



## Report

Date : 24 April 2025

To : Mayor and Councillors  
Tararua District Council

From : Angela Rule  
Policy and Planning Advisor

Subject : **Draft Freedom Camping Bylaw 2025 and Statement of Proposal for Consultation**

Item No : **9.5**

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### **1. Recommendation**

- 1.1 *That the report from the Policy and Planning Advisor dated 27 March 2025 concerning the Draft Freedom Camping Bylaw 2025 and Statement of Proposal for Consultation be received.*
- 1.2 *That the Council determines, pursuant to s11 of the Freedom Camping Act 2011, that a bylaw is the most appropriate and proportionate way of addressing perceived problems identified for freedom camping in Tararua district and is not inconsistent with the New Zealand Bill of Rights Act 1990.*
- 1.3 *That the Council approves the Statement of Proposal and the draft Freedom Camping Bylaw 2025 for public consultation in accordance with s83 and s86 of the Local Government Act 2002.*
- 1.4 *That the Council agrees that the Chief Executive be delegated the power to approve any minor amendments to the draft bylaw or statement of proposal that he considers appropriate, prior to consultation starting.*

## Executive Summary

This report seeks approval to publicly notify the Tararua District Council's (Council) new draft Freedom Camping Bylaw.

Council approved the development of this bylaw at their meeting on 26 March 2025 after receiving:

- a) data from engagement in February;
- b) background information about Council's tourism attraction activities over 10+ years;
- c) a summary of the Freedom Camping Act;
- d) the negative impacts of freedom camping evident in the district from CRMs and information supplied by engagement survey respondents.

## **2. Reason for the Report**

- 2.1 This report relates to the development of the Tararua District Council Freedom Camping Bylaw.
- 2.2 This report includes determinations under section 11 of the Freedom Camping Act 2011 that a bylaw is the most appropriate and proportionate way of addressing the perceived problems identified for;
  - a) the protection of areas,
  - b) to protect the health and safety of people who may visit the area,
  - c) to protect access to the area around Freedom Camping in Tararua district.

And that the bylaw is not inconsistent with the New Zealand Bill of Rights Act 1990.

- 2.3 This report includes the statement of proposal and draft Freedom Camping bylaw for public feedback.

## **3. Background**

- 3.1 Council has received funding from the Ministry of Business, Innovation and Employment (MBIE) to develop a Freedom Camping Bylaw, and for signage after the bylaw has been adopted. The deadline for adoption is August 2025.
- 3.2 A bylaw enables Council to effectively enforce rules addressing the negative impacts of freedom camping in the Tararua District.
- 3.3 All domains in Tararua District, except Ormondville Domain, are under the management and control of Council. The Council encourages voluntary community support through domain and reserve committees that operate autonomously to maintain such facilities on its behalf. A local elected board administers Ormondville Domain on the Council's behalf.

## **4. Correction**

- 4.1 In the report to the Council on 26 March 2025 officers advised that any site not named in a schedule to the bylaw (stating restrictions on specific areas) would be prohibited sites for freedom camping. This does not meet the requirements of the Freedom Camping Act and will not be actioned.

4.2 Section 12 of the Freedom Camping Act 2011 states that bylaws must not absolutely prohibit freedom camping.

4.3 See section 7 below for specific information about proposed prohibited areas.

## **5. S11 of the Freedom Camping Act**

5.1 This section requires Council to be satisfied that a bylaw is the most appropriate and proportionate way of addressing the perceived problem.

The draft Freedom Camping Bylaw is an appropriate and proportionate way to address freedom camping in the Tararua District in order to:

- a) Protect local authority areas;
- b) Protect the safety of people who may visit local authority areas;
- c) Protect access to local authority areas.

5.2 Also, that the bylaw is not inconsistent with the New Zealand Bill of Rights Act 1990.

The NZBORA sets out specific rights and freedoms which are protected by legislation. The NZBORA states that the rights and freedoms covered by the Act, *may be subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.*

The draft bylaw is designed to regulate activities in public places only as far as necessary to ensure the area is protected, the health and safety of people who may visit the area are protected, and to protect access to the area. This bylaw does not unreasonably interfere with any of the rights in the New Zealand Bill of Rights Act 1990.

## **6. Relationship of this bylaw with other Tararua District Council Bylaws**

6.1 Council's Traffic and Road Use Bylaw (to be adopted on 30 April) covers stopping, standing and parking, and heavy vehicles. These will apply to freedom camping vehicles.

