



Tiny House Local Planning Policy Template

Background

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This is a local planning policy template document produced by the Australian Tiny House Association Planning Working Group.

Each local government area will have different opportunities and constraints, and this template can be used to add your own unique local 'flavour' while retaining consistency regarding the Australia-wide assessment of these unique dwellings.

What is the Australian Tiny House Association?

The Australian Tiny House Association (ATHA) was founded in 2018 and is a not-for-profit association advocating for the legalisation of Tiny-Houses-On-Wheels (THOW – herein referred to as tiny houses) all over Australia. The ATHA Planning Working Group is made up of a team of professionals with experience working within the planning or building and construction industries, who have prepared this template with consideration to common local government requirements in regard to tiny houses as a relatively new housing type as well as land use.

How do I use this template?

This template is a guidance document only and can be provided by tiny house advocates to local government or used by local government planning and building officers to support the legal approval of tiny houses in their local area.

All the references to legislation need to be checked against the legislation in your State or Territory local government area. Feel free to add, remove or modify sections as needed.

If you have any questions about this policy template, you are more than welcome to contact your ATHA State or Territory Lead who can provide advice or direct you to a committee member who can assist.

<h1 style="margin: 0;">Local Planning Policy Template</h1> <h2 style="margin: 0;">Tiny Houses on Wheels</h2>	
Local Planning Policy Template	Relevant Delegation: Planning or Development Services

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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 50m² 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.

Application of Policy

This policy applies to all development on land zoned and reserved under the [Local Government] Local Planning Scheme.

Statutory Authority / Legal Status

This Policy has been prepared under and in accordance with [Insert relevant state or territory planning act/regulation/policy]

Policy Provisions

Tiny House Definition

A tiny house is a dwelling of no more than 50m² 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*.

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 and may be considered on a lot greater than 450m².
- d) Three or more tiny houses on one titled lot will be considered a Tiny House Community (see Part 4) and requires development approval.
- e) 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.
- f) 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 may be required except where exempt as per section 2a and 3a.

A Single Tiny House on a Private Lot

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

- a) 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

Deemed – to - comply	Design Objectives
<p>Residential Zone</p> <p>Setback in accordance with [insert applicable document]</p>	<p>Where a setback variation is sought the applicant must demonstrate:</p> <ol style="list-style-type: none"> 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]. b) That the proposal will not result in the excessive removal of significant trees or stands of established vegetation.

<p>Rural Zone</p> <p>Compliant with setbacks in accordance with the Local Planning Scheme</p>	<p>Where a setback variation is sought the applicant must demonstrate:</p> <ul style="list-style-type: none"> a) The proposal does not detract from rural amenity or existing views of significance; and, b) Where there is an existing dwelling the tiny house is located behind the building setback; or, 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]. c) That the proposal will not result in the excessive removal of significant trees or stands of established vegetation.
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- b) 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.
- c) 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.
- d) Is not located within the riparian zone of a waterway, within a floodplain or in a flood prone area.
- e) Contains or is connected to an appropriate effluent disposal system, to the satisfaction of the [Local Government] Environmental Health Services.
- f) Has access to a source of electricity, which may include an off-grid solar system.
- g) Has access to potable water.
- h) 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 that zone. Any additional structures should not exceed the height of

the tiny house¹.

- i) 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.

Tiny House Community Development

A Tiny House Community is a collection of three or more tiny house dwellings with an individual floor area of no greater than 50m² located on the same parent lot, or strata lot with shared common property. A tiny house community may be located in a residential or rural zone with consideration to the following provisions:

- a) A Tiny House Community consists of three or more tiny houses parked on the same parent lot, or on a strata lot with shared common property.
- b) A lot that accommodates a Tiny House Community can be considered on a lot size 450m² or greater, with a maximum density of one tiny house per 100m².
- c) Total site cover is not to exceed minimum open space requirements as outlined in the [Insert relevant Local Planning Scheme or policy].
- d) A Tiny House Community may include portable tiny houses and fixed buildings, and provide shared facilities, for example:
 - 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) A tiny house community in a rural zone is to comply with setbacks, height and lot coverage requirements for that zone. Where there is no applicable site coverage provided a minimum of 70% open space is to be applied.

