

QUEENSTOWN LAKES DISTRICT COUNCIL FREEDOM CAMPING CONTROL BYLAW 2012

Pursuant to section 11 of the Freedom Camping Act 2011, the Queenstown Lakes District Council makes the following bylaw.

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Bylaws

1. Title

This bylaw is the Queenstown Lakes District Council Freedom Camping Control Bylaw 2012.

2. Commencement

This bylaw comes into force on 19th December 2012.

3. Interpretation

In this bylaw, unless the context requires another meaning –

Camping ground means –

- (a) a camping ground that is the subject of a current certificate of registration under the Camping Grounds Regulations 1985; and
- (b) any site at which a fee is payable for camping at the site.

Council means the Queenstown Lakes District Council.

District means the district of the Queenstown Lakes District Council.

Enforcement officer means a person appointed as an enforcement officer under the Act.

Freedom camp means to camp (other than at a camping ground) within 200 m of a motor vehicle accessible area or the mean low-water springs line of any sea or harbour, or on or within 200m of a formed road or a Great Walks Track, using one or more of the following:

- (a) a tent or other temporary structure;
- (b) a caravan;
- (c) a car, campervan, houstruck, or other motor vehicle.

In this bylaw freedom camping does not include the following activities:

- (a) temporary and short-term parking of a motor vehicle;
- (b) recreational activities commonly known as day-trip excursions;
- (c) resting or sleeping at the roadside in a caravan or motor vehicle to avoid driver fatigue.

Freedom camping has an equivalent meaning.

Great Walks Track means –

- (a) a track specified in Schedule 1 of the Act; and
- (b) any other track specified by Order in Council made under section 44 of the Act as a Great Walks Track.

Infringement offence means an offence specified in section 20(1) of the Act.

Local authority area –

- (a) means an area of land –
 - (i) that is within the District ; and
 - (ii) that is controlled or managed by the Council under any enactment; and

- (b) includes any part of an area of land referred to in paragraph (a); but
- (c) does not include an area of land referred to in paragraph (a) or (b) that is permanently covered by water.

Self-contained vehicle means a vehicle designed and built for the purpose of camping which has the capability of meeting the ablutionary and sanitary needs of occupants of that vehicle for a minimum of three days without requiring any external services or discharging any waste and is certified that it complies with New Zealand Standard 5465:2001.

The Act means the Freedom Camping Act 2011.

Using a self-contained vehicle means the occupier or occupiers of the self-contained vehicle use the ablutionary and sanitary capability of the vehicle to contain their waste until it can be discharged at a site approved by the Council for that purpose.

4. Purpose

The purpose of this bylaw is to:

define the local authority areas in the District where freedom camping is permitted or restricted, and the restrictions that apply to freedom camping in those areas and to define the local authority areas in the District where freedom camping is prohibited to ensure that:

- (a) the areas are protected;
- (b) the health and safety of people who may visit the areas is protected
- (c) access to the areas is protected.

5. Restrictions on freedom camping

- (a) A person must not freedom camp in any local authority areas **within any no freedom camping zone**, as identified in Schedule A of this bylaw.
- (b) A person can only freedom camp in any restricted area, as identified in Schedule A, if they are using a self-contained vehicle.
- (c) A person can freedom camp in any area where freedom camping is unrestricted, as identified in Schedule A.
- (d) A person freedom camping in accordance with 5 (b) or (c) must not stay at the one site or in the same area for more than two consecutive nights.

6. Discretionary Council consent to freedom camping

The Chief Executive Officer of the Council may grant a discretionary consent, being an exemption to clause 5, upon written application. Consent may be granted in specific cases, where the Council considers that the granting of that consent would not be contrary to the purpose of this bylaw. Consent may be granted with or without conditions, and is at the absolute discretion of the Council.

7. Permitted freedom camping must comply with certain requirements

A person freedom camping in accordance with a consent granted under clause 6 -

- (a) must comply with any conditions included in the consent; and
- (b) must leave the site clean and tidy when he or she departs; and
- (c) must not light any fire at the site.

