



STATEMENT OF PROPOSAL

PROPOSED FREEDOM CAMPING BYLAW 2018

This document is the Statement of Proposal prepared

**for the Special Consultative Procedure on the
Proposed Freedom Camping Bylaw 2018**

Table of Contents

Item	Page No/s
Copy of Public Notice	
Statement of Proposal	
Freedom Camping Bylaw	
Maps	
Submission Forms	



PROPOSED FREEDOM CAMPING BYLAW 2018

The Westland District Council proposes a Freedom Camping Bylaw 2018, under Section 11 of the Freedom Camping Act 2011.

A Statement of Proposal, submission forms and copies of all the proposed documents are available at www.westlanddc.govt.nz, and at the Council office at 36 Weld Street, Hokitika. The Council, under the Special Consultative Procedure of Section 83 of the Local Government Act 2002, invites submissions on the proposed bylaw to consult@westlanddc.govt.nz

Submissions close at 5.00 pm on 16 November 2018.

A hearing will then be scheduled with any submitters who wish to appear before the Council, all submissions will then be considered, and a decision by Council will follow.

The officer for enquiries is Mark Dixon, Compliance Team Leader, 03 756 9010.

Statement of Proposal

under Special Consultative Procedure
as per Section 83 of Local
Government Act 2002:

Proposed Westland District Council Freedom Camping Bylaw 2018

Submit online at
consult@westlanddc.govt.nz

15 October 2018

THE PROPOSAL:

Under Section 11 of the Freedom Camping Act 2011, the Westland District Council proposes the Westland District Council Freedom Camping Bylaw 2018.

This proposal is now open for public consultation (15 October 2018)

[Submit online at www.westlanddc.govt.nz](http://www.westlanddc.govt.nz)

GET YOUR SUBMISSION TO COUNCIL BY 5.00PM ON 16 NOVEMBER 2018.

Reason for the Proposal

Under the Freedom Camping Act 2011, the Council has no regulatory powers in relation to freedom camping without a bylaw. The Council's previous Freedom Camping Bylaw 2012 was revoked in 2013.

In the past five years, there has been increasing concern that freedom camping is occurring in inappropriate locations within Westland District – restricting access for others, endangering areas with waste disposal and damage from vehicles, and endangering visitors themselves due to unsafe road conditions. Many of these concerns relate directly to the grounds under which Council may make a bylaw under Section 11 of the Freedom Camping Act 2011: to protect the area, to protect the health and safety of people who may visit the area, and to protect access to the area.

Some of these locations are under the control of the New Zealand Transport Agency (e.g. state highways) or Department of Conservation, while others are under Council control and could be prohibited or restricted with an appropriate bylaw.

A copy of proposed bylaw is attached to this Statement of Proposal and available at www.westlanddc.govt.nz.

Appropriateness and proportionality of the bylaw approach, and consistency with the NZ Bill of Rights Act 1990

In order to make a bylaw, Council is required by the Freedom Camping Act 2011 to be satisfied that the bylaw is the most appropriate and proportionate way of addressing the perceived problem in relation to the areas it deals with, and for the bylaw to not be inconsistent with the NZ Bill of Rights Act 1990.

It is considered that a bylaw is necessary to control freedom camping in the District for the purposes of protecting areas, the health and safety of visitors, and access to areas. The proposed bylaw is considered to be “appropriate and proportionate” because it strikes a balance between allowing for responsible freedom camping and protecting health and safety, access and the environment.

The proposed bylaw is based on the Model Freedom Camping Bylaw developed by the NZ Motor Caravan Association and endorsed by Local Government New Zealand, and is similar in scope to those used by other territorial local authorities. There is no legislative commentary reviewed that would suggest Bill of Rights implications. The proposed bylaw content is considered to reflect a suitable balance between personal freedoms and community protection, and is not considered to have discriminatory effects.

