



# SEMI-PERMANENT APPROVALS FOR TINY HOMES ON WHEELS POLICY

## 1. BACKGROUND & INTRODUCTION

This policy applies to applications to use a Tiny Home on Wheels (THOW) for camping on private property, as outlined by the *Caravan Park and Camping Grounds Regulations 1997*.

In practice, THOWs that are designed, constructed, positioned and fixed in place on a lot, in a manner that complies with National Construction Code (NCC) and applicable planning requirements, can receive a building permit to enable their use the same as any other small format dwelling. However, any building permit granted for a THOW remains attached to the land, not the THOW itself. Therefore, if the owner intends to move the THOW to a different property, a new building approval is required before the THOW is placed in its new location. THOWs also commonly face several other challenges in complying with NCC requirements, particularly for designs including sleeping lofts, due to headroom clearance requirements, stair gradients, footing and tethering standards, and energy efficiency ratings.

If a THOW does not meet every aspect of the National Construction Code, or the owner prefers not to seek a building permit in favour of increased flexibility, then the THOW may instead be considered as a 'caravan', as defined and regulated under the *Caravan Parks and Camping Grounds Act 1995 and Regulations 1997*.

This policy outlines the circumstances where the Shire may approve the use of a THOW for camping on private land outside of an approved caravan park or camping ground for up to 24 consecutive months, in accordance with clauses 11 to 15 of the *Caravan Park and Camping Grounds Regulations 1997*.

## 2. OBJECTIVES

This Policy aims to:

- To clarify approval pathways for THOWs in the context of the National Construction Code, and the *Caravan Parks and Camping Grounds Act 1995 and Regulations 1997*.
- Identify the circumstances where a THOW can be approved for camping.
- Encourage increased diversity, flexibility and affordability of housing options available within the Shire.

## 3. DEFINITIONS

Definitions for terms used in this Policy are consistent with the *Caravan Parks and Camping Grounds Act 1995 and Regulations 1997*, Local Planning Scheme, and the *Planning and Development Regulations 2015*.

**Tiny House on Wheels (THOW)** – means a structure designed for human habitation on a wheeled base, constructed of domestic grade materials with the character of a dwelling, and designed to be permanently occupied.

This definition of a THOW is not taken to include:

- An original or retrofitted caravan, bus, truck body, wagon, or other vehicle; and,
- A tent, camper trailer, yurt, or other temporary structure associated with camping; and,
- A park home, sea container or other transportable structure whether designed or adapted for residential use.

For the purposes of this policy the definitions of the terms **Single House** and **Ancillary Dwelling** are consistent with the Residential Design Codes.

#### 4. POLICY PROVISIONS

Applications seeking approval to use a THOW for camping on private land under Clause 11A of the *Caravan Parks & Camping Grounds Regulations 1997*, will be assessed against the following standards:

- 4.1 The Shire will only consider a single THOW on any property.
  - 4.2 The design, materials and construction of a THOW should generally comply with the minimum standards set out within the National Construction Code (NCC) and applicable Australian Standards.
  - 4.3 A THOW is to be built of domestic grade materials and with the character of a dwelling.
  - 4.4 In the Rural zone one THOW may be approved either:
    - On a vacant lot; or
    - Where a single house already exists.
- In all other zones, a THOW may only be approved:
- On a lot where a single house already exists.
- 4.5 A THOW shall not be approved on a lot that already contains an ancillary dwelling, or two single houses. If an ancillary dwelling or second single house is subsequently constructed on a lot after a THOW has already been approved, the camping approval shall be revoked as outlined by clauses 11A(5)&(6) of the *Caravan Parks & Camping Grounds Regulations 1997*.
  - 4.6 Where a reticulated water service is not available a THOW less than 70m<sup>2</sup> in size may be serviced by a minimum of 38,000 litres of potable water storage, in addition to the 92,000 litre minimum requirement for the main residence (if applicable).
  - 4.7 The THOW has access to a source of electricity, which may include an off-grid solar system.
  - 4.8 The THOW should preferably be connected to reticulated sewerage or an existing effluent disposal system. If a compliant waterless composting toilet and greywater system are proposed separately to service the THOW, they may be required to be decommissioned and removed when the THOW is removed from the site.
  - 4.9 Any ancillary buildings or structures that are proposed on the site must seek planning and building approvals as required, and be designed to allow for the THOW to be removed or relocated within 72 hours if necessary.
  - 4.10 The site of any approved THOW must be maintained in a tidy and sanitary condition to the satisfaction of the Shire of Denmark.
  - 4.11 The design and location of a THOW should maintain a 50m setback to all lot boundaries in the Rural zone, and comply with minimum setbacks for all other zones, and be within an applicable building envelope to minimise any potential impacts on neighbourhood amenity and visual landscapes. Approval may be subject to conditions to address related concerns.
  - 4.12 If located within a Bushfire Prone Area, positioned in an area rated BAL-29 or lower.
  - 4.13 A THOW may not be used for short-term rental accommodation.
  - 4.14 If approval to camp is granted for the use of a THOW, which then moves away from the property, and back again to the same location, the permit is still valid for use by the original applicant, noting that the permit is not transferrable.

- 4.15 If approval to camp is granted for the use of a THOW, which then moves away from the property and is replaced with a different THOW, a new application will be required.
- 4.16 The assessment of applications shall also give consideration to the Shire’s planning framework requirements that apply to the land.
- 4.17 Other Matters to be Considered:
- (a) Road Transport Authority (RTA) vehicle regulations.
  - (b) Environmental Health regulations.
  - (c) The National Construction Codes.
  - (d) Engineering certification.
  - (f) Applicable Australian Standards

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