



A G E N D A

Extraordinary Council Meeting

Council Chambers

**11 October 2018
commencing at 4.00 pm**

His Worship the Mayor R.B. Smith
Deputy Mayors Cr H.M. Lash and Cr L.J. Martin
Crs D.L. Carruthers, Gray Eatwell, D.M.J. Havill ONZM,
J.A. Neale, G.L. Olson, D.C. Routhan
Kw. Francois Tumahai, Te Rūnanga o Ngāti Waewae
Kw. Tim Rochford, Te Rūnanga o Makaawhio



EXTRAORDINARY COUNCIL **MEETING**

**EXTRAORDINARY MEETING OF THE WESTLAND DISTRICT COUNCIL,
TO BE HELD IN THE COUNCIL CHAMBERS, 36 WELD STREET, HOKITIKA
ON THURSDAY 11 OCTOBER 2018 COMMENCING AT 4.00 PM**

COUNCIL VISION

We work with the people of Westland to grow and protect our communities,
our economy and our unique natural environment.

Purpose:

The Council is required to give effect to the purpose of local government as prescribed by section 10 of the Local Government Act 2002. That purpose is:

- (a) To enable democratic local decision-making and action, by and on behalf of, communities; and
- (b) To meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses.

1. MEMBERS PRESENT, APOLOGIES AND INTEREST REGISTER

1.1 Apologies & Leave of Absence

Kw. Tim Rochford, Te Rūnanga o Makaawhio

1.2 Interest Register

2. DRAFT FREEDOM CAMPING BYLAW 2018

(Pages 5-34)

3. ADMINISTRATIVE RESOLUTIONS

Council is required to confirm its seal being affixed to the following documents:

3.1 Iona Frances O'CONNOR

To act in the Westland District as:

- An Officer pursuant to Section 174 of the Local Government Act 2002; AND
- An Authorised Officer pursuant to Section 222 of the Building Act 2004; AND
- An Enforcement Officer pursuant to Section 371b of the Building Act 2004; AND
- An Officer under the Westland District Council Bylaws; AND
- An Enforcement Officer pursuant to Section 38 of the Resource Management Act 1991; AND
- A Ranger and Pound keeper pursuant to Section 8 of the Impounding Act 1955; AND
- An authorised officer under the Local Government Act 1974; AND
- A Dog Control Officer pursuant to Section 11 of the Dog Control Act 1996; AND
- A Licensing Inspector pursuant to Section 197 of the Sale and Supply Act of Act 2012; AND
- An Officer under Section 5 under the Litter Act 1979

3.2 Michael Peter NEWPORT

To act in the Westland District as:

- An Officer pursuant to Section 174 of the Local Government Act 2002; AND
- An Authorised Officer pursuant to Section 222 of the Building Act 2004; AND
- An Enforcement Officer pursuant to Section 371b of the Building Act 2004; AND
- An Officer under the Westland District Council Bylaws; AND
- An Enforcement Officer pursuant to Section 38 of the Resource Management Act 1991; AND
- A Ranger and Pound keeper pursuant to Section 8 of the Impounding Act 1955; AND
- An authorised officer under the Local Government Act 1974; AND
- A Dog Control Officer pursuant to Section 11 of the Dog Control Act 1996; AND
- A Licensing Inspector pursuant to Section 197 of the Sale and Supply Act of Act 2012; AND
- An Officer under Section 5 under the Litter Act 1979.

3.3 Natalia BLAIR

To act in the Westland District as:

- An Officer pursuant to Section 174 of the Local Government Act 2002; AND
- An Officer under the Westland District Council Bylaws; AND
- An Enforcement Officer pursuant to Section 38 of the Resource Management Act 1991; AND
- A Ranger pursuant to Section 8 of the Impounding Act 1955.

3.4 Vivienne Catherine AYNSLEY

To act in the Westland District as:

- An Officer pursuant to Section 174 of the Local Government Act 2002; AND
- An Officer under the Westland District Council Bylaws; AND
- An Enforcement Officer pursuant to Section 38 of the Resource Management Act 1991; AND
- A Ranger pursuant to Section 8 of the Impounding Act 1955.