Summary of content

The following is a summary of the key elements of the proposed Bylaw:

- Prohibiting freedom camping in non-self-contained vehicles, to protect the natural environment and health and safety.
- Limiting the duration of freedom camping in any one location or within 500m of the same location to two consecutive nights and no more than 10 nights per 30-day period, to protect areas and access from over-use that would result from permanent or semi-permanent occupation.
- Prohibiting all freedom camping from the following locations, for a variety of reasons including protecting the areas, protecting health and safety of visitors, and protecting access:

Table 1: Proposed prohibited areas for freedom camping (north to south)

Location	Reason(s)
Legal road opposite 6440 Otira Highway, adjacent to Otira Hotel	Protection (kiwi habitat) and safety (link to railway sidings and rail corridor, natural hazards including flooding and landslips)
Serpentine Road and beach, Kumara Junction	Access and safety (narrow road and prone to coastal inundation)
One Mile Line Road, Hokitika	Access and safety (narrow, uneven road)
Three Mile Beach Access Road, Hokitika	Access and safety (narrow, uneven road)
Richards Drive west of Revell St, Hokitika	Access and safety (narrow, uneven road)
Unnamed road between 243 and 245 Revell St, Hokitika	Access and safety (narrow, uneven road)
Tudor Street beach access west of Revell St, Hokitika	Access and safety (narrow, uneven road)
Hampden Street beach access west of Revell St, Hokitika	Access and safety (narrow, uneven road)
Stafford Street west of Revell St, Hokitika	Access (high demand for locals and visitors)
Entirety of Beach Street, Hokitika	Access (high demand for locals and visitors)
Gibson Quay west of Beach Street, Hokitika	Access (high demand for locals and visitors)
Sunset Point, Hokitika	Access (high demand for locals and visitors)
South Spit Road, Hokitika	Access and safety (narrow, uneven road)
Shanghai Road beach access west of SH 6, Ruatapu	Access and safety (narrow, uneven road)
Paiere Road, Ruatapu	Access and safety (narrow road, part of West Coast Wilderness Trail)
Butlers Road beach access west of SH6, Ruatapu	Access and safety (narrow, uneven road)
Ross Cemetery	Protection, access and safety (culturally sensitive site, with narrow, steep access road)
Ross Beach Road, Ross	Access and safety (narrow, uneven road)
Forks-Okarito Road and all of Okarito village except the Domain	Protection, access and safety (Environmentally sensitive site (kiwi habitat), with narrow access road)

Waiho Flat Road, Franz Josef	Access and safety (narrow, uneven road, and flood risk)
Docherty Creek Road, Franz Josef, past any Council-provided responsible camping facility	Access and safety (narrow, uneven road, and flood risk)
Hunts Beach Road, Jacobs River	Protection, access and safety (culturally sensitive site, with narrow access road)
All beach access roads off Haast-Jackson Bay Road, between Haast Beach and Hannah's Clearing, including all roads in Okuru	Access and safety (narrow, uneven roads)
Entirety of Haast-Jackson Bay Road between Neils Beach and Jackson Bay Wharf	Safety (narrow road with rockfall risk)

Refer to maps attached to proposed bylaw for a visual representation of these areas.

How to make a submission

Any interested person or body is invited to make a submission or comments on the proposed bylaw.

Council will take account of all submissions made when making decisions on the bylaw review. There will be a Council hearing in November 2018 for those submitters who indicate they wish to speak in support of their submission.

Please submit your feedback to Council by:

- (1) Delivery to the Customer Service desk, Westland District Council
36 Weld Street, Hokitika
- (2) Post to Compliance Team Leader, Westland District Council,
(Attn: Bylaw Review), Private Bag 704, Hokitika
- (3) Email to consult@westlanddc.govt.nz
- (4) You can also complete submissions online at

www.westlanddc.govt.nz

All submissions, including name and contact details of the submitter, will be made available to the public and media on Council's website, unless you specifically request that your contact details are kept private.

All enquiries (not submissions) should be directed to 03 756 9010 or consult@westlanddc.govt.nz

Timetable

15 October 2018 - submissions open

16 November 2018 at 5.00 pm - submissions close

A hearing will then be scheduled in November with any submitters who wish to appear before the Council, all submissions will then be considered, and a decision by Council will follow.

The revisions will generally take effect the day after the decision is made by Council

Don't forget, get your submission to Council by 5:00pm on 16 November 2018.



WESTLAND DISTRICT FREEDOM CAMPING BYLAW 2018

1. **EXPLANATORY NOTE**

The Westland District Council makes this Bylaw under section 11 of the Freedom Camping Act 2011. This Bylaw should therefore be read alongside the Freedom Camping Act.

This Bylaw should also be read in conjunction with the Westland District Council's Freedom Camping Policy.

