

QUEENSTOWN LAKES DISTRICT COUNCIL FREEDOM CAMPING CONTROL BYLAW 2012

Pursuant to section 11 of the Freedom Camping Act 2011, the Queenstown Lakes District Council makes the following bylaw.

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Bylaws

1. Title

This bylaw is the Queenstown Lakes District Council Freedom Camping Control Bylaw 2012.

2. Commencement

This bylaw comes into force on 19th December 2012.

3. Interpretation

In this bylaw, unless the context requires another meaning –

Camping ground means –

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

Council means the Queenstown Lakes District Council.

District means the district of the Queenstown Lakes District Council.

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

Freedom camp means to camp (other than at a camping ground) within 200 m of a motor vehicle accessible area or the mean low-water springs line of any sea or harbour, or on or within 200m of a formed road or a Great Walks Track, using one or more of the following:

- (a) a tent or other temporary structure;
- (b) a caravan;
- (c) a car, campervan, houstruck, or other motor vehicle.

In this bylaw 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 caravan or motor vehicle to avoid driver fatigue.

Freedom camping has an equivalent meaning.

Great Walks Track means –

- (a) a track specified in Schedule 1 of the Act; and
- (b) any other track specified by Order in Council made under section 44 of the Act as a Great Walks Track.

Infringement offence means an offence specified in section 20(1) of the Act.

Local authority area –

- (a) means an area of land –
 - (i) that is within the District ; and
 - (ii) that is controlled or managed by the Council under any enactment; and

- (b) includes any part of an area of land referred to in paragraph (a); but
- (c) does not include an area of land referred to in paragraph (a) or (b) that is permanently covered by water.

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 and is certified that it complies with New Zealand Standard 5465:2001.

The Act means the Freedom Camping Act 2011.

Using a self-contained vehicle means the occupier or occupiers of the self-contained vehicle use the ablutionary and sanitary capability of the vehicle to contain their waste until it can be discharged at a site approved by the Council for that purpose.

4. Purpose

The purpose of this bylaw is to:

define the local authority areas in the District where freedom camping is permitted or restricted, and the restrictions that apply to freedom camping in those areas and to define the local authority areas in the District where freedom camping is prohibited to ensure that:

- (a) the areas are protected;
- (b) the health and safety of people who may visit the areas is protected
- (c) access to the areas is protected.

5. Restrictions on freedom camping

- (a) A person must not freedom camp in any local authority areas **within any no freedom camping zone**, as identified in Schedule A of this bylaw.
- (b) A person can only freedom camp in any restricted area, as identified in Schedule A, if they are using a self-contained vehicle.
- (c) A person can freedom camp in any area where freedom camping is unrestricted, as identified in Schedule A.
- (d) A person freedom camping in accordance with 5 (b) or (c) must not stay at the one site or in the same area for more than two consecutive nights.

6. Discretionary Council consent to freedom camping

The Chief Executive Officer of the Council may grant a discretionary consent, being an exemption to clause 5, upon written application. Consent may be granted in specific cases, where the Council considers that the granting of that consent would not be contrary to the purpose of this bylaw. Consent may be granted with or without conditions, and is at the absolute discretion of the Council.

7. Permitted freedom camping must comply with certain requirements

A person freedom camping in accordance with a consent granted under clause 6 -

- (a) must comply with any conditions included in the consent; and
- (b) must leave the site clean and tidy when he or she departs; and
- (c) must not light any fire at the site.

8. Council may revoke permitted freedom camping

1. Any person authorised by the Council for the purpose may direct a person freedom camping in accordance with a consent granted under clause 6 to leave the site at which he or she is freedom camping if the officer believes on reasonable grounds that the person-

- (a) has acted in a manner likely to endanger the health and safety of other people;
- (b) has damaged or likely to cause damage to the site.
- (c) has breached any of the conditions included in the consent.

2. If a person is given direction under subclause (1), his or her consent is revoked as from the date and time that the direction is given.

9. Amendments to restricted or prohibited areas

1. The Council may by resolution, publicly notified, add to, amend or alter Schedule A, to include additional areas as restricted or prohibited for freedom camping, or to exclude any such areas where it is satisfied the additions, amendments or alterations meet the requirements of s11(2)(a)-(c) of the Act.

2. Any resolution made under clause 9 shall be publicly notified at least 14 days before it shall take effect.

10. Offences and penalties

1. In accordance with section 20(1) of the Act, every person who breaches this bylaw commits an infringement offence.

- 2. In accordance with section 27 of the Act, an enforcement officer may issue an infringement notice to anyone who the enforcement officer believes on reasonable grounds has committed or is committing an infringement offence as set out in section 20(1) of the Act (a copy of which is included as Schedule B of this Bylaw for information only).
- 3. A person who commits an infringement offence is liable to a \$200 infringement fee for each offence.

11. Relationship of bylaw with Ngai Tahu claims Settlement Act 1998.

This bylaw does not limit or affect the rights in relation to nohoanga entitlements under the Ngai Tahu Claims Settlement Act 1998.

This bylaw has been made by resolution of the Council passed at a meeting held on **[date]**.

THE COMMON SEAL of
QUEENSTOWN LAKES DISTRICT COUNCIL
was hereunto affixed in the
presence of:

MAYOR

CHIEF EXECUTIVE

Schedule A - Maps

Schedule B (this does not form part of the bylaw but is included for information)

Infringement offences in section 20(1) of the Freedom Camping Act 2011 relating to local authority areas:

20 Offences

- (1) Every person commits an offence who--
 - (a) freedom camps in a local authority area in breach of any prohibition or restriction in a bylaw made under section 11 that applies to the area; or
 - (b) while freedom camping in a local authority area,--
 - (i) interferes with or damages the area, its flora or fauna, or any structure in the area; or
 - (ii) deposits waste in or on the area (other than into an appropriate waste receptacle); or
 - (c) makes preparations to freedom camp in a local authority area in breach of any prohibition or restriction in a bylaw made under section 11 that applies to the area; or
 - (d) deposits waste, generated while freedom camping, in or on a local authority area other than into an appropriate waste receptacle; or
 - (e) fails or refuses to leave a local authority area when required to do so by an enforcement officer acting under section 36; or
 - (f) refuses to give information when required to do so by an enforcement officer under section 35 or gives false or misleading information;

- (4) In this section, **waste receptacle** means a receptacle or facility that is provided by a local authority or the Department for the purposes of disposing of waste (for example, a rubbish bin, public toilet, or bulk waste disposal unit).

Explanatory Notes (this does not form part of the bylaw)

Principles

This bylaw is intended to encourage responsible freedom camping in the Queenstown Lakes District. It recognises freedom camping as part of our traditional Kiwi culture and as a valued tourist experience. The principles by which freedom camping is regulated to meet the purpose of this bylaw are set out below:

- (a) We welcome visitors who camp responsibly, respect public and private property and follow some simple rules to protect our community and our environment.
- (b) Some controls on freedom camping are necessary to protect our community and environment, especially the lakes and rivers that feed our water supplies.
- (c) The right to freedom camp carries with it the responsibility to respect our community by protecting our environment from harmful contamination or fouling.
- (d) Freedom campers are expected to remove all waste and not cause any damage.
- (e) People using self-contained camping vehicles are welcome to stay outside the 'no freedom camping zones,' in a local authority area subject to conditions.
- (f) People not using self-contained vehicles are welcome to stay in licensed camping grounds, designated camping areas or in any areas where freedom camping is permitted.
- (g) Specific traditional local camping sites may be recognised.
- (h) Those who are found contravening the provisions of this bylaw will be subject to fines.

Schedule A. - No Freedom Camping Zones

All Council controlled land not specified below is restricted to self-contained vehicles for freedom camping.

No Freedom Camping Zones Boundaries.
No Freedom Camping permitted in all Council controlled land between:

Lake Hawea

- A. 400m North of Intersection of SH6 and Hawea Motor Camp Road
- B. Intersection of Domain Road and Cemetery Road
- C. Intersection of Cemetery Road and Gladstone Road
- D. 400m north west of Johns Creek on Timaru Creek Road

Wanaka

- F. Intersection of Riverbank Road and SH6
- G. Intersection of Ruby Island Road and Wanaka-Mt Aspiring Road
- H. Clutha River/ Mata – Au Bridge, Lake Hawea - Albert Town Road (State Highway 6)
- I. Intersection of Cardrona Valley Road and Riverbank Road

Arrowtown

- J. Intersection of Jopp Street and Centennial Ave
- K. Intersection of Manse Road and Malaghans Road
- L. Intersection of Malaghans Road, McDonnell Road and Arrowtown Lake Hayes Road

Lake Hayes Estate

- M. Intersection of Howards Drive and Ladies Mile (SH6)
- M1. The QLDC reserve land around Lake Hayes, including the area adjacent to the State Highway.
- M2. Shotover Delta - land North and South of the bridge.

Quail Rise

- N. Intersection of Ferry Hill Road and Tuckers Beach Road

Arthurs Point

- O. Intersection of Arthurs Point Road and Coronet Peak Road
- P. McChesney Creek Bridge, Gorge Road

Queenstown

- Q. Intersection of Gorge Road and Industrial Place
- R. Intersection of Moke Lake and Glenorchy Queenstown Road
- S. Intersection of Frankton Ladies Mile Highway and Glenda Drive
- T. Intersection of Peninsula Road and Kingston Road

Jacks Point/Wye Creek

- U. Intersection of Kingston Road and Maori Jack Road

Kingston

- V. Intersection of Kingston Road and Kent Street

Glenorchy

- W. True Right of Buckler Burn/Glenorchy-Queenstown Road
- X. Intersection of Lake Rd (unformed) and Glenorchy Paradise Road

Kinloch

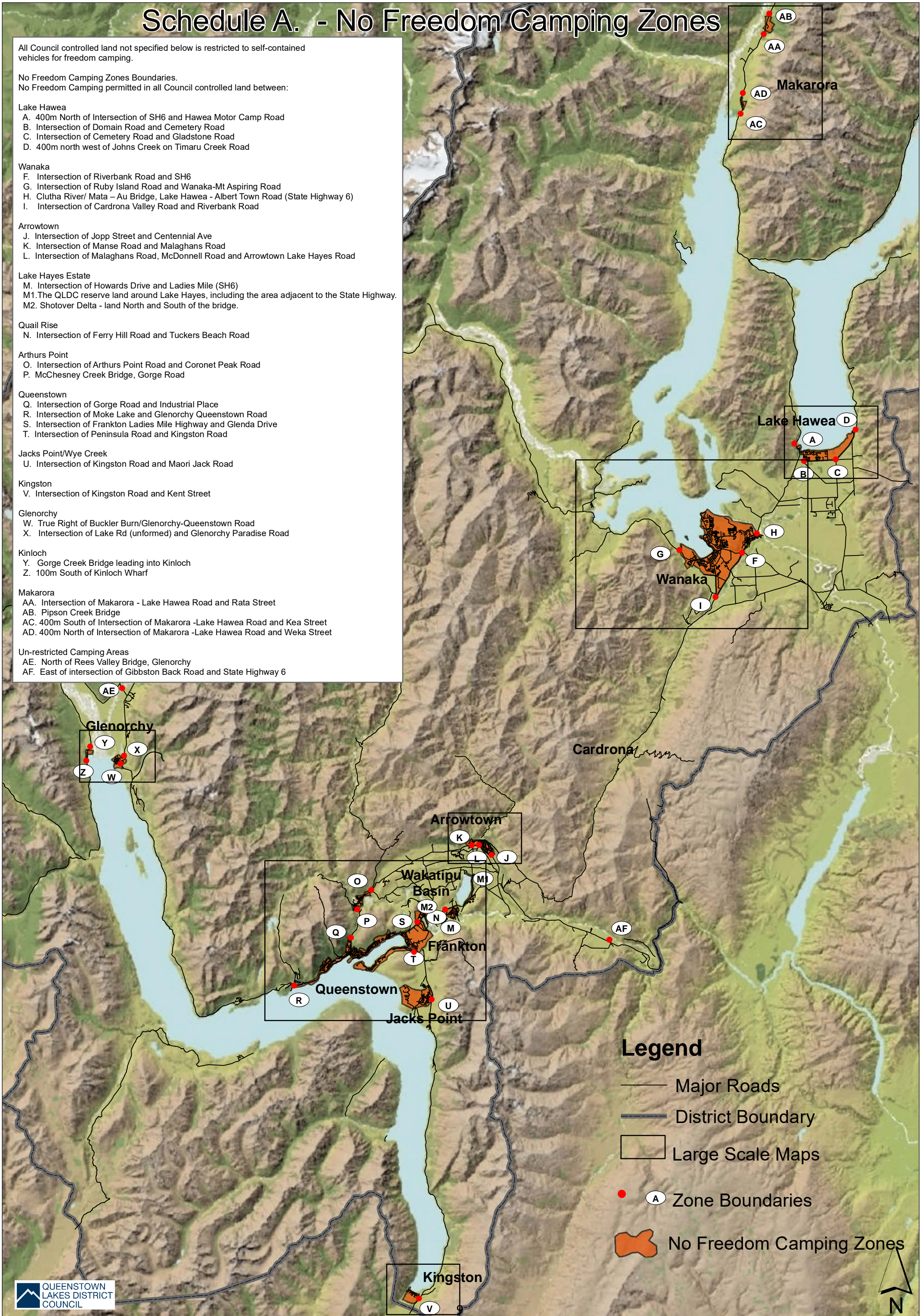
- Y. Gorge Creek Bridge leading into Kinloch
- Z. 100m South of Kinloch Wharf

Makarora

- AA. Intersection of Makarora - Lake Hawea Road and Rata Street
- AB. Pipson Creek Bridge
- AC. 400m South of Intersection of Makarora -Lake Hawea Road and Kea Street
- AD. 400m North of Intersection of Makarora -Lake Hawea Road and Weka Street

Un-restricted Camping Areas

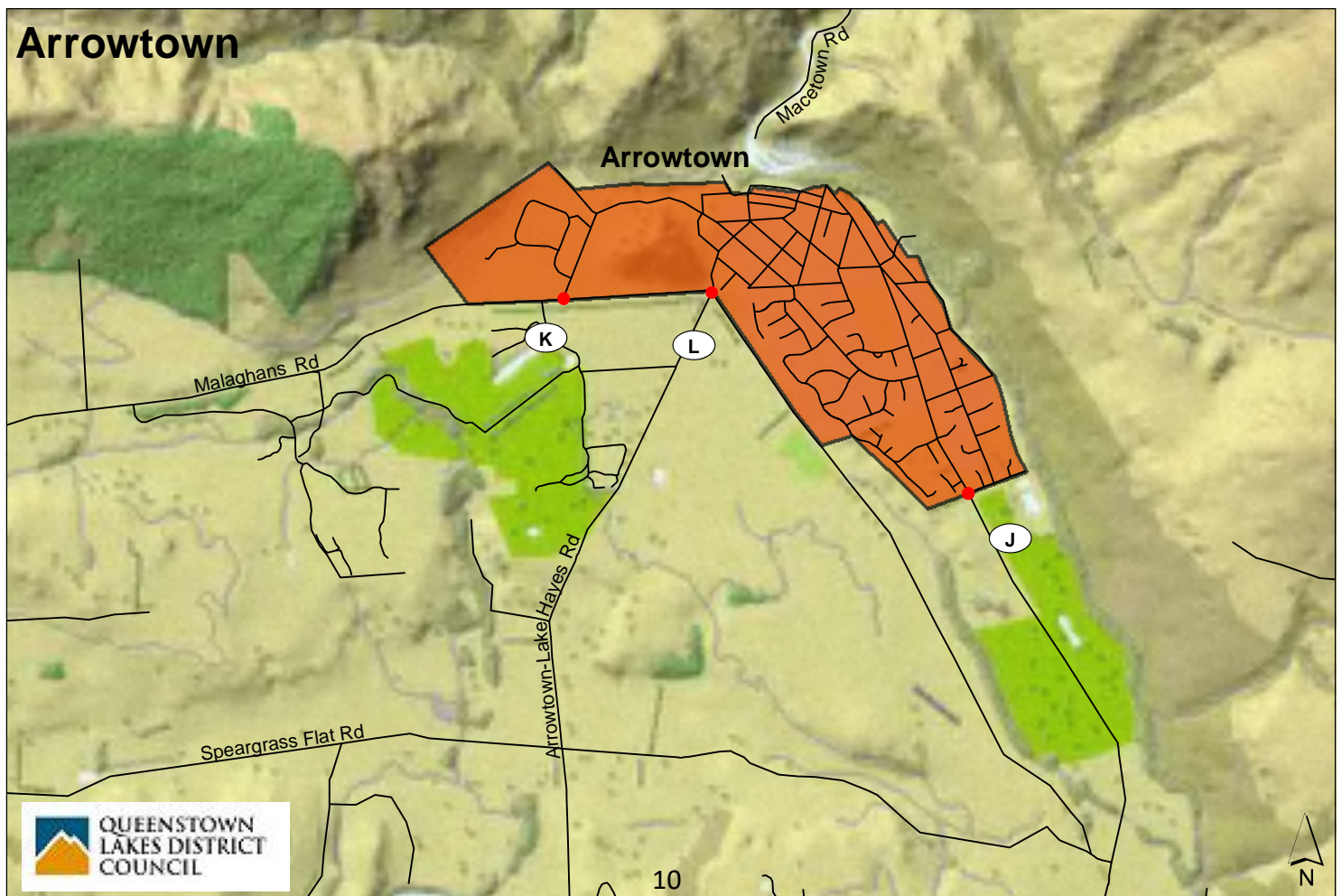
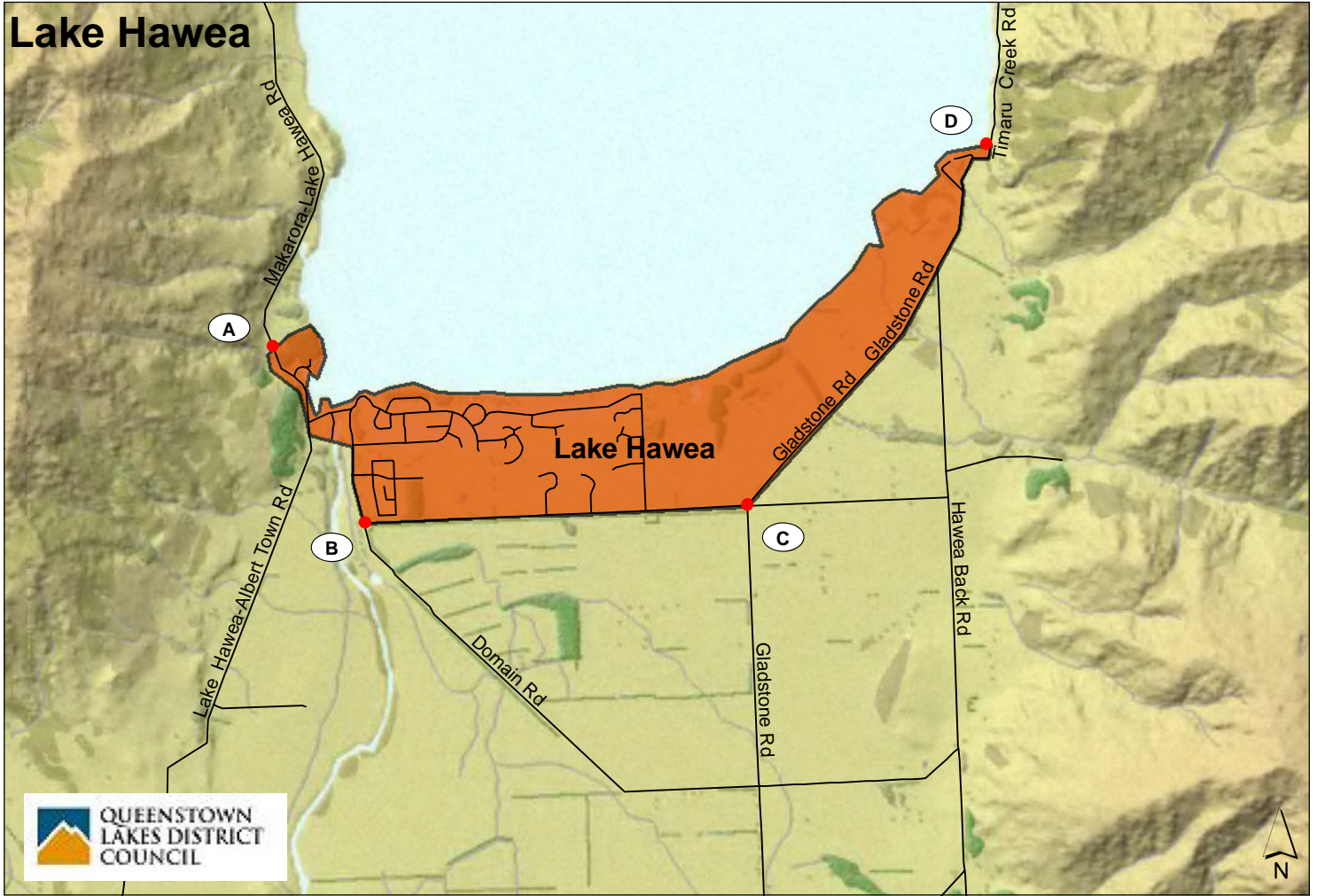
- AE. North of Rees Valley Bridge, Glenorchy
- AF. East of intersection of Gibbston Back Road and State Highway 6



