

This Model Freedom Camping Bylaw has been developed by Local Government New Zealand, in consultation with the Ministry of Business Innovation and Employment, the New Zealand Motor Caravan Association Incorporated and Taituarā, who are all generally supportive of the Model Bylaw.

The Model Bylaw has been updated to reflect amendments made to the Freedom Camping Act 2011 (**Act**) by the Self-contained Motor Vehicles Legislation Act 2023. Most of the amendments made to the Act came into force on 7 June 2023.

Note that under the Act there is a new definition of “self-contained”, which means, in relation to a motor vehicle, that the vehicle has a valid certificate of self-containment issued in accordance with section 87U(3)(d) of the Plumbers, Gasfitters, and Drainlayers Act 2006. It is also important to note, particularly for enforcement officers, that subpart 1 of Part 1 of Schedule 1AA of the Act states when a motor vehicle is self-contained during the transitional period.

The transitional period starts on 7 June 2023 and ends on the later of 7 June 2025 or a date specified in an Order in Council.

Also note that there are transitional provisions in subpart 3 of Schedule 1AA of the Act that contain requirements for any freedom camping bylaws that were in force immediately before 7 June 2023. These include:

- If there is any inconsistency between the Act and an existing bylaw, the bylaw has no effect to the extent of the inconsistency; the Act prevails (clause 10).
- Existing bylaws must be amended or revoked to remove any inconsistencies, but this can be done by resolution publicly notified (there is no need to use the special consultative procedure or meet the requirements of section 11(2) of the Act) (clause 10).
- If an existing bylaw designates a local authority area as suitable for freedom camping in a motor vehicle that is not self-contained, that bylaw continues in force during the transitional period (unless revoked by the council), but is treated as if it was made under the amended Act (clause 11(1), (2) and (3)).
- A new bylaw under section 11A can also be made if it has the same effect as the existing bylaw. This can be done by resolution publicly notified, without using the special consultative procedure (clause 11(4) and (5)).
- Any reference in an existing bylaw to “self-contained” or “self-contained” in relation to a motor vehicle is to be read as having the same meaning as self-contained in section 4 of the Act (clause 12).

MODEL FREEDOM CAMPING BYLAW

EXPLANATORY NOTE

This part contains an explanatory note to the Model Bylaw. If used, it should not be given a clause number as it is not part of the Bylaw (see clause 3(2) of the Model Bylaw). It is not a requirement for a Bylaw to have an explanatory note, but it can be useful to explain:

- the sections of the Act under which the Bylaw is made, particularly as bylaws can be made under section 10A (if NZTA land is to be included), section 11 and section 11A (if there are any local authority areas where vehicles that are not self-contained can be used for freedom camping);
- any other information relevant to freedom camping in the district or region.

Importantly, the explanatory note also suggests that readers of the Bylaw should refer to any other rules/plans/etc that govern freedom camping in the district or region, including the Reserves Act 1977. This is so that potential visitors to the region or district are aware that there may be other restrictions or prohibitions on freedom camping. For more information, see the notes to clause 5 of the Model Bylaw, which describe the other legal means councils can use to regulate freedom camping.

The [*relevant local authority*] makes this Bylaw under [sections 10A, 11 and 11A– *chose whichever sections apply*] of the Freedom Camping Act 2011, and should be read alongside that Act.

This Bylaw should also be read in conjunction with [*any other bylaws, rules or plans that govern freedom camping in the district or region*].

[*If desired, add any other explanatory information that may be helpful to readers of the bylaw, for example links to any relevant Council policies or other freedom camping information.*]

1. TITLE

This Bylaw is the [*Relevant Local Council*] Freedom Camping Bylaw [*year*].

[*We note that Council's may decide to adopt a different title for a bylaw with the same effect; but it is preferable to use 'freedom camping' in the title, which makes it clear the Bylaw is made under the Act.*]

2. PROCEDURE AND COMMENCEMENT

Clause 2(1) is not mandatory, but many councils include a statement to this effect at the beginning or end of their bylaws. Whether it is included will depend on each council's bylaw 'style'. Clause 2 can be simplified to become solely a 'commencement' clause.

The commencement date for a bylaw should be a date after public notice of the making of the bylaw is given. This is because the public notice must state the date the bylaw 'will come into operation' (refer: section 14 of the Act; section 157 of the Local Government Act 2002).

An optional bylaw review date clause is also included, which some Councils may find helpful to include (as a reminder if nothing else). However, as bylaws can be reviewed earlier than the statutory review dates, Councils may also prefer not to include this wording, to avoid any confusion if an earlier review occurs.