Report



DATE: 11 October 2018
TO: Mayor and Councillors
FROM: Chief Executive

PROPOSED FREEDOM CAMPING BYLAW 2018

1 SUMMARY

- 1.1 The purpose of this report is to seek Council approval of a draft Freedom Camping Bylaw for public consultation, under the Special Consultative Procedure as per Section 83 of the Local Government Act 2002.
- 1.2 This issue arises from concern that, 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.
- 1.3 Council seeks to meet its obligations under the Local Government Act 2002 and the achievement of the District Vision adopted by Council as part of the Long Term Plan 2018-28. These are stated on Page 2 of this agenda.
- 1.4 This report concludes by recommending that Council adopt the attached Statement of Proposal for the Westland District Council Freedom Camping Bylaw 2018, that it undertakes a Special Consultative Procedure as per Section 83 of the Local Government Act 2002 on the attached draft bylaw from 15 October 2018 to 16 November 2018, and that it note that the Freedom Camping Policy will need to be revised for consistency with any Freedom Camping Bylaw eventually adopted.

2 BACKGROUND

- 2.1 The Freedom Camping Act 2011 ('the Act') defines 'freedom camp' as follows:

"to camp (other than at a camping ground) within 200 m of a motor vehicle accessible area or 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 1 or more of the following:

- (a) a tent or other temporary structure;*
 - (b) a caravan;*
 - (c) a car, campervan, housetruck, or other motor vehicle."*
- 2.2 The Act states that 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 caravan or motor vehicle to avoid driver fatigue."*
- 2.3 The Act permits freedom camping in any local authority area (i.e. land controlled by the local Council rather than private entities or central government), unless it is restricted or prohibited by a local bylaw or any other enactment.
- 2.4 According to Section 11 (2) of the Act, a local authority can only make a bylaw restricting or prohibiting freedom camping *"if it is satisfied that:*
 - (a) the bylaw is necessary for 1 or more of the following purposes:*
 - (i) to protect the area;*
 - (ii) to protect the health and safety of people who may visit the area;*
 - (iii) to protect access to the area; and*
 - (b) the bylaw is the most appropriate and proportionate way of addressing the perceived problem in relation to that area; and*
 - (c) the bylaw is not inconsistent with the New Zealand Bill of Rights Act 1990."*
- 2.5 The above requirements mean that Council cannot simply ban or restrict freedom camping across its entire district or parts of its district, without justification. Competition with existing accommodation providers is not a permissible reason.
- 2.6 Council's previous Freedom Camping Bylaw 2012, enacted in November 2012, prohibited freedom camping from all Council public reserves, as well as all public land and roads within 18 townships / settlements and 1km from their boundaries. Enforcement powers were given to several members of the community in South Westland.
- 2.7 The New Zealand Motor Caravan Association (NZMCA) brought a claim against the Bylaw to the High Court in January 2013, on the grounds that the prohibitions were too far-reaching and unjustified. In September 2013 Council repealed the Bylaw, retaining a Freedom Camping Policy as an educational (but unenforceable) document.

- 2.8 Grey District Council and Buller District Council have retained their freedom camping bylaws. The 2012 Buller bylaw focuses its prohibitions on 11 specific sites (mostly riverfront and beachfront locations), though it bans freedom camping in non-self-contained vehicles from the entire district. The 2014 Grey bylaw also bans freedom camping in non-self-contained vehicles from nearly everywhere (within 200m of a formed road), but it only prohibits self-contained vehicles from two locations (Jack's Road area in Paroa, and most of the Iveagh Bay area of Lake Brunner). Both bylaws limit the duration of freedom camping to three consecutive nights in any one location (and, for Grey, ten nights overall in any calendar month).
- 2.9 In the past five years, there have been some complaints by the public that freedom camping is occurring in inappropriate locations within Westland District. 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. Other complaints have been received that freedom campers, primarily those using non-self-contained vehicles, are disposing of their waste inappropriately.
- 2.10 Council is pursuing a programme of providing facilities for responsible camping in several sites throughout the district. Up to 10 sites are being considered in discussion with the various nearby communities. These will contain toilets, rubbish/recycling facilities, and landscaping. They are generally away from township areas. Central government has provided \$780,000 for these facilities to be developed, as well as for signage, 6 months of maintenance, and 6 months of staffing and equipment for education and enforcement. It is envisioned that these staff members will enforce any bylaw provisions as well as monitoring the Council-provided responsible camping facilities. Appropriately trained volunteers may assist also.

