

Statement of Proposal

Draft Freedom Camping Bylaw 2025 | Ture ā-Rohe mō te Noho
Puni Korehere 2025

Introduction

Why is Queenstown Lakes District Council proposing a draft Freedom Camping Bylaw?

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 area¹. The popularity of freedom camping has significantly increased in recent years. It is estimated that the number of international visitors practicing freedom camping rose from 10,000 to 123,000, in the decade between 2008 and 2018².

Freedom camping forms one part of the district's visitor centered economy. Tourism activities provide the district with a large proportion of its jobs and gross domestic product³. However, some freedom camping activities can have adverse impacts on the district and its community. While tourism activities (such as freedom camping) deliver a range of benefits for the community, they are also known to put pressure on residents and the environment. These impacts have been widely reported through concerns and complaints to Queenstown Lakes District Council (**QLDC, Council**) and have been observed on the ground by QLDCs summer responsible camping ambassadors.

The Freedom Camping Act 2011⁴ (**the Act**) regulates freedom camping on land controlled or managed by local authorities. The starting point in the Act is that it enables freedom camping in any local authority area (and on NZTA land) unless it is restricted or prohibited under a freedom camping bylaw.

Section 11 of the Act provides for local authorities to make freedom camping bylaws. A bylaw can declare any area that is controlled or managed by QLDC or NZTA to be restricted (freedom camping allowed with conditions) or prohibited (freedom camping not allowed). Bylaws can only be made to address 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.

Section 12 of the Act does not allow for freedom camping bylaws to have the effect of prohibiting freedom camping in all the local authority areas.

What is freedom camping?

Freedom camping is defined in the Act. It means to camp on land that is controlled or managed by a QLDC that isn't a recognised camping ground (i.e. a fee-paying commercial campground) using a motor vehicle, tent or other type of temporary structure. To be freedom camping it must be within 200 metres of an area accessible by a motor vehicle, or on or within 200 metres of a formed road or Great Walks Track.

¹ Campermate app, Overnight Stays at 'free camps', 2024

² <https://www.mbie.govt.nz/immigration-and-tourism/tourism/tourism-projects/responsible-camping/responsible-camping-working-group/>

³ infometrics.co.nz

⁴ <https://www.legislation.govt.nz/act/public/2011/0061/latest/whole.html#contents>

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Freedom camping does not include short term parking, day-trip excursions, or resting at the roadside in a motor vehicle to avoid driver fatigue. It also excludes anyone who is not a tourist and unable to live in appropriate residential accommodation and living in a tent or other temporary structure, or a motor vehicle.

How is freedom camping currently managed in the district?

QLDC does not currently have a freedom camping bylaw in place. The Freedom Camping Bylaw 2021 was quashed by the High Court in November 2024 following a judicial review application by the New Zealand Motor Caravan Association.

In the absence of a freedom camping bylaw, QLDC has been relying on the following to manage some of the adverse impacts of freedom camping:

- > While the Act permits freedom camping on QLDC controlled and managed land, it does require any person using a motor vehicle to freedom camp to be certified self-contained, meaning that the motor vehicle needs to have a toilet and enough fresh and wastewater storage for three days without getting more or dumping waste. It is an offence to use any motor vehicle to freedom camp that is not certified self-contained. QLDC can issue fines for breaches of this requirement.
- > No person can camp on the majority of land classified as a reserve (such as a local park or sports ground) under the Reserves Act 1977. QLDC can issue fines for anyone camping (including freedom camping) on reserve land.

While these regulations provide some tools to manage freedom camping in various circumstances, they do not provide scope for QLDC to manage the full range of effects of freedom camping on all other QLDC land and roads.

Council's proposal

At a Council meeting on 26 June 2025, Council adopted the draft Freedom Camping Bylaw 2025 | Ture ā-Rohe mō te Noho Puni Korehere 2025 (**the draft bylaw**) for consultation with the community. The draft bylaw is attached to this statement of proposal as **Attachment A**.

The draft bylaw includes provisions to manage freedom camping on QLDC controlled or managed land (and some Waka Kotahi New Zealand Transport Authority (NZTA) land with the agreement of the Chief Executive of NZTA) in order to protect the values of these areas, access to the land, or health and safety of users. The draft bylaw has been informed by a technical assessment that has provided advice on what areas of the district need to be protected through the use of a bylaw. The draft bylaw does this in the following ways:

- > Proposing specific restricted freedom camping areas (primarily in existing carparking areas). Restricted freedom camping areas are locations where freedom camping can take place so long as it complies with the conditions identified in the draft bylaw for that location. The draft bylaw identifies 14 restricted freedom camping areas across the district. These locations and the proposed conditions are shown in Schedule 1A of the draft bylaw and are summarised in the table below.

