

**Have
your
say!**

Te Tai o Poutini Plan Proposed Plan

Submission form

We need your feedback. We want to hear from you on the proposed Te Tai o Poutini Plan. What do you support and what would you like changed? And why? It is just as important to understand what you like in the Proposed Plan as what you don't. Understanding everyone's perspectives is essential for developing a balanced plan.

Your details:

First name: **Rayya** Surname: **Ali**

Are you submitting as an individual, or on behalf of an organisation? Individual Organisation

Organisation (if applicable): **New Zealand Motor Caravan Association**

Would you gain an advantage in trade competition through this submission? Yes No

If you **could** gain an advantage in trade competition through this submission please complete the following:

I am /am not directly affected by an effect of the subject matter of the submission that (a) adversely affects the environment; and (b) does not relate to trade competition or the effects of trade competition.

Postal address: **P O Box 42147, Papakura 2112**

Email: **rayya@nzmc.org.nz and james@nzmc.org.nz**

Phone: **09 2985466 ext. 709**

Signature: 

Date: **11/11/2022**

Your submission:

The specific provisions of the proposal that my submission relates to are:

- | | | |
|---|--|--|
| <input checked="" type="checkbox"/> Strategic Direction | <input type="checkbox"/> Energy Infrastructure and Transport | <input type="checkbox"/> Hazards and Risks |
| <input type="checkbox"/> Historical and Cultural Values | <input type="checkbox"/> Natural Environment Values | <input type="checkbox"/> Subdivision |
| <input checked="" type="checkbox"/> General District Wide Matters | <input checked="" type="checkbox"/> Zones | <input type="checkbox"/> Schedules |
| <input type="checkbox"/> Appendices | <input checked="" type="checkbox"/> General feedback | |

All submitters have the opportunity to present their feedback to Commissioners during the hearings process. Hearings are anticipated to be held in the middle of 2023. Please indicate your preferred option below:

I wish to speak to my submission I do not wish to speak to my submission

If others make a similar submission, would you consider presenting a joint case with them at a hearing?

Yes, I would consider presenting a joint case No, I would not consider presenting a joint case

Public information - all information contained in a submission under the Resource Management Act 1991, including names and addresses for service, becomes public information. The content provided in your submission form will be published to the Te Tai o Poutini Plan website and available to the public. It is your responsibility to ensure that your submission does not include any personal information that you do not want published.

Want to know more?
www.tppp.nz
0508 800 118



Te Tai o Poutini
PLAN
A combined district plan for the West Coast



New Zealand Motor Caravan Association Inc.

" Because you'll never be alone on the road again... "

11 November 2022

Te Tai o Poutini Plan Submissions

P O Box 66

Greymouth 7840

Emailed to: info@tppp.nz

Submission on Proposed Te Tai o Poutini Plan

Introduction

- 1 The New Zealand Motor Caravan Association Inc. (NZMCA) welcomes the opportunity to submit on the Proposed Te Tai o Poutini Plan (TTPP) which is the combined district plan for the Buller, Grey and Westland District Councils (West Coast District Councils).
- 2 The NZMCA is a non-profit organisation which represents the interests of over 113,000 New Zealanders who enjoy exploring the country at leisure in their self-contained motorhomes and caravans. Close to 2,500 members reside in West Coast area.
- 3 One of the NZMCA's purposes includes public advocacy for the interests of camping and domestic tourism in Aotearoa New Zealand. This purpose has motivated its interest in the TTPP and driven this submission to various aspects of the plan.
- 4 The NZMCA operates 55 NZMCA Parks (private motor camps) across the country. Of these three are located in Westport, Hokitika and Franz Josef. NZMCA Parks provide for our members social and economic well-being, while also supporting the social and economic well-being of West Coast communities. People enjoy camping in areas with natural scenery and landscapes as well as in areas close to the central business centres. These provide people with convenience to be able to bike and walk to the supermarkets, convenience, and retail stores, and enjoy activities the local area has to offer.
- 5 Westport, Greymouth and Hokitika are official Motorhome Friendly Towns¹ with Greymouth being the South Island's first motorhome friendly town². The Motorhome Friendly Town scheme provides a set of amenities and services that guarantee motor caravanners a warm welcome and an enjoyable visit. It also allows NZMCA members to support local businesses and community events.

