



New Zealand Motor Caravan Association Inc.

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

15 June 2018

Invercargill City Council
Private Bag 90104
Invercargill 9840
Emailed to: robin.pagan@icc.govt.nz

Attention Robin Pagan | Parks Manager,

Expression of interest to lease an area of land at Stead Street Reserve for an NZMCA Motor Caravan Park

Please accept this letter from the New Zealand Motor Caravan Association Inc. (NZMCA) as a formal expression of interest to lease an area of land located at Stead Street Reserve in Invercargill. This letter is in support of your on-going discussions with our local NZMCA member, Ian McKay.

The proposal

The NZMCA proposes to establish a members' only motor caravan park on site. The identified parking area as per the enclosed map is approx. 5,600sqm. From our experience with other NZMCA Parks, we estimate the site has capacity to accommodate up to 70-80 average size motor caravans during the peak travel season. However, for the majority of time we expect the average site occupancy rate to be much less than 50% of its maximum holding capacity.

Enclosed is a photo of the NZMCA's consented site in Taupo, which operates under a long-term lease agreement with the Taupo Airport Authority and district council. The Taupo site has capacity to accommodate 130 self-contained motorhomes and caravans during the peak season, however the average occupancy rate is much less throughout most of the year.

Overnight stays on the proposed park at Stead Street Reserve will be restricted to NZMCA members travelling in certified self-contained vehicles for short-term stays, e.g. maximum 21 days in any 60 day period. If necessary, we are open to the public maintaining pedestrian access through the site.

NZMCA Parks provide members with short-term accommodation only and are not designed to provide semi-permanent or permanent residence. Their design and operation mirrors the Department of Conservation basic campsite model with only limited facilities required. Flat, accessible and safe parking space is the only prerequisite.

Driving towards a Sustainable Future

Freedom to Explore

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The site is conveniently located from the main city centre, primary transport routes, and local amenities including the reserve and walkway. Having an NZMCA Park will encourage more members to visit Invercargill during their travels down south, spending on average \$90.00 per day¹ in local shops and businesses. Members also value the places they visit and this presents an opportunity for the NZMCA to work closely with the council on any planting / beautification projects for the reserve to help enhance amenity and environmental protection.

We would work closely with officers to include appropriate restrictions within all agreements and consents to ensure the park operates in a manner that is acceptable to the council and community. Attached is a news article highlighting the benefits of a new NZMCA Park to the Waihi Beach community in the Western Bay of Plenty.

The NZMCA will cover the costs associated with the development of the site and the obtainment of all resource consents. We will also cover the council's reasonable legal fees to prepare the required lease agreement. Therefore, the NZMCA would pay the necessary costs to open the site with no expectation for any financial contribution from the council.

If it helps, the NZMCA is happy to share with you copies of existing lease agreements that we have in place with other local authorities (although please understand commercially sensitive information may need to be redacted).

About the NZMCA

The NZMCA is a non-profit membership-based organisation that was formed in 1956 by a small group of like-minded enthusiasts. Today the NZMCA has grown to represent over 81,000 kiwis that share a passion for exploring New Zealand and have a keen interest in recreational vehicle-based camping. The NZMCA is a strong advocate for responsible camping and self-containment with the vast majority of members travelling in a vehicle certified to NZS 5465:2001 requirements.

Most members are hybrid campers frequently alternating between commercial campgrounds, DOC campsites, freedom camping areas, and private NZMCA Parks during the travels. The NZMCA currently operates 41 private NZMCA Parks across New Zealand (map attached) many of which exist under long-term commercial lease / licence agreements with local authorities and crown entities.

Regulatory considerations

Our preliminary review of the Invercargill district plan suggests resource consent may be required for a discretionary activity. Should the council support our proposal the NZMCA will seek further clarification from the council's planning department on the resource consent requirements. When a draft agreement is in place, the NZMCA will engage a reputable local planning consultant (approved by the council if required) to prepare and submit an application for resource consent.

According to section 3.19 of the Linkage Reserves Omnibus Management Plan (2014), camping is a prohibited activity on the reserve. If the council supports the NZMCA's proposal this plan may need to be reviewed or the council may be able to utilise its broad approval powers under the Reserves Act 1977 to permit camping on site. These powers were received by all local authorities from the

¹ This figure is based on recent research into the economic and social benefits of four NZMCA Parks operating within provincial/rural NZ towns. The research was conducted independently by the New Zealand Tourism Research Institute.

