



15 April 2025

OIAD-1526

9(2)
(a)

Tēnā koe 9(2)(a)

Thank you for your emails of 11 and 24 March 2025 submitted under the Official Information Act 1982 (the Act) to the Ministry of Business, Innovation & Employment. As you are aware, your request was transferred to the Ministry for the Environment (the Ministry) under section 14(b)(ii) of the Act. Your request is seeking the following information:

First part:

I'm going to be going to court with WCC. However to do so, I need clarity on MBIE's intent as to the definition of Building. If you are not the right department to ask, could you provide me a contact to ask the question to? In essence, it is about MBIE's intent when it defined

"Building" as 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.

Was this to include or exclude:

- hoop greenhouses in the rural zone (ie do farmers need resource consent for all sheltered horticulture now?)*
- hooped wind/insect guarded horticulture areas ("roofed" but lets rain through)*
- animal rain weather shelters in the field - beehives (roofed, albeit low)*
- tiny homes on trailers and wheels (non fixed, that can move by gravity)*
- tiny homes pulled by motorised jacks (non-fixed, can be remote controlled from within the tiny home) Or was the intent to only exempt motorhomes?*

Second part:

One last one that I forgot in the previous list: was MBIE intending NZ's to have to get resource consents for all 20'/40' storage containers?

Third part:

The NPS defines buildings “as 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.”

*But is there a national definition of "temporary"?
How long is that? 1 month, 3 month, 12 month?*

Again, if you are not the right department to ask, could you provide me a contact to reach instead? If there is no one to ask at MBIE, is the only location I can ask, is in court, to a judge, as to their interpretation?

Fourth part:

"MBIE has developed the NPS, within which is the definition of building.

building 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

However, it has not defined or referred to another location for the term temporary.

May I have either the definition and/or relevant documents/meeting notes where its potential meaning was discussed.

The definition of building that applies to the National Policy Statement for Urban Development is derived from the Definitions Standard from the National Planning Standards.

The ‘2i Definitions Standard: Recommendations on Submissions Report for the first set of National Planning Standards’ is a report that addresses submissions received between June and August 2018 on the draft first set of planning standards. It provides analysis and recommendations specifically on the Definitions Standard, including discussion of the proposed definitions of building and structure (see 3.14. pg 47). That section is relevant to the some of the questions posed in the first and second parts of your request but does not include or discuss a potential definition of the term temporary. This report can be accessed here: <https://environment.govt.nz/publications/2i-definitions-standard-recommendations-on-submissions-report-for-the-first-set-of-national-planning-standards/>.

You may also find the Ministry’s ‘Guidance for Definitions Standard’ relevant to your inquiries. This guidance can be accessed here: <https://environment.govt.nz/publications/guidance-for-the-definitions-standard/>.

The Ministry is unable to provide you with legal advice and encourage you to seek independent legal support in regards to your situation with Wellington City Council.

The policy development of definitions entailed a number of other considerations contained in other documents, however, as we do not consider that these are of relevance to your questions, these have not been considered in-scope of your request.

You have the right to seek an investigation and review by the Office of the Ombudsman of my decision relating to this request, in accordance with section 28(3) of the Act. The relevant details can be found on their website at: www.ombudsman.parliament.nz.

Please note that due to the public interest in our work the Ministry publishes responses to requests for official information on our [OIA responses page](#) shortly after the response has been sent. If you have any queries about this, please feel free to contact our Ministerial Services team: ministerials@mfe.govt.nz.

Nāku noa, nā,

A handwritten signature in black ink, appearing to read 'Jo Gascoigne', with a long horizontal flourish extending to the right.

Jo Gascoigne

General Manager – Resource Management System
Ministry for the Environment | Manatū Mō Te Taiao