

Wave 2 Bylaws Review - Deliberations

Key decisions

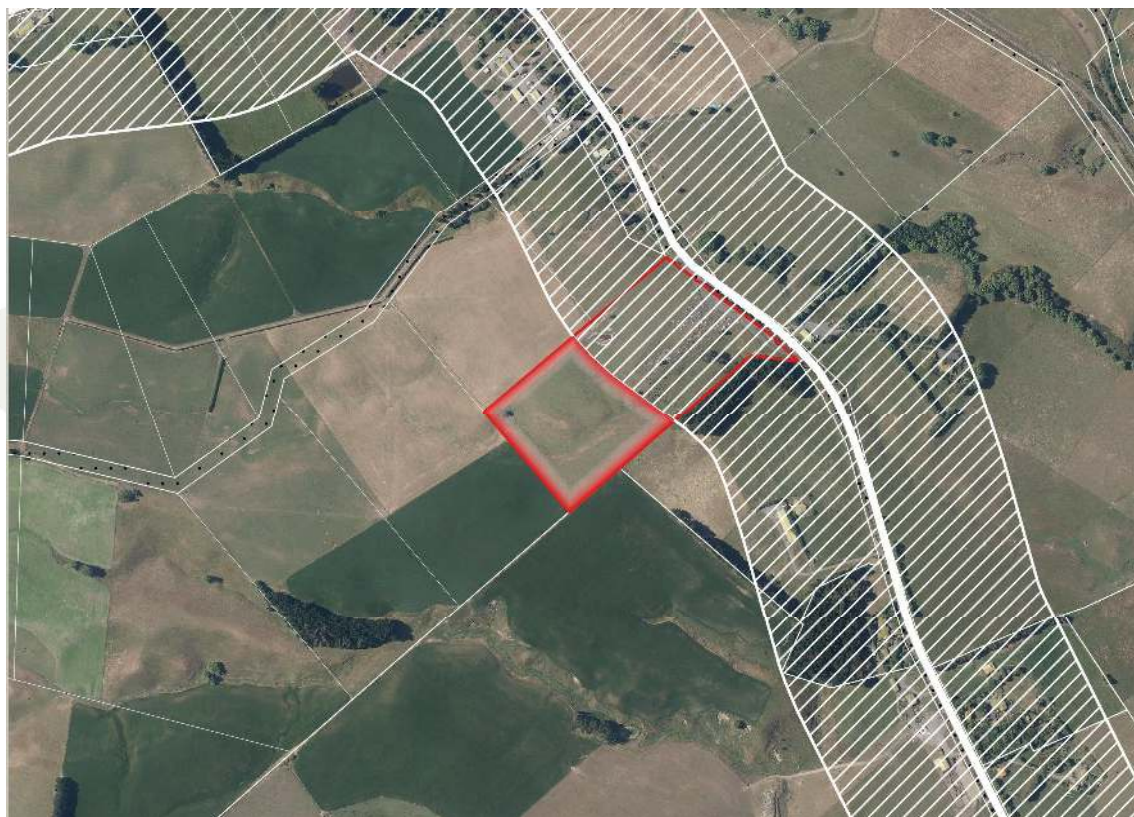
Outline

- Freedom Camping Bylaw
- Public Places Bylaw
- Stock Movement & Grazing Bylaw/Revocation of Part 5 Traffic Safety and Road Use Bylaw 2015
- Stock Underpass Policy – no changes
- Refer Table 2 on pages 215-220

Freedom Camping Bylaw - 1

- **Recommendation:** Where appropriate/relevant, maps include a note stating that in some cases prohibited areas go beyond 200 metres of a motor vehicle accessible area (as per the definition of “Freedom Camp” in the Act).
- This reflects the practical on-the-ground realities such as boundary fences etc.
- **Examples:** Apiti Reserve, Awahuri Forest - Kitchener Park, Feilding Cemetery, Halcombe Cemetery (all Schedule 1 – Prohibited areas)

Example – Halcombe Cemetery



Freedom Camping Bylaw - 2

- **Recommendation:** Insert new sub-clause 8.1 (m):

A person must not light any fire in a Local Authority Area except in a place specifically provided by the Council for that purpose during an open fire season, as regulated by Fire and Emergency New Zealand, or with the prior Written Approval of an Enforcement Officer.

Freedom Camping Bylaw - 3

- **Recommendation:** Insert common seal section of the Bylaw

Freedom Camping Bylaw - 4

- **Recommendation:** Amend definition of self-contained vehicle as follows, to align with the definition contained in the model bylaw:

Self-contained vehicle means a vehicle designed and built for the purpose of camping which has the capability of meeting the ablutionary and sanitary needs of occupants of that vehicle for a minimum of three days without requiring any external services or discharging any waste ~~or~~ and complies with New Zealand Standard 5465:2001: Self Containment of Motor Caravans and Caravans, as evidenced by the display of a current self-containment warrant issued under NZS 5465:2001 ~~and any subsequent amendments.~~

Freedom Camping Bylaw – 4 (continued)

- **Recommendation:** Amend definition of self-contained vehicle (omission of “...and any subsequent amendments” [of New Zealand Standard 5465:2001])
- **Pros:** Avoids risk of legal challenge if the amendments to NZS (and therefore the bylaw) are considered significant but normal consultative procedure was not followed.
- **Cons:** If reference removed, Council will need to address every amendment to the Standard through amendment of the Bylaw. If relatively minor, there is option to amend the Bylaw via resolution publicly notified – so long as it does not affect an existing right, interest, title, immunity, or duty of any person to whom the bylaw applies. Otherwise, the normal consultative processes would apply.

Freedom Camping Bylaw - 5

- **Recommendation:** Amend Schedule 3 wording in the following way:

Freedom Camping in a Self-Contained Vehicle, non-Self-Contained Vehicle, caravan, tent or other temporary structure is ~~Permitted~~ provided for in the following Local Authority Areas, subject to ...

Freedom Camping Bylaw - 6

Recommendation: Change wording of 3.1(d) as follows:

3.1 (d) Freedom Campers are ~~expected~~ required to remove all waste and not cause any damage to the Local Authority Areas they use

Public Places Bylaw - 1

- **Recommendation:** Deletion of clause 9.2(c), which prohibited the operation of UAVs (unmanned aerial vehicles) during prohibited fire season.

Public Places Bylaw - 2

Recommendation: Amend the explanatory notes accompanying clause 9.2 to make clearer reference to Civil Aviation Authority Part 101 rules and regulations.

Public Places Bylaw - 3

Recommendation: Amend *Schedule 1 – Prohibited UAV Flying Zones* to include Network Utility Operators as an exempted party.

Stock Movement & Grazing Bylaw - 1

Recommendation: Cite the NZTA Code of Practice for Traffic Management as the source of the diagram contained in Appendix 2 (Stock droving layout)

Stock Movement & Grazing Bylaw - 2

Recommendation: Either:

a) Retain clause 26 (Tethered Stock) as drafted

or

b) Consider revising clause 26 to prohibit the tethering of stock by the roadside within the District.