Legend

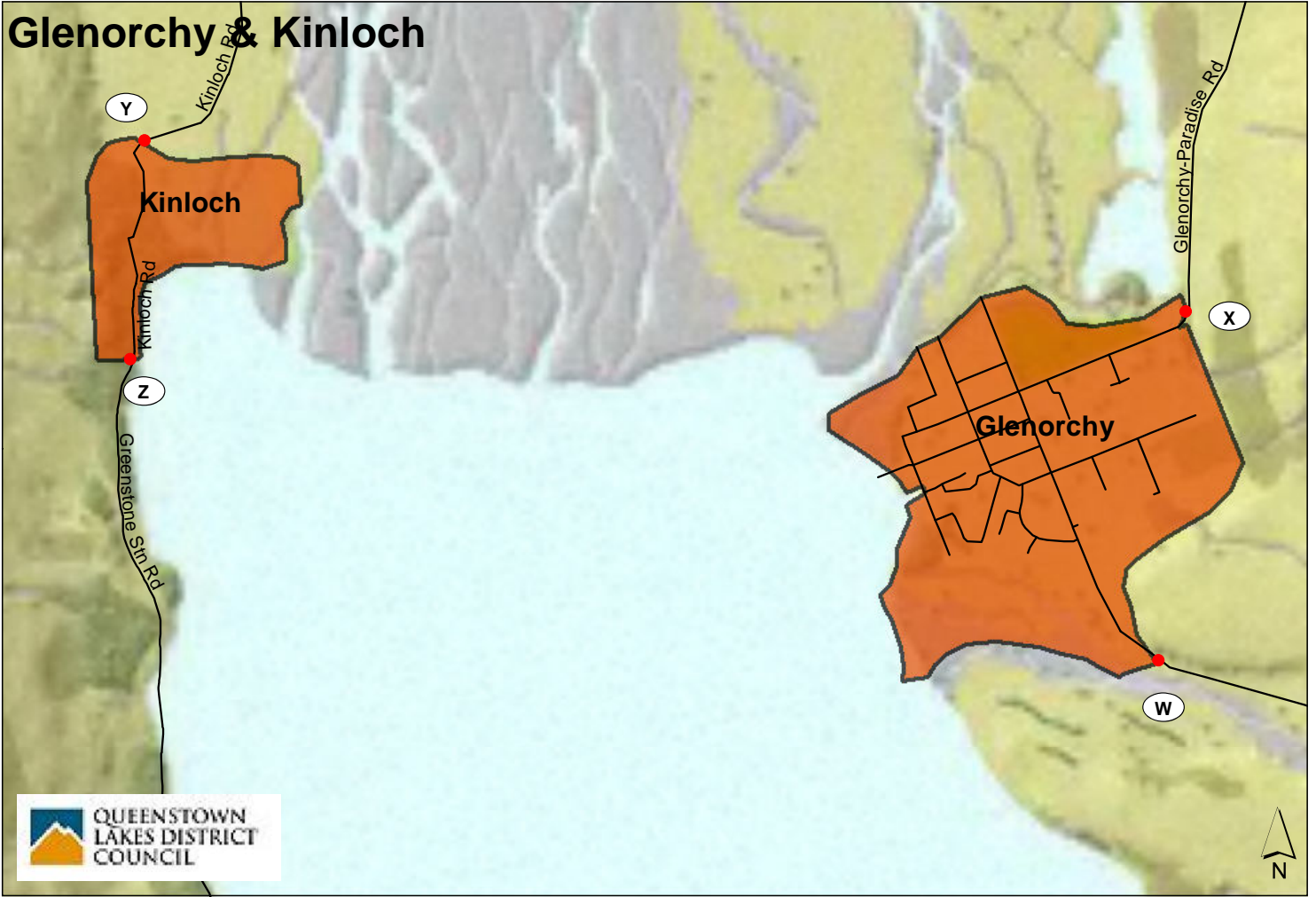
- Major Roads
- District Boundary
- Large Scale Maps
- (A) Zone Boundaries
- No Freedom Camping Zones