- (1) The initial resolution adopting a statement of proposal for this Bylaw was passed by the [relevant local authority] at an ordinary 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].
- (2) This Bylaw comes into force on [date].
- (3) *Optional wording:* This Bylaw is next due for review under section 13 of the Act by [date].

3. DEFINITIONS

This clause defines key terms used in the Model Bylaw. Words that are already defined in the Freedom Camping Act 2011 are defined in the Model Bylaw by reference to the Act.

Councils should note that “freedom camp” has a defined meaning under the Act. We set out the definition here to remind local authorities of what constitutes freedom camping according to section 5 of the Act:

5 Meaning of freedom camp

- (1) In this Act, **freedom camp** means to camp (other than at a camping ground) within 200 m of an area accessible by motor vehicle or within 200 m of 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 either or both of the following:
 - (a) a tent or other temporary structure;
 - (b) a motor vehicle.
- (2) In this Act, **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 motor vehicle to avoid driver fatigue.
- (2A) In this Act, a person is not **freedom camping** if the person—
 - (a) is a person other than a person who is in New Zealand on the basis of a visitor visa (within the meaning of the immigration instructions); and
 - (b) is unable to live in appropriate residential accommodation; and
 - (c) as a consequence of that inability, is living in either or both of the following:
 - (i) a tent or other temporary structure;
 - (ii) a motor vehicle.
- (3) In this section,—

camping ground means—

 - (a) a camping ground that is the subject of a current certificate of registration under the [Camping-Grounds Regulations 1985](#); or
 - (b) any site at which a fee is payable for camping at the site

Great Walks Track means—

 - (a) a track specified in [Schedule 1](#); and
 - (b) any other track specified by Order in Council made under [section 44](#) as a Great Walks Track

immigration instructions has the same meaning as in [section 4](#) of the Immigration Act 2009

residential accommodation includes accommodation in a dwelling house, flat, hotel, motel, boarding house, or camping ground.

The definition refers to areas accessible by “motor vehicle”. The term “motor vehicle” is defined in section 4 of the Act: and provides that as well as the definition in section 2(1) of the Land Transport Act 1998 applying, a motor vehicle can also be a unit used for camping that is not itself a vehicle but is capable of being transported by means of being loaded onto a vehicle and used for camping whether or not it is loaded into a vehicle.

The above definition of “freedom camping” does not include: temporary and short-term parking of a motor vehicle; recreational activities commonly known as day-trip excursions; and resting or sleeping at the roadside in a caravan or motor vehicle to avoid driver fatigue (paragraph (2) in the definition). A person (who is not a person visiting New Zealand on a

visitor visa) is not freedom camping if they are unable to live in appropriate residential accommodation and because of that inability they are living in a tent or other temporary structure, or a motor vehicle, or both (paragraph (2A) in the definition). This is intended to exclude homeless persons from freedom camping regulation.

Another defined term in section 4 of the Act is “local authority area”. Bylaws made under the Act should use the phrase “local authority areas” (as defined in the Act) to describe the sites that are subject to prohibitions, restrictions, or conditions regarding freedom camping. Other names – such as “public place” – should not be used, as they do not reflect the terminology used in the Act and may lead to the inclusion of areas not governed by the Act.

Councils may also wish to add clause 3(2), if they make use of explanatory notes in the Bylaw. Explanatory notes can be used to provide helpful information relevant to particular clauses.

(1) In this Bylaw, unless the context requires otherwise:

Act means the Freedom Camping Act 2011.

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

Chief Executive means the chief executive appointed by the Council under section 42 of the Local Government Act 2002.

Council means [*the relevant local authority*].

[District or Region] means the [district or region] of the Council.

Enforcement officer means a person appointed as an enforcement officer under section 32 of the Act.

Freedom camp has the same meaning as in section 5 of the Act.

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

[*If a bylaw under section 10A is made, add:*

NZTA land has the same meaning as in section 6A of the Act.]

[*If a bylaw under section 11A is made, add:*

Non self-contained area means an area identified in Schedule 4 of the Bylaw: Non Self-contained Areas, in which freedom camping in a motor vehicle that is not self-contained is permitted subject to restrictions and conditions.]

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

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

Self-contained –

- (a) during the Transitional period has the same meaning as in clause 1 of Schedule 1AA of the Act; and otherwise
- (b) has the same meaning as in section 4 of the Act.

