

20-M-00927 / COR9677

[REDACTED]

Dear [REDACTED]

The National Planning Standards 2019: definition of a building

Thank you for your email reply of 3 June 2020 about the definition of a building in the National Planning Standards (Planning Standards).

You have expressed concern about the definition of building in the Planning Standards and its potential impact on homelessness.

Buildings may be controlled under both the Resource Management Act 1991 (RMA) and the Building Act 2004. In general, the RMA addresses the environmental effects of buildings whereas the Building Act addresses construction standards.

The Resource Management Act 1991

Although the Ministry for the Environment is responsible for administering the RMA, councils are responsible for its implementation. Most of the everyday decision making under the RMA, including the development of RMA plans (eg, policy statements, regional plans, district plans), is devolved to territorial authorities (city and district councils) and regional councils.

As mentioned in previous correspondence, the Planning Standards aim to make RMA plans more consistent with each other, easier to use and faster to make. Even with the Planning Standards in place, councils will still need to develop the majority of the content of RMA plans with their community.

The Planning Standards' definitions won't change the effect of existing plan rules. Where the Planning Standards change definitions in plans, councils will need to make 'flow on' changes to plan provisions to ensure the intent of plan rules remains unchanged. The Planning Standards' definitions are also broadly framed but councils still have the ability to develop more specific definitions of terms where subcategories or narrower applications are useful. For example, councils could create subdivisions for portable small homes or caravans in their RMA plans.

I encourage you to engage with your relevant council about how plan rules address caravans and 'tiny houses' in any full plan review.



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The Building Act 2004

The Building Act is administered by the Ministry of Business Innovation and Employment (MBIE). If you have concerns about the definition of building in the Building Act you may wish to get in contact with MBIE. You can contact the Building Performance team at MBIE at info@building.govt.nz or the Minister for Building and Construction, Hon Jenny Salesa, at j.salesa@ministers.govt.nz.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Jo Gascoigne', with a horizontal line underneath.

Jo Gascoigne
Director - Natural and Built System
Ministry for the Environment