Schedule A. - No Freedom Camping Zones

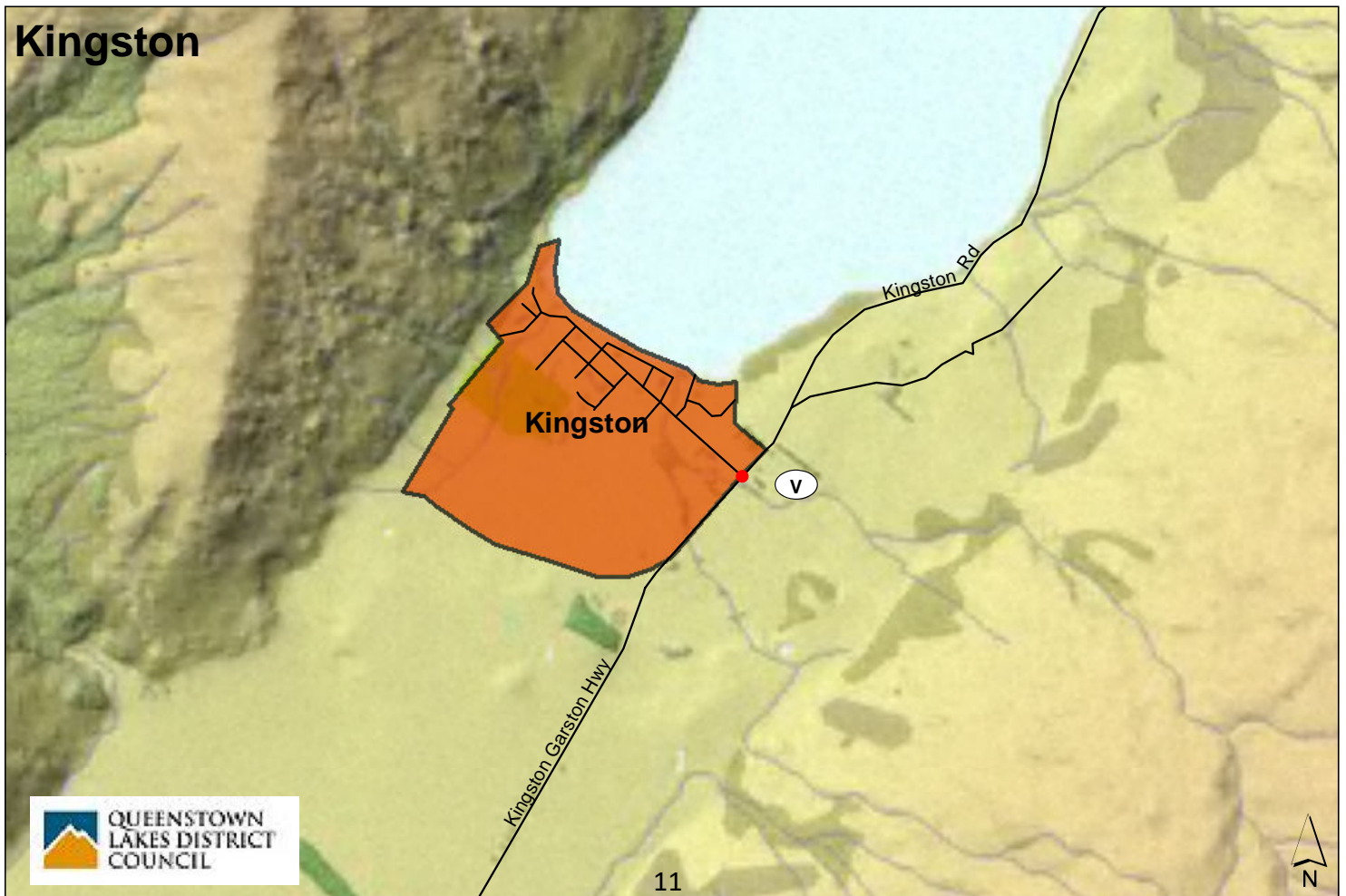


Schedule A. - No Freedom Camping Zones

Glenorchy & Kinloch

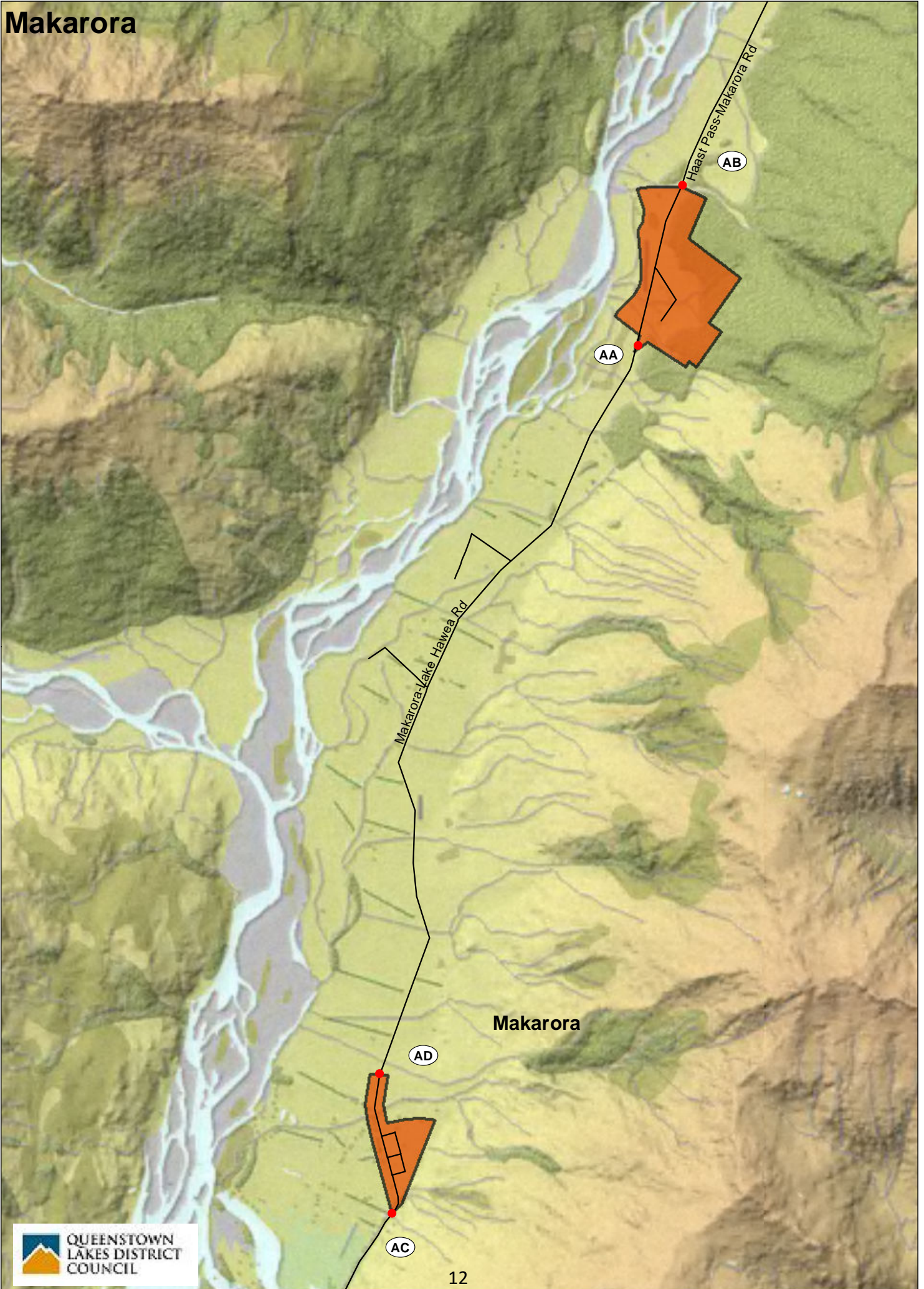


Kingston

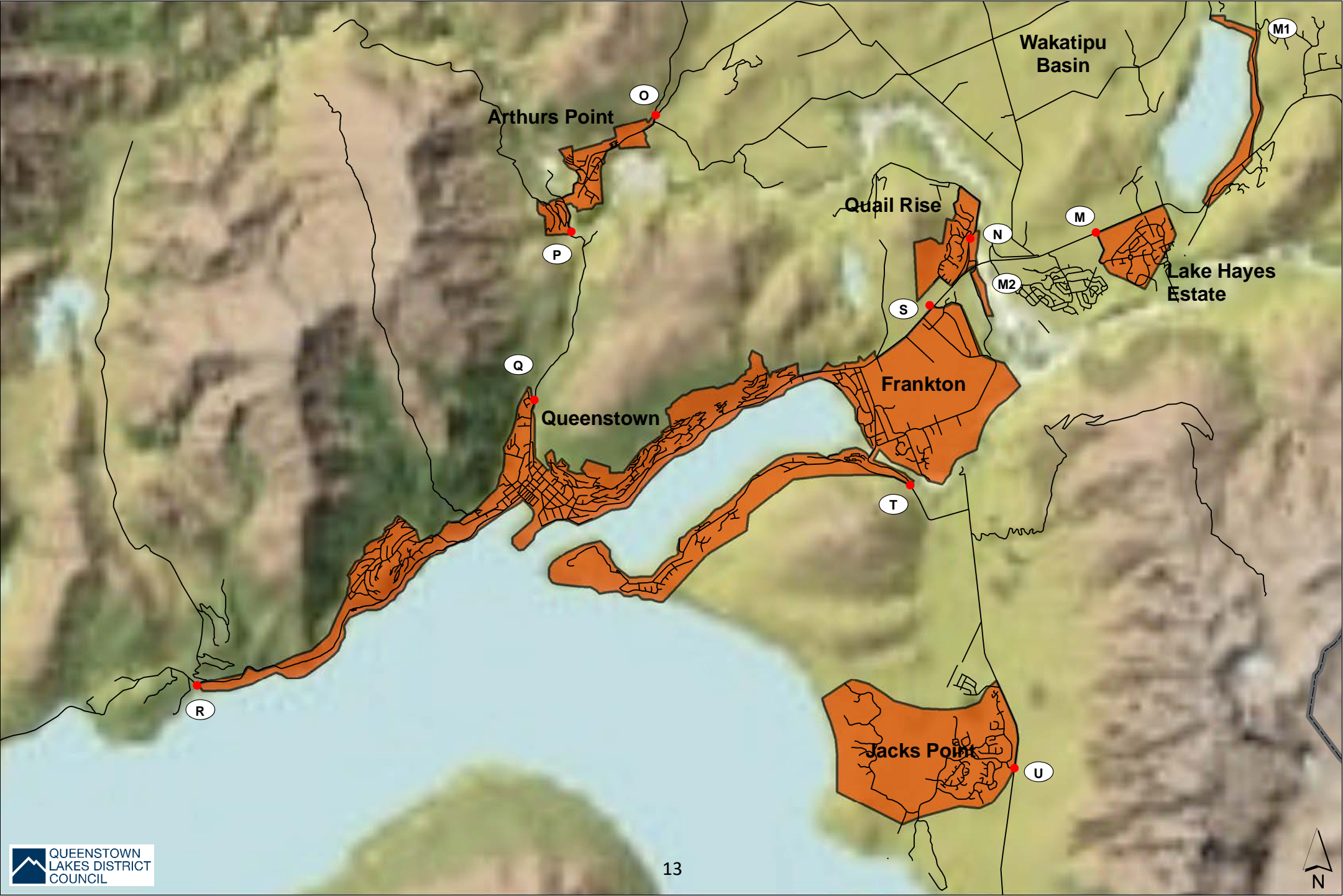


Schedule A. - No Freedom Camping Zones

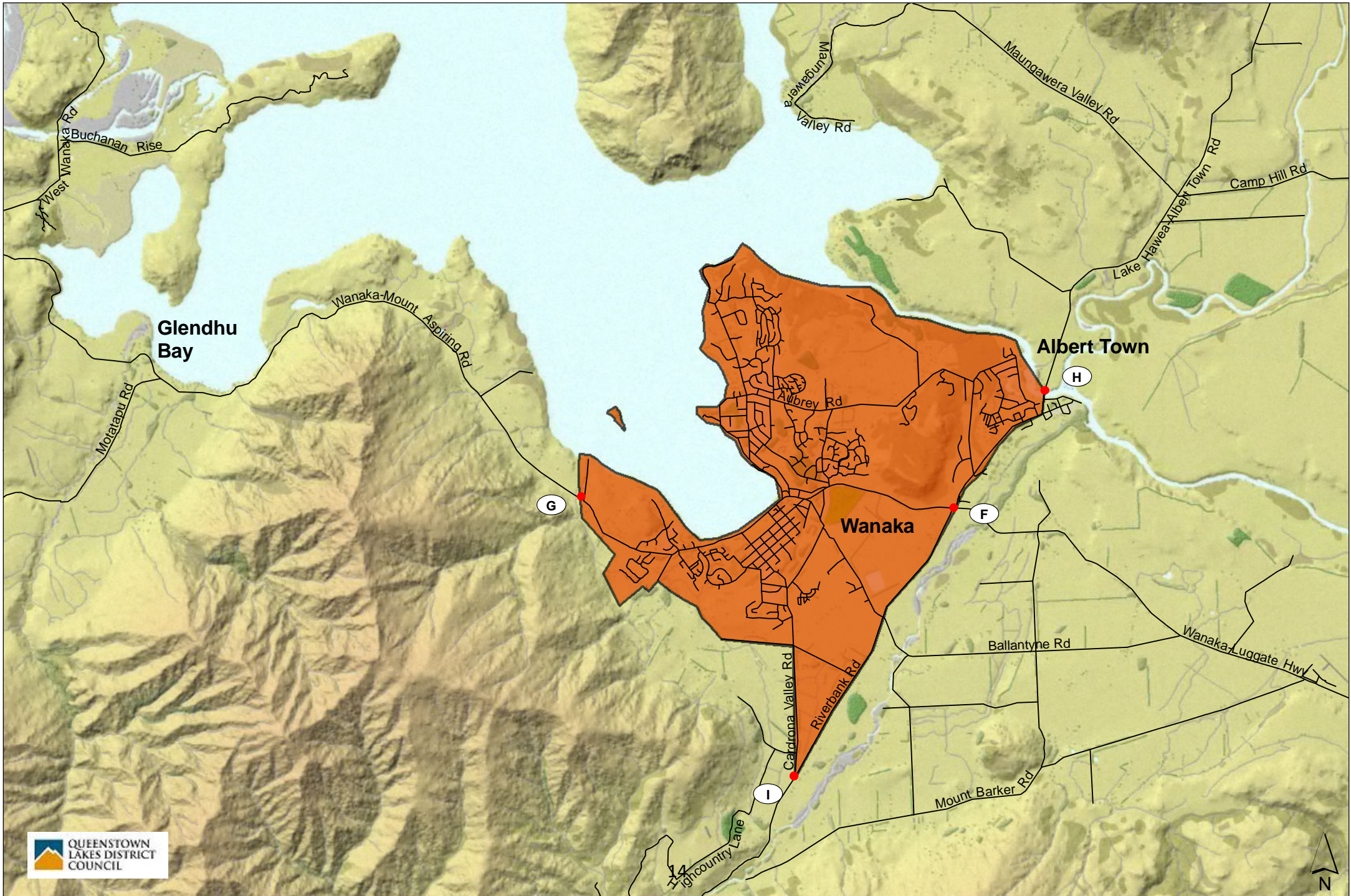
Makarora



Schedule A. - No Freedom Camping Zones



Schedule A. - No Freedom Camping Zones



Memorandum

To: Queenstown Lakes District Council

From: Meredith Connell

Date: 26 September 2019

Subject: **QLDC Freedom Camping Control Bylaw 2012 – review of drafting and recommendations for improvement**

Introduction

- 1 The Queenstown Lakes District Council (**Council**) made the Freedom Camping Control Current Bylaw 2012 (**current bylaw**) to regulate freedom camping in the Queenstown Lakes District (**District**). The current bylaw was made under s 11 of the Freedom Camping Act 2011 (**FCA**). That bylaw will be automatically revoked by operation of law on 19 December 2019, and the Council must decide whether or not to pass a new bylaw, and if so, what that bylaw should look like.
- 2 We understand that a theme in the feedback the Council has received on the current bylaw is that it works well but is out of date and is not user-friendly. We have considered the current bylaw in terms of legality, consistency with the FCA and fitness-for-purpose as a bylaw, as well as for clarity and readability. We agree that the drafting of the current bylaw is poor. It:
 - (a) Frequently and unnecessarily repeats the FCA;
 - (b) Contains wording that is either inconsistent with the FCA or obscures its meaning;
 - (c) Contains an ultra vires clause; and
 - (d) Has wording that could generally be simplified and expressed in plain English.
- 3 This memorandum highlights these issues and explains the changes made to the drafting of the current bylaw in developing the proposed bylaw.

Overview of the FCA

- 4 Section 5(1) of the FCA defines “freedom camp”. It relevantly means to camp, other than at a camping ground, within 200m of a motor accessible area, or on or within 200m of a formed road, using one or more of the following:
 - (a) a tent or other temporary structure;
 - (b) a caravan;
 - (c) a car, campervan, houstruck, or other motor vehicle.

- 5 In other words, it generally controls camping at accessible public places other than camping grounds. “Camping ground” means a camping ground with a current certificate of registration under Camping-Grounds Regulations 1985; and any site at which a fee is payable for camping at the site. Therefore, if a person camps at a camping ground, they are not “freedom camping”.
- 6 Section 10 of the FCA provides that freedom camping is permitted in any local authority area unless it is a restricted or prohibited area under a bylaw made under s 11.
- 7 “Local authority area” means an area of land that is within the district or region of a local authority, and that is controlled or managed by the local authority under any enactment.¹ This includes not only Council-owned or administered reserve land, but also all road reserves (being all roads, or areas adjacent to roads such as laybys, in the District).
- 8 Section 11(1) of the FCA provides that a local authority may make current bylaws that define the local authority areas in its district or region where freedom camping is prohibited, and where freedom camping is restricted, and any restrictions that apply to that area.
- 9 Section 12 of the FCA provides that a local authority may not make a bylaw that has the effect of prohibiting freedom camping throughout district.
- 10 Section 20 of the FCA provides a list of offences relating to freedom camping. Most notably, s 20(1)(a) makes it an offence for a person to freedom camp in a local authority area in breach of any prohibition or restriction under any current bylaw made under s 11. All offences under s 20(1) are infringement offences,² for which a person is liable to a fee of \$200.³

Avoiding repetition of the FCA

- 11 A bylaw under the FCA is intended to define areas in which the FCA will apply so as to prohibit or restrict freedom camping. Once defined, provisions of the FCA apply to freedom camping in those areas. An example is the offence provision (s 20). There is no need to replicate the offence provision by providing in the bylaw that it is an offence to breach the bylaw. That is already the case under s 20. In general, unnecessarily repeating statutory provisions in bylaws risks introducing inconsistency, and potentially unlawfulness, but adds nothing. There is also a risk that the legislation could change, making the bylaw inconsistent and therefore requiring change. The best way to address repetition in bylaws is to remove it.
- 12 Repetition sometimes stems from an intent to use a bylaw as an educative tool – in other words to educate the public about what they can and cannot do. However, given that the Council has an extensive set of guidance about freedom camping we would prefer an approach in which a minimalist bylaw focused on clearly providing legally for the necessary prohibitions and restrictions, and a more visitor-focused set of guidance explained where people could camp using non-legal language. That makes sense given many people who want to know where they can freedom camp speak English only as a second language, if at all. Another benefit of this approach relates to feedback that it would be preferable if the bylaw did not define prohibited areas and leave other areas as restricted, but instead provided for the opposite: namely it identified what areas were permitted and restricted, and then said everywhere else is prohibited. It is questionable whether a bylaw could be framed in this way. But there is no reason why the Council’s public-facing guidance material could not reframe matters in this way.

¹ FCA, s 6(1)(a).

² FCA, s 4.

³ FCA, s 23(1)(b).

- 13 Accordingly, we recommend:
- (a) deleting all repeated definitions and including clause 4.2 of the proposed bylaw recording that words and phrases defined in the FCA have the same meaning when used in the bylaw.
 - (b) Deleting the unnecessary repetition of the offence and penalties provision and the (incomplete) list of offences in Schedule B.

Definition of “self-contained vehicle” and “using a self-contained vehicle”

- 14 The current bylaw restricts freedom camping in restricted areas to people using self-contained vehicles. It includes two definitions for that purpose: “self-contained vehicle” and “using a self-contained vehicle”. The definitions are convoluted (particularly the latter) and difficult to understand.
- 15 In particular, “self-contained vehicle” refers to NZS 5465:2001 which provides for the certification of self-contained vehicles. Certification confirms that the vehicle is able to accommodate the ablutionary and sanitary needs of the occupants of the vehicle for a minimum of three days without requiring any external services or discharging any waste. The intent of the bylaw is to enable enforcement officers to identify self-contained vehicles by the display of a certificate of compliance with the standard. It follows that the references to “ablutionary and sanitary needs of occupants ...” within the definition is entirely unnecessary.
- 16 Also, the definition of “using a self-contained vehicle” refers not to an action as the present participle of the verb “using” should suggest, but a person, namely the “occupier or occupiers of the self-contained vehicle”. It is for that reason nonsensical.
- 17 We can only assume the drafters of the current bylaw defined both “self-contained vehicle” and “using a self-contained vehicle” to make it clear that it is not enough to camp in a self-contained vehicle, but that its ablutionary and sanitary capabilities must also be used and the waste discharged at a site approved by the Council. This is unnecessary because it is already an offence (s 20(b)(ii) of the FCA) to deposit waste, and problematic because there is, to our knowledge, no mechanism under the FCA for Council to “approve” a waste discharge site.

Prohibited, restricted and permitted areas

- 18 A difficulty with providing for prohibited, restricted and “unrestricted” areas in one clause of the current bylaw is that the heading is inaccurate. We suggest that one way of simplifying the clause would be to split it into three separate clauses, with one dedicated to each of the prohibited areas, restricted areas, and permitted areas.
- 19 The current bylaw provides at clause 5(b) that “a person can only freedom camp in any restricted area, as identified in Schedule A, if they are using a self-contained vehicle”.⁴ The key in Schedule A provides simply that “All Council controlled land not specified below [see para 17 above and para 20 below] is restricted to self-contained vehicles for freedom camping”. “Council-controlled land” is not a phrase used in the FCA, and is in fact wider than

⁴ Self-contained vehicle is not defined in the FCA, but is defined in the current bylaw. It 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 and is certified that it complies with the New Zealand Standard 5465:2011”.

“local authority area”, since the Council may own freehold land not controlled or managed under an enactment. We therefore recommend amending the key.

- 20 Clause 5(c) of the current provides that “a person can freedom camp in any area where freedom camping is unrestricted, as identified in Schedule A”. “Unrestricted” is not a used in the FCA, the correct term is “permitted”.

Discretionary Council consent to freedom camp

- 21 We would suggest for readability eliding or combining the several clauses about granting discretionary consents to freedom camp otherwise in breach of the bylaw. We also note that in general terms providing that the Chief Executive has an “absolute discretion” is inconsistent with the Chief Executive having to be satisfied that consent would not be contrary to the purpose of the bylaw. To that end we recommend removing the reference to absolute discretion.

Ultra vires clause

- 22 In the pre-consultation feedback you received, the New Zealand Motor Caravan Association suggested that cl 9 of the current bylaw is ultra vires.
- 23 We agree. It is not consistent with the consultation requirements provided in s 11 of the FCA for amendments of bylaws made under that section. If the Council made any amendments to prohibited, restricted or permitted areas under that provision they would be unlawful. Under the FCA, “minor changes” or “errors” can be corrected in accordance with s 11(6). Otherwise the special consultative procedure is required.

Summary

- 24 In summary, if the Council decides to make a new bylaw, and wishes to do so taking a similar approach as expressed in the current bylaw, we recommend:
- (a) Simplifying and separating out the clauses defining prohibited, restricted and permitted areas in the District;
 - (b) Removing repetition of provisions in the FCA, including some definitions, the clause relating to offences and penalties, and Schedule B;
 - (c) Simplifying and consolidating clauses concerning discretionary Council consent to freedom camp; and
 - (d) Removing clause 9, which we consider is ultra vires the FCA but also unnecessary.
- 25 If you have any questions about this advice please do not hesitate to contact us.

[Insert coat of arms]

DRAFT Freedom Camping Bylaw 2019

Queenstown Lakes District Council

Date of making: [Insert]
Commencement: [Insert]

This bylaw is adopted under section 11 of the Freedom Camping Act 2011.

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Part 1 – Preliminary

1 Title and Commencement

- 1.1 This bylaw is the “Freedom Camping Bylaw 2019”.
- 1.2 This bylaw comes into force on 19 December 2019.

2 Area within which Bylaw applies

- 2.1 This bylaw applies to the Queenstown Lakes District.

3 Purpose

- 3.1 The purpose of this bylaw is to:
 - (a) encourage responsible freedom camping in the District;
 - (b) recognise freedom camping as part of Aotearoa New Zealand’s culture and a valued tourist experience;
 - (c) control freedom camping in order to protect the environment, including the District’s lakes and rivers, from harm.
- 3.2 The bylaw achieves this purpose by:
 - (a) defining the areas in the District where freedom camping is permitted, restricted or prohibited; and
 - (b) providing for the restrictions that apply to freedom camping in areas where freedom camping is restrictedso that the areas, access to the areas, and the health and safety of people who may visit the areas, are protected.

4 Interpretation

- 4.1 In this bylaw, unless the context otherwise requires,-

Act means the Freedom Camping Act 2011.

Council means the Queenstown Lakes District Council.

person has the meaning given in the Interpretation Act 1999.

self-contained vehicle means a motor caravan, caravan, campervan, or any other vehicle designed and built for the

purpose of camping for which a self-containment certificate has been issued under NZS 5465:2001.

- 4.2 Words or phrases used in this Bylaw shall have the same meanings as defined in the Act.
- 4.3 Any explanatory notes and attachments are for information purposes, do not form part of this Bylaw, and may be made, amended and revoked without any formality.
- 4.4 The Interpretation Act 1999 applies to this Bylaw.

Part 2 – Restrictions on freedom camping

5 Freedom camping prohibited in certain local authority areas

- 5.1 No person may freedom camp in a local authority area marked as prohibited in Schedule A of this Bylaw.

6 Freedom camping in restricted local authority areas

- 6.1 Any local authority area not marked as prohibited or permitted in Schedule A of this Bylaw is a restricted local authority area.
- 6.2 A person may freedom camp in a restricted local authority area only if using a self-contained vehicle.

7 Freedom camping permitted

- 7.1 A person may freedom camp in a local authority area marked as permitted in Schedule A of this Bylaw, whether or not using a self-contained vehicle.

Part 3 – Discretionary consent to freedom camp

8 Consent to freedom camping otherwise prohibited or restricted

- 8.1 A person may apply in writing to the Chief Executive of the Council for consent to freedom camp in a local authority area in which freedom camping is prohibited or restricted.
- 8.2 The Chief Executive may, if satisfied that to do so would not be contrary to the purpose of this Bylaw, grant consent to freedom

camp in a local authority area in which freedom camping is prohibited or restricted with or without conditions.

- 8.3 A person freedom camping under a consent granted under subclause (2) must:
- (a) comply with any conditions specified;
 - (b) leave the site clean and tidy;
 - (c) not light any fire.
- 8.4 An enforcement officer may revoke a consent granted by the Chief Executive and direct any person freedom camping in accordance with that consent to immediately leave the site if satisfied that:
- (a) Any person has breached any of the conditions specified in the consent;
 - (b) Any person has acted in a manner likely to endanger the health and safety of any other person;
 - (c) Any person has damaged or is likely to damage the site.

Part 4 – General Provisions

9 Relationship of Bylaw to Ngai Tahu Claims Settlement Act 1998

- 9.1 This bylaw does not limit or affect nohoanga entitlements granted under the Ngāi Tahu Claims Settlement Act 1998.

