

## Introduction

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This Policy establishes the Shire's position on Tiny-Houses-On-Wheels (THOW - referred to as Tiny Houses).

Tiny Houses are defined as dwellings with a floor area of 50m<sup>2</sup> or less which are built on a wheeled trailer base that can be transported and can remain tethered to a site for an extended period.

This Policy also provides guidance on Tiny House Community development (comprising two or more Tiny House on a single Lot) and the use of Tiny Houses for short term tourism accommodation.

## Purpose

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The objectives of this Policy are:

- To identify where a Tiny House or Tiny House community may be permitted.
- To provide a guiding framework to assess Tiny Houses against.
- To outline standard requirements for all Tiny Houses to comply with related regulations.
- To clarify that the standard of building required should refer to Vehicle Standards Bulletin 1 in the absence of a classification for Tiny Houses in the National Construction Code.

## Application

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The Policy applies to land within the following zones only, subject to the land use permissibility for that zone in the Shire of Capel Local Planning Scheme No.8:

- Residential zone.
- Mixed Use Residential zone.
- Urban Development zone that is subject to an adopted Local Structure Plan and/or Local Development that provides for residential development.
- Rural Residential zone.
- Rural zone.
- Priority Agricultural zone.

Prior to the commencement of development works, landowners and applicants are encouraged to discuss development proposals with Shire officers to determine whether the terms and requirements of this policy apply.

Before carrying out any development listed below, any other licences, permits or approvals required must be obtained in accordance with any other law.

# Policy Statement

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## 1.1 Definitions

A Tiny House is a dwelling of no more than 50m<sup>2</sup> in area which is built on a wheeled trailer base, constructed of domestic grade materials and finishes, and is permanently occupied. A Tiny House cannot (and is designed not to) be moved under its own power and is designed and built to look like conventional dwelling.

In the context of this policy, a fitted bus, van or truck, wagon, sea container, caravan, tent, yurt, non-retrofitted vehicle or 'donga' transportable or park home, is not a Tiny House.

The definition of a Tiny House does not relate to permanently fixed smaller sized homes on foundations. A small sized house on fixed foundations can already be assessed under the Local Planning Scheme, Residential Design Codes and the National Construction Codes.

A Tiny House Community is a group of two or more Tiny House dwellings with an individual floor area of no greater than 50m<sup>2</sup> located on the same parent lot, or strata lot with shared common property.

## 1.2 Development Approval Requirements

A Development Application for a Tiny House is subject to the following requirements:

- a) Development Approval is required for all Tiny Houses.
- b) A Tiny House on a vacant single titled lot will be considered and generally assessed as a Single House land use.
- c) A Tiny House on a Residential, Urban Development or Mixed Use Residential zoned lot with an existing dwelling will be considered and assessed as an Ancillary Dwelling as defined by the Residential Design Codes.
- d) A Tiny House on a Rural Residential, Rural or Priority Agriculture zoned lot with an existing dwelling will be considered as an Ancillary Dwelling.
- e) Two or more Tiny Houses (a Tiny House Community) on a single titled Lot will be considered and assessed as a Grouped Dwelling land use.
- f) Should Development Approval be granted for a single Tiny House, which then moves away from the property and then moves back to the same location within two years from the approval date, the Development Approval is still valid.
- g) Should Development Approval be granted for a single Tiny House, which then moves away from the property and is replaced with a different Tiny House within two years from the approval date, Development Approval will be required.

## 1.3 Single Tiny House on a Single Lot

Development Approval may be granted for one Tiny House on a Residential, Rural Residential, Rural or Priority Agriculture zoned Lot provided the proposal meets the following:

- a) Complies with Single House site area, setback, open space and building height requirements for that zone in addition to the requirements of Table 1 – Tiny House Setback Requirements.

### Table 1 – Tiny House Setback Requirements

Deemed – to comply	Design Objectives
<p><b>Residential, Urban Development and Mixed Use Residential zones</b></p> <p>Setbacks to be in accordance with the applicable zone.</p>	<p>Where a setback variation is sought the applicant must demonstrate:</p> <ul style="list-style-type: none"> <li>a) Appropriate screening shall be provided should the proposal have a reduced setback or is viewable from a public area to the satisfaction of the Shire of Capel.</li> <li>b) That the proposal will not result in the excessive removal of significant trees or stands of established vegetation.</li> </ul>
<p><b>Rural Residential, Rural and Priority Agricultural zones</b></p> <p>Setbacks to be in accordance with the applicable zone.</p>	<p>Where a setback variation is sought the applicant must demonstrate:</p> <ul style="list-style-type: none"> <li>a) The proposal does not detract from rural amenity or existing views of significance.</li> <li>b) Where there is an existing dwelling, the Tiny House is located behind the building setback, or appropriate screening is provided where the proposal has a reduced setback or is viewable from a public area, to the satisfaction of the Shire of Capel.</li> <li>c) That the proposal will not result in the removal of significant trees or vegetation.</li> </ul>

- b) Has access to at least one dedicated car-parking bay per Tiny House or can demonstrate access to public transport within an 800m walking distance.
- c) Is not located in a flood prone area.
- d) Contains or is connected to an appropriate effluent disposal system, to the satisfaction of the Shire of Capel.
- e) Has access to a source of electricity, which may include an off-grid solar system.
- f) Has access to potable water and where a reticulated water supply is not available the provision of a rainwater tank with minimum capacity of 135,000 litres.
- g) Additional fixed structures such as a deck, outbuilding, carport, or patio may be permitted provided within maximum site cover and minimum open space requirements for the applicable zone. Any additional structures should not exceed the height of the Tiny House.

