

Hearing Panel Deliberations Report

THIS REPORT RECORDS POINTS, THEMES AND ISSUES DISCUSSED BY THE HEARING PANEL IN THEIR DELIBERATIONS ON THE SUBMISSIONS RECEIVED FROM THE PUBLIC, TOGETHER WITH UNANIMOUS OR MAJORITY RECOMMENDATIONS. IT SHOULD BE READ ALONGSIDE THE MINUTES, OFFICERS' SUMMARY OF SUBMISSIONS TABLE, THE 'COUNCILLOR QUESTIONS AND ANSWERS' DOCUMENT, DISCRETIONARY PERMIT MEMO, ENFORCEMENT MEMO AND MEREDITH CONNELL LEGAL OPINION.

KEY THEMES AND ISSUES

1. Rural vs residential

Hearing Panel discussion and questions:

- a. In response to submissions on freedom camping in rural areas and small townships, the Panel considered the following issues:
 - i. If freedom camping is not provided for in or near the town centres, the freedom camping is pushed out to rural areas.
 - ii. Is protecting residential amenity in town centres and urban areas more important than rural amenity? Prohibiting freedom camping in town centres and urban areas prioritises residential amenity over rural areas where effects on the environment could well be greater.
 - iii. Rural areas are generally harder to monitor and enforce given the distance from where enforcement contractors are based (often an hour's drive away).
 - iv. For example, Rees Valley Road north of Glenorchy. Farmers and locals have submitted that freedom camping occurs on the road side.
 - v. Our bylaws over the years have pushed freedom camping out of towns and to more remote areas where there is less monitoring and enforcement, and potentially a greater environmental impact, for example fire, litter, less accessible dump stations, degradation of waterways.
 - vi. Would it be easier to enforce restricted freedom camping sites in town and prohibit in rural areas?
- b. The Hearing Panel asked council officers what the level of enforcement is for rural and urban areas.
- c. The Hearing Panel disagreed with the conclusion in the Xyst Site Assessment to allow restricted freedom camping on Rees Valley Road. The hearings panel also agreed that their experience and evidence in submissions demonstrates that freedom campers who use this area litter and pollute the area ((s 11(2)(a)(i)).
- d. The Hearing Panel discussed that the Freedom Camping Act 2011 (FCA) requires that council's do not absolutely prohibit freedom camping. However, the vast majority of submissions are against freedom camping, in general, and at specific sites. If we notify new sites allowing restricted freedom camping, it can be assumed we will get many submissions on those too. What is our general level of tolerance?

Staff response:

- e. Council would still need to enforce prohibited areas as experience shows freedom camping will still occur despite being prohibited.

Please see Enforcement Memorandum for details on enforcement methods (Attachment 1).

- f. The FCA s11 states a bylaw can restrict and prohibit freedom camping at a site if any of the three criteria apply, the bylaw is appropriate and proportionate and is not inconsistent with NZBORA. This does not mean that politics does not come into it. The legislation gives the bylaw making power to a political body and requires public submissions and consideration. This involves a necessary political dimension, otherwise public submissions would be irrelevant.
- g. The public generally wants council to prohibit freedom camping across the district. This is a very strong community sentiment in this district. Councillors can consider community sentiment to the extent that the s11 criteria applies. In other words, the public strongly wants to maintain access to local authority areas, they're concerned about health and safety issues associated with freedom camping, and the submissions give evidence of freedom campers' behaviour such that certain local authority areas are justifying of protection. Community sentiment is also relevant to the Council's assessment of whether it is an appropriate and proportionate response to the problem.

CONCLUSION:

- h. no changes to the bylaw intention

2. Can Council provide freedom camping in town centres – at council carparks?

Hearing Panel discussion and questions:

- a. The panel discussed at length if carparks in town centres should be made available for restricted freedom camping as these sites could be easier to enforce as they are sealed, could have CCTV. Less travel time would be required for enforcement officers and contractors.
 - i. The history of freedom camping in the district has resulted in central hotspots being prohibited as problems arose, and restricted areas pushed further out.
 - ii. Does council want to revisit opening up those areas as past history would suggest the same problems (overcrowding, litter, pollution) will occur.
 - iii. Camping is available in town – in existing campgrounds that need to be supported so they can survive. However economic viability of paid campgrounds should not be considered. Only the three criteria in the FCA can be considered to prohibit at sites.
 - iv. There will always be high demand for freedom camping in our district and sites will quickly become overwhelmed.
 - v. Putting restrictions on the numbers of vehicles at each site could help this, noting the challenges in enforcing these restrictions and the camper behaviour this encourages (eg driving across the district to look for a free site).

Staff response (see Section 3)

CONCLUSION:

- b. Adjourn deliberations and direct staff to explore a Discretionary Exemption Permit before reconvening.

3. Discussion of Discretionary Exemption Permit.

*Please see Discretionary Exemption Permit Memorandum (**Attachment 2**).*

Hearing Panel discussion and questions:

- a. Could the Discretionary exemption permit that council can issue under Part 3 of the bylaw be used as a tool by council to grant a blanket permit to a company or organisation such as NZMCA, that could allow their members to camp in a restricted number of carpark sites in town centres. Part 3 doesn't specifically state the permit is for a community organisation for a one off event (although this is what it is used for). It states 'any person may apply'. This could be applied for by an organisation,
- b. Discretionary permits have been used for one off events for community groups. If it was used as a tool for NZMCA members, QLDC would have to apply the permit to other similar companies (eg, Jucy, Maui) who applied. This approach hasn't been tested and the community may not support it.
- c. The blanket use of the Discretionary permit as proposed has too many constraints and complexities.
- d. The panel asked staff if changing the wording of Part 3 be considered within scope of the 2021 bylaw review as it wasn't a matter raised in submissions. Rather Councillor Gladding asked James Imlach of NZMCA the question during the hearing.

Staff responded:

- e. Yes, technically the permit could be expanded to include a blanket permit for organisations as the current wording is quite open.
- f. Given that given the complexities and costs in managing such a permit, it would be more straightforward to change the bylaw to allow for freedom camping in the carpark areas.
- g. This provision has been in the QLDC bylaw since 2012 and has been used for one off events since this time.
- h. If QLDC tightens the wording it would be clarifying the intention of the existing wording, given that an issue raised in submissions highlights it is wider that was intended. This would be in scope.
- i. The wording could be to define 'person' as an individual and not a group, or officers can develop wording that will limit the event to the purpose the event is sought for, for example a school camp.

CONCLUSION

- j. Councillors agree to direct staff to tidy up the wording in Part 3 of the bylaw to not permit such a use of the exemption process.

4. Should Council Consider a Higher Self-Containment Standard for Campervans?

Hearing Panel discussion and questions:

- a. The Panel discussed if carparks in town could be made available to large motorhomes with a plumbed in toilet if the QLDC bylaw could require a higher standard than the current NZ self-containment standards.
- b. This would enable sites that scored highly under s11 (2)(a)(i) (protect the area) of the Site Assessment to be restricted sites only, as campervans with plumbed-in toilets on board could prevent campers defecating outside of the campervans.
- c. Hearing Panel questions if prohibition in town centres is the most proportionate response, if effects could be mitigated through a higher standard and site restrictions.
- d. Council could wait until Central Government has issued a decision on the NZ standards as this has been signalled. Otherwise QLDC would be requiring a higher standard in advance of the national direction on this matter. Councils are expecting this announcement from Central Government 'imminently'.
- e. The current standards that allow vehicles with portable toilets are a key part of the problem, although photos and evidence from submitters show there are effects on the environment from all users, even if there is a plumbed in toilet on board.
- f. Another option is to keep using the current standard and let Central Government update the standard. If policy work gets to a point that mean changes to the bylaw are required this can be done by way of an amendment to the bylaw.
- g. How would we define the standards? QLDC would have to create own standards. The aim would be to ensure that only certain vehicles are permitted eg large campervans.

Staff response:

- h. In theory the bylaw could require a higher standard, but a bespoke higher standard would be very difficult to enforce. It would be confusing for campers and inconsistent with how neighbouring districts operate. Enforcing this higher standard would have the same challenges as the discretionary permit.
- i. Currently, NZS self-contained vehicles are identified by a certification sticker on the outside of the vehicle. This higher standard would have no such certification sticker. Enforcement officers are unable to legally enter vehicle to check whether a vehicle has a plumbed in toilet, and enforcement is generally done at 2am. There is currently no way to identify which vehicles comply with the higher standard, and which do not, from outside the vehicle.
- j. Central Government have signalled if there are changes to the standards a register may be required – effectively a WOF. If that is enacted, council will have a way to enforce that new standard.
- k. The restriction to self-containment is currently easy to understand, defined by reference to the current NZ Standard. Officers could redraft the restriction to make it only refer to vehicles with plumbed in toilets. However, this introduces two risks,

firstly, the restriction would have to be drafted to broad terms as it could not link to the standard, and secondly, this higher standard would be very difficult to enforce.

CONCLUSION:

- I. Councillors McLeod and Ferguson agree that there should be no further investigation of a higher QLDC standard. A recommendation from this hearing could be that another body of work to be done in future once decision on standards is known. Councillor Gladding questions if prohibition in town centres is this the most proportionate response, if effects can be mitigated through a higher standard and site restrictions. Her view is it depends on how the standards are described, noting there are complexities that may be insurmountable and/or unaffordable. Councillors agree 2:1 to keep current standards but change the wording in the bylaw to reference the specific standard 'or any other replacement standard' or words to this effect.

5. Xyst Site Assessment

Hearing Panel discussion and questions:

- a. The panel discussed the submissions that had concerns with the Xyst Site Assessment, particularly those that questioned the process of how the Xyst report was prepared or questioned the consistency between site assessments.
- b. Xyst report is just one tool and is prepared by an independent consultant.
- c. Has the economic assessment criteria added to the Xyst Site Assessment (which can't be considered) skewed the Xyst Site Assessment 'numbers'?
- d. The panel discussed if the panel needed to do a specific site assessment for each site, and if the Xyst Site Assessment was peer reviewed.

Staff Response

- e. Some sites that Xyst recommended to be prohibited were included as restricted sites in the Statement of Proposal, as council officers applying the statutory test considered that if there were restrictions on the numbers of parks available and toilets were available, that effects on those sites were more manageable. The Panel can make a similar decision (eg disagree with the Xyst report) based on Councillor knowledge and the submissions. Council should include in the officer report that the Xyst report has, in respect of some sites, referred to matters that council didn't require as criteria (eg economic effects or effects on property values). It is perfectly acceptable to agree with the site assessment having disregarded those matters from their consideration.
- f. There was a staff process to decide extra sites in addition to the sites recommended for restricted camping in the Xyst Site Assessment – formed carpark, publicly available toilet, no '5' significance scores. This resulted in Glenorchy Domain Carpark (assumed toilets available), Gibbston Reserve Carpark, Morven Ferry Reserve Carpark being included in the SOP as additional sites for restricted freedom camping.
- g. Council doesn't need actual evidence of actual damage at individual sites, it can rely on historic evidence and experience, and then it's a matter of reasonable extrapolation. For example, it can be reasonably assumed from general experience

of human pollution at a number of sites without toilets that all sites without toilets where freedom camping occurs will have human pollution.

- h. In addition to the above, the sites that were proposed to allow restricted camping received over 800 comments in the pre-consultation feedback. Council has also previously completed a site assessment in 2011. This is all part of the information used to inform the decision. There are many inputs and Councillors also bring their own knowledge of the district to the assessment.
- i. Applying the broader test – the Panel have done this via the SOP, hearing and deliberations. The hearings panel will reach its own conclusion based on the evidence in front of them.

Please refer to Meredith Connell opinion on Xyst report (Attachment 3).

CONCLUSION:

- j. Xyst Site Assessment is only a tool and is one of many inputs. It is not a definitive assessment of the statutory test and the Panel may disagree with it if their application is different.

