

**QLDC Council****26 July 2018****Report for Agenda Item: 6****Department: Community Services****Amendments to Arrowtown-Lake Hayes Reserve Management Plan and Queenstown Lakes District Freedom Camping Control Bylaw.****Purpose**

The purpose of this report is to consider the proposed amendments to the Queenstown Lakes District Freedom Camping Control Bylaw 2012 and the Arrowtown-Lake Hayes Reserve Management Plan 2013, to enable the consultation under the special consultative procedure to commence.

**Recommendation**

That Council:

1. **Note** the contents of this report;
2. **Agree** to notify the amendments to the Queenstown Lakes District Freedom Camping Control Bylaw 2012 to prohibit freedom camping at Lake Hayes and Shotover Delta;
3. **Approve** the amendments to the Arrowtown-Lake Hayes Reserve Management Plan 2013 as relating to freedom camping policies for notification; and
4. **Appoint** three Councillors [to be named] to participate in a hearing panel to consider and hear submissions on the proposed Queenstown Lakes District Freedom Camping Control Bylaw 2018 and the amended Arrowtown-Lake Hayes Reserve Management Plan.

Prepared by:



Jeannie Galavazi  
Parks Planning  
Manager (Acting)  
12/07/2018

Reviewed by:



Alice Balme  
Legal Manager  
17/07/2018

Reviewed and  
Authorised by:



Thunes Cloete  
Community Services  
General Manager  
17/07/2018

## Background

- 1 The Queenstown Lakes District is seeing significant growth in freedom camping numbers in all locations. The majority of campers are responsible and respectful, and bring economic benefit to the area. In key areas (specifically Lakes Hayes, Shotover Delta, Wanaka Lakefront) residents have escalating concerns regarding freedom camper behaviour, such as washing in lakes, human waste, overcrowding etc.
- 2 The Council has previously allowed freedom camping to take place at Lake Hayes and on the Shotover Delta in accordance with its Queenstown Lakes District Freedom Camping Control Bylaw 2012 (the **Bylaw**). These locations are shown on Attachment A of this report.
- 3 It is note that Freedom Camping is currently prohibited at the Shotover Delta under the Reserves Act. However, this has not historically been enforced.
- 4 The Arrowtown-Lake Hayes Reserve Management Plan 2012 (the **RMP**) 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:*
    - i) *The northern end of Lake Hayes within a designated area.*
    - ii) *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*
- 5 Late in 2017 there were growing concerns from the public as described above. In response to this, at the Council meeting on 8 February 2018 resolved the following:
  - a. **Authorise** staff to install lockable gates to restrict vehicle access to the northern end of Lake Hayes Reserve, to monitor and restrict all other areas of Lake Hayes under Council control as required, along with the Shotover Delta area, between the hours of 10pm and 5.30am;
  - b. **Direct** staff urgently to progress the review of Council's Freedom Camping Bylaw and the Arrowtown Lake Hayes Reserve Management Plan and preparation of the District's Camping Strategy; and
  - c. **Agree** to notify the intent to review parts of the Arrowtown-Lake Hayes Reserve Management Plan as relating to freedom camping policies.

## Comment

- 6 Since the 8 February 2018 Council meeting, Council staff have been establishing the framework for the Queenstown Lakes District Responsible Camping Strategy.
- 7 This has involved establishing a Project Control Group and Governance Group, both of which have representatives from Department of Conservation, Land Information New Zealand, Ministry of Business Innovation and Employment, QLDC

and New Zealand Transport Association. A Memorandum of Understanding and a Funding Agreement have been signed by the Governance Group.

- 8 A Responsible Camping Strategy Writer and Project Manager were appointed in early June and the strategy is currently being drafted. The findings and recommendations of the strategy will be reported back to Council in October 2018.
- 9 The recommendations of the strategy will determine where freedom camping is appropriate in the District and subsequently may include a full review of the Bylaw and RMP. In the interim, the Bylaw and RMP must be amended so that freedom camping is restricted at the Shotover Delta and Lake Hayes North, and so the policies are fit for purpose, consistent with one another and consistent with council recommendations.
- 10 The current bylaw should be amended by updating the maps to prohibit freedom camping at the Shotover Delta and Lake Hayes Reserves. The updated bylaw maps are included as Attachment B.
- 11 The RMP will be amended by amending policy 17.1 and deleting policy 17.2. Policy 17.1 should be amended to read:

*17.1 Freedom Camping is permitted in the Reserve only to the extent allowed in Council's Freedom Camping Bylaw*

The amended page of the RMP is included as Attachment C.

