



## *Topic 6. Tiny Houses and Liveable Shipping Container Conversions*

Longreach Regional Council has received at least 3 enquiries in the past year regarding the use of tiny houses for residential purposes. This has caused the planning scheme to be referred to, in terms of whether any planning provisions apply or planning approval is required for tiny houses.

This Major Amendment No. 2 represents an opportunity to consider Council's position with regard to tiny houses and liveable shipping container conversions within the Longreach Region and where appropriate, integrate this position into the planning scheme.

A tiny house or a liveable shipping container conversion, intended to be used as a permanent residential building will typically be treated in the same way as other common forms of dwellings. Their use may not require a planning approval on a vacant rural or residential zoned lot, or where they can meet the definition of 'secondary dwelling' or 'dual occupancy'. Regardless of whether a planning approval is required when a tiny house or a liveable shipping container conversion constitutes one of these uses, they will still usually require building and plumbing approvals before being lived in.

There are limitations on the extent to which a planning scheme may regulate and/or facilitate tiny houses and liveable shipping container conversions, so council's overall position on this issue may need to be presented to the community in the form of a supporting fact sheet or similar (refer to an example published by Scenic Rim Regional Council, available online at <https://www.scenicrim.qld.gov.au/downloads/file/4429/tiny-houses-fact-sheet>).

### **What is a tiny house?**

There is no fixed definition of a tiny house. The term is usually used in the context of the tiny house social movement, which traces its roots to a 1940s post-war housing solution developed and promoted by French architect/ designer/ manufacturer Jean Prouve. Since the turn of the

century, tiny house solutions have notably been adopted in the United States in response to Hurricane Katrina and the Global Financial Crisis. Interest in tiny houses has resurged as their potential benefits gain recognition: affordability, sustainability, simplicity and flexibility.

A 'tiny house' is typically considered to be

- a residential dwelling
- 400 square feet (37.16m<sup>2</sup>) or less
- fixed to the land.

There are also 'tiny houses on wheels' (THOW). These are usually intended to function as a permanent residence but are moveable and not fixed to the land. From a planning perspective, the relevant considerations are the intended use of the structure and how long that use is to persist on the particular land.

Existing and emerging ideas for how tiny houses may contribute to housing supply, choice, diversity and affordability include:

- as a granny flat for a teen/adult child, elderly parents or a personal carer (as a 'secondary dwelling')
- as part of a tiny lot subdivision to provide an affordability house product which also give tenure security (as 'dwelling house'[s] but also involving 'reconfiguring a lot' – either freehold or as a community title scheme)
- as a tiny village on a single large lot (as a medium density 'multiple dwelling' or 'retirement facility' development)
- as a backyard lease to a separate household (as a 'dual occupancy' but supported by other legal arrangements)
- as a tiny house park to accommodate THOWs (as a 'relocatable home park' and potentially also subject to the Manufactured Homes (Residential Parks) Act 2003 in Queensland).

Relevant reference resources:

- Bares, V., Pieters, R., Nobel, L., Winkle, B., Meathrel, K., Shearer, H., (2017) 'A Place for Tiny Houses: exploring the possibilities – Tiny House Planning Resource for Australia 2017', accessible online at <https://www.qshelter.asn.au/elements/2017/06/Tiny-House-Planning-Resource.pdf>
- Shearer, H., (2018), 'Tiny Houses: Planning for affordability and inclusion, 2018', Joint Asia-Pacific Network for Housing Research and Australasian Housing Researchers Conference, Griffith University, Gold Coast, Australia, June 6-8 2018, accessible online at <https://research-repository.griffith.edu.au/rest/bitstreams/e735ab0-e46c-4bec-b717-f3affb8a06e9/retrieve>.

separately, such as for the structure to be approved under building and plumbing regulations and to comply with local laws.

Where a shipping container is converted or used as part of a structure intended to be lived in:

- the applicable use definition from Schedule 1 of the planning scheme and the zoning of the intended site will need to be determined
- the planning scheme will then specify whether or not a planning approval is required for the use on the particular land
- if a planning approval is required, the planning scheme will set out the criteria against which the proposed use will be assessed.
- in some instance, the planning scheme will also set out criteria which will be applied by the building certifier when assessing an application for the building approval.

