

Full Council

26 June 2025

Report for Agenda Item | Rīpoata moto e Rāraki take [6]

Department: Strategy & Policy

Title | Taitara: Adopt draft Freedom Camping Bylaw 2025 | Ture ā-Rohe mō te Noho Puni Korehere 2025 for public consultation

Purpose of the Report | Te Take mō te Pūroko

The purpose of this report is to:

- present Queenstown Lakes District Council (**QLDC** or **Council**) with a draft Freedom Camping Bylaw 2025 | Ture ā-Rohe mō te Noho Puni Korehere 2025 (**the draft bylaw**) and statement of proposal; and
- seek the Council's adoption of the draft bylaw and the statement of proposal for formal consultation and agree to initiate public consultation.

If Council adopts the draft bylaw and statement of proposal for consultation, officers will undertake public consultation in accordance with the special consultative procedure from 8.00am on 8 July 2025 to 5:00pm on 8 August 2025.

Executive Summary | Whakarāpopototaka Matua

The Queenstown Lakes District (**the district or QLD**) 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 area.¹ QLDC's Responsible Camping Strategy 2022-2027 sets out a proactive non-regulatory approach to manage the potential effects of freedom camping in the district. QLDC's Freedom Camping Bylaw 2021 was quashed by the High Court in 2024, leaving QLDC without bylaw-based restrictions to manage freedom camping.

At its 20 March 2025 meeting, Council determined that a Freedom Camping Bylaw made under the Freedom Camping Act 2011 (**the Act**) is the most appropriate way of addressing the perceived problems associated with freedom camping. Through that meeting and subsequent workshops, councillors have expressed a preference that a Freedom Camping Bylaw be developed for Council controlled or managed land that does not have reserve status, and that reserve land continue to be managed via the Reserves Act 1977.

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

A Freedom Camping Bylaw may only be made under section 11 of the Act if Council is satisfied that it is needed 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.

This report outlines the work officers and external technical advisors have undertaken to develop a draft Freedom Camping Bylaw to ensure an appropriate regulatory response can be in place ahead of summer 2025-2026.

Council is being asked to adopt a draft bylaw for consultation with the community following the special consultative procedure. Fourteen specific restricted areas for freedom camping have been identified in the draft bylaw, where freedom camping is recommended to take place subject to conditions. These areas provide for up to 153 carparking spaces for certified self-contained motor vehicles. These carparking spaces comprise:

- a. 110 spaces in the Whakatipu ward (including 50 at the NZTA Kingston Road/State Highway 6 site),
- b. 5 spaces in the Arrowtown Ward, and
- c. 38 spaces in the Upper Clutha Ward (note that an additional 50 spaces are already provided under the existing ministerial delegation at the Luggate Red Bridge site. Adding these spaces would bring the total number of carparking spaces specifically provided for freedom camping across the district to 203).

In addition to these specific areas for restricted freedom camping, 'rural roads' across the district have been identified where it is recommended that freedom camping can take place on locations outside of the active road corridor, subject to specific conditions.

The draft bylaw prohibits freedom camping on land controlled and/or managed by QLDC which is not identified as an area for restricted freedom camping, this includes all roads within the district's urban/built up environments such as residential, town centre and other commercial/business areas.

The draft bylaw does not seek to regulate freedom camping on land that is classified as a reserve under the Reserves Act 1977. Freedom camping on reserve land is prohibited under section 44 of the Reserves Act 1977.

This report notes that, separate to the development of a Freedom Camping Bylaw, investigations into additional sites for low-cost and freedom camping in the district will be undertaken in the future as part of the wider responsible camping programme.

Recommendation | Kā Tūtohuka

That the Council:

1. **Note** the contents of this report;

2. **Note** that at its 20 March 2025 meeting, Council determined that a Freedom Camping Bylaw is the most appropriate way of addressing the perceived problems with freedom camping in the Queenstown Lakes District;
3. **Determine** pursuant to section 11(2)(a) of the Freedom Camping Act 2011 that a bylaw is necessary to regulate freedom camping on land that is controlled or managed by Queenstown Lakes District Council 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. **Determine** pursuant to section 11(2)(b) of the Freedom Camping Act 2011 that the draft Freedom Camping Bylaw 2025 | Ture ā-Rohe mō te Noho Puni Korehere 2025 is the most appropriate and proportionate way of addressing the perceived problem in relation to land that is controlled or managed by Queenstown Lakes District Council;
5. **Determine** pursuant to section 11(2)(c) of the Freedom Camping Act 2011 that the draft Freedom Camping Bylaw 2025 | Ture ā-Rohe mō te Noho Puni Korehere 2025 is not inconsistent with the New Zealand Bill of Rights Act 1990;
6. **Adopt** the draft Freedom Camping Bylaw 2025 | Ture ā-Rohe mō te Noho Puni Korehere 2025 (**Attachment A**) for public consultation;
7. **Adopt** the statement of proposal (**Attachment B**) for consultation in accordance with the special consultative procedure outlined in sections 83 and 86 of the Local Government Act 2002, from 8.00am 8 July 2025 to 5:00pm on 8 August 2025;
8. **Appoint** four councillors (to be named) of which three are required to form a hearings panel to hear and consider the submissions on the proposal and make recommendations to the Council on adoption of a draft Freedom Camping Bylaw 2025 | Ture ā-Rohe mō te Noho Puni Korehere 2025;
9. **Authorise** officers to undertake any minor amendments to the draft Freedom Camping Bylaw 2025 | Ture ā-Rohe mō te Noho Puni Korehere 2025 and statement of proposal to fix any errors and make any other updates or changes that do not affect the substance of the proposal, prior to consultation starting; and
10. **Notes** that separate to the draft Freedom Camping Bylaw 2025 | Ture ā-Rohe mō te Noho Puni Korehere 2025, investigation of other options for low-cost and freedom camping in the Queenstown Lakes District will be undertaken, as part of the wider Responsible Camping Strategy 2022-2027.

