

<b>Policy Name:</b>	<b>Local Planning Policy – Tiny Houses</b>
<b>Objective:</b>	To provide a standardised process for assessing Tiny-Houses-On-Wheels (THOW - herein referred to as tiny houses), considered dwellings with a floor area of 50m <sup>2</sup> or less which are built on a wheeled trailer base and able to be transported but can remain tethered to a site for extended periods of time.
<b>Key Words</b>	Tiny Houses, Tiny House, Tiny-House-On-Wheels
<b>Statutory Compliance</b>	Local Planning Scheme No. 24

## 1. Purpose

This policy is to provide guidance for Tiny-Houses-On-Wheels (THOW - herein referred to as tiny houses), considered dwellings with a floor area of 50m<sup>2</sup> or less which are built on a wheeled trailer base and able to be transported but can remain tethered to a site for extended periods of time. This policy is proposed to:

- Identify the circumstances where a tiny house or tiny house community may be permitted
- Provide a simple framework which tiny houses can be assessed against
- Outline standard requirements for all tiny houses to comply with related regulations
- 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.

## 2. Application of Policy

This policy applies to all zoned and reserved land under Local Planning Scheme No. 24.

## 3. Policy Provisions

### 3.1 Tiny House Definition

A tiny house is a dwelling of no more than 50m<sup>2</sup> 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 retrofitted bus, van or truck, wagon, retrofitted sea container, caravan, tent, yurt, non-retrofitted vehicle or 'donga' transportable or park home, is not a tiny house.

Please note 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 *National Construction Codes*.

#### **4. Development Approval Requirements**

A tiny house is subject to the following requirements:

- a) Development Approval is required for all tiny house dwellings, except where considered compliant with all elements of this policy and the local planning scheme.
- b) A tiny house on one titled lot will be considered a single house.
- c) A tiny house on a lot with an existing dwelling will be considered an ancillary dwelling.
- d) Should development approval be granted for a single tiny house, which then moves away from the property, then moves back to the same location, the development approval is still valid.
- e) 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, development approval will be required unless consisted with Cl 4.a) and Cl 5.i).
- f) Where a tiny house is fixed to a site a building permit will be required.
- g) A tiny house is to be fully self-sufficient and contained on only one lot.

#### **5. A Single Tiny House on a Private Lot**

Development approval may be granted for one tiny house on a residential or rural residential, rural smallholdings or rural property provided the proposal meets the following:

- a) External fixtures, utilities and facilities such as aerials, satellite dishes, pipes or other external fixtures situated so they are not visually obtrusive and where possible located out of view from the primary street or any public area.
- b) Has access to at least one dedicated car-parking bay per tiny house.
- c) Is not located within the riparian zone of a waterway, within a floodplain or in a flood prone area.
- d) Contains or is connected to reticulated sewerage or an appropriate effluent disposal system, to the satisfaction of the Shire of Esperance Environmental Health Services.
- e) Has access to a source of electricity, which may include an off-grid solar system.
- f) Has access to potable water.

- g) Additional free-standing structures such as a deck, outbuilding, carport, or patio may be permitted provided within maximum site cover and minimum open space requirements for that zone. Any additional structures should not exceed the height of the tiny house. Where structures are fixed a building permit will be required.
- h) If in a bushfire prone area, a tiny house would 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.
- i) Complies with setbacks, height and lot coverage requirements for that zone (refer also Table 1 – Tiny House Setback Requirements).

**Table 1 – Tiny House Setback Requirements**

<b>Deemed – to - comply</b>	<b>Design Objectives</b>
<p><b>Residential Zone</b></p> <p>Setback in accordance with the Residential Design Codes or applicable Special Control Area Provision</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 Local Government.</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 Smallholdings and Rural Zone</b></p> <p>Compliant with setbacks in accordance with the Local Planning Scheme or a Building Envelope when in place.</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; and,</li> <li>b) Where there is an existing dwelling the tiny house is located behind the building setback; or,</li> <li>c) Appropriate screening shall be provided should the proposal have a reduced setback or is viewable from a public area to the satisfaction of the Local Government.</li> <li>d) That the proposal will not result in the excessive removal of significant trees or stands of established vegetation.</li> </ul>
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## 6. 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 or ancillary dwelling with consideration of the following criteria:

- a) Traffic 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.

