

QLDC Council  
25 October 2018

Report for Agenda Item: 3

Department: Community Services

**Amendments to Queenstown Lakes District Council Freedom Camping Control Bylaw 2012 and Arrowtown-Lake Hayes Reserve Management Plan Purpose**

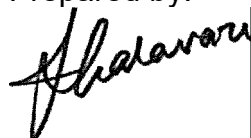
The purpose of this report is to consider the amendments to the Queenstown Lakes District Council Freedom Camping Control Bylaw 2012 and Arrowtown-Lake Hayes Reserve Management Plan 2013 for adoption

**Recommendation**

That Council:

1. **Note** the contents of this report;
2. **Amend** the Queenstown Lakes District Council Freedom Camping Control Bylaw 2012 to update 'Schedule A Maps' to prohibit freedom camping at all Council administered Lake Hayes Reserves and the parking area at the Shotover Delta located to the northwest of the Shotover Bridge.
3. Amend the Arrowtown-Lake Hayes Reserve Management Plan 2013 to update the policy to:  
*17.1 Freedom Camping is permitted in the Reserves only to the extent allowed in the Council's Freedom Camping Control Bylaw*
4. **Note** that all submissions and feedback received through this consultation will be fed into the responsible camping strategy work that is currently underway.
5. **Agree** to exercise the Conservation Minister's consent (under delegation from the Minister).

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9/10/2018

Reviewed and Authorised by:



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10/10/2018

## Background

- 1 There has been significant growth in the Queenstown Lakes District community and in the number of visitors to the district, which includes an increase in the number of freedom campers. Freedom camping numbers have increased dramatically in the past two years specifically at the Shotover Delta and Lake Hayes Reserves. This has resulted in overcrowding, restricted public access and enjoyment of the reserves and public health issues. Queenstown Lakes District Council was receiving many complaints from the public about freedom camping particularly in these two locations.
- 2 The current Freedom Camping Control Bylaw 2012 (the bylaw) permits freedom camping to take place at the Shotover Delta and on the Lake Hayes Reserves, the latter which are also covered by the Arrowtown-Lake Hayes Reserve Management Plan 2013 (the RMP).
- 3 The RMP currently permits freedom camping through the following policies for Lake Hayes Reserves:
  - 17.1 *Permit freedom camping in certified self-contained vehicles for a maximum of two nights at:  
The northern end of Lake Hayes within a designated area.  
  
The area adjacent to the State Highway, north of the rowing club access road within a designated area.*
  - 17.2 *Determine the designated area for freedom camping, with regard to demand for camping and reducing impacts on day visitors*
- 4 The bylaw as amended and notified updated the maps to prohibit freedom camping at the Shotover Delta and Lake Hayes Reserves.
- 5 The RMP as amended and notified deleted policy 17.2 and amended policy 17.1 to read:
  - 17.1 *Freedom Camping is permitted in the Reserve only to the extent allowed in Council's Freedom Camping Bylaw.*
- 6 On 26 July 2018 the Queenstown Lakes District Council resolved to proceed to notify the amendments to the bylaw to prohibit freedom camping at Lake Hayes and Shotover Delta and the amendments to the RMP as relating to freedom camping policies. This was done as a special consultative procedure under the Local Government Act 2002 (LGA).
- 7 Public consultation on the amendments to the bylaw and the RMP opened on 28 July 2018 and closed on 31 August 2018.
- 8 A Responsible Camping Strategy is being developed with partner agencies to provide long term solutions and an implementation plan for freedom camping across the District.

## Comment

- 9 47 public submissions were received within the advertised submission period. 11 submissions were in opposition to the notified amendments, 36 submissions were in support. Seven submitters were heard in support of their submissions.
- 10 The RMP has been prepared in accordance with the Reserves Act 1977. Following the hearing the final step is for Council to adopt the plan under delegation from the Minister of Conservation.
- 11 The hearings committee comprising Councillors Alexa Forbes, Craig Ferguson and Scott Stevens recommend the plan for adoption by Council, which has been amended following the submissions and the hearings process. The final versions of the RMP and bylaw are attached as Attachments A and B. The minutes of the hearing are included as Attachment C.
- 12 A summary of the submissions and the changes made in response is attached as Attachment D. Only one change was made which is to amend the bylaw to update 'Schedule A Maps' to prohibit freedom camping at *all Council administered Lake Hayes Reserves* (as opposed to the three Lake Hayes Reserves areas being Lake Hayes North, the Rowing Club and the Lake Hayes Pavilion).