Department of Conservation back in 2013 (copy attached). Further investigation may be required in this regard, which the NZMCA is happy to support.

The NZMCA will charge members a nominal fee to park overnight with proceeds used to help recoup CAPEX and offset OPEX over time. We are not seeking to make a profit from this endeavour. However, the exchange of money still requires the Association to comply with the Camping-grounds Regulations 1985. In addition to applying for resource consent, the NZMCA will apply for a certificate of registration and exemptions from unnecessary development requirements, which is the same approach we have adopted with our parks. Last year the NZMCA worked with Local Government New Zealand officials and lawyers on guidance material for local authorities tasked with administering the regulations and applying appropriate exemptions on a case by case basis.

Summary

Thank you for considering the NZMCA's proposal along with this expression of interest. We are prepared to work with the council to ensure the activity complies with your expectations and that the park is of benefit to the Invercargill community. The NZMCA is very familiar with the time it may take for both parties to work through the legal and regulatory requirements, however we are determined to see it through and cover any reasonable costs necessary to make it happen.

Please feel free to contact the writer with any questions.

Yours faithfully,
On behalf of the Property Sub-Committee
New Zealand Motor Caravan Association Inc.



James Imlach
National Policy & Planning Manager

Copy sent to:

Neville Stirling
NZMCA Property Committee Chairman
neville.s@xtra.co.nz


Ian McKay
Local NZMCA member
ianmckay@xtra.co.nz

Proposed NZMCA Park

Date Printed: 15-June-2018




Legend

 Metadata Footprints

The Invercargill City Council accepts no responsibility for incomplete or inaccurate information contained on this map.

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NZMCA Taupo Airport Park



The New Zealand Herald

Network

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[Help & Support](#)

THE COUNTRY

Solution found for Waihi Beach's freedom campers



A block of unused land on Emerton Road in Waihi Beach has been put aside for freedom campers.

Waihi Beach's newest freedom camping spot is a win/win for everyone, the New Zealand Motor Caravan Association says.

The Western Bay of Plenty District Council has found a solution to freedom campers overcrowding a site at Anzac Bay.

The council has leased a block of unused land on Emerton Road in Waihi Beach to the New Zealand Motor Caravan Association (NZMCA) for freedom campers.

"That's a great approach by the council," NZMCA chief executive Bruce Lochore says. "It's a win/win for everyone involved — the council, our members and, importantly, the local community.

The pressure on Anzac Bay has been relieved, the council is now earning revenue from a non-productive piece of land and our members in certified self-contained vehicles have a low-cost place to stay in a very desirable location."

For Western Bay Mayor Garry Webber it is a great compromise and council says it is delighted to have worked with the association to provide a solution for the community and responsible freedom campers.

The Waihi Beach Park — one of more than 40 such properties the NZMCA owns or leases throughout the country — can accommodate around 50 motorhomes or caravans and has been quickly put to good use by members.

The site was tidied up by association members.

Sited within walking distance of the local shops and the beach, the new park will encourage more of the NZMCA's 80,000-plus individual members to stop, stay and shop in the area.

Mr Lochore says a key factor in establishing the Emerton Rd site is the ability to use Local Government New Zealand's campground exemption guidance. This enables such parks to be set up without the need for all the facilities of commercial campgrounds.

"The vast majority of our members travel in certified vehicles, so they don't need all the bells and whistles.

"All they need is a safe environment to camp with fellow members, secure in the knowledge they are complying with the council's bylaws."

Mr Lochore says that the NZMCA takes its responsibilities seriously to ensure the site is set up to a high standard.

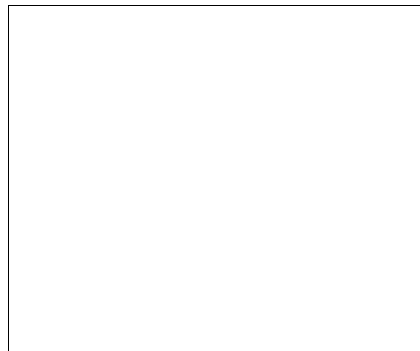
"We engaged expert planners, engineers and archaeologists from Opus to manage the resource consent process. Later this year we will plant native trees and shrubs around the perimeter of the site, in accordance with our resource consent, to help soften the visual appearance and beautify the park."

