

## Building Information

### Affordable Housing

#### Info Sheet

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Affordable housing is long-term housing that meets the needs of those on low to moderate incomes and is appropriate in terms of design, location and access to services and facilities

This information sheet provides information for housing options other than contemporary housing that may be considered "affordable housing".

### 1. What is a Tiny House?

There is no formal Tiny House definition; however the concept 'tiny' usually refers to dwellings that are 400 square feet (37.16m<sup>2</sup>) or less.

A Tiny House is a structure that:

- has the character and functionality of a permanent house;
- is fixed to the land; and
- has a similar scale to a large caravan or recreational vehicle (RV).

In comparison, a Tiny House on Wheels (THOW) <sup>1</sup>:

- has the character and functionality of a permanent house;
- is built on a trailer
- is not fixed to the land (mobile unit); and
- is often compared to a large caravan or RV.

In context, structures that are considered **not** to be a tiny house include -

- a moveable dwelling/caravan that is able to be road registered under the *Transport Operations (Road Use Management) Act 1995*,

- a dwelling constructed from one or several shipping containers,
- a yurt or other 'tent' style structure, or
- a 'donga' style transportable structure.

Please note the definition of a tiny house does not relate to permanently fixed smaller sized homes on foundations.

Structures that are identified as a 'tiny house' are defined under the *Building Code* as a Class 1a Habitable Structure, constitute assessable building work under the *Planning Act 2016* and require building approval under the *Building Act 1975*.

Approval may be granted for one tiny house on a residential or rural property provided the proposal :

- meets all of the criteria of the relevant Queensland Development Code for the siting and amenity of detached housing.
- Contains or is connected to an appropriate effluent disposal system.
- Has access to a source of electricity.
- Has access to potable water.

<sup>1</sup> Definition/abbreviation comes from "A place for tiny homes".

## IS COUNCIL APPROVAL REQUIRED FOR A TINY HOUSE?

Intended use	Is an approval required?
<b>A tiny house that:</b> <ul style="list-style-type: none"> <li>Is on wheels; and</li> <li>Is registered as a caravan or trailer; and</li> <li>Is parked lawfully; and</li> <li>Is only used for accommodation while travelling away from home (eg similar to a caravan); and</li> <li>Is not connected to services (eg town water and sewer) and</li> <li>Is not rented out as short-term accommodation or leased as a residence to a tenant.</li> </ul>	<b>No</b> This is considered to be a caravan
<b>A tiny house that:</b> <ul style="list-style-type: none"> <li>Is on wheels or not on wheels; and</li> <li>Is used to provide a temporary home only while an approved house is being constructed on the same property.</li> </ul>	<b>Yes.</b> This will require a permit under Council's local laws for a Temporary Home and any other associated building and plumbing approvals.
<b>A tiny house that:</b> <ul style="list-style-type: none"> <li>Is on wheels or not on wheels; and</li> <li>Is being used to provide permanent on-site accommodation; and</li> <li>Is the only dwelling on the lot, or is a secondary dwelling.</li> </ul>	<b>Yes</b> This will require building and plumbing approvals and may require planning approval under the North Burnett Regional Planning Scheme.
<b>All other uses of a tiny house:</b> Examples of these uses include but are not limited to: Whether on wheels or not: <ul style="list-style-type: none"> <li>A tiny house that is used to live in; or</li> <li>A tiny house that is used as a house to live in and is located on a vacant property or a property with other dwellings; or</li> <li>A tiny house that is rented out as short-term accommodation or leased as a residence to a tenant; or</li> <li>A tiny house that is used as a home office or as a home based business.</li> </ul>	<b>Yes</b> This will require the relevant planning, building and plumbing approvals.

**Please contact a member of Council's Development Service team to discuss your proposal for a tiny house to determine if it meets all of the requirements as set out in the *Building Act 1975* and the North Burnett Regional Planning Scheme.**

## 2. Shipping Containers Adapted as a Habitable Building (Dwelling)

The placement of a shipping container on any land for more than three months constitutes assessable building work in accordance with the *Planning Act 2016* and requires a building work approval under the *Building Act 1975*. Therefore a building application is required to be assessed by a registered Building Certifier who will assess the application against the relevant building legislation which relates to the construction of a dwelling house.

Some of the challenges in adapting shipping containers as habitable spaces include:

- Confirmation of the structural stability and integrity of the container. A design by a Registered Professional Engineer of Queensland (RPEQ) may be required and accompanied by a Form 15 Design Certificate.

- An Energy Efficiency Report as making containers energy efficient can be complex.
- Layout can result in small narrow rooms with low ceilings.

Any proposal that includes the placement of a shipping container on land in the North Burnett, either for storage or for use as a dwelling, will also require an Amenity and Aesthetics approval as per the North Burnett Regional Council's Amenity and Aesthetics Policy Considerations for Development (Amenity and Aesthetic Impact of Particular Building Work); Policy No 267.

