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Alan Light
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Dear Alan Light

Definition of 'building' in the National Planning Standards

Thank you for your email of 5 December 2019 about the National Planning Standards (planning standards), specifically the definition of 'building' in the *14. Definitions Standard*.

The planning standards came into effect on 3 May 2019. They aim to make Resource Management Act 1991 (RMA) plans easier to prepare, understand, and comply with. They can be found on the Ministry for the Environment's website: <https://www.mfe.govt.nz/national-planning-standards/first-set>. A set of definitions was included in the planning standards to address the wide variation in district and regional plan definitions which can result in uncertainty and inefficiencies for plan users.

Implementation timeframes vary based on the type of plan and council that they apply to. The *17. Implementation Standard* sets out the implementation timeframes which are explained here: <https://www.mfe.govt.nz/sites/default/files/media/RMA/informaton-for-plan-users.pdf>.

You express concern that the definition of 'building' in the planning standards covers items that are not fixed to the ground, such as caravans and 'tiny homes'. There was considerable stakeholder input throughout the two year development phase of the planning standards to help ensure they are robust and workable. Further information about the development phase of the planning standards can be found here: <https://www.mfe.govt.nz/rma/national-direction/national-planning-standards/developing-first-set/development-phases>.

I am advised that the definition of 'building' is framed to cover items not fixed to the ground, such as relocatable or 'tiny homes' and shipping containers, because they can generate adverse effects if left on a site for long periods of time. Motorised vehicles or other modes of transport that can be moved under their own power are excluded. More information about the development of the 'building' definition is available in the Recommendations on Submissions Report for the Definitions Standard: <https://www.mfe.govt.nz/sites/default/files/media/RMA/21-definitions-standard.pdf>.

However, if a plan currently doesn't regulate 'tiny homes' or 'caravans' in the same way as it does buildings fixed to the ground, then the planning standards' definition will not change this. The *14 Definitions Standard* clearly sets out that where the planning standards replace equivalent definitions in plans, councils may need to make 'flow on' or consequential changes to plan provisions to ensure the effect of plan rules remains unchanged.

Councils must make these changes as part of the planning standards implementation without using the RMA (Schedule 1) process of notification and public submissions.

While the planning standards standardise the structure, form, definitions and electronic accessibility of policy statements and plans, they do not govern how councils manage effects. This is achieved through plan rules, which will continue to be developed by individual councils with their communities.

I encourage you to engage with local councils about how plan rules address caravans and 'tiny homes', particularly in any full plan review.

Yours sincerely



Hon David Parker
Minister for the Environment

*P.S It is not for me to give you
legal advice, but I don't expect
the planning standard makes a caravan on
wheels a fixture.*