- 12 A Statement of Proposal (Attachment D), prepared in accordance with the Local Government Act 2002 sets out in detail the proposal including:
  - a. A summary of the problem,
  - b. The legislative framework,
  - c. Alternatives considered; and
  - d. The consultation procedure.
- 13 A Summary of Proposal has been prepared for notification purposes and is also include as Attachment D.
- 14 It is acknowledged that part of the community who do camp responsibly will be upset by the formalisation of the prohibition on Freedom Camping in these areas. It is anticipated that through the Responsible Camping Strategy work, the appropriateness of these areas for freedom camping will be reconsidered and/ or new areas may be identified to accommodate the growing number of freedom campers visiting the District. However, this must be balanced against that part of the community whose enjoyment of Council reserve land is significantly diminished by irresponsible freedom campers visiting the district and not respecting our reserves.
- 15 An important part of the Responsible Camping Strategy going forward and the consultation in respect of the changes proposed in this report will include direct

engagement with the New Zealand Motor Campervan Association and the campervan industry generally. This will ensure that both sides of the community are heard and are able to inform Council in its decision making on this polarising issue.

## Options

- 16 Option 1 Approve the initiation of the consultation process to amend the Bylaw and RMP to prohibit freedom camping at Lake Hayes Reserves and Shotover Delta

### *Advantages:*

- 17 Amending the current Bylaw will provide clarity in relation to the rules regarding freedom camping at Lake Hayes and Shotover Delta, while the Strategy is completed and implemented. In addition, Council also proposes to amend the current RMP to provide that freedom camping can be regulated and enforced through the Bylaw. 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.

### *Disadvantages:*

- 18 The disadvantage is that following the consultation process will take some time (around 2 months), and will require costs to complete the process.
- 19 Some members of the freedom camping community may feel displaced as additional alternative sites have not been provided for.

- 20 Option 2 Maintain Status Quo

### *Advantages:*

- 21 The advantage of this option is it does not require the Council to undertake amendments to the legislation.

### *Disadvantages:*

- 22 The policies are not fit for purpose, inconsistent and will not be meeting Council's recommendations.
- 23 The issues associated with freedom camping at these reserves will not be addressed and will continue to degrade the environment and people's enjoyment of these areas.

- 24 Option 3: Allow Freedom Camping at Lake Hayes and Shotover Delta

### *Advantages:*

- 25 The advantage of this option is it does not require the Council to undertake amendments to the legislation.
- 26 Freedom campers will be able to continue camping at Lake Hayes and Shotover Delta.

### *Disadvantages:*

- 27 This option is inconsistent with the key principles of Reserves Act, which is to provide for the preservation of reserves and public access. This would also not be meeting the Council resolutions and public desire to prohibit freedom camping at these locations.
- 28 This report recommends **Option 1** for addressing the matter because there will be full consistency between the bylaw and the RMP for these two areas. Because the prohibition in section 44(1) has been overturned, the Council will be able to regulate freedom camping through a freedom camping bylaw under the Freedom Camping Act 2011. Council considers it desirable to regulate freedom camping through its freedom camping bylaw, given the advantageous enforcement mechanisms under the Freedom Camping Act 2011 (notably infringement notices). This approach would also enable greater consistency in regulating freedom camping across local authority areas in the district.

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

- 29 This matter is of medium significance, as determined by reference to the Council's Significance and Engagement Policy because it involves Council land and reserves, but that are not classified as strategic assets by the Council.

### ***Risk***

- 30 This matter related to the operational risk OR11 decision making – working within legislation, as documented in the Council's risk register. The risk is classed as low. The 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**

- 31 There are operational cost implications resulting from the decision regarding the amendments to the Bylaw and RMP. These costs will be met through current operational and Capex budgets.

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

The following Council policies, strategies and bylaws were considered:

- Freedom Camping Bylaw 2012
- Arrowtown – Lake Hayes Reserve Management Plan (RMP)

- 32 The recommended option is consistent with the principles set out in the named policy/policies.
- 33 This matter is not included in the 10-Year Plan/Annual Plan. Costs will be met in existing operational budgets.

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

- 34 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 obligations under the Reserves Act 1977; 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**

- 35 The persons who are affected by or interested in this matter are residents/ratepayers of the Queenstown Lakes district community.
- 36 The Council will be consulting through the special consultative procedures in the LGA for both the amended bylaw and the RMP.
- 37 It is suggested that a hearing for submissions be heard in the week of the 20<sup>th</sup>-24<sup>th</sup> September 2018 with a final report and bylaw being presented to Council at the Council meeting on 25 October 2018.

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

- 38 Council has obtained legal advice which confirms that the proposed changes to the bylaw and RMP are consistent with the purpose of the Reserves Act 1977, Freedom Camping Act, New Zealand Bill of Rights 1990 and are in line with the Council's role as administering authority of the affected reserves.

### **Attachments**

- A Map showing Lake Hayes and Shotover Delta areas
- B Updated Freedom Camping Bylaw Maps
- C Statement of Proposal
- D Summary Statement of Proposal