

# Provisions for Tiny Houses

## A guide to applying for resource and building consents

Tasman Resource Management Plan  
(the “TRMP”)

### Summary Guide No. 16

Current: May 2020

**This guide will help you if you are considering living in a tiny house. We recommend you contact one of our duty planners and/or duty building officers on 03 543 8400 to discuss your proposal before lodging an application.**

#### What is a tiny house?

A tiny house is small as the name suggests, typically measuring 25-30 sqm, but size and form varies greatly as they are generally custom built. Tiny houses can be mobile, but can also be constructed for a particular site.

The particular circumstances of a tiny house on a site will determine whether it is a ‘building’ under either the Building Act or under the District Plan (Tasman Resource Management Plan (TRMP)), or both. The definitions of ‘building’ under the Building Act and in the District Plan are provided in Appendix 1. However, as a general rule of thumb, if you intend to live in it for two months or more in a calendar year then it is likely to require a resource consent regardless of whether it is a vehicle or a building.

Whether resource consent is required depends on which zone the tiny house is located in and this is explored further under “do I need resource consent for my tiny house?” overleaf.



*Credited to Park Homes, Christchurch*

## Resource Management Act and Resource Consents under the TRMP

### Do I need a resource consent for a tiny house?

Appendix 3 contains some answers to frequently asked questions about tiny houses and resource consent. Whether you need resource consent for a tiny house first depends on whether it is defined as a building, caravan or vehicle, dwelling or minor dwelling under the TRMP. **The implications of the definitions of a building, dwelling and minor dwelling under the TRMP, are that the rules of the TRMP that apply to these buildings also apply to tiny houses - there are no exemptions.** This is consistent with the fact that tiny houses can still have environmental effects that need to be considered by Council. There may be other resource consent requirements as well. This guide focuses on the Residential, Rural (1, 2 & 3) and Rural Residential zones, as these are the most common locations for tiny houses.

**If you intend to live in your tiny house for two months or more per calendar year, then the tiny house is likely to require resource consent as it is defined as a building.** If the tiny house is the only building on site and is in the Rural 2, Residential and Rural Residential zones and complies with all relevant conditions, it may not need resource consent, as the first dwelling is a Permitted activity in these zones. The TRMP specifies, through its rules, whether an activity is permitted (meaning you can do it as of right), or whether the activity breaches a rule and requires a resource consent. In Rural 1 and Rural 3 zones, resource consent is required for the first dwelling, so a tiny house in these circumstances would need consent.

Depending on the individual circumstances and location of the house, a discharge consent may also be required for stormwater and wastewater.

Resource consent may be required for subdivision (if this is proposed) and for building construction or alteration.

A tiny house is likely, in most cases, to be a building under the TRMP as it is likely to be occupied for two or more months of the calendar year. A tiny house could also be defined as a minor dwelling (if it is the second dwelling on a section) or, alternatively, a dwelling, depending on its size.

The TRMP sets no minimum size for house footprint, but it is worth noting that private developer covenants do sometimes apply minimum floor-space thresholds and limit certain design/types of buildings in subdivisions. If the Tiny Home measures 80 square metres or less and is defined as a minor dwelling, resource consent is required in all rural zones. In urban zones, e.g. Residential zone, minor dwellings are treated the same as dwellings and the second dwelling is a Controlled activity in the Residential zone (i.e. resource consent is required and the consent authority must grant the consent). In the Richmond Intensive Development Area, minor dwellings are a Restricted Discretionary activity, needing resource consent. More than one dwelling may be constructed on a site (minimum 200 sqm), provided other rules are complied with. Sleepouts (see table below for requirements) can be a Permitted activity in nearly all Rural zones and the Rural Residential zone.

To establish whether resource consent is required for the tiny house (assuming it is a building and dwelling/minor dwelling), please consult TRMP Summary Guides 1 to 5 for the **permitted activity standards** for building construction or alteration of dwellings and Summary Guides 6 and 7 for subdivision (should this be proposed). All subdivisions require resource consent. Summary Guide 15 for dwellings in a rural zone is also useful if you are in a rural zone. Consult any of these guides at <http://www.tasman.govt.nz/link/trmp-guides>.

### Can I relocate my tiny house?

The definition of relocatable under the TRMP is “not intended for permanent location on any site and readily capable of removal for relocation to another site” (see Appendix 1). To be readily capable of removal, the tiny house is likely to have to be a vehicle or caravan. In this respect, under the TRMP, any structure can only be occupied for less than two months per calendar year before becoming a building.

