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submissions
close at 5pm,
Friday 21
October 2022

Proposed District Plan submission form

Clause 6 of Schedule 1, Resource Management Act 1991

Feel free to add more pages to your submission to provide a fuller response.

Form 5: Submission on Proposed Far North District Plan

TO: Far North District Council

This is a submission on the Proposed District Plan for the Far North District.

1. Submitter details:

Full Name:	Rayya Ali		
Company / Organisation Name: (if applicable)	New Zealand Motor Caravan Association		
Contact person (if different):			
Full Postal Address:	P O Box 42147, Takanini, Auckland 2112		
Phone contact:	Mobile:	Home:	Work: 09 2985466 ext. 709
Email (please print):	rayya@nzmc.org.nz and james@nzmc.org.nz		
2. (Please select one of the two options below)			
<input checked="" type="checkbox"/> I could not gain an advantage in trade competition through this submission <input type="checkbox"/> I could gain an advantage in trade competition through this submission			
<i>If you could gain an advantage in trade competition through this submission, please complete point 3 below</i>			
3. <input type="checkbox"/> I am 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 effect of trade competition			
<input type="checkbox"/> I 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 effect of trade competition			
<i>Note: if you are a person who could gain advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991</i>			
The specific provisions of the Plan that my submission relates to are: <i>(please provide details including the reference number of the specific provision you are submitting on)</i>			
<ul style="list-style-type: none"> - Strategic Direction of the Plan - Definitions chapter of the District Plan - Provision for campgrounds within the various zones of the district plan. 			



Confirm your position: <input type="checkbox"/> Support <input checked="" type="checkbox"/> Support In-part <input checked="" type="checkbox"/> Oppose (please tick relevant box)
My submission is: (Include details and reasons for your position) A detailed report is attached to this submission form outlining the reasons for our submission and position of the New Zealand Motor Caravan Association.
I seek the following decision from the Council: (Give precise details. If seeking amendments, how would you like to see the provision amended?) Details of relief sought can be found in the attached document.
<input checked="" type="checkbox"/> I wish to be heard in support of my submission <input type="checkbox"/> I do not wish to be heard in support of my submission (Please tick relevant box)
If others make a similar submission, I will consider presenting a joint case with them at a hearing <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Do you wish to present your submission via Microsoft Teams? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Signature of submitter: (or person authorised to sign on behalf of submitter) <i>R Ali</i> Date: 21/10/22 (A signature is not required if you are making your submission by electronic means)

Important information:

1. The Council must receive this submission before the closing date and time for submissions (5pm 21 October 2022)
2. Please note that submissions, including your name and contact details are treated as public documents and will be made available on council's website. Your submission will only be used for the purpose of the District Plan Review.



3. Submitters who indicate they wish to speak at the hearing will be emailed a copy of the planning officers report (please ensure you include an email address on this submission form).

Send your submission to:

Post to: Proposed District Plan
Strategic Planning and Policy, Far North District Council
Far North District Council,
Private Bag 752
KAIKOHE 0400

Email to: pdp@fndc.govt.nz

Or you can also deliver this submission form to any Far North District Council service centre or library, from 8am – 5pm Monday to Friday.

Submissions close 5pm, 21 October 2022

Please refer to pdp.fndc.govt.nz for further information and updates.

Please note that original documents will not be returned. Please retain copies for your file.

Note to person making submission

Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least one of the following applies to the submission (or part of the submission):

- It is frivolous or vexatious
- It discloses no reasonable or relevant case
- It would be an abuse of the hearing process to allow the submission (or the part) to be taken further
- It contains offensive language
- It is supported only by material that purports to be independent expert evidence but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

SUBMISSION NUMBER



New Zealand Motor Caravan Association Inc.