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- > Restricting freedom camping on roads within the district's rural areas. These roads are located outside of the district's urban built up areas. This means that freedom camping can take place on areas off the active road corridor provided it complies with the proposed conditions specified in the draft bylaw. These locations are shown in Schedule 1B of the draft bylaw.
- > Examples of conditions that could be applied across restricted freedom camping areas to protect the values of areas of QLDC controlled or managed land areas, access to the land, or health and safety of users include, but are not limited to:
 - use a certified self-contained motor vehicle
 - use one of the marked motor vehicle spaces within the area
 - must not arrive in any of the spaces before a specific time in the evening (time will be site dependent)
 - must leave any space before a specific time in the morning (time will be site dependent)
 - ensure any motor vehicle, camping equipment and any other personal items are fully contained within one of the marked spaces
 - not stay more than two nights within any 30 day period, and not return to any of the marked spaces within a 30 day period;
 - not leave any waste
 - not light any fires outside of the motor vehicle.
- > Prohibiting (i.e. not allowing) freedom camping on roads within the district's built up urban areas (such as town centres, commercial/business areas and residential areas).
- > The draft bylaw does not propose any areas where freedom camping in a non-self-contained motor vehicle is provided.
- > QLDC can temporarily make changes to the way that freedom camping is regulated in any restricted or prohibited freedom camping area (or any local authority area) in order to address unanticipated or emergency events related to a need to protect the area, access and/or health and safety.
- > Applications can be received from any person to temporarily freedom camp in any local authority area in which freedom camping is prohibited or to freedom camp in any restricted area not in accordance with the conditions specified for that location, for a one off or community events such as scout and guide events, sporting and club events, marae-related events, community and school events.

The table below summarises the proposed restricted freedom camping areas in the draft bylaw, not including areas off the active road corridor in the district's rural areas. These are areas where freedom camping would be allowed under the draft bylaw, subject to compliance with specific conditions that apply to each area (maps are shown in Schedule 1A of the draft bylaw).

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Location	Number of vehicle spaces proposed within location
Whakatipu	
Boundary Street carpark, Queenstown	15
Gorge Road carpark, Queenstown	2
Industrial Place carpark Queenstown	6
Lakeview carpark, Queenstown	10
Gray Street carpark, Frankton	10
Queenstown Event Centre carpark, Frankton	9
Howards Drive Carpark, Lake Hayes	3
Glenorchy Domain carpark, Glenorchy	3
Gibbston Highway/State Highway 6 carpark (NZTA land)	2
Kingston Road/State Highway 6 carpark (NZTA land)	50
Flint Street carpark, Arrowtown	5
Upper Clutha	
Wānaka Recreation Centre carpark, Wānaka	18
Beacon Point Road carpark, Wānaka	5
Camp Hill Road carpark, Hāwea	15
Total number of carparking spaces in proposed restricted freedom camping areas)	153

Note that the draft bylaw proposes restricted freedom camping on roads within the district's rural areas. This will provide for further provision of freedom camping with conditions that are appropriate for these locations. Among others, these conditions relate to the nature of the ground/surface, minimum separation distance from the nearest edge of the road shoulder or edge of seal and ensuring sufficient space so that any other person can stop their motor vehicle in the immediate area at all times.

Note that an additional 50 spaces are already provided under an existing ministerial delegation at the Luggate Red Bridge site that is managed via the Reserves Act 1977.

The community has important experiences and information about freedom camping to share through the consultation process. QLDC is open to considering different approaches to managing freedom camping on QLDC controlled or managed land. This includes the identification of other areas controlled or managed by QLDC in order to provide for freedom camping in a manner appropriate for that location.

This statement of proposal is prepared under sections 83 and 86 of the LGA and contains:

- > a copy of the draft Freedom Camping Bylaw 2025 | Ture ā-Rohe mō te Noho Puni Korehere 2025,
- > information about the draft bylaw, including Council's determinations under section 11 of the Act,
- > the reasons for the draft bylaw,
- > how the public and any interested person can have their say on the draft bylaw, and
- > the timetable for consultation.

The reason for the proposal

The key reasons for this proposal are to ensure that freedom camping in the district is managed in a way that protects the values of areas of QLDC controlled or managed areas (and select NZTA land), access to the land, or health and safety of users who may visit the land.