6.2 Council's Public Places Bylaw covers the following matters in public places:

- Nuisance
- Obstruction, disturbance or interference of access;
- Recklessness with may be intimidating, objectionable, dangerous, injurious to any person.
- Damage
- Contravention of Council conditions regulating the use of that place.

- Discharging or leaving effluent, waste, offensive or dangerous substances.
- Wondering animals.
- Operating or driving a vehicle on a beach, sand dunes or wetland area.
- Beach access.
- Litter.
- Scattering ashes.
- Lighting fires.

## **7. Key Matters in the Freedom Camping Bylaw**

### **7.1 Prohibition of self-contained freedom camping**

- 7.1.1 Section 10 (1) of the Freedom Camping Act 2011 states that freedom camping in a tent or other temporary structure or in a self-contained vehicle is permitted in any local authority area unless it is restricted or prohibited in that area. Refer to schedules.
- 7.1.2 Section 10 (2) of the Freedom Camping Act 2011 states that freedom camping using a motor vehicle that is not self-contained is permitted in a local authority area only if it is permitted in that area. Refer to Schedule 2.
- 7.1.3 Section 10 (3) allows for the restriction or prohibition of freedom camping:
- in a bylaw made under s11 (*which this bylaw is*); or
  - in the case of a self-contained motor vehicle, by the limit placed on the maximum number of people for which the vehicle is certified; or
  - under any other legislation.
- 7.1.4 The proposed prohibition to freedom camping in 50kmph speed zones (National Speed Limit Register NSLR) encompasses residential, commercial and industrial zones and therefore the general public's ability to access homes, goods and services, in accordance with the Freedom Camping Act s11 (2) (a) (iii) and to do so safely in accordance with the Freedom Camping Act s11 (2) (a) (ii).
- 7.1.5 The proposed prohibition to freedom camping in cemeteries and playgrounds is consistent with the Freedom Camping Act s11 (2) (a) (iii) in protecting access those areas by users of those areas.

### **7.2 Restricted Areas**

- 7.2.1 The proposed restrictions to specific areas, named in Schedule 2 of the draft bylaw, are designed in accordance with the Freedom Camping Act s11 (2) (a) and considering the information provided by engagement survey respondents.

## **8. Significance Assessment**

- 8.1 The immediate decision before the Council, about whether to commence consultation on the draft bylaw, is not itself a significant decision. However, the decisions that will follow such consultation (such as whether to adopt the new bylaw) will be significant under the Council's Significance and Engagement Policy.
- 8.2 Consistent with the above point is section 11B (3) of the Freedom Camping Act that requires Council to use the special consultative procedure when making, amending or revoking a bylaw made under that Act.
- 8.3 The new Freedom Camping Bylaw discussed in this report is considered to be of significant interest to the public on the basis of criteria outlined in Council's Significance and Engagement Policy.
- 8.4 The draft Freedom Camping Bylaw in this report will affect anyone who wishes to freedom camp in the Tararua District.

## **9. Consultation**

- 9.1 Consultation is required by s11B (3) of the Freedom Camping Act and Council's Significance and Engagement Policy.
- 9.2 Council will fulfil the requirements of s82 and 83 of the Act by doing the following:
- Publishing a public notice relating to consultation on the draft bylaws, including information on where to access the statement of proposal and how to provide feedback;
  - Make copies of the draft bylaw, the statement of proposal and submission forms available on Council's website, at Council's service centres and libraries for the duration of the consultation period;
  - Provide those interested with an opportunity to present their views to the Council in person at a Hearing.
  - And all other requirements of those sections.
- 9.3 The consultation period is from Monday 19 May to Friday 20 June 2025

## **10. Conclusion**

- 10.1 This report relates to the new draft Freedom Camping Bylaw. This bylaw was developed in order to regulate activities pertaining to freedom camping in Tararua District.
- 10.2 The recommendation at clause 1.2 of this report relates to determinations required by s11B of the Freedom Camping Act. Council must first determine whether a bylaw is the most appropriate way to address the perceived problems

identified for freedom camping; that it is in the appropriate form; and is not inconsistent with the New Zealand Bill of Rights.

- 10.3 In the recommendation at clause 1.3 Council approval is sought to publicly notify the draft Freedom Camping Bylaw 2025 and the statement of proposal that is required by section 83(1)(a)(i) of the Local Government Act 2002 and form the basis for the consultation on the draft bylaw.
- 10.4 The recommendation at clause 1.4 of this report gives the Chief Executive the authority to approve any minor amendments to the draft bylaws or statements of proposal prior to consultation commencing.
- 10.5 The proposed consultation period is from Monday 19 May until Friday 20 June 2025.

### **Attachments**

Nil.