IN THE HIGH COURT OF NEW ZEALAND **CIV-**
INVERCARGILL REGISTRY

I TE KŌTI MATUA O AOTEAROA
WAIHŌPAI ROHE

UNDER THE	Judicial Review Procedure Act 2016
IN THE MATTER OF	an application for review of a decision to adopt the Freedom Camping Bylaw 2025
BETWEEN	**NEW ZEALAND MOTOR CARAVAN ASSOCIATION INCORPORATED**, an incorporated society having its registered office at 4 Graham Road, Takanini, 2112 **Applicant**
AND	**QUEENSTOWN LAKES DISTRICT COUNCIL**, a local authority constituted by the local government (Otago Regional) re-organisation order 1989, and having its head office at 10 Gorge Road, Queenstown 9300 **Respondent**

AFFIDAVIT OF BRUCE NEIL LOCHORE
IN SUPPORT OF APPLICATION FOR JUDICIAL REVIEW

18 November 2026

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AFFIDAVIT OF BRUCE NEIL LOCHORE

I, Bruce Neil Lochore, of Palmerston North, Chief Executive, swear:

Introduction

1. My name is Bruce Lochore.

2. I am the Chief Executive of the New Zealand Motor Caravan Association Incorporated (the *NZMCA*). I have held this position since 14 September 2012.

3. I make this affidavit on behalf of the NZMCA in support of its application for judicial review of the 2025 Freedom Camping Bylaw (the *2025 Bylaw*) adopted by the Queenstown Lakes District Council (the *QLDC* or the *Council*). I am authorised by the NZMCA to provide evidence on its behalf.

4. **Annexed** and marked "**BNL-1"** is a bundle of documents that I refer to in this affidavit.

My background

5. I hold a Master of Business Administration from Massey University. Prior to taking up my position at the NZMCA, I spent six years as a Regional Manager with the Hospitality Association of New Zealand.

6. From 2018 to 2022, in my capacity as NZMCA CEO, I was an industry representative on the Minister of Tourism's Responsible Camping Working Group. The purpose of the working group was "to provide recommendations to the Minister of Tourism on policy, regulatory and implementation options for the improved management of freedom camping in New Zealand".

About the NZMCA

7. Formed in 1956, the NZMCA is a not-for-profit organisation representing the interests of over 124,000 individual New Zealanders who enjoy exploring our country in their self-contained motorhomes and caravans.

8. The NZMCA became an incorporated society in 1970 and since then members have enjoyed a range of benefits, including exclusive access to a nationwide network of low-cost parks, access to a tailored group insurance scheme, discounts on industry products and services, invitations to rallies and special events, and an app that helps them find locations to stay.

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9. The objects of the NZMCA are set out in the Association's constitution.[1] These include: promoting the safe and courteous operation of certified self-contained motor caravans in New Zealand; promoting road safety, safe driving and courteous behaviour by all members; promoting the provision of safe overnight motor caravan parking facilities for members; promoting environmental sustainability and protection of the natural environment; promoting leadership in all matters associated with motor caravan activities in New Zealand; and monitoring, promoting, protecting and advocating the collective interests and benefits of the Association and its Members in all matters that may affect motor caravan activities.

The NZMCA's members

10. The majority of NZMCA members are retirees and baby-boomers, although more families with younger children have taken an interest in motor homing and caravanning since Covid-19.

11. Our members are responsible with their waste, and are required to comply with a membership code of conduct. Requirements include keeping and leaving campsites clean and tidy, and disposing of black and grey wastewater and rubbish in a sanitary and approved manner.

12. In 2017, the NZMCA commissioned a comprehensive internal membership survey. Over 91 percent of respondents confirmed the ability to freedom camp across Aotearoa New Zealand was important to them, and 98 percent wanted the NZMCA to protect their ability to freedom camp in certified self-contained vehicles.

13. In 2025, a survey of 1,000 NZMCA members found that 19% prefer freedom camping over all other accommodation options, and 52% consider doing it as part of their journeys.

Representation

14. The NZMCA represents its members when advocating for policies and law reforms that help foster the growth of the motor caravan tourism industry throughout New Zealand.

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1 BNL-1 at 0007.

15. At a local level, the NZMCA lobbies the Department of Conservation (*DOC*) and local authorities to accommodate visiting motor caravanners, including through permissive policies and bylaws and installing public dump stations to promote responsible waste disposal. The NZMCA also supports investment in camping infrastructure through initiatives such as its dump station subsidy scheme and Greenfund programme.

16. Nationally, the NZMCA is a founding member of the Responsible Camping Forum convened by Tourism Industry Aotearoa. The key focus of this forum is for industry leaders, government agencies and local authorities to work together to promote responsible camping, educate campers, and address issues with freedom camping.

17. The NZMCA also submits on planning and policy documents that relate to camping and motor caravanning nationwide, such as bylaws, reserve management plans, and district plans.

The Self-Containment Standard

18. Over thirty years ago the NZMCA developed the New Zealand Standard for Self-Containment of Motor Caravans and Caravans NZS 5465:2001 (the *Standard*), offering a practical solution to the problems associated with the use of motor caravans and the safe disposal of waste.

19. Our organisation spearheaded this process to promote responsible camping and encourage local authorities to view freedom camping in a more positive light. The NZMCA contributed $25,000 towards developing the first Standard in 1990, $5,000 to review the Standard in 2012, and $43,000 (all figures excluding GST) to review the Standard again in 2017.

20. A motor caravan certified under the Standard meets the ablutionary and sanitary needs of the occupants (including water for drinking and cooking) for a minimum of three days without requiring any external services or discharging any waste. Wastewater is collected in holding tanks then disposed of in dump stations connected to reticulated sewerage or septic tank systems.

21. The NZMCA's constitution requires members to have their motor caravans certified as self-contained and retain this self-containment status throughout the duration of their membership, unless a special exemption applies. The NZMCA monitors compliance when members are required to renew their membership every 12 months.

22. More recently, local authorities have advocated for stronger self-containment requirements, including a requirement for fixed toilets in vehicles used for freedom camping. The NZMCA supported those reforms.