6. Camphill Carpark

Hearing Panel discussion and questions:

- a. The panel discussed the submissions on the Camphill Carpark site and consider there is evidence to support prohibition for the following reasons:
 - i. Camphill Carpark is a unique site – the Wave is a National/International recreation asset. Recreation demand is always high yet particularly busy times are unpredictable as the wave conditions depend upon release of water by the energy company. All of the s 11(2) FCA criteria apply. The panel agree The Wave is a specific recreational activity that can't be held anywhere else.
 - ii. Freedom camping at Camphill had been an issue before freedom camping was made available at the Luggate Red Bridge site. These issues will likely arise again.
 - iii. Limits on the numbers of campervans allowed in the carpark (eg 2 or 3 carpark sites) would not be easy to enforce as Camphill is remote and has a gravel carpark.
 - iv. The Wave has specific health and safety risks, users need to be experienced and there have been near drownings there before. Freedom camping could attract other people to the area.
 - v. There is also fire risk with the adjacent forest.

Staff response

- b. Some health and safety risks exist for all users not just freedom campers (like traffic risks) and are in the river and not directly at the carpark site.
- c. However, Camphill is a unique site because of its location next to The Wave.
- d. The carpark does have specific health and safety risks that have been raised by submitters – people carrying kayaks, needing to cross the adjacent one way bridge.

- e. The carpark is also full frequently, and in particular when there are events on. Events can be regional and national.

CONCLUSION

- f. Agree that water health and safety is out of scope. Recommended change to prohibit as the carpark and adjacent reserve functions for a specific purpose and freedom camping will impede that purpose. This is the only area in the district where this recreation activity occurs. The panel consider it is necessary to prohibit freedom camping at Camphill to protect access to the area (s11(2)(a) iii)) and to protect the health and safety of the people who visit the area (s11(2)(a) ii)), specifically the health and safety concerns in the carpark and crossing the one lane bridge.

Change the proposed bylaw to prohibit freedom camping at Camphill Carpark.

7. Gibbston Reserve Carpark

Hearing Panel discussion and questions:

- a. The hearings panel discussed the key issues and submissions on the Gibbston Reserve Carpark:
 - i. Is allowing freedom camping at Gibbston Reserve Carpark consistent with prohibition at other site assessments – eg the Boundary Street council carpark or the Queenstown Event Centre.
 - ii. The carpark is very small and the submissions provide evidence that the carpark area would need work.
 - iii. Is rural amenity assessed the same as residential amenity in urban areas?
 - iv. Limiting the numbers of campervans that can camp there would be the best way to manage the FCA s11 criteria effects on site but this is very difficult to enforce.

Staff Response

- b. A number of concerns relate to the conflict between community use of the reserve and freedom campers. The area identified for freedom camping is not on the Gibbston Reserve. It is located within the road reserve adjacent to the Gibbston Reserve land. Therefore, it will not interfere with the use of the reserve land.
- c. The risk of conflict between campers and other road users exists whether the vehicles are freedom campers or not.
- d. Freedom camping vehicles will not be permitted in the area beyond the identified location.
- e. Additionally controls can be imposed through time and vehicle number restrictions to ensure there are a limited number of freedom campers staying at any one time.
- f. Restricted freedom camping could be managed in this location. It is a site that should continue to be monitored for future reviews if the problems in the submission arise.

CONCLUSION:

- g. It is necessary to prohibit freedom camping at Gibbston Reserve to protect access to the area (s11(2)(a) (iii)). Change the proposed bylaw to prohibit freedom camping at Gibbston Reserve Carpark.

8. Glenorchy Domain Carpark

Hearing Panel discussion and questions:

- a. The carpark and domain is well used by many different community groups and organisations as the Glenorchy Domain is the primary recreational reserve for the wider Glenorchy area and is the sporting and community hub
- b. The proposed freedom camping site is directly in the front of the rugby club, which is used for a variety of community activities including events.
- c. The carpark is within the reserve and not on the edge of it (like Camphill or Gibbston).
- d. Submissions have shown there is not a publicly accessible toilet – the toilet is maintained by the rugby club and can be locked on occasion.
- e. The Panel agree freedom camping would prevent regular recreation activities at the site, as the carpark is small and it is already a well-used recreation area.
- f. The Panel agree with the Xyst Site Assessment and disagree with staff recommendations to allow restricted freedom camping at Glenorchy Domain. It is necessary to prohibit freedom camping to protect the area (s11(2)(a) (i)) to protect access to the area (s11(2)(a)(iii)).

Staff Response

- g. While a number of sporting activities might cause damage to cars, freedom camping is only allowed on a small carparking area at the domain where there would otherwise be cars parked. So the risk exists whether or not the vehicles are freedom campers or not.
- h. The Glenorchy Domain was incorrectly assessed by council officers as a site that had a public toilet that was open 24/7.

CONCLUSION:

- i. Change proposed bylaw to prohibit Freedom Camping at Glenorchy Domain Carpark to protect the area (s11(2)(a) (i)) and to protect access to the area (s11(2)(a) (ii)).

9. Morven Ferry Reserve Carpark.

Hearing Panel discussion and questions:

- a. Does freedom camping require a traffic assessment or landscape assessments as raised by submitters?
- b. Heavily used for biking and horseriding and provides access to a popular swimming hole. The carpark is often at (or over) capacity in summer.
- c. Agree a traffic assessment is not required as road safety applies to all users.

- d. Adding only one or two parks in such a small carpark has a disproportionately high impact on reserve users and the adjacent community.
- e. The panel considers it is necessary to prohibit freedom camping to protect access to the area (s11(2)(a)(iii)).

Staff Response

*Please refer Councillor Questions and Answer Document (**Attachment 4**)*

- f. Limited numbers of campervans have the same visual and traffic effects that day users have.
- g. A freedom camping site does not need resource consent, therefore it does not need a traffic or landscape assessment like a consented activity would. The roads are public roads that should conform to other QLDC/NZTA roading standards for all users.
- h. The suitability of the site and the facilities within the site outweigh the potential for impacts on amenity. Additionally controls can be imposed through time and vehicle number restrictions to ensure there are a limited number of freedom campers staying at any one time.

CONCLUSION:

- i. The need to protect access to the busy popular reserve that has a small carpark outweighs the reasons in the staff response and justifies prohibiting at this site. Agree with Xyst site assessment and change bylaw to prohibit freedom camping to protect access to the area (s11(2)(a)(iii)).

10. Site Restrictions and Enforcement

Hearing Panel discussion and questions:

- a. The hearings panel discussed how each of the proposed restricted numbers of carparks at each site will be effective and how they will be enforced/monitored.
 - i. The proposed sites are all in rural areas so do not have regular enforcement.
 - ii. The bylaw could state certain days and times of year sites to be prohibited, restricted others.
 - iii. The sites will fill up quickly, if campers arrive and the sites are full they will either overflow, or will have to drive around the district looking for other sites. This will increase their carbon emissions.

Staff response

- b. Restrictions can work in theory – difficult in practice to enforce particularly in remote rural areas. However, this does not mean we shouldn't use them.
- c. Council has evidence that once a site reaches the threshold, campers ignore signage and overflow.
- d. Restrictions would involve some new infrastructure – new signage, marking out of bays, wheel stops that would require additional budget in annual plans

- e. The Tourism Infrastructure Fund that has been successfully used for education and monitoring over the past few years is not available for 2022. This funding has been used since 2018 to resource freedom camping enforcement. Enforcement will return to a cost-recovery model which may result in reduced enforcement while Covid-19 is impacting tourism numbers.

CONCLUSION:

- f. The restrictions, enforcement and community angst at each site does not warrant only providing a small number of freedom camping sites that will quickly fill up and will result in campers not complying with the bylaw, or driving searching for freedom camping sites. Remove wording in the bylaw that allows restrictions to be made by council resolution.

*In addition to the attachments referenced in the above, the QLDC Freedom Camping Bylaw 2021 Council Officer Summary of Submissions Table is also included (**Attachment 5**). This Table sets summarises all submissions with the key themes identified. Most submissions raised multiple themes. Each of these themes was then grouped in the table and an officer comment was provided.*

ATTACHMENTS:

1. QLDC Enforcement Memorandum
2. QLDC Discretionary Exemption Permit Memorandum
3. Discretionary Permit to Freedom Camp
4. Councillor Questions and Answer Document
5. Council Officer Summary of Submissions Table

Memo

To:	Jeannie Galavazi
From:	Carrie Edgerton – Team Leader, Regulatory Support, Animal Control and Parking
Date:	Monday, 13 December 2021
cc:	
Subject:	Freedom Camping Bylaw Enforcement

Overview:

This memorandum outlines the enforcement themes raised at the Freedom Camping Bylaw deliberations. This memorandum addresses the following key themes:

1. Previous and current level of enforcement;
2. Enforcement of the proposed bylaw
3. Time restricted freedom camping;
4. Limiting freedom camping numbers; and
5. How exemptions work under the Bylaw.

Previous and current level of freedom camping enforcement:

The Freedom Camping enforcement funding model that occurred prior to TIFF funding was enforcing to the level of infringements issued (cost recovery Strategy). This model continues over winter periods when the funding period ceases.

Cost recovery means we use the revenue from the months tickets issued for Freedom Camping to cover the hours to patrol the district so there is no revenue made, it balances even.

This model is Proportional Enforcement consistent with the QLDC Enforcement and Prosecution Policy.

The TIFF funding for enforcement of freedom camping was added following a review of the first year of TIFF funding. Enforcement was not part of the first year of TIFF funding. TIFF funding went from 1 Nov – 30 April.

It was established that as a result of the Ambassador program establish under the first year of Tiff funding and the general high level of freedom campers there was an increased level of unlawful activity in more remote locations that could not be enforced effectively under our cost recovery Strategy.

With the addition of TIFF Funding resource is available to patrol and Enforce wider areas of the District.

Without the Tiff funding it is likely we would not have been able to reach this far under our cost recovery strategy.

When TIFF funding was in place in the peak season, we were enforcing 6 hours in Queenstown, 3 hours in Wanaka and 1 hour of education and/or gate locking in both

Queenstown and Wanaka. An example of education is at Lake Hayes, where we educate freedom campers that if they remain at Lake Hayes the gates will be locked, and they will have to pay to be released.

Council will not receive any TIFF funding in this current financial year. This means that we have a much smaller budget for enforcement of freedom camping than in previous years.

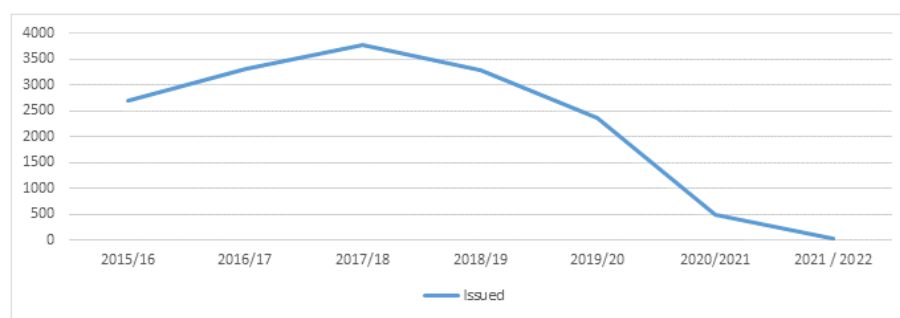
Currently (in winter) we can only enforce 2 hours in Queenstown, and 1 hour in Wanaka with resources available.

Enforcement currently focuses on hot spots or issue areas, and where we have received complaints (RFS's) for where we need to enforce on a regular patrol.

At this present time due to covid-19, we now have a smaller number of campers in the district and high compliance.

The graph below shows the number of tickets issued over the last few years for context:

	2015/16	2016/17	2017/18	2018/19	2019/20	2020/2021	2021 / 2022
Issued	2691	3314	3762	3293	2362	491	18
Cancelled	5	2	1	0	1	0	0
Waivered	747	725	917	780	322	77	3
Paid	1521	2166	2235	1962	937	92	3
prosecuted	418	421	605	541	475	104	0
sitting as current	0	0	0	0	0	4	10
recovery rate	56.52	65.36	59.41	59.58	39.67	18.74	16.67
Overseas	1079	244	224	247	105.00	1	0
Rental	46	1	0	1920	916.00	145	9
Private	250	9	0	1373	1275.00	346	9



Enforcement of the proposed bylaw

The current bylaw and proposed bylaw are enforceable, the question is to what level. It depends on resource available.

