

QLDC Council
8 February 2018

Report for Agenda Item: 7

Department: Community Services

Freedom Camping Amendments

Purpose

The purpose of this report is to consider restricting access to overnight freedom campers at Lake Hayes reserves and the Lower Shotover.

Recommendation

That Council:

1. **Note** the contents of this report;
2. **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;
3. **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
4. **Agree** to notify the intent to review parts of the Arrowtown-Lake Hayes Reserve Management Plan as relating to freedom camping policies.

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31/01/2018

Reviewed and Authorised by:



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31/01/2018

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 Freedom Camping Bylaw. These locations are shown on Attachment A of this report.
- 3 The Reserve Management Plan for Arrowtown and Lake Hayes makes provision for freedom camping at Lake Hayes as follows:

Policy 17 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.

- 4 There is no specific provision in any reserve management plan for freedom camping on the Shotover Delta.
- 5 Late last year there were growing concerns and Council decided to reduce the space at Lake Hayes (North) Reserve used for freedom camping and to restrict the hours between 10pm and 5.30am.

Comment

Shotover Delta and Lake Hayes Reserve Restrictions

- 6 The land is a mixture of freehold and recreation reserve owned or administered by the Council, with some exceptions where the land is owned or administered by the Department of Conservation (DOC) and Land Information New Zealand (LINZ). Both DOC and LINZ have been consulted on the proposal and tentatively approve of the measures being considered by the Council.
- 7 In respect of the reserve land at Lake Hayes, Council is the administering authority responsible for administering, managing, and controlling the reserves under its control in accordance with the Reserves Act 1977 to ensure the use, enjoyment, development, protection and preservation, as the case may require, of the reserve is for the purpose for which it was classified (Section 40, Reserves Act).

- 8 The Lake Hayes Reserves and parts of the Lower Shotover Delta are classified as recreation reserves under the Reserves Act.
- 9 Generally speaking recreation reserves are intended for the purpose of providing areas for recreation and sporting activities and for the physical welfare and enjoyment of the public, and for the protection of the natural environment and beauty of the countryside, with emphasis on the retention of open spaces and on outdoor recreational activities, including recreational tracks in the countryside (Section 17, Reserves Act).
- 10 With regard to that general purpose, administering bodies are empowered to administer these reserves so that, amongst other things, the public shall have freedom of entry and access to the reserve, subject to the specific powers conferred on the administering body, to any bylaws under the Reserves Act applying to the reserve, and to such conditions and restrictions as the administering body considers to be necessary for the protection and general well-being of the reserve and for the protection and control of the public using it. They are also tasked with ensuring that the qualities of the reserve which contribute to the pleasantness, harmony, and cohesion of the natural environment and to the better use and enjoyment of the reserve are conserved (Section 17(2)(a) and (c), Reserves Act).
- 11 Preserving public access to recreation reserves is central to the Council's role as administering authority of reserves. It is also committed to providing opportunities for responsible camping in the district. However, if access to reserves is abused by members of the public to the point where the health and safety of the remaining public is at risk, as are the intrinsic values associated with public enjoyment of reserves, then it is considered that in certain circumstances it is appropriate to impose controls to restrict access in order to manage these impacts on a reserve and the public using them.
- 12 The actions of some members of the public who use reserves for unauthorised freedom camping with flagrant disregard for the health and safety of other reserve users and little regard for the preservation of the reserves themselves, have resulted in the need for Council to take further necessary steps to restrict all vehicle access to the reserves identified in Attachment A between the hours of 10pm and 5.30am. These restrictions are proposed to remain in place until such time as the Council has the opportunity to consider its Freedom Camping Bylaw and the Reserve Management Plans in place for these reserves and any other reserves similarly affected.
- 13 While there are no express provisions in the Reserves Act to impose vehicle access restrictions on recreation reserves, the Council does have a number of powers in section 53 of the Reserves Act including the ability to do such other things as may be considered desirable or necessary for the proper and beneficial management, administration, and control of the reserve. The Council considers restriction of vehicle access to the reserves in the evenings is a necessary and proportionate response to the impacts created by unlawful camping in reserves.
- 14 Access will be secured to the land by swing gates and managed by Council's freedom camping monitoring contractors. Council will install signage at the

entrance to and within the reserves that alerts users to the closure times of 10pm through to 5.30am.

- 15 Council officers will continue to educate reserve users and freedom campers up to the closure time for the reserve at which point they will be asked by staff to leave the reserve if they have not already.
- 16 It is considered that these actions, while not consistent with the reserve management plan for Lake Hayes, are consistent with the general purpose of the Reserves Act which is (relevantly) to provide for the preservation and management for the benefit and enjoyment of the public, areas of New Zealand possessing recreational use or potential whether active or passive, and to ensure as far as possible, the preservation of access for the public to and along lakeshores and riverbanks.
- 17 There are a large number of responsible campers who abide by the rules and camp in self-contained vehicles. The New Zealand Motor Caravan Association (NZMCA) has over 73,000 members who add to our economy, we want to ensure these people are still welcome. While these responsible campers will be affected by the changes, it is considered that the broader benefits to all reserve users outweigh the effects associated with relocating some campers.