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

21 October 2022

Proposed District Plan

Strategic Planning and Policy,
Far North District Council,
Private Bag 752
Kaikohe 0400
Emailed to: pdp@fndc.govt.nz

Submission on Far North District Council Proposed District Plan

Introduction

- 1 The New Zealand Motor Caravan Association Inc. (NZMCA) welcomes the opportunity to submit on Far North District Council's Proposed District Plan ("the proposed plan").
- 2 The NZMCA is a non-profit organisation which represents the interest of New Zealanders who enjoy exploring the country at leisure in their self-contained motorhomes and caravans. The Association has more than 113,000 members nationwide with approximately 2,000 members residing in the Far North District.
- 3 The NZMCA is strong advocate for domestic tourism and responsible camping in Aotearoa New Zealand. As a preferred partner of Local Government New Zealand, we want to work alongside local authorities and communities in response to the growing demand for more convenient, desirable, and safe places to stay across Aotearoa New Zealand.
- 4 The NZMCA operates several campgrounds in various different zones around the country which specifically cater for NZMCA members travelling in self-contained vehicles. Three of these parks are located within the Far North District. These are provided for the enjoyment of people, supporting local communities and the economy. 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 The NZMCA promotes Far North District through their Motor Home Friendly Town (MHFT) programme where towns and cities provide amenities and services that guarantee motor caravanners a warm welcome and an enjoyable visit. In addition to this, the NZMCA recently supported Council's application for funding to improve freedom camping in Kaikohe.
- 6 In our view, the proposed plan will make it harder for visitors to freedom camp in accordance with Camping in Public Places Policy 2016 and more costly for private landowners to establish responsible camping sites in Far North. This submission recommends practical amendments to the proposed plan that will make it easier for campers to camp, landowners to set up campsites

Driving towards a Sustainable Future

Freedom to Explore

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in appropriate areas (and therefore reduce pressure on freedom camping sites), and council officers to monitor compliance.

- 7 This submission covers four specific policy questions as follows:
- The importance of domestic tourism and camping
 - Alignment with strategic directions
 - Freedom Camping
 - Definition of Buildings
 - Definition of camping grounds
 - Definition of Sensitive, Noise Sensitive and Vulnerable Activities
 - Planning for camping grounds

The Importance of Domestic Tourism

- 8 Camping is the quintessential New Zealand experience and part of what defines us as Kiwis. The activity is good for the soul and supports physical and mental well-being. It's an important part of the domestic tourism sector too, which in total accounted for 60% of tourism-related economic activity in pre-covid times. Every year Kiwi families make more than 19 million holiday related trips involving an overnight stay in New Zealand of which 3.4 million are camping related. In 2020, MBIE estimated Kiwis spent 800,000 visitor night freedom camping while international visitors spent 1.9 million visitor nights doing so. In 2019, domestic freedom campers spent an average of \$552 per person per trip¹. Visitor expenditure data for Northland Inc (which covers Far North District, Kaipara District and Whangarei District) shows \$847.5m of spending came from domestic tourism which far outweighed that of international (\$267.7m)².
- 9 Kiwis enjoy camping across formal and informal settings, including commercial campgrounds, DOC and council-run campsites, NZMCA Parks and Park Over Properties, and freedom camping areas. The NZMCA operates 55 NZMCA Parks (campgrounds) and promotes over 800 informal campsites (known as Park Over Properties) throughout New Zealand. These sites operate in a wide variety of district plan 'zones', including rural, urban, residential, commercial, industrial, recreational, and open space areas. Decisions made about where to camp are either pre-planned or spontaneous depending on the purpose of travel, the location, and what's on offer in the local area. Our members typically enjoy camping close to attractions and places of interest (e.g. walking tracks and cycle trails), community facilities and amenities (shops, restaurants, etc.), and locations with scenic views. They also enjoy visiting family and friends and parking overnight in urban areas.
- 10 NZMCA is a key agent in New Zealand's domestic tourism sector. Our members travel extensively in self-contained camping vehicles such as 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.
- 11 In 2017, the NZMCA commissioned NZ Tourism Research Institute to undertake member and community surveys at a couple of NZMCA Parks located within proximity to regional townships. The survey results for the NZMCA Park in Coromandel showed 98% of members purchased

¹ [Better rules proposed for freedom camping | Beehive.govt.nz](https://www.beehive.govt.nz/better-rules-proposed-for-freedom-camping)

² MBIE summary report Northland Inc: <https://www.mbie.govt.nz/assets/summary-report-northland-inc.pdf>

goods or services within the Coromandel Township during their visit. On average, members spent \$44.90 per person per night or \$89.80 per average membership (2 people). Over 90% of local residents and 78% of the business respondents felt the NZMCA Park was good for the local economy, and half of the business operators and residents felt the park helps to create local employment. Approximately 91% of local residents and 64% of businesses noticed the park brought more vibrancy to the local Coromandel area.