23. Since October 2024, the Association and its members have invested more than $5 million transitioning to the Government's new self-containment regime. More than 95 per cent of NZMCA members who have decided to renew their self-containment inspections before the statutory deadline have chosen to re-certify their vehicles under the new requirements. This represents a substantial commitment by our members to the policy direction sought by local authorities, including the QLDC.

NZMCA involvement in freedom camping policy and bylaw development

24. The Freedom Camping Act (the *FCA*) was enacted in 2011 to help DOC and local authorities manage the adverse effects of freedom camping on public land, while protecting the rights of responsible New Zealanders to enjoy freedom camping.

25. The NZMCA submitted on the Freedom Camping Bill in June 2011. During this process, the NZMCA was encouraged by the then-Minister of Conservation's reassurance that the new legislation had a pro-camping stance, and local authorities would not be allowed to pass bylaws that had the substantive effect of prohibiting freedom camping in all local authority areas. It was also encouraging that the select committee that considered the Bill recommended, by majority, amending the Bill to specify that a freedom camping bylaw must be the most appropriate and proportionate way of addressing problems with freedom camping in an area.

26. Since the introduction of the FCA, the NZMCA has collaborated with DOC on its proposals for restricting and prohibiting freedom camping on conservation land under the FCA. The NZMCA has also worked closely with Local Government New Zealand (*LGNZ*) and other government agencies on a model freedom camping bylaw and a good practice guide to help local authorities make lawful decisions under the FCA.[2]

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[2] BNL-1 at 0020 (model freedom camping bylaw) and at 0064 (best practice guidance).

27. Unfortunately, not all local authorities have followed the good practice guidance. Over the past twelve or so years, the NZMCA has put considerable time into working with local authorities to improve understanding of, and compliance with, the FCA, while also challenging a handful of prohibitive freedom camping bylaws in court. This has included filing legal proceedings in 2013 against the Westland District Council's freedom camping bylaw, which resulted in the revocation of that bylaw, and challenges to the QLDC's bylaws, which I discuss further below, as well as challenges to bylaws adopted by Thames-Coromandel District Council and the Marlborough District Council.

28. The NZMCA has made submissions and attended hearings on freedom camping bylaws promulgated by every territorial authority in the country since 2011. Over this time, the NZMCA has become increasingly concerned that local authorities are developing bylaws inconsistent with the FCA to the detriment of our members. Some bylaws, such as the QLDC's 2021 Freedom Camping Bylaw, have been designed to protect the economic interests of commercial accommodation providers, property values, and the unobstructed views over public land enjoyed by affluent landowners. On other occasions, the NZMCA believes that local authorities have undertaken a flawed process to assess the necessity and proportionality of restrictions on freedom camping in local authority areas, resulting in bylaws that are unduly prohibitive of freedom camping in a way that is inconsistent with the spirit of the FCA. That is the case with the QLDC's 2025 Freedom Camping Bylaw, as I discuss below.

29. On 11 October 2025, the NZMCA Board adopted a formal Freedom Camping Position Statement.[3] The statement reflects our commitment to responsible freedom camping and guides our engagement with councils, DOC, communities and other stakeholders. It records our support for freedom camping in certified self-contained vehicles, our opposition to unreasonable prohibitions in suitable areas, and our position that restrictions should be supported by robust site assessments and justified by clear and valid reasons. It also emphasises the importance of collaboration with councils and other stakeholders.

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3 BNL-1 at 0784.

NZMCA's past engagement with the QLDC

30. The NZMCA has a long history of engagement with the QLDC on freedom camping issues. This has included submitting on successive freedom camping policies and bylaws, working directly with the Council to find practical solutions to freedom camping issues, and attempting to resolve concerns about the QLDC's regulatory and enforcement practices through both direct engagement and, on occasion, legal action.

31. To put it simply, the QLDC has been the source of many issues for the NZMCA over the past 15 years due to the especially restrictive approach taken by the Council to regulating freedom camping in the district, along with its advocacy for reforms that would allow it to further prohibit freedom camping across the district.

Engagement prior to the FCA

32. The NZMCA's engagement with the QLDC on freedom camping issues began well before the enactment of the FCA. For example:

    a. In early 2009, the NZMCA submitted on a draft freedom camping policy promulgated by the QLDC. We advocated for additional opportunities for responsible camping due to a severe lack of varied camping options across the district.

    b. From late 2009, we worked with a QLDC contractor on a proposal to lease unoccupied land at the former Man Street campground in Queenstown for a low-cost NZMCA campsite. Despite initial support from a QLDC committee, the proposal did not proceed following opposition from commercial campground operators.

    c. In 2011, the QLDC consulted on a freedom camping bylaw under the Local Government Act 2002. The NZMCA opposed the extent of the proposed prohibitions, but the QLDC adopted the bylaw anyway.

The 2012 Bylaw

33. In April 2012, the QLDC proposed its first freedom camping bylaw under the FCA (the *2012 Bylaw*). Due to the extent of freedom camping prohibitions proposed, and the lack of evidence and site assessments supporting them, the NZMCA opposed the proposed bylaw.

34. The QLDC initially deferred its decision on adopting the bylaw, before consulting on a revised version later that year. The NZMCA again opposed

what it considered to be a broad-brush approach to prohibition. The QLDC adopted the 2012 Bylaw without addressing any of the NZMCA's concerns.

Engagement following 2012 Bylaw

35. Despite our concerns with the 2012 Bylaw, we continued to work with the Council to find practical ways of providing additional camping opportunities in the Queenstown Lakes District.

36. In 2012, following recommendations from Council staff, the NZMCA submitted an expression of interest to lease the Lower Shotover Bridge Recreation Reserve for a NZMCA camping site. We were then advised that this proposal would not proceed as the reserve had been earmarked for future recreational use, including a possible public campground. No future recreational use or campground was subsequently established there.

37. The NZMCA also engaged with the QLDC on reserve management plans in relation to freedom camping on Council controlled reserve land. For example:

    a. In 2013, we submitted on the Arrowtown-Lake Hayes Reserve Management Plan, advocating for some provision for self-contained freedom camping. The QLDC amended that plan to permit limited freedom camping at Lake Hayes Reserve for self-contained vehicles.

    b. Also in 2013, we advocated for some freedom camping to be provided during a review of the Wanaka Foreshore Reserve Management Plan, although that submission was not accepted.