10 Delegation

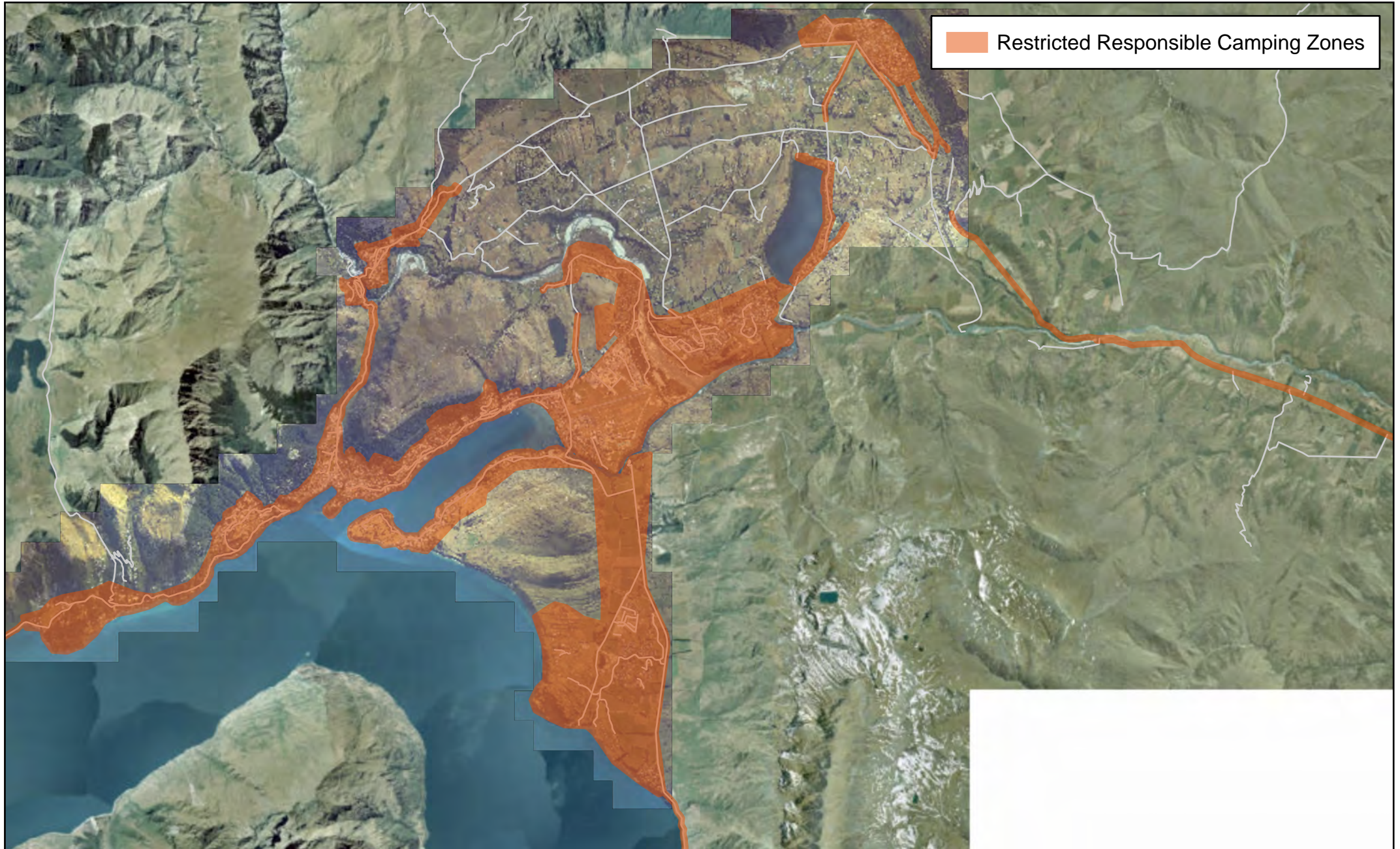
- 10.1 Any of the various powers and functions of the Council as detailed and set out in this bylaw, may be delegated by it, to its Chief Executive and sub-delegated by the Chief Executive to any such other Officer of the Council.

11 Savings

- 11.1 Any discretionary consent to freedom camping granted by the Chief Executive under clause 6 of the Queenstown Lakes District Council Freedom Camping Control Bylaw 2012 shall, despite the revocation of that bylaw, continue as if granted under clause 8.2 of this Bylaw.

Schedule A – Prohibited and Restricted Areas

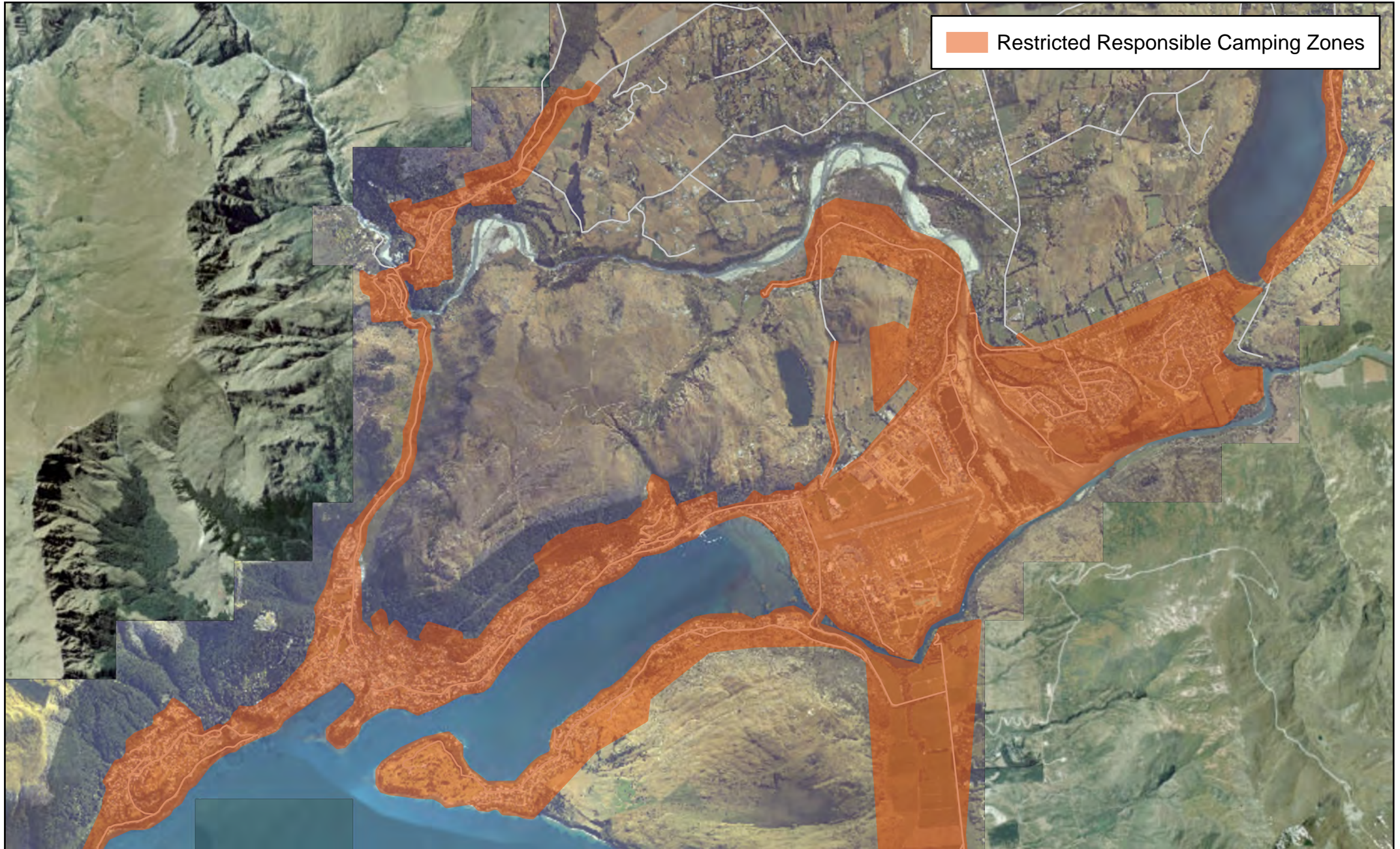
Wakatipu Basin



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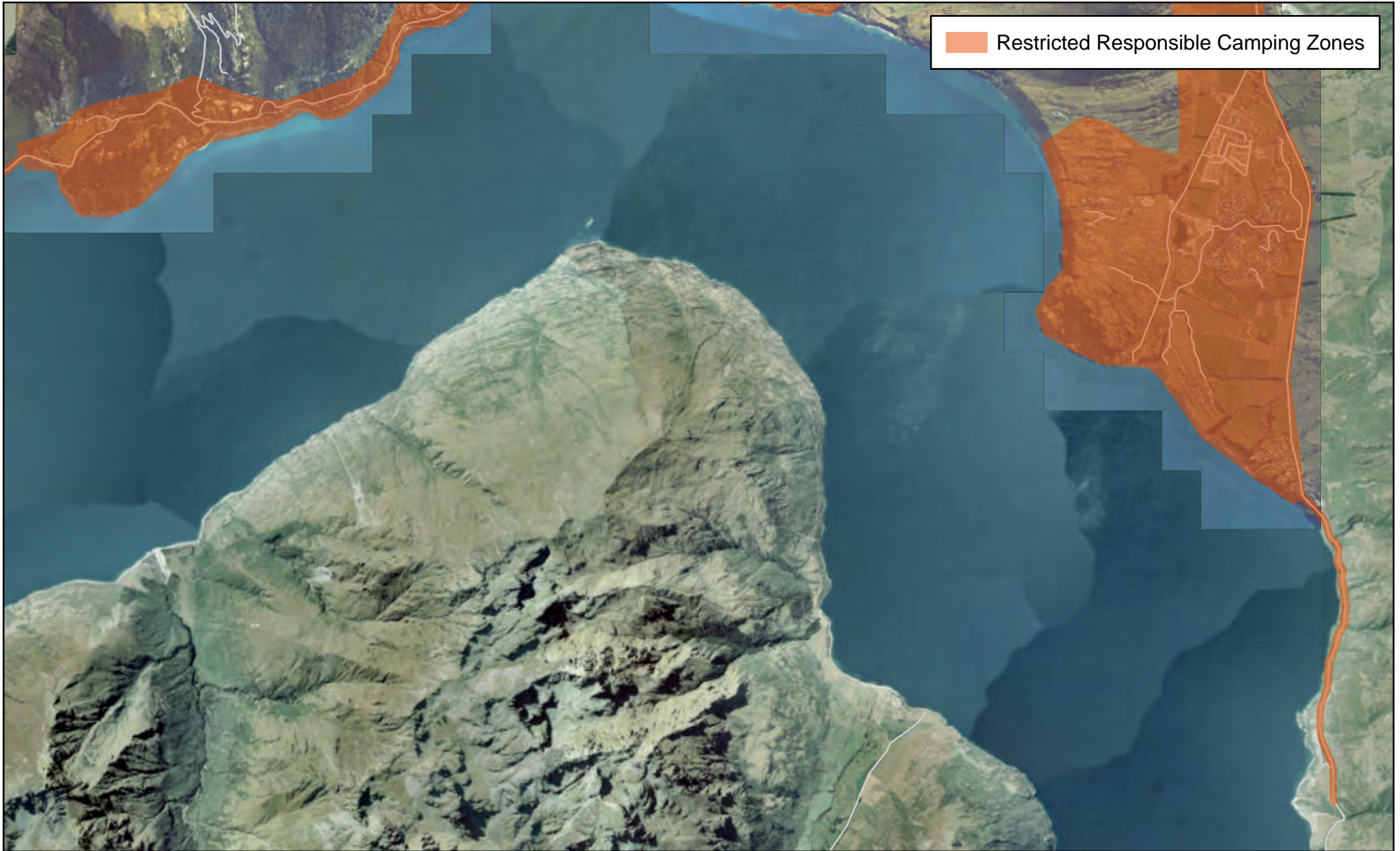
Queenstown



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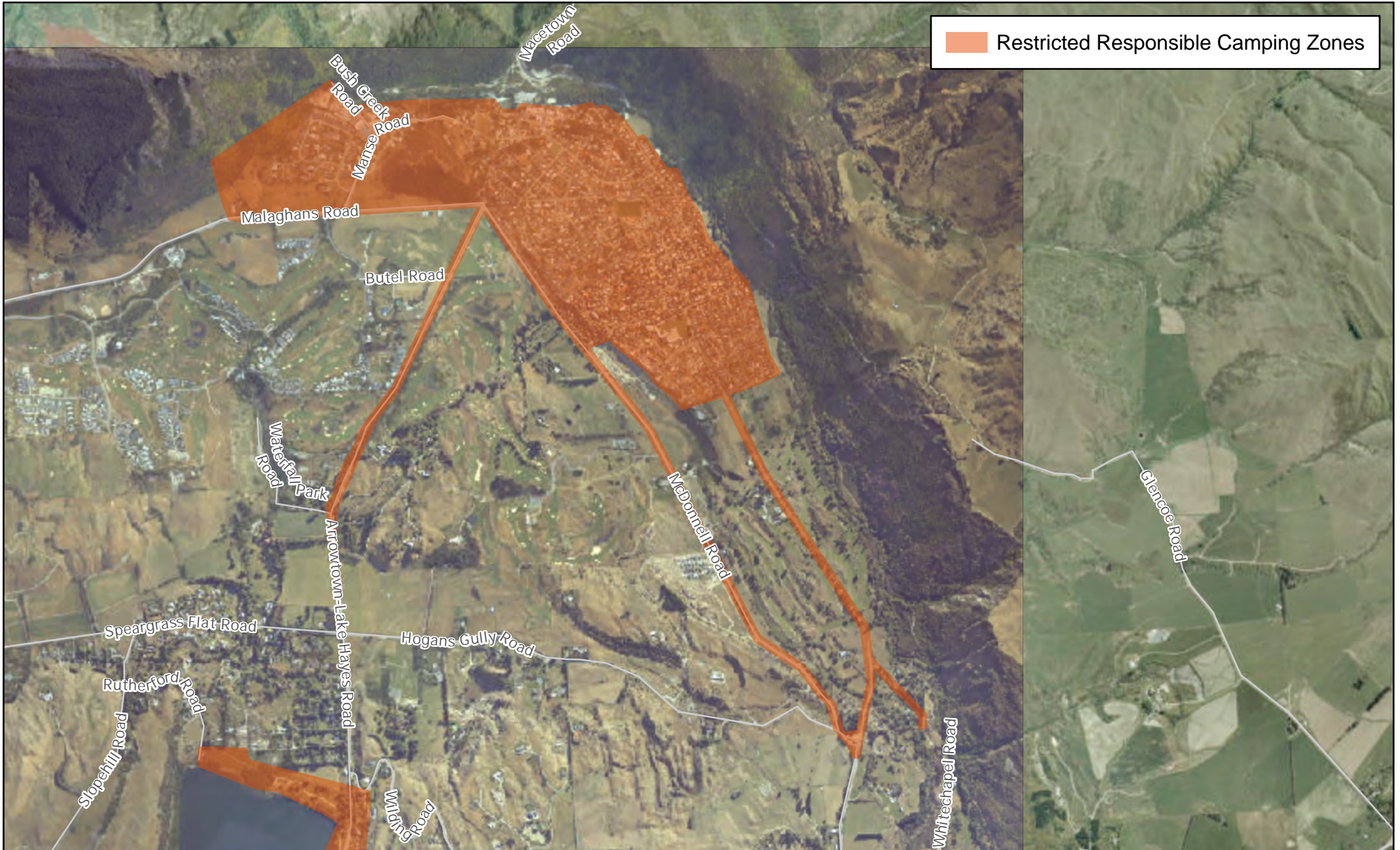
Wilson's Bay and Jacks Point



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Arrowtown



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Gibbston Valley



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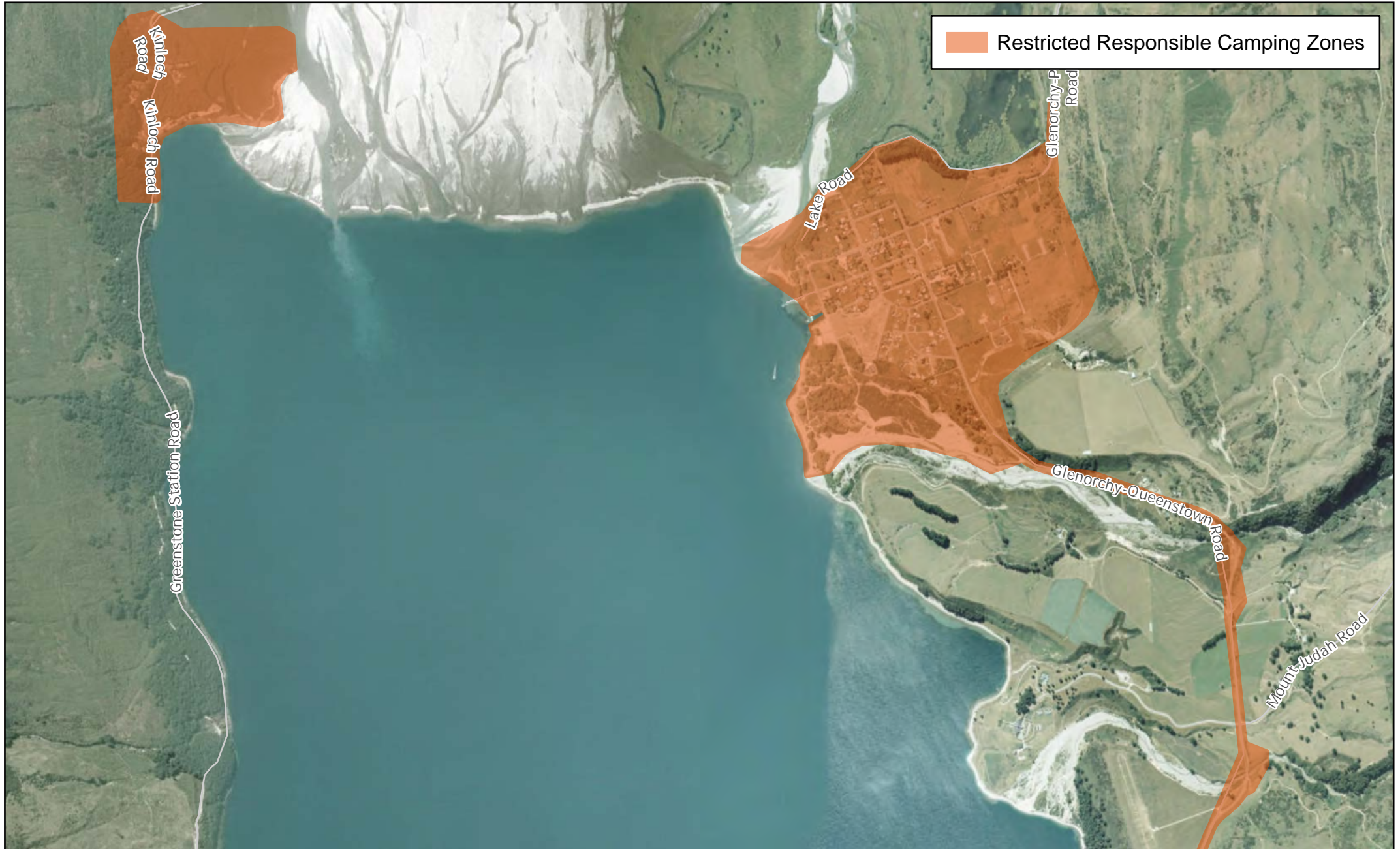
Kingston