## 7. Environmental Protection

As tiny houses are a 'transient' structure, tiny houses should not result in the clearing of native vegetation. Where vegetation removal is unavoidable the applicant shall submit a landscape plan showing where replacement vegetation is to be planted.

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.

## **8. 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

## **9. Relationship to Local Planning Scheme**

This policy is a local planning policy prepared, advertised and adopted pursuant to Clause 4 of the Deemed Provisions.

## **Appendix 1 - Definitions**

**Associated structures** – includes any approved outbuilding, patio, pergola, carport, pool, water tank, bridge, sewer, gas, and electricity or water infrastructure.

**Clearing - the removal of a significant tree or vegetation** – Includes ringbarking, cutting down, topping, removal, and injuring or wilful destruction of native vegetation. It can also include keeping of horses or livestock in native vegetation without prior approval and includes excessive or unnecessary clearing for fire mitigation.

**Permanently fixed** – the term permanently fixed means any building or structure permanently fixated to a foundation, slab, stumps or any other means of support.

**Permanently occupied** – means permanently inhabited by an owner or tenant for more than three consecutive months, which excludes short-term accommodation uses for tourism purposes.

**Tether** – secured to the ground, permanent hardstand or purpose-built slab with stands, pegs, chains to a fixed anchor, a grounding wire, and by enclosing the exterior with a permanent skirt.

**Tiny House** - A tiny-house-on-wheels (herein referred to as tiny house and also commonly known as THOW) is a dwelling of no more than 50m<sup>2</sup> which is built on a wheeled trailer base, constructed of high-quality 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 a conventional building structure.

In the context of this policy a retrofitted bus, van or truck, wagon, retrofitted sea container, caravan, tent, yurt, non-retrofitted vehicle or 'donga' transportable or park home, is not a tiny house. Please note the definition of a tiny house does not relate to permanently fixed tiny homes on foundations. A tiny sized house on fixed foundations will be assessed under the *National Construction Codes*. Any dwelling on 'skids' is considered a transportable home under the *National Construction Codes*.

**Short-term accommodation** – accommodation used for tourism purposes occupied by a visitor for up to three consecutive months or less, within any 12-month period.

## **Appendix 2 - Explanatory Notes**

### **Public Drinking Water Source Area**

A tiny house community in a Public Drinking Water Source Area shall not be approved without the endorsement of the Department of Water and Environmental Regulation.

### **Bushfire Prone Areas**

A tiny house community is considered a vulnerable land use and requires the preparation and continuous update of a Bushfire Management Plan and Evacuation Plan if in a Bushfire Prone Area.

### **Noise**

Noise generated from the development is not to exceed reasonable levels as outlined in the *Environmental Protection (Noise) Regulations 1997 (WA)*.

### **Roadworthy Design**

Applicants should refer to the technical requirements of the Vehicle Standards Bulletin 1, which can be found at:

[https://www.infrastructure.gov.au/vehicles/vehicle\\_regulation/bulletin/vsbl/vsb\\_01\\_b.aspx#anc\\_11](https://www.infrastructure.gov.au/vehicles/vehicle_regulation/bulletin/vsbl/vsb_01_b.aspx#anc_11)

The tiny house should at minimum meet the standards outlined in Vehicle Standards - Bulletin 1.

Should the tiny house be constructed at greater dimensions than listed in the Vehicle Standards Bulletin 1 then additional road safety requirements may be compulsory, including but not limited to an oversize permit, pilot vehicle, wide load signage, lights, or limited hours of movement. For questions regarding road transport please contact the Department of Infrastructure, Transport, Regional Development and Communications.