Prepared by:



Name: Luke Place

Title: Principal Policy Advisor

12 June 2025

Reviewed and Authorised by:



Name: Carrie Williams

Title: Policy Manager

12 June 2025

Reviewed and Authorised by:



Name: Kenneth Bailey

Title: General Manager Community
Services

13 June 2025

Context | Horopaki

Freedom camping in the Queenstown Lakes District

1. The Queenstown Lakes 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 area² (**Figure 1**). These numbers have not yet recovered from pre COVID-19 levels for the QLD when 24,802 overnight stays were recorded in 2019³. It is noted 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 variables but nonetheless remain a useful proxy for analysis.⁴
2. The popularity of freedom camping in New Zealand 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 2018⁵.
3. Freedom camping forms one part of the district's tourism-centered economy. Tourism activities provide the district with 37.5% of its jobs and 25.6% of its gross domestic product as of March 2023⁶.
4. The latest resident sentiment research (Views on Tourism⁷) for the district shows that residents' sentiment towards tourism has been declining. Residents are 'significantly less' positive towards tourism compared to the rest of New Zealand, and a high proportion of residents report having experienced positive benefits alongside adverse impacts of tourism. The research suggests residents are finding it difficult to navigate the positive and negative effects of tourism and that this is impacting tourism's social licence to operate. Residents have been expressing a range of adverse impacts from freedom camping in the district in the form of request for service applications to QLDC. These adverse impacts have also been observed and reported by QLDC's summer ambassadors⁸.

² Campermate app, Overnight Stays at 'free camps', 2024

³ Campermate app

⁴ 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.

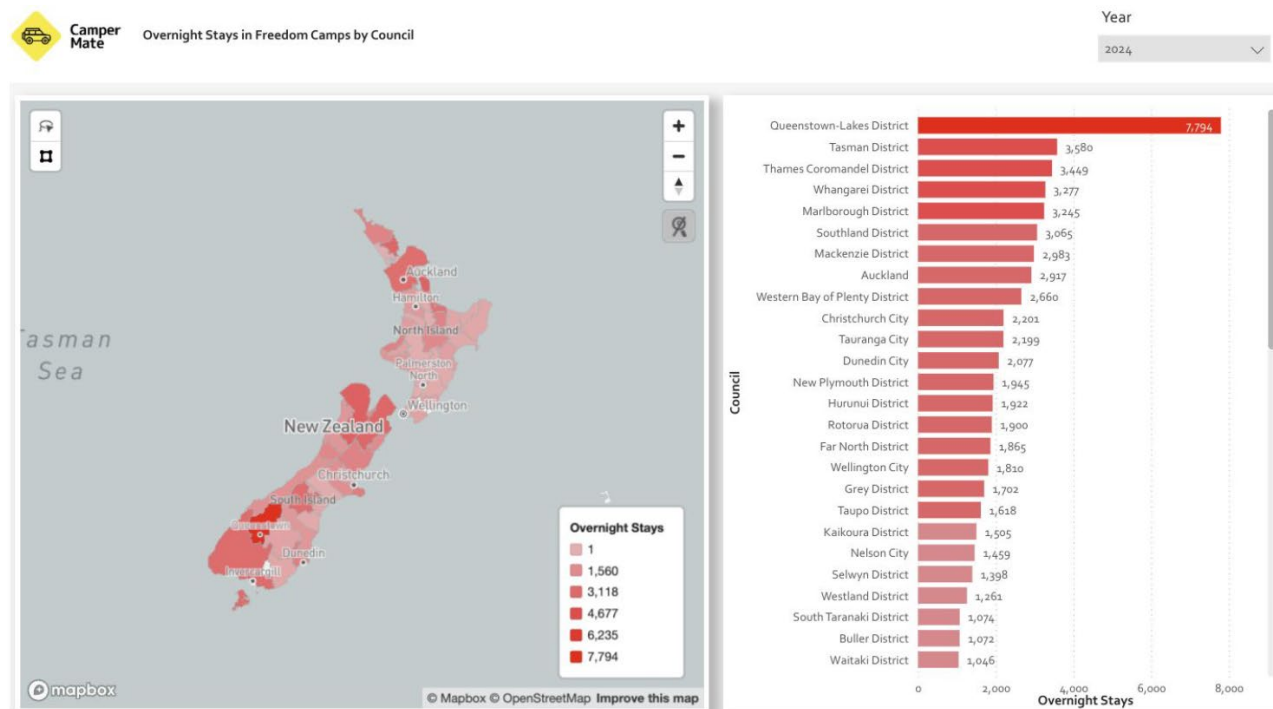
⁵ <https://www.mbie.govt.nz/immigration-and-tourism/tourism/tourism-projects/responsible-camping/responsible-camping-working-group/>

⁶ infometrics.co.nz

⁷ Destination Queenstown and Lake Wānaka Tourism, Views on Tourism Research (Angus & Associates). N = 525 Queenstown Lakes. Conducted between October 2023 and March 2024

⁸ 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'

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



5. The popularity of freedom camping in the district is reflected in the quantum of infringements issued under the Act, observations made by QLDC's 'summer ambassadors'⁹ and request for service applications made by members of the public (**Attachment C**). This data reflects that freedom camping presents an important issue to the district's residents. A wide range of adverse impacts are being experienced by freedom camping related to the values of areas controlled and/or managed by QLDC, as well as access to and health and safety on these areas. This creates a tension and dissatisfaction for residents and visitors alike.

Legislative context

6. The Freedom Camping Act 2011 (**the Act**) regulates freedom camping on land controlled or managed by local authorities, Waka Kotahi NZTA (**NZTA**), the Department of Conservation (**DoC**) and Toitū Te Whenua Land Information New Zealand (**LINZ**). Private land is not subject to the Act. The key tenet of 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 made under section 11 of the Act. The effect of this is that there is a presumption that freedom camping on local authority and NZTA land is permitted, including in a tent or other temporary structure.

⁹ 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'

7. The Act specifies that freedom camping involves camping (other than at a camping ground¹⁰) in a tent or other temporary structure, or a motor vehicle¹¹ 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. The Act includes provisions which ensures that it (and any bylaws) do not apply to any person experiencing homelessness.¹²
8. Vehicles that are not self-contained are not permitted (as of right) to camp on any land that is controlled or managed by a local authority. 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 2026¹³.
9. Section 44 of the Reserves Act 1977 specifies that 'permanent or temporary personal accommodation' is prohibited on any land classified as reserve. Freedom camping can only be provided for on any reserve land if it is specifically enabled in a reserve management plan for that land, or where the Council exercises its delegation from the Minister of Conservation to uplift the prohibition in all or part of any reserve land. This delegation has been previously exercised by QLDC to uplift the prohibition against camping for the Luggate Red Bridge reserve freedom camping site.
10. A Freedom Camping Bylaw cannot override the prohibition in section 44(1) of the Reserves Act 1977. A Freedom Camping Bylaw could arguably add a second layer of prohibition or restrictions, but it cannot be used to uplift the prohibition under the Reserves Act 1977 to allow freedom camping on a reserve. Only the mechanisms stipulated in the Reserves Act 1977 (through Reserve Management Plans (**RMPs**), giving of Ministerial Consent, or setting aside a camping area) can be used to allow freedom camping on reserves. Council has prepared RMPs to manage the majority of its reserve land¹⁴. Permanent or temporary personal accommodation is not provided for on the majority of QLDC's reserve land. The Reserves Act 1977 therefore prohibits camping on all QLDC reserves. The effect of this approach is that much of the remaining areas of QLDC controlled or managed land (other than roads) that is also outside of reserve land are dedicated car parking areas or roads.
11. The effect of this legislative context is that:
 - a. freedom camping cannot take place on the majority of QLDC **reserve land**, and

¹⁰ 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

¹¹ Caravan, car, campervan and house truck all come within the term motor vehicle

¹² Freedom Camping Act 2011, s.5(2A).