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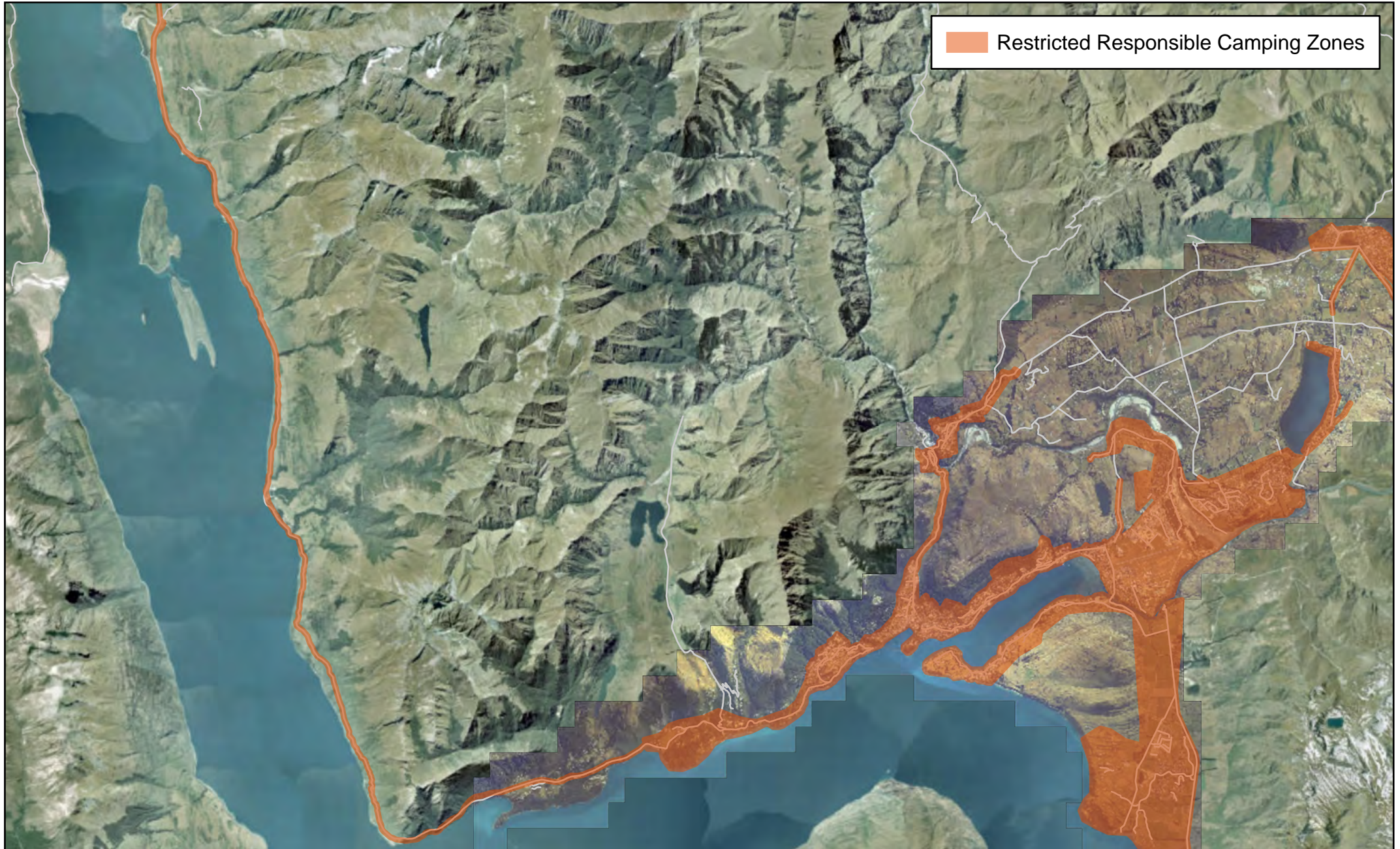
Glenorchy and Kinloch



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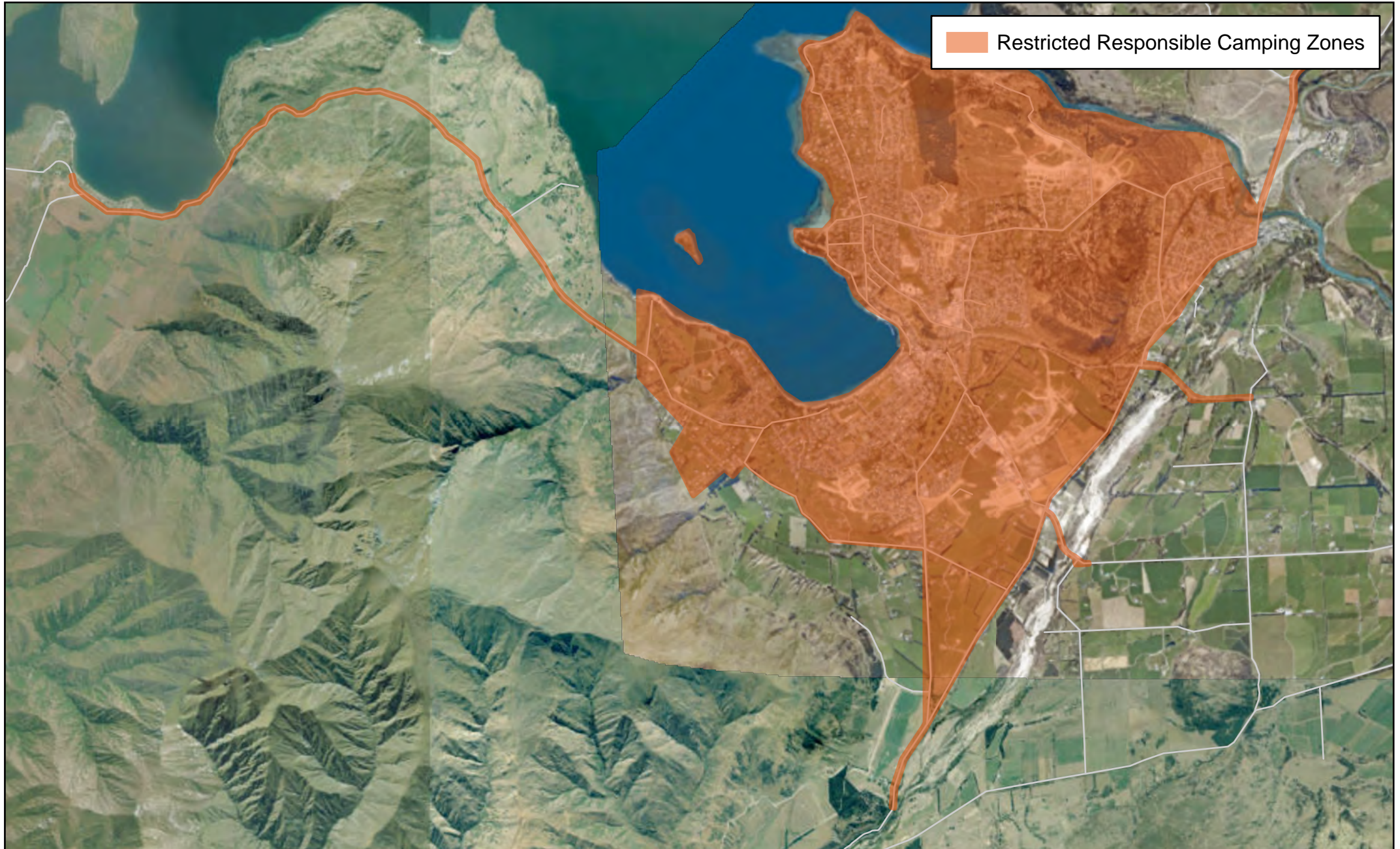
Glenorchy-Queenstown Road



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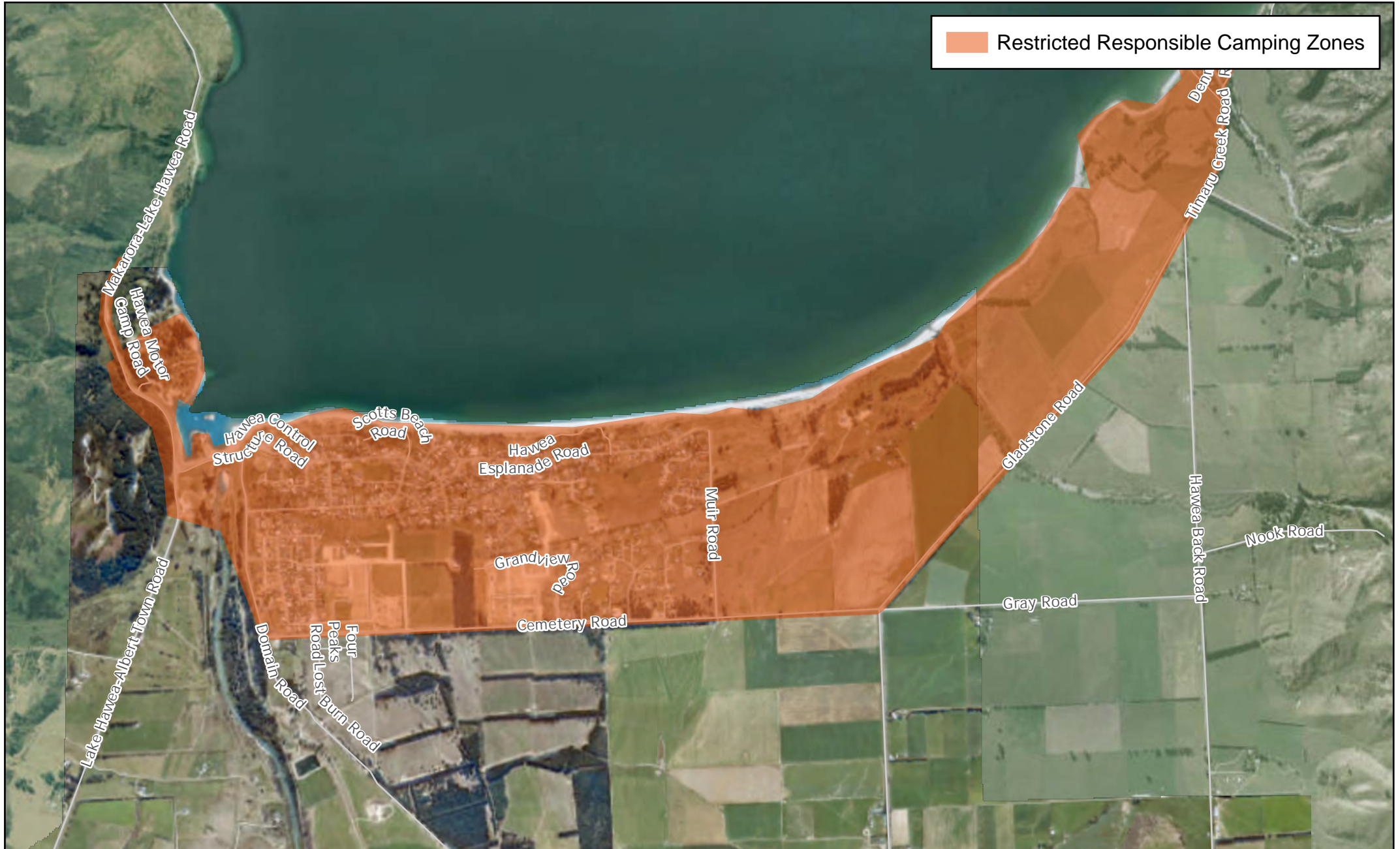
Wanaka



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Lake Hawea



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Lake Hawea-Makaroa Road



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Makarora



Restricted Responsible Camping Zones

Makarora-Lake Hawea Road

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Makarora



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Luggate



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Cardrona Valley



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Minutes of a meeting to hear submissions on the Proposed QLDC Freedom Camping Bylaw held in Armstrong Room, Lake Wānaka Centre, Ardmore Street, Wānaka on Thursday, 21 November 2018 commencing at 1.00pm

Present:

Councillor Calum MacLeod (Chair), Councillor Penny Clark, Councillor Heath Copland and Councillor Niamh Shaw

In attendance:

Mrs Jeannie Galavazi (Senior Planner - Parks and Reserves), Mr Anthony Hall (Manager, Regulatory)*, Ms Carrie Edgerton (Regulatory Support Coordinator), Ms Zoe Burton (Legal Counsel)**, Ms Katia Fraser (Legal Counsel, Meredith Connell)*** and Ms Jane Robertson (Senior Governance Advisor)

*In attendance on 21 November only.

**In attendance on 22 November only.

***In attendance via conference call during deliberations on 22 November only.

Commencement of the hearing

Councillor MacLeod took the chair in accordance with the resolution of Council made on 24 October 2019.

Declarations of conflicts of interest

No conflicts were notified.

Confirmation of Agenda

The agenda was confirmed without addition or alteration.

Officer's covering report

Mrs Galavazi presented her report. She stated that of the 81 submissions in total received, 19 wished to be heard. The purpose of the meeting was for the panel to hear and consider the submissions and at the conclusion of the hearing the following day, make recommendations to Council on the final form of the Bylaw.

Hearing of submissions

1. John Binney

Mr Binney appeared on behalf of Wayne Hudson (submission #17). Mr Hudson questioned the language in the Bylaw and the use of the word 'encourage' in clauses 3.1 (a) and (b) which was at odds with the language used in the Freedom Camping Act

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(which generally used the word 'permit') and the sentiments of the community at large about freedom camping. He asked for the words/clauses to be deleted entirely or to be amended and replaced with something that conveyed a more neutral tone.

2. John Binney for Mt Barker Residents' Association and Chrissie Thomson (#63)

Mr Binney advised that the area covered by the association ran from the Cardrona River east to Wānaka Airport and had about 120 members. The land was mainly rural or rural residential and was immediately adjacent to the restricted freedom camping area so received 'spill over' campers. The association supported where the Council was going and considered the approach was an appropriate and pragmatic solution to the national problem of freedom camping. In the long-term, the association wanted to see a more holistic approach and would like to see an extension of the Wānaka freedom camping prohibited area to cover from Cardrona to airport. It saw this as a growing area with increasing population and it was important to be proactive and 'get ahead of the game'.

Mr Binney stated that there was a lot of pressure of freedom camping on the Cardrona River and it was very important for this to be included in the zone also. He tabled a map taken from the draft Bylaw overlaid with a shaded area showing how the association wished the prohibited zone to be extended. Councillor MacLeod asked if such a proposal was just pushing the problem out to somewhere else. Mr Binney advised that the community would generally like to see a broader prohibition on freedom camping.

3. John Taylor (#72)

Mr Taylor advised that he was a freedom camping warden at Lake Hāwea and he thanked the Council for its support of community efforts to monitor freedom camping. He considered that the Freedom Camping Act itself was the source of much frustration around Lake Hāwea because the Council land only covered about a quarter of the area around the lake, with the east and west sides being largely LINZ and DOC land. This meant that there was no way of enforcing freedom camping legislation from the neck to the Holiday Park or to the beginning of Dingle Burn Station Road. He had been aware of problems since 2002 and in 2006 had started gathering photographic evidence showing the reality of freedom camping. He noted that some had captured national attention but the reality was the no limits could be imposed because they were public areas. The installation of toilets at Deep Bay had made some difference but the situation was no different at Craigie Burn. Only a small number of freedom campers were a problem but their behaviour created issues with the environment and water quality. He encouraged lobbying of central government to allow the Council to re-establish control over freedom camping in those areas the Council could not currently police.

4. Allison Aspinall (#69)

Mrs Aspinall advised that she and her family owned and operated Mt Aspiring Station. Their land bordered the national park and 100,000 visitors crossed their land each year

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to go to the national park. She was concerned about the direction of the Bylaw and would prefer all campers to be directed to camping grounds and for freedom camping itself to be banned. She did not support the proposed Bylaw because changing the prohibited areas simply concentrated the same number of campers into a smaller area. She believed that if the prohibited zone was extended to Glendhu Bay, the number of campers would simply extend down Mt Aspiring Road or crowd into other smaller 'permitted' zones. The narrowness of the road was reason enough to exclude it from being a freedom camping area but she had never noticed a freedom camper there who was required to move on.

It did not make sense to move campers away from areas where there were toilets and generally the proposed Bylaw did not address the wider issues associated with freedom camping. She applauded the Council's responsible camping strategy but it needed to include adjoining landowners because they were directly affected parties. She questioned what was deemed a 'self-contained' camper and how the Council could collect fees from these people to fund the facilities that were needed. She asked if the proposed bed tax would be collected if all campers were directed to camping grounds.

She supported the views of the first submitter who had asked for the terminology used in the Bylaw to 'encourage' freedom camping to be amended.

5. Andrea Kendrick (#67)

Ms Kendrick supported the proposed increase in the freedom camping prohibited area but she did not support the Bylaw itself because it was not practical and would simply result in pushing the problems further out. The current freedom camping signage was unhelpful and was perceived to encourage freedom camping. She also opposed the terminology used in clauses 3.1(a) and (b) of the Bylaw as it was not the Council's role to 'encourage' responsible freedom camping in the district. Responsible camping had always been acceptable but the situation would only worsen if the activity was 'encouraged'. Holiday parks were available that provided facilities for campers and Camper Van Zones did not offer a quality visitor experience. She considered that the 2012 Bylaw purpose was better and she doubted if the new bylaw would improve the situation.

Ms Kendrick asked the Council to put the environment first and to prohibit freedom camping completely. Visitors were encouraged to the area to support the local economy and should not expect to do things for no cost. Most had paid a lot of money to get to New Zealand and deserved to have a great experience and not to see areas cluttered with freedom campers.

6. James Cowie (Albert Town Community Association) (#54)

Mr Cowie stated that the Association largely supported the proposed Bylaw but it did not believe that it went far enough in the immediate area of Albert Town and north to Lake Hāwea. He stated that it made no sense to allow freedom camping on the Albert Town recreation reserve beside a low-cost Council leased camping ground. He

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favoured a ban on freedom camping on Templeton Park and along the SH6 corridor (Dublin Bay, Camp Hill, Maungawera) particularly as there were a number of camping grounds along the way to cater for these visitors. Whether freedom camping was done irresponsibly or responsibly, the environment was being denigrated by their very presence and their numbers. He was aware of a growing unease and antagonism towards tourism in the community and this was a sign that action was needed. He also believed the bylaw contained too much of an element of 'encouraging' rather than trying to prevent freedom camping.

7. Alison and Neal Brown (#78)

Mr Brown stated that he was a freedom camping warden for Lake Hāwea and had previously asked campers to move on from John Creek reserve. New signs were in place at John Creek and they had worked well. However he was conflicted by this as campers had to move elsewhere and would probably end up camping somewhere without a toilet. Those who camped at Timaru Creek were meant to be in self-contained vehicles only but many were clearly not. Council needed to ensure that these vehicles actually met the NZ 'self-contained' standard, with non-compliant vehicles to be required to use a proper camping ground.