- 12 District plans are primarily regulatory documents; however, the RMA 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 while the district plan must be concerned with managing land uses to avoid, remedy or mitigate adverse effects of land use activities on the environment, it should still be concerned with 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 have some relevance.
- 13 It is NZMCA's submission that camping - in its various forms - is an important recreational and economic activity for the Far North District. As such, the Association believes the proposed plan should make specific provisions for camping in its objectives, policies, and rules.
- 14 We **RECOMMEND** the proposed plan explicitly recognising the importance of camping in line with Section 5 of the Resource Management Act 1991 (the RMA), in particular enabling people and communities to provide for their social, economic, and cultural well-being.

Alignment with strategic directions

- 15 The Directions Overview of the District Plan proposes that it will help achieve Councils long-term vision and strategic for the district – Far North 2100. The underlying vision from this document is "He Whenua Rangatira – district of sustainable prosperity and wellbeing". Specifically, Far North 2100 talks about 'the Far North's place in Aotearoa' is as 'a beautiful destination' (p.4), that one of the drivers of change is '*Promoting resilient economic growth for sustainable prosperity*' which will in part be achieved by '*Investing in the tourism experience based on the Far North's cultural and natural heritage*' based on fully realizing '*the tourism potential of the Far North as part of a journey and destination in its own right*'. (p.14).
- 16 Within the District Plan statements is the value of creating a 'prosperous economy through enabling a wide range of rural and urban business activities in the right locations'. The District Plan being 'enabling', planning for 'a wide range of rural activities' and having these in the 'right locations'. The 'right locations' here as we understand would mean negligible environmental or cultural impacts and the sustainability as a business proposition.
- 17 To achieve the strategic direction of the proposed plan and the long-term vision of Far North, establishing campgrounds and campsites in the right location should be more permissive.

Freedom Camping

- 18 The NZMCA is concerned that clear and appropriate provision has not been made in the proposed plan to provide opportunities for people to camp responsibly in safe, convenient, and pleasant locations across the district.
- 19 Most of the zones in the Far North Proposed District Plan require resource consent for a

Discretionary Activity for 'activities not otherwise provided for' in the proposed plan.

- 20 In our view, this 'catch all' rule would also include freedom camping as defined by section 5 of the Freedom Camping Act 2011. The Freedom Camping Act, Reserves Act 1977, reserve management plans, and council bylaws regulate where freedom camping can occur in the district.
- 21 Far North District Council has a permissive 'Camping in Public Places (2016)' in place which permits freedom camping in specific local authority areas within the district. The current rules in the proposed plan require Discretionary Activity resource consent to camp based on the zone rules provided in the proposed district plan unless specific provision for it is made in these rules. Such an outcome would be inconsistent with the generally permissive intent of the camping policy. Visitors complying with policies around freedom camping in appropriately self-contained vehicles may unknowingly be in breach of the District Plan rules.
- 22 We submit it would be more appropriate to explicitly exclude freedom camping from the proposed plan and avoid the need for land-use consent in areas where a council bylaw or reserve management plan permits freedom camping. Further to achieving a more consistent integrated policy framework, this approach will also make it easier for campers/visitors to know where they can and can't lawfully freedom camp. 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 bylaw³.
- 23 We recommend **AMENDING** the proposed district plan to either explicitly exclude freedom camping from requiring resource consent under the district plan or making freedom camping a Permitted Activity. S438.001