¹ Motorhome Friendly Towns: <https://www.nzmca.org.nz/towns>

² Freedom Camping in Grey District: <https://www.greydc.govt.nz/05our-district/freedom-camping>

Driving towards a Sustainable Future

Freedom to Explore

4 Graham Road Takanini 2112
PO Box 72147 Papakura 2244
E enquiries@nzmca.org.nz

P 09 298 5466
F 09 298 5646
www.nzmca.org.nz

6 This submission covers five specific policy questions:

- The importance of domestic tourism in the local economy
- The treatment of freedom camping
- Freedom Camping Management in TTPP
- Definition of buildings
- Planning for camping and campgrounds

The Importance of Domestic Tourism

7 The NZMCA is a key agent in New Zealand’s domestic tourism sector as NZMCA members account for more than 80% of the camping vehicle market. Our members travel extensively in self-contained motorhomes and caravans exploring Aotearoa New Zealand at their leisure. In doing so, they spend money at local businesses, go sightseeing and take part in local activities. NZMCA promotes and supports this activity and encourages its members to not only be responsible campers but to also give something back to the communities which host them.

8 Pre-Covid 19 economic data for the West Coast’s visitor economy shows that domestic tourists accounted for approximately 36% of visitor nights spent in the region and most likely around 38% of visitor spending. This spending by visiting New Zealanders may have amounted to \$500 million per year in 2018 and 2019.³ Perhaps 30% of New Zealanders who visit the region have some form of camping experience during their stay⁴.

9 It is the NZMCA’s submission that camping – in its various forms, is an important recreational and economic activity for the West Coast. As such, the Association believes the TTPP should include specific provisions for camping in the plans objectives, policies and rules.

10 While district plans are primarily regulatory documents required of local authorities under the Resource Management Act 1991 (the RMA), the Act itself is facilitative legislation which amongst other things ‘enables people and communities to provide for their social, economic and cultural well-being and their health and safety’. This means that while a district plan must be concerned with managing land uses to avoid, remedy or mitigate any adverse effects of land use activities on the environment, it should still be concerned for community needs and aspirations in doing so. This requires a balance of focus for policy and within this balance NZMCA submits that domestic tourism and its facilitation has relevance.

Freedom Camping

11 The NZMCA is concerned that clear and appropriate provision has not been made in the TTPP for opportunities for people to camp responsibly in safe, convenient, and pleasant locations across the district.

12 Most of the zones in the TTPP require a Discretionary resource consent for ‘activities not otherwise provided for’ in the plan. As such, Freedom Camping can be captured under this “catch all” rule.

³ These estimates are derived from data from Statistics New Zealand’s Accommodation Survey and Tourism Satellite Account

⁴ This estimate is taken from Tourism New Zealand’s DGiT – Activating Domestic Tourism tool which is available at <https://www.dgit.nz/usingdgit/>

- 13 The Buller, Grey and Westland District Councils have each made bylaws under section 11 of the Freedom Camping Act 2011 (the FCA) to help manage the activity in their districts. These bylaws generally permit freedom camping in any local authority area that is not otherwise restricted or prohibited in the bylaw, or under any other enactment (including the RMA). Therefore, if a bylaw does not restrict or prohibit freedom camping in an area, freedom camping in that area may still be prohibited by virtue of the TTPP until such time a resource consent has been granted. Such an outcome would be inconsistent with the generally permissive intent of the bylaws and the FCA. Visitors doing their best to comply with these freedom camping bylaws may unknowingly be in breach of the TTPP.
- 14 We submit it would be more appropriate to explicitly exclude freedom camping from the TTPP and avoid the need for land-use consent in areas where a council bylaw or reserve management plan permits freedom camping. For example, the definition section of the Dunedin City Council's second-generation plan explicitly notes freedom camping is not managed by the plan, rather it is managed through DCC bylaw⁵.
- 15 We recommend **AMENDING** the definition of Freedom Camping in the interpretations chapter to either explicitly exclude freedom camping from requiring resource consent under the TTPP or making freedom camping a permitted activity.