Without TIFF funding, freedom camping enforcement will need to reduce significantly to only core areas and RFS response.

With current budgets, the enforcement of the proposed bylaw will be 2 hours in Queenstown, and 1 hour in Wanaka. It is possible this could increase during the peak summer season to 4 hours in Queenstown and 2 hours in Wanaka. However, this will depend on the number of freedom campers, as it will be based on the model that revenue covers cost.

If council expected all areas to be enforced daily like it was during TIFF funding, there would be large cost recovery deficit. This is due to there being less freedom campers, and higher compliance, leading to less infringements being issued.

The shortfall to enforce wide areas will be the TIFF funding from last year.

Below is an outline of the deficit we had over 2020/2021 summer during Covid times where there was less campers around, which had us at a deficit about 30k each month, which was picked up by Tiff funding (approx. 32K each month) , which made us balance to a cost recovery strategy.

During TIFF funding we patrolled 8 hours Queenstown and 5 hours in Wanaka (with an hour of education in each location), the TIFF funding allowed us to reach DOC areas which were further afield, which meant while we were out that far we could cover the QLDC land in the same areas.

The TIFF funding, and previous levels of enforcement have provided the community with a high expectation for enforcement of freedom camping.

Timed FC spaces

There is a suggestion that timed FC spaces may be considered by the panel.

For context, our teams generally patrol between 1am and 4/5am while people are asleep. If people are awake while we patrol, we cannot issue a ticket as they technically are not freedom camping.

Timed spaces require the Warranted officer to be on site at a particular time. For example, if people were able to freedom camp in the Boundary Street carpark between say 11pm and 7am, but the same time restrictions applied to the Glenorchy Lakefront, only one location would be able to be enforced as the enforcement officer cannot be in two (or more) places at once. Additionally, after 5:30/6am we run the risk of people being awake and on a day excursion which is permitted under the Freedom Camping Act.

Limiting camper numbers:

This has been done in the past, for example at Lake Hayes north reserve where Council had a space set out to camp in. What tends to happen is people arrive see there is no space and choose to park next to it and claim they either never saw the sign, or they remove the sign.

Sign removal was common in Lake Hayes. This does have a knock-on effect to the waiver team and does see an increase in approved waivers if a photo is produced with a sign not up as it is hard to tell when it was removed.

These areas saw high level of infringements for non-compliance; however, they also were areas we receive a large number of complaints.

From our previous experience of similar nature, Regulatory would not support the limiting of numbers of campers in locations unless the areas is designed appropriately i.e. barriers to control the extent of the area.

Exemptions:

The panel asked for clarifications around how exemptions work under the bylaw. Exemptions are used to allow camping where satisfied that the camping will not be contrary to the purpose of the bylaw.

It is generally used for cases where community good events are taking place, for example A&P show or Circus, and measures are in place to ensure there are no negative effects.

There is a lengthy process to this application, the process has been attached for the Panel's information. It involves writing reports as to how it will be managed and in Wanaka requires community board approval. All other applications have been delegated from the CE to the Regulatory Manager to approve.

The panel queried whether it was possible to use permits for Normal Camping. We expect there would be a very high level of applications made. There is concern how QLDC would resource this process. To be fair and consistent the process would need to be available to everyone.

The use of Exemptions (permits) for normal camping needs to be considered as per the Local Government Act if this is the most appropriate way to manage this.

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.



Memo

To:	Proposed Freedom Camping Bylaw 2021 Hearing Panel – Councillors McLeod (Chair), Ferguson and Gladding
From:	Jeannie Galavazi, Senior Parks and Reserves Planner. Carrie Edgerton Team Leader Regulatory and Support.
Date:	Monday, 13 December 2021
cc:	Thunes Cloete, Tim Dowson, Jane Robertson, Zoe Burton, Nick Whittington (Meredith Connell)
Subject:	Freedom Camping Bylaw 2021 Discretionary Blanket Exemption Permit Assessment

Part 3 of the Proposed Freedom Camping Bylaw 2021 states the following:

Part 3 – Discretionary consent to freedom camp

- 8 Consent to freedom camp in an area in which freedom camping is 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.*

This consent (which is processed by the regulatory team under the title of an Exemption Permit) allows freedom camping in areas that are otherwise prohibited under the bylaw. QLDC grants approximately five Exemption Permits each year. These are almost exclusively issued for community groups or events that are using a reserve for a one off or annual activity of short duration such as a school camp or an A&P show. It is typically accompanied by a Reserve Permit.

The Proposed Freedom Camping Bylaw 2021 Hearing Panel (the Hearing Panel) have directed council officers to explore whether an individual or organisation such as the NZMCA or a campervan rental company could apply for a blanket consent under Part 3, and how this might be implemented. Key conditions of this potential initiative is that campervans would need to have a plumbed in toilet and the organisations would have to administer their members/users' compliance with any blanket permits themselves.

Council officers have determined that technically it would be possible for an individual or organisation to apply to QLDC for a consent under Part 3. "Person" in clause 8.1 does not limit its application to natural people. This memo provides a high level assessment of the opportunities and constraints that could arise should this be left as it is, and not amended.

Assumptions:

Council staff have estimated that there could be over 40,000 campervans that have a plumbed in toilet in New Zealand. There are 107,000 NZMCA members and their website states this is over 50,000 family groups. This does not include rental companies or private campervan owners that are not NZMCA members.

A rental company or organisation could apply for blanket permit that covers all their vehicles, private individuals would need to apply for individual permits.

Each town centre that has a sealed, marked carpark could provide for around 5-10 campervans.

Examples of this could be:

- Queenstown - Boundary Street Carpark (sealed and marked)
- Queenstown Gardens (sealed and marked)
(Ballarat Carpark is not sealed or marked)
- Frankton - Queenstown Events Centre (sealed and marked)
- Glenorchy - (not sealed or marked)
- Wanaka - Lakefront (sealed and marked)
- Brownston Street Carpark (sealed and marked)
- Cardrona - not sealed or marked

Note that all of the above sites were assessed as 'significant sites' or had high significance scores in the Xyst site assessment.

It may be that 32 campervan parks (for example) across the above sites could be made available across the district for the discretionary permit.

Council would need to decide whether, for practical reasons, this permit could only be granted exclusively to one organisation (eg NZMCA). But this would introduce obvious unfairness, and so more likely it would have to be available to any organisation or individual that applied and met the criteria.

If so, the numbers of sites would be finite, therefore they would either be made available to those campers that held the correct permit on a 'first come first served' basis.

Requirements	Opportunity	Constraint
<ul style="list-style-type: none"> • A register of all vehicles that have a plumbed in toilet 	NZMCA and Rental companies may provide a reliable robust method.	Would need a method to confirm which vehicles comply. (there have been issues with taxi registrations) Applicants would not generally be residents in the district so there could be no physical inspections prior to approving permit. Council would need to

		increase on the ground resource to undertake spot checks.
		Personal/Private Vehicles register may need to be administered by council. This would require resource.
<ul style="list-style-type: none"> A (for example) <u>weekly electronic register</u> of campers who intend to camp in the district in that week – to be no more than 32 (eg) each night. 	To be administered and provided by the organisation. If permit is given exclusively to one organisation this would be a weekly admin task.	<p>If permit is not exclusive to one organisation this would be very difficult to administer. How many sites would be allocated to each organisation? How would this list be kept current? How would the Council deal with criticism where infringement notices were given because of the organisation's failure to comply with the requirements (ie, they didn't send through an up to date list)?</p> <p>Council could not guarantee that the space would be available for the permit holder as there may be other carpark or reserve users in the parking space.</p> <p>Would require freedom campers to plan ahead.</p>
<ul style="list-style-type: none"> A <u>Database</u> that is electronically searchable and is either live or regularly updated to track new vehicles and expired vehicles. <u>New mobile devices</u> to do this if not suitable on phone app Or a <u>physical permit</u> system 	Encourage new and innovative technology to be used (eg licence plate recognition)	High Cost
	New enforcement tools.	Private owners will each need one permit per vehicle
	NZMCA will have one permit for multiple vehicles	Database could have 1000's of vehicles in it.
	Rental companies will have one permit for several vehicles.	How to keep permits current for expired vehicles?
		Risk of fake physical permits
		Council staff would need to be provided with new devices as they currently do not have the tools to do this.
Permit processing	Could charge a one off admin fee	<p>Resources to process an estimated 1000+ permits per year for individuals</p> <p>Would require over 100's of hours of staff time. Resource is currently not available, so would require an increase of FTE.</p>

Infrastructure	<ul style="list-style-type: none"> No toilets as all vehicles will have a plumbed in toilet 	More signage required (permit holders only) – cost
	<ul style="list-style-type: none"> No sealed carparking or site marking required 	Current signage gets removed or turned around by non-complying campers so not always effective
		Signage would be need to be very detailed to explain to non-permit holders why other campers were being allowed, but not them, and potentially be confusing to all campers
Education		Confusion for campers without permits try to do the right thing and camping where they assume there's a freedom camping site
		Confusion for campers who cross district boundaries. Campers or companies with permits may not comply if the site is full
		Confusing message for campers coming from other Districts (Responsible Camping Strategy Action is for joined up consistent messaging)
		Public may be confused as the site is prohibited under the bylaw and council will receive complaints which will require resource to deal with.
Carpark	There are council owned sealed marked out carparks in most town centres. Some have CCTV	Some carparks will not be able to accommodate extra large vehicles (eg house buses)
Enforcement	Relatively easy to enforce in town (from a location perspective).	Assuming there is no additional resource (to current) other more remote areas will miss out.
	Assuming we maintain a cost recovery enforcement model and likely non-compliance, there could be an opportunity to increase enforcement	Currently very difficult to enforce time restrictions (eg 8pm to 8am) and act excludes day excursions so campervans could displace car park users Additional resources would be required to ensure effective enforcement of multiple locations.
Review Traffic and Parking Bylaw		QLDC traffic and parking bylaw doesn't allow large campervans to park in Wanaka or Queenstown town centres expect for non marked out spaces or at Boundary Street and Gorge Road.

		Large campers in the CBD can block roadways due to their length.
Other	Could provide opportunities to trial new technology, initiatives	Permit would need to exclude NZMCA members that have plumbed in toilets but extra-large campers (eg house buses)
		Permit would need to exclude NZMCA members that do not have plumbed in toilets

Conclusion:

Allowing for an Exemption Permit to be issued to an individual or organisation such as the NZMCA or a campervan rental company under Part 3 as a blanket consent to allow freedom camping in prohibited areas could provide new opportunities to trial new initiatives. Assuming the permits were issued for centrally located carparks this could respond to the demand from freedom campers to have a space in town close to amenities, and be relatively easy to enforce from a location perspective. However, issuing and blanket permits would require significant additional staff and financial resource, and would send confusing messages to both the public and campers.

Therefore it is recommended that the wording of Part 3 of the bylaw is tightened to make it clear that a discretionary permit/Exemption Permit is for one-off events that have a community benefit. If the Panel does wish to explore opening up some central areas for freedom camping then it is suggested it be done not through what should remain a true exemption, but by making these areas restricted areas (as opposed to prohibited). This may require re-notifying the bylaw (or this aspect only).

13 December 2021

DISCRETIONARY PERMIT TO FREEDOM CAMP

APPLICATION

[Organisation] has applied, on behalf of its members, for consent to freedom camp in a local authority area in which freedom camping is prohibited or restricted under clause [8.1] of the Queenstown-Lakes District Freedom Camping Bylaw 2021.

I am satisfied that it would not be contrary to the purpose of this Bylaw for the members of [organisation] to freedom camp in the following local authority areas, subject to the conditions below:

Local Authority Areas

- [List, eg Queenstown Events Centre, Queenstown Gardens Carpark, ...]