Definition of Building

- 24 We note the proposed district plan has adopted the definition of Building from the National Planning Standards (NPS).
- 25 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 (approx. 35% 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 camping in a 'building'. There has been an increase in new members joining the NZMCA, with half of the new membership owning and using self-contained caravans for camping.
- 26 The NZMCA operates member-only campgrounds in Tokerau Beach, Kerikeri and Awanui all of which required resource consent under the Far North District Plan. The definition of buildings under the operative plan includes motorhomes and caravans. However, based on the legal advice NZMCA received and determination made by Independent RMA Commissioner, Kit Littlejohn, was that caravans did not fall within the definition of a building under the operative plan nor the the Building Act 2004. Similar to motorhomes, caravans are not occupied on a

³ Dunedin City Council – 2GP: Definition of campgrounds <https://2gp.dunedin.govt.nz/plan/pages/plan/book.aspx?exhibit=DCC2GP>

permanent basis and are only used on a temporary basis for short term accommodation.

- 27 To 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 We have been involved in the review of a number of 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 proposed plan 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;*

S438.002

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.

Definition of Camping grounds

- 31 The interpretation chapter of the proposed district plan does not include a specific definition for Camping Grounds. However, we note camping grounds as an activity has been mentioned in various chapters of the district plan with associated rules.
- 32 We recommend the Council include a specific definition for campgrounds and camping sites in the definitions chapter of the district plan which should be separate from visitors' accommodation. The possible definitions could be:

Camping Ground – *can be the same definition as Campground Regulation 1985 which means 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 2 or more families or parties (whether consisting of 1 or more persons) living independently of each other, whether or not such families or parties enjoy the use in common of entrances, water supplies, cookhouses, sanitary fixtures, or other premises and equipment; and includes any area of land used as a camping ground immediately before the commencement of these regulations.*

S438.003

Definition of Sensitive, Noise Sensitive and Vulnerable Activities

- 33 The definition of above listed sensitive and vulnerable activities only provide a list of uses or activities. It does not outline the criteria or effects in the definition which an activity can be applied against. For example:

Sensitive Activity means:

- a) Residential activities;
- b) Education facilities and preschools;
- c) Guest and visitor accommodation;
- d) Health care facilities which include accommodation for overnight care;
- e) Hospital;
- f) Marae; or
- g) Place of assembly.

- 34 We do not support this definition as we believe it is inconsistent with the effects-based approach required to be taken in Part 2 of the Resource Management Act. Instead, we suggest that the proposed plan includes a set of criteria which define why and how an un-named activity may be sensitive.

S438.004

- 35 We do not support that visitor's accommodation in general is categorized as a noise sensitive, sensitive or vulnerable activity. We recommend **AMENDING** the definitions by creating a subcategory that excludes campgrounds from sensitive, noise sensitive or vulnerable activities. Camping grounds do not form part of sensitive activities as this activity is transitory in nature and provide for accommodation on a temporary basis. The effects can be moderated easily through more specific site management efforts as many of the activities are not permanently attached to the land. People can be moved easily and forewarned in the event of a potential risk or natural hazards.

S438.005,
S438.006,
S438.007

Planning for Campgrounds

- 36 This section focuses on the provision of camping grounds in the various zones of the proposed plan. The table below considers the proposed activity status for various definitional approaches which might be used to consider an application for a NZMCA Park. Generally, a camping ground is treated as a discretionary activity in most zones where a park might be located under the proposed plan.
- 37 Visitor accommodation definition has been adopted from the National Planning Standards⁴. Its application here assumes the scale of activity similar to an Air BnB type property which are most commonly located in rural or residential areas.
- 38 The second table proposes the **recommended** activity status for campgrounds in the various different zones of the proposed plan.

⁴ Visitor accommodation means land and/or buildings used for accommodating visitors, subject to a tariff being paid, and includes ancillary activities.

