

Full Council

20 March 2025

Report for Agenda Item | Rīpoata moto e Rāraki take [4]

Department: Strategy & Policy

Title | Taitara: Freedom Camping – Issues and Options

Purpose of the Report | Te Take mō te Pūroko

The purpose of this report is to present to Council:

- a. an analysis of the current operating environment and perceived problems arising from freedom camping;
- b. a range of options that have the effect of managing the perceived problems associated with freedom camping;
- c. the advantages and disadvantages of each option; and
- d. a recommendation that Queenstown Lakes District Council (**QLDC**) determine that the development of a Freedom Camping Bylaw (Option A discussed below) together with non-regulatory tools (Option F discussed below) is the most appropriate way to manage perceived problems arising from freedom camping to the extent those perceived problems relate to access, health and safety or the protection of areas in the district.

Executive Summary | Whakarāpopototaka Matua

The Queenstown Lakes District (**the district or QLD**) is a significant and important area for domestic and international tourism and the region has a robust and well-supported Destination Management Plan that espouses regenerative tourism. The increasingly popular form of travelling, known as freedom camping, is one part of the wider visitor context for the district and has a range of social, economic, cultural and environmental costs and benefits. However, in the QLD, freedom camping has generated a range of perceived problems.

QLDC's Freedom Camping Bylaw 2021 has been quashed by the High Court leaving QLDC without bylaw based restrictions to manage freedom camping. There are a range of enforcement tools related to traffic and parking and reserve management, but these are not directed at freedom camping. While they apply to freedom camping in some situations, they do not directly address perceived problems related to the activity of freedom camping and are not the most efficient or effective means of directly managing it.

Officers have considered a range of options available to Council to provide advice on the most efficient and effective means to manage perceived problems associated with freedom camping.

Officers recommend that Council determine that a Freedom Camping Bylaw made under the Freedom Camping Act 2011 (**the Act**) (alongside non-regulatory tools i.e. education) is the most appropriate way of addressing the perceived problem associated with freedom camping.

Officers acknowledge that the efficient and effective management of freedom camping is important to the community. Each of the options assessed in this report have a set of advantages and disadvantages, and the community will be invited to share its own views on the merits of any regulatory response before any tool is adopted for implementation. Council will need to consider carefully and balance these views with the powers and limitations inherent in the underlying legislation.

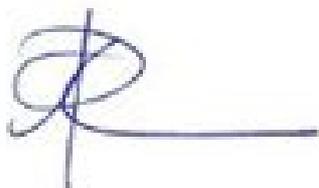
While this report recommends a Freedom Camping Bylaw to manage freedom camping in the district, Council is not being asked at this time to make any further specific determinations about sites or areas that should or should not be subject to a Freedom Camping Bylaw, nor does it ask Council to determine the nature and scale of any potential regulatory regime (i.e. objectives, definitions or rules). Further, a determination by Council that a Freedom Camping Bylaw is the most appropriate way to proceed would not have the effect of ruling out any of the alternative options presented in this report. In other words, the options do not have to be mutually exclusive and can operate in conjunction with each other. The process will be supported by a comprehensive multidisciplinary expert analysis of the effects that freedom camping has on the unique values of the district. This analysis will inform the development of a robust, specific suite of actions available to Council to manage identified issues. Officers will present this information to Council and seek further guidance prior to the adoption of a regulatory approach for consultation with the community.

Recommendation | Kā Tūtohuka

That the Council:

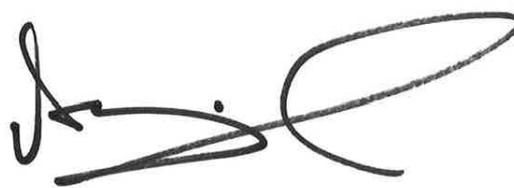
1. **Note** the contents of this report; and
2. **Determine** that a Freedom Camping Bylaw is the most appropriate way of addressing the perceived problems with freedom camping in the Queenstown Lakes District.

Prepared by:



Name: Luke Place
Title: Principal Policy Advisor
20 February 2025

Reviewed and Authorised by:



Name: Kenneth Bailey
Title: General Manager Community Services
7 March 2025

Context | Horopaki

Legislative context

1. The Freedom Camping Act 2011 Act regulates freedom camping on land controlled or managed by local authorities, Waka Kotahi NZTA (**NZTA**), the Department of Conservation (**DoC**) and Land Information New Zealand (**LINZ**) only (i.e. private land is not subject to the Act). The Act enables freedom camping in any local authority area, unless it is restricted or prohibited under a freedom camping bylaw made under the Act – i.e. there is a presumption that freedom camping on local authority and DoC land is a permitted activity, including in a tent or other temporary structure. It is not a permitted activity on LINZ land, unless specific provision is made. There is however an exception to this permitted starting point in relation to local authority land that is also classified as reserve land where section 44(1) of the Reserves Act 1977 (**RA**) specifies that ‘permanent or temporary personal accommodation’ is prohibited unless specifically provided for under that Act.
2. Vehicles that are not self-contained are not permitted to camp on council controlled or managed land under the Act’s default position. A bylaw can provide for non-self-contained vehicles to freedom camp on council controlled or managed land. The Self-contained Motor Vehicles Legislation Act 2023 introduced requirements for self-contained freedom camping vehicles to have a water supply system, a wastewater system and a fixed toilet. Vehicles with portable toilets can no longer be certified as self-contained. The Minister for Tourism and Hospitality has recently announced an extension to the timeframe for compliance with self-containment requirements by one year, to 7 June 2026¹.
3. Section 11 of the Act empowers local authorities to make bylaws declaring any area to be restricted or prohibited for freedom camping to address perceived problems² for one or more of the following purposes:
 - a. to protect the area,
 - b. to protect the health and safety of people who may visit the area, and
 - c. to protect access to the area.
4. Section 12 of the Act does not allow for freedom camping bylaws to impose a ‘blanket ban’ on freedom camping across an entire territorial authority (**TA**) area.
5. Bylaws made under the Act can only restrict or prohibit freedom camping on land controlled or managed by a TA, and NZTA land with the agreement of NZTA. Freedom camping on DoC and LINZ land cannot be restricted or prohibited under a freedom camping bylaw. A small number of sites owned by NZTA will be considered for inclusion within QLDC’s regulatory response, subject to agreement by NZTA. It is also noted that the new Self-Contained Motor Vehicle Legislation Act 2023 now allows NZTA to delegate enforcement of freedom camping on their land to local authorities.

¹ [Freedom camping certification extended | Beehive.govt.nz](#)

² Section 11(2)(b) of the Freedom Camping Act 2011

6. The Act specifies that freedom camping involves camping (other than at a camping ground³) in a tent or other temporary structure, or a motor vehicle⁴ within 200 metres of an area accessible by a motor vehicle, or a formed road or a 'great walks track'. It excludes the temporary and short-term parking of a motor vehicle, a 'day-trip excursion' and resting or sleeping at the roadside to avoid driver fatigue.
7. There is also provision in the Act which signals that it does not regulate against homelessness.⁵

Background regarding the Freedom Camping Bylaw 2021

8. QLDC adopted the Freedom Camping Bylaw 2021 (**the 2021 bylaw**) in December 2021. The New Zealand Motor Caravan Association (**NZMCA**) applied to judicially review the 2021 bylaw. The High Court released its first judgment on 20 September 2024⁶. Justice Osborne J determined that the decision ultimately taken by the Council to prohibit freedom camping at all but the Red Bridge, Luggate site was 'tainted' by the inclusion of two irrelevant considerations in the scoring of the area protection criterion under section 11(2)(a)(i) of the Act, namely:
 - the 'property values factor'⁷, being the protection of the economic values of an area including residential and commercial areas (e.g. residential property values and loss of trade in commercial areas through occupation of car parks)⁸ and,
 - the 'amenity values factor'⁹, being protection of the amenity values of an area including residential and commercial areas (e.g. protection of views from residential and commercial properties, protection from noise from camping activity and arrival and departure of campers, loss of privacy)⁸.
9. In making this judgment, Osborne J ordered that QLDC's decision to adopt the 2021 bylaw was invalid, and that parties file written submissions as to any additional relief that should be granted and as to costs and disbursements (if not agreed).
10. The High Court released its second judgement on 5 November 2024¹⁰. Having considered the written submissions of parties, Osborne J ordered that the 2021 bylaw be quashed with effect from 20 September 2024 for the reasons set out in the 20 September 2024 judgment.
11. Since the quashing order, QLDC has been left without Freedom Camping Bylaw restrictions to manage freedom camping. Various enforcement tools exist in areas such as traffic and parking and reserve management, however, these are not specifically designed for the purpose of managing freedom camping. For example, the RA prevents temporary and permanent accommodation on any reserve land and QLDC's Traffic and Parking Bylaw 2018 contains a mechanism for Council to, by resolution, regulate parking and the use of vehicles or other traffic on roads and other public places. In the absence of a Freedom Camping Bylaw, QLDC lacks direct

³ Which is defined as a camping ground that has a current certificate of registration under the Camping-Grounds Regulations 1985, or any site at which a fee must be paid to camp at the site

⁴ Caravan, car, campervan and house truck all come within the term motor vehicle

⁵ Freedom Camping Act 2011, s.5(2A).