(Listed local authority areas).

Conditions

- 1 [Organisation] must provide to the Council at the commencement of each week an electronically searchable list of the licence plate numbers (**List**) of its members who have advised [organisation] that they intend to freedom camp in a listed local authority area.
- 2 In providing the List the [Organisation] confirms that all listed vehicles are/have [describe qualities of vehicle].
- 3 A member of [organisation] who is not on the list provided to the Council may not freedom camp under this permit, and must otherwise comply with the Queenstown Lakes District Freedom Camping Bylaw 2021.
- 4 A member of [organisation] freedom camping in one of the listed local authority areas must comply with the following requirements:
 - (a) display [authorised signage];
 - (b) camp for no more than two consecutive nights in the same location;
 - (c) park in delineated freedom camping bays;
 - (d) leave the site clean and tidy;
 - (e) light no fires.



QUEENSTOWN
LAKES DISTRICT
COUNCIL

Signed:



www.qldc.govt.nz

Anthony Hall

DATED: 13 December 2021

HEARING PANEL QUESTIONS AND ANSWERS DOCUMENT

Submit #	Speaker	Organisation	Questions for staff from panel	MC/QLDC Comment
QUEENSTOWN				
264	Maree Baker-Galloway	Representing Jonathon and Toni Bird	<p>Reserves Act Processes – Was establishment of Luggate Red Bridge Lawful?</p> <p>What consultation was done with Hawea Community if any?</p> <p>Does the freedom camping area need resource consent?</p>	<p>History of how Luggate Red Bridge was established</p> <ul style="list-style-type: none"> The Luggate Red Bridge Reserve was vested in Council in 2018. It was previously a Local Purpose (Gravel Extraction) Reserve administered by Contact Energy. It is now gazetted as Recreation Reserve and Historic Reserve. A landscape development plan has been prepared by Council and the Luggate Community Association for future development of the reserve which indicates an area in the upper part of the reserve for camping. A landscape concept plan was prepared the Luggate Red Bridge Reserve which has been loosely followed by the Luggate Community Association. In 2018 a temporary camping hub was trialled at the top part of the reserve for the first time, in accordance with the development plan. This proved to be successful and supported by the Luggate Community Association. The primary benefit of camping at this site was that there was less illegal camping dispersed throughout the adjacent area. Subsequently the Luggate Red Bridge Reserve was included as a restricted camping area in the Proposed Freedom Camping Control Bylaw 2019. The Guardians of Lake Hāwea were informed of developments but there has been no formal consultation. The Luggate Community were made aware of this and their members monitored the site activity. The Luggate Community Association supported the use of the site because it centralised, rather than dispersed campers. They suggested increasing the area for use by campers in 2019 but this was not viewed as necessary. Monitoring continued throughout each subsequent season. TIF funding allowed the installation of toilets in 2019 as part of the community development of the reserve. <p>Reserves Act process For the purposes of the bylaw hearing the site is Recreation Reserve. The reclassification process in 2017 is outside the scope of this bylaw process.</p> <p>Council resolved to permit camping at the Redbridge site under the delegation provided to it by the Minister of Conservation under the Reserves Act 1977 which was the correct process.</p> <p>PDP Requirements The definition of camping ground in the PDP is:</p> <p>“Means any area of land used, or designed or intended to be used, for rent, hire, donation, or otherwise for reward, for the purposes of placing or erecting on the land temporary living places for occupation, or permanent tourist cabins, by 2 or more families or parties (whether consisting of 1 or more persons) living independently of each other, whether or not such families or parties enjoy the use in common of entrances, water supplies, cookhouses, sanitary fixtures, or other premises and equipment; and includes any area of land used as a camping ground immediately before the commencement of the Camping Ground Regulations 1985.”</p> <p>Given freedom camping is free, and not for any type of reward, it does not fit within the definition of camping ground in the PDP. This definition is supported by the advice note at 38.8.3.1 of the PDP saying that freedom camping is controlled under the bylaw.</p>
123	Michael Hanna		<p>Professional reports assessing transport and landscape effects – are these required?</p> <p>Comment on Morven Ferry Xyst recommendations not being carried through</p>	<p>Does Council needed an expert transport report from an expert transport engineer to be satisfied, for example, that a site should be restricted or prohibited because of access concerns under s 11(2)(c).</p> <p>Xyst has parks experience however is not a transport engineer and is not in a position to provide expert advice on traffic assessments and road safety.</p> <p>The Xyst report can be considered with the understanding that he is he is an expert in parks and not transport. Councillors might choose to put less weight on his opinions on transport to that extent if they wish, however Xyst is an experienced consultant in the parks industry.</p> <p>Comment on Morven Ferry Xyst recommendations not carried through: The Xyst assessment rated the site as "not acceptable" for camping. "Significant concerns" related to protection of the area and protection of access to the area. Also noted the cycleway through the reserve and that the carpark is well used by cyclists and reserve users. Council officers then explored if any sites that were assessed as having a significance score that justified prohibiting freedom camping under the FCA (8 or above out of 15) could be provided for freedom camping if the sites were managed with appropriate controls. The criteria was that the site must have only one '5' significance score, a formed carpark, and a public toilet nearby (as the evidence suggests that if there is no toilet then health and safety and environmental issues arise). This provided a further five sites to be considered, including Morven Ferry. Refer to MC legal advice.</p>

246	Brylee Percy	Lakeside Rugby Club Glenorchy	Consultation and lease conditions.	 <p>Outline in yellow is the rugby club licenced area which includes the carpark. Rugby club maintains the toilets?</p> <p>Pre-consultation has been completed and full consultation under the SCP. However, just because the Council is doing a full SCP does not mean there may not be a more specific obligation to consult directly with one or more parties. This may be a situation where direct consultation may be required.</p>
218	Warrick Weber	Gridline Limited	Is a traffic assessment needed for Morven Ferry intersection?	<p>Morven Ferry Traffic assessment for Arrow Junction Road and SH6 Intersection.</p> <p>Refer comment above at Submitter 123.</p>
148	Ian Kirkland		What consultation was done? Is old landfill site in Glenorchy a suitable alternative location or tennis courts behind public toilets?	<p>Pre-consultation done and full consultation under SCP. Note Glenorchy Lakefront was removed following pre-consultation. Many submitters submitted that there should be no freedom camping in GY Township. The old landfill site (at the end of Shiel Street) is considered unsuitable primarily in that it is in a stormwater overflow flood plain – which raises a health and safety concern. The access is also not well formed.</p>  <p>The tennis courts are a busy area with visitor use and the Café and Public Hall all in the vicinity. It is very close to houses. The wider site is also quite a boggy / wet. The site does have toilets.</p>



Submit #	Speaker	Organisation	Questions for staff from panel	MC/QLDC Comment
117	Geoffrey Thomson	*Changed from Wanaka session*	Glenorchy – Rees Valley Road – landownership issues?	<p>Map of upper Rees Valley - road isn't on the actual paper road and goes through private Scott land.</p>
OTHER			Camphill Carparks – fire, access and safety assessed?	<p>Question 1 Xyst assessed the QLDC administered carpark, not DOC site across the road or the river.</p> <p>The surrounding areas were not part of the assessment. From Xyst report; Camphill Road (Hawea Whitewater Park) Large car park formed for Hawea Whitewater Park, located on true left of Hawea River. Car park on true right is located on marginal strip controlled by DOC. Suitable for self-contained camping given current use of site. If recreational use is impacted by freedom camping, consider prohibiting camping at this location. Site is restricted for camping to self-contained vehicles under current 2019 bylaw.</p>
			Rik Deaton submission – what are feasible options using Landscape as future solutions?	<p>Can Land Escape provide future solutions? Mr Deaton/Land Escape wants to offer 'free' camping on his land on Camphill Road, if campers purchase one of his products (hire an ebike, eat in restaurant etc). He also wants council to waive resource consent, build a bike trail from Wanaka to site and to approve a bike hire licence on the lakefront. If Land Escape wanted to provide a site for camping with no payment/donation etc required then this could be 'freedom camping'. As it is not on QLDC administered land the bylaw would not apply and could not be enforced. Council could lease the land – this may fall under the FCA as 'controlled or managed' so could apply. If any form of payment is required this would not fall under the FCA and would require resource consent and the NZ Campground regulations would apply. An exemption under these regulations could be applied for (as a remote site, not requiring facilities) – QLDC is the administrator of this process. Action for Responsible Camping Manager to meet with Land Escape to discuss potential and how they may be progressed within the constraints of the legislation. Land Escape " refers to the "Maungawera Rural Visitor Zone" at 93 Camp Hill Road where Rik Deaton proposes opening private land for freedom camping. The Freedom Camping Act only provides bylaws to be made about "Local authority areas" in s 11. As set out in s 3 of the Freedom Camping Act, the Act (and therefore</p>

			the bylaws made under that Act) does not and cannot regulate freedom camping on private land (at least under the FCA). Council therefore cannot regulate freedom camping on Rik Deaton’s land, nor does it need to carry out a site assessment.
		What defines camping?	<p>Camping definitions</p> <p>“Freedom camping” is defined in s 5 of the Freedom Camping Act 2011 as meaning “to camp (other than at a camping ground) within 200m 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, house truck or other motor vehicle.”</p> <p>“Camping” is not separately defined in the Act. “Camping Ground” is defined in the Proposed District Plan as meaning “any area of land used, or designed or intended to be used, for rent, hire, donation, or otherwise for reward, for the purposes of placing or erecting on the land temporary living places for occupation, or permanent tourist cabins, by 2 or more families or parties (whether consisting of 1 or more persons) living independently of each other, whether or not such families or parties enjoy the use in common of entrances, water supplies, cookhouses, sanitary fixtures, or other premises and equipment; and includes any area of land used as a camping ground immediately before the commencement of the Camping Ground Regulations 1985.”</p>
		Site restrictions – should this be clearly specified in the bylaw text (eg 2 nights between 8pm and 8am at Camphill)	<p>Section 11 is general and not specific in temporal terms. It provides that a local authority can make bylaws defining the local authority areas in its district or region where freedom camping is restricted and the restrictions that apply to the freedom camping in those areas. “Restrictions” could include as to length of stay and time of stay. However, those restrictions must be rationally connected to the purpose of the bylaw, i.e. the factors in subsection (2)(a)-(c).</p> <p>The proposed bylaw provides for restrictions to be made by resolution. This is deliberate so as not to clutter the text with site by site restrictions. The bylaw text could identify restrictions if Councillors prefer.</p>
		Can bylaw discretionary one off approval (Part 3 of Bylaw) apply to NZMCA as a blanket approval and could they manage the admin	<p>This is a difficult question, but MC does not consider that this power could be used to provide for a blanket exemption for NZMCA members to freedom camp across the District.</p> <p>“Person” need not be a natural person but could include a legal person such as an incorporated society which is what I assume the NZMCA is.</p> <p>The draft bylaw as assuming that the same person who applies will be the one freedom camping (perhaps with family). It does not envisage the NZMCA seeking an exemption that then applies to potentially several thousand people.</p> <p>MC has concerns about a decision that appears to positively discriminate in favour of members of a private club. It does not appear to be a direct breach of the Human Rights Act as we cannot see what prohibited ground under s 21 would apply. Based on the same reasoning it would be an irrational decision and therefore liable to judicial review. It depends on whether NZMCA membership gives sufficient evidential reason to justify restricting others’ movement and authority to freedom camp (not sufficient evidence of this). We do not understand there to be any special preconditions to membership other than paying a pretty modest fee.</p> <p>QLDC comment - this isn’t appropriate for NZMCA to manage, if we do down this path it would be better to put a higher SC standard in the bylaw.</p>
		What is the process for bylaw to consider carparks in town?	<p>In order for the panel to consider carpark in town for freedom camping, re-consultation would need to occur. This would mean a further SCP on those sites in town. At a minimum, this would take approximately three months. This could be done as an amendment to the Bylaw though, so if desirable need not hold up decision-making on this bylaw.</p> <p>Refer Enforcement memo for practicalities (to be tabled at deliberations)</p>
		Can Panel choose not to adopt 2021 bylaw and keep 2019 bylaw?	<p>Yes. Under s 13 of the Freedom Camping Act, a local authority must review a bylaw no later than 5 years of the date on which it was made or no later than 10 years after it was last reviewed. After a review the local authority can continue the bylaw without amendment.</p> <p>We note that this review is occurring earlier than required under the Freedom Camping Act as Councillors resolved in 2019 that officers were to undertake a review within 18 – 24 months.</p>