Freedom Camping Management in the TTPP

- 16 NZMCA strongly **OPPOSES** the approach offered in the TTPP to manage freedom camping. We submit that policies and rules which aim to manage freedom camping should be withdrawn in their entirety.
- 17 The rules in the Temporary Activity chapter (particularly TEMP-R5), attempts to do two things with respect to managing freedom camping. It sets the parameters around which freedom camping is acknowledged as a permitted activity within the districts covered by the Plan. It requires that freedom camping outside of these parameters must be granted a consent as a Restricted Discretionary Activity.
- 18 NZMCA's opposition to these provisions and this approach is based on five criticisms which are as follows:
- a) The primary justification for the Rule (as set out on p.283) is contrary to the requirement in s76(2) of the Act that district plan rules cannot be inconsistent with other regulation in this case the Freedom Camping Act 2011.
 - b) The Rule and supporting analysis have not identified the effects which are expected to be managed and so has not met the requirements of the territorial authorities under s.76(3) of the Resource Management Act.
 - c) One of the parameters required to be met is factually incorrect so not feasibly able to be complied with. This makes this part of the Rule unreasonable as a regulation and as such ultra vires.

⁵ Dunedin City Council – 2GP: Definition of campgrounds <https://2gp.dunedin.govt.nz/plan/pages/plan/book.aspx?exhibit=DCC2GP>

- d) The provisions to control the duration of freedom camping exist already under the Freedom Camping Act 2011 and to attempt do so under the Resource Management Act is inefficient and excessive. Furthermore, this approach fails to meet the Councils' obligation under s31(1)(a) of that Act 'to achieve the integrated management of the effects of the use, development and protection of land' given that the two approaches are not at all integrated.
 - e) The proposal to require restricted discretionary consent for parking for two nights is heavy handed and excessive and does not pass the policy efficiency and effectiveness tests required in s32 of the Act.
- 19 The justification offered of attempting to manage freedom camping on land adjacent to state highways under the TPPP and so the Resource Management Act 'is because land in that location is not subject to the Freedom Camping Bylaws of the three District Councils'. While this is a statement of fact, it is not a justification. It presumes that the three District Councils have the power to regulate freedom camping in these locations when the Freedom Camping Act quite explicitly limited these powers to land under the control and management of local authorities.
- 20 Furthermore, Waka Kotahi has various powers to regulate freedom camping – and several other activities on state highways, where it sees fit under the Land Transport Management Act 2003 (s95 specifically) and the Government Roadway Powers Act 1989 (s61 specifically). While it is not stated in any justifying argument for Rule TEMP-R5, the Councils' interest in attempting to manage freedom camping along the state highway network must be because they are not happy with current practices and behaviours. The effects of these practices and behaviours have not been listed so it is not possible to comment on the reasonableness of the Councils' combined stance on this question. NZMCA submits that this matter is entirely the business and prerogative of Waka Kotahi and is outside of the scope of what can reasonably or legally be dealt with in a district plan.
- 21 Rule TEMP-R5 1 allows freedom camping as a permitted activity 'in locations identified and sign posted by Waka Kotahi - New Zealand Transport Authority or the relevant District Council as a designated Responsible Camping Site or Freedom Camping Site'. Such locations do not exist in reality – it is not Waka Kotahi's practice to signpost potential freedom camping sites. This means that this rule cannot be complied with for freedom camping on land adjacent to a state highway to be allowed as a permitted activity. Furthermore, freedom camping sites are not designated but regulated as restricted (subject to conditions) or prohibited. The default provision in s11 of the Freedom Camping Act is that sites which are not restricted or prohibited are permitted. Given this, no register of permitted sites exists formally.
- 22 TPPP's approach to freedom camping undermines the policy underpinning s10A of the Self Containment Bill – that is Waka Kotahi land is only restricted or prohibited if Waka Kotahi provides written consent, so council rules don't confuse their driver safety messaging. Some councils like QLDC place a time limit on drive fatigue and resting (40min) and after which they consider it to be freedom camping.
- 23 NZMCA believes that Councils' section 32 analysis to support proposed policy TEMP-P4 and rule TEMP-R5 is deficient. We note in this analysis that the requirement of Councils to quantify costs and benefits has been ignored (see p.89 of Report Seven of the Section 32 Evaluations). This