⁶ <https://letstalk.qldc.govt.nz/96579/widgets/447504/documents/295674>

⁷ At para. 111

⁸ At para. 52

⁹ At para. 154

¹⁰ <https://letstalk.qldc.govt.nz/96579/widgets/447504/documents/298481>

mechanisms to efficiently and effectively manage the adverse effects of freedom camping relating to protecting access, health and safety, or the area. While the traffic and parking regulations and the RA apply in certain situations, they do not directly address the perceived problems with freedom camping across the district by regulating the activity of freedom camping.

Travel to a Thriving Future – A regenerative tourism plan

12. QLDC is cognisant of the significant challenges associated with tourism. To help address these challenges, QLDC partnered with Lake Wānaka Tourism, Destination Queenstown, Kāi Tahu and the Department of Conservation to develop 'Travel to a thriving future Haereka whakamu ki to ao taurikura'¹¹, a regenerative tourism plan with a fundamental objective to be a leader in regenerative tourism and destination management. The plan signals that public support for tourism is at risk, noting that a growing number of residents have become concerned that the benefits of the visitor economy are beginning to be outweighed by disadvantages, including pressure on public infrastructure and disrespectful behaviour from visitors¹². Freedom camping is one aspect of the broader destination management approach to visitors and should be considered and approached in this context.

Responsible Camping Strategy 2022 – 2027

13. As a proactive non-regulatory approach to manage the potential effects of freedom camping in the district, QLDC adopted its Responsible Camping Strategy 2022 – 2027¹³. The Strategy contains a range of principles, objectives and actions intended to ensure that 'all campers who visit our region respect our environment, give back to our communities, and enjoy our beautiful landscapes sustainably'. In principle, QLDC supports the introduction of legislation, associated regulations and infringements that enhance the capacity and capability of local authorities to manage the effects of freedom camping.

Analysis and Advice | Tatāritaka me kā Tohutohu

Issue discussion

14. Tourism is crucial to the district's economy, providing 37.5% of jobs and 25.6% of Gross Domestic Product (GDP) as of March 2023¹⁴. Tourism GDP in the district made up 8.4% of New Zealand's total tourism GDP¹⁴. Tourism expenditure in the district has recovered to \$2.7 billion for the year ending September 2024, 8.9% of the total New Zealand tourism spend, and in the year ending November 2024 there were 4.5 million guest nights in the district¹⁴. Visitor numbers are projected to grow at rates like pre-COVID-19 levels.

¹¹ https://cdn.prod.website-files.com/6699dbcdeaea923f22be7378/66f5fbd0b41443d22a3d4c6c_Queenstown_Lakes_Regenerative_Tourism_Plan_420c7b6c-d0a1-4656-bd5d-4026e9ef993f.pdf

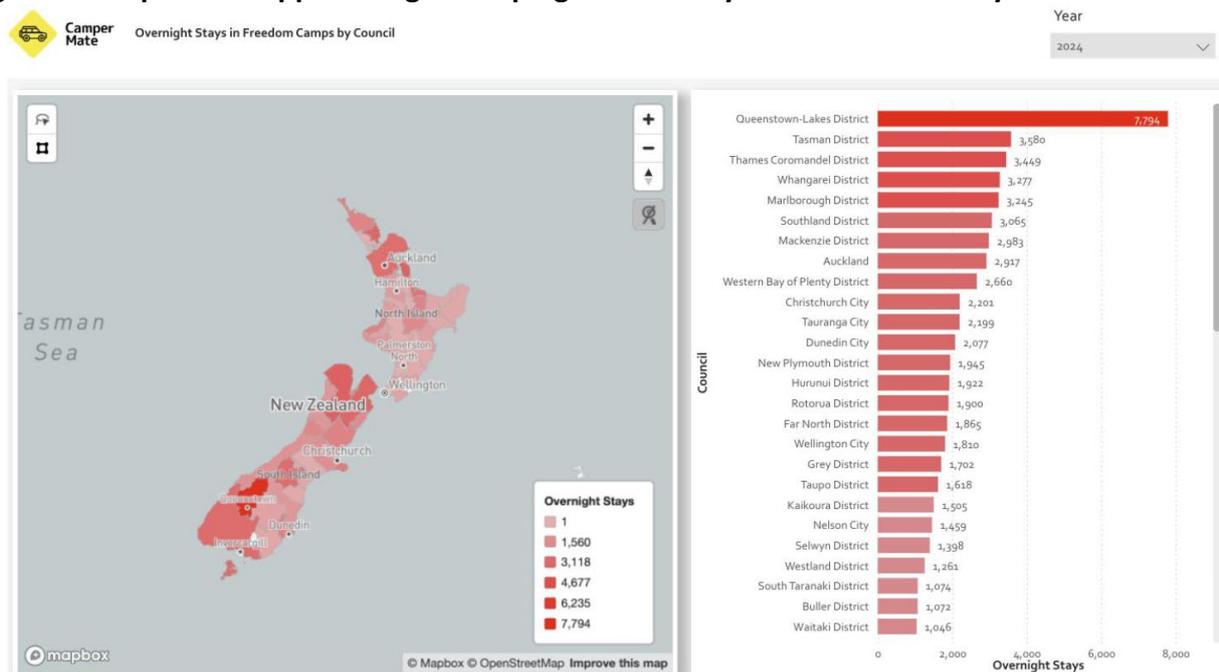
¹² Page 9 of the Travel to a thriving future Haereka whakamu ki to ao taurikura

¹³ <https://www.qldc.govt.nz/media/nc3nyi5f/responsible-camping-strategy-2022-2027.pdf>

¹⁴ infometrics.co.nz

15. At the same time, the district has one of the fastest growing residential populations in New Zealand, increasing 5.29% per annum over the past ten years¹⁵. The district has an average daily population of 70,205 (visitors and residents) and a peak daily population of 99,220. By 2053 this is forecast to increase to 150,082 and 217,462 respectively¹⁶.
16. The district is known to be one of the most popular camping destinations in New Zealand, and the most popular place for overnight ‘free camping’. The total number of overnight campers over 2024 was 7,794, or more than double the number of overnight stays at the next most popular territorial authority area¹⁷ (**Figure 1**). These numbers have not yet recovered from pre COVID-19 levels for the QLD when 6,737 overnight stays were recorded in 2018, and 24,802 overnight stays were recorded in 2019¹⁸. This dropped to 2,003 overnight stays in 2022 and 4,899 overnight stays in 2023¹⁸. It is noted that that the data only represents freedom campers who use the Campermate app, so not all freedom campers are captured. In addition, the counts are dependent on a number of variables¹⁹.
17. The popularity of freedom camping has significantly increased in recent years. It is estimated that the number of international visitors practising freedom camping rose from 10,000 to 123,000, in the decade between 2008 and 2018²⁰.

Figure 1 Campermate app overnight camping locations by territorial authority area in 2024



¹⁵ <https://explore.data.stats.govt.nz/>

¹⁶ <https://www.qldc.govt.nz/community/population-and-demand>

¹⁷ Campermate app, Overnight Stays at ‘free camps’, 2024

¹⁸ Campermate app

¹⁹ Examples of such variables include:

Overnight Stays - are recorded when an app user first detected within 500m of their previous day's last location on the following day. e.g. If an app user stays in the same location multiple times, each night is counted as an overnight stay.

Free Camps Stays - refer to overnight stays within a 200-meter radius of a free campground's GPS coordinates.

²⁰ <https://www.mbie.govt.nz/immigration-and-tourism/tourism/tourism-projects/responsible-camping/responsible-camping-working-group/>

18. In combination with the recent High Court order quashing QLDC's 2021 bylaw, these circumstances have created a number of challenges across the district in regard to the management of freedom camping. Concerning levels of non-compliance has been recorded, resulting in a number of infringements under both the RA (**Table 1**) and the Freedom Camping Act 2011 (**Table 2** and **Table 3**).