Wanaka				
Submit #	Speaker	Organisation	Questions for staff from panel	MC/QLDC Comment
245	Alison and Neal Brown		Note to check on positioning of signage at Timaru Creek foreshore area – does this need to be fixed?	Noted – Action for Responsible Camping Programme Manager.
	Alison Brown	Guardians of Lake Hawea	Work with LINZ to enforce on Hawea Lakeshore	Noted. QLDC - does not have legal authority to enforce on LINZ land. Noted – Action for Responsible Camping Programme Manager
276	Rik Deaton	Land Escape Wanaka	Does Council want to work with Land Escape? If so what are the options?	Refer to earlier answer

270	Ngaio Hart	Central Otago Whitewater	Xyst report limitations – is the Site Assessment defensible?	The Xyst report has some issues as MC has pointed out in its review of the draft report. However, to the extent the report has issues, we do not see that as necessarily infecting a decision that the Council reaches. The Council is still the decision-maker and can ultimately come to its own conclusions on freedom camping in its District. The Site Assessment Report is one element of the evidence available to it to make decisions about where to allow and where not to allow. Refer to MC legal advice
80	Robert Kyles		Camping at golf courses – how could this work in our District?	Queenstown Golf Club - Kelvin Heights recently enquired about potential to use 5 carparks for campervans. \$20 donation to the club. QLDC advised proposal would require changes to the lease agreement and would also require Resource Consent. Noted that the Golf Club would also need to apply for registration of Camp Ground and apply for exemptions under NZ Campground Regulations. (currently \$346 per year). Golf Club investigated and decided not to proceed given the "estimate for development contribution for this proposal is reasonably substantial". They may review in the future.
26	Cherilyn Walthew		What was the Mount Barker situation? (FC parkover was shut down by council)	Could not find any info.
280	Tony Ward-Holmes		Is there scope for Camphill to be prohibited – how does this relate to FCA s11 criteria? Does Council need to undertake further assessment at this site?	Xyst assessed the QLDC administered Camphill Carpark, not DOC site across the road or the river. The surrounding areas were not part of the assessment. From Xyst report; <i>Camphill Road (Hawea Whitewater Park) - Large car park formed for Hawea Whitewater Park, located on true left of Hawea River. Car park on true right is located on marginal strip controlled by DOC. Suitable for self-contained camping given current use of site. If recreational use is impacted by freedom camping, consider prohibiting camping at this location. Site is restricted for camping to self contained vehicles under current 2019 bylaw.</i> Strong submitter evidence under FCA s11 criteria to support prohibition at this site. Refer Deliberations Report (to be tabled at deliberations).

Councillor Gladding	
Would the Bylaw as proposed see QLDC in breach of the ODP or PDP? By prohibiting so many places where freedom camping could occur are we effectively creating 'hubs' in the remaining non-prohibited locations... and could it therefore be argued that we need to apply for resource consent to enable freedom camping at those sites? Would obviously depend partly on the underlying zoning. Relates to the question re Morgan Ferry Reserve and whether we needed a traffic assessment. Same question for Luggage Red Bridge. Do we need to consider consistency with DP rules for all areas where FC is not prohibited?	Related to above question (#264). Freedom camping doesn't require consent under PDP. For further discussion to make sure we understand the questions.
Is the Bylaw as proposed in breach of the Reserves Act (having regard to the provisions of all RMPs in the district and lease contracts)? For example, we haven't prohibited camping on the (leased) Peninsular Reserve, Glenorchy.	Agree.
Add to my 'Blanket Concession' question that this could be limited to a couple of sites and apply only to certain types of Campervan e.g. those that have permanent plumbed in toilets with walls. The idea being that the NZMCA could be required to issue 'sub-permits' to members (for a limited timeframe with details available on a database) and educate them to ensure they don't breach conditions (lest NZMCA lose its blanket permit).	See our concerns above about such a proposal.
Can you confirm that we've not peer reviewed the Xyst Assessment?	Staff reviewed (and have presented different viewpoints on some local authority areas considered). MC reviewed the report from a legal perspective – ie, to address whether the document on its face considered irrelevant matters. (But we did make some points that the author made no amendments in response to.)
Are we required to make this Bylaw enforceable? What legal action could be taken if we don't enforce it properly? What would be deemed adequate enforcement? I'm thinking about the financial consequences of pushing FC into our more remote rural areas.	The provisions in Part 3 of the Freedom Camping Act set out the enforcement action that can be taken for breaches of the bylaw. No action is "required" to make the bylaw "enforceable." The degree of enforcement of any regulatory regime is a matter of discretion for the regulator. We would expect any enforcement to be in accordance with QLDC's existing Enforcement Strategy and Prosecution Policy. Refer to Enforcement Memo
Does the Freedom Camping Bylaw override other legislation and Council obligations or vice versa?	This is a difficult question to answer without a specific concern or inconsistency being pointed to. In general, however, the bylaw is subordinate legislation. Where it is inconsistent with primary legislation, and the provisions cannot otherwise be read together, that other enactment prevails.

QLDC Freedom Camping Bylaw 2021 Council Officer Summary of Submission Themes Table

THEME	Comment/Sub Themes	Submission numbers	Officer Comment	Hearing Panel Decision
1. Supports Proposed Bylaw	2012 and 2019 bylaw have been effective in reducing freedom camping issues.	2, 17, 35, 51, 70, 83, 93, 99, 108, 128, 162	Support noted.	Support noted
2. Supports Rafters Road	Support prohibition at Rafters Road. DOC camping restrictions of tenting only for 3 nights effective at avoiding problems with vans	282	Noted.	No Change
Submissions relating to section 11 matters				
3. Refers to FCA s11(2)(a)(i) Protect area criteria – concerns or evidence	Protection of the environment from litter, pollution, washing in rivers at lakes, fire raised as concerns or examples provided as evidence. A number of submitters also raised that reserve areas such as Gibbston and Camphill have been planted and are maintained by volunteers.	10, 13, 16, 17, 27, 31, 42, 44, 53, 57, 59, 60, 81, 98, 107, 113, 119, 120, 121, 125, 143, 146, 151, 156, 160, 166, 169, 172, 179, 190, 191, 192, 193, 194, 206, 207, 208, 209, 212, 213, 214, 232, 235, 237, 244, 246, 247, 248, 249, 250, 251, 252, 257, 260, 262, 262, 265, 266, 267, 269, 272, 274, 277, 278, 280, 282, 283, 284	Noted.	Refer to individual sites at the following Sections of this Table: 22 (Gibbston); 23 (Morven Ferry); 24 (Camphill); 25 (Glenorchy Domain); 27 (Roads North of Glenorchy).
4. Refers to FCA s11(2)(a)(ii) Protect H&S criteria – concerns or evidence	Protection of Health and Safety of the area including road safety issues, water safety issues (particularly at the Hawea Wave) raised as concerns or examples of H&S incidents provided.	6, 27, 31, 42, 57, 98, 110, 122, 125, 127, 129, 130, 134, 136, 147, 149, 156, 166, 169, 172, 189, 190, 191, 192, 193, 203, 209, 210, 212, 226, 247, 248, 249, 250, 251, 252, 257, 260, 261, 262, 265, 266, 267, 269, 272, 274, 277, 278, 280, 282, 283, 284	Noted	Refer to individual sites at the following Sections of this Table: 22 (Gibbston); 23 (Morven Ferry); 24 (Camphill); 25 (Glenorchy Domain)
5. Refers to FCA s11(2)(a)(iii) Protect access to area criteria – concerns or evidence	A number of submitters raise concerns about protecting public access to reserves and sites including for recreation and day use of the areas as well as car parking capacity. Some submitters provided evidence of examples of where they have experienced these issues. Some submitters assumed freedom camping proposed within reserve beyond carpark	6, 8, 9, 10, 13, 16, 17, 31, 42, 44, 45, 57, 59, 60, 72, 81, 82, 96, 98, 101, 121, 124, 125, 129, 130, 134, 136, 142, 145, 147, 148, 154, 160, 162, 169, 186, 203, 206, 208, 210, 214, 219, 221, 232, 238, 244, 246, 247, 248, 249, 250, 251, 252, 257, 259, 260, 262, 265, 266, 267, 269, 272, 274, 277, 278, 280, 282, 283, 284	Noted	Refer to individual sites at the following Sections of this Table: 22 (Gibbston); 23 (Morven Ferry); 24 (Camphill); 25 (Glenorchy Domain)

Submissions that seek to allow more freedom camping				
6. More freedom camping. Less restrictions	The restrictions and bylaw are not in the spirit of the Freedom Camping Act. Freedom camping should be more permitted in more places across the District. Opportunities to freedom camp are slowly being eroded. Freedom camping is a right	19, 20, 23, 24, 25, 28, 30, 66, 75, 78, 80, 84, 86, 87, 89, 92, 94, 95, 115, 118, 132, 147, 175, 268	Noted. Strong submissions that relaxing restrictions has impacts on environment, public access and enjoyment of reserve areas.	Agree with Officer Comment – No Change
7. More freedom camping close to town centres	Freedom camping should be allowed in urban areas or close to amenities so campers can visit retail areas, attractions, restaurants, use public transport etc. Not allowing freedom camping is bad for QLD economy Sites in town have infrastructure and are more accessible for enforcement purposes.	1, 18, 72, 88, 181, 227	Submitter evidence and QLDC has customer service records that allowing freedom camping in urban areas results in litter, impacts on the environment and public access to areas. QLDC administers little public land other than reserves in town centres. QLDC administered carparks are often at capacity.	Extensive discussion. No Change Refer to Hearing Panel Deliberation Report Rural vs Residential (Section 1), Council Carparks (Section 2) and Discretionary Exemption Permit (Section 3). Change the wording in Part 3 of the Proposed Bylaw
8. Fully self contained NZMCA members should be able to park anywhere.	District unwelcoming	66	It is not practical to differentiate between NZMCA members and other freedom campers for the purpose of creating and enforcing a bylaw on freedom camping. The reasons why freedom camping is prohibited in particular areas is not related to the type of freedom camper. They are genuine concerns supported by evidence collected by Council officer and evidenced through submissions.	Extensive discussion. No Change Refer to Hearing Panel Deliberation Report Council Carparks (Section 2) and Section Discretionary Exemption Permit (Section 3). Change the wording in Part 3 of the Proposed Bylaw
9. Prohibition/Restriction will move problem	Removing freedom camping from possible areas puts pressure on the remaining areas (in particular rural areas) that are available to camping. Encouraging self-contained vehicles in areas with facilities is important to manage public health risks.	137, 227	Noted.	Extensive discussion. Refer to Hearing Panel Deliberation Report Rural vs Residential (Section 1), Council Carparks (Section 2) and Discretionary Exemption Permit (Section 3) and Higher Campervan Self Containment Standard (Section 4). Change Proposed Bylaw to prohibit freedom camping on Rees Valley Road and Kinloch Road Glenorchy and at Gibbston Reserve Carpark, Glenorchy Domain Carpark, Camphill Road and Morven Ferry Reserve.
Submissions that seek further prohibitions				
10. No freedom camping	Freedom camping should be completely banned in specific areas or across the whole District. All campers should be in managed campgrounds	3, 4, 5, 7, 10, 11, 12, 13, 21, 22, 26, 35, 37, 50, 52, 56, 61, 62, 63, 64, 67, 71, 74, 77, 85, 90, 104, 105, 126, 133, 134, 135, 136, 137, 138, 139, 141, 142, 146, 150, 159, 161, 163, 168, 169, 170, 171, 173, 177, 178, 180, 185, 186, 190, 193, 194, 198, 199, 200, 203, 204, 205, 210, 211, 215, 216, 221, 234, 235, 238, 239,	Contravenes FCA	Agree with Officer Comment. No Change Acknowledge community sentiment on Freedom Camping.