means that no attention has been given to the practicalities of administering rule TEMP-R5 and the compliance costs faced by those affected by it.

- 24 We note proposed amendments to the Freedom Camping Act which in our view dispenses with the need for this proposed, district plan-based, control of freedom camping. The Self-contained Motor Vehicles Legislation Bill, which is currently before Parliament, proposes a new section 10A which allows Waka Kotahi/NZTA land to be covered by a local authority freedom camping bylaw where Waka Kotahi has agreed to this.

Definition of Building

- 25 We note the TTPP has adopted the definition of Building from the National Planning Standards (NPS).
- 26 The NPS definition of ‘building’ captures non-motorised caravans which are not capable of moving under their own power. NZMCA members use non-motorised caravans for the same purpose as motorised motorhomes, campervans, and house buses (which are not captured by the NPS definition). For the NZMCA and its more than 113,000 members (many of whom travel with non-motorised caravans), the NPS definition creates a number of potential implications, which stem from the fact that members with non-motorised caravans will, by definition, be using and parking in a ‘building’.
- 27 To address this issue and provide consistency and clarity, we recommend amending the definition of ‘building’ as suggested in the **attached advice** from Simson Grierson Lawyers.
- 28 Our suggestion is consistent with the NPS and the way in which Council currently defines ‘building’ in the operative district plan. Introducing a sub-category is one possible option, which other councils have relied on. A recent example is the notified Porirua City District Plan and the New Plymouth District Plan. The NPS definition of *educational facility* means “land or buildings used for teaching or training by *childcare services*, schools, or tertiary education services, including any ancillary activities”. Both Porirua District Plan and New Plymouth District plans have decided to include a separate definition of the term “childcare services”, on the basis that this subcategory is required to assist with plan interpretation.
- 29 The NZMCA have been involved in and made submissions on several district plan reviews where we have recommended a sub-category to the definition of Buildings is adopted. In this case, we would recommend a similar approach is adopted and a subcategory to the definition of Buildings is adopted to exclude non-motorised caravans.
- 30 We think it would clearer for readers of the TTPP if the definition of “building” explicitly excludes non-motorised caravans as follows:

means a temporary or permanent movable or immovable physical construction that is:

- i. partially or fully roofed; and*
- ii. fixed or located on or in land;*

but excludes: any motorised vehicle, or other mode of transport that could be moved under its own power, or non-motorised caravans other than those used for a residential accommodation/business purpose for a continuous period of more than two (2) months.