Long term solution

- 18 As identified above, the controls proposed for Lake Hayes and Shotover Delta are temporary and will remain in place until such time as the Council has had the opportunity to consider a long term solution to the increased number of visitors to the district who wish to freedom camp. This will include review of parts of the Arrowtown-Lake Hayes Reserve Management Plan.
- 19 Council is also continuing conversations with DIA, DOC, NZTA and MBIE to provide funding to alleviate the problems caused by freedom camping. This could include provision of facilities at main sites and thoroughfares, or the funding of a resource to fast track the review of the Reserve Management Plans and Bylaw.
- 20 Council is initiating a review of the Freedom Camping Bylaw and the Reserve Management Plan for Lake Hayes. We are also working with partner agencies (DOC, LINZ, MBIE, NZTA) to develop a Camping Strategy for the entire District.

Options

- 21 Option 1 To close the Shotover Delta and Lake Hayes Reserves to all vehicles between 10pm and 5.30am.

Advantages:

- 22 Enables the protection and management of existing reserves for the better use by locals and visitors alike.
- 23 Will enable the tidying and improvement to land at Lake Hayes and the Shotover Delta.

Disadvantages:

- 24 May put additional freedom camping pressure on other areas of the district.
- 25 Will increase monitoring and compliance costs associated with the displacement of the freedom camping locations.
- 26 Option 2 To close the Shotover Delta and Lake Hayes Reserves to all vehicles between 10pm and 5.30am and to increase the parking provision at land below and adjacent to the Shotover River Bridge.

Advantages:

- 27 Enables the protection and management of existing reserves for the better use by locals and visitors alike.
- 28 Provides a new purpose-built location for freedom campers that minimises rubbish and waste from surrounding areas.
- 29 Will enable the tidying and improvement to land at Lake Hayes and the Shotover Delta.

Disadvantages:

- 30 Concentrates an activity on reserve land at the Shotover River Bridge that is currently limited to approximately 12 vehicles at any one time, ahead of a full evaluation of the effects generated from the activity.
- 31 Places additional traffic on the Quail Rise-SH6 intersection which will require ongoing monitoring.

Option 3 To retain the existing overnight freedom camping at Shotover Delta and Lake Hayes Reserves but to also increase the parking provision at land below and adjacent to the Shotover River Bridge.

Advantages:

- 32 May take some pressure off the existing freedom camping locations at Shotover Delta and the Lake Hayes Reserve.
- 33 Provides a new purpose-built location for freedom campers that minimises rubbish and waste from surrounding areas.

Disadvantages:

- 34 Concentrates an activity at the Shotover Bridge River reserve that is currently limited to approximately 12 vehicles at any one time.
- 35 Places additional traffic on the Quail Rise-SH6 intersection which will require ongoing monitoring.
- 36 Would not enable the protection and management of existing reserves for the better use by locals and visitors alike.

- 37 Would not enable the tidying and improvement to land at Lake Hayes and the Shotover Delta.
- 38 Option 4 To retain the existing overnight freedom camping at Shotover Delta, Lake Hayes Reserves and the Shotover River Bridge reserve.

Advantages:

- 39 Spreads the existing freedom camping issues across three locations.
- 40 Does not place additional traffic on the Quail Rise-SH6 intersection which will require ongoing monitoring.

Disadvantages:

- 41 Would not enable the tidying and improvement to land at Lake Hayes and the Shotover Delta.
- 42 Would not enable the protection and management of existing reserves for the better use by locals and visitors alike.
- 43 Provides negative reserve and public amenity issues across three locations.
- 44 Would not provide a new purpose-built location for freedom campers that minimises rubbish and waste from surrounding areas.
- 45 This report recommends **Option 1** for addressing the matter, as it allows the Council to provide protection to existing high amenity land and reserves.

Significance and Engagement

- 46 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

- 47 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

- 48 The proposed changes to freedom camping arrangements in the District will have financial implications in terms of the cost of installation of signage and gates at Lake Hayes and Shotover Delta, and the staff cost associated with enforcing the new rules. These costs are unbudgeted but will be tracked and reported to Council separately.

Council Policies, Strategies and Bylaws

49 The following Council policies, strategies and bylaws were considered:

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

50 The recommended option is not consistent with the principles set out in the above documents. The current Bylaw authorises freedom camping in the areas where the Council is proposing to restrict vehicle access in the evenings. The RMP also makes provision for freedom camping at the northern end of Lake Hayes and at the southern end adjacent to the rowing club. The reasons why the recommended option is inconsistent with the policies is explained in detail in the body of the report. Further, the number of freedom campers visiting the District has increased significantly to a point that was not anticipated by Council when these documents were adopted. As a result they are no longer effective tools to manage the effects associated with the vast number of freedom campers in the District. Necessary steps have been taken to ensure the protection of Council reserves for use by all reserve users and to ensure the health and safety of those people using reserves.

51 As set out above, the Council intends to commence an immediate review of the Bylaw and of those reserves that may become the future focus of providing freedom camping capacity in the district. The RMP covering Lake Hayes will also be up updated with urgency to better reflect the impacts of the number of freedom campers visiting this District.

52 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

53 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

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

55 The Council is currently seeking feedback from the public on the freedom camping issue, via an online survey. This will help the Council inform long term planning for the activity.

Legal Considerations and Statutory Responsibilities

56 Council has obtained legal advice which confirms that the proposed changes to restrict vehicle access to reserves are consistent with the purpose of the Reserves Act 1977 and are in line with the Council's role as administering authority of the affected reserves.

Attachments

A Lake Hayes and Shotover Delta - Areas to be restricted