This proposal seeks community views on the draft bylaw, encourages people to give feedback on the draft bylaw, and lets people know how they can give feedback.

The 26 June 2025 Council report contains more detailed information on the reasons for the proposal: (link to be populated).

How you can have your say

Anyone can make a submission online using the survey provided at (link to be populated).

Submissions can also be received in writing by post or hand delivery, or via email (letstalk@qldc.govt.nz) but we recommend your submission be made using the online survey.

Submissions will be accepted from 8.00am on 8 July 2025 and must be received by 5.00pm on 8 August 2025.

All submissions should state:

- > the submitter's name⁵,
- > details of any organisation the submitter is representing (if applicable),
- > the submitter's contact details, and
- > whether or not the submitter would like to speak at a hearing on the draft bylaw.

Copies of this statement of proposal and the draft bylaw may be obtained at no cost from either of the Council offices at 10 Gorge Road, Queenstown or 47 Ardmore Street, Wānaka, any Council library within the Queenstown Lakes District or the Council website at <https://letstalk.qldc.govt.nz>. If you need help submitting, please contact Council at 03 441 0499, or call in to one of Council's offices. All written submissions made to Council within the submission period will be acknowledged.

Submissions are considered public information under the Local Government Official Information and Meetings Act 1987, and submissions will be made publicly available including by being published on our website following the consultation period. Your personal contact details will not be published⁶.

Council intends to hold a hearing in the week of 25 August 2025. This is when anyone who has made a submission and who has said they would like to speak to Council, can do so. This meeting will be open to the public. If you indicate you would like to be heard, Council staff will get in touch with you to arrange a time for you to speak at the hearing either in person or via audio-visual link. If at the hearing you have any requirements, please let us know.

⁵ Note: if you do not feel comfortable providing your name or contact details in a submission, please contact Council, who can facilitate an anonymous submission.

⁶ In accordance with LGOIMA section 7(2)(a) to protect the privacy of natural persons.

Timetable for consultation

The dates below outline the timetable for the consultation process. Any changes to these dates will be publicly advised on Council's Facebook page and website.

Indicative date	Activity
26 June 2025	Council adopted the draft bylaw and statement of proposal for consultation
8 July 2025	Consultation period begins (8.00am)
8 August 2025	Consultation period ends (5.00pm)
Week of 25 August 2025	Oral submissions heard by Council hearing panel
9 October 2025	Deliberations and adoption by Council

Determinations under section 11 of the Freedom Camping Act 2011

Before making or reviewing a bylaw, Council must make the determinations required under section 11(2)(b) and (c) of the Act. These determinations include:

- > Council must be satisfied that the bylaw is necessary for one or more of the purposes prescribed, being to protect the area, protect the health and safety of visitors to the area, or to protect access to the area (section 11(2)(a)),
- > whether a bylaw is the most appropriate and proportionate way of addressing the perceived problem (section 11(2)(b)), and
- > whether the bylaw gives rise to any inconsistencies with the New Zealand Bill of Rights Act 1990 (11(2)(c)).

An assessment for each required determination is set out below.

A bylaw is necessary to protect the area, protect the health and safety of visitors to the area, or to protect access to the area

QLDC engaged external consultants at Tonkin and Taylor (TT) to undertake a comprehensive multidisciplinary technical analysis of the effects that freedom camping has on the unique values of land controlled or managed by QLDC (and select NZTA sites). The following were assessed by subject matter experts:

- transport and traffic
- health and safety
- natural hazards
- ecology
- water quality and quantity, and water services
- noise (acoustics)
- Māori/cultural values, and
- heritage.

A range of data was considered (i.e. requests for service from the community and responsible camping survey data) to understand issues associated with freedom camping across the district. The adverse impacts of uncontrolled freedom camping were assessed by each subject matter expert for each area, in relation to the three areas of section 11(2)(a) of the Act (i.e. protection of the area, health and safety of people and access to the area). An assessment of the relative severity of the impacts was undertaken.

This assessment used levels to rate the severity of adverse impacts and then recommended an appropriate level of consideration under the draft bylaw.

Appropriate and proportionate way of addressing the perceived problem

The perceived problem that requires addressing is the adverse impacts of freedom camping on local authority areas (areas managed or controlled by QLDC) with respect to the area (i.e. the protection of an area, including its values and attributes), access to the area, and health and safety of people who may visit the area. A bylaw may be made to protect any of these matters in relation to a particular area where freedom camping may occur.