38. Our engagement with the QLDC has therefore not been confined to opposing restrictions but has been directed at working with the Council to support the provision of opportunities for responsible freedom camping, including through dedicated facilities for our members. Further attempts included discussions about an NZMCA Park in the Wānaka area in 2015, Craigburn Reserve in 2018, and vacant land at the Queenstown Events Centre in 2022. None of those proposals ultimately resulted in an NZMCA Park being established. In 2025, an NZMCA Park was opened at Glenorchy, after the NZMCA purchased land there.

Enforcement issues

39. A recurring concern for the NZMCA has been QLDC's inconsistent and, at times, unlawful enforcement of its freedom camping rules. The interaction

between the FCA, QLDC's bylaws, reserve management plans and other regulatory regimes has created uncertainty for campers. This has resulted in infringement notices being issued to our members and other visitors for camping in places where freedom camping was not prohibited.

40. An early example arose at Lake Hayes. In September 2013, NZMCA members received $200 infringement notices for freedom camping in areas that were not prohibited under the 2012 Bylaw.[4] This occurred despite the QLDC having previously assured the NZMCA that it would not use the FCA to enforce reserve management plan policies. The infringement notices were later withdrawn after the NZMCA raised the issue with the Council's Chief Executive, Adam Feeley. He advised us that the QLDC had reviewed its enforcement guidelines and updated staff training procedures to avoid similar problems occurring again.

41. Similar problems nevertheless arose subsequently. For example:

    a. In 2018, NZMCA members were issued $200 infringement notices under a freedom camping bylaw for camping at the Shotover River Delta, despite Council signage permitting freedom camping. The NZMCA challenged one such infringement notice, and the Council ultimately waived it – but without accepting that issuing the notice had been unlawful or unreasonable.

    b. Between December 2019 and April 2023, the QLDC issued more than 200 infringement notices to NZMCA members and other visitors for freedom camping at the Kawarau Historic Bridge Carpark. This carpark is on public conservation land. While the QLDC had delegated authority from DOC to enforce freedom camping restrictions there, freedom camping was not prohibited. Despite DOC confirming that no such prohibition existed, the QLDC maintained that the infringement notices were valid when pressed by the NZMCA but did agree to remove incorrectly placed "no camping" signs.

    c. Further issues arose in 2022 and 2023 when the QLDC erected "no freedom camping" signs warning of infringement notices at sites

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4 Information available to us suggested that potentially as many as 470 invalid infringement notices had been issued.

administered by NZTA and DOC where freedom camping was not prohibited under the FCA.

42. These experiences have practical consequences for the NZMCA and its members beyond the particular incidents themselves. Our members rely on us to provide accurate information about where they can lawfully freedom camp. Where the rules applied or enforced by the QLDC do not correspond with the underlying bylaw or other legal instrument, it becomes difficult for us to give members reliable guidance about where they may camp without risking an infringement notice.

The 2019 and 2021 Bylaws

43. In 2019, the QLDC consulted on a new freedom camping bylaw (the *2019 Bylaw*), which was significantly more prohibitive than the 2012 Bylaw. The NZMCA submitted in opposition to it due to the breadth of its proposed prohibitions and the Council's reliance on irrelevant matters, among other things. The QLDC nonetheless adopted the bylaw as proposed.

44. That November, the NZMCA announced it would apply for judicial review of the Council's decision to adopt the 2019 Bylaw. Before proceedings were filed, the QLDC Mayor Jim Boult indicated a desire to find a solution that avoided court proceedings. Given that indication, and the impact soon after of Covid-19, the NZMCA agreed in good faith to defer judicial review proceedings. But upon meeting with QLDC staff later in 2020, we were advised that our concerns with the bylaw and potential solutions would no longer be up for discussion.

45. NZMCA accordingly filed judicial review proceedings challenging the 2019 Bylaw in March 2021. The proceedings were ultimately discontinued after the QLDC revoked the bylaw and replaced it with a new bylaw (the *2021 Bylaw*). The High Court declined to award costs to the Council in relation to the discontinued claim, with Osborne J observing that the QLDC's failure to carry out site assessments in relation to the 2019 Bylaw provided the NZMCA with a "very strong ground of review".

46. The NZMCA opposed the 2021 Bylaw during the public consultation. It was more prohibitive than the revoked 2019 Bylaw, and we were concerned that the site assessments undertaken by the Council in developing the bylaw appeared to place significant weight on economic and amenity values.

47. The NZMCA subsequently commenced proceedings to challenge the 2021 Bylaw. In September 2024, the High Court determined that QLDC had unlawfully relied on irrelevant considerations, namely economic and amenity values, and that the Council's decision to adopt the 2021 Bylaw was invalid.

48. Following that judgment, the NZMCA approached the QLDC to discuss relief, with a view to finding a practical solution for freedom camping in the district. We proposed identifying sites where the QLDC agreed that responsible freedom camping could occur, so that the bylaw could be quashed in relation to those sites while continuing in other locations. The QLDC declined that invitation. On 5 November 2024, the High Court quashed the 2021 Bylaw in its entirety.

The regulatory treatment of reserve land

49. The treatment of land classified as reserve under the Reserves Act 1977 has been an important feature of our engagement with the QLDC.

50. Reserve land is important to the NZMCA and its members because reserves frequently contain the kinds of recreational and scenic locations that our members seek to visit. Many reserves are suitable for responsible freedom camping, subject to appropriate restrictions, reserve management plans, and the exercise of powers available to councils under the Reserves Act 1977.

51. More generally, the NZMCA considers that freedom camping is easier for both campers and local authorities to understand and manage when it is regulated through a single, coherent framework. My understanding is that the FCA is intended to provide a nationally consistent approach to freedom camping regulation.