¹ For more information on recommended dimensions for transporting tiny houses on the road, see Appendix 3 – Roadworthy Design of this policy for more information.

- f) Where a tiny house community is located within a [insert e.g. landscape protection zone, significant landscape overlays] the applicant must demonstrate that amenity and views of significance are maintained.
- g) All tiny house community proposals 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 10m² 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, and
 - vii. if in a bushfire-prone area the provision of a BAL assessment, bushfire management statement/plan and emergency evacuation plan.
- h) Communal facilities require management by a Board or caretaker that oversees the 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.
- i) Parking to be provided in accordance with the [insert Local Planning Scheme].
- j) Crossovers are minimised and where vehicular access is provided the driveway is constructed and drained to the satisfaction of the [insert local government].
- k) Every tiny house must have access to a suitable source of power, potable water and effluent disposal to the satisfaction of the [insert local government]. Essential utilities can be provided through shared or common property.
- l) The proposal does not result in excessive clearing of vegetation and high quality landscaping is provided.
- m) The site may contain a space where visitors can bring their own tiny house to park onsite.
- n) The applicant may submit an application for development approval as a [insert relevant use class e.g.; 'Use Not Listed'] which allows the City 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.

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 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.

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.

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

Statutory and Legal Status

Relationship to Commonwealth Legislation

This policy should be read in conjunction with:

- a) List Commonwealth legislation e.g. *Environment Protection and Biodiversity Conservation Act 1999 (Cth)*

Relationship to State/Territory Legislation and Policy

This policy should be read in conjunction with:

- a) List relevant state legislation or policy

Relationship to Local Planning Scheme

This policy is a planning policy prepared, advertised and adopted pursuant to [insert Part X of Local Planning Scheme No. X]. The policy augments and is to be read in conjunction with the provisions of the [insert Local Government X Local Planning Scheme Part X – Local Planning Policy Framework].

Relationship to Local Planning Policies

This policy has due regard to, and should be read in conjunction with the [insert City/Town/Shire of X] other local planning policies, in particular:

- a) List relevant Local Planning Policies

Relationship to other State/Territory Planning Development Control policies/regulations.

This policy has due regard to and should be read in conjunction with State/Territory planning policies/regulations and positions statements. Of particular relevance to this policy are:

- a) List relevant State/Territory Planning Policy (e.g. Government Sewerage Policy 2019)

If there is a conflict between this local planning policy and the Scheme, then the policy shall prevail.

Relationship to Local Laws

To be read in conjunction with:

- a) List relevant Local Law

This Tiny House Local Planning Policy Template has been produced by the Australian Tiny house Association. Questions relating to this policy can be sent to admin@tinyhouse.org.au
A supporting FAQ sheet is available at <https://tinyhouse.org.au/>

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 50m² which is built on a wheeled trailer base, constructed of high-quality materials and finishes, and is designed to be 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 can already be assessed under the *National Construction Codes*. Any dwelling on 'skids' is considered a transportable home under the *National Construction Codes*.

Residential lot - a lot zoned urban under the [insert reference to State/Territory Scheme/Framework] and residential under the Local Planning Scheme.

Rural Lot – a lot zoned rural under the [insert reference to State/Territory Scheme/Framework].

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 – Examples of Tiny Houses



Fig 1. Cottage style tiny house



Fig 2. Modern style tiny house



Fig 3. Wagon style tiny house



Fig 4. Tiny house connected to utilities with vegetative screening



Fig 5. Tiny house community – tourism accommodation with communal area



Fig 6. Tiny house community - tourism accommodation

Appendix 3 - Explanatory Notes

Water Catchment and Public Drinking Water Source Area

A tiny house community development within a water catchment area may require dual approval from the catchment authority.

A tiny house community in a Public Drinking Water Source Area shall not be approved without the endorsement of the [insert government agency e.g. 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 [insert legislation e.g. *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/vsb1/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, Cities and Regional Development.