The district is the most popular camping destination in New Zealand, and the most popular place for overnight 'free camping'. The district receives a significant quantum of campers in comparison to the rest of New Zealand. As outlined in previous reporting⁷ and in the technical assessment undertaken by TT, the district experiences adverse impacts from freedom camping on the characteristics, values and attributes that are present on areas managed or controlled by QLDC, and to access and health and safety of these areas (including with respect to the NZTA sites subject to the draft bylaw). As such, it is considered that a bylaw which restricts or prohibits freedom camping in certain areas is appropriate.

The draft bylaw comprises a proportionate response as it restricts freedom camping in areas where there are types of adverse impacts being experienced that can be managed by conditions (so as to ensure appropriate protection of the area, access and/or health and safety), and prohibits freedom camping in areas where there are high adverse impacts from freedom camping that cannot not be managed by conditions (such that freedom camping in these areas would not protect the area, access and/or health and safety). The approach in the draft bylaw provides a range of opportunities for restricted freedom camping across the district.

QLDC could rely only on the default requirement in the Act on land that it controls or manages (other than reserve land). However, it is not considered that this would be an appropriate or proportionate response taking into account the quantum of campers the district receives, the volume of request for services applications from the public, summer ambassador survey information, and the technical assessment of current adverse impacts and effects of freedom camping undertaken by TT.

The draft bylaw is consistent with the New Zealand Bill of Rights Act 1990

The New Zealand Bill of Rights Act 1990 grants certain civil and political rights to people in Aotearoa New Zealand. In accordance with section 5, 'the rights and freedoms contained in the Bill of Rights may be subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society'.

⁷ See 20 March 2025 full council freedom camping issues and options report

Section 18 of the New Zealand Bill of Rights Act 1990 relates to 'freedom of movement'. In particular, section 18 provides that 'everyone lawfully in New Zealand has the right to freedom of movement and residence in New Zealand' and is engaged by virtue of the draft bylaw's limits on freedom camping in certain areas.

The draft bylaw includes a number of provisions which prohibit freedom camping in certain areas in the district that are controlled or managed by QLDC.

In addition to the draft bylaw's prohibited areas, it includes a wide range of enabling provisions that provide for restricted freedom camping across parts of the district. While these provisions contain conditions which place certain limits on the type, nature and scale of freedom camping, they are intended to protect the area, access and health and safety for freedom campers to use these locations, as well as any other person that may visit the area. This ensures a safe and enjoyable experiences for freedom campers.

Further, the bylaw includes provisions that provide a pathway for any person to apply for a consent to temporarily freedom camp in any local authority area in which freedom camping is prohibited or restricted, for a one off or community event.

On balance, it is considered that the draft bylaw's restrictive and enabling provisions together are 'demonstrably justified' and present 'reasonable limits' on the rights and freedoms contained within the New Zealand Bill of Rights Act 1990, and do not unreasonably interfere with any of the identified rights. As such, it is advised that the draft bylaw is not inconsistent with the New Zealand Bill of Rights Act 1990.

NZTA Land

Where NZTA land is to be considered local authority land for the purposes of a freedom camping bylaw (sections 10A, 11(3) of the Act), the Chief Executive of NZTA must give their written consent for this to occur. QLDC and NZTA are working to formalise this requirement for the four areas of NZTA land that are proposed to be covered by the draft bylaw. Two areas (Gibbston Highway/State Highway 6 carpark and Kingston Road/State Highway 6 carpark) are proposed to be restricted. Two areas (State Highway 8A land in the area of the Luggate Red Bridge and State Highway 84 land to the south of Mt Iron, Wānaka) are proposed as prohibited.

What happens next?

After it has received written and oral submissions, it is intended Council will make decisions on the draft bylaw at its meeting on 9 October 2025 to ensure a new bylaw is in place ahead of summer 2025-2026.

As with any consultation process, including on a draft bylaw, it is open to Council to consider other amendments that could be included in the bylaw. Council may make changes to the draft bylaw in response to feedback received. However, if any changes are material and go beyond the scope of the draft bylaw and this statement of proposal, they may require further consultation before a final bylaw can be adopted.

During the consultation process, Council may consider community views that seek to:

- make changes to the matters and/or areas that are regulated in the draft bylaw,
- add additional matters/areas that are to be regulated by the draft bylaw,
- make any other additional changes to the draft bylaw,
- not adopt a bylaw.

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Once the hearing panel has received submissions and made their recommendations on the draft bylaw, Council will be in a position to make a decision on the draft bylaw. This could involve Council deciding to adopt the draft bylaw recommended by the hearing panel, making amendments and then adopting the bylaw, or not adopting a bylaw at all.