- [Waihi Leader](#)

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8 July 2013

Chief Executive
Territorial Local Authorities
North Island
New Zealand

Dear Sir/Madam

Revised Delegation of Powers under the Reserves Act 1977

The Hon Dr Nick Smith, the Minister of Conservation has recently approved new delegations to local authorities, including regional councils, under the Reserves Act 1977.

A copy of the instrument of delegation signed by the Minister of Conservation on 12 June 2013 is attached, and updates the one currently incorporated in the *Reserves Act Guide*.

These delegations extend the scope of the existing powers by removing the previous limitations and conditions and they include some additional delegations. It is envisaged they will better enable local authorities to make decisions affecting reserves and are in accordance with the spirit of the changes taking place within the Department of Conservation with an emphasis on conservation with communities.

Local authorities will now be able to consider consent applications that previously had to be referred to the Department of Conservation for the consent of the Minister or the Minister's delegate, for matters such as the granting of leases, licences or easements over council vested reserves.

An appropriate record of any decision made under the delegations must be retained and it is suggested this should be in the form of a separate submission or component of a submission to the decision maker with clear recommendations and provision for the formal approval to be recorded.

A submission template is attached as a guide for the preparation of submissions together with, by way of example, a recent submission for the granting of a lease that required Ministerial consent by the Department. We trust that these will provide some guidance as to the information local authorities should be providing to the consenting authority.

In exercising the new delegations local authorities must, of course, still act in accordance with the requirements of the Reserves Act; and the processes set out in the Act must still be complied with.

There is an expectation that local authorities will maintain a distinction between their role as the administering body of a reserve and their role as a delegate of the Minister.

It is important to note that the decision making function, whereby the merits of the proposal are considered, is a fundamental responsibility of the reserve administering body. The Minister is not the decision maker, but has, instead, a supervisory role in ensuring that the necessary statutory processes have been followed; that the administering body has taken the functions and purposes of the Reserves Act into account in respect of the particular classification and purposes of the reserve; that it has considered any objections or submissions from affected parties; and that, on the basis of the evidence, the decision is a reasonable one.

A more detailed explanation of the differing roles and the matters which need to be considered in exercising the delegation of consent is attached as [Appendix 1](#)

It should be noted that the power to revoke a reservation has not been delegated to ensure that such a significant step would remain subject to consideration by the Minister or the Minister's departmental delegate.

The Minister is confident that the delegations will be exercised responsibly and the Department is of course still able to provide guidance and advice to you; however, where the required advice is complex and lengthy we may need to recover costs, though this would be discussed prior to incurring them.

There are some actions that the Department will need to be notified of to enable the maintenance of its national reserve records. Such actions would include changes to a reserve classification and other actions requiring a gazette notice. Please ensure that a system is put in place whereby such notification is undertaken.

Notices should be sent for the attention of Anna Ginnaw at our Hamilton office; and Anna may be contacted by phoning (07) 858 1050 or by email to aginnaw@doc.govt.nz

Please do not hesitate to contact Anna for advice.

Yours faithfully



Deidre Ewart
Manager Permissions/SLM

Appendix 1

EXERCISING THE DELEGATION OF CONSENT TO LOCAL AUTHORITIES

The Minister's Role

It is important to note that the decision making function, whereby the merits of the proposal are considered, is a fundamental responsibility of the reserve administering body ("the AB"). The Minister is not the decision maker, but has, instead, a supervisory role in ensuring that the decision was arrived at in compliance with the requirements of the Reserves Act; with the primary considerations being:-

- (a) That the status of the land has been correctly identified and the AB has the power and authority to make the decision;¹
- (b) That the necessary statutory processes have been followed;
- (c) That the AB has taken the functions and purposes of the Reserves Act into account in respect of the particular classification and purposes of the reserve, as required by section 40 of the Act;
- (d) That the AB has considered any objections or submissions from affected parties; and that, on the basis of the evidence, the decision is a reasonable one.²
- (e) That pursuant to the requirements of section 4 of the Conservation Act 1987, the AB has consulted with and considered the views of tangata whenua or has in some other way been able to make an informed decision.³

An example of the different roles can be seen in the consideration of submissions or objections under s.120 of the Reserves Act; which only requires that the AB provide a "summary" of all objection and comments received by it and state the extent to which they have been allowed or disallowed. The purpose of this requirement must be for the administering body to demonstrate that it has carried out its obligation to consider every objection and submission.