¹³ [Freedom camping certification extended | Beehive.govt.nz](https://www.qldc.govt.nz/your-council/council-documents/reserve-management-plans)

¹⁴ <https://www.qldc.govt.nz/your-council/council-documents/reserve-management-plans>

- b. freedom camping in self-contained vehicles and tents can take place on the balance of **land controlled and/or managed by QLDC** (i.e. roads and carparking areas) subject to any other restrictions such as those under the Traffic and Parking Bylaw 2018.

12. Section 11 of the Act empowers local authorities to make Freedom Camping Bylaws. Bylaws under the Act can define any area that is controlled or managed by the local authority as a restricted area (meaning that freedom camping is allowed with conditions under the Act) or prohibited area (meaning freedom camping is not allowed). A bylaw can only be made if the local authority is satisfied that it is needed 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**.

13. 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.

14. A bylaw made under the Act can only restrict or prohibit freedom camping on land controlled or managed by a local authority, and NZTA land (with the agreement of the Chief Executive of NZTA¹⁵). Freedom camping on DoC and LINZ land cannot be restricted or prohibited under a Freedom Camping Bylaw adopted by a local authority. The Self-Contained Motor Vehicle Legislation Act 2023 now allows NZTA to delegate enforcement of freedom camping on their land to local authorities.

The Responsible Camping Strategy 2022 – 2027

15. As a proactive non-regulatory approach to manage the potential effects of freedom camping in the district, QLDC adopted its Responsible Camping Strategy 2022 – 2027¹⁶. 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’.

Travel to a Thriving Future – A regenerative tourism plan

16. 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’¹⁷, 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

¹⁵ Section 11(3) of the Act requires written consent from NZTA before making a bylaw under subsection (1) that applies to any area of NZTA land.

¹⁶ <https://www.qldc.govt.nz/media/nc3nyi5f/responsible-camping-strategy-2022-2027.pdf>

¹⁷ https://cdn.prod.website-files.com/6699dbcdcaea923f22be7378/66f5fbd0b41443d22a3d4c6c_Queenstown_Lakes_Regenerative_Tourism_Plan_420c7b6c-d0a1-4656-bd5d-4026e9ef993f.pdf

benefits of the visitor economy are beginning to be outweighed by disadvantages, including pressure on public infrastructure and disrespectful behaviour from visitors¹⁸. Freedom camping is one aspect of the broader destination management approach to visitors and should be considered and approached in this context.

Background regarding QLDC's Freedom Camping Bylaw 2021

17. 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 2024¹⁹. Justice Osborne determined that the decision made by the Council to prohibit freedom camping at sites controlled or managed by QLDC 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 'amenity values factor'²⁰, 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).
18. The High Court ruled that these were irrelevant considerations and the bylaw was quashed with effect from 20 September 2024. This decision provided valuable insight into the factors that Council can consider when making the new bylaw and the extent to which Council can respond to community sentiment when developing a bylaw.
19. In the absence of a Freedom Camping Bylaw, QLDC lacks direct mechanisms to efficiently and effectively manage the adverse effects of freedom camping relating to protecting access, health and safety, or other values of QLDC controlled or managed areas. While the traffic and parking regulations and the Reserves Act 1977 apply in certain situations, they do not directly regulate the activity and adverse impacts of freedom camping across the district.

Steps taken to date in developing a new Freedom Camping Bylaw

20. Since the quashing order, officers and external technical advisors have been working at pace to develop a new Freedom Camping Bylaw to ensure an appropriate regulatory response can be in place ahead of summer 2025-2026. **Table 1** below provides a summary of the engagement with Council that has taken place to date to develop a new bylaw.

Table 1 Engagement with Councillors in developing a Freedom Camping Bylaw to date.

Date	Details
20 March 2025 Council meeting	Purpose of report: <ol style="list-style-type: none"> a. Provide an analysis of perceived problems arising from freedom camping; b. Set out options to manage freedom camping and its adverse impacts; c. Analyse the advantages and disadvantages of each option; and

¹⁸ Page 9 of the Travel to a thriving future Haereka whakamu ki to ao taurikura

¹⁹ [NZCMA v. QLDC \[2024\] NZHC 2729 \[20 September 2024\]](#)

²⁰ At para. 154

Date	Details
	<p>d. Recommend that Council determine that a Freedom Camping Bylaw together with non-regulatory tools is the most appropriate option for addressing the perceived problems associated with freedom camping (in regard to access, health and safety or the protection of areas).</p> <p>At this meeting, Council agreed with the officer recommendations, and authorised officers to undertake further assessments into the effects of freedom camping on land controlled or managed by Council.</p>
15 April 2025 Council workshop	<p>Purpose of workshop:</p> <ul style="list-style-type: none"> a. Receive guidance to focus the development of a draft bylaw; and b. Understand councillor priorities and principles for regulatory intervention at a district scale. <p>At this workshop, Councillors directed that reserve land should be managed under the Reserves Act 1977 and the balance of Council controlled and/or managed land should be managed under a Freedom Camping Bylaw. In addition, councillors noted that a Freedom Camping Bylaw needs to be in line and proportionate to the perceived problems.</p>
22 May 2025 Council workshop	<p>Purpose of workshop:</p> <ul style="list-style-type: none"> a. Share preliminary findings on areas where freedom camping may be restricted (i.e. areas where camping can take place subject to conditions), that identified some areas of reserve land) or prohibited; b. Receive feedback on preliminary restricted camping areas; and c. Describe the preliminary assessment approach to inform the regulation of freedom camping. <p>At this workshop, Councillors shared a variety of perspectives with respect to the identification of reserve land for freedom camping. On balance, Councillors expressed a preference to avoid freedom camping on reserve land where possible, and to continue to rely on the Reserves Act 1977 methods to manage freedom camping on reserve land if necessary.</p>

Analysis and Advice | Tatāritaka me kā Tohutohu

Technical assessment

21. 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). This analysis has informed the development of a robust, specific suite of actions available to Council to appropriately manage the problems associated with freedom camping in terms of protection of access, health and safety and/or the values of the subject areas (the three reasons in the Act for which a council may make a bylaw).