52. Historically, the QLDC included reserve land within its assessments of freedom camping in the district as part of the development of freedom camping bylaws. Our understanding, based on a report by the QLDC, was that the QLDC considered this approach provided a more consistent framework for regulating freedom camping across the district and enabled

the Council to use the infringement regime under the FCA in relation to freedom camping on reserve land.[5]

53. However, the regulatory context has changed and the NZMCA is concerned this is having a distorting effect on the regulation of freedom camping. Following the introduction of the Freedom Camping (Penalties for Infringement Offences) Regulations 2023, reserve-based offences have become subject to higher infringement penalties than equivalent offences under the FCA ($800 as compared to $400). I believe this has distorted regulatory activity leading to multiple and inconsistent approaches within the district that make it hard for NZMCA members or the public to comply with obligations when they want to freedom camp.

54. As discussed below, the QLDC has excluded reserve land from substantive consideration as part of the development of the 2025 Bylaw and from the bylaw itself. The NZMCA is concerned that excluding a class of local authority land from consideration when deciding to use the tool of a freedom camping bylaw to address issues with freedom camping enables a local authority such as the QLDC to adopt an artificially blinkered approach, substantially reducing the land available for freedom camping without undertaking an assessment of all available relevant local authority area land before restrictions are imposed. It also means that, when considering restrictions or prohibitions to protect an area from issues arising from capacity pressures at that area, a local authority is not considering an important, less restrictive alternative available to it, being to open up some reserve land for freedom camping.

55. From our perspective, that outcome is inconsistent with the intended nationally consistent approach to freedom camping regulation and results in a fragmented approach to regulating freedom camping that is inconsistent with the purpose of the FCA. This concern is also reflected in the NZMCA's Freedom Camping Position Statement, which expressly advocates for freedom camping on reserve land to be considered as part of both bylaw-making processes and reserve management planning. There is no reason why these processes cannot be used in complementary ways.

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5 BNL-1 at 0933.

56. We also consider the Council's approach regarding reserve land to be inconsistent with the direction signalled by central government concerning the relationship between the FCA and the wider regulatory system. The Government is currently progressing reforms to the local government bylaw system. As part of those reforms, Cabinet has agreed to amend s 155 of the Local Government Act 2002 to expressly require councils to take account of the wider regulatory system when considering how to regulate an issue.[6] We understand this proposal to clarify an existing requirement for councils to consider the wider regulatory context when exercising their regulatory powers, rather than to introduce an entirely new obligation. This is consistent with the NZMCA's position that proposed prohibitions and restrictions on freedom camping should be assessed across a district in light of the whole applicable regulatory environment set out in the Reserves Act and the FCA.

57. The exclusion of reserve land from consideration is also a matter of particular concern given the substantial steps our members have taken to comply with the strengthened self-containment regime. Tens of thousands of New Zealanders have invested considerable time and money over the past two to three years upgrading and re-certifying their vehicles in response to reforms supported by local authorities, including by the QLDC. Our members reasonably expect that, having met those strengthened requirements, local authority area land will be genuinely considered for responsible freedom camping rather than excluded from consideration at the outset.

Responsible Camping Strategy 2022-2027

58. In 2022, the QLDC adopted its Responsible Camping Strategy 2022–2027 (the *Responsible Camping Strategy*).[7] The strategy recognises the benefits of camping and sets out a vision of campers respecting the environment, contributing to local communities and enjoying the district sustainably. Its

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6 Office of the Minister of Local Government, "Reform of the Local Government Bylaw System" (Cabinet paper, 13 August 2026, included in Proactive Release of Bylaws Materials) <https://www.mcert.govt.nz/assets/Uploads/Proactive-release/Proactive-release-of-bylaws-materials.pdf>.

7 BNL-1 at 0043.

objectives include ensuring that camping opportunities remain available for future generations and providing facilities suitable for all types of campers.

59. The strategy identifies a range of measures to support responsible camping, including education, the Responsible Camping Ambassador programme, additional waste-disposal facilities, partnerships to develop camping infrastructure, and improved collection of data about camping behaviour. It also commits the Council to reviewing the effectiveness of its regulatory and enforcement systems and evaluating the initiatives implemented under the strategy.

60. These commitments are broadly consistent with the approach the NZMCA has advocated in its engagement with the QLDC over many years. However, in our experience, the Council's subsequent approach has not consistently reflected these commitments. Our attempts to establish additional camping facilities have been unsuccessful, and the Council has continued to adopt increasingly restrictive bylaws, as I discuss below.

The 2025 Bylaw process

61. Following the High Court's decision to quash the 2021 Bylaw, the QLDC began developing a replacement freedom camping bylaw. The NZMCA agreed to engage constructively with QLDC when Council staff approached us in February 2025 about this. We participated in those discussions in good faith.

62. On 20 March 2025, Council Officers advised the Council on issues with freedom camping in the district, and recommended that a new freedom camping bylaw was required to address these issues.[8] The Council decided that a new bylaw was required.

Treatment of reserve land

63. An important issue for us from an early stage was how the QLDC would treat land held or managed as reserve land under the Reserves Act 1977, given the concerns on this issue I referred to earlier.

64. The official advice provided to the Council on 20 March 2025 acknowledged that a freedom camping bylaw can apply to any land controlled or managed

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8 BNL-1 at 0097.

by the QLDC, regardless of land status. However, at a Council workshop on 15 April 2025, councillors directed that reserve land should be managed under the Reserves Act, with the balance of Council-controlled or managed land regulated through the new freedom camping bylaw.[9] In practical terms, this meant the Council had decided to continue to prohibit freedom camping on all reserve land under QLDC control (save for Red Bridge) but without having undertaken an evaluation of the ongoing necessity of those prohibitions.

65. Council officers subsequently raised concerns about this approach. At a workshop on 22 May 2025, officers advised councillors that regulating freedom camping under different regimes under this approach "may create a regulatory response that isn't fit for purpose, difficult for campers to understand, and tricky to monitor/enforce".[10] Officers recommended a modified approach under which at least 12 reserve areas would be included in the site assessment process. However, while councillors expressed a variety of perspectives with regard to freedom camping on reserve land, on balance, they expressed a preference to avoid freedom camping on reserve land where possible and to rely on the Reserves Act to manage freedom camping on reserve land "if necessary".[11]

66. The outcome from the 20 March 2025 meeting, and 15 April and 22 May 2025 council workshops, was that the Council decided to adopt a non-integrated approach to considering how to regulate freedom camping in the District, against the advice of council staff.