The actual content of the submissions is a matter for consideration by the AB as the primary fact finding body and decision maker; and it would be inappropriate for the Minister to receive and consider objections or submissions in relation to the merits of an application.

The Minister may, however, consider submissions relating to procedure; as these do relate directly to the consenting role. Another exception is under the provisions of s.24 of the Act, where the AB is required to forward all objections to the Minister for consideration. In this instance the Minister's delegate would need to consider the actual content of the submissions and be able to conclude that the AB had given fair and reasonable consideration to the subject matter.

¹ i.e. the legislative authority for the proposed consent has been clearly identified, and where necessary, that there is sufficient evidence that the reserve is vested in the AB.

² The word 'reasonable' is used in the public law sense, whereby a decision would be considered unreasonable if it were one which no sensible decision maker acting with due appreciation of their responsibilities would have made.

³ See Chapter 4 of the Reserves Act Guide for local Government.

RESERVES ACT 1977

INSTRUMENT OF DELEGATION FOR TERRITORIAL AUTHORITIES

1. PURSUANT to section 10 of the Reserves Act 1977 I, NICK SMITH Minister of Conservation, DELEGATE to all territorial authorities (as defined in this Instrument of Delegation) such of my powers, functions and duties under the Reserves Act 1977 as are set out in the following Schedule subject to the Limitation of Powers in the Schedule and to the conditions in paragraph 2 of this Instrument.
2. The delegations in this Instrument apply only where the territorial authority is the administering body of the relevant reserve (i.e. affected by the decision to be made) by virtue of a vesting or an appointment to control and manage.
3. This Instrument replaces the previous Instrument of Delegation dated 10 March 2004, which is hereby revoked.

Definitions:

"Administering body" - means an administering body under the Reserves Act 1977.

"Territorial authority" - means a local authority and a unitary authority as defined in section 5 Local Government Act 2002.

"Vested reserve" - means a reserve vested in a territorial authority (not in the Crown).

SCHEDULE

SECTION	SUMMARY OF POWERS	O	LIMITATION OF POWERS
6(3)	Revoke a Gazette notice and issue a fresh notice or amend the original notice		Only applies to notices in the Gazette given by the territorial authority
14(4)	Gazette resolution to declare vested land to be reserve.		
	<u>Note:</u> it is, therefore, no longer necessary to consult the Commissioner in terms of sec 14(3) of the Act.		



SECTION SUMMARY OF POWERS

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LIMITATION OF POWERS

- 15(1) Authorise or decline to authorise, by Gazette notice, the exchange of land in any reserve or any part(s) of a reserve for any other land to be held for purposes of that reserve.
- 15(3) To do all things necessary to effect any exchange authorised by the local authority under Section 15(1) of the Act, or by the Crown in the case of vested reserves derived from the Crown, including the payment or receipt of any money by way of equality of exchange in the case of non Crown derived reserves.
- 16(1) Classify, by Gazette notice, according to their principal or primary purpose all reserves.
- [Note this delegation does not affect sections 16(2) and 16(2A) Reserves Act]
- 16(4) To advertise the intention to classify a reserve in accordance with sec 16(1).
- 18(2)(e)
19(2)(a)
19(3)(a) Determine in which cases exceptions can be made to the preservation of flora and fauna and the natural environment.
- 24(1) Change the classification or purpose of a reserve by notice in the Gazette.
- 24(2)(e) To consider all objections received to a proposed change of classification or purpose.
- 24(3) To form an opinion that the change of classification or purpose of a scenic, nature or scientific reserve is justified.

Only to be exercised where the territorial authority did not derive title from the Crown, or title would be deemed not to be derived from the Crown if the reserve was going through a revocation process (s.25).


The territorial authority must consult with the Crown before making a decision under s.15(1) if the land it proposes to grant in exchange was purchased with funds provided either wholly or partly by the Crown.