Activity status for tourism and visitor activities in the Proposed District Plan

	Camping grounds	Visitor accommodation	Rural tourism	Recreational activity	Commercial activity
Rural production	Discretionary	Permitted <10 guests	Restricted discretionary	Permitted if non-commercial	Non-complying ⁵
Rural lifestyle	Discretionary	Permitted <10 guests	Discretionary	Discretionary	Discretionary
Mixed use	Discretionary ⁶	Permitted but subject to noise standards	Discretionary	Discretionary	Discretionary
General residential	Non-complying	Permitted <6 guests	Non-complying	Non-complying	Non-complying
Settlement	Discretionary	Discretionary	Discretionary	Discretionary	Permitted but subject to standards
Light industrial	Non-complying	Non-complying	Non-complying	Discretionary	Discretionary
Sport & active recreation	Discretionary	Discretionary	Non-complying ⁷	Discretionary	Non-complying
Natural open space	Discretionary	Discretionary	Discretionary	Permitted	Permitted but subject to standards
Open space	Discretionary	Discretionary	Discretionary	Permitted	Discretionary

⁵ This non-complying status applies as a result of a general provision which classifies any 'commercial activity which is not provided for' as a permitted, restricted discretionary or discretionary activity as non-complying. Many zones have identified as a discretionary activity 'Activities not otherwise listed in this chapter'.

⁶ This is on the basis that this activity is not otherwise identified as a non-complying or permitted activity.

⁷ Assessed and based on non-complying status of commercial activities.

Recommended activity status for Camping Grounds and Campsites in Far North District Plan

	Camping grounds	Comments	Camping sites	Comments
Rural production	Restricted Discretionary	Consent criteria should relate to visual impacts and protection of highly productive soils	Permitted <20 vehicles RC > 20 vehicles	Scale is commensurate with extent of zone and unlikely to compromise rural production activities.
Rural lifestyle	Restricted Discretionary	Consent could be subject to conditions around traffic and visual impacts	Permitted <10 guests RC >10<20	
Mixed use	Conditional	The likely effects of a camping ground are similar to other activities anticipated in this zone	Permitted < 20 guests but subject to noise standards	Consistent with treatment of other small scale visitor accommodation in this zone.
General residential	Discretionary	Probably need to protect current residential zones for housing.	Discretionary >6 guests	Activity is unlikely in this zone and risk of some incompatibilities
Settlement	Discretionary	Similar impacts as in general residential	Discretionary	Compatible treatment with camping grounds.
Light industrial	Conditional	Similar impacts as for Mixed use zone with limited potential for reverse sensitivities	Conditional	Compatible treatment with camping grounds
Sport & active recreation	Permitted with conditions or Restricted Discretionary	Camping is compatible with expected activities in this zone	Restricted Discretionary	Compatible treatment with camping grounds.
Natural open space	Permitted with conditions or Restricted Discretionary Activity	Possible effects on ecological values which need closer assessment.	Discretionary	Compatible treatment with camping grounds – unlikely to take place in this zone
Open space	Permitted with conditions or Restricted Discretionary Activity	Camping is compatible with expected activities in this zone	Restricted Discretionary	Compatible treatment with camping grounds – unlikely to take place in this zone

- 39 The NZMCA operates a number of campgrounds and park over properties that are present in a variety of zones around the country including industrial, open space and rural zones to name a few. These are provided for the enjoyment of people, supporting local communities and the economy. People enjoy camping in areas with natural scenery, landscapes as well as in areas close to the central business centres with the convenience to be able to bike and walk to supermarkets, dairy shops and enjoy activities the local area has to offer.
- 40 Allowing for more permissive rules around the establishment of campgrounds will make it easier to establish sites for self-contained vehicle-based camping in the Far North District. 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.

Conclusions

- 41 Tourism and especially domestic tourism are important for the Far North and its economic prosperity, social and cultural wellbeing. The proposed plan should facilitate domestic tourism within accepted environmental and cultural limits.
- 42 This facilitation should make consistent and appropriate provision for visitor accommodation across the district including camping particularly vehicle-based camping.
- 43 The Association submits the proposed plan should adopt a more deliberate and permissive stance toward camping; including freedom camping and amend several of Far North Proposed District Plan provisions as suggested above.
- 44 We hope Far North District Council will take our feedback and recommendations into consideration when drafting the Operative District Plan.
- 45 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

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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'.