67. Reflecting this decision, reserve land was not assessed in the same way as other Council controlled or managed land as part of a technical assessment of the effects of freedom camping undertaken by consultancy firm Tonkin & Taylor (the *technical assessment*).[12] This assessment involved two main phases:

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9 BNL-1 at 0175.
10 BNL-1 at 0176.
11 BNL-1 at 0418.
12 BNL-1 at 0169 (executive summary) and at 0211 (full report). The land assessed as part of the technical assessment included a number of Waka Kotahi New Zealand Transport Agency (*NZTA*) parcels that were pre-selected by the Council.

a. first, a desktop assessment of all land controlled or managed by the Council involving the application of criteria the firm deemed relevant to freedom camping (the *area wide assessment*); and

b. secondly, a desktop site-specific assessment of 122 carpark areas (the *site-specific assessment*).

68. As described by Tonkin & Taylor, the area-wide assessment involved an assessment of the adverse impacts of freedom camping in relation to identified attributes or values associated with certain categories of land. However, all reserve land was classified as a "hard constraint" as part of the area-wide assessment on the basis of the status of that land as reserve.[13] A "hard constraint" meant that the area was deemed as having high impacts from freedom camping such that freedom camping was not recommended there. However, the impacts of freedom camping on this land were not in fact assessed as part of the area-wide assessment. As a result, reserve status effectively prevented all reserve land (except for a small number of carparking areas on reserve land that the QLDC instructed be considered as part of the site-specific assessment) from being substantively assessed as a potential freedom camping location, let alone an accurate district-level appraisal of what land could support freedom camping with or without restrictions imposed under the regulatory system. The resulting June 2025 report based on the technical assessment (the *Tonkin & Taylor report*) accordingly did not include any reserve land among the 29 areas it assessed as suitable for freedom camping with restrictions and controls.

69. While the *Tonkin & Taylor report* described its purpose as being to assess "whether land needs to be protected" with respect to freedom camping, it would seem, based on the process in fact followed and the outcome reached, that it proceeded on an assumption that the task was to identify areas where freedom camping could be permitted rather than areas where freedom camping would have to be restricted or prohibited if the required thresholds were met.

70. On 26 June 2025, Council officers presented the Council with a report recommending adoption of a draft 2025 bylaw for formal consultation.[14] The

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13 BNL-1 at 0267.
14 BNL-1 at 0409.

draft bylaw stated that it did not apply to any reserve under the Reserves Act 1977.[15]

71. The NZMCA was concerned about the exclusion of reserve land from the preceding assessment of freedom camping in the district and from the scope of the draft bylaw, in part due to the practical impact we believed this would have on responsible freedom camping in the district. In particular:

    a. As the QLDC's own officers had identified during the development of the 2025 Bylaw, the use of different regulatory regimes for freedom camping in the Queenstown Lakes District creates uncertainty for campers and enforcement difficulties. This has historically been an issue with the QLDC, as discussed above.

    b. The blanket exclusion of reserve land from consideration as part of the process leading to the draft bylaw treated a large amount of local area land as if it should be prohibited for freedom camping purposes without a proper assessment being undertaken into the suitability of that land for freedom camping, and its appropriateness as a way to address capacity issues elsewhere, even if such camping would have to occur in a regulated way in some places, with restrictions in place.

72. More fundamentally, we considered that the exclusion of reserve land from genuine consideration during the bylaw development process was flawed. We noted as follows in our July 2025 submission on the proposed bylaw:[16]

> We disagree with QLDC's decision to exclude genuine consideration of reserve land in deciding how to manage freedom camping in the district. For reasons that remain unclear to us, Councillors instructed officers at two bylaw workshops in April and May 2025 to exclude reserve land from the bylaw-making process on a flawed understanding of how camping occurs on reserves and the proper relationship between the Reserves Act 1977 and the FCA. Councillors formed the view that, for FCA purposes, freedom camping on reserves is prohibited. This is plainly incorrect once the purpose and objects of both statutes are understood as working together to promote freedom camping in local authority areas. Consequently, QLDC directed Tonkin & Taylor to apply a 'hard constraint' to all reserve land, automatically excluding them from consideration in the requisite site assessments. This position is formalised in Clause 5 of the draft

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15 BNL-1 at 0438.
16 BNL-1 at 0674.

bylaw, which states the bylaw does not apply to reserve land and that decisions to enable freedom camping will be made under the Reserves Act only. While the Council has indicated it may, through a Reserves Act process, consider allowing freedom camping on a small number of reserves in the future, this assurance is difficult to accept given its history of reversing prior commitments made by full Council.

In the context of freedom camping in the Queenstown Lakes District, we submit that Councillors were wrong to instruct officers to exclude reserve land from the required site assessments and overall regulatory response under the FCA to freedom camping in the district, including through the bylaw-making process. This approach has prevented the identification and proper consideration of reserve land suitable for responsible camping across the district that could help meet demand. [...]

At the May 2025 bylaw workshop, Council officers identified at least 12 reserves that could readily be made available for self-contained freedom camping. However, all were excluded from consideration following Councillors' instruction to omit reserve land from the site assessment process. QLDC has attempted to justify this decision by citing consistency with s 44 of the Reserves Act. This rationale is flawed and misunderstands how the Reserves Act operates in conjunction with the FCA. QLDC has previously exercised its delegated authority to permit freedom camping at Luggate Red Bridge, and several reserves are available to accommodate responsible camping subject to the bylaw or Council's delegated authority. The Council clearly has the legal means to enable camping on some reserves, including through reference to the standards proposed in this bylaw process, yet for reasons not disclosed to submitters it has closed its mind to that and chosen to exclude reserve land entirely from the assessment process. In doing so, QLDC has denied itself and submitters the opportunity to consider reserve areas as part of a balanced and evidence-based response on how to effectively manage freedom camping, including through a bylaw made under the FCA.

