

### COUNCIL LOCAL LAWS

Most frequently a THOW is considered a caravan, due to its mobile nature and is commonly faced with local law restrictions on the period of time a person can 'live' in a caravan. The development of local laws governing 'camping' or living in a 'caravan' is different. As examples local laws may stipulate the requirement to obtain a permit for occupation for a limited period, where the applicant may be able to apply for an extension; allow living in a caravan where no commercial interest; restrict occupation to only 30 or 60 days. In addition, if there is a neighbour 'complaint' the occupant of the THOW may be asked to either remedy the situation or remove the THOW within a short timeframe. This lack of security for permanent dwelling is proving a significant barrier to the uptake of tiny house living.

### PLANNING LEGISLATION

There are two levels of planning legislation in Australia. One where local councils can develop and implement their own planning schemes and supporting local policies, and the other where State Governments provide the planning framework that offers a degree of uniformity, but where local councils determine their land use zones and establish local policies. These are well established processes supported by Acts of Parliament. It is important to note that not all land use activities require a planning permit or a development approval, but this will be determined by the land zoning, planning overlays and other planning triggers.

ATHA undertook a review of the planning legislation in 2019 and found that THOWs are not separately defined in any legislation. Rather, there are mentions of moveable, ancillary, transportable, relocatable, manufactured home and secondary dwelling. As a result a development or planning application for the permanent occupation of a THOW would need to be made on an individual case by case basis. This process then lacks consistency and is at the discretion of the local council, which could differ over a council or state border. Failure to have a nationally consistent planning approach to THOWs means that THOW dwellers may need to identify which councils are THOW 'friendly' if they seek to move it.

### NATIONAL CONSTRUCTION CODE (NCC) Building Code of Australia (BCA) Volume 2, 2019

The NCC provides a nationally consistent set of performance requirements and standards that the building and construction industry must construct to. The BCA Volume 2 deals with housing and it is this volume that ATHA has used as a guide for the development of its **THOW Construction Guide**. There are state variations that are allowed, and these may include but are not limited to: climatic differences, definitions, accessibility, administering agencies and other regulations.

THOWs are not currently required to be built to the BCA, as they do not fit the building classified in the BCA for being a permanent structure. Complying with the BCA, assumes that the building would apply for and obtain a building permit for the particular building class, however the THOW builders and do it yourself builders could still use the BCA for construction guidance, without applying for a building permit. Where a THOW is issued with a building permit this will substantially increase the acceptance of THOW across Australia. However, in saying that there are some elements within the BCA Vol 2, which are challenging for THOW to address, particularly where lofts are included. These include but are not limited to: stair access to lofts, minimum ceiling heights in sleeping lofts, minimum ceiling heights in bathrooms and kitchens, balustrading, and laundry washing facilities. In addition, where a THOW is moved from site to site a new building permit would be required each time. However, in some states there may be the opportunity for partial compliance provisions of the regulations, which allow existing conditions to remain subject to certain criteria being met, thereby reducing the regulatory hurdles each time.