Transitional period is defined in clause 1 of Schedule 1AA and means the period of time that—

- (a) starts on the commencement date [7 June 2023]; and
- (b) ends on the later of the following:

- (i) the day before the date that is 2 years after the commencement date [7 June 2025];
- (ii) the latest date specified as the end date of period 4 by an Order in Council made under clause 3 [of *Schedule 1AA*].

(2) This bylaw contains explanatory notes, which are not part of the bylaw. The Council may add, amend or delete explanatory notes at any time without amending the bylaw.

4. PURPOSE

This clause states the purpose of a bylaw under the Act. It uses the wording of sections 10A(2)(a) and 11(2) of the Act, which set out that a council may make a bylaw for regulating freedom camping by way of restriction or prohibition in a district or region, for 1 or more of these purposes.

If a council does not make a bylaw for all of these purposes then the purpose that is not applicable can be deleted from the list below.

The purpose of this Bylaw is to control freedom camping in the [Region or District] in order to:

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

5. WHERE FREEDOM CAMPING IS PERMITTED

Subclause (1) of this clause reflects section 10(1) and (3) of the Act. Freedom camping in a tent or other temporary structure, or using a self-contained motor vehicle, is allowed in any local authority area – unless it is restricted or prohibited under a bylaw made in accordance with section 11 of the Act, other legislation, or, for a self-contained motor vehicle, there is a limit placed on the maximum number of people for which the vehicle is certified. As this clause reflects what is already in the Act, it is optional to include in a bylaw. However, councils may wish to include this clause to make it clear to communities that there is a general level of permission for freedom camping under the Act, and to explain that other legislation may be relevant.

Examples of “other legislation” that may restrict or prohibit freedom camping include:

- section 44 of the Reserves Act 1977;
- rules in a district or regional plan made under the Resource Management Act 1991;
- bylaws made under sections 145 or 146 of the Local Government Act 2002.

Councils have a number of tools at their disposal to regulate freedom camping in their district or region. If a council uses two or more of the methods available to regulate freedom camping, it needs to be made clear how the different rules/bylaws/etc interact together. A council may want to review these other means of regulating freedom camping when creating a bylaw under the Act.

Consequently, when drafting a bylaw under the Act, councils may wish to include reference to other means being used to regulate freedom camping. This is in order to clarify for the public the extent of prohibitions or restrictions in relation to freedom camping in the district or region.

Careful drafting is necessary to ensure that the bylaw is clear about the restrictions or prohibitions created under the Act and what is merely descriptive reference within the bylaw to restrictions or prohibitions that are the result of other statutory powers.

An example explanatory note at the end of this clause is an optional feature. It is intended to provide a means by which the local authority can inform the public of other restrictions or prohibitions on freedom camping in an area.

Subclause (2) of this bylaw clause reflects section 10(2) of the Act, which permits camping in a motor vehicle that is not self-contained only if it is expressly permitted under a bylaw or other legislation (as above).

- (1) Freedom camping using a tent or other temporary structure or a self-contained motor vehicle is permitted in any local authority area within the [District or Region] unless it is prohibited or restricted or prohibited in an area:
- (a) under clause 6 or 7 of this Bylaw; or
 - (b) under any other legislation; or
 - (c) 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.

Explanatory note: Other legislation includes the Reserves Act 1977, which generally prohibits camping in reserves (pursuant to section 44) and provides for infringement notices to be issued. [Councils can state here whether the council has any prohibition on camping in reserves or has made any bylaws under the Local Government Act 2002 that prohibit camping in the District or Region, or if there are any other relevant provisions.]

- (2) Freedom camping using a motor vehicle that is not self-contained is permitted in a local authority area within the [District or Region], but only if:
- (a) it is used in a non self-contained area, and carried out in accordance with any restrictions and conditions imposed under clause X of this Bylaw; or
 - (b) it is otherwise permitted under other legislation.

Explanatory note: Examples of other legislation that may allow for non-self contained motor vehicles include: reserve management plans under the Reserves Act 1977, bylaws made under the Local Government Act 2002, or rules in a regional or district plan. [Councils may want to refer to any specific permissions under any of these, if they have them, or could delete this explanatory note if there is no such provision.]

6. PROHIBITED AREAS

The purpose of this clause is to state that freedom camping is prohibited in the local authority areas set out in Schedule 1. Councils can prohibit freedom camping in only part of a local authority area, as the definition of local authority area includes any part of a local authority area: see section 6(1)(b).

Under section 12 of the Act, councils are precluded from making a bylaw under section 11 that has the effect of prohibiting freedom camping in all local authority areas in its district.