Relocated houses and prefabricated houses that are buildings are not currently a Permitted activity under the TRMP. They are a Controlled activity and resource consent is required. However, this requirement is currently being reviewed by way of a plan change, which is aimed to be notified in 2020.

| Potential definitions of tiny houses under the TRMP   |  |  |  |   |
|---|--|--|--|---|
| Is my tiny house a building?  | OR Is my tiny house a caravan or vehicle?  | Is my tiny house a dwelling?   | Is my tiny house a minor dwelling  | Is my tiny house a sleepout?  |
| Likely that a tiny house would be defined as a building under the TRMP, as a building includes any vehicle, trailer, tent, caravan or boat whether fixed or movable, if it is used as a place of long term accommodation (for two calendar months or more in any year). | A tiny house may be a caravan or vehicle under the TRMP (and therefore not a building and may not need resource consent), only if it is occupied for less than two months per calendar year. | If the tiny house is defined as a building under the TRMP, then it may also be a dwelling as this is defined as a building or part of a building for a single self-contained housekeeping unit, whether of one or more persons (where “single self-contained housekeeping unit” means a single integrated set of sleeping, ablution, and cooking facilities under a continuous roof and fully enclosed walls). | A minor dwelling is defined as a dwelling that is up to 80 square metres in area excluding any garage. Where any garage is attached to the minor dwelling the total area of the building is no more than 120 square metres. If the tiny house falls within these specifications and is the 2 <sup>nd</sup> dwelling, then it could be defined as a minor dwelling. | Under the TRMP a sleepout is defined as a detached bedroom (with or without ablution facilities) occupied exclusively as part of the principal dwelling on the site and containing no kitchen or cooking facilities. Sleepouts are generally a permitted activity where they are 36 sqm or less in size, do not contain a kitchen or cooking facilities, are 20 metres or less from a dwelling and are not part of a cooperative living activity. |
| See Appendix 1 - ‘building’ definition  | See Appendix 1 - ‘building’ definition   | See appendix 1 — ‘dwelling’ definition   | See appendix 1 — ‘dwelling’ definition   | See appendix 1 — ‘sleepout’ definition  |

## What other information do I need?

Check the following things. If in doubt, contact a duty planner for advice.

- What zone is my property in?**

You can check your zone by going to the 'Planning' layer on Top of the South Maps – [www.topofthesouthmaps.co.nz](http://www.topofthesouthmaps.co.nz). This will also let you know what TDC Map number applies to your property. Our customer services staff can also help you check– give them a call on 03 543 8400.
- Are there any special planning overlays that apply to my property?**

Planning overlays can apply for a variety of reasons – for example land may be in the coastal environment, a cultural heritage protection area, a coastal risk area, or have protected trees on it.

To find out more, check the TRMP 'Area' and 'Special' maps (using the TDC Map number that applies to your property) on the planning maps section of our website - <https://www.tasman.govt.nz/link/trmp-maps>
- What are the general planning requirements for buildings in my zone?**

Read the Tasman Resource Management Plan (TRMP) summary guide Rules for Building Construction and Alteration. These guides contain information on the permitted height, setback and coverage for buildings and servicing requirements in your zone. You can get a copy from any Council office, or at <https://www.tasman.govt.nz/link/trmp-guides>.
- Are there any consent notices or covenants registered on my property's title?**

Consent notices and covenants can contain obligations that must be complied with on an ongoing basis. This may affect future development of your site. Check the record of title for your property to see if any apply.
- Are there any hazards that may affect my site?**

Natural hazards could include flooding from rivers, streams or the coast; unstable ground; or proximity to a fault. Contaminated land could be present where there is a previous history of pesticide use.

## Legislation applying to tiny houses

The Building Act 2004 and Resource Management Act (RMA) 1991 (and the District Plan made under the RMA – Tasman Resource Management Plan) are discrete pieces of legislation with quite different purposes and principles and can define the same term differently. This is because the Building Act and the District Plan have different objectives. The District Plan is concerned with the environmental impact of a tiny house, whereas the Building Act is seeking minimum habitation standards for safety, health, sanitation and amenity.

The table on page 2 interprets the definitions of building, dwelling, minor dwelling and sleepout in the TRMP. The definitions themselves are provided in Appendix 1.

To determine which zone your site may lie within, consult the planning maps of the TRMP: [http://www.tasman.govt.nz/link/trmp-guides/PartII\\_Land](http://www.tasman.govt.nz/link/trmp-guides/PartII_Land).