He was concerned that the camping hubs the Council established were free of charge and was of the view that there should be fee for using the services.

The situation was not well managed as vehicles were driving through long grass to access the lake off Timaru Creek Road and trees had been felled to enlarge the camping area. Campfires were numerous with rubbish and unwanted furniture left. Responsible camping was either not understood or was simply being totally ignored. The draft Bylaw did not address responsible camping but 'encouraged' camping and failed to mention monitoring or fines.

The situation was such that no QLDC Freedom Camping Bylaw would meet the needs of the Hāwea community.

8. Alison Brown and John Taylor, Guardians of Lake Hāwea (#81)

Mrs Brown expressed a sense of 'déjà vu' because she had made similar comments in response to the draft Freedom Camping Bylaw in 2012. The problems outlined in the submission were longstanding and she echoed the frustration of a previous speaker in that much of Lake Hāwea was outside regulation by the bylaw because it was either LINZ or DOC land. The Guardians welcomed the inclusion of SH6 but the proposed Bylaw did not go far enough. Community groups and individuals had to deal with the large number of visitors and were keen to ban camping completely from the Holiday Park to Kidd's Bush. The language used in the Bylaw needed to be clearer and should spell out 'responsible camping', enforcement measures and fines. The Council's strategies and rules to date had not worked well for the community and the Guardians supported banning freedom camping in the whole district including on LINZ and DOC

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land. In addition, they wished the Council to lobby government to repeal the Freedom Camping Act.

9. Richard Hutchison (#91)

Freedom camping was decimating the business of holiday parks and camping grounds. The government should have introduced a nationwide freedom camping policy from the start. It was impossible to introduce new rules now and the only option was to ban freedom camping completely. He had observed a number of campervans in camping hubs displaying self-contained stickers when they were clearly not and a nation-wide strategy was needed to address the problems with false stickers. He believed the Council should examine the economic effect of not allowing visitors to freedom camp.

The meeting adjourned at 2.32pm and reconvened at 1.00pm on Friday, 22 November 2019 in the Council Chambers, 10 Gorge Road, Queenstown.

10. James Imlach, NZ Motor Caravan Association ('NZMCA')(#76)

Mr Imlach noted that mess left by freedom campers was the main problem and NZMCA shared this frustration. The NZMCA was generally opposed to the bylaw because of the negative impact it would have on members who were in the vast majority of responsible campers. His aim was to ensure that the Bylaw was not so prohibitive that it would adversely affect NZMCA members. Further, it was important for QLDC to get its bylaw right because its direction would have an effect on what other Councils did.

NZMCA was not currently comfortable with the provisions of the Bylaw and was prepared to challenge it via legal avenues if no compromise was offered.

NZMCA accepted that some action was needed on freedom camping because of legitimate issues but the draft Bylaw undermined the Council's own responsible camping strategy because it penalised those who were responsible. The Bylaw was the antithesis of the Council's own pro-camping responsible camping policy.

Mr Imlach questioned what 'roadside areas' for camping were intended and questioned if they would be safe. He also asserted that Council had predetermined the outcome of consultation on the bylaw with the comments on its website and the Mayor's announcement about a blanket ban on freedom camping. This was both unlawful and contrary to the core principles of the Council's Responsible Camping strategy. It was also not a criteria in the Local Government Act (LGA) to cite the protection of private property amenity values as a reason for needing the Bylaw. In any case, there were many prohibited areas for freedom camping that were not near private properties.

He considered that what was presented was a full review and not just an amendment of the previous Bylaw. However, he did not consider that it had been a robust review, as there was no assessment of whether the provisions were necessary or appropriate

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and there was no evidence of site-by-site assessment. He did not consider that what was offered under the proposed Bylaw offered visitors quality or positive experiences.

In summary, the NZMCA considered that the wide scope of the Bylaw punished everyone and NZMCA wanted the Council to amend the bylaw to meet the needs of responsible campers. The draft Bylaw did not comply with the law (LGA) and NZMCA did not accept that what it proposed was appropriate. In effect, the draft Bylaw closed the door on freedom camping opportunities in the district and NZMCA resented the suggestion about camping on the roadside instead because this was an unsafe option. NZMCA did not want to go to court over this, but would do so if necessary.

The panel considered that the freedom camping comments attributed to the Mayor were more indicative of a predisposition rather than predetermination.

The panel asked Mr Imlach to detail the criteria for membership of NZMCA. Mr Imlach stated that in order to qualify for membership, applicants needed to be NZ residents and to prove that their vehicle complied with self-contained standards.

The panel asked if it would satisfy NZMCA if they had the option to apply to the Chief Executive for permission to freedom camp. In reply, Mr Imlach stated that NZMCA members did not usually have an itinerary set sufficiently in advance to do this and he believed that such a system was more intended for large groups like scouts. He also considered that the Council would not have the resources to process lots of applications which would be what occurred if this approach was adopted.

11. Erna Spijkerbosch

Mrs Spijkerbosch declared a conflict of interest, as she was a both participant in the local holiday park industry (and had been for 30 years) and was a current member of the NZMCA.

The panel accepted this statement and did not prevent Mrs Spijkerbosch from presenting her submission.

Mrs Spijkerbosch was critical of the paperwork presented with the draft Bylaw which she considered was lacking and open to different interpretations requiring the reader to assume too much. She was disappointed with it, but particularly so with the quality of maps presented.

The population was becoming more and more impacted by unregulated people staying in urban areas. The situation was also affected by the growing occurrence of Air BNB. Self-containment was no guarantee of the campers acting responsibly and camping in residential areas was not freedom camping but 'free' camping. She estimated that there were up to 500 vans per night staying in built-up areas within the Wakatipu Basin and it was important to ensure that human waste did not end up in the streets as was happening in locations overseas. It would be too late to act once over-tourism

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occurred. She noted that many who claimed to have self-contained vehicles were not members of the NZMCA.

12. Will Hodgson, (Chair, Tucker Beach Residents' Society)

Mr Hodgson presented reasons why the Department of Conservation reserve known as the Tuckers Beach Recreation Reserve was omitted from the proposed prohibited freedom camping areas. The reasons were to preserve the rural landscape, to protect bio-diversity and to safeguard water quality. In support of his submissions, he highlighted what could occur if freedom camping was permitted:

- potential for human waste and garbage
- risk to the biodiversity of the Shotover River (people washing themselves and clothes in the river)
- the need for buildings and lighting to support freedom camping (thereby destroying the peaceful, rural ambience,
- increased number of heavy vehicles and noise.

13. Robin Martin

Mr Martin also spoke in support of including Tucker Beach Recreation Reserve in the areas banned for freedom camping. He asked the Council to develop a plan for use of the area, thereby addressing the problems with the many different agencies involved (QLDC, DOC, private users). Tuckers Beach Reserve needed to be included as a banned area, as if not, the problems would just spill over into adjacent areas. There was a total lack of policing.

The meeting adjourned at 2.00pm and reconvened at 2.14pm with no submitters or members of the media present but with Ms Katia Fraser attending on conference call.

Deliberations

The panel agreed it was clear many residents were fed up and frustrated with freedom camping and it was a major concern for them. The panel acknowledged the very emotive and passionate presentations by all submitters. The clear message of most submitters was for freedom camping to be discouraged and not encouraged and for the effects on adjoining landowners to be considered. Most submitters speaking had expressed the view that the Bylaw did not go far enough and that 'responsible camping' was not happening.

The panel noted that more campers needed to travel in self-contained vehicles. Many vehicles currently displayed a 'self-contained' sticker but it was clear these stickers were not genuine, because such vehicles were not self-contained.

Submitters had generally failed to understand that the Council could not limit freedom camping on non-Council land and that it was not within Council's power to prohibit freedom camping everywhere because the Freedom Camping Act enabled it. The panel noted that many submitters wanted the government to amend the Freedom Camping Act and for a national approach to be taken. Notwithstanding that, the panel acknowledged that freedom camping was part of New Zealand culture and it would be improper to

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prohibit it completely. The key was to limit the adverse effects and to balance the desires of those who sought to ban freedom camping and those wanting more areas in which to camp.

Mrs Galavazi detailed the problem with the incorrect maps originally being provided with the Statement of Proposal. She advised that maps were uploaded missing the smaller areas where there was no material change from the 2012 Bylaw and the geomaps were incorrectly uploaded onto the QLDC responsible camping page rather than the proposed Bylaw. She accepted that the maps had initially been confusing, although the description of banned areas was correct in the Statement of Proposal. The situation had been corrected as soon as staff were aware of the error.

The panel was satisfied that the Special Consultative SCP had been followed in accordance with LGA.

Consideration was given to what changes could be made within the statutory limits. The panel considered that the request to increase the prohibited freedom camping area (as made by Mr Binney on behalf of the Mt Barkers Residents' Association) was a substantive change and was therefore out of scope for consideration under this review of the Bylaw. It was acceptable to take up some of submitters' suggestions and requests, but there was a duty to consult if a change was deemed to be substantial. Further, a number of submissions had wanted freedom camping to be prohibited and all should be rejected because such a position was ultra vires.

Staff indicated that it was planned to undertake a more extensive review in the future of the Council's position on freedom and responsible camping.

The panel observed that little could be done to address the public perception that the Council was not controlling the problem with freedom camping because it was able only to enforce on Council controlled land.

Consideration was given to the re-introduction of the rule regarding a two night maximum stay at a single site. It was noted that the two night restriction had been omitted by mistake from the draft Bylaw. The panel agreed that it was appropriate to reinstate the provision as it would serve to protect an area and prevent over-crowding and such outcomes were in accordance with the criteria for bylaws under LGA.

The panel considered the requests to delete 'encourage' from clauses 3.1(a) and 3.1(b). They agreed it was appropriate to delete both and to amend 3(1)(c) and 3.2 to be more in line with the LGA criteria for making bylaws, namely environmental protection.

The panel considered the NZMCA submission and their request for anyone with a self-contained vehicle to be able to camp anywhere. The panel agreed that this would have other implications and could result in very long-stay vehicles at some sites. Setting aside specific areas in Wānaka and Queenstown that could be leased to NZMCA would address

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their concerns but land/space was not plentiful and it was not practical or possible to offer option.

On the motion of Councillor Clark and Councillor Copland it was resolved that the hearing panel:

- 1. Note the contents of this report;**
- 2. Consider the submissions to the Proposed Queenstown Lakes District Council Freedom Camping Bylaw 2019;**
- 3. Recommend to Council that the final form of the Queenstown Lakes District Council Freedom Camping Control Bylaw 2019 be adopted, incorporating any changes following consideration of public feedback from the submissions.**

The meeting concluded at 4.03 pm.

Attachment E: QLDC Freedom Camping Control Bylaw 2019 Deliberations Report

THEME	SUBMISSION/REQUESTED CHANGE	DELIBERATIONS	RECOMMENDED CHANGE
Support or partly support (requesting restrictions extend further)	Protection of the environment, protecting public access to reserves for recreation and day use	Support noted	No change
Oppose - prohibit	Freedom camping should be completely banned in specific areas or across the whole District. All campers should be in managed campgrounds	Contravenes FCA	No change
Oppose – restrictions go too far	The restrictions and bylaw are not in the spirit of the Freedom Camping Act. Freedom camping should be more permitted in more places across the District. Opportunities to freedom camp are slowly being eroded.	Noted. Strong submissions that relaxing restrictions has impacts on environment, public access and enjoyment of reserve areas.	No change
	Freedom camping should be allowed in urban areas	Submitter evidence and QLDC has customer service records that allowing freedom camping in urban areas results in litter, impacts on the environment and public access to areas.	No change
Prohibition/Restriction will move and exacerbate problem	Removing freedom camping from possible areas puts pressure on the remaining areas that are available to camping. Encouraging self-contained vehicles in areas with facilities is important to manage public health risks.	Noted. These issues should be considered and potentially form part of the basis of the next comprehensive of the bylaw to commence in 18-24 months.	No change but recommend comprehensive bylaw review to address in 18-24 months
Increase Restricted Areas at the identified locations:	State Highway 6 from Wanaka to Makarora.	NZTA Land. Makarora township and Makarora West are included in the current	No Change

		and proposed bylaws as prohibited areas.	
	“West Wanaka” and “East of Wanaka”.	Amounts to virtual prohibition	No Change
	Wanaka land bound by Riverbank Road to the west, State Highway 6 to the north, and Mt Barker Road to the south. Land immediately adjacent to prohibited areas. Include Cardrona River area as this is subject to pressure from Freedom Campers also.	All areas adjacent prohibited areas will be subject to spill over. Pushing out the boundary simply pushes the problem further out.	No Change
	Full prohibition in Wakatipu basin and Cardrona Road.	Full prohibition contravenes the FCA	No Change
	Diamond Lake area.	DOC Land. Out of scope. Advise DOC of submitters concerns.	No Change
	Cardrona River outlet reserve area.	DOC land. Out of scope. Advise DOC of submitters concerns.	No Change
	Frankton Beach area.	Already included as a prohibited area	No Change
	Luggate. RED BRIDGE	A development plan was prepared with the Luggate Community in 2016/17 which provides for camping. It was formerly a gravel extraction pit so camping in the defined area has negligible environmental impacts in the areas it’s provided.	No Change Uplift Reserves Act Prohibition
	Car park on summit of the Crown Range.	DOC Land. Out of scope. Advise DOC of submitters concerns.	No Change
	Several areas around Hawea: <ul style="list-style-type: none"> • Hawea Dam to The Neck; • Glen Dene Station; 	<ul style="list-style-type: none"> • West side of lake is NZTA, Private, DOC and LINZ land – out of scope. • Private land – out of scope 	Amend Bylaw to include John Creek to the end of Timaru Creek Road as a prohibited area.

	<ul style="list-style-type: none"> • Along Meads Road to Kidds Bush camping ground; • Along East side of lake from John Creek to Timaru Creek. 	<ul style="list-style-type: none"> • Limited evidence at present that harm is caused. Area to be monitored and evidence gathered for comprehensive review. • Strong submissions for John Creek to end of Timaru Creek Road. Lakeside edge getting impacted. Reports from volunteer wardens of regular problems with too many freedom campers, litter and fires. East side of lake NZTA State Highway, DOC and LINZ land – no QLDC land so out of scope. Advise NZTA DOC and LINZ of submitters concerns. 	
	Wharf Creek boat ramp (head of Lake Wanaka).	DOC and LINZ land. Out of scope. Advise DOC and LINZ of submitters concerns.	No Change
	Tuckers Beach Wildlife Management Reserve and Tuckers Beach Recreation Reserve. Small section of QLDC Land (closed landfill) not included.	Reserves are DOC land. Out of scope. Advise DOC of submitters concerns. Amend maps to include all of QLDC land	Amend maps to include all of QLDC land (closed landfill area)
	Glenorchy Paradise Road and Paradise Routeburn Road.	Limited evidence at present that harm is caused. Area to be monitored and evidence gathered for comprehensive review.	No Change
	State Highway 6 between Jacks point and Kingston.	NZTA – out of scope. Urban Areas between Jacks Point and Wye Creek are included in prohibited areas.	No Change

	Mt Aspiring Road.	Limited evidence at present that harm is caused. Area to be monitored and evidence gathered for comprehensive review.	No Change
	The whole of the Albert Town Recreation Reserve to the east of SH6; ie that triangular area of the Reserve bounded by the Clutha and Hawea Rivers and SH6.	Submitter evidence to support many instances of litter, fires and complaints that public access to the river and reserve is affected. Low cost council owned council campground within reserve directly adjacent and the road.	Change the bylaw to include Albert Town Reserve on the eastern side of State Highway 6.
	Templeton Park Reserve and the area adjacent to it bounded by the Clutha and Cardona Rivers.	Limited evidence at present that harm is caused. Area to be monitored and evidence gathered for comprehensive review.	No Change
	Between Hawea township and Albert Town, specifically: <ul style="list-style-type: none"> • along the length of SH6; • along Dublin Bay Rd and in and around Dublin Bay itself; • along Camp Hill Rd, and in particular in the two car parks at Camp Hill Bridge; and • along Maungawera Rd. 	<ul style="list-style-type: none"> • SH6 NZTA land. Out of scope. Advise NZTA of submitters concerns. • Limited evidence at present of harm for Dublin Bay, Camp Hill and Maungawera Roads – to be monitored and evidence collected for comprehensive review. No QLDC land in Dublin Bay (DOC reserve land – out of scope). Advise DOC of submitters concerns. 	No Change
	Do not support camping at Luggate Red Bridge. It has visual impacts as an arrival area to the wider Wanaka.	A development plan was prepared with the Luggate Community in 2016/2017 which provides for	No change

	Freedom camping (restricted) should be prohibited.	camping. It a was a gravel extraction pit so camping in the defined area has negligible environmental impacts in the areas it's provided.	
	Support camping at Luggate Red Bridge. This provides a place for campers who would otherwise be illegally camping in less appropriate places.	Agreed. Camping at Luggate Red Bridge has broad community support.	No Change – retain Luggate Red Bridge as a Restricted Camping Area.
Section 3 amendments	“Section 3.1(a) should be altered to read "discourage freedom camping"; section 3.1(b) should be deleted; and the first word of section 3.1(c) should be replaced with "eliminate" (if that is not acceptable then "control" should have added to it "and reduce").”	Mostly agreed. The FCA does not require Councils to encourage or recognise freedom camping. It would not be in the spirit of the FCA to ‘discourage’ freedom camping. The purpose of the FCA is to provide a mechanism for Councils to protect certain areas from freedom camping (s 11(2)(a)). The purpose of the FCA is best reflected in clause 3.1(c) of the FCB19.	Refer change below
	The PURPOSE of this bylaw needs to be focusing on point (c) first and foremost and to remove the focus on promoting it as a 'valued tourist experience'. Revert to the purpose outlined in the 2012 bylaw that focused more on protection of our environment and the people that live and use the area for recreation.”	Mostly agreed	Refer change below
	Delete clauses a and b from the purpose. The purpose needs to be very clear and specific. Clauses a and b add	Agreed	Wording of Bylaw Changed to The purpose of this bylaw is to regulate freedom camping in local

	nothing to the bylaw and are not the purpose of the bylaw.		authority areas in order to protect the environment, including the District's lakes and rivers, from harm.
Definition	Explain or define 'freedom camping'	Previous 2012 bylaw had definition of freedom camping. 2019 proposed bylaw seeks to have more simplified wording and streamlined drafting	No change
Discretionary Consent	There should be no Discretionary consent to freedom camp" i.e. freedom camping should be completely banned within prohibited areas.	Discretionary consent is typically used for one off events such as the Gypsy Fair or a Scouts Group.	No Change
Schedule A Bylaw Wording Prohibited Area on Maps	The proposed bylaw mentions prohibited, restricted and permitted areas for freedom camping. The maps only show the prohibited areas and doesn't define the rest of the areas. Stating there are permitted areas in Schedule A where there are none is confusing.	These areas could either be interpreted as restricted or permitted which might not have been the intention. Bylaw wording fit for purpose - maps clearly show prohibited areas, everywhere else is restricted and there are no permitted areas therefore none shown. Explanation on maps would make clearer.	Change to bylaw wording to read 7 No permitted Freedom camping areas permitted 7.1 There are no permitted freedom camping areas. Notation made on maps to explain that there are no permitted areas.
Provision for future	The prohibited areas are fixed, there is no provision for the status of future roads just outside the prohibited areas as the district grows.	Noted. Assessment of wider areas that may be subject to development to form part of the comprehensive review.	No Change
25 Mile Creek Windsurfing	Access to 25 Mile Creek has recently been restricted for all public to control freedom camping. This has impacted on windsurfing and kite surfing users.	25 Mile Creek DOC land – out of scope. Issue referred to DOC to address.	No Change