Does not apply to the revocation of reserves



SECTION	SUMMARY OF POWERS	O	LIMITATION OF POWERS
24(5)	To form an opinion that the change in the classification of a historic reserve is justified.		
25(1)	Upon revocation of the reservation of any public reserve (or part of one) pursuant to section 24 Reserves Act, dispose of that land in such manner and for such purpose as the Minister specifies. [Note this is intended to allow Territorial Authorities to decide how and for what purpose the land may be disposed of].		The delegation only applies where the title to the reserve was not derived from the Crown, or is deemed not to be derived from the Crown in terms of s.25(4) or (5).
41(1)	To approve reserve management plans.		
42(1)	Give or decline to give express written consent to the cutting or destruction of trees and bush on any historic, scenic, nature, or scientific reserve. Determine terms and conditions subject to which written consent is given.		
44(1)	To consent to the use of a reserve for temporary or permanent personal accommodation.		
44(2)	To consent to any vehicle caravan, tent or removable structure remaining on a reserve during the period 1 November to 31 March.		
45	Give or decline to give prior approval to administering body to erect, or authorise any voluntary organisation or educational institution to erect shelters, huts, cabins, lodges etc., on any recreation or scenic reserve.		



SECTION	SUMMARY OF POWERS	O	LIMITATION OF POWERS
48(1)	<p>Consent or refuse consent to administering body granting rights of way and other easements over any part of a vested reserve for any of the purposes specified in section 48(1).</p> <p>Impose such conditions as it thinks fit in giving the consent.</p>		
48A(1)	<p>Consent or refuse consent to administering body granting a licence over a vested reserve to any person or department of State -</p> <p>(a) To erect, maintain and use buildings, dwellings, masts and other structures, and plant and machinery; and</p> <p>(b) To construct, maintain, and use tracks and engage in other works</p> <p>- for any of the purposes specified in section 48A(1).</p>		
48A(3)	<p>Approve terms and conditions determined by the administering body.</p>		
49	<p>Grant or decline to grant in writing any qualified person a right to take specified specimens of flora or fauna or rock mineral or soil from a reserve for scientific or educational purposes.</p> <p>Form opinion as to whether qualified person has the necessary credentials.</p> <p>Impose conditions on the grant in writing.</p>		<p>With regard to fauna, the delegation is for exotic fauna which are not protected under the Wildlife Act 1953.</p>
50(1)	<p>Authorise or decline to authorise any person to take and kill any specified kind of fauna that may be found in any scenic, historic, nature or scientific reserve.</p> <p>Authorise or decline to authorise the use of firearms, traps, nets or other like objects within reserve for the foregoing purposes.</p>		<p>The delegation is for non-protected exotic fauna only.</p> 

SECTION	SUMMARY OF POWERS	O	LIMITATION OF POWERS
51(1)	<p>Authorise or decline to authorise in writing an administering body to introduce indigenous flora or fauna or exotic flora into any scenic reserve for any of the purposes referred to in section 51(1).</p> <p>Impose conditions on the giving of the authorisation.</p>		
52(1)	<p>Declare by Gazette notice that any 2 or more reserves, or parts of 2 or more reserves, or parts of one or more reserves and the whole of one or more other reserves, are to be united to form one reserve.</p>		<p>All affected reserves or parts of reserves must have the same administering body and must all either be vested in that body or all held under an appointment to control and manage.</p>
53 (1)(d)	<p>To consent to an increase in the number days the public shall not be entitled to have admission to a reserve.</p>		
53 (1)(e)	<p>To approve the fixing of charges generally or with respect to any specified occasion or event.</p>		
54(1)	<p>Give or decline to give prior consent to administering body, in the case of a recreation reserve vested in it, to grant leases for any of the purposes specified in paragraphs (a), (b), (c) and to grant a lease or licence for any of the purposes specified in paragraph (d) and to exercise all powers of the Minister referred to in the First Schedule that pertain to leases under s.54(1)(a), (b), (c) and (d).</p>		



SECTION SUMMARY OF POWERS

Give or decline prior consent to administering body permitting, in a lease, the erection of buildings and structures for sports, games or public recreation not directly associated with outdoor recreation.

Consent or decline consent to variations or amendments to leases and consent to the carrying out of any other necessary actions arising out of the leases consistent with the First Schedule, Reserves Act.

55(2)(a) (d),
(e) (f) and
(g)

In the case of a scenic reserve to give or decline to give consent to :-

- the enclosure and grassing or grazing of open parts of the reserve;
- the setting apart of areas for other purposes;
- the erection of buildings and other structures and amenities;
- such things considered necessary for the public to obtain the benefit of the reserve;
- the setting apart of sites for residences and other buildings and structures necessary for the management of the reserve.