22. The following subject matter experts (**SME**) were deployed by TT in their assessment of the specific areas:

- a. transport and traffic
- b. health and safety
- c. natural hazards
- d. ecology
- e. water quality and quantity, and water services
- f. noise (acoustics)
- g. Māori/cultural values, and
- h. heritage.

23. TT undertook the steps outlined in the following paragraphs as part of its technical assessment.

24. **Determination of land to be assessed** - Land controlled or managed by QLDC (and select NZTA areas) and which is within 200 metres of an area accessible by motor vehicle, formed road, or Great Walks track was identified. This includes land that is physically, safely and legally able to be accessed. Land that met these initial criteria formed the basis for evaluation by all other SMEs identified above.

25. **Development of criteria used for the assessment, and why**

- Each SME developed criteria for the assessment of freedom camping relative to their subject matter areas, and the values of areas controlled and/or managed by QLDC, as well as access to and health and safety on these areas.
- Each SME prepared a desktop explanation of the relevant values/attributes that may be present on any piece of land and required consideration relevant to the three key areas that can be considered for protection defined under section 11(2)(a) of the Act.
- Criteria and constraints were developed to enable a consistent assessment of the effects of freedom camping on the land concerned, to inform whether protection of the area, access and/or health and safety of people visiting the area was needed.
- The assessed criteria were applied to all relevant local authority areas across the district.
- TT considered a range of data, including, but not limited to requests for service and responsible camping survey data from QLDC to understand observed and on the ground issues associated with freedom camping across the district.

26. **How the assessment was undertaken** - The adverse effects of uncontrolled freedom camping were assessed by each SME in relation to the area, and attributes that could be present, and in consideration of the three areas under section 11 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 related adverse impacts was undertaken. This assessment has used relative 'constraint' levels to rate the severity of adverse impacts and therefore recommend an appropriate level of consideration under the draft bylaw. Each attribute was given a constraint level, based on the relative severity of the associated adverse impact on freedom camping, and/or the severity of the negative effect of freedom camping on the attribute/land without the implementation of any mitigation or control measures. Constraints were determined relative to the three key areas for protection

under section 11 of the Act. TT developed an assessment framework shown in **Table 2** below to apply their assessment.

Table 2 TT freedom camping assessment framework

Level of negative impact from freedom camping	Type of constraint on freedom camping	Description – Technical recommendations
High	Hard constraint	Where the impact of an attribute present on freedom camping, or adverse effects of freedom camping on the attribute/area, health and safety or access are high to very high. Hard constraint = high adverse impact. Unlikely that restrictions, control or mitigation measures are sufficient to reduce the impact/protect the area, access and/or health and safety of people visiting the area.
Moderate	Consider constraint	Where the impacts of an attribute present on freedom camping, or negative effects of freedom camping on the attribute/area, health and safety or access are moderate to high. Consider constraint = moderate adverse impact. There are restrictions, control or mitigation measures, to manage the impact of the attributes present on freedom camping, or the adverse effects of freedom camping on the attribute/area, access and/or health and safety of people visiting the area.
Low	Noted constraint	Where the impacts of an attribute present on freedom camping, or adverse effects of freedom camping on the attribute/area, health and safety or access are low to very low, but are still present and require noting. Noted constraint = low adverse impact. Attribute unlikely to adversely impacted by freedom camping, and freedom camping considered unlikely to negatively affect the attribute/land. Minor restrictions, control or mitigation measures may be recommended.
None	No properties	No attributes are present, hence no resulting impact.

27. Application of the assessment – Following this area-wide assessment, TT undertook a site-specific assessment of select carparking areas mapped or otherwise recorded by QLDC. It is noted that a number of these car parking areas are also located on reserve land and were assessed on the basis that they are also on land that QLDC controls and/or manages. These were subsequently excluded on the basis that reserve land is outside the scope of the draft bylaw. The car parking areas assessed in this step are identified in Attachment E of TTs full technical assessment included at **Attachment D** of this report.

28. The reason that QLDC carparking areas were selected for further specific assessment is that they are legally and easily accessible by a self-contained motor vehicle, are generally located in areas that can be suitably monitored by QLDC officers and were not assessed as areas with high adverse impacts from freedom camping.

- As outlined earlier in this report, land classified as reserve has been excluded from consideration for freedom camping on the basis of guidance received from councillors and that it is prohibited on the majority of reserve land in the district under the Reserves Act 1977²¹. SMEs from TT reviewed constraints present and have recommended some site-specific conditions for these selected areas in order to ensure suitable protection of the area, access and/or health and safety. QLDC SMEs have also recommended some conditions related to the nature, scale, location and use of the specific carparking areas.
- The carparking areas that TT have identified in Attachment E of their full technical assessment as having consider constraints/moderate impacts (or less) have been identified in the draft bylaw as specific restricted areas for freedom camping²².
- TTs assessment suggests that Council could consider providing for freedom camping in non-self-contained motor vehicles where a carpark is also within 75 metres of a toilet. Officers have not recommended providing for freedom camping in non-self-contained motor vehicles in any location on the basis of evidence of ongoing negative impacts of toileting outside of vehicles throughout the district despite the default requirements of the Act. As such, it is considered necessary to impose this restriction to protect the values of QLDC controlled and/or managed areas and health and safety.

29. TTs full assessment is attached to this report as **Attachment D**. TT have also prepared a summary report which provides an overview of their assessment. TTs summary report is attached to this report as **Attachment E**.

Areas for restricted freedom camping in the draft bylaw

Specific restricted freedom camping locations

30. Based on the steps outlined above, 14 specific restricted freedom camping areas have been identified in the draft bylaw, where freedom camping is to be allowed subject to specific conditions. These areas are shown in Schedule 1A of the draft bylaw included as **Attachment A** of this report.

²¹ Note that the prohibition on freedom camping at the Luggate Red Bridge reserve land has been uplifted using Ministerial delegation.

²² Two locations that TT have identified (in the area of Tucker Beach Road, Queenstown) have been excluded due to considerable transport related constraints evident through on-site analysis that require significant physical works to address.