Table 1 Reserve Act 1977 Infringements issued by location December 2024 - January 2025

Location	Ward	December 2024	January 2025	Total
Queenstown Gardens	Queenstown-Whakatipu	2	8	10
Frankton Beach access	Queenstown-Whakatipu	3	4	7
Frankton Domain	Queenstown-Whakatipu	2	4	6
Ardmore Street	Wānaka-Upper Clutha		2	2
Bay View Road	Queenstown-Whakatipu		2	2
Fernhill Road	Queenstown-Whakatipu	1	1	2
Bush Creek Reserve	Arrowtown-Kawarau Ward		1	1
Glenorchy Domain	Queenstown-Whakatipu		1	1
One Mile Reserve	Queenstown-Whakatipu		1	1
Total		8	24	32

Table 2 Freedom Camping Act 2011 infringements issued by location November 2024 - January 2025

Location	Ward	Nov 2024	Dec 2024	Jan 2025	Total
Joe O'Connell Drive (Queenstown Event Centre)	Queenstown-Whakatipu		6	26	32
Park Street	Queenstown-Whakatipu	4	7	10	21
Lake Esplanade	Queenstown-Whakatipu	6	6	3	15
Boundary Street	Queenstown-Whakatipu	2	5	8	15
Gorge Road	Queenstown-Whakatipu		2	11	13
Queenstown Recreation Ground	Queenstown-Whakatipu	2	5	2	9
Fryer Street	Queenstown-Whakatipu	1	5	2	8
Lake Avenue	Queenstown-Whakatipu	2	1	4	7
Lomond Crescent	Queenstown-Whakatipu	1	2	1	4
One Mile	Queenstown-Whakatipu	3		1	4
Brisbane Street	Queenstown-Whakatipu	1	3		4
Ballarat Street Carpark	Queenstown-Whakatipu	1	2	1	4

Location	Ward	Nov 2024	Dec 2024	Jan 2025	Total
Hansen Road	Queenstown-Whakatipu	2		2	4
Wynyard Crescent	Queenstown-Whakatipu		2	1	3
Queenstown Gardens	Queenstown-Whakatipu	1	1		2
Riverside Road	Queenstown-Whakatipu		1	1	2
Hobart Street	Queenstown-Whakatipu		2		2
Kerry Drive	Queenstown-Whakatipu			1	1
Sawmill Road	Queenstown-Whakatipu		1		1
McBride Street	Queenstown-Whakatipu			1	1
Hallenstein Street	Queenstown-Whakatipu		1		1
Robins Road	Queenstown-Whakatipu			1	1
Fernhill Road	Queenstown-Whakatipu		1		1
Oban Street	Queenstown-Whakatipu			1	1
Hamilton Road	Queenstown-Whakatipu		1		1
Glenorchy-Queenstown Road	Queenstown-Whakatipu			1	1
Subtotal					158
Shotover Delta Road	Arrowtown-Kawarau Ward	1	2		3
Arthurs Point Road	Arrowtown-Kawarau Ward			2	2
Ramshaw Lane	Arrowtown-Kawarau Ward		1		1
Shearers Drive	Arrowtown-Kawarau Ward			1	1
Glenda Drive	Arrowtown-Kawarau Ward			1	1
Domain Road	Arrowtown-Kawarau Ward			1	1
Subtotal					9
Wānaka-Mount Aspiring Road	Wānaka-Upper Clutha	1		8	9
Kane Road	Wānaka-Upper Clutha		2	2	4

Location	Ward	Nov 2024	Dec 2024	Jan 2025	Total
Ardmore Street	Wānaka-Upper Clutha			2	2
Upton Street	Wānaka-Upper Clutha		1		1
Warren Street	Wānaka-Upper Clutha		1		1
Brownston Street	Wānaka-Upper Clutha		1		1
Subtotal					18
Total		28	62	95	185

Table 3 Freedom Camping Act 2011 infringements issued by offence November 2024 - January 2025

Offence Description	November 2024	December 2024	January 2025	Total
Displayed altered or fraudulent warrant card	2			2
Freedom camped in a prohibited area		1		1
Freedom camper's motor vehicle failed to display warrant card	1			1
Freedom camper's motor vehicle not self-contained	82	27	62	171
Freedom camping on conservation land in breach of prohibition of restriction specified in a notice	10			10
Total	95	28	62	185

Summer Ambassador observations

19. QLDC employs 'summer ambassadors' over the peak summer period to visit popular freedom camping locations and share information on how to camp sustainably, improve visitor behaviour, promote local commercial or DoC campsites, and encourage campers to make the 'Tiaki promise'²¹. The ambassadors play an important role in collecting data and evidence about freedom camping behaviour and taking photos at sites where freedom campers and associated issues have been observed (**Attachment A**).

20. **Table 4** below provides a high-level overview of key summer ambassador observations at known/popular freedom camping sites throughout the district between November 2024 and February 2025. **Table 4** shows that many popular freedom camping sites experience a range of adverse effects associated with poor behaviour and camping practice. Collectively, these adverse effects are the "perceived problems" with freedom camping.

²¹ https://www.tiakinewzealand.com/en_NZ/

Table 4 Summer ambassador observations across the Queenstown Lakes District between November 2024 and February 2025

Location	Site	Summary of Ambassador Observations
Luggate	Red Bridge	<ul style="list-style-type: none"> • Capacity issues • Rubbish dumping and littering • Toileting in the bushes • Tents and non-self-contained vehicles • Camper using the river for washing • Fire Pits
Kingston	Kingston Lakefront Freedom Camp (NZTA)	<ul style="list-style-type: none"> • Rubbish dumping and littering • Toileting in the bushes • Tents and non-self-contained vehicles • Campers using the lake for washing • Fire Pits • Washing Lines
Queenstown	Frankton Beach	<ul style="list-style-type: none"> • Rubbish dumping and littering • Toileting in the bushes • Non-self-contained vehicles • Camping on reserve land
Queenstown	Park Street	<ul style="list-style-type: none"> • Rubbish dumping and littering • Toileting in the bushes • Non-self-contained vehicles • Toothpaste spit • Campers using the lake for washing • Alcohol consumption (this area is an alcohol-free zone)
Queenstown	Shotover Delta	<ul style="list-style-type: none"> • Rubbish dumping and littering • Tents • Fire Pits
Queenstown	Queenstown Event Centre	<ul style="list-style-type: none"> • Rubbish dumping and littering • Toileting in the bushes • Non-self-contained vehicles • Toothpaste spit • Anti-social behaviour • Campers activity blocking paths and carparks
Queenstown	Crown Range	<ul style="list-style-type: none"> • Rubbish dumping and littering • Toileting in the bushes • Non-self-contained vehicles
Queenstown	One Mile	<ul style="list-style-type: none"> • Non-self-contained vehicles • Camping on reserve land
Wānaka	Wānaka Lakefront	<ul style="list-style-type: none"> • Littering • Toileting in the bushes • Washing lines

Location	Site	Summary of Ambassador Observations
Wānaka	Roy's Peak Carpark	<ul style="list-style-type: none"> • Littering • Toileting in the bushes
Wānaka	Mount Iron Carpark	<ul style="list-style-type: none"> • Littering • Toileting in the bushes • Non-self-contained vehicles • Toothpaste spit
Glenorchy	Glenorchy Lakefront	<ul style="list-style-type: none"> • Littering • Fire Pits
Hāwea	Hāwea Lakefront	<ul style="list-style-type: none"> • Littering • Fire Pits • Washing lines

Request for service data

21. QLDC provides for the community (whether residents or visitors) to report issues, concerns or complaints (known as 'requests for service' or **RFS**) related to freedom camping activities, effects or behaviour. QLDC's regulatory team and summer ambassadors respond to each RFS as soon as reasonably practicable in accordance with Council's Enforcement Strategy and Prosecution Policy 2021²², Responsible Camping Strategy 2022 – 2027²³, and where necessary available statutory infringement regulations (discussed in the preceding paragraphs).

22. Between November 2024 and January 2025, a total of 145 RFS were raised²⁴ in relation to freedom camping. Of these, 83 RFS were raised for enforcement²⁵ and 62 relating to signs, the bylaw or feedback regarding freedom camping in the district²⁶. **Table 5** below provides a breakdown of RFS data raised by suburb and location. **Table 5** shows that the community has raised freedom camping related issues, concerns or complaints across a wide geographical area.