		240, 242, 243, 256, 260, 281		
11. Campers should stay in paid campgrounds	A number of submitters suggest that freedom camping should be further restricted as freedom campers can stay in paid campgrounds.	72, 74, 77, 82, 83, 85, 96, 104, 105, 108, 110, 111, 117, 122, 124, 133, 134, 135, 136, 137, 141, 142, 143, 146, 150, 151, 156, 161, 169, 171, 173, 178, 180, 186, 191, 194, 199, 200, 208, 210, 215, 220, 222, 223, 224, 232, 234, 235, 238, 239, 240, 241	The FCA provides that people have a right to freedom camp except where it is prohibited or restricted through a bylaw. It is not possible to prohibit freedom camping in the District. Therefore, there will be opportunities for freedom camping in the District.	Agree with Officer Comment. No Change.
Submissions relating to Council's site assessment				
12. Council disregarded Xyst site assessment	Xyst site assessment assessed a site as 'significant' and that freedom camping should be prohibited. Council has proposed that freedom camping be restricted at this site.	214, 233	The Xyst assessment rated the site as "not acceptable" for camping. "Significant concerns" meant that a site scored a 5 for one of the FCA s11 Criteria (protect access, protect the area, H&S), or that the combined score was 8 or above out of 15. Council officers explored if any sites that were assessed as having a significance score that justified prohibiting freedom camping under the FCA (8 or above out of 15) could be provided for freedom camping if the sites were managed with appropriate controls. The criteria was that the site must have only one '5' significance score, a formed carpark, and a public toilet nearby (as the evidence suggests that if there is no toilet then health and safety and environmental issues arise). This provided a further five sites to be considered, four of which were notified in the SOP. The Xyst site assessment is a tool to assist the Council as decision-maker to apply the statutory factors to the relevant local authority areas.	Agree with Officer Comment, having regard to Meredith Connell legal opinion. Hearing Panel discussed this at length and tested robustly. Refer to Hearing Panel Deliberations Report Xyst Site Assessment (Section 5). Xyst Site Assessment is a tool and one of many inputs to the bylaw. Change: Disagree with Xyst Site Assessment on Rees Valley Station Road, Kinloch Road, Camphill Carpark and prohibit freedom camping at these locations.
13. Xyst site assessments are incorrect	Submitter disagrees with the scoring at the site that has been assessed by Xyst Questions sites assessments and consistency	233, 57, 113	The Xyst report expressly states that the approach taken is based on how "Xyst has interpreted" the statutory criteria. The site assessment has been prepared in generally in accordance with LGNZ best practice. 105 sites across the district were assessed, using methodology that has been agreed by Local Government New Zealand as best practice. This methodology is as follows: a) Assess the scope of land to be included and excluded by nature of ownership, administration, legislation or practical limitations of access; b) Define what is to be protected under the three purposes of the FCA; c) Develop an assessment/scoring system to assess the degree to which a site requires	Agree with Officer Comment, having regard to Meredith Connell legal opinion. Hearings Panel discussed this at length and tested robustly. Agreed that council would not consider economic impacts and affects on property values when deciding on each site. Refer to Hearing Panel Deliberations Report Xyst Site Assessment (Section 5).

			<p>protection from the effects from freedom camping</p> <p>d) Assess sites using the assessment system; and</p> <p>e) Present the findings of the assessment. As decision-maker, the Council will make up its own mind about the Xyst assessment and the weight to be given to it and the evidence provided through the submissions.</p> <p>Officers consider that the Xyst assessment is robust. Nevertheless, a site assessment is not a requirement of the FCA and is one of the tools available to assist Council to determine where freedom camping should be permitted, restricted or otherwise prohibited. It is not the only information that Council can rely on to make these decisions.</p>	
Areas where freedom camping should be allowed.				
14. Crown Range		118, 187	Site assessed as a significant site along QLDC administered road reserve. The carpark at the top of the Crown Range is administered by DOC and allows restricted freedom camping.	Agree with Officer Comment - No Change
15. Behind Glenorchy Hall/ former tennis courts		40, 112, 149	Site not suitable as no formed vehicle access and unsuitable ground conditions	Agree with Officer Comment - No Change
16. Glenorchy Former Landfill		148	No formed vehicle access and unsuitable ground conditions. Glenorchy Cemetery is adjacent.	Agree with Officer Comment - No Change
17. Frankton Beach		73	Assessed as significant site. Submitter evidence to the 2019 Bylaw and QLDC has customer service records that allowing freedom camping at this site impacts on the environment, public access and enjoyment of the Frankton Beach reserve.	Agree with Officer Comment - No Change
18. Precipice Creek			Xyst site assessment scored Precipice Creek carpark (north of Glenorchy) 11 out of 15, or 73%. If a site scores 8/15 or higher it is recommended that freedom camping be prohibited. Protection of water quality, protection of recreational values, protection of access to the area for residents and other visitors were the criteria that caused the site to be assessed as significant. There is not sufficient evidence from submissions that this site is suitable for freedom camping.	Agree with Officer Comment - No Change
19. Coronet Peak Access Road		2	Xyst site assessment scored the road as 12 out of 15. If a site scores 8/15 or higher it is recommended that freedom camping be prohibited. The road is busy in both summer and winter with recreation traffic. In winter the road conditions are generally not suitable for camper vans. Freedom camping in this location could result in health and safety concerns.	Agree with Officer Comment - No Change

20. Glenorchy Township/ Lakefront		34, 40	Submitters do not provide reasons for supporting camping in this location. Site was assessed as part of site assessment and scored 13 out of 15. If a site scores 8/15 or higher it is recommended that freedom camping be prohibited.	Agree with Officer Comment - No Change
21. Red Bridge Reserve		91, 162, 260, 262, 265, 267, 269, 272, 274, 277, 280, 283, 284	Submitters supported the establishment of the freedom camping site at Red Bridge because it addressed the widespread freedom camping issues that were previously dispersed throughout the Upper Clutha by providing a suitable location where freedom camping could occur and be managed.	Agree with Officer Comment - No Change Continue to provide for restricted freedom camping at Luggate Red Bridge.
Areas where freedom camping should be prohibited.				
22. Gibbston Reserve Carpark	Numerous submitters oppose freedom camping at the Gibbston Reserve for the following reasons: <ul style="list-style-type: none"> - Gibbston Reserve is a treasured community asset and freedom camping will ruin the beautiful asset that the community has created. - Road access from the state highway is unsafe - Remote and concealed rural back road location is not suitable and cannot be appropriately managed. Promoting this site will result in freedom camping spilling over into the other roads in the area. - Freedom camping at the reserve will be disruptive for surrounding residents and businesses. - Concerns that littering will occur and rubbish will be left behind. - Residents have experienced illegal freedom camping at the entrance to the Gibbston Tavern which has resulted in waste and rubbish being left behind. The residents are concerned that this problem will replicate at the reserve site. - There is already limited parking already and the road is narrow. Freedom campers will cause safety issues and restrict access to the reserve. - Nearby residents are concerned about security and safety in remote areas. - Littering and noise will impact the peace and tranquillity of the area. - It is unlikely that the Council will be able to monitor the site effectively due to the location and lack of funding. 	46, 53, 55, 57, 64, 65, 108, 119, 143, 151, 152, 166, 173, 190, 192, 199, 206, 212, 213, 221, 229, 233, 266	A number of concerns relate to the conflict between community use of the Reserve and freedom campers. The area identified for freedom camping is not on the Gibbston Reserve. It is located within the road reserve adjacent to the Gibbston Reserve land. Therefore, it will not interfere with the use of the reserve land. The risk of conflict between campers and other road users exists whether the vehicles are freedom campers or not. Freedom camping vehicles will not be permitted in the area beyond the identified location. The suitability of the site and the facilities within the site outweigh the potential for impacts on amenity. Additionally controls can be imposed through time and vehicle number restrictions to ensure there are a limited number of freedom campers staying at any one time. Council officers consider there is not compelling evidence to prohibit freedom camping in this location. It is a site that should continue to be monitored for future reviews if the problems in the submission arise.	Disagree with Officer Comment. Hearing Panel discussed this at length and tested robustly. Refer to Hearing Panel Deliberations Report Gibbston Reserve (Section 7). Change Proposed Bylaw to prohibit Freedom Camping at Gibbston Reserve Carpark to protect access to the area (s11(2)(a) (iii).
23. Morven Ferry Reserve Carpark	Various submitters oppose freedom camping at the Morven Ferry Reserve Carpark for a variety of reasons including: <ul style="list-style-type: none"> - Negative impact on the rural amenity of the surrounding properties and the historic setting. - Xyst does not recommend this site as being acceptable for freedom camping - Protection of the area should include historic site (mining operations) 	27, 42, 60, 74, 96, 97, 98, 101, 106, 107, 110, 113, 120, 122, 145, 161, 163, 167, 170, 171, 172, 174, 177, 179, 182, 183, 185, 188, 189, 195, 197, 198, 210, 211, 214, 217, 219, 230, 232, 237, 244	Refer to comments above regarding Xyst site assessment. A number of concerns relate to the conflict between community use of the Morven Ferry Reserve and freedom campers. Freedom camping is only proposed on a small carparking area at the reserve where there would otherwise be cars parked. So the risk exists	Disagree with Officer Comment. Hearing Panel discussed this at length and tested robustly. Refer to Hearing Panel Deliberations Report Morven Ferry Reserve Carpark (Section 9). Change proposed bylaw to prohibit Freedom Camping at Morven Ferry Reserve to protect access to the area (s11(2)(a) (iii).

	<ul style="list-style-type: none"> - Protection of amenity values to include views, noise and loss of privacy, noise, harassment and threatening behaviour from freedom campers - Loss of privacy is a major concern to some submitters. - Some submitters are concerned about the safety risk freedom campers pose to owners and animals - Water rights located on the reserve including water takes, pumps and pipework. - Impacts of physical damage and human waste. - Risk to water quality of the Arrow River Protection of reserve amenity and recreational values to protect the local swimming hole for the continued enjoyment of the local community - Popular and busy reserve - protection of economic values of the area including residential properties, this location directly affects neighbouring properties - Protection of recreational values of the area including the Queenstown trail - Protection of Health and Safety of people who visit the area - The perceived threat of crime and antisocial behaviour as a direct result of encouraging freedom camping to this quiet pocket of Arrowtown. - Conflict between cyclists, walkers, joggers, swimmers, horses, dogs, farming activities 		<p>whether or not the vehicles are freedom campers or not.</p> <p>Freedom camping vehicles will not be permitted in the reserve beyond the carparking area.</p> <p>While freedom campers might displace other reserve users, time restrictions are proposed mitigate this.</p> <p>A freedom camping site does not need resource consent, therefore it does not need a traffic or landscape assessment like a consented activity would. The roads are public roads that should conform to other QLDC/NZTA roading standards for all users.</p> <p>The suitability of the site and the facilities within the site outweigh the potential for impacts on amenity. Additionally controls can be imposed through time and vehicle number restrictions to ensure there are a limited number of freedom campers staying at any one time.</p> <p>Council officers consider there is not compelling evidence to prohibit freedom camping in this location. It is a site that should continue to be monitored for future reviews if the problems in submissions to arise.</p>	
24. Camphill Road Carpark	<p>Various submitters oppose freedom camping at the Camphill Road car park for a variety of reasons including:</p> <ul style="list-style-type: none"> - Concerns that freedom campers will spill over into the DOC carpark on Camphill Road where there are toilet facilities available, the toilet would become overwhelmed, and campers could cause damage to the landscaping that was established at the DOC site. - Concerns that the river will be degraded as it becomes a place for freedom campers to bath and wash their dishes using detergents and other chemicals that are detrimental to the quality and mauri of the water. - Freedom campers will degrade the environmental amenity that has been established in the area through the investment of community time and money. - Fire risk associated with nearby pine forest. - Use of the carpark by freedom campers will restrict the ability of kayakers and other river users along with spectators to access the Hawea Whitewater park. People are forced to park on the road side which exacerbates safety concerns with people entering and exiting the car park. 	6, 21, 26, 31, 32, 44, 45, 49, 59, 63, 68, 81, 82, 91, 101, 124, 125, 127, 128, 129, 130, 134, 136, 142, 144, 154, 156, 162, 169, 235, 245, 247, 248, 249, 250, 251, 252, 257, 258, 259, 260, 261, 262, 265, 266, 267, 269, 272, 274, 277, 280, 282, 283, 284	<p>Strong submissions for prohibiting freedom camping in Camphill Road Carpark. Submitter evidence to support many instances of litter, fires and complaints that public access to the river and reserve is affected. Reports from users of evidence of litter, fires, campers disrespecting the site.</p> <p>Conflict between people carrying kayaks etc and large campervans has the potential to cause a real health and safety risk.</p> <p>Submissions that relate to the carpark on opposite side of the river and the road area are out of scope as this is DOC and Waka Kotahi land.</p> <p>Council officers will advise DOC and Waka Kotahi of submitters concerns.</p>	<p>Disagree with Officer Comment.</p> <p>Hearings Panel discussed this at length and tested robustly. Refer to Hearing Panel Deliberations Report Camphill Carpark (Section 6).</p> <p>Change proposed bylaw to prohibit Freedom Camping at Camphill Carpark to protect access to the area (s11(2)(a) (iii)) and to protect the health and safety of the people who visit the area (s11(2)(a) (ii)).</p>