3 CURRENT SITUATION

- 3.1 Central government has stated its expectation that, as a condition of the above funding, Council will adopt a legally compliant Freedom Camping Bylaw in collaboration with the other West Coast Councils. Buller is currently reviewing its bylaw, and Grey has indicated a willingness to consider any changes necessary for consistency with Buller and Westland. At a broad level, consistency should be achievable, as long as Westland adopts the general approach of both Buller and Grey. This includes a list of specific and justified prohibited areas, limits on the number of consecutive days at any location, and a general prohibition for non-self-contained vehicles. Westland's recent moves to develop Council-provided responsible camping facilities is also consistent with Grey District, which has such facilities at Cobden and Iveagh Bay.

- 3.2 In August, Council staff sent e-mails to the various community associations, asking them to provide community feedback on where they thought freedom camping should be prohibited, and why. Feedback was received from the Ross, Haast, Okarito and Franz Josef areas. Most of the 15 responses were opposed to freedom camping generally, while others were opposed to freedom camping within or near townships – including the proposed Council-provided responsible camping facilities. Unfortunately these broad prohibition areas are unlikely to be justified, as the reasons given were either economic in nature (e.g. nothing should be free, and ratepaying accommodation providers should not have to compete with freedom camping), or not site-specific (e.g. concern about waste and rubbish). A few submissions mentioned specific locations with justifications for prohibition that match the legislative requirements (e.g. Hannah’s Clearing beach access road, due to access being blocked for locals; and Okarito area due to narrow roads and threat to native wildlife).
- 3.3 Council staff have taken on board the community feedback above and developed a list of proposed prohibited areas for freedom camping, based on the criteria in the Act.

4 OPTIONS

- 4.1 There are options in relation to several aspects of the proposed bylaw, as follows:
- a. Whether to have a bylaw, or not.
 - b. What format the bylaw should use.
 - c. Whether freedom camping in non-self-contained vehicles should be prohibited as it is in Grey and Buller Districts, or not.
 - d. Whether freedom camping in any vehicle in one location should be time-limited as it is in Grey and Buller Districts, or not.
 - e. Whether freedom camping should be prohibited on all Council parks and reserves (aside from road reserve), as it was in the previous bylaw, possibly just on sports fields, or not.
 - f. In which specific locations should freedom camping be prohibited.
- 4.2 These options are analysed in Section 6 of this report.

5 SIGNIFICANCE AND ENGAGEMENT

- 5.1 Under the guidance of the Council's Significance and Engagement Policy, the decision to be made today is considered to be of medium significance. It deals with a significant regulatory issue throughout the District, which potentially has an impact on many of the District's residents and businesses.
- 5.2 As stated above, the proposed revisions are based on some consultation that has already taken place with community groups, as well as informal feedback and anecdotes received over recent years. The NZMCA challenge to the previous bylaw has also provided a critical piece of feedback. Recent discussions with officers at Buller and Grey District Council have also informed this work.
- 5.3 Given the level of significance and the geographic spread of the issue, district-wide consultation is appropriate. In any case, the Act specifically requires use of the special consultative procedure under Section 83 of the Local Government Act. This allows for at least a one month submission period on a Statement of Proposal, followed by hearings before the bylaw is adopted.
- 5.4 It is recommended that the Statement of Proposal be advertised in the Hokitika Guardian, in the Westland Matters electronic newsletter, and on the Council website. In addition, it should be circulated to business and community groups and associations.
- 5.5 Submission forms and the proposed bylaw will be available on the Council website and at Council offices.

6 ASSESSMENT OF OPTIONS (INCLUDING FINANCIAL IMPLICATIONS)

- 6.1 In this section, each set of options from Section 4 of this report will be analysed in turn.
- 6.2 **Whether to have a bylaw, or not.**
- 6.2.1 If Council wishes to have an enforceable prohibition or restriction on freedom camping anywhere in the District, it must have a bylaw. A bylaw allows for instant infringements of \$200. Without a bylaw, Council can only rely on education and encouragement, including signage and provision of appropriate facilities in appropriate locations.