73. On 31 July 2025, James Imlach, the NZMCA National Manager – Property and Policy, wrote to the QLDC seeking clarification on its decision to exclude all reserve land from the proposed bylaw and seeking an explanation for the Council's departure from its previous approach.[17] Mr Imlach raised Lake Hayes Reserve as an example of the issues arising from the Council's proposed approach, noting that the Arrowtown–Lake Hayes

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17 BNL-1 at 0471.

Reserve Management Plan contemplated freedom camping subject to the bylaw, Tonkin & Taylor had undertaken a site-specific assessment of the showgrounds carpark at the reserve, and Council officers had identified the reserves as potential restricted camping areas at a workshop on 22 May 2025.

74. On 5 August 2025, Carrie Williams, the QLDC's Policy Manager, replied, confirming that the effect of the proposed bylaw would be to prohibit freedom camping in the Lake Hayes Reserve, despite that reserve management plan contemplating freedom camping there.[18] She explained:

> The prohibition is contained in legislation under section 44 of the Reserves Act 1977. The Freedom Camping Act 2011 provides Council the power to restrict or prohibit freedom camping through a bylaw. Any provision for freedom camping on a reserve must happen in accordance with the Reserves Act 1977 (i.e. the Reserves Management Plan (RMP) process).
>
> The RMP states that freedom camping in the Lake Hayes Reserve is "only to the extent allowed" in Council's freedom camping bylaw. This does not require the bylaw to allow freedom camping in the reserve, which means that the RMP is not in conflict with the draft bylaw.
>
> Operationally, the implications of this is that if Council adopts the draft bylaw, the Lake Hayes Reserve would be prohibited to freedom camping. As agreed when we spoke, clear communication and education about the rules for freedom camping across the district are the cornerstone of the Responsible Camping Programme, and will be an important aspect of the implementation of a bylaw, if adopted.

75. The QLDC adopted the 2025 Bylaw on 9 October 2025. As I discuss further below, the final bylaw adopted was even more restrictive than the draft bylaw. As with the draft bylaw, the final bylaw does not apply to any reserve land.

76. At the time of its adoption, our understanding was that reserve land would be considered subsequently.[19] However, as I discuss further below, the

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18 BNL-1 at 0470.

19 The Council report dated 26 June 2025 notes at page 153 (BNL-1 at 0410): "This report notes that, separate to the development of a Freedom Camping Bylaw, investigations into additional sites for low-cost and freedom camping in the district will be undertaken in the future as part of the wider responsible camping

Council has now declined to do so. As a result, the NZMCA reluctantly considers the Court's review of the QLDC's decision-making to be necessary.

Other issues with the 2025 Bylaw process

77. Our concerns with the 2025 Bylaw are not limited to the treatment of reserve land. We are also concerned about the broader process through which the QLDC assessed where freedom camping could be left to occur under the legislation's default settings and where it would have to be restricted or prohibited. This process has resulted in a bylaw that we consider to be inappropriately restrictive overall and procedurally flawed.

78. The Tonkin & Taylor area-wide assessment appears to have been based on the premise that the tools of restrictions or prohibitions would be necessary across virtually the entire district's local authority area land. The Tonkin & Taylor area-wide assessment identified approximately just 80 hectares of land where it advised freedom camping could conceivably occur without the need for controls to protect the area, health and safety, or access to the area, compared to 56,000 hectares where "hard constraints" were recommended. However, after that desktop exercise, the more detailed, site-specific assessment was limited to 122 carparking areas selected for Tonkin & Taylor by the QLDC. We are concerned that these carparking areas were pre-selected by the Council without genuine consideration of the grounds for restricting or prohibiting freedom camping under the FCA in those areas or in other local authority area lands that are now regulated by the 2025 Bylaw.

79. The assessment also adopted what we consider to be an unduly blanket approach to some categories of land. Most significantly, all on-street parking was assessed as unsuitable for freedom camping without site assessments. This was without individual streets or areas being assessed to determine what problems, if any, freedom camping would create and

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programme." Furthermore, page 21 of the hearing report dated 26 August 2025 notes under the heading "reserve land" that "[s]eparate to the development of a bylaw, officers will be investigating additional sites for low-cost and freedom camping in the district as part of the wider responsible camping programme."

whether those problems could be addressed through appropriate restrictions. As we noted in our submission on the draft bylaw:[20]

> We disagree with the Council's decision to prohibit responsible camping on urban roads. The site assessments claim this broad-brush approach is necessary to protect public health, safety, and access. Yet, these impacts are not present at all urban roads throughout the district and the same vehicles used for responsible camping are permitted to park overnight in these areas, provided no one sleeps in them. This highlights a flawed assumption: that self-contained camping is inherently unsuitable in urban environments and must be confined to remote areas out of sight, out of mind. However, there are many valid reasons why New Zealanders want and need to be able to freedom camp in urban areas, particularly on roads within residential neighbourhoods, which is provided for in many other districts.

80. The ability to freedom camp in urban areas is important to our members for practical reasons. It allows them to stay close to friends and family and to access essential services. This is particularly important for older members and those with mobility challenges. In our view, urban locations should not be treated as inherently unsuitable for responsible freedom camping merely because they are within residential or other built-up areas.

81. The 2025 Bylaw also adopted a blanket approach to prohibiting freedom camping in a tent or other temporary structure. However, Tonkin & Taylor did not assess the effects of tent camping or whether any identified effects could be addressed through restrictions short of prohibition.

82. There are also issues with the approach taken to freedom camping on rural roads. The 2025 Bylaw restricts freedom camping on specified rural roads by imposing conditions. However, council officers have acknowledged that the number and location of places on those roads that actually satisfy the proposed conditions is unknown.[21] The restrictions were not put in place as a result of site assessments and the issue has been treated as an abstract one for intending campers to find out for themselves. As a result, it remains

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20 BNL-1 at 0675.

21 In the Council report of 26 August 2025, Council officers noted that "the precise number and location of sites across the rural road network that could satisfy the conditions set out in clause 8.3 are not known." BNL at 0747.

unclear how many practical freedom camping opportunities remain available on rural roads by the 2025 Bylaw.

83. Stepping back, our fundamental concern is that the QLDC did not appear to assess each proposed restriction or prohibition by asking what particular problem arose at the relevant location and what level of regulation, if any, was required to address that problem. Instead, large categories of land were excluded or treated as unsuitable without that assessment.

