

### Definition

Under Local Planning Policy LPP6.13, “Tiny Houses” are defined as dwellings with a floor area of no more than 50m<sup>2</sup> which are built on a wheeled trailer base, constructed of domestic grade materials and finishes, and are permanently occupied.

### Frequently asked questions

#### Do I need Development Approval for a Tiny House?

Development approval is **required** for all Tiny Houses.

- A Tiny House on vacant single titled lot will be considered and generally assessed as a Single House land use.
- A Tiny House on a Residential, Urban Development or Mixed Use Residential zoned lot with an existing dwelling will be assessed as an Ancillary Dwelling as defined by the Residential Design Codes.
- A Tiny House on a Rural Residential, Rural or Priority Agriculture zoned lot with an existing dwelling will be considered as an Ancillary Dwelling.
- 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.

#### Can I build a Tiny House on a Single Lot?

Development Approval may be granted for one Tiny House on a Residential, Rural Residential, Rural or Priority Agricultural 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> <ol 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> </ol>

	b) That the proposal will not result in the excessive removal of significant trees or strands of established vegetation.
<p><b>Rural Residential, Rural and Priority Agriculture 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> <p>a) The proposal does not detract from the rural amenity or existing views of significance.</p> <p>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 the public area, to the satisfaction of the Shire of Capel.</p> <p>c) That the proposal will not result in the removal of significant trees or vegetation.</p>

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

### **Can I establish a Tiny House Community?**

There are certain circumstances the Shire is able to consider a Tiny House Community. However, due to the complexities around such proposals, it is advised that applicants access the Local Planning Policy 6.13 and contact the Shire to arrangement an appointment with a Duty Planner.

### **Can I build Tiny Houses for Short Term Accommodation?**

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

- a) Traffic can be contained by the local road network.
- b) Parking to be contained onsite.
- c) Existing vegetation is retained, and landscaping proposed.

- d) Submission of a Management Plan outlining maximum patron numbers, complaints process, and ongoing management solutions.
- e) The site may contain a space for visitors to bring their own Tiny House to park onsite.

**My property is in a Bushfire Prone Area. What is required?**

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

**Do I need a Building Permit?**

Yes. The *Building Act 2011* states that a Building Permit is required for Tiny Houses. You must obtain a Building Permit from the Shire of Capel **before** commencing building work.

**Can I use a second-hand or transportable building as a Tiny House?**

Second-hand Dwellings may be permitted where they are consistent with other provisions of the Local Planning Policy 6.13 – Tiny Houses. Sea Containers or buildings known as ‘dongas’ will not be permitted for habitable purposes.

**Do I need to upgrade the septic system to accommodate the new Tiny House?**

If the existing residence and the Tiny House combined equates to 6 or more bedrooms, you will need a separate effluent disposal system to service the new dwelling, or an upgrade to the existing septic tank capacity and effluent disposal area will be required.

Applications for septic tanks and effluent disposal systems are to be submitted to and approved by the Shire’s Environmental Health Services prior to the issue of a Building Permit for the Tiny House.

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