Table 5 Request for service data relating to freedom camping between November 2024 and January 2025

Suburb	Location	Number of RFS
General enquiry		4
Albert Town	Lake Hawea-Albert Town Road	2
	Wicklow Terrace	3
Arrow Junction	Morven Ferry Road	1
Arrowtown	Bedford Street	4
	Bush Creek Road	1
	Malaghans Road	1
	Nairn Street	3

²² <https://www.qldc.govt.nz/media/4v5kg35t/enforcement-strategy-and-prosecution-policy-2021.pdf>

²³ <https://www.qldc.govt.nz/media/nc3nyi5f/responsible-camping-strategy-2022-2027.pdf>

²⁴ Note that in some instances a single complaint may result in more than one RFS being raised to be addressed by relevant QLDC officers (a very small proportion of the total in this instance)

²⁵ Request for regulatory action

²⁶ General enquires for the responsible camping team

Suburb	Location	Number of RFS
Arthurs Point	Oxenbridge Tunnel Road	7
Closeburn	Glenorchy-Queenstown Road Closeburn 9371	2
	Seven Mile	2
	Sunshine Bay	1
Drift Bay	Drift Bay	1
Fernhill	Wynyard Crescent	1
Frankton	Boyes Crescent	1
	Frankton Beach	1
	Juniper Place	2
	Lake Avenue	2
	Queenstown Event Centre	18
	Shearers Drive	3
	Shotover Delta	1
	Stewart Street	2
Glenorchy	Glenorchy-Paradise Road	4
	Oban Street	1
	Rees Valley Road	1
Hawea Flat	Red Bridge Reserve	7
Jacks Point	Bannister Street	1
	Ryan Loop	1
Kelvin Heights	Peninsula Road	1
Kingston	Kingston freedom camp – State Highway 6 Southern Scenic Route	3
Lake Hāwea	Elizabeth Street	1
	Esplanade Reserve	4
	Flora Dora Parade	1
	Hāwea lakefront	1
	Hāwea recreation reserve	2
Lake Hayes	Kawarau River walking track	1
Lower Shotover	Tucker Beach road	1
Queenstown	Belfast Terrace	1
	Boundary Street	2
	Brecon Street	1
	Fryer Street	1
	Goldfield Heights	1
	Gorge Road	5
	Hamilton Road	1
	Hansen Road	1
	Kent Street	1
	Kerry Drive	1
	One Mile	9
	Panorama Terrace	1
	Park Street	10
Peninsula Road	1	

Suburb	Location	Number of RFS
	Shotover Delta	1
	The Terrace	1
Speargrass Flat	Domain Road	1
Wānaka	Ardmore Street	1
	Beacon Point Road	1
	Dungarvon Street	2
	McDougall Street	1
	Mount Iron	1
	Totara Terrace	1
	Umbers Street	1
	Wānaka Recreation Centre	3
	Wānaka-Mount Aspiring Road	2
Total		145

QLDC's Quality of Life survey

23. The 2021 and 2022 QLDC Quality of Life survey asked respondents to provide their views on the positive and negative impacts of tourism. Freedom camping was available as an option for respondents. In 2021²⁷ 21% of residents rated freedom camping in their top five negative impacts of tourism, while 40% selected 'better management of freedom camping' as a tourism management tool they would like to see implemented. In 2022²⁸ 22% had freedom camping in their top five negative impacts of tourism.
24. The 2023²⁹ survey did not ask direct questions related to freedom camping however, respondents' comments reflect ongoing frustration with tourism resulting in environmental degradation, pollution, unrestricted vehicle access and high volumes of tourists straining natural resources. Respondents felt frustration at the current balance between tourists' needs and community wellbeing.

'Views on Tourism' research

25. The latest round of resident sentiment research (Views on Tourism³⁰) conducted between October 2023 and March 2024 shows that Queenstown residents' sentiment towards both international and domestic tourism has been declining over the past two years. It is an annual survey that has been undertaken since 2021. In Queenstown, residents have a 'significantly less' positive sentiment towards tourism compared to the rest of New Zealand. While a high proportion (95%) of Queenstown residents reported having experienced positive benefits of tourism, an equally high proportion (97%) said that they have been adversely impacted by tourism.

²⁷ <https://www.qldc.govt.nz/media/xbklixq/qol-report-2021.pdf>

²⁸ <https://www.qldc.govt.nz/media/ss3c2byg/qldc-quality-of-life-report-2022.pdf>

²⁹ <https://www.qldc.govt.nz/media/03xmzt00/qldc-quality-of-life-2023-report.pdf>

³⁰ Destination Queenstown and Lake Wānaka Tourism, Views on Tourism Research (Angus & Associates). N = 525 Queenstown Lakes.

26. For Wānaka, residents' sentiment towards both international and domestic tourism is very similar. While they are slightly more likely to acknowledge the benefits of tourism, they are also more likely to express concern about the adverse impacts on tourism. Similar to Queenstown, 96% of Wānaka residents reported having experienced positive benefits of tourism, while 98% had reported being adversely impacted by tourism.
27. Residents from across the district identified the following actions as the top five focus areas to address the negative impacts of tourism:
- reducing the impact of visitors on environment
 - improving infrastructure
 - encouraging visitors to travel outside of the peak season
 - attracting higher quality visitors, and
 - encouraging visitors to adopt more sustainable travel practices.
28. The 'Views on Tourism' research reveals that the district's residents are navigating the complexities of tourism, weighing its positive and negative effects, and anticipating a series of strategic interventions to mitigate the adverse effects they are encountering. This is corroborated by a recent study focused on the intersection of overtourism, freedom camping and place based social conflicts³¹. The authors argue that it isn't necessarily the presence of tourists that create conflict, 'but the perception by locals that tourists are violating normative social boundaries over what is considered appropriate use of public space'. They discuss how residents can engage in informal modes of surveillance and policing that can erupt into social conflicts, which might include verbal abuse, physical altercations, alerting authorities, posting photos on social media, or physically barricading sites. The result can be tourists reacting by engaging in acts of rebellion that subvert enforcement and monitoring activities.
29. The nature and number of requests for service and feedback to summer ambassadors reflects this context in the district. This situation is problematic for tourism centres as both residents and visitors concurrently experience deteriorating behaviours and attitudes towards one another. This information doesn't signal whether a bylaw is or isn't indicated but instead illustrates the tensions and the balance that councils are seeking to achieve. It also exemplifies that the narrow scope allowed in a Freedom Camping Bylaw may not sufficiently address community sentiment related to freedom camping.

Summary of perceived problems discussion

30. Officers consider that freedom camping presents an important issue to the district's social, economic, cultural and environmental wellbeing. QLDC has a responsibility to manage freedom camping. Left unmanaged, it is likely that a wide range of adverse effects will be experienced, creating tension and dissatisfaction for residents and visitors alike. While these effects necessitate a regulatory response, officers acknowledge that in most cases, those who choose to

³¹ Shannon Aston, Alice Beban & Vicky Walters (2023) Policing freedom campers: the place, class, and xenophobic dynamics of overtourism in Aotearoa New Zealand, *Tourism Geographies*, 25:6, 1534-1554, DOI: [10.1080/14616688.2023.2251428](https://doi.org/10.1080/14616688.2023.2251428)
<https://doi.org/10.1080/14616688.2023.2251428>. Freedom camping in two locations within Christchurch City (New Brighton and Akaroa) informed this work.

freedom camp in the district will be eager to comply with any regulations and to undertake best practice camping behaviour.

31. The perceived problems associated with freedom camping may include:
- a. crowding local authority areas to the detriment of alternative uses
 - b. impacts to access into or across local authority areas for intended use or other users
 - c. impacts to the amenity expected in local authority areas
 - d. impacts to the capacity of reserve land to be used for its classified purpose
 - e. littering, toileting and pollution
 - f. vehicle congestion on streets and other public areas
 - g. occupation of parking spaces reducing availability for other users
 - h. lighting of fires creating wildfire risk
 - i. health and safety risk to freedom campers from natural hazards
 - j. health and safety risks from antisocial behaviour and confrontation between campers and the community, and
 - k. impacts to other specific values or characteristic of local authority land such as cultural, heritage, ecological, as well as water quality and quantity.
32. The process will be supported by a multidisciplinary expert assessment that will comprehensively assess perceived problems associated with freedom camping and enable officers to bring further advice to Council ahead of adopting any regulatory approach for the purpose of public consultation.
33. **Table 4** and the preceding sections of this report above provide specific instances of the perceived problems associated with freedom camping.