31. The 14 restricted areas provide for up to 153 carparking spaces. This comprises 110 spaces in the Whakatipu ward (including 50 spaces at the NZTA Kingston Road/State Highway 6 carpark and two spaces at the NZTA Gibbston Highway/State Highway 6 carpark), five spaces in the Arrowtown Ward and 38 spaces in the Upper Clutha Ward (note that an additional 50 spaces are already provided under the existing ministerial delegation at the Luggate Red Bridge site).
32. A range of general and specific conditions have been included to manage freedom camping at these restricted freedom camping areas in order to protect the area, access and/or health and safety. The draft bylaw does not propose any specific restricted freedom camping areas where a non-self-contained motor vehicle could be used for freedom camping.
33. The specific carparking spaces to be identified on the ground at the restricted freedom camping areas have not been identified in the maps at Schedule 1A of the draft bylaw. These specific spaces will be identified with signage following the adoption of a bylaw in October 2025.

Table 3 Summary of proposed restricted freedom camping areas (freedom camping permitted with conditions)

Location	Number of carparking 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

34. Note that an additional 50 carparking spaces are already provided under an existing ministerial delegation at the Luggate Red Bridge site that is managed via the Reserves Act 1977.
35. The conditions proposed in the draft bylaw in relation to the restricted freedom camping areas are relevant to protecting access, health and safety and protection of the values present in each respective area.²³ For example, the proposed conditions which limit the number of nights a person can stay and return to the location addresses issues relating to access as it provides for equitable usage of the spaces available across the high number people freedom camping in the district. Likewise, the proposed conditions which limit when a person can arrive and depart the spaces ensures that usage and access of the area is available other people who may seek or need to access this location. Use of certified self-contained motor vehicles only, not leaving waste and not lighting any fires are other conditions applied to these restricted freedom camping areas that are necessary to protect the area from adverse impacts of freedom camping. The conditions are considered appropriate and proportionate, in relation to the status of the district as the most popular place in New Zealand for overnight 'free camping', as discussed in the context section of this report.

Restricted freedom camping on rural roads

36. In addition to the specific restricted freedom camping areas shown in Schedule 1A of the draft bylaw, and described above, Schedule 1B of the draft bylaw proposes that 'rural roads' across the district are to be restricted freedom camping areas subject to specified conditions. These rural roads are located outside of the district's built up urban areas (i.e. residential/commercial/business/town centre areas) as informed by the district plan zones. TT recommend that freedom camping can take place on locations outside of the active road corridor of rural roads subject to specific conditions. The conditions applied to these areas are included in clause 8.3 of the draft bylaw, and are considered necessary to protect the area, access and/or health and safety. These conditions relate to the nature of the ground/surface, minimum separation distance from the nearest edge of the road hard shoulder (where provided) or edge of seal (where no hard shoulder) and ensuring sufficient space for other uses in case of an emergency.
37. It is noted that TTs assessment has identified hard constraints on some parts of the district's rural road network. Generally, these hard constraints relate to natural hazards and ecological values (such as habitat for bird, bat, and invertebrate species). TT advise that a site-specific assessment would be required to confirm the presence of such hard constraints and whether or not they are located in areas that could reasonably be used for freedom camping (taking into account the conditions to be applied to rural roads, i.e. do they intersect with suitable stopping areas or laybys). Given the scale and isolation of the district's rural roads, it is not practical to undertake a

²³ The conditions proposed vary by location, and generally include that a person freedom camping must: use a certified self-contained vehicle, use one of the marked motor vehicle spaces, not arrive in any of the spaces before a specified time in the evening, leave any space by a specified time in the morning, ensure any motor vehicle, camping equipment 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 where the person has previously freedom camped within a 30 day period, not leave any waste and not light any fires outside of the motor vehicle.

site specific assessment of every such location in the timeframe that Council seeks to adopt a new bylaw.

38. Although a site-specific assessment is not required in every instance to determine whether a prohibition on freedom camping is justified, officers recommend that a restriction on freedom camping on rural roads is an appropriate and proportionate approach in the circumstances. Such an approach will provide for restricted freedom camping on all of the district's rural roads subject to compliance with conditions and focus the conditions in the draft bylaw on protecting the health and safety of visitors to and access to the rural roads. The rationale for this is twofold. First, as described above, the TT assessment indicates that freedom camping can take place on many locations outside of the active road corridor subject to specific conditions. Second, a restricted approach means that the draft bylaw would have conditions to address any perceived problems or issues. This would not be possible if the default status for freedom camping under the Act was the approach taken.
39. It is also noted that the majority of infringements issued under the Act and RFS applications do not relate to the district's rural roads (see **Attachment C**). This generally supports the rationale for applying a restricted approach for freedom camping on rural roads, as opposed to a prohibited approach that is proposed across the district's urban (i.e. residential/town centre/commercial/business areas) roads where the majority of infringements issued under the Act and RFS applications have been reported.

Freedom camping at Luggate Red Bridge

40. The Luggate Red Bridge freedom camping area is located off State Highway 8A (Luggate Tarras Road) approximately 12 km from Wānaka and 2 km from Luggate. The area can accommodate 50 motor vehicles. A public toilet is located in close proximity to the motor vehicle parking area. The area immediately surrounding the motor vehicle parking area contains the Red Bridge Historic Reserve and a disc golf course that do not form part of the motor vehicle parking area.
41. The Luggate Red Bridge area is classified as reserve land under the Reserves Act 1977. This means that the default position under that act is that freedom camping in this area is prohibited. However, at its 12 December 2019 meeting, Council exercised its delegation from the Minister of Conservation to uplift the prohibition on part of the reserve²⁴. **Figure 3** below shows the area subject to this decision.
42. TT's technical assessment has considered adverse impacts from freedom camping at the Luggate Red Bridge site. It finds that freedom camping is suitable at this location subject to conditions. The decision made on 12 December 2019 did not specify conditions regarding freedom camping at this location. Officers intend to present a separate report to Council when a final bylaw is presented for adoption on 9 October 2025 that will propose amendments to the existing

²⁴ <https://www.qldc.govt.nz/media/n0cfmqeb/4-red-bridge-agenda-report-december-12-003.pdf> (agenda item) and <https://www.qldc.govt.nz/media/3srn40hb/4a-reserves-act-1977-instrument-of-delegation-for-territorial-authorities.pdf> (Attachment A -Instrument of delegation)

Ministerial delegation so that appropriate conditions can be imposed to effectively manage the adverse impacts of freedom camping at this location.