Planning for Camping and Camping Grounds

- 31 This section focuses on the provision of camping grounds in the various zones of the TTPP and the relevant objectives and policies. It also focuses on camping as a recreational activity may be provided for in the districts and the provision made for camping and camping grounds in the relevant objectives, policies and rule of TTPP.
- 32 Camping is a recreational activity pursued outdoors where people relax, enjoy themselves and connect with nature. The objectives and policies in the Open Space and Recreation Zones provide for campgrounds and camping as an activity. In particular, policy OSRZ – P9 provides for a range of purposes compatible with the open space values including camping opportunities at rivers, lakes and coastal areas where this is compatible with the values of the open space area. Policy OSRZ – P11 of the Open Space Recreation Zone primarily provides for passive and active recreation activities, community facilities, campgrounds and cemeteries and limited associated facilities and structures.
- 33 The TTPP’s treatment of camping grounds is somewhat incomplete and inconsistent. Some attention should be given to ensuring that definitions of terms used in various zone rules and activity tables are consistent and that they are applied consistently against the purpose and objectives of these zones.
- 34 While camping grounds are acknowledged separately as a land use activity in part 1 of the TTPP (at p.32) as an activity, they are only provided for (as a permitted activity) in the Open Space Zone (at p.306). Camping grounds are acknowledged as a discretionary activity in the Natural Open Space Zone (at p.301) where they do not meet the permitted activity standards. They are however not mentioned as a permitted activity in this zone when they do meet these standards. Presumably this is an oversight which in NZMCA’s view should be addressed in the final version of the Plan.
- 35 The failure to acknowledge camping and camping grounds as legitimate land use activities in most of the zones in the TTPP creates two subsequent challenges for parties such as the NZMCA which are interested in camping as a recreational activity. The first challenge is finding a suitable broader land use activity which camping, and camping grounds could be seen to be a subset of, and which is sufficiently well defined within the Plan to agree on this with no ambiguity.
- 36 Failing finding such a broader definition, camping and camping grounds fall into a residual status as a non-complying activity simply because they have not been allowed for in some zones. This appears to be the case in the Sport and Active Recreation Zone, the Light Industrial Zone, the Rural Lifestyle Zone and the Settlement Zone. These zones, in our opinion, could reasonably be expected to accommodate camping and camping grounds with little or no fuss given the purpose and intent of these zones and the compatibility of the effects of camping and camping grounds to those expected from other activities within them.
- 37 In considering which land use activities already defined in the TTPP may reasonably include camping and camping grounds, it is perhaps worthwhile to distinguish between camping as an activity which may be intermittent and dispersed and camping grounds as an established and permanent land use.
- 38 Under the TTPP, there is a specific definition for Recreation Activity which states:

the use of land, water bodies and/or buildings for the active or passive enjoyment of organised sports, recreation or leisure, whether competitive or non-competitive, and whether a charge is made for admission or not, including sporting and recreational events, but excludes gambling machines and motor sport facilities.

39 Camping is a popular recreational activity which people do for their enjoyment and leisure. leisure. This activity should be included in the definition of recreational activity and as such provided for in the open space recreational zone in a permissive manner.

40 NZMCA submits that camping should be accepted as a recreational activity and for the avoidance of doubt acknowledged as such in TTPP's definition of recreational activity. Thus, this definition could read:

Recreation activity means the use of land, water bodies and/or buildings for the active or passive enjoyment of organised sports, recreation or leisure, whether competitive or non-competitive, and whether a charge is made for admission or not, including camping and sporting and recreational events, but excludes gambling machines and motor sport facilities.

41 Camping grounds can be seen as a subset of camping. While you can camp in a camping ground you can also camp in other places which are not camping grounds. Furthermore, a camping ground is a site while camping is an activity. This suggests that camping grounds are not a recreational activity but a place where such activity occurs. What then is a useful broader description of camping grounds?

42 NZMCA submits that camping grounds should be explicitly acknowledged as a form of visitor accommodation. By defining camping grounds as such, the need to include them in activity lists for various zones is avoided as they are an accepted example of a broader and well understood land use activity. Such a nested definition is also consistent with an effects-based approach to determining activity status for consenting purposes.

43 There may be some value in explicitly recognising camping grounds and other accommodation forms in the definition for visitor accommodation. We note that Queenstown Lakes District's proposed district plan has the following definition for visitor accommodation.