Analysis and Advice | Tatāritaka me kā Tohutohu

What options are available to Council to manage freedom camping?

34. This report identifies and assesses the following reasonably practicable options for assessing the matter as required by section 77 of the Local Government Act 2002 (**LGA**). The following sections of this report consider the various tools available to Council and the following options to address the identified 'perceived problems', and their associated advantages and disadvantages:
- Option A - Freedom Camping Bylaw,
 - Option B - Freedom Camping Act 2011 (rely on default position),
 - Option C - Traffic and parking bylaw (Land Transport Act 1998),
 - Option D - Reserve management plans (Reserves Act 1977),
 - Option E - District Plan (Resource Management Act 1991),
 - Option F - Non-regulatory mechanisms (education, information, public outreach), and
 - Option G - Combined approach i.e. using some type of combination of the regulatory tools set out above, which includes a freedom camping bylaw.
35. The explanation of these options below considers each as operating in isolation from one another, with the exception of the combined approach which considers a situation in which the different regulatory options could work together to manage freedom camping.

Option A - Freedom Camping Bylaw

36. As noted earlier, section 11 of the Act provides for a local authority to make freedom camping bylaws to regulate freedom camping on land that it controls or manages. Bylaws can be made to protect the area, protect the health and safety of people who may visit the area, or to protect access to the area. A bylaw may prohibit or restrict freedom camping activities but cannot apply a blanket prohibition across an entire territorial authority area.

37. **Table 6** below canvasses the advantages and disadvantages of using a freedom camping bylaw to manage freedom camping.

Table 6 Freedom Camping Bylaw advantages and disadvantages

Advantages	Disadvantages
<ul style="list-style-type: none"> • A Freedom Camping Bylaw can address perceived problems relating to access, safety or protection of the area. • Can apply to any land controlled or managed by QLDC (i.e. its application is not limited to specific types or classifications of land such as reserve land or roads). • The Act has been specifically developed by parliament to enable the making of bylaws that manage the effects of freedom camping. A Freedom Camping Bylaw is the only lawful way to directly regulate the activity of freedom camping (as opposed to indirect regulation such as parking controls, which are directed at all vehicle parking). • A Freedom Camping Bylaw is the most effective method of directly regulating freedom camping in residential streets and freehold land owned by the TA. Options C-E are not particularly effective in these areas. • Most territorial authorities (TAs) have determined that a Freedom Camping Bylaw is the most appropriate tool to manage freedom camping, i.e. it is a tool used consistently, effectively and efficiently across the country. • The Act provides for bylaws to apply a more nuanced approach to manage freedom camping activities compared to other tools – i.e. prohibit, restrict (with conditions) or permit depending on the site specific circumstances. • The recent judicial review decision clarifies how QLDC should interpret and apply the Act 	<ul style="list-style-type: none"> • The judicial review found that a bylaw can only consider effects from freedom camping on sites subject to the Act (i.e. QLDC controlled or managed land). This limits the range of effects that can be considered (i.e. discharge effects that extend beyond QLDC land). This may discount the real effects of freedom camping, and conflicts with best practice and Māori world view of land management. • High level of community interest may result in feedback/views that could be difficult to reconcile with the limitations of freedom camping bylaws. This will need to be managed by explaining that a Freedom Camping Bylaw can only address perceived problems relating to access, safety or protection of the area. • The bylaw development process is complex and lengthy due to public consultation requirements alongside the necessary expert assessment outputs and policy drafting processes. • Monitoring and enforcement activities can be challenging where freedom camping can take place in isolated, geographically dispersed locations during hours of darkness.

Advantages	Disadvantages
<p>when developing a freedom camping bylaw, and this will improve the robustness of any future freedom camping bylaw.</p> <ul style="list-style-type: none"> QLDC has sufficient capacity and capability to develop a freedom camping bylaw (in partnership with relevant experts). Officers have valuable experience and institutional knowledge that can be applied. 	

Option B - Freedom Camping Act 2011 - rely on default position

38. As noted earlier, the Act establishes a default position whereby freedom camping on land controlled or managed by TAs is a permitted activity, so long as vehicles are certified self-contained.

39. **Table 7** below canvasses the advantages and disadvantages of relying on the default position in the Freedom Camping Act 2011 alone to manage freedom camping.

Table 7 Freedom Camping Act 2011 default position advantages and disadvantages

Advantages	Disadvantages
<ul style="list-style-type: none"> The Act's default position applies to any land controlled or managed by QLDC (i.e. its application is not limited to specific types or classifications of land such as reserve land or roads). The Act has been specifically developed by parliament to manage a range of effects of freedom camping. It provides for infringement offences relating to local authority areas (for example, where people illegally deposit waste, damage an area, or camp in non-self-contained vehicles). Enforcement tools and infringement fines are available under section 20 of the Act that support the default position. Relying on the default position alone would not require any new regulatory tools to be developed, so there would be reduced cost and officer resource associated with this option. 	<ul style="list-style-type: none"> The Act's default approach would likely result in the widespread proliferation of freedom campers across Council controlled and managed land. While the Act sets minimum standards for self-containment, this is not likely to be sufficient to manage the adverse effects of freedom camping across a large and isolated district that is highly popular with freedom campers. The resulting proliferation of campers and their effects would strain enforcement resources and are unlikely to be supported by the community. The district's reputation as a high quality visitor destination may be compromised. This option may result in ongoing RFSs/complaints that QLDC will need to address. QLDC may not have suitable capacity to respond. Alternatively, additional resources may need to be applied and/or reallocated to ensure appropriate levels of service are achieved.

Option C - Traffic and Parking Bylaw

40. Section 22AB of the Land Transport Act 1998 (**LTA**) grants road controlling authorities the power to make traffic and parking bylaws for various purposes related to road use and safety. This includes restricting or prohibiting certain classes of traffic or vehicles that are unsuitable for specific roads controlled or managed by TAs and prohibiting or restricting parking. The powers to make bylaws under the LTA need to be made for the right purpose; that is, for ‘traffic’ and/or ‘parking’ related reasons, rather than to control freedom camping.
41. By way of example, if large vehicles are impeding traffic on residential streets, then restrictions can be imposed. However, this would apply equally to, for example, residents who park their vans and trucks on those streets.
42. **Table 8** below canvasses the advantages and disadvantages of relying on the Traffic and Parking Bylaw to manage freedom camping.

Table 8 Traffic and parking bylaw advantages and disadvantages

Advantages	Disadvantages
<ul style="list-style-type: none"> • QLDC has a Traffic and Parking Bylaw 2018³² in place. This contains a mechanism for Council to, by resolution, regulate parking and the use of vehicles or other traffic on roads and other public places³³. Resolutions could for example, prevent overnight parking or restrictions on types of vehicles. A resolution must only be made after considering certain criteria set out in the bylaw, which are not directed at the activity of freedom camping. • Council could make parking resolutions on a site by site and ad hoc basis without formal public consultation requirements, providing for rapid measures to address parking issues associated with freedom camping vehicles. 	<ul style="list-style-type: none"> • Traffic and parking bylaws cannot be applied to all Council controlled or managed land. The subject land must have a function or purpose that relates directly to the scope of traffic and parking bylaws under the LTA (i.e. it cannot apply to all reserve land unless part of it is designated for parking). • A traffic and parking bylaw (TPB) is only suitable to regulate parking and not the other effects associated with perceived problems relating to the activity of freedom camping. • Actions can only be taken that are consistent with the purpose of TPBs, that is to regulate the use of vehicles or other traffic on roads and other public places i.e. restrictions and infringements can only relate to a parking offence, not a freedom camping related offence. • A traffic and parking bylaw does not provide for the consideration of other important adverse effects associated with freedom camping, i.e. effects on other values present on land (such as environmental, heritage, cultural etc).

³² <https://www.qldc.govt.nz/media/cbccg3z4/traffic-and-parking-bylaw-2018.pdf>

³³ Clause 5 of the Traffic and Parking Bylaw 2018

Advantages	Disadvantages
	<ul style="list-style-type: none"> This option is likely to result in widespread proliferation of freedom campers across Council controlled and managed land that cannot be addressed under a TPB. This approach is not likely to be sufficient on its own to manage the adverse effects of freedom camping across a large and isolated district that is highly popular with freedom campers.