	<ul style="list-style-type: none"> - Road safety – conflict between large camper vans and river users who are transporting kayaks and other equipment around and from the car park - Road safety concerns as the carpark is accessed from a stretch of road that is 100km/h and includes a one lane give way bridge. - Allowing freedom camping at Camphill road carpark detracts from the nearby paid camping facilities. 			
25. Glenorchy Domain	<p>A number of submitters are opposed to allowing freedom camping at the Glenorchy Domain for the following reasons:</p> <ul style="list-style-type: none"> - There are already other suitable campsites in Glenorchy and campers should use those where there are facilities rather than the pristine environment. - Allowing freedom campers at the domain carpark will be detrimental to the users of the grounds including the rugby club, golf club, tennis club and cricket club. Parking spaces are already at a premium and allowing freedom campers will prevent access by those users. - There are no toilet facilities - A number of sports are played at the domain that could result in damage to vehicles. - Does not align with the restorative tourism plan - There are no facilities in Glenorchy for dumping human waste so there is concern that this waste will be disposed of in the Domain/ Rugby Club toilets. - Glenorchy domain is visible from residential areas and unsuitable for freedom camping. - The domain is the location of the annual Glenorchy races and would need to be vacated to allow that event to occur. - Nearby residents have witnessed littering including toilet paper in the reserve. - The reserve is a community venue and used for a number of community events. 	8, 9, 10, 13, 16, 33, 36, 38, 72, 110, 112, 121, 147, 148, 149, 158, 161, 170, 186, 203, 207, 208, 209, 216, 222, 226, 234, 246, 273	<p>A number of concerns relate to the conflict between community use of the wider Glenorchy Domain and freedom campers.</p> <p>While a number of sporting activities might cause damage to cars, freedom camping is only allowed on a small carparking area at the domain where there would otherwise be cars parked. So the risk exists whether or not the vehicles are freedom campers or not.</p> <p>While freedom campers might displace other reserve users, there are also other areas to park around the domain and when the domain is used for large events, it is anticipated that the small carparking area would be overwhelmed in any event.</p> <p>Council officers consider there is not compelling evidence to prohibit freedom camping in this location. It is a site that should continue to be monitored for future reviews if the problems in submissions to arise.</p>	<p>Disagree with Officer Comment.</p> <p>Hearings Panel discussed this at length and tested robustly. Refer to Hearing Panel Deliberations Report Glenorchy Domain Carpark (Section 8).</p> <p>Submissions confirmed there is no public toilet at this location.</p> <p>Change proposed bylaw to prohibit Freedom Camping at Glenorchy Domain Carpark to protect the area (s11(2)(a) (i)) and to protect access to the area (s11(2)(a) (iii)).</p>
26. State Highway 6 from Nevis Bluff to Gibbston.	A number of submitters have raised concerns about freedom camping on the State Highway from Nevis Bluff through to Arrow Junction.		As the State Highway is Waka Kotahi land it is outside of scope	Agree with Officer Comment – No Change
27. Roads north of Glenorchy	Submitters have raised concerns about camping on roads north of Glenorchy. These are remote rural areas with spectacular scenery and to allow freedom camping along these roads would ruin the vista. It could also interfere with local farming activities.	18, 111, 17, 110, 224, 203, 207, 209	<p>It is not possible to prohibit freedom camping in all areas under the FCA. The Xyst site assessment did not determine that these areas should be prohibited. There is insufficient evidence to support a prohibition on Freedom camping on the roads north of Glenorchy.</p> <p>All areas adjacent prohibited areas will be subject to spill over. Pushing out the boundary simply pushes the problem further out.</p>	<p>Disagree with Officer Comment.</p> <p>Refer to Councillor Deliberation Report Rural vs Residential (Section 1)</p> <p>Change the Proposed Bylaw to Prohibit Freedom Camping on Rees Valley Road to protect the area ((s11(2)(a) (i)) and to protect access to the area ((s11(2)(a) (iii)).</p> <p>Kinloch Road is subject to regular flooding and is closed on a regular basis.</p>

				Change the Proposed Bylaw to Prohibit Freedom Camping on Kinloch Road to protect the health and safety of the people who visit the area ((s11(2)(a) (ii)).
28. Glenorchy Township/ Lakefront	A number of submitters are opposed to freedom camping in the Glenorchy Township and along the lakefront generally.	167, 170, 186, 273	Other than at the Domain reserve and the areas north of township, freedom camping is already prohibited in the township and lakefront.	Agree with Officer Comment – No Change
29. Full prohibition in Wakatipu basin and Cardrona Road.		47	Full prohibition contravenes the FCA	Agree with Officer Comment – No Change
30. Lovers Leap area.	One submitter seeks that freedom camping be prohibited at Lovers Leap car park	117	Lovers Leap carpark is on DOC Land. It is therefore out of scope of the Bylaw. Officers will advise DOC of submitters concerns.	Agree with Officer Comment – No Change
31. Hallenstein Street	One submitter seeks that the area in town to the east of above Hallenstein Street be included as prohibited areas.	70	Already included as a prohibited area	Agree with Officer Comment – No Change
32. Luggate Red bridge Reserve	Submitter 265 opposes freedom camping at the Red Bridge reserves for the following reasons: <ul style="list-style-type: none"> - Visual amenity and noise effects on surrounding residents - Impact on privacy and security of surrounding residential areas. The submitter reports that freedom campers have entered their property looking for water and turning in their driveway. - Neighbouring residents have observed freedom campers at the site urinating on the side of the road, washing themselves and their clothes and dishes in the camping area and disposing of their rubbish in neighbours rubbish bins. - Campers have displaced other locals who previously used the area to park their cars and car pool. These locals are now parking on the side of the road which causes a traffic safety hazard. - The campground is impacting on other commercial campground operations. - Allowing freedom camping is not consistent with the Reserves Act prohibition on camping in rec reserves. Some submitters seek that the number of campers at Red Bridge should be capped.	265	A development plan was prepared with the Luggate Community in 2016/2017 which provides for freedom camping. It was a gravel extraction pit so camping in the defined area has negligible environmental impacts in the areas it's provided. Council resolved to uplift prohibition on freedom camping under the reserves act in 2019. Impact on commercial campground operators is not within the scope of matters that can be considered. The reserve is very large and should be able to accommodate a freedom camping area without negatively impacting the use of the remaining reserve and access to it. Submitter evidence including from the Luggate Freedom Camping Wardens confirms that the site is suitable for freedom camping. This site is generally supported as a site for freedom camping by submitters.	Agree with Officer Comment – No Change
33. Carpark on summit of the Crown Range.	One submitter seeks an amendment to the maps to ensure freedom camping is prohibited at the carpark on the summit of the Crown Range	131	This car park is DOC Land and freedom camping is permitted at this site. Officers will advise DOC of submitters concerns.	Agree with Officer Comment – No Change
34. Hawea and Wanaka Areas Hawea lakeshore Lake Hawea Camp to the Neck	Some submitters oppose freedom camping in all parts of Hawea Flat and Wanaka. Instead, their submissions seek that campers be re-directed to camp grounds in the areas. Their concerns include: <ul style="list-style-type: none"> - Campgrounds have appropriate facilities to accommodate campers including toilets, showers and other washing facilities. At present, freedom campers are observed washing in lakes and rivers, cleaning their dishes and clothes and polluting the waterways with detergents and other chemicals. 	169, 246, 258	It is not possible to impose a blanket prohibition. Specific sites have been assessed as part of the Bylaw and where appropriate, freedom camping has been prohibited in the draft bylaw. No evidence to support further expanding the prohibition for Hawea Flat.	Agree with Officer Comment – No Change Direct staff to fix sign at Johns Creek

	<ul style="list-style-type: none"> - Car parks should remain car parks as they generally service particular attractions or areas and should not be taken up by freedom campers. <p>Submission support the prohibition at Hawea Flat but seek that it be extended to include all residential and rural residential areas.</p> <p>Submission seeking to address freedom camping issues on DOC and LINZ land adjacent to QLDC land along the Hawea lake shore and Timaru Creek Road.</p>		<p>The west side of Lake Hawea is a combination of Waka Kotahi, Private, DOC and LINZ land and therefore out of scope of the Bylaw.</p> <p>East side of Lake Hawea is a combination of Waka Kotahi State Highway, DOC and LINZ land – no QLDC land so out of scope of the Bylaw.</p> <p>Officers will advise Waka Kotahi DOC and LINZ of submitters concerns.</p>	
35. State Highway 6 between Jacks point and Kingston.	A number of submitters have raised safety concerns about freedom campers being able to camp along State Highway 6 between Jacks Point and Kingston. They also have concerns about campers using these areas not being appropriately self contained and therefore unhygienic.	46, 53, 65	As State Highway 6 is controlled by Waka Kotahi is it outside of the scope of the Bylaw.	Agree with Officer Comment – No Change
36. Dublin Bay	One submitter seeks that the Dublin Bay Recreation Reserve, surrounding DOC land and Dublin Bay Road be included in Bylaw as prohibited freedom camping areas.	283, 279	<p>The Dublin Bay Recreation Reserve is administered by the Department of Conservation and therefore cannot be included in the Bylaw as a prohibited camping area.</p> <p>The submitter does not provide reasons for including Dublin Bay Road as a prohibited area. Council has not identified any reason to prohibit camping on this road.</p>	Agree with Officer Comment – No Change
37. Hawea Flat	A number of submitters seek that the boundaries for the Hawea Flat township area be extended.	129, 130, 258, 275	Limited evidence at present of harm for all of Hawea Flat – to be monitored and evidence collected for future reviews	Agree with Officer Comment – No Change
38. Prohibit on all major tourist routes		65, 220	No evidence to support this. Most major tourist routes are State Highway and controlled by Waka Kotahi – therefore out of scope.	Agree with Officer Comment – No Change
Submissions relating to consultation and community sentiment				
39. Negative economic impacts	<ul style="list-style-type: none"> - Freedom camping contributes little to economy. - Camping affects economic productivity 	171, 206, 214, 233	The FCA provides that freedom camping must not be absolutely prohibited, this means that there will be some degree of freedom camping across the district. Freedom camping is only able to be prohibited or restricted where it is necessary for the reasons in s 11(2)(a) which do not include economic impacts.	Agree with Officer Comment – No Change
40. No stakeholder consultation (eg neighbours)	Neighbouring land owners/occupiers were not specifically consulted on freedom camping at that site.	233	Pre-consultation was undertaken, and the SCP as required by the FCA. Council did not specifically consult neighbours to specific freedom camping sites. Will need to work with lease holders such as the rugby club going forward as part of implementation.	Agree with Officer Comment – No Change
	Freedom campers at local reserves creates hostile relationships	58, 98, 201	This is outside the scope of the bylaw. However, the Council is continuing to educate campers and the community on appropriate practice and behaviour. Officers acknowledge in general community sentiment towards freedom camping	Agree with Officer Comment – No Change

