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DRAFT Freedom Camping Bylaw 2019

Queenstown Lakes District Council

Date of making: [Insert]
Commencement: [Insert]

This bylaw is adopted under section 11 of the Freedom Camping Act 2011.

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Part 1 – Preliminary

1 Title and Commencement

- 1.1 This bylaw is the “Freedom Camping Bylaw 2019”.
- 1.2 This bylaw comes into force on 19 December 2019.

2 Area within which Bylaw applies

- 2.1 This bylaw applies to the Queenstown Lakes District.

3 Purpose

- 3.1 The purpose of this bylaw is to:
 - (a) encourage responsible freedom camping in the District;
 - (b) recognise freedom camping as part of Aotearoa New Zealand’s culture and a valued tourist experience;
 - (c) control freedom camping in order to protect the environment, including the District’s lakes and rivers, from harm.
- 3.2 The bylaw achieves this purpose by:
 - (a) defining the areas in the District where freedom camping is permitted, restricted or prohibited; and
 - (b) providing for the restrictions that apply to freedom camping in areas where freedom camping is restrictedso that the areas, access to the areas, and the health and safety of people who may visit the areas, are protected.

4 Interpretation

- 4.1 In this bylaw, unless the context otherwise requires,-

Act means the Freedom Camping Act 2011.

Council means the Queenstown Lakes District Council.

person has the meaning given in the Interpretation Act 1999.

self-contained vehicle means a motor caravan, caravan, campervan, or any other vehicle designed and built for the

purpose of camping for which a self-containment certificate has been issued under NZS 5465:2001.

- 4.2 Words or phrases used in this Bylaw shall have the same meanings as defined in the Act.
- 4.3 Any explanatory notes and attachments are for information purposes, do not form part of this Bylaw, and may be made, amended and revoked without any formality.
- 4.4 The Interpretation Act 1999 applies to this Bylaw.

Part 2 – Restrictions on freedom camping

5 Freedom camping prohibited in certain local authority areas

- 5.1 No person may freedom camp in a local authority area marked as prohibited in Schedule A of this Bylaw.

6 Freedom camping in restricted local authority areas

- 6.1 Any local authority area not marked as prohibited or permitted in Schedule A of this Bylaw is a restricted local authority area.
- 6.2 A person may freedom camp in a restricted local authority area only if using a self-contained vehicle.

7 Freedom camping permitted

- 7.1 A person may freedom camp in a local authority area marked as permitted in Schedule A of this Bylaw, whether or not using a self-contained vehicle.

Part 3 – Discretionary consent to freedom camp

8 Consent to freedom camping otherwise prohibited or restricted

- 8.1 A person may apply in writing to the Chief Executive of the Council for consent to freedom camp in a local authority area in which freedom camping is prohibited or restricted.
- 8.2 The Chief Executive may, if satisfied that to do so would not be contrary to the purpose of this Bylaw, grant consent to freedom

camp in a local authority area in which freedom camping is prohibited or restricted with or without conditions.

- 8.3 A person freedom camping under a consent granted under subclause (2) must:
- (a) comply with any conditions specified;
 - (b) leave the site clean and tidy;
 - (c) not light any fire.
- 8.4 An enforcement officer may revoke a consent granted by the Chief Executive and direct any person freedom camping in accordance with that consent to immediately leave the site if satisfied that:
- (a) Any person has breached any of the conditions specified in the consent;
 - (b) Any person has acted in a manner likely to endanger the health and safety of any other person;
 - (c) Any person has damaged or is likely to damage the site.

Part 4 – General Provisions

9 Relationship of Bylaw to Ngai Tahu Claims Settlement Act 1998

- 9.1 This bylaw does not limit or affect nohoanga entitlements granted under the Ngāi Tahu Claims Settlement Act 1998.

10 Delegation

- 10.1 Any of the various powers and functions of the Council as detailed and set out in this bylaw, may be delegated by it, to its Chief Executive and sub-delegated by the Chief Executive to any such other Officer of the Council.

11 Savings

- 11.1 Any discretionary consent to freedom camping granted by the Chief Executive under clause 6 of the Queenstown Lakes District Council Freedom Camping Control Bylaw 2012 shall, despite the revocation of that bylaw, continue as if granted under clause 8.2 of this Bylaw.

Schedule A – Prohibited and Restricted Areas