"Means the use of land or buildings to provide accommodation for paying guests where the length of stay for any guest is less than 90 nights; and Includes camping grounds, motor parks, hotels, motels, backpackers' accommodation, bunkhouses, tourist houses, lodges, timeshares and managed apartments...."

44 The TTPP proposed the same definition for camping grounds as that from the Camping Ground Regulations 1985. This 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 by two or more families or parties (whether consisting of one or more persons) living independently of each other, whether or not such families or parties enjoy the use in common of entrances, water supplies, cookhouse, sanitary fixtures, or other premises and equipment.'

45 We note the TTPP's proposed definition of visitor accommodation is *'land and/or buildings used for accommodation visitors, subject to a tariff being paid and includes any ancillary activities'*. This definition is consistent with that proposed for camping grounds and both make reference

to a payment as a requirement for access.

- 46 This distinction between camping and camping grounds does not however entirely resolve the ambiguity between camping as an activity and camping grounds as a land use. Both definitions offered above allow for a requirement to pay to camp. The Camping Grounds Regulations rely on the payment of a fee, while the definition of visitor accommodation relies on the payment of a tariff. However, while recreational activities can include some form of admission fee, this payment is not seen as being the reason the activity is provided. This distinction around the centrality of payments is perhaps relevant to the acceptability (and hence the consent status) of camping activities on public open space.
- 47 The s32 report available on Council's website does not provide reasons and analysis on why camping grounds are considered discretionary activities particularly in the Open Space and Recreational Zones. There is contradiction where objectives, policies and the general direction of this zone is permissive towards camping, however, camping is not provided for as a permitted or restricted discretionary activity within this zone but rather as a Discretionary Activity.
- 48 Campgrounds are not provided for specifically in any zones of the district plan, except for the Natural Open Space Zone that has provision for temporary campgrounds as a permitted activity and Open Space Zone which provides for camping grounds and accessory buildings ancillary to the camping ground as a permitted activity. However, we note that campgrounds can easily meet the objectives, policies and intention of many of these zones particularly the Natural Open Space and Open Space Zone.
- 49 Across the various relevant zones in the proposed TTPP, the treatment of camping and of facilities which provide camping opportunities is inconsistent. Camping grounds are not provided for as an activity in the Sport and Recreation Zone, Light Industrial Zone, Rural Lifestyle Zone and Settlement Zone. NZMCA believes that camping grounds could reasonably be located in these zones while still generating less than minor impacts on neighbours. As such we believe they should be provided for in these zones. The omission of camping grounds as a recognised activity in these zones means that applications for consent will by default be treated as discretionary and non-complying activities. NZMCA submits that this approach is onerous, wasteful and unnecessary.
- 50 Allowing for more permissive rules around the establishment of campgrounds will make it easier to establish sites for vehicle-based camping in the West Coast. These may be at a variety of scales from those catering for five to ten vehicles upwards. In turn, it will also create positive social and economic benefits for the community.
- 51 We suggest **AMENDING** the various chapters of the plan allowing for more permissive rules related specifically to campgrounds in the West Coast
- 52 NZMCA suggests that the activity status outlined in the following table should be applied in respect of recreational activities and visitor accommodation across the zones where camping could feasibly and reasonably be undertaken.

Proposed activity status to provide for camping related activities across relevant zones.