## The Building Act, Building Code and Building Consents

### When does the Building Code apply?

The Building Code comprises regulations under the Building Act and applies when the tiny house is a building.

Some people refer to tiny houses using different terminology (e.g. "caravan", "mobile home" etc.), because it is difficult to characterise these structures due to their bespoke nature of design or construction.

### Is a tiny house a building under the Building Act and do I need building consent?

Under the Building Act, whether a tiny house is a building or not, depends first on whether it is a vehicle or motor vehicle (including a vehicle or motor vehicle as defined in section 2(1) of the Land Transport Act 1998).

If the answer to the first question is yes it is a vehicle, then this leads to the second consideration.

The second consideration is whether it is also a building (it can be both). If the vehicle is **also** a building it is subject to the requirements of the Building Act 2004; if the vehicle is not a building, it is not subject to the requirements of the Building Act 2004.

This second part of the assessment, after the first which determined it was a vehicle, is based on whether it is **immovable and is occupied by people on a permanent or long-term basis**. The question is often asked, “Is the tiny house a vehicle rather than a building?” For the purposes of the Building Act, a ‘vehicle’ can also be a ‘building’ (even if it is also defined in the Land Transport Act).

For a vehicle to be a building (subject to the requirements of the Building Act), it must be both immovable and occupied by people on a permanent or long-term basis. For the tiny house to be a vehicle, it must have the characteristics of a vehicle and not just have axles and wheels according to case law. Past determinations have also considered other factors such as brakes, lights, and suspension (everything a person would ordinarily associate with a vehicle or motor vehicle). The length of time of occupation by people is obviously important in determining whether it is occupied on a permanent or long-term basis. It may be immovable because of other structures, such as decks, verandahs or roofs, or service connections that are attached to them, and cannot be easily removed. A further consideration is whether the ‘tiny house’ has been fixed to any foundations (e.g. timber or concrete piles), even though it may still retain its axles and wheels. In most cases, it is likely this will mean the ‘tiny house’ could be considered immovable, unless it could be proven that any such foundations or services could be easily disconnected.

Each decision as to whether a vehicle is a building or not, needs to be considered on its own merits. A decision tree to help determine whether a building is a vehicle by the Ministry of Business, Innovation and Enterprise is provided in Appendix 2. There is no ‘one size fits all’ solution for what can be a complex issue to understand and navigate through.

### **The tiny house is not a building, but it is parked on a site and you want to connect to services**

If a vehicle that is parked on a site and is to be connected to services (e.g. potable water supply, wastewater) by either a permanently or an easily disconnected means, the services themselves will need building approval and are required to comply with the Building Code.

In this situation a Building Consent application **will** be required, for example, for the installation of a potable water supply (either connected to a reticulated system or separate onsite water tanks and filter system) and wastewater disposal (either to a reticulated system or separate onsite wastewater system, e.g. septic tank and associated disposal field).

### **Can the tiny house be self-sufficient?**

Some tiny houses are self-sufficient in terms of services and do not require council connections for some services, e.g. water supply, although it needs to be potable.

Tiny houses sometimes contain waterless/composting toilets and if such a toilet is proposed, they will need a building consent. If the waterless/composting toilet is connected to any on-site, or reticulated system, for the diversion of urine or liquid, then those drainage systems will need a building consent, and that application will need to include details of the toilet.

Please see the Council’s Good Practice Guide No. 4 for Operating Waterless Composting Toilets for more information (<https://www.tasman.govt.nz/trmp-guides>).

Some tiny houses may contain portable toilets (not composting toilets) that don’t discharge to any wastewater system and are emptied regularly at a disposal station. In such situations, a building consent would not be required for the toilet.

### **Overall Conclusions**

**From both a building consent and resource consent perspective, a tiny house (where it is decided that it is a building and a dwelling) is likely to be treated like any other dwelling.** The New Zealand Building Code does not have different requirements for a tiny house that has been deemed a building so it is difficult to treat them any other way. Tiny houses are relatively recent and are becoming popular quickly, hence Council would expect central government to lead any changes as it has the ability to change Building Act or Building Code requirements if they consider that is necessary and/or desirable.

Tiny houses are custom built and, hence, it is difficult to provide advice that will cover all such homes. It is the role of the designer to assess the rules and suggest a compliant design.