Option D - Reserve management plans (Reserves Act 1977)

43. As outlined above, the starting position under the Freedom Camping Act 2011 is that freedom camping is permitted in all local authority areas in a district, other than reserves. In reserves, camping (including freedom camping) is prohibited under section 44(1) of the RA³⁴. For non-reserve areas, this starting point for freedom camping can be altered through the adoption of freedom camping bylaws. For reserve areas, the prohibition can be lifted using reserve management plans (RMPs), giving of Ministerial Consent, or setting aside a camping area.
44. A Freedom Camping Bylaw cannot override the prohibition in section 44(1) of the RA. A Freedom Camping Bylaw could arguably add a second layer of prohibition or restrictions, but it cannot be used to lift the prohibition under the RA to allow freedom camping on a reserve. Only the mechanisms stipulated in the RA (through RMPs, giving of Ministerial Consent, or setting aside a camping area) can be used to allow freedom camping on reserves. The factors that can be taken into consideration when formulating a RMP and whether it should cover freedom camping (or 'permanent or temporary personal accommodation' as referred to in section 44) are broader than the three factors noted in section 11 of the Freedom Camping Act 2011 (being the protection of access, health and safety, and the area) that apply to a Freedom Camping Bylaw.
45. The RA requires QLDC to prepare RMPs for all land classified as recreation reserve under Council management or control³⁵. An RMP sets out how Council intends to provide for and ensure the use, enjoyment, maintenance, protection, and preservation of a reserve. It details the objectives and policies that guide Council in making both day-to-day decisions, as well as long-term decisions about how reserves and open spaces are to be used, managed, or developed.
46. Council has prepared RMPs to manage the majority of its reserve land³⁶. Permanent or temporary personal accommodation is not provided for on the vast majority of QLDC's reserve land. The RA therefore prohibits camping on all QLDC reserves.

³⁴ Section 44(1) of the Reserves Act 1977 provides that no person can use a reserve, or any vehicle, caravan, tent, or other structure situated on the reserve, for the purposes of permanent or temporary personal accommodation unless it is allowed in an area defined in a reserve management plan or is allowed by the Minister of Conservation.

³⁵ section 41 of the Reserves Act 1977

³⁶ <https://www.qldc.govt.nz/your-council/council-documents/reserve-management-plans>

47. This framework, as well the availability of an infringement regime under the RA, means that Council could elect to apply the prohibition on freedom camping on reserve land under the RA alone, without covering reserves under freedom camping bylaw. However, RA infringements could not be made on any land not classified as a reserve.

48. **Table 9** below canvasses the advantages and disadvantages of managing freedom camping using the RMP/RA methods.

Table 9 Reserve Management Plans/Reserves Act 1977 advantages and disadvantages

Advantages	Disadvantages
<ul style="list-style-type: none"> • A blanket prohibition already applies to ‘permanent or temporary personal accommodation’ (for reserve land), unless relaxed in an RMP. This prohibition already applies to a large proportion of Council controlled or managed land that experiences pressure from freedom camping activities. A number of QLDC’s existing RMPs address the matter of permanent or temporary personal accommodation. A small number permit accommodation in paid campgrounds or in association with an approved one-off event. • Infringement offences are available to the Council (RA sections 105F, 105B(1)(n), 105B(2)(b)). 	<ul style="list-style-type: none"> • Restrictions cannot apply to all Council controlled or managed land, such as freehold land and roads. Only land classified as a reserve would be subject to this option. • In the absence of provisions addressing camping in a particular RMP, the RA does not provide the opportunity to develop nuanced management approaches based on site specific circumstances. • There are several QLDC reserves that do not have an RMP. • There is no homeless exemption for anyone ‘camping’ in a reserve - the general prohibition on camping in section 44 of the RA applies to everyone. • The RA regulates activities on reserves and is not specific to freedom camping. Whilst the RA comprehensively provides for campgrounds, it doesn’t specifically define freedom camping. • Reserve land under the RA doesn’t always encompass all parcels that Council administers as reserve. Sometimes a park contains freehold or road reserve (unformed or formed) as well.

Option E - District Plan (Resource Management Act 1991)

49. Section 73 of the Resource Management Act 1991 (**RMA**) requires territorial authorities to prepare district plans to manage land use, subdivision and development within their areas. They must align with or give effect to national and regional policy statements.

50. District plans typically contain a comprehensive set of objectives, policies and rules for different geographical areas (or zones) that form the basis for permitting, restricting or prohibiting land use activities. Resource consents are required for activities that breach any rules or may have adverse effects on social, economic, cultural and environmental values.

51. QLDC has been reviewing its operative district plan in stages since 2015. The Proposed District Plan (**PDP**) represents a considerable step forward in managing the district’s complex land use management challenges.
52. **Table 10** below canvasses the advantages and disadvantages of managing freedom camping using the district plan.

Table 10 District plan advantages and disadvantages

Advantages	Disadvantages
<ul style="list-style-type: none"> • This option could apply to any public and private land. • The PDP provides a framework for considering effects across the wider environment rather than being limited to the boundaries of QLDC controlled or managed land (as in the case of the Act/freedom camping bylaws). This would enable a more accurate assessment of effects (i.e. discharges that spread beyond the site). • The PDP provides for the consideration of social, economic, cultural and environmental effects on nearby and adjoining properties (in contrast to the Act/freedom camping bylaws). • The scope of district plans are more consistent with the Māori worldview of environmental management and would more effectively facilitate a wider range of community concerns. • This option would enable the development of a site-by-site response that best suits the effects experienced across different environments. 	<ul style="list-style-type: none"> • This option would require a costly and time consuming publicly notified district plan change. • The activity of freedom camping does not fit cleanly within any existing land use activity definitions in the PDP. A complex new land use activity may need to be created that avoids confusion with parking vehicles, which district plans cannot manage. • The significant appeal rights provided under the RMA may result in costly and time-consuming litigation. • If Council wishes to rely on the PDP for a more restrictive regime, this may give rise to legal challenge as there is a more permissive piece of legislation in place (in the form of the Act). • Monitoring and enforcement may be more challenging as there is no existing list of specific infringement offences/fees. The issuing of infringement fines and/or prosecution would need to take place under the RMAs existing infringement regime which is not well suited to the management of effects associated with freedom camping.

Option F - Non regulatory mechanisms (education, information, public outreach)

53. Council could use a suite of non-regulatory tools to manage freedom camping in the district. These include the development of public-private, partnerships building with key stakeholders and industry groups, as well as education and signage. All have the objectives of promoting and enabling responsible camping practices.
54. Council employs summer ambassadors during the peak summer period to engage directly with freedom campers at popular locations. Ambassadors share information with campers to help them camp responsibly.

55. QLDC has developed the Responsible Camping Strategy 2022 – 2027³⁷ to guide its non-regulatory approach to manage freedom camping.

56. **Table 11** below canvasses the advantages and disadvantages of managing freedom camping using the non-regulatory methods.

Table 11 Non-regulatory mechanisms advantages and disadvantages

Advantages	Disadvantages
<ul style="list-style-type: none"> • Reduced cost and officer resource associated with this option. • A focus on relationship building with key stakeholders and freedom campers may create goodwill and a reciprocal engagement in responsible camping practices. 	<ul style="list-style-type: none"> • The presumption in the Act is that freedom camping is permitted and could result in widespread proliferation of freedom campers across Council controlled and managed land. Non-regulatory mechanisms are unlikely to be sufficient to manage the adverse effects of freedom camping across a large and isolated district that is highly popular with freedom campers. • This option would place considerable reliance on the effective and efficient education by freedom campers in many instances. • Will require ongoing and comprehensive communication resources to achieve sufficient reach (noting the transient nature of freedom campers). • Previous central government funding for the responsible camping summer programme, including summer ambassadors and education resources, has not been renewed for 2024-2025. QLDC resources will be required for future ambassador programmes. • Non-regulatory mechanisms do not deter unlawful behaviour as compared to infringement fines.

Option G - Combined approach i.e. using some type of combination of the regulatory tools set out above

57. Council could consider combining the different tools described above to manage freedom camping.

³⁷ <https://www.qldc.govt.nz/media/nc3nyi5f/responsible-camping-strategy-2022-2027.pdf>

58. Several of the tools discussed above were not designed to specifically address freedom camping but have the effect of prohibiting or restricting freedom camping as part of another form of regulation. Although they can apply in certain situations, they don't specifically address the unique challenges posed by freedom camping.
59. As noted elsewhere in this report, a Freedom Camping Bylaw developed under the Act would be limited with regard to the location and type of freedom camping effects that could be managed.
60. Reserve land is managed under the RA/RMP, and roads/parking areas are managed under the LTA/traffic and parking bylaw.
61. Some of the main gaps left by those other forms of regulation that a Freedom Camping Bylaw could regulate (provided the regulation is for the purpose of protecting access, health and safety and/or the area) are:
- Freedom camping on roads, such as residential streets, and on Council's freehold land, such as parts of the Queenstown Events Centre;
 - Imposing length of stay restrictions on freedom campers, so that available spots are not taken by persons who stay for extended periods.
62. **Table 12** below canvasses the advantages and disadvantages of using an approach that combines multiple regulatory tools that regulate other activities and in so do, also indirectly regulate freedom camping in some situations.