2. **TITLE**

This Bylaw is the Westland District Council Freedom Camping Bylaw 2018.

3. **PROCEDURE AND COMMENCEMENT**

The initial resolution adopting a statement of proposal for this Bylaw was passed by the Westland District Council at an extraordinary meeting of the Council held on Thursday 11 October 2018 and, following consideration of submissions received during the special consultative procedure, this Bylaw was made by a resolution at a subsequent meeting of the Council on [date].

The Bylaw comes into force on the day after its final approval [date].

4. **DEFINITIONS**

In this Bylaw, unless the context requires otherwise:

Act means the Freedom Camping Act 2011.

Camping ground has the meaning given in section 5(3) of the Act.

Council means Westland District Council.

District means the district of the Council.

Freedom camp has the meaning in section 5(1) and (2) of the Act.

Local authority area has the meaning in section 6 of the Act.

Prohibited area means an area identified in Schedule 1: Prohibited Areas for Freedom Camping in which freedom camping is prohibited.

Restricted area means an area identified in Schedule 2: Restricted Areas for Freedom Camping in which freedom camping is permitted subject to restrictions.

5. PURPOSE

The purpose of this Bylaw is to control freedom camping in the Westland District in order to:

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

6. LOCAL AUTHORITY AREAS WHERE FREEDOM CAMPING PERMITTED

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

- (a) in accordance with this Bylaw; or
- (b) under any other enactment.

7. PROHIBITED AREAS AS OUTLINED IN SCHEDULE 1

- (1) A person must not freedom camp in any prohibited area identified in Schedule 1: Prohibited Areas for Freedom Camping.
- (2) Despite subclause (1), a person may freedom camp in any prohibited area if he or she has obtained the prior written consent of the Council, granted under clause 9(1), and complies with any conditions on the consent.

8. RESTRICTED AREAS AS OUTLINED IN SCHEDULE 2

- (1) A person may freedom camp in any restricted area identified in Schedule 2: Restricted Areas for Freedom Camping, but must comply with the restrictions listed below and any additional restrictions listed for that area in Schedule 2:
 - (a) Freedom camping is limited to “Certified Self-Contained Vehicles” in accordance with NZS 5465:2001; and
 - (b) Freedom camping at any one location or within 500m of the same location is limited to no more than two consecutive nights, and no more than 10 nights per 30-day period.
- (2) Despite subclause (1), a person may freedom camp in any restricted area if he or she has obtained the prior written consent of the Council, granted under clause 9(1), and complies with any conditions on the consent.

9. PRIOR CONSENT FROM COUNCIL

- (1) The Council may grant consent to a person to freedom camp in a prohibited area or a restricted area, with or without conditions.
- (2) Consent must be applied for in writing to the Chief Executive Officer of the Council at least two weeks in advance of the date planned for freedom camping in the prohibited area or restricted area.

10. OFFENCES

- (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 prohibition 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) Any person who has obtained the prior written consent of the Council, granted under clause 9(1), and who complies with any conditions on the consent, is not acting in breach of any prohibition or restriction in this Bylaw.

11. PENALTIES

As specified by section 23(1) of the Act, every person who commits an offence pursuant to section 20(1)(a) and (c) of the Act is liable to a fee of \$200.

12. RELATIONSHIP OF BYLAW WITH THE NGAI TAHU CLAIMS SETTLEMENT ACT 1998

This Bylaw does not limit or affect the rights in relation to nohoanga entitlements under the Ngai Tahu Claims Settlement Act 1998.

THE COMMON SEAL of the WESTLAND DISTRICT COUNCIL

was affixed in the presence of:

Mayor

Chief Executive

SCHEDULE 1: PROHIBITED AREAS FOR FREEDOM CAMPING

Location	Reason(s)
Legal road opposite 6440 Otira Highway, adjacent to Otira Hotel	Protection (kiwi habitat) and safety (link to railway sidings and rail corridor, natural hazards including flooding and landslips)
Serpentine Road and beach, Kumara Junction	Access and safety (narrow road and prone to coastal inundation)
One Mile Line Road, Hokitika	Access and safety (narrow, uneven road)
Three Mile Beach Access Road, Hokitika	Access and safety (narrow, uneven road)
Richards Drive west of Revell St, Hokitika	Access and safety (narrow, uneven road)
Unnamed road between 243 and 245 Revell St, Hokitika	Access and safety (narrow, uneven road)
Tudor Street beach access west of Revell St, Hokitika	Access and safety (narrow, uneven road)
Hampden Street beach access west of Revell St, Hokitika	Access and safety (narrow, uneven road)
Stafford Street west of Revell St, Hokitika	Access (high demand for locals and visitors)
Entirety of Beach Street, Hokitika	Access (high demand for locals and visitors)
Gibson Quay west of Beach Street, Hokitika	Access (high demand for locals and visitors)
Sunset Point, Hokitika	Access (high demand for locals and visitors)
South Spit Road, Hokitika	Access and safety (narrow, uneven road)
Shanghai Road beach access west of SH 6, Ruatapu	Access and safety (narrow, uneven road)
Paiere Road, Ruatapu	Access and safety (narrow road, part of West Coast Wilderness Trail)
Butlers Road beach access west of SH6, Ruatapu	Access and safety (narrow, uneven road)
Ross Cemetery	Protection, access and safety (culturally sensitive site, with narrow, steep access road)
Ross Beach Road, Ross	Access and safety (narrow, uneven road)
Forks-Okarito Road and all of Okarito village except the Domain	Protection, access and safety (Environmentally sensitive site (kiwi habitat), with narrow access road)
Waiho Flat Road, Franz Josef	Access and safety (narrow, uneven road, and flood risk)

Location	Reason(s)
Docherty Creek Road, Franz Josef, past any Council-provided responsible camping facility	Access and safety (narrow, uneven road, and flood risk)
Hunts Beach Road, Jacobs River	Protection, access and safety (culturally sensitive site, with narrow access road)
All beach access roads off Haast-Jackson Bay Road, between Haast Beach and Hannah's Clearing, including all roads in Okuru	Access and safety (narrow, uneven roads)
Entirety of Haast-Jackson Bay Road between Neils Beach and Jackson Bay Wharf	Safety (narrow road with rockfall risk)

Refer to Appendix A for maps of the prohibited areas.

SCHEDULE 2: RESTRICTED AREAS FOR FREEDOM CAMPING

The entire district is subject to the restrictions listed in Section 8 of this bylaw, in order to protect public health and to preserve access by limiting the potential for permanent or semi-permanent occupation by any one vehicle in any particular location.



**SUBMISSION ON THE PROPOSED
WESTLAND DISTRICT COUNCIL
FREEDOM CAMPING BYLAW 2018**

This submission is a public document and the details provided will be available for viewing by members of the public.

Description of Proposal

Council provided public notice that a Statement of Proposal under Section 11 of the Freedom Camping Act 2011, the Westland District Council proposes the Westland District Council Freedom Camping Bylaw 2018 is available. The public notice provides information about how the public can acquire information about the proposal and make a submission. More information about the proposal can be found on Council’s website www.westlanddc.govt.nz.

The closing date for submissions is 16 November 2018

Send or Deliver to:	Email to:
Westland District Council	consult@westlanddc.govt.nz
Private Bag 704	OR:
36 Weld Street	Complete a submission online at:
Hokitika	www.westlanddc.govt.nz

Name:	
Organisation (if applicable):	
Preferred contact details (i.e. your postal address, or your email:	
Phone No.	
Signature	

N.B. Your signature is not required if submitting by electronic means.

- 1. Please use one form for each submission.**
Extra forms are available from the Council Office and online www.westlanddc.govt.nz.
- 2. Indicate your attitude to the proposal.**
i.e. I support/oppose/ are neutral to the application.
- 3. Make your submission.**
State clearly and in summary the nature of your submission. Give reasons.
- 4. State any amendments you wish to have made.**
Give details.
- 5. State whether or not you wish to be heard by the Council at a hearing.**
- 6. State if you would be willing to present a joint case, or you require a language interpreter, or if you would like the Council to consider audio or audio-visual presentation options.**

I support /oppose / am neutral to the proposal (circle one)

My submission is:

Amendments I wish to have made:

(use separate paper if necessary)

1. Do you wish to be heard in support of your submission?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
2. <i>If yes</i> , do you want to make a joint case with another party?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
3. Do you require a language interpretor in order to present at the hearing? <i>If yes</i> , please specify your requirements.	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
4. Would you prefer to present via an audio or audio-visual link? <i>If yes</i> , you will be contacted to discuss arrangements.	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>