6.2.2 At the same time, the Act states a bylaw can only be made if it is for one or more of the purposes listed in Section 2 of this report (to protect the area, the health and safety of visitors, or access to the area) and if it is “the most appropriate and proportionate way of addressing the perceived problem in relation to that area.”

6.2.3 It is considered, based on feedback received, 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. A bylaw similar to that proposed with this report 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.

6.3 What format the bylaw should use.

6.3.1 As a starting point for its bylaw review, Buller is using the Model Freedom Camping Bylaw developed by the NZMCA and endorsed by Local Government New Zealand, along with support from Department of Internal Affairs and the Department of Conservation. The template is simple and legally compliant (it was reviewed by Simpson Grierson on behalf of LGNZ and revised accordingly), and it allows for local content to suit each Council’s needs. This format is recommended.

6.3.2 Some of the text from Westland’s previous bylaw will not fit within the new template, as it is essentially background information and principles that inform the bylaw. It is considered most efficient for the bylaw to simply contain what it must contain, and for background information to be provided elsewhere, e.g. in the Council’s non-regulatory Freedom Camping Policy and/or on its website or educational material.

6.4 Whether freedom camping in non-self-contained vehicles should be prohibited as it is in Grey and Buller Districts, or not.

6.4.1 The previous Westland bylaw did not treat non-self-contained vehicles any differently than self-contained vehicles; however, the Grey and Buller bylaws prohibit freedom camping in non-self-contained vehicles, and the Council’s existing Freedom Camping Policy also states that such vehicles must use camping grounds. Incorporating this prohibition into the Westland bylaw would achieve consistency across the region and with the Council’s Policy.

6.4.2 The primary justification under the Act would be to protect the area of the entire district, and the health and safety of visitors, by prohibiting freedom camping in vehicles that do not provide for adequate storage and eventual disposal of toilet waste and grey water. It can be assumed that freedom camping in non-self-contained vehicles is responsible for the deposit of human waste in various public areas, an issue which is of great concern from a health and amenity perspective.

6.5 Whether freedom camping in any vehicle in one location should be limited in duration as it is in Grey and Buller Districts, or not.

6.5.1 Both Grey and Buller limit freedom camping to three consecutive nights at any single location, as did the previous Westland bylaw. Buller is looking to change this to two consecutive nights, consistent with the capacity of self-contained vehicles. The Grey bylaw also limits this to no more than 10 nights in any calendar month, similar to the previous Westland bylaw which limited it to five nights in any calendar month. The term “any single location” is recommended to include any site within 500m of a previous site, rather than allowing a freedom camper to simply shift a few metres to be entitled to another set of days.

6.5.2 A limit to the duration is recommended as a way of ensuring that the freedom camping by a particular vehicle in a particular location is temporary, rather than a permanent or semi-permanent arrangement which could prevent access for others. In addition to the recommended two-day limit on consecutive nights in one location, an overall monthly limit per location is recommended as a way of ensuring that a vehicle does not just go elsewhere for a day and then return to the same site – a situation which could result in the same vehicle being in the same location for most nights of the month. A limit of 10 nights per calendar month is recommended for consistency with Grey District, though Buller limits this to 1 day per 30-day period.

6.6 Whether freedom camping should be prohibited on all Council parks and reserves (aside from road reserve), as it was in the previous bylaw, possibly just on sports fields, or not.

6.6.1 The Grey and Buller bylaws do not have such a provision. The previous Westland bylaw, however, prohibited freedom camping from “all Council public reserves” (presumably not including road reserve).

6.6.2 The Westland District does not currently experience any issues with freedom camping on sports fields; travellers seem to understand that

such activities are not compatible with the intended uses of the sports fields. Other areas of public reserves are not necessarily problematic if they have adequate vehicle access. It is therefore recommended that a blanket ban on freedom camping on parks and reserves (or sports fields) is unnecessary, and a site-by-site approach should be taken.

6.7 In which specific locations should freedom camping be prohibited.

6.7.1 As discussed above, Grey District only prohibits freedom camping in self-contained vehicles from two locations, and Buller District does so at 11 locations. Each location is specific and justified, whereas the blanket approach taken in the previous Westland bylaw was strongly challenged.

