

## **APPENDIX THREE – SECTION 11 OF THE FREEDOM CAMPING ACT 2011**

### **11 Freedom camping bylaws**

1. A local authority may make bylaws—
  - a. defining the local authority areas in its district or region where freedom camping is restricted and the restrictions that apply to freedom camping in those areas;
  - b. defining the local authority areas in its district or region where freedom camping is prohibited.
2. A local authority may make a bylaw under subsection (1) only 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.
3. A bylaw made under subsection (1) must define a restricted or prohibited area in either or both of the following ways:
  - a. by a map;
  - b. by a description of its locality (other than just its legal description).
4. However, where a bylaw contains both a map and a description and there is an inconsistency between the map and the description, the description prevails.
5. The local authority must use the special consultative procedure set out in section 83 of the Local Government Act 2002 (as modified by section 86 of that Act) in—
  - a. making a bylaw under this section; or
  - b. amending a bylaw made under this section; or
  - c. revoking a bylaw made under this section.
6. Despite subsection (5)(b), a local authority may, by resolution publicly notified, make minor changes to, or correct errors in, a bylaw made under this section, but only if the changes or corrections do not affect—
  - a. an existing right, interest, title, immunity, or duty of any person to whom the bylaw applies; or
  - b. an existing status or capacity of any person to whom the bylaw applies.

In subsection (6), publicly notified means a notice given in accordance with the requirements of the definition of public notice in section 5(1) of the Local Government Act 2002.