Following the decision of the High Court in *New Zealand Motor Caravan Association Incorporated v Marlborough District Council* [2021] NZHC 3157, councils should only prohibit freedom camping where they have carried out a "risk analysis" that can satisfy the council that the requirements of section 11(2) of the Act have been met in relation to the proposed prohibitions. In particular, councils must satisfy themselves that:

- the prohibition is necessary for one or more of the following purposes: to protect the area, to protect the health and safety of people who may visit the area, or to protect access to the area; and
- the prohibition is the most appropriate and proportionate way of addressing the perceived problem in relation to that area; and
- the prohibition is not inconsistent with the New Zealand Bill of Rights Act 1990.

Descriptions of local authority areas may be general, such as an urban area described with reference to signs for an urban speed limit. Prohibitions can extend to adjacent areas which pose common risks.

Default prohibitions are possible provided there are still sites or areas where freedom camping is permitted (see paragraphs 157 to 160 of the *NZMCA v Marlborough District Council* decision).

[This Model Bylaw provides standard template wording which may need to be altered to fit any specific situation. It is advisable to obtain legal advice in such situations.]

- (1) A person must not freedom camp in any area identified in Schedule 1: Prohibited Areas.
- (2) Despite subclause (1), a person may freedom camp in any prohibited area if they have obtained the prior written consent of the Council, granted under clause 8(1) of this Bylaw, and complies with any conditions on the consent.

7. RESTRICTED AREAS

The purpose of this clause is to state that people can freedom camp in the local authority areas set out in Schedule 2, but that they must obey the restrictions that apply to freedom camping those areas.

The bylaw can have general restrictions applicable to all restricted areas (listed in clause 7), or can list the restrictions for an area in Schedule 2, or do a mix of the two (ie general restrictions in clause 7 and specific restrictions in Schedule 2). (Further notes on this are provided in the notes accompanying Schedule 2 of this Model Bylaw.)

Examples of restrictions include:

- That freedom camping is not permitted in a tent or other temporary structure.
- That freedom camping is restricted to a maximum of X consecutive nights in any Y-week period.
- That freedom camping is restricted to designated carparks within a particular area.
- That freedom camping activities may not impede public access to an area or create safety issues. These restrictions can be described in more specific detail applicable to your situation in the bylaw or examples given in an explanatory note. For example, a council might not want anyone to freedom camp within 25m of a boat ramp or the foreshore of a lake, or may not want freedom campers to have any camping equipment placed outside of their self-contained vehicle in areas where there is limited space.

The same criteria in section 11(2) of the Act that apply to prohibiting freedom camping in a local authority area must also be considered when restricting freedom camping and its

associated activities in an area (see the notes accompanying clause 6 on the section 11(2) criteria).

- (1) A person may freedom camp in any area identified in Schedule 2: Restricted Areas, but must comply with the restrictions *[listed below and/or listed for that area in Schedule 2]*:

Add any restrictions if listing here rather than in, or in addition to, Schedule 2

- (a) *[insert restriction 1];*
- (b) *[insert restriction 2];*
- (c) *[insert restriction 3 etc.].*

- (2) Despite subclause (1), a person may freedom camp in any restricted area if they have obtained the prior written consent of the Council, granted under clause 8(1) of this Bylaw, and complies with any conditions of that consent.

The following two clauses are optional. They will be relevant to include in the bylaw if a council is going to:

- declare any area of NZTA land in its district or region to be a local authority area for the purposes of the Act (under section 10A); *[this clause could be included straight after the definitions clause if desired since it assists in determining the definition of local authority area]*
- allow freedom camping anywhere in the district in vehicles that are not self-contained (under section 11A).

W. DECLARATION THAT NZTA LAND IS A LOCAL AUTHORITY AREA

The purpose of this clause is to state that NZTA land identified in Schedule 3 is subject to the Act and the Bylaw, so the Council can regulate it under the bylaw and take enforcement action under the Act in relation to that land.

The NZTA areas of land listed in Schedule 3, are then able to be included as prohibited areas in clause 6 / Schedule 1 or restricted areas in clause 7 / Schedule 2. Also, if the Council wants to define any NZTA area as an area in which freedom camping in a motor vehicle that is not self-contained is permitted, then it can also define the land under clause X and Schedule 4.

A bylaw under section 10A cannot be made unless the Council has the written consent of the chief executive of NZTA.

The same criteria in section 11(2) of the Act that apply to prohibiting or restricting freedom camping in a local authority area must also be considered when making a bylaw under section 10A (see the notes accompanying clause 6 on the section 11(2) criteria).

- (1) The areas of NZTA land identified in Schedule 3: NZTA Land are declared a local authority area for the purpose of the Act, which means they are local authority areas for the purpose of this Bylaw and are regulated as such under this Bylaw.