O LIMITATION OF POWERS

Must be satisfied that the facilities, amenities, buildings or structures are necessary and cannot readily be provided outside or in close proximity to the reserve.

SECTION	SUMMARY OF POWERS	O	LIMITATION OF POWERS
56(1)	<p>Give or decline prior consent to administering body, in the case of a scenic reserve vested in it, to grant leases or licences for the purposes set out in s.56(1) and to exercise all powers of the Minister referred to in the First Schedule that pertain to leases under s.56(1)(a) and (b).</p> <p>Consent or decline consent to variations or amendments to leases and licences, and consent to the carrying out of any other necessary actions arising out of the leases and licences consistent with the First Schedule, Reserves Act.</p>		
56(2)	<p>Give public notice in accordance with section 119 of the Reserves Act and give full consideration in accordance with section 120 to all objections and submissions.</p>		
58(b)	<p>Set apart and use part of a reserve as a site for residences and other buildings.</p>		
58A(1)	<p>Give or decline prior consent to administering body, in the case of an historic reserve vested in it, to grant leases or licences for any of the purposes specified in that subsection.</p> <p>Consent or decline consent to variations or amendments to leases and licences and consent to the carrying out of any other necessary actions arising out of the leases and licences, consistent with the First Schedule, Reserves Act.</p>		



SECTION	SUMMARY OF POWERS	O	LIMITATION OF POWERS
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59A(1) In accordance with Part IIIB Conservation Act 1987, grant or refuse a concession in respect of any reserve controlled or managed by an administering body under s.28 Reserves Act so that the administering body may apply Part IIIB as if references in that Part to a conservation area were references to such a reserve and references to the Minister of Conservation and to the Director-General of Conservation are references to an administering body.

67(1)(b) Consent or decline consent to lease of recreation reserve set apart for race course purposes, to a racing club.

72(1) To enter into and agree the terms of a lease or other agreement for the farming of a recreation or local purpose reserve.

Note sec 72(3) applies.

73(1) Consent or decline prior consent to an administering body granting a lease of recreation reserve in the circumstances specified in s.73(1), where the reserve is vested in the administering body, and consent or decline prior consent to an administering body granting a lease in the circumstances specified in section 73(1) in all other cases.

Exercise all powers of the Minister referred to in the First Schedule that pertain to leases under s.73(1).

SECTION	SUMMARY OF POWERS	O	LIMITATION OF POWERS
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73(2) Consent or decline prior consent to an administering body granting a lease of recreation reserve for afforestation where the reserve is vested in the administering body, and consent or decline prior consent to an administering body granting a lease of recreation reserve for afforestation purposes in all other cases.

Exercise all powers of the Minister referred to in the First Schedule that pertain to leases under s.73(2).

73(3) Form opinion as to whether recreation reserve is not likely to be used for purposes of a recreation reserve.

Consent or decline consent to administering body granting leases of whole or part of reserve vested in administering body.

Grant or decline to grant leases of whole or part of a reserve held under an appointment to control and manage.

Exercise all powers of the Minister referred to in the First Schedule that pertain to leases under s.73(3).

73(5) Consent or decline consent in writing to a member of an administering body becoming the lessee of any land under the control of that body.

73(6) Consent or decline consent to surrender of lease.

74(1)(b)(ii) Consent or decline consent to granting of a licence to occupy a historic, scenic or scientific reserve.
(proviso)

Note: The provisions of Part IIIB Conservation Act apply (s.73(3A)(b))

Note: s.73(3A) (a) applies.

Only exercisable where the original approval for the lease was given by the territorial authority under this delegation.



SECTION	SUMMARY OF POWERS	O	LIMITATION OF POWERS
75(1) and (2)	Consent or decline to consent to the afforestation of a recreation or local purpose reserve.		
121	Where under the provisions of the Reserves Act consent or approval is required, give consent or approval subject to such conditions as are thought fit.		Only exercisable in respect of matters delegated under this Instrument of Delegation.

SIGNED at Wellington this

10th day of Jul . 2013

by NICK SMITH
Minister of Conservation

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41 NZMCA Parks

for you to enjoy!



Operational



Under Development

(Map Accurate as of 15.05.18)