Table 12 Combined approach advantages and disadvantages

Advantages	Disadvantages
<ul style="list-style-type: none"> • The advantages for the respective regulatory tools listed above are relevant for this approach. • This approach would ultimately result in all relevant land being managed to ensure freedom camping is permitted, restricted or prohibited as appropriate. • In the case of the RA/RMP for reserves LTA/traffic and parking bylaw for roads, QLDC has existing regulatory frameworks developed that could be reviewed and amended. • QLDC has experience applying different tools including the RA and LTA. • The Act allows this approach, as section 10(3) states that other legislation can provide for restrictions or prohibitions on freedom camping. Section 42 of the Act also states that it ‘does not limit or affect the powers of a local authority under the Local Government Act 2002 or any other enactment that confers powers on a local authority’. 	<ul style="list-style-type: none"> • The disadvantages for the respective tools listed above are relevant for this approach. • It is not clear what land would be managed by which tool at this time and would likely to require a comprehensive analysis to determine which tool would apply over others for all Council land. This may be subject to challenge from engaged stakeholders. • This approach is more complex for monitoring and enforcement. • The various tools are contained within different pieces of legislation or council instruments that are on different review timelines and are managed by different teams across QLDC, making for a complex operational environment. • The RA and LTA are not designed to manage freedom camping activities. • Education would be complex and require ongoing and comprehensive resources to achieve sufficient reach and understanding. • Previous central government funding for the responsible camping summer programme, including summer ambassadors and education resources, has not been renewed for 2024-2025. QLDC resources will be required for future ambassador programmes.

A freedom camping bylaw is the recommended option to address the issues related to freedom camping

63. Officers have considered the range of options available to Council to manage freedom camping and canvassed their respective advantages and disadvantages. On balance, officers recommend that **Option A** is the most appropriate way of addressing the perceived problem, through the development of a freedom camping bylaw under the Act. The reasons for this recommendation are discussed below.

64. *Option A - Freedom camping bylaw.* The Act has been created by parliament with the express purpose of managing freedom camping on council controlled and managed land. A freedom camping bylaw is only one of two tools (besides the district plan) whose application is not constrained by land classification, thereby enabling a comprehensive regulatory mechanism easily accessible to campers, QLDC’s regulatory officers and the wider community. Its

infringement framework is straight forward and imposes fines for non-compliance. Finally, the recent judicial review decision provides invaluable guidance that supports QLDC in delivering a robust and freedom camping bylaw. Officers advise that Option A should be complimented through the dual application of Option F (non-regulatory methods) including education, information provision and public outreach, in order to promote best practise camping behaviour. Option A may be adopted without constraining the regulatory tools in Options C-E, as these would apply alongside Option A.

65. *Option B - Relying on the default position in the Act.* Officers do not recommend relying on the default position provided in the Act. Its highly enabling approach could result in the proliferation of largely uncontrolled freedom camping across all council controlled or managed land (with the exception of reserve land where freedom camping would be prohibited under the RA default position). While the Act prevents the use of non-self-contained motor vehicles, officers consider that freedom camping associated with self-contained vehicles and tents are also likely to have various impacts that the Act's default position does not address. These impacts may include access issues, health and safety concerns, and other damage to council controlled or managed land. This option also does not impose length-of-stay limits on the use of freedom camping sites.
66. *Option C - Traffic and Parking Bylaw.* Officers recognise the operation of the LTA/traffic and parking bylaw tool, particularly in enabling Council to swiftly address known issues related to parking on roads and other public spaces. However, it does not and cannot directly or indirectly address all of the perceived problems with freedom camping. Officers note that this tool would remain available to Council for use as needed, even if a freedom camping bylaw is in place. There is nothing in the Act that would prevent or restrict Council creating new parking related restrictions that relate to any type of vehicle on any road or public space so long as it was within scope of the LTA/traffic and parking bylaw.
67. *Option D - Reserves Act 1977 and Reserve Management Plans.* Officers acknowledge that the RA/RMP restrictions apply to freedom campers, and therefore there is a blanket prohibition preventing people from camping in reserves. This means that any restrictions within reserves under a freedom camping bylaw would apply in addition to the existing prohibition, and Council would theoretically have two separate enforcement mechanisms. The RA/RMP restrictions offer Council a cost effective and time sensitive mechanism to prevent freedom camping across reserves throughout the district. At face value, a RA/RMP approach without a freedom camping bylaw may appear to be an effective tool with respect to QLDC's reserve land. The Act's default permitted status would apply to all other land not classified as a reserve (i.e. roads), resulting in uncontrolled freedom camping elsewhere. For these reasons, officers do not view that the RA/RMP tool is holistic or robust to be relied upon as a long-term tool to regulate freedom camping.
68. *Option E - District Plan.* Officers consider that a district plan based tool would be less effective with regard time, cost and litigation. While PDP objectives, policies and rules could theoretically be developed to manage freedom camping, navigating the high level of complexity associated with defining the activity/activities, considering zoning/subzones and applying an effects-based management approach required under the RMA is not a pragmatic approach given the option of a freedom camping bylaw to address this issue. Other known limitations with the RMA (such as

the impact of cumulative effects³⁸) are likely to considerably limit the effectiveness and efficiency of this tool. Additionally, the district plan has notable limitations regarding enforcement and prosecution.

69. *Option F - Non-regulatory mechanisms.* Officers do not recommend the use of non-regulatory mechanisms in isolation. While they play a key role in promoting best practise camping behaviour, they do not provide the necessary enforcement tools to manage, deter and infringe against the nature and scale of poor freedom camping practices observed in a district that is highly popular with freedom camping. However, officers recommend that a full suite of non-regulatory mechanisms should play a key role alongside the development and operation of a freedom camping bylaw (Option A). These non-regulatory mechanisms are largely operational in nature and would be guided by QLDC's Responsible Camping Strategy 2022 – 2027¹³.
70. *Option G – Combined regulatory approach.* A combined regulatory approach that does not include a freedom camping bylaw would result in freedom camping being indirectly regulated in some specific instances such as parking and in reserves; however, these regulatory tools are not directed at the activity of freedom camping and leave gaps in regulation that will not address the perceived problems in some cases (such as residential streets and freehold areas). The only way to directly regulate freedom camping is through a freedom camping bylaw.
71. This report identifies and assesses the following reasonably practicable options for assessing the matter as required by section 77 of the LGA.
72. **Option 1:** That Council determine that a Freedom Camping Bylaw is the most appropriate way of addressing the perceived problems related to freedom camping in the Queenstown Lakes District.

Advantages:

- A Freedom Camping Bylaw provides a single comprehensive regulatory mechanism easily accessible to campers, QLDC's regulatory officers and the wider community.
- The Freedom Camping Bylaw's infringement framework is more straight forward and imposes fines for non-compliance.
- The recent judicial review decision provides invaluable guidance that supports QLDC in delivering a robust and freedom camping bylaw.
- A Freedom Camping Bylaw will not disturb other forms of existing regulation such as parking and RA prohibitions.
- This determination will provide officers with a directive to proceed to assess regulatory options for managing the perceived issues related to freedom camping via a Freedom Camping Bylaw.

³⁸ the concept of cumulative effects was described in *Gargiulo v Christchurch City Council (C137/00)* as '...anyone incremental change is insignificant in itself but at some point in time or space the accumulation of insignificant effects becomes significant.'

Disadvantages:

- The judicial review found that a bylaw can only consider effects from freedom camping on sites subject to the Act (i.e. QLDC controlled or managed land). This limits the range of effects that can be considered (i.e. discharge effects that extend beyond QLDC land).
- The high level of community interest may result in feedback/views that could be difficult to reconcile with the confined scope of freedom camping bylaws provided for under the Act.
- The bylaw development process is complex and lengthy due to public consultation requirements alongside the necessary expert assessment outputs and policy drafting processes.

73. **Option 2:** That Council elect not to determine that a Freedom Camping Bylaw is the most appropriate way of addressing freedom camping in the Queenstown Lakes District in relation to s.11(2)(b) of the Freedom Camping Act 2011.