X. LOCAL AUTHORITY AREAS WHERE FREEDOM CAMPING IS PERMITTED IN MOTOR VEHICLES THAT ARE NOT SELF-CONTAINED

The purpose of this clause is to state the areas in a district or region where a council permits freedom camping in motor vehicles that are not self-contained, and the restrictions and conditions that apply to freedom camping in those areas.

While the criteria in section 11(2) of the Act are not listed as applicable when making a bylaw under section 11A, they may still be a useful consideration in determining any areas and in imposing conditions (see the notes accompanying clause 6 on the section 11(2) criteria). Some of the examples for restrictions described in the notes to clause 7 can also apply to these areas. A further possible restriction for a bylaw made under section 11A might include that freedom camping in a non-self-contained vehicle must occur within 100 m of a public toilet.

- (1) A person may freedom camp in a motor vehicle that is not self-contained in any area identified in Schedule 4: Non Self-contained Areas, but must comply with the restrictions and conditions [*listed below and/or listed for that area in Schedule 4*]:

Add any restrictions and conditions if listing here rather than in, or in addition to, Schedule 4

- (a) [insert restriction/condition 1];
- (b) [insert restriction/condition 2];
- (c) [insert restriction/condition 3 etc.].

- (2) Despite subclause (1), a person may freedom camp in a non self-contained area contrary to any restrictions or conditions listed for that area if they have obtained the prior written consent of the Council, granted under clause 8(1) of this Bylaw, and complies with any conditions of that consent.

8. PRIOR CONSENT FROM COUNCIL

The objective of this clause is to allow some flexibility in the operation of the bylaw. For example, a council may want to approve a special event or occasion being held in a local authority area that only allows restricted freedom camping or where freedom camping is prohibited under the bylaw.

Clause 8 allows the council (or this could be changed to the chief executive or other officer if the council prefers to give this power of approval directly in the bylaw rather than making a delegation to that effect) to exempt people from some or all of the prohibitions, restrictions and conditions in an area for a special event. There may be other reasons for allowing consent for camping in a prohibited area, restricted area or non self-contained area, but discretion as to whether these are granted remains with the council.

Conditions on consents can be used to impose obligations and requirements on applicants, including, for instance, certain restrictions that the Council does not wish to waive.

- (1) The Council may grant consent to a person to freedom camp in any prohibited area, restricted area, or non self-contained area, contrary to any prohibition, restrictions, or conditions that apply to that area under this Bylaw ~~with or without conditions~~.

- (2) An application for consent must be made in writing to the Chief Executive at least [*insert timeframe*] in advance of the date planned for freedom camping in the area.
- (3) If the Council grants an application, it may impose any conditions it considers appropriate that are consistent with the purpose of this Bylaw.
- (4) If the Council refuses an application, it Council must inform the applicant of the reasons for the decision.
- (5) An enforcement officer may revoke a consent given under clause 8(1) if any person breaches the conditions specified in the consent or the freedom camping covered by the consent otherwise breaches this Bylaw or the Act.

9. OFFENCES

Section 20 of the Act sets out several offences relating to freedom camping. This clause repeats the offences in section 20(1)(a) and (f) of the Act, which are dependent upon a Bylaw to exist. Both of these offences are known in the Act as “infringement offences” (see the definition of this term in section 4(1) of the Act).

Section 20(2) of the Act defines “make preparations” to mean doing either or both of, erecting a tent to use it for freedom camping or parking a motor vehicle to use it for freedom camping.

- (1) Section 20(1) and 20C of the Act specifies the infringement offences applicable to local authority areas, which include that 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) For the purposes of section 20(1)(a) and (f) of the Act, any person who has obtained the prior written consent of the Council, granted under clause 8(1) of this Bylaw, and who complies with any conditions on the consent, is not acting in breach of any prohibition or restriction in this Bylaw.

10. PENALTIES

This clause reflects section 20E of the Act, which sets out the penalty for infringement offences. Information on penalties could be included as an explanatory note under the offences clause instead, given the Act (and regulations) provides for the penalty. However, most councils include a penalty clause in their bylaws, and it is useful to keep all relevant information in one place. A bylaw is not invalid simply because it deals with a matter already dealt with in any legislation (section 14 of the Bylaws Act 1910).

The Freedom Camping (Penalties for Infringement Offences) Regulations 2023 came into force on 13 July 2023 and specify infringement fees ranging from \$200 to \$800 for the infringement offences in section 20 and 20C.