84. The practical result is that the 2025 Bylaw is highly restrictive. Following the February 2026 amendments, discussed below, there are no local authority areas covered by the bylaw where freedom camping is permitted without restriction, to the best of our understanding. Tent camping is prohibited throughout the areas covered by the bylaw,[22] freedom camping in vehicles is restricted district-wide, and reserve land is excluded from the operation of the bylaw altogether.

85. From the NZMCA's perspective, this is particularly concerning because the FCA is intended to allow freedom camping except where restrictions or prohibitions are justified for the purposes identified in the FCA. The approach taken by the QLDC has produced the opposite practical result: freedom camping opportunities are confined to limited areas where such camping has been allowed, without each of the wider prohibitions having been subject to a specific assessment of whether that degree of restriction was required.

The 2026 amendments

86. Since the 2025 Bylaw was adopted, the QLDC has adopted or proposed additional restrictions and prohibitions on freedom camping. The NZMCA has concerns about the substance of these amendments and the process behind them.

The 5 February 2026 amendments

87. On 5 February 2026, the QLDC amended the 2025 Bylaw to:

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22 While the NZMCA's current focus is on camping in motor caravans, it has a long-term objective of becoming an all of camping club. Hence our concern about restrictions on tenting.

a. impose restrictions on additional rural roads at Hāwea Flat and the Arrowtown access road from Centennial Avenue to the Arrow River Bridges Trail;

b. add prohibitions covering roads and other areas at Cardrona Village, Makarora, Hāwea Flat, Glendhu Bay and Victoria Flats Landfill; and

c. remove the carparking area off Robertson Street in Frankton from the scope of the bylaw after identifying it as reserve land.[23]

88. These amendments increased the extent of the restrictions and prohibitions under the 2025 Bylaw. Members of the public, including NZMCA members, now have fewer places to freedom camp in the Queenstown Lakes District, and are subject to more restrictions in other places, than before these amendments.

89. In adopting these amendments, the Council did not follow the special consultative procedure under s 83 of the Local Government Act 2002, which means that public consultation did not occur. Council staff justified this approach on the basis that the amendments were "minor" and were made to correct "mapping errors".[24] The claimed error was that the maps depicting the extent of the restrictions, which form part of the 2025 Bylaw, varied from the Council's GIS maps.

90. The Council's decision not to follow the special consultative procedure, and its justification for that decision, concern the NZMCA. The amendments clearly affect the right of people to freedom camp in the areas covered by the amendments. For that reason, we consider that the special consultative procedure was required. Upon identifying the discrepancy between the 2025 Bylaw and the Council's GIS maps, the Council ought to have instead updated the GIS maps to reflect the reality of the bylaw, and then consulted the public on the proposed increases to freedom camping restrictions and prohibitions.

91. What is more, our review of the proposed changes do not align with the reasons given by the Council. For example, the Council justified the introduction of new prohibited areas in Cardrona Village and Makarora on

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23 BNL-1 at 0821 (Chief Executive's Report) and 0839 (public notice).
24 BNL-1 at 0825.

the basis that these areas were always intended to be prohibited because they are urban. However, some of the roads and areas now shown as prohibited are zoned rural. Similarly, in Hāwea Flat, the Council introduced new prohibited areas despite acknowledging that the area is rural, without explaining why those areas should be prohibited rather than restricted. At Glendhu Bay, the Council justified a new prohibition by reference to concerns identified in an earlier assessment, which appears to be a substantive justification for introducing a prohibition rather than an explanation of a mapping error.

92. The NZMCA is concerned about the broader implications of the approach taken by the QLDC here. We are concerned that it sets a concerning precedent, allowing local authorities to bypass public consultation when expanding the scope of freedom camping restrictions and prohibitions.

Proposed amendments

93. Further amendments to the 2025 Bylaw are currently being considered, after the Council directed officers to consider possible issues with freedom camping at Allenby Place Carpark, Beacon Point Road and Wānaka Recreation Centre.

94. Allenby Place and Beacon Point Road are restricted freedom camping areas. After the bylaw came into effect, the Chief Executive of the QLDC applied a temporary prohibition at Allenby Place and increased capacity at Wānaka Recreation Centre to offset the removal of the designated spaces at Allenby Place. Councillors subsequently directed officers to prepare a formal findings report to inform a decision on whether to propose changes to the bylaw settings operating at Allenby Place Carpark and Beacon Point Road.

95. On 25 June 2026, officers reported to councillors on this matter and recommended that the existing restrictions at those locations remain unchanged, noting that:[25]

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25 BNL-1 at 0840.

a. Most of the identified problems involve non-compliance with existing restrictions, rather than problems that necessarily require further restrictions or prohibitions.

b. The bylaw had only been in operation since 1 December 2025, leaving limited time to assess its effectiveness.

c. Improved education, monitoring and enforcement have not yet been fully developed or implemented.

d. There are evidential difficulties in establishing that certain alleged problems are caused by freedom camping.

e. Removing designated camping spaces would displace demand to other sites that are already experiencing capacity pressures.

96. In subsequent advice, Council staff noted also that the non-compliance with freedom camping restrictions at Allenby Place Carpark and Beacon Point Road is not materially different from other restricted camping areas.[26]

97. The Council did not accept that advice, instead deciding to propose amendments to the 2025 Bylaw to:

a. prohibit freedom camping at the current restricted freedom camping area at Allenby Place carpark;

b. apply a summer prohibition condition to the restricted freedom camping area at Beacon Point Road carpark; and

c. increase the number of designated freedom camping spaces at Wānaka Recreation Centre from 18 to 21.

98. On 23 July 2026, the Council adopted a statement of proposal for community consultation on the proposed amendments to the 2025 Bylaw.[27] Those proposals were subsequently put out for public consultation.

99. On 31 August 2026, the NZMCA made a submission opposing the proposed prohibitions at Allenby Place and Beacon Point Road.[28] Our principal concern was that the Council was proposing further prohibitions despite its

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26 BNL-1 at 0881 and 0882.
27 BNL-1 at 0891.
28 BNL-1 at 0897.

own officers recommending that the existing restrictions remain unchanged. We submitted that the Council had not demonstrated that further prohibitions were necessary, appropriate or proportionate, particularly when less restrictive measures remained available.