Zone	Activity/land use	Proposed activity status	Comments
Natural Open Space	Recreation Activities ⁶	Permitted	Subject to compliance with performance standards otherwise restricted discretionary
Natural Open Space	Visitor Accommodation	Permitted	Subject to compliance with performance standards otherwise restricted discretionary.
Open Space	Recreation Activities	Permitted	Subject to compliance with performance standards otherwise restricted discretionary
Open Space	Visitor Accommodation	Permitted	Depending on the scale of activity and subject to performance standards. Commercial scale probably not compatible with this zone.
Sport & Recreation	Recreation Activities	Permitted	Subject to compliance with performance standards. The objectives and policies are permissive towards camping and campgrounds.
Sport & Recreation	Visitor Accommodation	Permitted	Depending on the scale of activity and subject to performance standards. Commercial scale probably not compatible with this zone.
Commercial	Recreation Activities	Restricted Discretionary	Some reverse sensitivities may need to be managed.
Commercial	Visitor Accommodation	Permitted	Subject to compliance with performance standards otherwise restricted discretionary.
Mixed Use	Recreation Activities	Restricted Discretionary	Some reverse sensitivities may need to be managed.
Mixed Use	Visitor Accommodation	Permitted	Subject to compliance with performance standards otherwise restricted discretionary
Light industrial	Recreation Activities	Discretionary	Potential for reverse sensitivities needs to be managed closely.
Light industrial	Visitor Accommodation	Restricted Discretionary	Some reverse sensitivities may need to be managed.

⁶ Recreation Activities is inclusive of camping as recommended in our submission above.

Zone	Activity/land use	Proposed activity status	Comments
Large lot residential	Recreation Activities	Permitted	Subject to compliance with performance standards otherwise restricted discretionary
Large lot residential	Visitor Accommodation	Restricted Discretionary	Some reverse sensitivities and site capacity issues may need to be managed
General rural zones	Recreation Activities	Restricted Discretionary	Some reverse sensitivities may need to be managed
General rural zones	Visitor Accommodation	Restricted Discretionary	Some reverse sensitivities and site capacity issues may need to be managed
Rural lifestyle	Recreation Activities	Permitted	Subject to compliance with performance standards otherwise restricted discretionary
Rural lifestyle	Visitor Accommodation	Restricted Discretionary	Some reverse sensitivities and site capacity issues may need to be managed
Settlement	Recreation Activities	Permitted	Subject to compliance with performance standards otherwise restricted discretionary
Settlement	Visitor Accommodation	Permitted	Subject to compliance with performance standards otherwise restricted discretionary

Conclusions

- 53 The Association submits that the TTPP should adopt a more deliberate and permissive stance toward camping; including freedom camping and amend several of the TTPP provisions as suggested above.
- 54 We hope the West Coast District Council's will take our feedback and recommendations into consideration prior to the finalisation of the TTPP.
- 55 NZMCA would like an opportunity to make a verbal submission in support of this submission.

Nāku noa, nā
New Zealand Motor Caravan Association Inc.



Rayya Ali
Planning and Policy Advisor

Email: rayya@nzmca.org.nz
Phone: 09 298 5466 ext. 709
Postal: PO Box 72147, Papakura 2244

To James Imlach, New Zealand Motor Caravan Association Incorporated (**NZMCA**) **9 September 2020**

From Sarah Scott, Mike Wakefield

Subject Advice addressing the definition of “Building” in the National Planning Standards

The Issue for NZMCA

1. At issue for the NZMCA is the definition of “Building” included in the first National Planning Standards (**NPS**),¹ which captures non-motorised caravans because they are not capable of moving under their own power. The full definition is as follows (**Definition**):

means a temporary or permanent movable or immovable physical construction that is:

- (a) Partially or fully roofed; and*
- (b) Fixed or located on or in land;*

but excludes any motorised vehicle or other mode of transport that could be moved under its own power.

2. The capture of non-motorised caravans by the Definition creates a number of potential implications for NZMCA and its members, including that members will, by definition, be operating a ‘building’ when using and storing their non-motorised caravans. This could, depending on the approach taken by district plans, trigger the need for resource consent to be obtained, including when members are either staying at NZMCA-operated motor caravan parks, or storing their caravans when not in use.