6.7.2 Council staff met in August and discussed community feedback as well as their own professional views on access, health and safety, and environmental issues at various locations where freedom camping is prevalent or potentially prevalent. The following table of 24 locations was generated, based on the reasons indicated in the table. Many of the locations are beach access roads, which can present access issues for locals if they are blocked by freedom campers, as well as health and safety issues if the access is unstable or narrow.

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)

Location	Reason(s)
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, aside from any Council-provided facility	Access and safety (narrow, uneven roads)

Location	Reason(s)
Entirety of Haast-Jackson Bay Road between Neils Beach and Jackson Bay Wharf	Safety (narrow road with rockfall risk)

These areas are mapped in the attached proposed bylaw.

7 PREFERRED OPTIONS AND REASONS

7.1 The preferred option is to propose a new Westland District Council Freedom Camping Bylaw 2018, as attached to this report. It incorporates the recommended options from Section 6 above, i.e.:

- Having a bylaw in the first place, to provide enforcement powers to protect areas, health and safety, and access.
- 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 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.
- Not prohibiting freedom camping from all parks and reserves, or from all sports fields; instead having a location-by-location approach depending on the issues and characteristics of each site.
- Prohibiting all freedom camping from particular locations, for a variety of reasons including protecting the areas, protecting health and safety of visitors, and protecting access.

7.2 The proposed attached bylaw is considered to strike a reasonable balance between the rights of freedom campers and the protection of areas, health and safety, and access. It is also considered to not be inconsistent with the NZ Bill of Rights Act 1990.

7.3 As the proposed bylaw must be released for one month of public consultation before hearings and adoption, there is an opportunity to further refine the bylaw in response to public views.

8 RECOMMENDATIONS

- A) **THAT** Council adopt the attached Statement of Proposal for the Westland District Council Freedom Camping Bylaw 2018;
- B) **THAT** Council undertake a Special Consultative Procedure as per Section 83 of the Local Government Act 2002 on the attached draft Westland District Council Freedom Camping Bylaw 2018, from 15 October 2018 to 16 November 2018; and
- C) **THAT** Council note that the attached Freedom Camping Policy will need to be revised for consistency with any Freedom Camping Bylaw eventually adopted, and that the tracked-changes indicated are consistent with the Bylaw as currently drafted.

Simon Bastion
Chief Executive

- Appendix 1:** Statement of Proposal: Westland District Council Freedom Camping Bylaw 2018
- Appendix 2:** Proposed Westland District Council Freedom Camping Bylaw 2018
- Appendix 2A:** Appendix A to Proposed Bylaw: Maps illustrating proposed prohibited areas
- Appendix 3:** Existing Westland District Council Freedom Camping Policy (with potential changes tracked)



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 www.westlanddc.govt.nz](http://www.westlanddc.govt.nz)

[date released]

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)
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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, 36 Weld Street, Hokitika
- (2) Post to Group Manager: Planning, Community and Environment (Attn: Bylaw Review), Private Bag 704, Hokitika
- (3) Email to consult@westlanddc.govt.nz
- (4) You can also complete submissions 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 council@westlanddc.govt.nz.

Timetable

15 October 2018 - submissions open

16 November 2018 at 5.00 pm - submissions close

Week of 19 November 2018 - hearing of submissions

TBC: Council meeting to decide on final content of bylaws

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 [date] 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)

Location	Reason(s)
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 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.



Freedom Camping Policy

Westland District Council's policy is designed to encourage travellers and campers to use camping grounds and other accommodation facilities as much as possible. The intent of this policy is to encourage freedom camping travellers while eliminating the detrimental environmental effects of discarded rubbish and human waste.

This policy recognises that some visitors to our District are choosing freedom camping as their preferred accommodation and also recognises the economic and social benefit freedom campers bring to the District.

[This policy is underpinned by the Westland District Council Freedom Camping Bylaw 2018 which provides a legal framework for dealing with the problems caused by inappropriate freedom camping.](#)

Council's Policy is:

1. If a vehicle **is not** a "Certified Self Contained Vehicle" fitted in accordance with NZS 5465:2001 with a minimum three day capacity toilet and grey-water storage facility, freedom camping is ~~to be restricted to not permitted,~~ and a camping ground is to be used.
2. If a vehicle **is** a "Certified Self Contained Vehicle" fitted in accordance with NZS 5465:2001 with a minimum three day capacity toilet and grey-water storage facility, freedom camping may occur on Council controlled public land, except ~~on any Council land or road where there are signs restricting freedom camping as listed in Schedule 1 of the Westland District Council Freedom Camping Bylaw 2018, and Freedom camping at any single location or within 500m of the same location is also limited to for no more than five-ten nights in any calendar month but limited to and three-two consecutive nights at any single location.~~
3. Toilet and grey-water must be disposed of in an approved dump point.
4. Vehicles provided by companies such as (but not limited to) Wicked ~~Campervans~~, Spaceships ~~Campervan Rentals~~, Maui ~~Campervan Rentals~~, Kiwi Kombi ~~Campervan Rentals~~ Campers, Jucy, ~~Campervan Rentals~~, Britz ~~Campervans~~, and Escape ~~Campervan Rentals Limited~~, Backpacker ~~Campervan Rentals~~ that are without toilets and grey-water storage facilities are not ~~designed to be used at any place permitted to camp on any Council land where.~~ **Otherwise, sSuch vehicles must use camping ground facilities.**

5. All freedom campers are asked to comply with any request to move on, by any Officer of the Council, or any person authorised by Council.
6. Freedom campers must respect our environment with sites being left clear of all rubbish, waste and damage. The dumping of waste and litter is an offence and will result in instant fines or prosecution.
7. Freedom campers must act responsibly, and respect the access and enjoyment rights of other public space users.

Excellent and up-to-date information on camping options can be found at

<http://www.rankers.co.nz/regions/west-coast/accommodation>

and at

<http://www.campermate.co.nz/Rankers.co.nz>

Campermate.co.nz

DOC.govt.nz

NZMCA.org.nz

Freedomcamping.org

Dump Point Locations

Refer to attached map at **Appendix 1** for District-wide dump point locations for toilet and greywater disposal. **[LIST TO BE CHECKED / CONFIRMED BY DISTRICT ASSETS]**

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Camping Ground Locations

Refer to **Appendix 2** for a list of camping grounds within Westland District.

APPENDIX 1

District-Wide Dump Locations for Toilet and Greywater Disposal



Effluent Dump Stations in Westland District



PLANS PRODUCED BY WESTLAND DISTRICT COUNCIL. CADASTRAL DATA DERIVED FROM LINZ'S DCD9 (CROWN COPYRIGHT RESERVED).

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APPENDIX 2

Camping Grounds within Westland District

Commented [A1]: List was updated in 2017 by i-Site but could be double-checked by i-Site now.

JACKSONS

- Jacksons Retreat Holiday Park

KUMARA

- [Greenstone Retreat](#)

KAIHINU

- [Beach Walk](#) [Cloud 9](#) Holiday Park

HOKITIKA

- [Seaview Estate](#)
- Shining Star Beachfront Accommodation
- 252 Beachside Motels and Holiday Park
- Hokitika Holiday Park

ROSS

- [Historic Empire Hotel Ross](#)
- [Totara Bridge Station](#)

HARIHARI

- Harihari Motor Inn

WHATAROA

- Whataroa Hotel

OKARITO

- Okarito Camping Ground

FRANZ JOSEF

- Franz Josef [Mountain View](#) Top 10 Holiday Park
- Rainforest Holiday Park
- ~~Terrace Motels (catering for self-contained vehicles only)~~ [Franz Josef Glacier Campervan Park](#)
- Glacier Country Campervan Park (catering for self-contained vehicles only)

FOX GLACIER

- Fox Glacier [Top10](#) Holiday Park
- Fox Glacier [Lodge and](#) Campervan Park

HAAST

- Haast Lodge and Motorpark
- [Aspiring Court Motel](#)
- Haast ~~Beach Holiday Park~~ [River Motels and Holiday Park](#)

DEPARTMENT OF CONSERVATION CAMPING GROUNDS

- Goldsbrough, Shamrock Creek Amenity Area
- Hans Bay, Lake Kaniere Scenic Reserve
- Lake Mahinapua, Lake Mahinapua Scenic Reserve
- Lake Ianthe, Lake Ianthe Scenic Reserve
- Offos/MacDonalds, Westland National Park
- Gillespies Beach, Conservation Area
- Lake Paringa, Conservation Area.

Commented [A2]: DOC list to be checked with someone at DOC

Policy adopted 2013