### Liveable Shipping Container Conversions

Buildings constructed from shipping containers can offer a lower cost or otherwise more efficient building solution, particularly in locations where there are challenges in accessing building materials or trade labour. They can be prepared off-site and are readily able to be transported into place.

A standard 40 foot shipping container has an external floor area of 320 square feet (12.192m x 2.438m = 29.724m<sup>2</sup>). Standard shipping containers also come in half (20ft) and quarter (10ft) of that floor area.

Developments involving shipping container conversions can involve the use of new or recycled containers. Recycle containers are much cheaper than new containers, but do come with certain risks such as potentially reduced structural integrity due to dents and knock, as well as potential contamination depending on what may have been previously stored or carried. The process of converting a shipping container for use as a building, whether new or recycled, may also affect its structure integrity (such as cutting out for doors and windows).


The planning scheme is generally concerned with the intended use of the land which the built structure will facilitate, its siting on the land, that it does not aesthetically compromise the general area and that it is resilient to natural hazards, rather than whether the construction method involves the use of a shipping container. The planning scheme does not change requirements which apply

### WQAC Housing Solutions Study

The Western Queensland Alliance of Councils together with Regional Australia Institute have recently released the WQAC Housing Solutions Study, following their investigation into the dynamics of the severe underinvestment in housing across Western Queensland. Noting barriers to accessing construction trades and materials in Western Queensland, the report recommends “to restart housing investment in Western Queensland, the nature of the current shortfall means that ‘out-of-the box’ approaches to actual methods of home building should be considered” and that “Planning and regulation particularly at the local and state level would need to adapt to support these non-traditional methods”.

Tiny houses and liveable shipping container conversions are examples of buildings produced using the prefabricated, transportable and module methods flagged in the study.

The WQAC Housing Solutions Study: To Building and Grow the Potential of Western Queensland (September 2021) is accessible online at: <https://wqac.com.au/news/new-western-qld-housing-study>



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Longreach Regional Council is committed to ensuring housing diversity and choice in the region. It also recognises the need to plan to cater for the needs of its aging population, as well as to stimulate population and economic growth.

Given its regional rural setting, land supply is not a primary residential development constraint in the Longreach Region. Although flood hazard areas and other constraints do influence settlement patterns. Housing supply and infrastructure servicing have a greater impact on availability and affordability. These variables are affected by accessibility to construction materials, availability of skilled tradespeople and economic factors influencing workforce participation and development investment.

Tiny houses and shipping container conversions may have some role to play in responding to these challenges and constraints. In determining the extent to which to support or deter these forms of building for residential use, their suitability and adaptability to the prevailing and projected climatic conditions of the Longreach Region should also be considered.

## **Options for Amending the Planning Scheme**

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The role of the planning scheme, in promoting or regulating tiny houses and liveable shipping container conversions, is subject to particular limitations under the:

- Planning Act 2016 and Planning Regulation 2017: In most circumstances, a council cannot require a planning application for a material change of use for a 'dwelling house' or 'dual occupancy' in a residential zone if there is no other dwelling on the lot. Therefore, council cannot impose application and assessment requirements.
- Building Act 1975 and Building Regulation 2021: Most building works require code assessment and a development approval, however a council can only impose application and assessment requirements in relation to very specific building matters through its planning scheme (eg. this does include addressing flood risks and certain amenity and aesthetical matters).

There is scope for the planning scheme to regulate use of land involving tiny houses and shipping container conversions:

- in zones that are not residential zones
- where more than two dwellings are proposed on a lot.

There is also scope for the planning scheme to control the creation of lots and lot layouts suited to accommodating tiny houses.

The planning scheme does not apply where the use is temporary, as opposed to permanent.

The use of land for the parking of THOWs can be regulated in the planning scheme, where the development constitutes a 'relocatable home park'.

This Major Amendment No. 2 project, represents an opportunity to reconsider and amend the current approach to regulating tiny houses and shipping container conversions while offering a diverse mix of housing choice in the Longreach Region.

Some options for amendment, including foreseen advantages and disadvantages, are outlined in the following table.