100. We also raised concerns about the underlying shortage of freedom camping capacity in the district. The Council's own findings report identified high demand for a limited number of spaces as a significant cause of overcrowding and non-compliance. We were concerned that removing further camping opportunities would simply displace demand to other locations and exacerbate those problems. We urged the Council to address the underlying capacity issues, including by reconsidering its earlier decision to exclude reserve land from the bylaw-making process.

101. At the time of writing, we are awaiting the Council's decision on these amendments. A decision is expected on 8 December 2026.

Efforts to seek reconsideration of reserve land

102. Given the Council's earlier indication that freedom camping on reserve land would be considered separately from the 2025 Bylaw, the NZMCA has continued to engage with the Council on this possibility since the bylaw was adopted even though we hold reservations about this approach of considering reserve land separately from the bylaw development process.

103. On 5 November 2025, Mr Imlach asked if any timeframes were set for the investigation of reserve land for potential freedom camping under the Reserves Act process. That day Carrie Williams of the QLDC replied to confirm that "there is work planned with respect to the broader camping opportunities across the district."[29]

104. On 15 January 2026, Mr Imlach followed up about this work. He received no response so chased up again on 18 February.[30] On 23 February, Ms Williams replied, noting as follows:[31]

> A Council workshop is scheduled for 16 April 2026 where information on the operation of the bylaw over the summer period will be presented, as well as

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29 BNL-1 at 0789.
30 BNL-1 at 0787.
31 BNL-1 at 0787.

discussing other work planned, including further technology solutions to support freedom camping and other land, including reserves, that might be suitable for freedom camping or low-cost camping.

105. On 30 March 2026, NZMCA staff met with Mayor John Glover and Acting Chief Executive Michelle Moss. Among the matters we raised was the possibility of QLDC revisiting its decision to exclude reserve land from the process that led to the 2025 Bylaw.

106. At the Council workshop on 16 April 2026, officers briefly indicated that the potential use of reserve land for freedom camping might be explored during the Council's 2026/27 financial year. However, no commitment was made to undertake that work.

107. In light of this, on 1 May 2026, the NZMCA wrote to Mayor Glover reserving its position in relation to the legality of the 2025 Bylaw and the process followed in adopting it.[32]

108. On 6 October 2026, a Council workshop was held to discuss "additional freedom and low-cost camping opportunities".[33] This included a consideration of freedom camping on reserve land.

109. The briefing prepared by Council officers in advance of that meeting expressly advised councillors that, because reserve land sits outside the scope of the Freedom Camping Bylaw, they are not confined to the assessment matters in the FCA when considering camping on reserves.[34] This approach appears designed to allow councillors to consider matters that were deemed irrelevant when the NZMCA challenged the 2021 Bylaw and which would not otherwise be permitted under s 11 of the FCA.

110. During the workshop, staff sought direction from elected members on whether to proceed with a workstream that was intended to assess approximately 166 reserve sites for potential freedom camping or low-cost camping opportunities. This work was presented as a response to increasing demand, pressure on existing sites, and expected growth in visitor numbers.

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32 BNL-1 at 0908.
33 BNL-1 at 0910.
34 BNL-1 at 0918.

111. Elected members did not support staff continuing the work programme, however.[35] During the meeting, the concerns raised by elected members were aimed at freedom camping generally and, in some cases, proceeded on incorrect information. For example, one councillor cited Widgeon Place reserve as evidence that the community did not want freedom camping at that location and that no submitters on the reserve management plan had suggested it. However, the NZMCA and two others submitted in support of freedom camping there.

112. As a result of that meeting, the Council has decided not to proceed with an assessment of reserve land for freedom camping. This is concerning for the NZMCA. When reserve land was removed from the bylaw process, the Council stated this land would be considered separately through an alternative process. However, when staff sought direction to undertake exactly that work, elected members declined to proceed. No assessment of reserve land opportunities will now take place.

Conclusion

113. The NZMCA has engaged with the QLDC on freedom camping issues for more than 15 years. Throughout that period, we have sought to work constructively with the Council to identify practical opportunities for responsible freedom camping, while raising concerns about the extent of its restrictions and prohibitions and the way those restrictions and prohibitions have been enforced. We had hoped that the High Court's decision to quash the 2021 Bylaw would provide an opportunity for a fresh approach, based on a careful assessment of where any restrictions on freedom camping were genuinely necessary and what those restrictions would be.

114. In my view, the process that led to the 2025 Bylaw did not achieve that. Large categories of land, including reserves and urban roads, were excluded from genuine consideration or treated as requiring restrictions or prohibitions without an adequate assessment of the affected locations. The resulting bylaw is highly prohibitive. Subsequent amendments have further reduced the opportunities for freedom camping, while the Council has continued to pursue additional prohibitions despite advice from its own officers that the existing restrictions should be given more time to operate.

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35 BNL-1 at 0928.

Despite our concerns about an approach that did not consider reserve land when undertaking a district-wide assessment, the separate consideration of reserve land that we understood would follow adoption of the 2025 Bylaw has also not occurred.

115. The practical consequence for our members is that, despite investing substantial time and money to meet strengthened self-containment requirements, they have very limited opportunities to freedom camp in the Queenstown Lakes District. The NZMCA supports a balanced, evidence-based approach to freedom camping. We accept that restrictions may be necessary to address genuine problems at particular locations, provided they are properly justified and made lawfully. Our position is that responsible freedom camping should generally be free to occur, with restrictions directed at identified problems rather than imposed as a matter of course.

116. Our concern is that the QLDC has not properly considered the opportunities for responsible freedom camping or whether less restrictive measures could adequately address the problems it has identified. Having repeatedly sought to resolve these matters through submissions and direct engagement, we have brought these proceedings because we remain concerned that the 2025 Bylaw is unduly prohibitive and was adopted as a result of a fundamentally flawed process.

Bruce Neil Lochore

SWORN at

This 18 day of NOVEMBER 2026

before me:

Jonathan Loh
Solicitor
Auckland