- h) If in a bushfire prone area, a Tiny House is to be subject to the same legislation and policy as a habitable dwelling. In a bushfire prone area the applicant is to provide a Bushfire Attack Level (BAL) assessment of the proposed tiny house site, demonstrate the design meets the applicable BAL standards as per AS3959 and if necessary demonstrate how it can comply with the recommended Asset Protection Zone (APZ) setback distances and/or applicable evacuation plan.

## 1.4 Tiny House Community Development

A Tiny House Community may be only located in a Residential, Urban Development or Mixed Use Residential zone subject to compliance with the following provisions:

- a) A Tiny House Community shall consist of two or more Tiny Houses parked on the same parent lot, or on a strata lot with shared common property.
- b) Notwithstanding the minimum and average site area and plot ratio requirements of the Residential Design Codes, Council may, at its discretion, grant development approval after giving notice in accordance with clause 64 of the deemed provisions for the development of a Tiny House Community on a property with a density coding of R40 or greater where the lot is over 600m<sup>2</sup> in size and the development complies with all the following criteria:
- i. Any new Tiny House shall have a maximum gross floor area of 50m<sup>2</sup>.
  - ii. A maximum of three Tiny Houses, including any existing dwelling(s), on lots 750m<sup>2</sup> or less. On lots over 750m<sup>2</sup>, one additional dwelling for every 150m<sup>2</sup> in excess of 750m<sup>2</sup> may be approved.
  - iii. A maximum of one vehicle parking bay shall be provided for each new dwelling and a maximum of two car bays shall be provided for any existing dwelling on the development site.
  - iv. Visitor parking shall not be provided for developments of less than 5 Tiny Houses.
  - v. A minimum of 70% open space, as defined by the R-Codes, shall be provided over the entire development site unless otherwise provided for in a local planning policy.
- c) A Tiny House Community must comply with the site area, setback, open space, communal open space and building height requirements of Group Dwelling development in accordance with Local Planning Scheme No. 8 and the Residential Design Codes.
- d) A Tiny House Community may include portable Tiny Houses and fixed buildings, and provide shared facilities such as:
- i. Kitchen.
  - ii. Common room or dining area.
  - iii. Toilets or shower facilities.
  - iv. Communal vegetable garden.
  - v. Kitchen, barbeque or recreational and leisure areas.
  - vi. Co-working spaces, studio, workshop or shed.
  - vii. Managed parkland and open space.
  - viii. Caretakers dwelling.
- e) All development applications for a Tiny House Community must include a Tiny House Community Management Plan outlining the following:
- i. Ongoing management of communal facilities.

- ii. Location of letterboxes, bin storage and collection areas, bike racks, lighting for communal areas, directional signage and a minimum of one 10m<sup>2</sup> storage shed per dwelling.
  - iii. Maintenance of communal facilities (such as vehicular access ways and landscaping).
  - iv. Noise management.
  - v. Waste management.
  - vi. Traffic management and provision of sufficient parking.
  - vii. If in a bushfire-prone area the provision of a BAL assessment, bushfire management statement/plan and emergency evacuation plan.
- f) Communal facilities require management by a Board or caretaker that oversees funding, maintenance and management. The Board or caretaker also have the responsibility of maintaining the common property including vehicle access ways, parking bays, landscaping and other essential infrastructure.
  - g) Crossovers are minimised and where vehicular access is provided the driveway is constructed and drained to the satisfaction of the Shire of Capel.
  - h) Every Tiny House must have access to a suitable source of power, potable water and effluent disposal to the satisfaction of the Shire of Capel. Essential utilities can be provided through shared or common property.
  - i) The proposal does not result in excessive clearing of vegetation and high-quality landscaping is provided.
  - j) The site may contain a space where visitors can bring their own Tiny House to park onsite.
  - k) The applicant may submit an application for development approval as a Use Not Listed which allows the Local Government to make special provisions for a specific use or combination of uses where the provisions of the zoning table are not sufficiently sensitive or comprehensive to apply to a land use.

## 1.5 Tiny Houses for Short Term Tourism Accommodation

Development approval for a Tiny House may be granted for short term tourism accommodation and classified as a Single House, Ancillary Dwelling, or part of a Tiny House Community with consideration of the following criteria:

- a) Traffic is able to be contained by the local road network.
- b) Parking to be contained onsite.
- c) Retention of existing vegetation and proposed landscaping.
- d) Submission of a Management Plan which outlines maximum patron numbers, how complaints will be dealt with and/or potential for neighbouring land use conflicts and recommendations for ongoing management solutions.
- e) The site may contain a space where visitors can bring their own tiny house to park onsite.

## 1.6 Environmental Protection

As Tiny Houses are a 'transient' structure, Tiny Houses should not result in the clearing of native vegetation.

A tiny house proposal will not be supported where in the opinion of the Local Government the development would result in the excessive removal of significant trees and vegetation, or adversely impact existing waterways, soil stability or ecosystem functions.

## 1.7 Other Matters to be considered

- a) Impact on neighbourhood amenity.

- b) Whether it meets the objectives of that zone.
- c) Road Transport Authority (RTA) vehicle regulations.
- d) Environmental Health regulations.
- e) The National Building Construction Codes.
- f) Engineering certification.
- g) BAL construction standards.

Department:	Development Services	Next review:	
Reviewer:	Manager Development Services	Legislation:	Local Government Act 1995 Planning and Development Act 2005 Planning and Development (Local Planning Schemes) Regulations 2015
Adopted:		Delegation:	166
Amended:		Risk:	
Policy ref #:	<b>LPP6.13</b>	Version:	1.0