# Development and Financial Contributions

## What are Development Contributions?

A development contribution (DC) is a one-off charge by the Council. The purpose of DCs is to ensure that those people developing properties and who directly benefit pay their share of the growth-related costs of that infrastructure. The money collected from DCs pays for the cost of public infrastructure that is needed to meet the additional demand from growth. This includes network infrastructure such as stormwater, wastewater and transportation (roading and footpaths). Under the Local Government Act, a council can require a DC when granting a resource consent for a development, a building consent or certificate of acceptance; or an authorisation for a service connection for water, wastewater or stormwater. See <https://www.tasman.govt.nz/link/development-contributions> for council's policy on development and financial contributions.

DCs apply to all developments:

- within the catchments identified in the development contribution area maps contained in the link above
- that connect to Council's water, wastewater or stormwater services in the settlements identified in the policy on development and financial contributions (link above)
- throughout the District for transportation development contribution charges.

## How much will DCs be?

It depends on the nature and extent of your development and when we receive a resource or building consent application for your development. Tables 8 and 9 in the development and financial contributions policy are provided below, showing charges per household unit of demand for all services.

**Table 8: Development contribution charge per HUD - 1 July 2018 (GST inclusive)\***

| SERVICE        | CATCHMENTS |         |            |                  |
|----------------|------------|---------|------------|------------------|
|                | WAIMEA     | MOTUEKA | GOLDEN BAY | REST OF DISTRICT |
| Stormwater     | 6,374      | 9,300   | 1,091      | N/A              |
| Water          | 8,907      | 5,456   | N/A        | N/A              |
| Wastewater     | 10,442     | 8,964   | 13,257     | N/A              |
| Transportation | 1,290      | 1,290   | 1,290      | 1,290            |
| Total          | 27,013     | 25,010  | 15,638     | 1,290            |

\* GST has been applied at the rate of GST as at 1 July 2018 (15%). Should the rate of GST change, the charges will be adjusted accordingly.

**Table 9: Development contribution charges that apply in each area**

| SETTLEMENT AREA                                       | TRANSPORTATION | WASTEWATER | WATER | STORMWATER |
|---|----------------|------------|-------|------------|
| Wakefield   | ✓              | ✓          | ✓     | ✓          |
| Brightwater   | ✓              | ✓          | ✓     | ✓          |
| Richmond  | ✓              | ✓          | ✓     | ✓          |
| Mapua / Ruby Bay                                      | ✓              | ✓          | ✓     | ✓          |
| Motueka   | ✓              | ✓          | ✓     | ✓          |
| Riwaka  | ✓              | ✓          | ✓     | ✗          |
| Kaiteriteri   | ✓              | ✓          | ✓     | ✗          |
| Pohara / Ligar Bay / Tata Beach                       | ✓              | ✓          | ✗     | ✓          |
| Takaka  | ✓              | ✓          | ✗     | ✗          |
| Collingwood   | ✓              | ✓          | ✗     | ✗          |
| Rest of District (Land outside of listed settlements) | ✓              | ✗          | ✗     | ✗          |

## Discount for Small Dwellings

If you are building a small dwelling, you may be eligible for a discount. Council's development and financial contributions policy 2018 allows for a special assessment of demand for services for small homes where the applicant provides information to Council demonstrating that a small home (or homes) will be provided with certainty.

A home must meet both criteria A (size) and B (number of bedrooms) to qualify for the relevant discount.

|  | MINOR | SMALL | STANDARD |
|--|-------|-------|----------|
| Criteria A: Dwelling Size (Gross floor area m <sup>2</sup> ) | <65   | <110  | ≥110     |
| Criteria B: No. of Bedrooms                                  | 1     | ≤3    | ≥4       |
| HUD Discount (all services)                                  | 50%   | 25%   | Nil      |
| Proportion of HUD Payable for all charges                    | 0.5   | 0.75  | 1        |

Council may enter into agreements with developers or landowners to give effect to a special assessment and bind the applicant to any conditions that accompany the special assessment. The policy should be consulted for further detail on discounts and for advice in situations where development may subsequently be inconsistent with a special assessment.

## What are Financial Contributions?

Under the Resource Management Act, a resource consent may include a condition requiring that a financial contribution (FC) be made in the form of land or money. The TRMP requires that all new subdivisions, from one new lot up to hundreds of new lots, are required to pay reserve and community services financial contributions (RFCs).

## How much will FCs be?

When a subdivision consent is granted, an RFC is payable for all new lots created. The value of the contribution is 5.62% of the value of all new lots.