As specified in section 20E of the Act, every person who commits an infringement offence under the Act is liable to the infringement fine specified in regulations made under the Act, or if no regulations have been made, an infringement fee of \$400.

11. RELATIONSHIP OF BYLAW WITH [*RELEVANT SETTLEMENT LEGISLATION*]

This clause should be included if there is legislation effecting a Treaty of Waitangi settlement – such as the Ngāi Tahu Claims Settlement Act 1998 – that affects the district or region and the local authority wishes to clarify how it will interact with a bylaw made under section 11.

This Bylaw does not limit or affect the rights in relation to [*nohoanga/iwi/etc*] entitlements under the [*relevant settlement legislation*].

12. REVOCATIONS AND SAVINGS

This clause is optional and could be included if there is an existing bylaw that will be revoked by a new bylaw.

(1) The [Z Bylaw] is revoked.

(2) Any permission, consent, agreement or any other act of authority which originated under the [Z Bylaw], or which was continued by that bylaw and which is still in force at the commencement of this bylaw continues to have full force and effect for the purpose of this bylaw.

(3) This bylaw is implied into and forms any part of any permission, consent, or any other act of authority continued by this clause.

(4) The revocation of the [Z Bylaw] does not prevent any legal proceedings, criminal or civil, being taken to enforce that bylaw and such proceedings continue to be dealt with and completed as if that bylaw had not been revoked.

SCHEDULE 1: PROHIBITED AREAS

A council must define a prohibited area by either a map, or a description of its locality (other than just its legal description), or both (section 11B). Both methods are important means of identifying to the public where they are unable to freedom camp.

We suggest that Schedule 1 should define each prohibited area using both a written description of its locality and a map that clearly highlights where people cannot freedom camp.

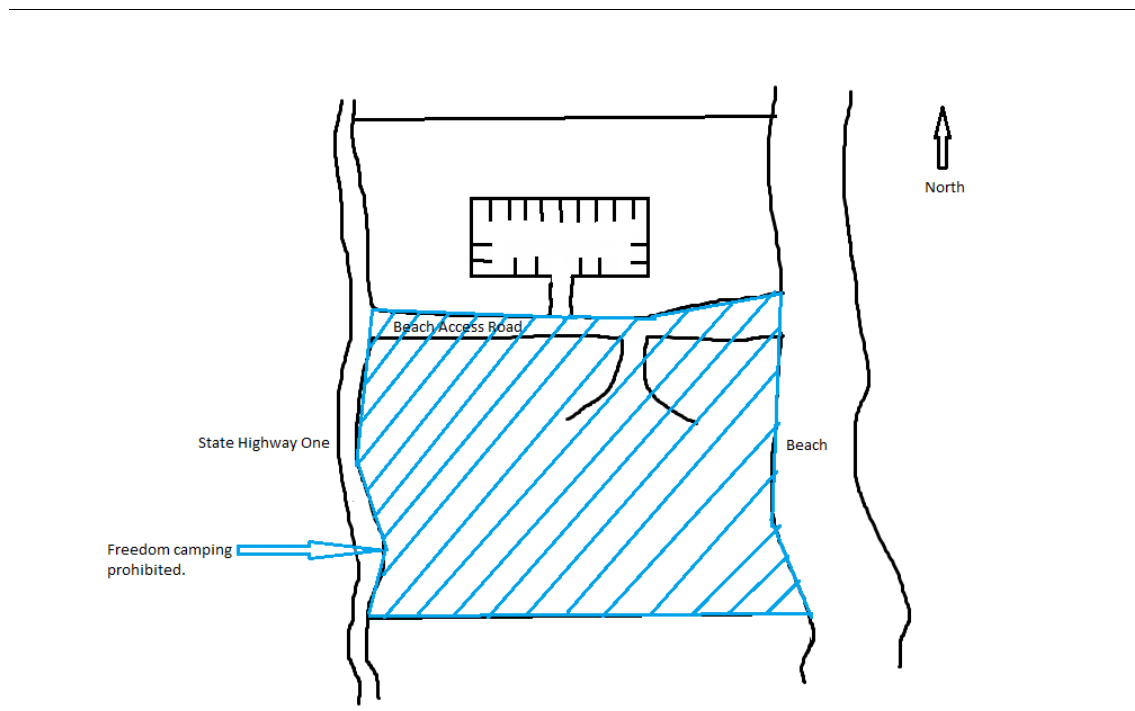
Note that if both methods are used to identify a prohibited area, if there is any inconsistency between the two, the description will prevail: section 11B(2) of the Act. For this reason, it is important that both are accurate, but particularly the description.