Background to the Definition

3. When developing the Definition, the Ministry for the Environment (**MfE**) recognised that non-motorised caravans would be captured. Relevantly, the Recommendation Report notes (our emphasis):²

RMA plans seek to manage effects from buildings in the main where those effects are more long term than from, for example, a car parked on a section and used every day. However, **where those vehicles no longer move** (likely no longer used for transportation but for activities such as business, storage or accommodation) **we consider they would have similar effects as buildings and should be captured**

1 Which were developed in accordance with sections 58B to 58J of the RMA, published in April 2019 and came into force on 3 May 2019.

2 Ministry for the Environment.2019. *21 Definitions Standard - Recommendations on Submissions Report for the first set of National Planning Standards* Wellington: Ministry for the Environment, at 51.

by the definition. We therefore recommend excluding motorised vehicles or any other mode of transport that could be moved under its own power...

We acknowledge that there are other items that are moveable and have a roof and so could meet the recommended definition of a building. In particular, tents, caravans, and marquees would be included. We acknowledge that the definition of building is broadly crafted and councils will need to use subcategories or narrower application definitions and rules to manage or permit these items where required.

4. The above excerpts indicate that the issue that the Definition is trying to address is the use of non-motorised caravans as permanent buildings and for a business or accommodation, rather than for their normal intended use. Treating non-motorised caravans in this way may be entirely appropriate where they are being used as, for example, a residential dwelling for an extended period of time. However, that is a temporal 'use' issue, rather than an outcome determined by whether they can move under their own power, and it is this nuance that the Definition has not, in our view, captured.
5. The consequence is that the Definition has created something of an arbitrary distinction between motorhomes and non-motorised caravans, based on whether they can move under their own power or not, which does not recognise that the use is essentially the same. Importantly however, MfE recognised this issue and suggested that councils will need to address it through individual district plans.
6. While adopting the NPS definitions is mandatory (as they are comprised in Part 14 of the NPS), local authorities can develop more refined solutions for certain definitions. This is subject to a requirement that any solution is consistent with the primary definition, and not widen its scope.
7. We have identified several ways in which the Definition could be refined to address the identified issue.

An additional exclusion

- 7.1 An additional exclusion to the Definition could be added for non-motorised caravans. If this approach were adopted, the Definition could be reformatted as follows:

means a temporary or permanent movable or immovable physical construction that is:

- (a) Partially or fully roofed; and*
- (b) Fixed or located on or in land;*

but excludes:

- i. any motorised vehicle;*
- ii. other mode of transport that could be moved under its own power; and*
- iii. non-motorised caravans (and tents)³...*

7.2 This approach would add a new subcategory to the exclusions without widening the application of the Definition, which was an approach recognised by MfE in its Recommendations Report.

A qualified 'use' exclusion

7.3 The second solution is to include a 'use' qualifier in the additional exclusion, relevant to non-motorised caravans. For example:

but excludes:

- i. any motorised vehicle;*
- ii. other mode of transport that could be moved under its own power; and*
- iii. non-motorised caravans...other than those used for a [residential accommodation / business purpose] for a continuous period of more than XX months.*

7.4 The effect of this type of qualifier would be to ensure that non-motorised caravans that are not being used for their intended purpose, in light of a temporal measure, are captured by the Definition. This approach is similar to that taken by a number of territorial authorities across the country.

7.5 The adoption of a 'use' qualifier does come with the potential that it could be seen as a departure from the Definition. It could also be considered that specific rules and standards of zone provisions will provide a more appropriate way to address land use issues.

Practice note / guidance document

³ The focus of our advice has been on non-motorised caravans, but an exclusion could also be sought for tents, acknowledging that the Definition technically captures these items as well.

- 7.6** A third option, which would sit outside the district plan, would be to develop a practice note / guidance document specific to non-motorised caravans. Given the signals in relation to 'vehicles' in the MfE guidance and recommendations, in our view it would be prudent in any case to clarify how non-motorised caravans are treated by district plans.
- 7.7** Our recommendation is that either of the first two options above are better outcomes as it avoids any confusion or potential for debate as to whether the district plan captures non-motorised caravans in the definition of 'Building'.