



STATEMENT OF PROPOSAL

PROPOSED FREEDOM CAMPING BYLAW 2024

EXPLANATORY NOTE

This Statement of Proposal is made for the purpose of Section 83 and 86 of the Local Government Act 2002 and Section 11B of the Freedom Camping Act 2011.

INTRODUCTION

The Ōpōtiki District Council is seeking public feedback on a proposal to establish a Bylaw that will regulate freedom camping within the District. Currently, there is no specific freedom camping bylaw in place in Ōpōtiki.

A Draft Bylaw was endorsed in April 2024 for public consultation, which took place between May and June 2024. During this period, Council staff also engaged with key stakeholders to gather valuable insights and feedback. In response to the submissions received, additional site assessments have now been undertaken to support the evidence base for the Bylaw.

This proposal recognises the need to regulate freedom camping to protect the environment, ensure the health and safety of visitors, and maintain access to public spaces. The Council is now proposing to progress the Freedom Camping Bylaw 2024, incorporating the findings from the site assessments, and is seeking further public consultation on this updated proposal.

LEGISLATIVE FRAMEWORK

The Freedom Camping Act 2011 (FCA) permits freedom camping in any local authority area unless the local authority passes a bylaw to prohibit or restrict it in specific locations. Local authority areas include public places such as reserves, roads, and laybys, excluding designated camping grounds. The proposed Bylaw will align with the FCA by identifying areas where freedom camping will be either prohibited or restricted within the Ōpōtiki District.

PROPOSAL

The Council proposes to:

- Establish a bylaw to regulate freedom camping in the Ōpōtiki District.
- Modify the areas where freedom camping is prohibited or restricted as outlined in the proposed Bylaw.

This process will comply with the special consultative procedure mandated by the Local Government Act 2002 (LGA).

KEY CHANGES TO THE FIRST DRAFT BYLAW

1. Alignment with legal requirements

The Bylaw has been revised to remove a statement that was previously included but found to be non-compliant with Section 12 of the Freedom Camping Act 2011. This adjustment ensures that the Bylaw fully adheres to the legal framework established by the Act, promoting lawful and effective regulation of freedom camping within the District.

2. Identification of prohibited areas

The proposed Bylaw includes a refined list of areas where freedom camping will be prohibited. These areas have been identified through a site assessment analysis, which considered environmental sensitivity, public health and safety, and access as outlined in the Freedom Camping Act. The identification of these prohibited areas is intended to protect these locations while balancing the rights of freedom campers.

3. Simplification of bylaw language

The language and structure of the Bylaw has been simplified to enhance clarity and accessibility. This revision aims to make the Bylaw easier to understand for all stakeholders, including residents, visitors, and enforcement officers, thereby improving compliance and reducing misunderstandings.

4. Permitted areas and temporary restrictions

The proposed Bylaw now includes two additional sections: Section 5, which clearly outlines the areas where freedom camping is permitted, and Section 9, which grants the Council the authority to temporarily prohibit or adjust restrictions on freedom camping as circumstances require. These sections are designed to provide clear guidance on where freedom camping is allowed while also ensuring the Council has the flexibility to respond to changing conditions or emerging issues effectively. This approach ensures that the bylaw remains adaptable and responsive to the needs of the community and environment.

CONSIDERATION UNDER SECTION 11 OF THE FREEDOM CAMPING ACT 2011

The Ōpōtiki District is characterised by its natural beauty, including valuable landscapes, waterways, and visual amenities. Since the enactment of the Freedom Camping Act 2011, the Council has recognised the necessity of regulating freedom camping to protect these environmental assets. While the Reserves Act 1977 offers some regulatory tools, it does not address roadside camping or other land managed by the Council under different legislation. Therefore, a bylaw is considered the most effective method to regulate freedom camping comprehensively within the district.

Consultations with both internal and external stakeholders have consistently highlighted the ongoing need for such a bylaw to manage the impacts of freedom camping effectively.

TIMETABLE FOR CONSULTATION

The key dates for the consultation process are as follows:

- **26 August 2024:** Council agrees to additional public consultation regarding the proposal.
- **02 September 2024:** Submissions open.
- **09 – 22 September 2024:** Advertisements in local newspapers, radio, and social media platforms.
- **23 September 2024:** Submissions close.
- **Mid-October 2024:** Public hearing in Ōpōtiki to consider submissions.
- **December 2024:** Council considers the outcomes of the consultation process and decides on the proposal.

INSPECTION OF DOCUMENTS

The proposed bylaw is available for public review on the Ōpōtiki District Council's website.

RIGHT TO MAKE A SUBMISSION AND BE HEARD

All individuals and organisations have the right to submit their views on this proposal. The Council encourages all interested parties to participate in the consultation process. Submissions should focus

on aspects within the scope of the proposal and must be received by **15 September 2024**. A hearing will be convened where submitters can present their views in person. Written submissions will be given equal consideration as oral presentations. Special circumstances may allow for late or oral-only submissions.

Submissions will be acknowledged according to the LGA, made available to the public, and considered in a public meeting. The Council will ensure compliance with Section 82 of the LGA, ensuring that the consultation process is thorough and transparent.

MAKING AN EFFECTIVE SUBMISSION

Written submissions can be submitted in any format (e.g., email, letter). Effective submissions should reference specific clauses of the proposed bylaw, indicate support or opposition to those clauses, and suggest any desired changes. Submissions that fall outside the scope of the proposal cannot be considered by the Hearings Panel.