Zones around residential areas	Some submitters also suggested the restrictions be extended to within 500 metres of any residence, or letterbox; 10km, 20km or 30km from any commercial campground; 30km of any commercial or DOC campground or residential dwellings; and prohibited down any dead end road after a dwelling.	Limited evidence at present. Not practical to enforce. Could be seen as virtual prohibition.	No Change.
QLDC bylaw could impose a Higher self-containment certification Standard to require Fixed Toilets	QLDC could require vehicles to be subject to a stricter self-containment standard, such as a fixed toilet that can be accessed when the bed is fully made up. This would reduce the impacts from the smaller vans that meet the self-containment standards but it's assumed the toilets are not used as they are not easily accessible.	One of the key objectives of the Responsible Camping Strategy are to get national and regional alignment on Responsible Camping Actions, inputting into and working Central Government on initiatives. Imposing different self-containment standards to the rest of the country does not align with this objective.	No change
Reinsertion of 2 night minimum	The 2 night maximum stay under current bylaw isn't under proposed bylaw	If not reinstated this could be monitored to demonstrate how effective the 2 nights is in preventing overcrowding and overstaying. The reinstatement of the two night maximum will protect the area, and will assist with overcrowding of any particular area.	Add the following as clause 6.3: "A person freedom camping in accordance with 6.2 must not stay at one site or in the same area for more than two consecutive nights"
Map Corrections	Gibbston Valley	Previous Bylaw and SOP included the Gibbston Back Road and Coal Pit Road of Gibbston Valley. Proposed Bylaw Maps incorrectly showed the main road SH6 only as a prohibited area. Map to be amended to show	Amend map to change from SH6 through Gibbston Valley to the Gibbston Back Road and Coal Pit Road.

		Gibbston Back Road and Coal Pit Road not SH6. This is consistent with SOP	
	SH6 North of Hawea to Haast	This is an error as it is SH6 through Rural land. While this area is problematic for Freedom Camping all land is Private, NZTA, DOC or LINZ so is out of scope	Change map to remove prohibited area along SH6
	Inclusion of Makarora Township and West, Luggate, Kingston and Kinloch	Areas where maps had not changed and/or were too small to see were not included with the proposed bylaw maps on the QLDC website. They were included on the wider maps but prohibited areas too small to see in some instances. The description of the areas were included in the Statement of Proposal	Include all maps in Bylaw.

[Insert coat of arms]

DRAFT Freedom Camping Bylaw 2019

Queenstown Lakes District Council

Date of making: [Insert]

Commencement: [Insert]

This bylaw is adopted under section 11 of the Freedom Camping Act 2011.

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Part 1 – Preliminary

1 Title and Commencement

- 1.1 This bylaw is the “Freedom Camping Bylaw 2019”.
- 1.2 This bylaw comes into force on ~~19~~3 December 2019.

2 Area within which Bylaw applies

- 2.1 This bylaw applies to the Queenstown Lakes District.

3 Purpose

- 3.1 The purpose of this bylaw is to regulate freedom camping in order to protect the environment, including the District’s lakes and rivers, from harm.:
 - ~~(a) — encourage responsible freedom camping in the District;~~
 - ~~(b) — recognise freedom camping as part of Aotearoa New Zealand’s culture and a valued tourist experience;~~

~~control freedom camping in order to protect the environment, including the District’s lakes and rivers, from harm.~~
- 3.2 The bylaw achieves this purpose by:
 - (a) defining the areas in the District where freedom camping is permitted, restricted or prohibited; and
 - (b) providing for the restrictions that apply to freedom camping in areas where freedom camping is restricted

so that the areas, access to the areas, and the health and safety of people who may visit the areas, are protected.

4 Interpretation

- 4.1 In this bylaw, unless the context otherwise requires,-

Act means the Freedom Camping Act 2011.

Council means the Queenstown Lakes District Council.

person has the meaning given in the Interpretation Act 1999.

self-contained vehicle means a motor caravan, caravan, campervan, or any other vehicle designed and built for the purpose of camping for which a self-containment certificate has been issued under NZS 5465:2001.

- 4.2 Words or phrases used in this Bylaw shall have the same meanings as defined in the Act.
- 4.3 Any explanatory notes and attachments are for information purposes, do not form part of this Bylaw, and may be made, amended and revoked without any formality.
- 4.4 The Interpretation Act 1999 applies to this Bylaw.

Part 2 – Restrictions on freedom camping

5 Freedom camping prohibited in certain local authority areas

- 5.1 No person may freedom camp in a local authority area marked as prohibited in Schedule A of this Bylaw.

6 Freedom camping in restricted local authority areas

- 6.1 Any local authority area not marked as prohibited ~~or permitted~~ in Schedule A of this Bylaw is a restricted local authority area.

6.2 A person may freedom camp in a restricted local authority area only if using a self-contained vehicle.

~~6.2~~6.3 A person freedom camping in accordance with 6.2 must not stay at one site or in the same area for more than two consecutive nights.

7 ~~No permitted~~ Freedom camping areas permitted

- 7.1 ~~There are no permitted freedom camping areas. A person may freedom camp in a local authority area marked as permitted in Schedule A of this Bylaw, whether or not using a self-contained vehicle.~~

Part 3 – Discretionary consent to freedom camp

8 Consent to freedom camping otherwise prohibited or restricted

- 8.1 A person may apply in writing to the Chief Executive of the Council for consent to freedom camp in a local authority area in which freedom camping is prohibited or restricted.
- 8.2 The Chief Executive may, if satisfied that to do so would not be contrary to the purpose of this Bylaw, grant consent to freedom camp in a local authority area in which freedom camping is prohibited or restricted with or without conditions.
- 8.3 A person freedom camping under a consent granted under subclause (2) must:
- (a) comply with any conditions specified;
 - (b) leave the site clean and tidy;
 - (c) not light any fire.
- 8.4 An enforcement officer may revoke a consent granted by the Chief Executive and direct any person freedom camping in accordance with that consent to immediately leave the site if satisfied that:
- (a) Any person has breached any of the conditions specified in the consent;
 - (b) Any person has acted in a manner likely to endanger the health and safety of any other person;
 - (c) Any person has damaged or is likely to damage the site.

Part 4 – General Provisions

9 Relationship of Bylaw to Ngai Tahu Claims Settlement Act 1998

- 9.1 This bylaw does not limit or affect nohoanga entitlements granted under the Ngāi Tahu Claims Settlement Act 1998.

10 Delegation

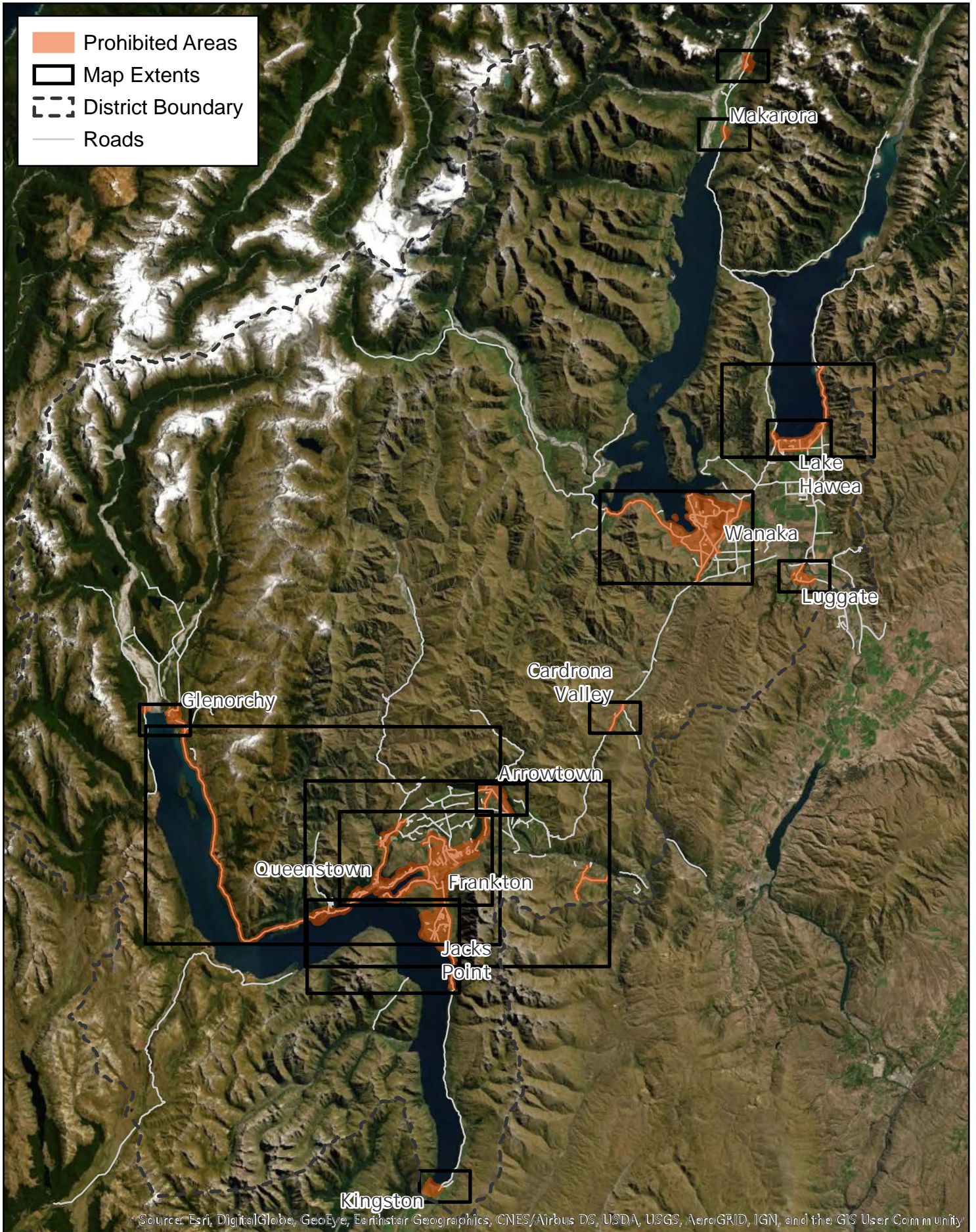
- 10.1 Any of the various powers and functions of the Council as detailed and set out in this bylaw, may be delegated by it, to its Chief Executive, and sub-delegated by the Chief Executive to any such other Officer of the Council.

11 Savings

- 11.1 Any discretionary consent to freedom camping granted by the Chief Executive under clause 6 of the Queenstown Lakes District Council Freedom Camping Control Bylaw 2012 shall, despite the revocation of that bylaw, continue as if granted under clause 8.2 of this Bylaw.

Schedule A – Prohibited and Restricted Areas

Schedule A: QLDC Freedom Camping Control Bylaw 2019



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

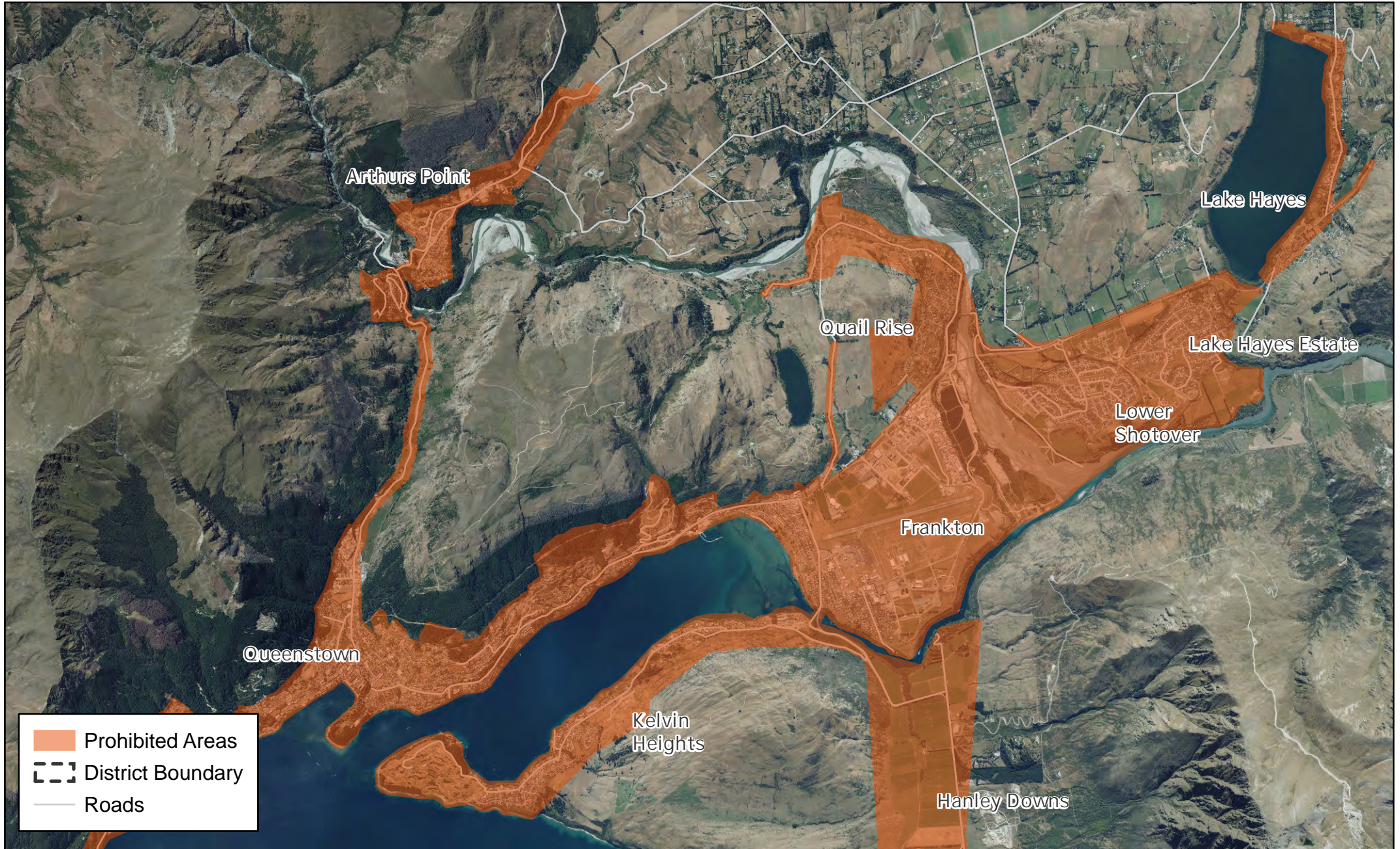
The information provided on this map is intended to be general information only. While considerable effort has been made to ensure that the information provided on this site is accurate, current and otherwise adequate in all respects. Queenstown Lakes District Council does not accept any responsibility for content and shall not be responsible for, and excludes all liability, with relation to any claims whatsoever arising from the use of this site and data held within.