Advantages:

- Officers would have a clear directive to proceed to develop options to manage freedom camping in the district that do not include a Freedom Camping Bylaw.
- The costs and resources associated with developing a bylaw would be reduced.

Disadvantages:

- An alternative approach would mean that Council would not have the Freedom Camping Bylaw as a regulatory mechanism that is easily accessible to campers, QLDCs regulatory officers and the wider community.
- The infringement framework for non-compliance under a Freedom Camping Bylaw would not be available.

Summary of analysis and advice

74. Having considered the advantages and disadvantages of the various tools available to Council, officers recommend that Option 1, a Freedom Camping Bylaw, is the most appropriate, efficient and effective way of addressing the perceived problem in relation to freedom camping.

75. Non regulatory tools outside of the bylaw development process should be applied as part of officers' operational activities in order to achieve the objectives relating to those regulations (i.e. parking).

Next steps

76. A comprehensive multidisciplinary expert assessment of the effects of freedom camping activities on QLDC controlled or managed land will be undertaken. This assessment will provide key information on which to develop options (i.e. a continuum of potential interventions) for managing the different types of effects associated with freedom camping. Where identified effects relate to protection of access, health and safety and/or the area, these effects will form the basis of the 'perceived problems' on which a freedom camping bylaw would be formulated.
77. Subject to councillors determining that using a bylaw is the most appropriate way to address the perceived problem(s), officers will present the findings of expert assessments at a workshop with councillors (April 2025) and seek guidance to narrow the range of practicable options. It is anticipated that a draft Freedom Camping Bylaw will then be presented to Council for consultation (May 2025) and the formal consultation period will (June – July 2025) follow the Special Consultative Procedure under section 83 of the LGA.
78. Officers will analyse feedback and recommend amendments as an outcome of the submission process for consideration by a hearing panel made up of councillors.
79. The hearing panel will receive all submissions and be asked to make recommendations to Council of a final form of the draft bylaw for adoption by Council.
80. The development of the draft Freedom Camping Bylaw will occur at pace, and it is intended that a new bylaw be adopted ahead of summer 2025/2026 October 2025 local body election.

Consultation Process | Hātepe Matapaki

Significance and Engagement | Te Whakamahi I kā Whakaaro Hiraka

81. This matter is of low significance, as determined by reference to the Council's Significance and Engagement Policy 2024. The issue of freedom camping and tourism management generally, has been shown in this report to be an important issue to the district's community. The district's economy is highly dependent on tourism, and any new regulation which enables, restricts or prohibits different types of visitor activity will be of high community interest. However, Council is not being asked to adopt a draft bylaw at this time and Council has yet to receive expert assessments on the impacts of freedom camping activities. Further, a draft bylaw has not yet been prepared, and public engagement has not taken place. On this basis, it is considered that the matter being addressed in this report has a low significance. Depending on the outcome of next steps, a later decision to adopt a freedom camping bylaw may have a higher significance. The following matters were considered in relation to significance:
 - a. Consistency with existing policy and strategy – There is no inconsistency with existing policy and strategy.
 - b. The impact on the Council's capability and capacity – The decision before Council would not create any new capacity or capability impacts that are not already funded. Until a bylaw has been adopted, QLDC will continue its current practice of educating, monitoring

and enforcing against freedom campers that breach the Act, the Traffic and Parking Bylaw 2018 and/or the RA.

- c. Climate change – There is no inconsistency with Council’s Climate & Biodiversity Plan, including its action plan and outcomes.
- d. Mana whenua - It is acknowledged that Mana Whenua have a high interest in biodiversity and water management. The bylaw development process will consider these matters and officers will work with iwi representatives and consider cultural impacts through expert assessments.
- e. Strategic assets – This matter does not relate to the sale or transfer or sale of shareholding of any strategic assets.
- f. Council controlled organisations (**CCOs**) or council-controlled trading organisations (**CCTOs**) – This matter does not relate to any CCOs or CCTOs. As a CCO, it is noted that despite Queenstown Airport Corporation’s role in tourism, it does not have a direct relationship with freedom camping activity but may be engaged as a stakeholder during the consultation period.

82. There are a range of businesses in the QLD that rely on tourism and therefore have an interest in different visitor groups (including freedom campers). The persons who are affected by or interested in this matter are Kāi Tahu, Waka Kotahi NZTA, the NZMCA, Destination Queenstown, Lake Wānaka Tourism, recreational campers, the general public, and visitors to the district in general. Council has begun conversations with a range of key stakeholders and will continue engagement throughout the bylaw development process. Any individual and organisation will have the opportunity to provide a formal submission on a draft bylaw during the consultation period.

Māori Consultation | Iwi Rūnaka

83. Kāi Tahu have been engaged in the early stages of this process and will play a role in determining potential effects on cultural values. It is acknowledged that Mana Whenua have a high interest in biodiversity and water management. The bylaw development process will consider these matters.

Risk and Mitigations | Kā Raru Tūpono me kā Whakamaurutaka

84. This matter relates to the Regulatory/Legal/Compliance risk category. It is associated with RISK10026 Ineffective enforcement within the QLDC Risk Register. This risk has been assessed as having a moderate residual risk rating.

85. The approval of the recommended option will allow Council to implement additional controls for this risk. This will be achieved by initiating a comprehensive bylaw development process that responds robustly to the known impacts of freedom camping on QLDC’s controlled and managed land.

Financial Implications | Kā Riteka ā-Pūtea

86. The costs associated with developing a draft bylaw including staff time, engaging external consultants and communication activities will be met within current budgets. The recommended option before Council does not propose any changes to Council operations that would require additional funding. It is noted that any financial implications associated with QLDC's current operations to manage freedom camping in the absence of a freedom camping bylaw do not relate to a decision to proceed with developing a bylaw. Additionally, future operational decisions related to non-regulatory responses sit outside of the bylaw making process.

Council Effects and Views | Kā Whakaaweawe me kā Tirohaka a te Kaunihera

87. The following Council policies, strategies and bylaws were considered:

- a. Our Strategic Framework and Investment Priorities
- b. Significance and Engagement Policy 2024
- c. Enforcement Strategy and Prosecution Policy 2021
- d. Parks and Open Spaces Strategy 2021
- e. Future Parks and Reserves Provisions Plan 2021
- f. The Queenstown Lakes Spatial Plan 2021
- g. Travel to a thriving future - A Regenerative Tourism Plan
- h. QLDC Disability Policy 2018

88. The recommended option is consistent with the principles set out in the above-mentioned named policies.

89. Provision for bylaw enforcement and complaint response is identified as part of QLDC's regulation functions and services in the Long Term Plan³⁹. The private benefit element of bylaw and enforcement activities (assessed at 40%) will be funded from user charges, with the public element funded from the proposed district-wide targeted capital value based regulatory rate and the governance and regulatory charge⁴⁰.

Legal Considerations and Statutory Responsibilities | Ka Ture Whaiwhakaaro me kā Takohaka Waeture

90. The Council must abide by the legal frameworks in the LGA and the Act when making bylaws in relation to freedom camping. Future reports to Council will specifically ask it to make determinations in relation to these acts. Freedom camping bylaws are made under section 11 of the Act, not the LGA. However, the consultation requirements for councils set out in the LGA still apply when making a freedom camping bylaw

91. The preparation of QLDC's bylaw must be in accordance with the Act and consider the legal principles set out in the recent high court decision that quashed the 2021 bylaw.

³⁹ QLDC Long Term Plan 2024–2034, page 104

⁴⁰ QLDC Long Term Plan 2024–2034, page 320

Local Government Act 2002 Purpose Provisions | Te Whakatureture 2002 o te Kāwanataka ā-Kiaka

92. Section 10 of the Local Government Act 2002 states the purpose of local government is:
- a. to enable democratic local decision-making and action by, and on behalf of, communities; and
 - b. to promote the social, economic, environmental, and cultural well-being of communities in the present and for the future. The review of the bylaw will deliver on this purpose as it will ensure QLDC is managing waterways to give effect to section 145 of the LGA.
93. It is considered that the recommendation in this report is appropriate and within the ambit of Section 10 of the Act.
94. The recommended options:
- a. Can be implemented through current funding under the Long Term Plan and Annual Plan;
 - b. Are consistent with the Council's plans and policies; and
 - c. Would not significantly alter the intended level of service provision for any significant activity undertaken by or on behalf of the Council or transfer the ownership or control of a strategic asset to or from the Council.

Attachments | Kā Tāpirihaka

A	Summer Ambassador Photographs of Freedom Camping Sites
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