8. Council may revoke permitted freedom camping

1. Any person authorised by the Council for the purpose may direct a person freedom camping in accordance with a consent granted under clause 6 to leave the site at which he or she is freedom camping if the officer believes on reasonable grounds that the person-

- (a) has acted in a manner likely to endanger the health and safety of other people;
- (b) has damaged or likely to cause damage to the site.
- (c) has breached any of the conditions included in the consent.

2. If a person is given direction under subclause (1), his or her consent is revoked as from the date and time that the direction is given.

9. Amendments to restricted or prohibited areas

1. The Council may by resolution, publicly notified, add to, amend or alter Schedule A, to include additional areas as restricted or prohibited for freedom camping, or to exclude any such areas where it is satisfied the additions, amendments or alterations meet the requirements of s11(2)(a)-(c) of the Act.

2. Any resolution made under clause 9 shall be publicly notified at least 14 days before it shall take effect.

10. Offences and penalties

1. In accordance with section 20(1) of the Act, every person who breaches this bylaw commits an infringement offence.

2. In accordance with section 27 of the Act, an enforcement officer may issue an infringement notice to anyone who the enforcement officer believes on reasonable grounds has committed or is committing an infringement offence as set out in section 20(1) of the Act (a copy of which is included as Schedule B of this Bylaw for information only).
3. A person who commits an infringement offence is liable to a \$200 infringement fee for each offence.

11. Relationship of bylaw with Ngai Tahu claims Settlement Act 1998.

This bylaw does not limit or affect the rights in relation to nohoanga entitlements under the Ngai Tahu Claims Settlement Act 1998.

This bylaw has been made by resolution of the Council passed at a meeting held on **[date]**.

THE COMMON SEAL of
QUEENSTOWN LAKES DISTRICT COUNCIL
was hereunto affixed in the
presence of:

MAYOR

CHIEF EXECUTIVE

Schedule A - Maps

Schedule B (this does not form part of the bylaw but is included for information)

Infringement offences in section 20(1) of the Freedom Camping Act 2011 relating to local authority areas:

20 Offences

- (1) Every person commits an offence who--
 - (a) freedom camps in a local authority area in breach of any prohibition or restriction in a bylaw made under section 11 that applies to the area; or
 - (b) while freedom camping in a local authority area,--
 - (i) interferes with or damages the area, its flora or fauna, or any structure in the area; or
 - (ii) deposits waste in or on the area (other than into an appropriate waste receptacle); or
 - (c) makes preparations to freedom camp in a local authority area in breach of any prohibition or restriction in a bylaw made under section 11 that applies to the area; or
 - (d) deposits waste, generated while freedom camping, in or on a local authority area other than into an appropriate waste receptacle; or
 - (e) fails or refuses to leave a local authority area when required to do so by an enforcement officer acting under section 36; or
 - (f) refuses to give information when required to do so by an enforcement officer under section 35 or gives false or misleading information;

- (4) In this section, **waste receptacle** means a receptacle or facility that is provided by a local authority or the Department for the purposes of disposing of waste (for example, a rubbish bin, public toilet, or bulk waste disposal unit).

Explanatory Notes (this does not form part of the bylaw)

Principles

This bylaw is intended to encourage responsible freedom camping in the Queenstown Lakes District. It recognises freedom camping as part of our traditional Kiwi culture and as a valued tourist experience. The principles by which freedom camping is regulated to meet the purpose of this bylaw are set out below:

- (a) We welcome visitors who camp responsibly, respect public and private property and follow some simple rules to protect our community and our environment.
- (b) Some controls on freedom camping are necessary to protect our community and environment, especially the lakes and rivers that feed our water supplies.
- (c) The right to freedom camp carries with it the responsibility to respect our community by protecting our environment from harmful contamination or fouling.
- (d) Freedom campers are expected to remove all waste and not cause any damage.
- (e) People using self-contained camping vehicles are welcome to stay outside the 'no freedom camping zones,' in a local authority area subject to conditions.
- (f) People not using self-contained vehicles are welcome to stay in licensed camping grounds, designated camping areas or in any areas where freedom camping is permitted.
- (g) Specific traditional local camping sites may be recognised.
- (h) Those who are found contravening the provisions of this bylaw will be subject to fines.