent individuals staying for six nights and then return a few days later.
  - Camp site inspections are enabled to ensure freedom campers are complying with requirements.
- **Key Change 9 – Prior Approval introduced to enable freedom camping, in circumstances where otherwise it would be prohibited.**  
This provides people with an option to seek prior approval for a special event, where in circumstances it would not otherwise be allowed. This provision includes the process and considerations. A small charge will apply for processing the application.

- **Key Change 10 - Additional information provided around Temporary closures**  
Time frames for notification adjusted to be reflective of the circumstances. Also included in the explanatory notes are advertising methods that may be used for temporary closures.

- **Key Change 11 – Changes to the current restricted and prohibited areas**

Prideaux Park – extended current restricted area to include grassed area along the northern side of the Bowling Club.

Maurie Kjar Aquatic Centre – reduced the available freedom camping parking area to one section but hours remain unchanged.

Firmin Field – Reduced the parking area available for freedom camping, allowing more parking for hirers of Firmin Lodge. Reduced access to Firmin Field which was amended to requiring prior approval, with no parking 10m from the river bank or residential properties. Non-self-contained and tents may be considered in conjunction with hireage of Firmin Lodge due to plumbing capacity.

Stoneham Park – removed as no longer available for freedom camping due to development.

Boyce Park and Waterhouse Street Reserve, although already requiring consent must now obtain prior approval.

Recreation Centre – Now prohibited due to health and safety concerns.  
Council reserves and playgrounds in residential areas are now referred to as neighbourhood reserves.

- **Key Change 12 – Maps Updated**

This provides better clarity around location of restricted and prohibited sites.

## 5. Determination

In reviewing this bylaw Council determined that having a bylaw made under the Freedom Camping Act 2011, is still the most appropriate way to manage issues relating to freedom camping.

Council also considers this to be the most appropriate form of bylaw.

The proposed Draft Freedom Camping Bylaw is not inconsistent with the New Zealand Bill of Rights 1990. Any implications on the rights under the New Zealand Bill of Rights Act 1990 will be reassessed before a final bylaw is made.

## 6. Have Your Say On This Policy

Council is seeking your opinion on the Draft Freedom Camping Bylaw 2024. Any person or organisation is welcome to make a submission on this policy.

The consultation period for the Draft Freedom Camping Bylaw 2024 will begin on 5 August 2024 and conclude on 6 September 2024.

The Council will take all submissions into account when it decides on the final content of the policy.

Submission forms and copies of the Statement of Proposal are available:

- Online at the Council's website: [www.kaweraudc.govt.nz](http://www.kaweraudc.govt.nz)
- At the Council Offices and Libraries
- By phoning (07) 306 9009 and requesting a copy.

There are many different ways you can tell us what you think.

### **Submissions can be made:**

Visit our website - [www.kaweraudc.govt.nz](http://www.kaweraudc.govt.nz) and use our online submission form.

**Emailed to:** [submissions@kaweraudc.govt.nz](mailto:submissions@kaweraudc.govt.nz)  
Please use subject heading - *Naming Policy – Submission*

**Posted to:** Kawerau District Council  
Attn: Naming Policy – Submission  
Private Bag 1004  
Kawerau 3169

**Dropped in to:** Kawerau District Council  
2 Ranfurly Court  
Kawerau

### **Key Dates:**

Submissions Open	5 August 2024
Submissions Close	6 September 2024
Proposed Submissions Hearing	25 September 2024
Council Deliberates and adopt (or not) Proposed Policy	September or October 2024

Please note Kawerau District Council must receive written submissions by **5.00pm on Friday 6 September 2024**.

As part of the consultation process your submissions will be copied and made available to the public after the submission period closes.

You will have an opportunity to have your submission heard in person, during the hearing of submissions scheduled to be held on 25 September 2024. When you complete the submission form, please tell us if you would like to be heard.

Council will contact all submitters who wish to be heard, to confirm time, date and venue of the hearing.

Council will then deliberate on any changes required and choose whether or not to adopt the final Freedom Camping Bylaw during a Council meeting in late September or October 2024.

If you have any further queries or would like more copies of the draft Freedom Camping Bylaw, please contact Council on 07 306 9009.