A copy of Policy No 267 can be located at <https://www.northburnett.qld.gov.au/publications/>

### IS COUNCIL APPROVAL REQUIRED FOR A SHIPPING CONTAINER?

Intended use	Is an approval required?
A shipping container that: <ul style="list-style-type: none"><li>• Is only used for the storage of domestic items, including tools; and</li><li>• Is temporary (90 days or less).</li></ul>	<b>No.</b>
A shipping container that: <ul style="list-style-type: none"><li>• Is used to provide a temporary home only while an approved house is being constructed on the same property.</li></ul>	<b>Yes.</b> This will require a permit under Council's local laws for a Temporary Home and any other associated building and plumbing approvals.
All other uses of a shipping container, examples of these uses include but are not limited to: <ul style="list-style-type: none"><li>• A shipping container that is used as a house to live in and is located on a vacant property or a property with other dwellings; or</li><li>• A shipping container that is rented out as short-term accommodation or leased as a residence to a tenant; or</li><li>• A shipping container that is used as a home office or as a home based business.</li></ul>	<b>Yes</b> This will require Amenity and Aesthetics approval as well building and plumbing approvals and may require planning approval under the North Burnett Regional Council Planning Scheme.

### 3. Reclassification - Class 10A Shed to a Class 1a (Dwelling)

A Class 10a building, such as a shed, is intended to be used as a non-habitable structure only and is not permitted to be used for residential purposes without a change of classification. Typically, sheds have **not** been designed to comply with the structural performance criteria for a Class 1a dwelling.

If you're planning on converting a Class 10a shed into a living space, it is recommended that you consult with an appropriately qualified Registered Professional Engineer (RPEQ) and a QBCC licensed Building Surveyor prior to submitting a building application to ensure that the shed is able to comply as a Class 1a dwelling in accordance with the *Building Act 1975*.

**Refer to Information Sheet 8— Reclassification Class 10a to 1a**

#### THEREFORE .....

To ensure compliance with the acceptable building provisions, a building application to convert a shipping container or a shed to a dwelling is required to be lodged with a QBCC licenced Building Surveyor for approval. The application will be assessed against the building provisions in the *Building Code of Australia* for a Class 1a dwelling and needs to be designed and constructed to meet but not limited to the following standard requirements-

#### Footings/Slab System

The footing/slab system will need to structurally perform under appropriate loads of a dwelling. This may require a Registered Professional Engineer of Queensland (RPEQ) design and certification which includes a Form 15 Design Certificate.

#### Structural Strength of the Containers

The walls and roof frame will need to be sufficiently tied down to withstand wind loads for the area. The roof and wall cladding will also be considered. A RPEQ typically calculates this appropriate to the importance level of the building and will supply you with an assessment and a Form 15 Design Certificate.

#### Termite Management

A termite management system is required to be installed to protect the primary building elements from an attack from subterranean termites.

#### Fire Safety

In order to comply with the Queensland Development Code (QDC), the dwelling must be located 1.5m from side and rear boundaries (single storey).

Hardwired smoke alarms must be installed. Where there is more than one smoke alarm required they must be interconnected and comply with AS3786-2014.

#### Health and Amenity

The dwelling must meet the minimum requirements for wet areas, light and ventilation, ceiling height and have the appropriate facilities for the intended use.

#### Reports and Additional Requirements

An Energy Efficiency Report is typically required for the development application as the dwelling will need to have energy efficient, possibly requiring additional materials to ensure it complies.

#### Additional information

The DA Form 2 Building work details (application form) is to be completed in full and accompanied by:

- DA Form 2 Building work details (application form), completed in full;
- The relevant lodgement fee;
- a site plan showing the size of the container/shed and it's location onsite with respect to all other buildings onsite and the site's boundaries.
- Geotechnical report (soil test);
- Engineers plans and Form 15;
- If applicable, Bushfire, Flood Study, Concurrence Referrals, Planning and Approvals.
- Floor layout plan
- Elevation and Section Plans
- QBCC Home Warranty Insurance (if builder is a registered builder and project value is greater than \$3,300)
- PLSL Receipt (if project value is greater than \$150,000)
- Owner Builder Permit (if owner builder project is greater than \$11,000)

Upon the issue of a building permit the building works may then commence to upgrade the building to comply with Class 1a requirements.

## Still need help?

This information sheet summarises the key matters to consider for people considering carrying out development. The process and legal aspects relating to property and development can be complex and confusing. Council's development services staff may be able to help.

Sometimes however it may be advisable for you to obtain your own professional help from a qualified practitioner such as a Lawyer, Surveyor, Town Planner, Architect, Building Designer, or Engineer.

## Contact Us

Give us a call for more information about the planning scheme and making an application.

**North Burnett Regional Council**

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Visit us at: [www.northburnett.qld.gov.au](http://www.northburnett.qld.gov.au)

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**Disclaimer** The onus is fully on the owner and/or builder to design, construct and maintain the building work in accordance with Manufacturer's specifications, Building Code of Australia and referenced Australian Standards, and Council's Policy Statements as issued from time to time. North Burnett Regional Council (and its officers and agents) expressly disclaim responsibility for any loss or damage suffered as a result of placing reliance upon this information.

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