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LGOIMA

When releasing responses to previous LGOIMA requests, names and contact details of individual requestors will be withheld to protect their privacy.

Information requested by the media, lobby groups, public sector organisations and MPs will always be published, while information specific to an individual or their property will not generally be published.

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| Request from: | Private Individual |
| Information requested: | Freedom Camping Bylaws in Westland District |
| Response from: | Simon Bastion, Chief Executive |

20 December 2019

Private Individual

Via Email:

Dear Private Individual

Official information request for information on Freedom Camping bylaws in the Westland District.

I refer to your official information request dated 05 December 2019 and further correspondence with the Compliance Team Leader on 10 and 13 December 2019, for information on Freedom Camping bylaws in the Westland District.

I can advise that the Whataroa site is not a “Responsible Camping Site” and after consultation, was provided with amenities at the request of the Whataroa Community.

No definition is provided under the bylaw for the term “Responsible Camping Site” so as not to limit any persons from using Council provided amenities. Technically, until passed by resolution the area in question is illegal for self-contained vehicles to “freedom camp”. However consideration must be given to the intent of the Bylaw along with the evidential sufficiency regarding any alleged breach. Firstly consideration must be given to Section 11(2) Intent of the Act, which expressly states the propose which is too;

- Protect the area
- To protect the health and safety of people who may visit the area
- To protect access to the area.

As you are aware the Bill of Rights provides the overarching principle to not to restrict freedom of movement without justification or discrimination, therefore any enforcement action would not likely meet the standard of “likelihood of conviction” as set down by the Solicitor-General. Consideration must also be given to Section 22 defences along with the requirements as set out in the Summary Proceedings Act.

In relation to any implied duty to enforce, the bylaw Section 10(3) provides that in accordance with section 27 of the Act, an enforcement officer may issue an infringement notice, this is not mandatory. Therefore any enforcement action, will adhere to the principle of “reasonableness and fairness” in the circumstances.

You can find a copy of our Freedom Camping Policy and Bylaw here: <https://www.westlanddc.govt.nz/freedom-camping-policy>

There is no charge in supplying this information to you.

If you wish to discuss this decision with us, please feel free to contact Diane Maitland, Executive Assistant on LGOIMA@westlanddc.govt.nz, 03 756 9038.

Sincerely,

A handwritten signature in dark ink, consisting of a series of loops and a long horizontal stroke extending to the right.

Simon Bastion | Chief Executive