Figure 2 Luggate Red Bridge freedom camping site. Area subject to freedom camping prohibition uplift blue. Remaining area of reserve land not subject to uplift orange



Areas prohibited for freedom camping

43. Areas that have not been identified for restricted freedom camping in Schedule 1A and Schedule 1B of the draft bylaw, are included in Schedule 2 as prohibited areas for freedom camping. Freedom camping is not permitted to take place in any prohibited area. These areas have been identified as prohibited on the basis that they will experience high adverse impacts from freedom camping with respect to the area, access and/or health and safety (or they cannot be safely or legally accessed by freedom campers), and it is not suitable for conditions to be applied to manage these adverse impacts. This includes prohibiting freedom camping on the districts urban (residential/town centre/commercial/business area) roads.
44. It is also noted that the majority of infringements issued under the Act and RFS applications relate to the district's urban (residential/town centre/commercial) roads (see **Attachment C**). This generally supports the rationale for applying a prohibited approach for freedom camping on urban roads, as opposed to a restricted approach that has been applied across the district's rural roads, where the few of the infringements issued under the Act and RFS applications have been reported.

Temporary changes to restricted freedom camping areas

45. Clause 9 of the draft bylaw includes provisions that enable QLDC to temporarily prohibit or change conditions in any restricted freedom camping area (or any local authority area) in order to address issues related to a need to protect the area, access and/or health and safety in relation to QLDC controlled or managed land. The capacity to make such decisions is important during unanticipated or emergency events that cannot be foreseen ahead of Council making a bylaw.
46. The draft bylaw proposes that the Chief Executive be delegated the power to make decisions of this nature. The reason for this is to ensure that such decisions can be made at pace in response to rapidly changing circumstances in order to minimise any impacts that freedom camping in a specific location may have in relation to protecting the area, access and/or health and safety. The draft bylaw requires public notice to be given of any such decision to ensure people are made aware of a change to the status of freedom camping in the subject area.

Discretionary consent to freedom camp

47. Clause 10 of the draft bylaw includes provisions that enable QLDC to consider applications 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 event. It is anticipated that the types of events that may be applied for may include, but are not limited to scout and guide events, sporting and club events, marae-related events, and community and school events.
48. The draft bylaw provides that QLDC may refuse the application, approve the application, or approve it subject to conditions relevant to protecting the area, access and/or health and safety. Costs incurred by QLDC in processing any application can be recovered from the applicant. There is provision for applicants to request a review of any decision made by QLDC which refused the application, approved the application subject to conditions, or revokes any approved application.
49. Clause 10 provides for the Chief Executive to make decisions relating to any discretionary consent to freedom camp. It is considered appropriate for this decision-making power to be delegated to the Chief Executive to ensure that applications can be assessed and determinations can be made at a pace that is suitable for applicant's programme management.

Future investigation on options for low-cost and freedom camping separate to the development of a bylaw

50. As part of the wider responsible camping programme, in addition to the development of the draft bylaw, officers intend to investigate additional sites for low-cost and freedom camping in the district. This investigation would encompass the wider context of the Kiwi Camping and the Joint Housing Action Plan work programmes.

51. A Freedom Camping Bylaw is one important aspect of the wider responsible camping context for the district, but not the only aspect. To ensure QLDC takes a holistic approach, it is anticipated that an options paper could be presented to Council in the next triennium to consider the range of opportunities available and outline the legal and financial implications associated with each.
52. Examples of land that may be considered for low-cost and/or freedom camping includes reserve land that has undergone technical assessment by TT, as well as private land that may be available for lease as low-cost camping areas.

Options analysis

53. 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.
54. **Option 1:** that Council adopt the draft Freedom Camping Bylaw 2025 I Ture ā-Rohe mō te Noho Puni Korehere 2025 at **Attachment A** for public consultation in accordance with the special consultative procedure.

Advantages	Disadvantages
<p>a. The draft bylaw development process has comprehensively identified and considered the adverse impacts of freedom camping in the district in relation to the protection of the area, access and health and safety. Adoption of the draft bylaw would ensure that these matters have been considered and addressed and that areas proposed as restricted or as prohibited are in accordance with the Act and will provide community feedback on the draft bylaw.</p> <p>b. The draft bylaw would provide Council with appropriate regulatory tools to manage the adverse impacts of freedom camping on land controlled or managed by QLDC (and select NZTA land) with respect to the protection of the area, access and health and safety that it would not otherwise be able to manage (other than the baseline requirements set out in the Act).</p> <p>c. Land controlled or managed by QLDC classified as a reserve would be suitably managed through the status quo prohibition</p>	<p>a. The public consultation and adoption aspects of the bylaw development process require significant resources in order to run submissions processes, hold public hearings and prepare deliberations and adoption reports.</p> <p>b. As with any complex work programme undertaken at pace, there is the potential that if there were more time, there would be further opportunity to gather additional data and undertake more analysis and to inform the draft bylaw.</p> <p>c. A 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.</p> <p>d. It may still be perceived that the draft bylaw does not satisfy the requirements under section 11 of the Act as the most appropriate and proportionate way of addressing the perceived problem.</p>

Advantages	Disadvantages
<p>for freedom camping under the Reserves Act 1977.</p> <p>d. A bylaw would assist in addressing community expectations concerning appropriate management of freedom camping.</p>	

55. **Option 2:** that Council adopt the draft Freedom Camping Bylaw 2025 I Ture ā-Rohe mō te Noho Puni Korehere 2025 at **Attachment A** with additional amendments for public consultation in accordance with the special consultative procedure.

Advantages	Disadvantages
<p>a. As per option 1 b, c and d</p>	<p>a. As per option 1, and</p> <p>b. Additional amendments made to the draft bylaw will need to be carefully considered against the technical assessments that have informed the approach taken in the draft bylaw, and against the matters in section 11 (protect the area, access and health and safety) that determine when it is appropriate to make Freedom Camping Bylaws. There is a risk that such amendments may be inconstant with these matters.</p>

56. **Option 3:** that Council does not adopt the draft Freedom Camping Bylaw 2025 I Ture ā-Rohe mō te Noho Puni Korehere 2025 at **Attachment A** for public consultation in accordance with the special consultative procedure.