## Options

Option 1: Adopt the changes to the bylaw and the RMP.

*Advantages:*

- 13 Adopting the amended bylaw and RMP will provide clarity in relation to the rules regarding freedom camping at Lake Hayes and Shotover Delta, while the Responsible Camping Strategy is completed and implemented.
- 14 It will ensure that there is a consistent regime in place to control and enforce freedom camping in the District in areas where issues have been identified.
- 15 Public access to the reserves and public enjoyment of the reserves will be protected.

*Disadvantages*

- 16 Freedom Camping will no longer be available at Lake Hayes Reserves and the Shotover Delta and displacement of campers may occur

Option 2 Do not adopt the changes to the bylaw and the RMP.

*Advantages:*

- 17 None

### *Disadvantages:*

- 18 The issues associated with freedom camping at these reserves will not be addressed and will continue to degrade the environment and will negatively impact the public's access to and enjoyment of these areas.
- 19 Council still has a duty to enforce non self-contained camping, this requires the same or similar levels of enforcement to maintain the status quo, with limited public and environmental benefit.
- 20 Council will have a bylaw and RMP that that is not fit for purpose regarding the specified areas, and the bylaw would be inconsistent with the Reserves Act at Shotover Delta, as a result of the issues identified above.
- 21 This report recommends **Option 1** for addressing the matter.

### ***Significance and Engagement***

- 22 This matter is of medium significance, as determined by reference to the Council's Significance and Engagement Policy because of the potentially high level of community interest against the 'low' assessments against the other factors.

### ***Risk***

- 23 This matter relates to the operational risk OR11 decision making as documented in the Council's risk register. The risk is classed as low. This matter relates to this risk because the options highlighted require the Council to follow an approval process that amends current activities on land and reserves

### **Financial Implications**

- 24 There is some operational expenditure related to enforcing the rules, however costs to enforce the new prohibitions are similar to enforcing the previous restrictions at the same site and therefore can be covered by existing operational budgets.

### **Council Policies, Strategies and Bylaws**

- 25 The following Council policies, strategies and bylaws were considered:
  - Arrowtown-Lake Hayes Reserves Management Plan 2013
  - Queenstown Lakes District Council Freedom Camping Control Bylaw 2012
- 26 The recommended option is consistent with the principles set out in the named policy/policies.
- 27 This matter is not included in the 10-Year Plan/Annual Plan but can be paid for from existing operational and capex budgets.

### **Local Government Act 2002 Purpose Provisions**

- 28 The recommended option:

- Will help meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses by removing a problem activity from high amenity land and reserves
- Can be implemented through current funding under the 10-Year Plan and Annual Plan;
- Is consistent with the Council's plans and policies; and
- Would not alter significantly 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.

### **Consultation: Community Views and Preferences**

29 The persons who are affected by or interested in this matter are the residents, ratepayers and visitors to the Queenstown Lakes District.

30 The Council has publicly notified the changes to the RMP and bylaw and a public hearing was held on 24 November 2018.

### **Legal Considerations and Statutory Responsibilities**

31 The amendments to the RMP are in accordance with the Reserves Act 1977.

32 The Conservation Minister has delegated decision making powers for reserve management plans to local administering bodies.

33 The Freedom Camping Act 2011 provides for local councils to prepare bylaws.

### **Attachments**

- A Amended Arrowtown-Lake Hayes Reserves Management Plan 2013
- B Queenstown Lakes District Council Freedom Camping Control Bylaw 2012 including Amended 'Schedule A Maps'
- C Minutes of the RMP and Freedom Camping Control Hearing
- D Summary of Submissions with recommended changes