An example of a prohibited local authority area (using the fictitious "Pohutukawa Park, Pleasantville") is defined below using both methods.

Southern half of Pohutukawa Park, Pleasantville

Pohutukawa Park is located approximately 5 km north of Pleasantville township, adjacent to and to the east of State Highway One.

Freedom camping is prohibited in all parts of Pohutukawa Park that are located to the south of, and including, Beach Access Road, between the beach and State Highway One.



SCHEDULE 2: RESTRICTED AREAS

Defining restricted areas

As for prohibited areas, a council must define restricted areas by either a map, or a description of its locality (other than just its legal description), or both. Both methods are important means of identifying to the public where freedom camping is restricted.

We suggest that Schedule 2 also uses both methods to define restricted local authority areas. Again, if there is any inconsistency between the description and the map, then the description will prevail: section 11B(2) of the Act.

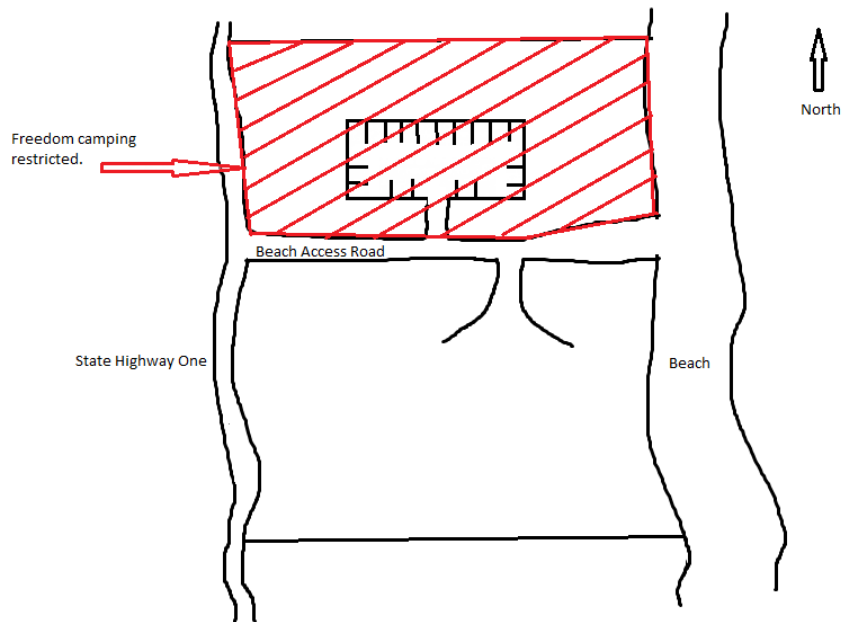
Two examples of a restricted area defined using both methods (one of them once again using the fictitious “Pohutukawa Park, Pleasantville”) are included below. The second of these, relating to fictitious “Nikau Park, Pleasantville”, relates to a restricted area that only allows freedom camping in designated carparks.

See the comments at clause 7 of this Model Bylaw relating to the type of restrictions that can be imposed.

Northern half of Pohutukawa Park, Pleasantville

Pohutukawa Park is located approximately 5 km north of Pleasantville township, adjacent to and to the east of State Highway One.

Freedom camping is restricted in all parts of Pohutukawa Park that are located to the north of Beach Access Road, between the beach and State Highway One.

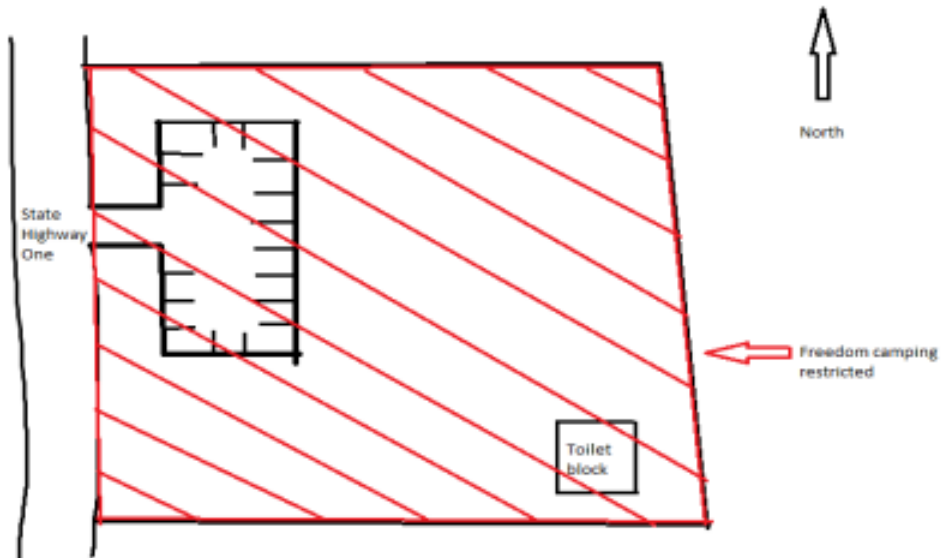


Restrictions applying to this restricted area:

- Freedom camping in this area is restricted to self-contained vehicles, which must be parked in designated carparks only.
- The maximum period anyone can freedom camp in this area is three consecutive nights in any four-week period.

Nikau Park, Pleasantville

Nikau Park is located approximately 1 km south of Pleasantville township, adjacent to and to the east of State Highway One.



Restrictions applying to this restricted area:

- Freedom camping in the designated carpark area is restricted to self-contained motor vehicles only, and self-contained vehicles may not freedom camp elsewhere in this area.
- The maximum period anyone can freedom camp in this area is three consecutive nights in any four-week period.

SCHEDULE 3: NZTA LAND SUBJECT TO THIS BYLAW

The following NZTA land is a local authority area for the purposes of the Act:

[The written consent of the chief executive of NZTA is needed (section 10A(3) of the Act) to make a declaration to include NZTA land in the Bylaw. Within the written consent the chief executive should provide the description of the land and/or a map that they want the Council to use in the bylaw.]

SCHEDULE 4: NON-SELF-CONTAINED AREAS

As for prohibited and restricted areas, a council must define any non-self-contained areas by either a map, or a description of its locality (other than just its legal description), or both.

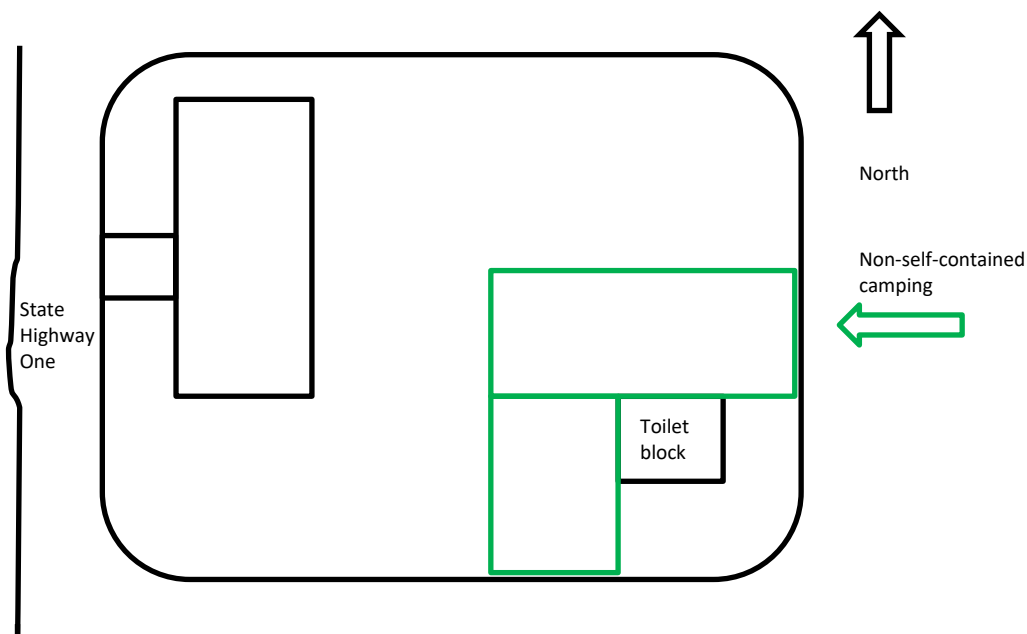
We suggest that Schedule 4 uses both methods to define non-self-contained local authority areas. Again, if there is any inconsistency between the description and the map then the description will prevail: section 11B(2) of the Act.

An example of a non-self-contained area is defined using both methods (using the fictitious “Rimu Park, Pleasantville”).

See the comments at clause X of this Model Bylaw relating to the type of restrictions that can be imposed.

Rimu Park, Pleasantville

Rimu Park is located approximately 5 km south of Pleasantville township, adjacent to and to the east of State Highway One.



Restrictions and conditions applying to this non self-contained area:

- Freedom camping must be within 50m of the northern and western side of the toilet block at Rimu Park.
- The maximum period anyone can freedom camp in this area is three consecutive nights in any four-week period.