Advantages	Disadvantages
<p>a. There is no risk of perception that a bylaw will not satisfy section 11 of the Act as being the most appropriate and proportionate way of addressing the perceived problem.</p> <p>b. Council could continue relying on the baseline controls on freedom camping activities under the Act in order to manage the adverse impacts of freedom camping, as well as the status quo prohibition of freedom camping on reserve land under the Reserves Act 1977.</p>	<p>a. There is a community expectation that a new bylaw will be prepared to manage the adverse impacts of freedom camping in relation to the protection the area, access and health and safety.</p> <p>b. Council would not have the ability to specifically manage the adverse impacts of freedom camping in relation to the protection the area, access and health and safety on land that is owned or managed by</p>

Advantages	Disadvantages
c. QLDC resources would be redirected to other priorities.	QLDC and which is not identified as a reserve.
d. If Council determined that it would still like to pursue a Freedom Camping Bylaw, there is the potential that with more time, there would be further opportunity to gather additional data, undertake more analysis and to inform the draft bylaw.	c. Technical assessments have shown that there is cause to restrict or prohibit freedom camping across much of the district to protect the area, health and safety and access. Choosing not to develop a bylaw to address these matters may not be supported by the community.

57. This report recommends **Option 1** for addressing the matter because it would allow QLDC to appropriately and proportionally respond to the adverse impacts of freedom camping and a matter of high community interest in a manner that is supported by a comprehensive technical assessment.

Next steps

58. If Council endorses Option 1, the draft bylaw and statement of proposal will go out for public consultation from 8.00am on 8 July 2025 until 5:00pm on 8 August 2025. Any person may make a submission on the draft bylaw. An online survey will be available for people to make their submission. Any other form of submission will also be accepted.

59. It is intended that submissions received will be presented to a hearing panel, and a public hearing will be held late August 2025 for those submitters who would like to present their submissions in person.

60. Officers will then present the draft bylaw to Council for deliberation and adoption at its meeting on 9 October 2025. If adopted, the bylaw will come into effect at a date to be determined following this meeting, prior to the summer.

Consultation Process | Hātepe Matapaki

Significance and Engagement | Te Whakamahi I kā Whakaaro Hiraka

61. This matter is of medium significance, as determined by reference to the Council's Significance and Engagement Policy 2024. The issue of freedom camping (and destination management generally), is important to the district's community. Any new regulation which enables, restricts or prohibits different types of visitor activity and its associated adverse impacts will be of high community interest. The assessment of the factors in the Significance and Engagement Policy 2024 is as follows:

- 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 specific decision before Council (to adopt a draft bylaw for consultation) 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 Reserves Act 1977. Depending on the outcome of next steps, a later decision to adopt a Freedom Camping Bylaw may have a range of implications for QLDC's capability and capacity with respect to implementing, monitoring and enforcing a bylaw that applies specific restrictions and prohibitions across a wide area of land that is controlled or managed by QLDC.
- c. Climate change – There is no inconsistency with Council's Climate & Biodiversity Plan, including its action plan and outcomes.
- d. Mana whenua (Kāi Tahu) - Officers and technical advisors have engaged directly with mana whenua representatives during the process of developing a draft bylaw.
- 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. Queenstown Airport Corporation is a CCO. Although involved in tourism, it is not directly related to freedom camping activity but may make a submission during the consultation period.

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

Māori Consultation | Iwi Rūnaka

63. Kāi Tahu have been engaged throughout the process of developing a draft bylaw. It is acknowledged that mana whenua have a high interest in biodiversity and water management. The bylaw development process has considered these matters with respect to the values or attributes of QLDC controlled or managed land with respect to protecting the area, access and health and safety.

Risk and Mitigations | Kā Raru Tūpono me kā Whakamaurutaka

64. 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.
65. The approval of the recommended option will allow Council to implement additional controls for this risk. This will be achieved by publicly consulting on a draft bylaw that restricts or prohibits freedom camping on QLDC controlled or managed land in order to protect the area, access and health and safety.

Financial Implications | Kā Riteka ā-Pūtea

66. Review of the 2021 bylaw was planned to commence in 2026, therefore the quashing order from the High Court has brought forward this bylaw development process. The costs associated with reviewing Council's bylaws including staff time and advertising will be met within current Council budgets.
67. The wider responsible camping programme operational expenditure for 2024-2025 was approximately \$333,000. The successful implementation of a new Freedom Camping Bylaw will require appropriate budget to put in place and monitor. Costs for the 2025-26 Responsible Camping Programme are estimated at approximately \$420,000 and include considerations such as:
- a. ambassadors (i.e. wages, uniforms, required resources)
 - b. communications (i.e. printed resources and targeted messaging through CamperMate and/or other commercial advertising to campers)
 - c. fleet
 - d. signage (i.e. education signs in all restricted freedom camping sites if a bylaw is adopted, as well as signage marking the correct areas for freedom camping highlighting the nearest toilet)
 - e. site maintenance.
68. 2025-26 is the final year of allocated funding for the responsible camping programme, there is no confirmed budget in year three of the 2024-2034 Long Term Plan for this programme.
69. Additional costs to consider as part of the wider programme include piloting new technology solutions at Luggate Red Bridge for better management of this site.
70. The cost to QLDC for enforcement officers related to responsible camping between November 2024 and April 2025 was \$122,000. The revenue from infringement fines was \$149,000.

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

71. The following Council policies, strategies and bylaws were considered:
- a. Our Strategic Framework and Investment Priorities

- b. Significance and Engagement Policy 2021
- c. Responsible Camping Strategy 2022-2027
- d. Enforcement Strategy and Prosecution Policy 2021
- e. Parks and Open Spaces Strategy 2021
- f. Future Parks and Reserves Provisions Plan 2021
- g. The Queenstown Lakes Spatial Plan 2021
- h. Travel to a thriving future - A Regenerative Tourism Plan
- i. QLDC Disability Policy 2018.

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

73. Provision for bylaw enforcement and complaint response is identified as part of QLDC's regulation functions and services in the Long-Term Plan²⁵. 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 charge²⁶.

74. Adopting a draft bylaw for consultation in itself would not create any new capacity or capability impacts that are not already funded. The final form scale and extent of the draft bylaw will be informed by submissions, hearings and deliberations. A subsequent decision by Council to adopt a Freedom Camping Bylaw may have a range of implications for Council's capability and capacity with respect to implementing, monitoring and enforcing a bylaw that applies specific restrictions and prohibitions across a wide area of land that is controlled or managed by QLDC.

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

The starting point for Council controlled or managed land in the Freedom Camping Act 2011

75. As identified earlier in this report, under the Act, the starting point is that freedom camping in a self-contained motor vehicle (or tents) is permitted on all local authority land unless a bylaw specifically restricts or prohibits it. Freedom camping in non-self-contained vehicles is prohibited unless permitted under a bylaw or other legislation. Officers have identified all land owned or managed by it, to assess areas where there may be a need to restrict or prohibit freedom camping, as outlined in the Act.