Planning Scheme Amendment – Option and description	Advantages	Disadvantages
<p>1. Amend the Strategic Framework to outline the role that tiny houses as dwelling houses, other tiny house developments and liveable shipping container conversions are to play over the next decade, in providing a diverse range of housing options (including affordable housing and housing for the aging) across the Longreach Region and within or around its established towns.</p>	<ul style="list-style-type: none"> <li>• Statements and outcomes in the Strategic Framework express Council’s overarching policy position on a matter and can be applied in the assessment, conditioning and grounds for refusing impact assessable development applications.</li> <li>• Consistent with the State Planning Policy and plan-making requirements to provide diverse, accessible and well-serviced housing options and land for housing, as well as supports affordable housing outcomes.</li> </ul>	<ul style="list-style-type: none"> <li>• Unless consistent outcomes are included in the Reconfiguring a Lot Code and relevant zone codes in the planning scheme, outcomes in the Strategic Framework are not applied in the assessment of code assessable development applications. A subdivision proposal will typically require a code assessable development application.</li> </ul>
<p>2. Amend the Reconfiguring a Lot Code</p> <p><b>For instance:</b></p> <ul style="list-style-type: none"> <li>• to include overall code outcomes specifically in relation to the provision of tiny houses and liveable shipping container conversions consistent with the stated strategic outcome.</li> <li>• to include assessment criteria applying specifically to subdivisions associated with tiny houses (eg. a varied approach to the usual minimum lot size for certain development proposals).</li> </ul>	<ul style="list-style-type: none"> <li>• As per 1 above.</li> <li>• Sets specific design parameters and assessment criteria for development applications for subdivision of land.</li> </ul>	<ul style="list-style-type: none"> <li>• Do not want to encourage ad hoc or fragmentation of land which results in a legacy lot layout unsuitable for alternative uses or re-use in the longer term, such as is now experienced with historic subdivisions at Cobb and Co, Morella and Arrilalah. Tiny houses are of a scale that they could be readily demolished or removed from land.</li> </ul>
<p>3. Include an administrative definition for what is meant by a “tiny house” if there is a desire to include</p>	<ul style="list-style-type: none"> <li>• Provides a consistent term</li> </ul>	<ul style="list-style-type: none"> <li>• Can provides an arbitrary basis for</li> </ul>

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<p>provisions in the planning scheme to specifically apply to tiny houses in addition to or separate from the provisions that would otherwise apply to the defined use they constitute in the circumstances.</p>	<p>that can be used throughout the planning scheme to refer to this type of development outcome envisaged.</p> <ul style="list-style-type: none"> <li>• Aids drafting and readability of the document.</li> <li>• Provides a mechanism for differentially regulating between similar types of development.</li> </ul>	<p>considering such proposal and any future desire to change the definition would require a planning scheme amendment process to be undertaken.</p>
<p><b>4. Identify particular areas or locations which may be suited to development involving tiny houses or liveable shipping container conversions.</b></p> <p>This could be through a written description, a general illustration on a strategic framework map or by defining a precinct within a zone.</p>	<ul style="list-style-type: none"> <li>• Even where only included at a strategic level, this may act as an expression of support to the market.</li> </ul>	<ul style="list-style-type: none"> <li>• Defining a precinct within a zone to facilitate this type of development would require the suitability of the land for that purpose to have been considered and assessed up-front in the process of amending the planning scheme.</li> </ul>
<p><b>5. Include provisions (assessment criteria) in relevant applicable codes to guide how tiny houses or liveable shipping container conversions can maintain and compliment the amenity and aesthetic outcomes of an area.</b></p> <p>Such outcomes may not be drafted to apply expressly or only to tiny houses or living shipping container conversions, however they could be crafted with those potential forms of development in mind.</p>	<ul style="list-style-type: none"> <li>• Facilitate and protect desired amenity and aesthetic outcomes that might be at risk of compromise with these forms of development.</li> </ul>	

## Have Your Say

There will be multiple opportunities to have your say during the process. The first of these will be in January 2022 when we release a public survey gathering feedback from our communities on all aspects of the current planning scheme. We will also be seeking to engage face to face with stakeholders on the unique issues covered in each amendment. We anticipate this process commencing in February 2022.