Wakatipu Basin, Schedule A: QLDC Freedom Camping Control Bylaw 2019



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Queenstown, Schedule A: QLDC Freedom Camping Control Bylaw 2019



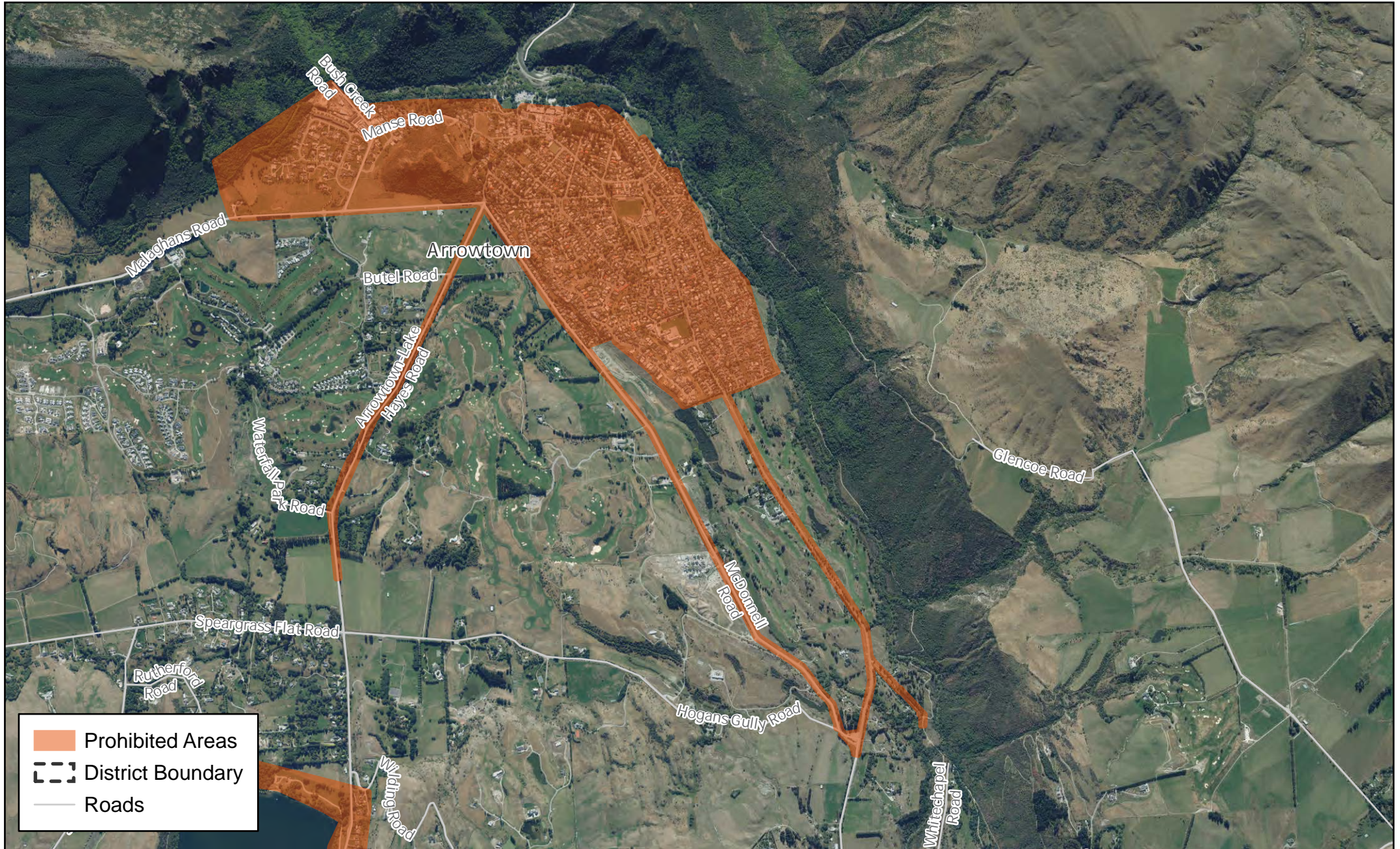
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Closeburn and Jacks Point, Schedule A: QLDC Freedom Camping Control Bylaw 2019



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Arrowtown, Schedule A: QLDC Freedom Camping Control Bylaw 2019



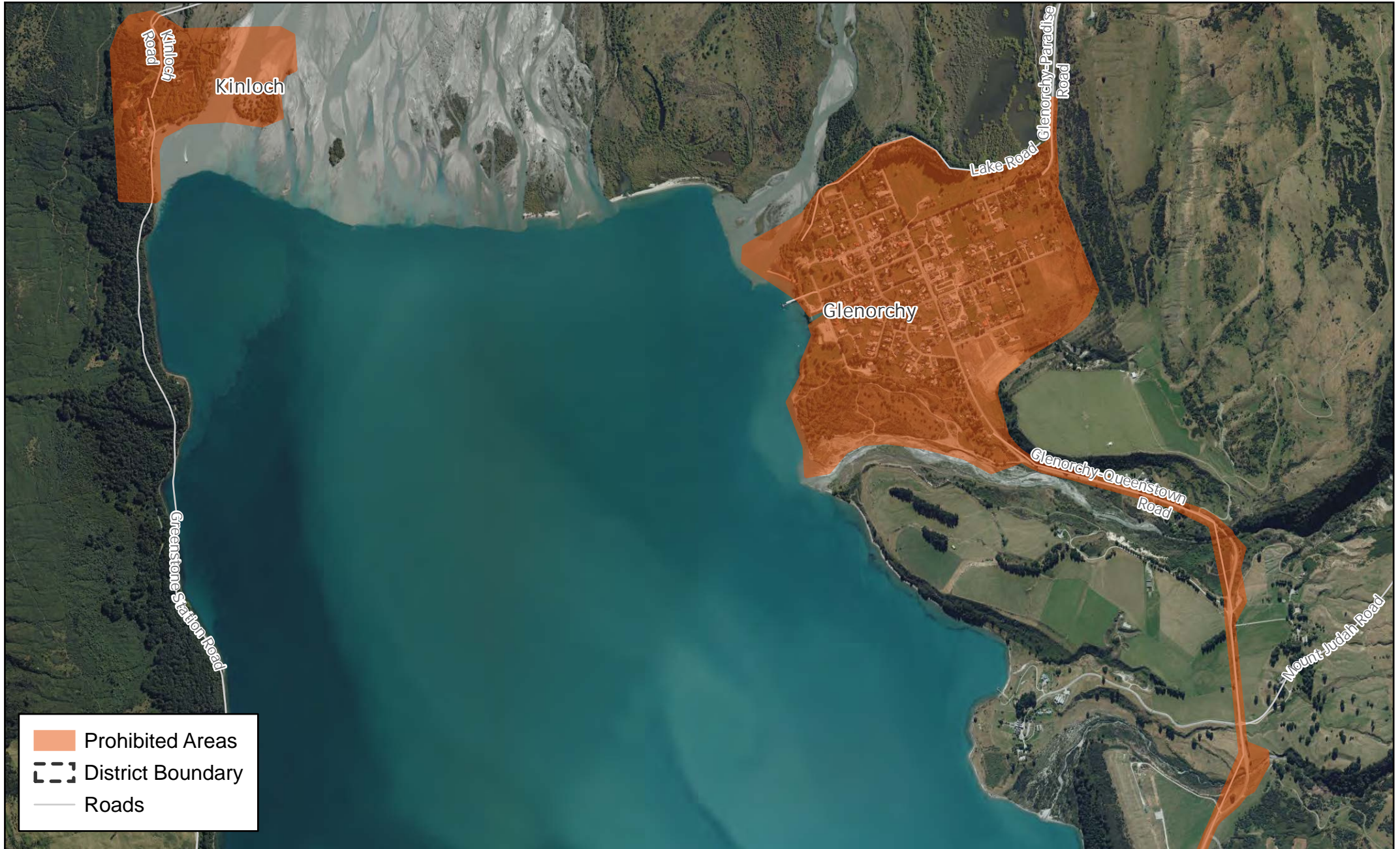
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Kingston, Schedule A: QLDC Freedom Camping Control Bylaw 2019



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Glenorchy and Kinloch, Schedule A: QLDC Freedom Camping Control Bylaw 2019



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Glenorchy-Queenstown Road, Schedule A: QLDC Freedom Camping Control Bylaw 2019



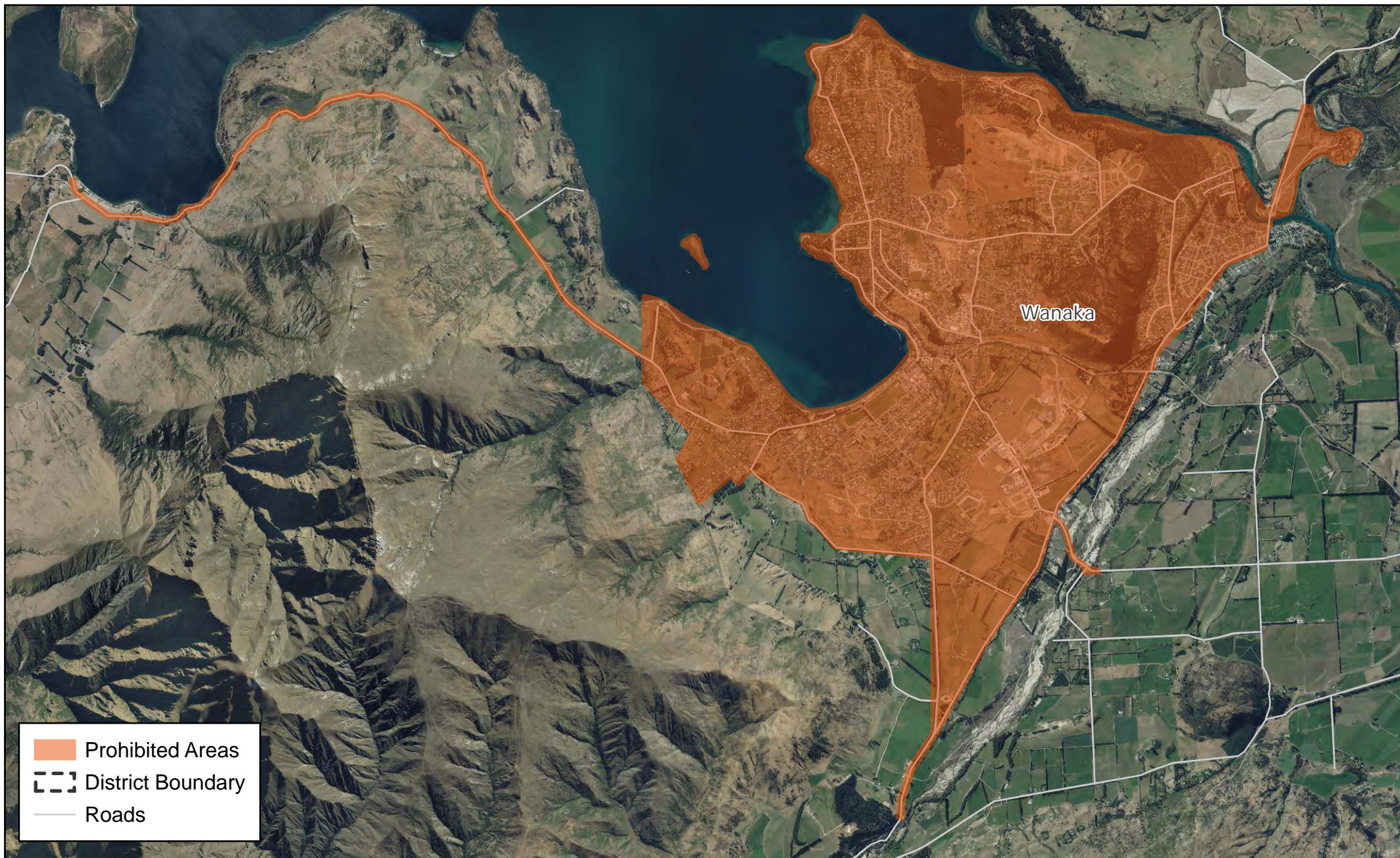
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Cardrona Valley, Schedule A: QLDC Freedom Camping Control Bylaw 2019



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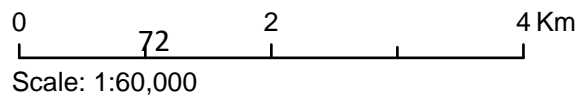
Wanaka, Schedule A: QLDC Freedom Camping Control Bylaw 2019



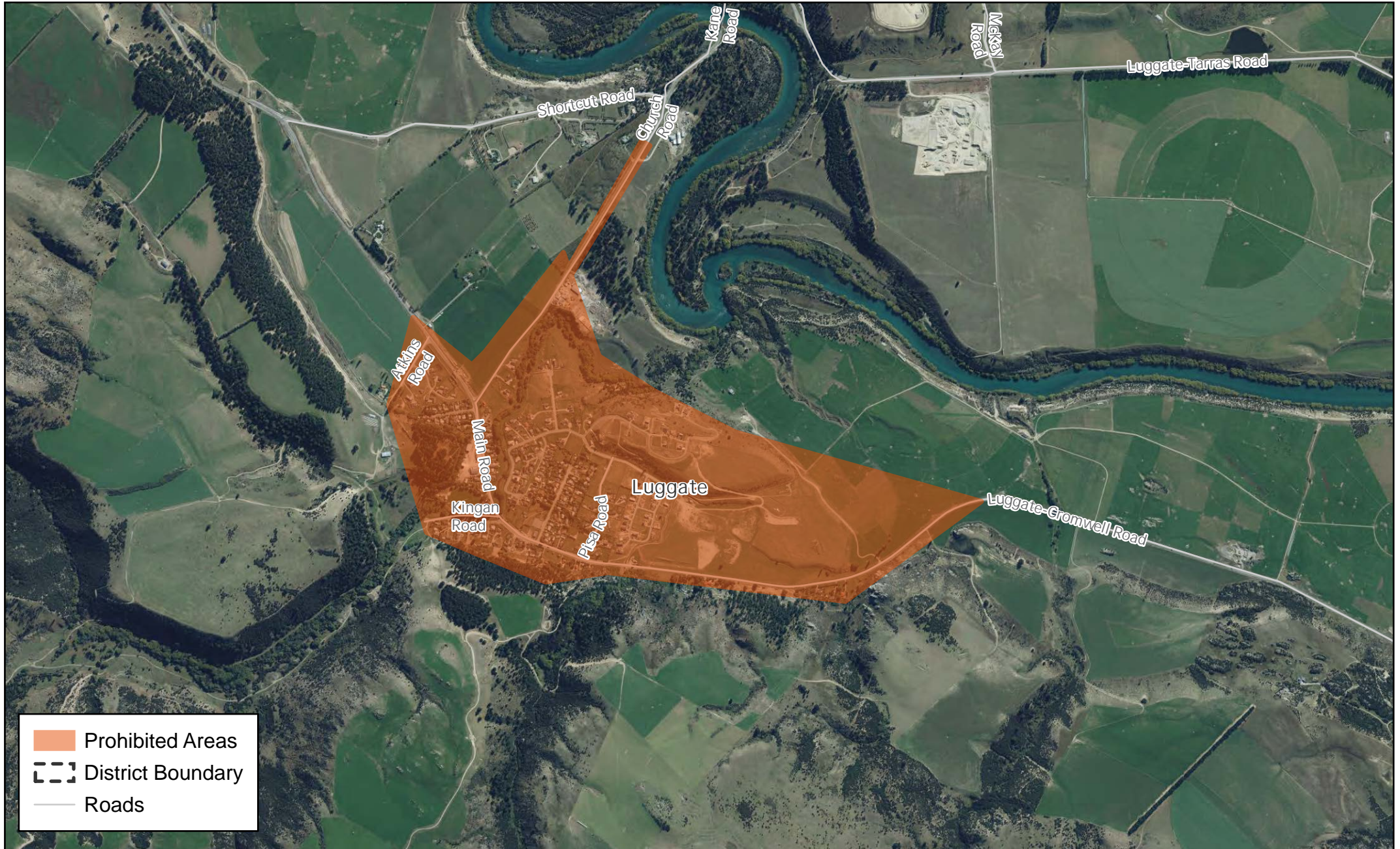
-  Prohibited Areas
-  District Boundary
-  Roads

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Note: There are no permitted freedom camping areas

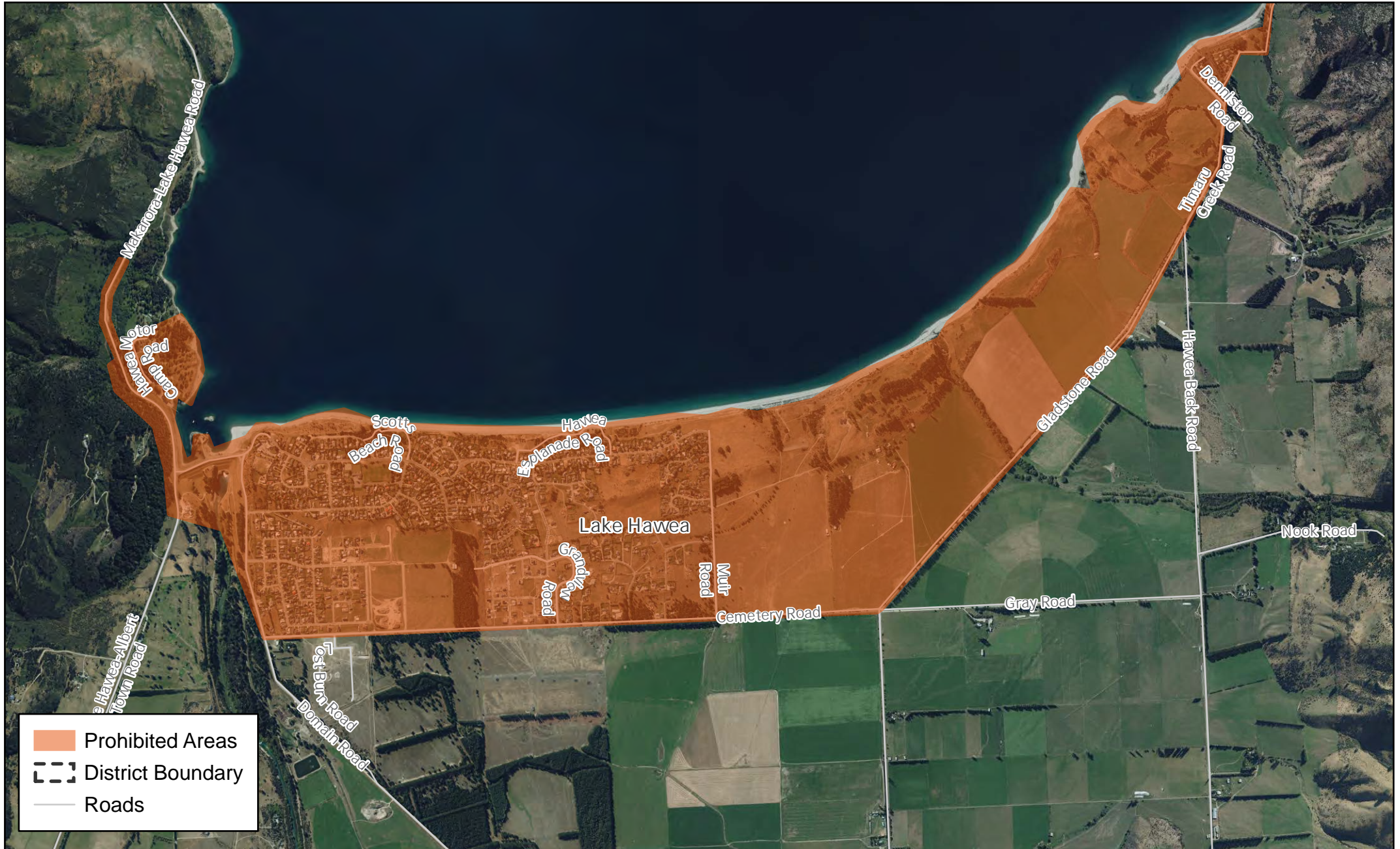


Luggate, Schedule A: QLDC Freedom Camping Control Bylaw 2019



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Lake Hawea, Schedule A: QLDC Freedom Camping Control Bylaw 2019



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Lake Hawea, Schedule A: QLDC Freedom Camping Control Bylaw 2019



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Makarora, Schedule A: QLDC Freedom Camping Control Bylaw 2019



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Makarora West, Schedule A: QLDC Freedom Camping Control Bylaw 2019



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Note: There are no permitted freedom camping areas