The starting point for reserve land in the Reserves Act 1977

76. Using any reserve for permanent or temporary accommodation (camping), including freedom camping is prohibited by default under section 44 of the Reserves Act 1977. There are infringement offences available within the Reserves Act 1977 to enforce this prohibition. Since late last year, Council has been regulating camping on reserves using the Reserves Act 1977. It is proposed that Council continues to enforce freedom camping on reserves in this way. The

²⁵ QLDC Long Term Plan 2024–2034, page 104

²⁶ QLDC Long Term Plan 2024–2034, page 320

Reserves Act 1977 provides an effective and efficient means of regulating camping on reserves and it is considered appropriate to manage camping using these tools.

Legal requirements for making a Freedom Camping Bylaw

77. Section 11 of the Act enables Council to make a bylaw to regulate freedom camping by defining areas where freedom camping is restricted or prohibited. Before making or reviewing a bylaw, Council needs to satisfy itself of the following:

- a. First, under section 11(2)(a), 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.
- b. Second, under section 11(2)(b), Council must determine that a bylaw is the most appropriate way to address the perceived problem in relation to specific areas where regulation or prohibition of freedom camping is being considered, and that any restrictions proposed are a proportionate response to addressing the perceived problem(s). As freedom camping is otherwise permitted, restrictions and prohibitions must be supported by evidence that justifies both the issue being addressed and the response proposed. An assessment of section 11(2)(b) is below.
- c. Third, under section 11(2)(c), Council must ensure that the bylaw is not inconsistent with the New Zealand Bill of Rights Act 1990 (NZBORA). An assessment of section 11(2)(c) is below.
- d. Fourth, under sections 10A, 11(3), where NZTA land is to be considered local authority land for the purposes of a Freedom Camping Bylaw, the Chief Executive of NZTA must give their written consent for this to occur. Officers from 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.

Appropriate and proportionate way of addressing the perceived problem

78. 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.

79. 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, and in relation to its resident population. As outlined in previous

reporting²⁷ and in the technical assessment undertaken by TT, the district experiences adverse impacts from freedom camping on the 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). Specifically, via GIS mapping, the technical outputs identify a low (or no), medium or high level of adverse impact from freedom camping on an area. As such, it is considered that a bylaw which restricted or prohibits freedom camping on land within the district which experiences these adverse impacts is appropriate.

80. The draft bylaw comprises an appropriate and 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). The approach in the draft bylaw provides a range of opportunities for restricted freedom camping across the district.
81. A prohibition of freedom camping is proposed in areas where there are high adverse impacts from freedom camping that cannot be managed through restrictions and conditions. This is considered an appropriate and proportionate response to the high negative impacts on Council controlled or managed land, as any freedom camping in these areas would not protect the area access and/or health and safety.
82. QLDC recognises that the starting point in the Act is that freedom camping in a self-contained motor vehicle (or tents) is permitted on all local authority land unless a bylaw specifically restricts or prohibits it (other than reserve land). However, it is not considered that relying on this default position 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 undertaken by TT.
83. Council acknowledges that it may not prohibit freedom camping across the district, and must comply with section 12 of the Act that that does not allow for Freedom Camping Bylaws to have the effect of prohibiting freedom camping in all the local authority areas. In developing the draft bylaw, it has considered the default position in the Reserves Act 1977 that prohibits camping on reserves. It notes that Council has previously exercised its Ministerial Delegation to lift this prohibition and provide for freedom camping at the Luggate Red Bridge site.

New Zealand Bill of Rights Act 1990 determination

84. This assessment first entails determining whether the draft bylaw limits any of the rights contained in New Zealand Bill of Rights Act 1990 (**NZBORA**). The NZBORA 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'.

²⁷ See 20 March 2025 full council freedom camping issues and options report

85. Section 18 of the NZBORA 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 High Court has previously found that the NZBORA does not contain a right to “freedom camp” or remain in a place overnight, and the right in section 18 and other rights in the NZBORA may not be engaged in the context of a Freedom Camping Bylaw.²⁸ However, in the same case the Council also confirmed that any limitations arising from the bylaw at issue were justified in terms of section 5 of the NZBORA.
86. Whilst it is unclear if any NZBORA rights are engaged, as 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 it is considered appropriate to address the second NZBORA assessment, to determine whether such limits in the draft bylaw are demonstrably justified. Caselaw indicates that restrictions can be justified if they reasonably address legitimate concerns around safety, access, or environmental effects.²⁹
87. 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 all in the area.
88. Further, the draft 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.
89. 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 NZBORA, 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 NZBORA.

The special consultative procedure

90. It is proposed that Council use the special consultative procedure in section 83 of the Local Government Act 2002 for this bylaw (as required in section 11B of the Act). The special consultative procedure requires Council to adopt a formal statement of proposal, provide a consultation period, and allow people to present their views to Council in a manner that enables spoken interaction (such as through a hearing).

²⁸ *New Zealand Motor Caravan Association Inc v Thames-Coromandel District Council* [2014] NZHC 2016.

²⁹ *Ibid.*

91. In accordance with section 83 of the LGA, it is proposed that Council will encourage people to give feedback by making the draft bylaw, statement of proposal, and associated supporting material as widely available as is reasonably practicable and by:

- enabling people to provide their views on the draft bylaw by way of a survey on Council's 'Let's Talk' website, or by email, post or hand delivery
- having the statement of proposal accessible on Council's 'Let's Talk' website
- placing advertisements in local newspapers
- hosting public drop in sessions in the Whakatipu and Upper Clutha wards
- directly notifying (via email) known stakeholders
- promoting the consultation on Council's social media pages.

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 draft bylaw will deliver on this purpose as it will ensure QLDC is addressing the matters in section 11 of the Act with respect to the adverse impacts of freedom camping in the district.

93. It is considered that the recommendation in this report is appropriate and within the ambit of Section 10 of the Local Government Act 2002, and that the Act enables local authorities to make bylaws to restrict or prohibit freedom camping on land controlled or managed by it.

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	Draft Freedom Camping Bylaw 2025 Ture ā-Rohe mō te Noho Puni Korehere 2025
B	Statement of proposal
C	Data related to infringements, summer ambassador observations and request for service applications
D	Tonkin and Taylor – Full technical assessment (circulated separately)
E	Tonkin and Taylor – Overview report of technical assessment (circulated separately)