



Ref: s.7(2)(a) -

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30 August 2021

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Responsible Campers Assc  
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Dear s.7(

**OFFICIAL INFORMATION REQUEST REGARDING NZS 5465:2001 AND IT BEING CITED IN THE FREEDOM CAMPING BYLAW**

I refer to your official information request dated 12 August 2021 for advice regarding the use of NZS 5465:2021.

Local government must follow the requirements set out in section 83 of the Local Government Act 2002 which includes public consultation, when making its bylaws. As part of this process, councils must consider whether the bylaw is the most appropriate tool to be used and that it considers any implications under the New Zealand Bill of Rights Act 1990 (NZBORA). This ensures that councils adequately consider the implications associated with making a bylaw.

Nelson City Council (NCC) undertook this process when it made its 227 Freedom Camping Bylaw:2017. It was determined that the limiting of a person's rights under the NZBORA was appropriate.

Council must also meet the requirements outlined in the Freedom Camping Act 2011 (FCA). The FCA states that a bylaw can only be made for the following reasons:

- (i) to protect an area
- (ii) to protect the health and safety of people who may visit an area and
- (iii) to protect access to an area.

Again, as part of the bylaw development process, it was determined that the areas where camping was prohibited, or limited to certified self-contained vehicles, was determined to either protect those areas or those people using those areas.

NCC cited NZS 5465:2021 as a means to determine what is considered a certified self-contained vehicle. This standard is a nationally recognised determination. Standards development follows a robust and recognised process that relies on expert committee consensus and widespread consultation with affected parties, including the public. Standards are then formally approved by the Standards Approval Board in accordance with the requirements of the Standards and Accreditation Act 2015.

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NCCs 227 Freedom Camping Bylaw:2017 will be due for a review in 2022 (again mandated in section 13 of the FCA). You are most welcome to participate in this process and make a submission.

Thank you for the further information you have submitted.

You have the right to seek an investigation and review by the Ombudsman of this response. Information about how to make a complaint is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or Freephone 0800 802 602.

If you wish to discuss this decision with us, please feel free to contact me at [andrew.white@ncc.govt.nz](mailto:andrew.white@ncc.govt.nz).

Yours sincerely

A handwritten signature in blue ink that reads "Andrew White". The signature is written in a cursive style with a large initial 'A'.

**Andrew White**  
Group Manager Community Services