			is negative as evidenced by the number of submissions opposing freedom camping.	
	Rights to freedom camp should not override community well being	245	This is outside the scope of the bylaw. To the extent that this relates to protecting access to the area, officers have considered the Xyst report and other evidence to assess whether it is appropriate for a site to have restrictions or prohibitions. Officers acknowledge in general community sentiment towards freedom camping is negative as evidenced by the number of submissions opposing freedom camping.	Agree with Officer Comment – No Change Hearing Panel acknowledge in general community sentiment towards freedom camping is negative as evidenced by the number of submissions opposing freedom camping.
	FC doesn't align with Regenerative Tourism.	74, 97, 98, 105, 162, 256	Not within the scope of the bylaw review. The FCA does not allow for an absolute prohibition, so there must be some degree of freedom camping across the district.	Agree with Officer Comment – No Change
41. Low value tourism	Rental companies don't contribute to local economy	193, 204, 212	Not within the scope of the bylaw review. The FCA does not allow for an absolute prohibition, so there must be some degree of freedom camping across the district.	Agree with Officer Comment – No Change
Submitters relating to enforcement and education				
42. Enforcement:	<ul style="list-style-type: none"> - Sites must have well enforced restrictions - Increased signage - Need for education - Concern no MBIE funding - Draft bylaw does not address enforcement - Placement of signage problematic - More enforcement - QLDC managed checkpoints 	1, 6, 13, 16, 18, 19, 20, 24, 27, 46, 47, 48, 51, 52, 53, 57, 58, 59, 65, 70, 79, 81, 83, 86, 105, 110, 119, 125, 133, 137, 138, 139, 143, 151, 154, 155, 160, 166, 173, 176, 189, 190, 199, 206, 213, 227, 229, 242, 245, 268, 276, 278	Enforcement relates to the implementation of the bylaw, rather than the bylaw itself. Refer to the <u>Memorandum on Enforcement for further information on QLDC's current enforcement.</u>	Agree with Officer Comment – No Change
Submitters that seek changes to the Freedom Camping Act or Standards				
43. FCA not fit for purpose	Lobby govt to repeal FCA 2011.	57, 64, 146, 194, 245	Council is currently lobbying central government on freedom camping through the Mayoral forum and the responsible camping strategy, and will continue to do so. However, this is outside the scope of the current bylaw process. Council is required to apply the legislation as it is today.	Agree with Officer Comment – No Change Robust discussion on standards - refer to Hearing Panel Deliberations Report Higher Self Containment Standards (Section 4)
44. Issues with Standards	<p>Fake stickers</p> <p>Need fixed toilets onboard</p>	14, 16, 35, 43, 46, 47, 48, 50, 52, 53, 58, 80, 83, 107, 134, 136, 142, 145, 154, 160, 169, 176, 180, 187, 194, 205, 210, 215, 220, 221, 227, 236, 273, 281	One of the key objectives of the Responsible Camping Strategy is to get national and regional alignment on Responsible Camping Actions, inputting into and working Central Government on initiatives. Imposing different self-containment standards to the rest of the country does not align with this objective.	Agree with Officer Comment – No Change Robust discussion on standards - refer to Hearing Panel Deliberations Report Higher Self Containment Standards (Section 4)
45. Separate fully CSC and vans.		47, 48, 50, 80	It is not practical to enforce. The NZ standard does not separate fully self-contained vehicles (i.e with in-built toilets) from those that have a portable toilet.	Agree with Officer Comment – No Change Robust discussion on standards - refer to Hearing Panel Deliberations Report Higher Self Containment Standards (Section 4)
46. No certification required		19, 20, 24, 29, 87, 132	Restricting camping to certified self-contained vehicles is important because the evidence	Agree with Officer Comment – No Change

			suggests that those who do not have a self-contained vehicle are more likely to defecate at the freedom camping sites. This is detrimental to the environment.	
Submissions that raise issues beyond the scope of the bylaw				
47. FCA should apply to LINZ and NZTA land.		245	Council is required to apply the legislation as it applies today, and currently the FCA does not apply to LINZ and NZTA land.	Agree with Officer Comment – No Change.
48. Gibbston Character Zone	Purpose of Gibbston Character Zone in District Plan – ‘ Ensure activities no based on the rural resources of the area occur only where the productivity of the Gibbston Character Zone and wider Gibbston Valley will not be adversely impacted’	119, 190, 233	RMA consent not required. PDP Camping definition doesn’t include FC. Gibbston Reserve Carpark is not zoned and not part of the Gibbston Character Zone. .	Agree with Officer Comment – No Change
49. Allow freedom camping on DOC Land	Bennetts Bluff	111, 207, 208, 273	The QLDC bylaw only applies to QLDC administered land, therefore DOC land is out of scope.	Agree with Officer Comment – No Change
50. Alternative payments for free camping	Encourage a workaway type scheme where campers can access serviced campsite for some work or contribution.	227	This is outside the scope of the proposed bylaw as the submission does not fall within the definition of freedom camping.	Agree with Officer Comment – No Change
Submitters that seek changes to bylaw text				
51. Insertion of specific site restrictions	The specific site restrictions aren’t under proposed bylaw		Specific site restrictions (numbers of vehicles and times) will protect the area, and will assist with overcrowding of any particular area.	Disagree with Officer Comment Robust Hearing Panel discussion. Refer Hearing Panel Deliberations Report Site Restrictions and Enforcement (Section 10) The restrictions, enforcement and community angst at each site does not warrant only providing a small number of freedom camping sites that will quickly fill up and will result in campers not complying with the bylaw, or driving searching for freedom camping sites. Change the Proposed Bylaw to remove wording in the bylaw that allows restrictions to be made by council resolution.
52. Ensure wording of bylaw is clear about intentions, definitions and restrictions.			Various submitters have suggested amendments to the drafting of the bylaw. Officers have sought feedback on the way the 2019 bylaw was working, and feedback from those who administer the bylaw is that it is generally working well, and is understood by the majority of campers. Officers consider they bylaw is clear as drafted, and there should not be any changes.	Robust Councillor Discussion. Refer Hearing Panel Deliberations Report Discretionary Permit (Section 3). Wording around Part 3 of the bylaw will be tightened to ensure intention for this permit is for one off community events.
Submitters that seek changes to Schedule 1 maps				
53. Map Corrections	Change Gibbston Valley to Gibbston	46, 53, 206	Map to be amended to correctly show Gibbston Back Road and Coal Pit Road. Should refer to Gibbston not Gibbston Valley	Agree with Officer Comment. Amend bylaw to change map to change from Gibbston Valley to Gibbston and Coal Pit Road to Gibbston Back Road
Responses to Individual Submissions				

54. Warrick Weber	<p>Submitter is opposed to freedom camping and the Bylaw generally.</p> <p>Freedom camping puts pressure on community owned reserves and infrastructure that is not planned for. The reserve areas should be protected for use by the community who they are intended for particularly where people are living in higher densities.</p> <p>Submitter specifically opposes freedom camping at the Morven Ferry Site. The submitter is concerned about the conflict between cars and bicycles who use the shared road/trail.</p>	218	<p>S 11(2) of the FCA provides for prohibitions and restrictions based on protecting access to the area. This is how the FCA protects the area for use by the community. The site assessment and officer comments on individual sites consider access to the sites to the area.</p> <p>See site specific comments on Morven Ferry (section 23).</p>	<p>Agree with Officer Comment.</p> <p>Refer Morven Ferry section of this table at section 23.</p>
55. New Zealand Motor Caravan Association	<p>The submitter opposes the Bylaw for a number of reasons:</p> <ul style="list-style-type: none"> - The Bylaw is too restrictive and the number of areas available for freedom camping will not meet the demand for freedom camping now or into the future. - The prohibitions do not align with section 11 of the FCA and 3.1 of the Bylaw. - The site assessment carried out by Xyst on behalf of Council takes into account irrelevant matters and the threshold for prohibition of freedom camping at sites should be lowered. Had this assessment been done differently, more areas would have allowed freedom camping. - The site assessment is unbalanced and places more emphasis on the adverse effects of freedom camping. It does not take into account the positive economic and social benefits of freedom camping. - The 2021 Bylaw further restricts freedom camping by introducing new prohibited areas when compared with the 2019 Bylaw. - The submission opposes the ability of Council at 6.4 of the Bylaw to resolve to restrict the number of vehicles that can freedom camp in a restricted area as it does not allow for community consultation. <p>The submitter has provided a legal opinion regarding the Xyst assessment and a report from their own consultant on the appropriateness of the assessment against the FCA.</p> <p>The submission also raises matters that are not within the scope of the bylaw review including:</p> <ul style="list-style-type: none"> - Recommendation to exercise authority to permit freedom camping on reserves where it is currently not allowed under the Reserves Act, but not in prohibited areas under the Bylaw. 	275	<p>Officers address the points raised in the submission as follows:</p> <ul style="list-style-type: none"> - Officers view, and that of legal advice, is that the proposed bylaw appropriately applies s 11 of the FCA. See MC opinion for analysis of submitter's legal advice on the FCA. - Refer to above comment on the Xyst site assessment. Overall, we consider the Xyst site assessment is a tool and it does not necessarily follow that any defect in the Xyst assessment automatically infects the Council's decision. - The Xyst assessment followed LGNZ best practice and a score of 8 out of 15 in the assessment justifying prohibition is consistent with that best practice. The threshold for prohibition is therefore considered appropriate. - Officers consider that the prohibitions in the proposed bylaw are consistent with s 11 of the FCA and are based on evidence. - The ability to restrict the number of vehicles that can freedom camp at an area is important as it will enable Council to respond to problem areas if they arise. The ability for Council to make changes by council resolution ensures that the regulation of numbers of freedom campers at specific sites is flexible and able to be implemented quickly but won't enable Council to prohibit camping at any site. <p>This bylaw process is under the FCA not the Reserves Act. All reserves, including those with the prohibition under the Reserves Act, were assessed under the site assessment, and were assessed as having concerns significant enough to justify prohibition under s 11 FCA.</p>	<p>Agree with Officer Comment and having regard to Meredith Connell legal opinion.</p> <p>Hearings panel discussed this submission at length and tested it robustly. Agreed that council would not consider economic impacts and effects on property values when deciding on each site.</p> <p>Refer to Hearing Panel Deliberations Report Xyst Site Assessment (Section 5).</p> <p>Xyst Site Assessment is a tool and is one of many inputs</p> <p>Also refer Hearing Panel Questions and Answers Table.</p> <p>No Change.</p>
56. Wayne Hudson	The submission supports further restrictions on freedom camping including extending the prohibited areas to ensure freedom camping is	285	Freedom camping is only prohibited on QLDC owned or controlled land within the prohibited areas shown in orange on the maps. The	Agree with Officer Comment – No Change

	<p>not allowed near residential properties. The submitter suggests extending the bylaw to include areas not controlled by QLDC.</p> <p>The submitter raises concerns with the definition of self-contained vehicle in the Bylaw and suggests that the definition in NZS5465:2001 should be changed.</p> <p>The submitter suggest some drafting edits to simplify the terminology used in the Bylaw.</p>		<p>restrictions cannot apply to private land. The submitter has not provided any further evidence to support additional restrictions on the roads surrounding Hawea, Albert Town and Luggate.</p> <p>Changing the NZ standard for self-contained vehicles is not within the scope of this Bylaw process.</p> <p>Officers have reviewed the suggested drafting edits. However, the wording used in the draft bylaw aligns with the terms in the FCA and no changes are recommended in response to this submission.</p>	
--	---	--	---	--