If there is no subdivision proposed, a RFC is payable on building consents for the second or subsequent dwelling on site. The table below details the RFCs payable on building consents:

| Financial Contribution - Building  |              |
|--|--------------|
| Component  | Contribution |
| Building Consent (\$0 - \$50,000 value)  | 0%           |
| Building Consent (\$50,001 - \$200,000 value)  | 0.51%        |
| Building Consent (above \$200,000 value)   | 0.25%        |
| <b>Notes:</b><br>(1) The financial contribution is GST inclusive.<br>(2) The building consent value is GST exclusive.<br>(3) The financial contribution is for reserves and community services where a development contribution has been required for infrastructure services under Council's Development Contributions Policy in its Long Term Council Community Plan prepared under the Local Government Act. Where this has not been required, the financial contribution is double the percentage contribution shown in the figure and is divided evenly between infrastructure services and reserves and community services.<br>(4) The contribution due on a building should be identified separately from other contributions set for any resource consent for an activity that includes buildings. |              |

Section 16.5 of the TRMP provides more detail of the rules that require the payment of RFCs on subdivision and building consents.

# Appendix 1

## Definitions

### Building (under the Building Act 2004)

Building: what it means and includes:

(1) In this Act, unless the context otherwise requires, building—

(a) means a temporary or permanent movable or immovable structure (including a structure intended for occupation by people, animals, machinery, or chattels); and

(b) includes—

(i) a mechanical, electrical, or other system; and

(ii) any means of restricting or preventing access to a residential pool; and

(iii) a vehicle or motor vehicle (including a vehicle or motor vehicle as defined in section 2(1) of the Land Transport Act 1998) that is immovable and is occupied by people on a permanent or long-term basis; and

(iv) a mast pole or a telecommunication aerial that is on, or forms part of, a building and that is more than 7 m in height above the point of its attachment or base support (except a dish aerial that is less than 2 m wide); and

(c) includes any 2 or more buildings that, on completion of building work, are intended to be managed as one building with a common use and a common set of ownership arrangements; and

(d) includes the non-moving parts of a cable car attached to or servicing a building; and

(e) after 30 March 2008, includes the moving parts of a cable car attached to or servicing a building.

(2) Subsection (1)(b)(i) only applies if—

(a) the mechanical, electrical, or other system is attached to the structure referred to in subsection (1)(a); and

(b) the system—

(i) is required by the building code; or

(ii) if installed, is required to comply with the building code.

(3) Subsection (1)(c) only applies in relation to—

(a) subpart 2 of Part 2; and

(b) a building consent; and

(c) a code compliance certificate; and

(d) a compliance schedule.

(4) This section is subject to section 9.

### Building (under the TRMP)

Building – means any structure (as defined in the Act) or part of a structure whether temporary or permanent, movable or immovable, including accessory buildings but does not include:

(a) coastal protection structures

(b) any scaffolding or falsework erected temporarily for maintenance or construction purposes;

(c) fences, walls or retaining walls of up to 1.8 metres in height, not used for advertising or for any purpose other than as a fence or wall;

(d) structures that are both less than five square metres in area and less than 1.2 metres in height, except where such structures are for the purposes of damming, diverting, taking, or using water;

(e) free-standing masts, towers, pylons, poles, radio and television aerials (excluding dish antennae for receiving satellite television), less than 10 metres above mean ground level;

(f) fan blades of any tower-mounted frost protection device;

(g) any vehicle, trailer, tent, caravan or boat whether fixed or movable, unless it is used as a place of long term accommodation (for two calendar months or more in any year), business or storage;

(h) overhead lines;

(i) in relation to any building setback requirement, any eaves, spouting, or bay windows projecting 1 metre or less from any exterior wall.

### Dwelling (under the TRMP)

Dwelling – means a building or part of a building for a single self-contained housekeeping unit, whether of one or more persons (where “single self-contained housekeeping unit” means a single integrated set of sleeping, ablution, and cooking facilities under a continuous roof and fully enclosed walls). A **minor dwelling** is a dwelling that is up to 80 square metres in area excluding any garage. Where any garage is attached to the minor dwelling the total area of the building is no more than 120 square metres.

### Sleepout (under the TRMP)

Sleepout means a detached bedroom (with or without ablution facilities) occupied exclusively as part of the principal dwelling on the site and containing no kitchen or cooking facilities.

### Relocatable (under the TRMP)

Relocatable – means not intended for permanent location on any site and readily capable of removal for relocation to another site.

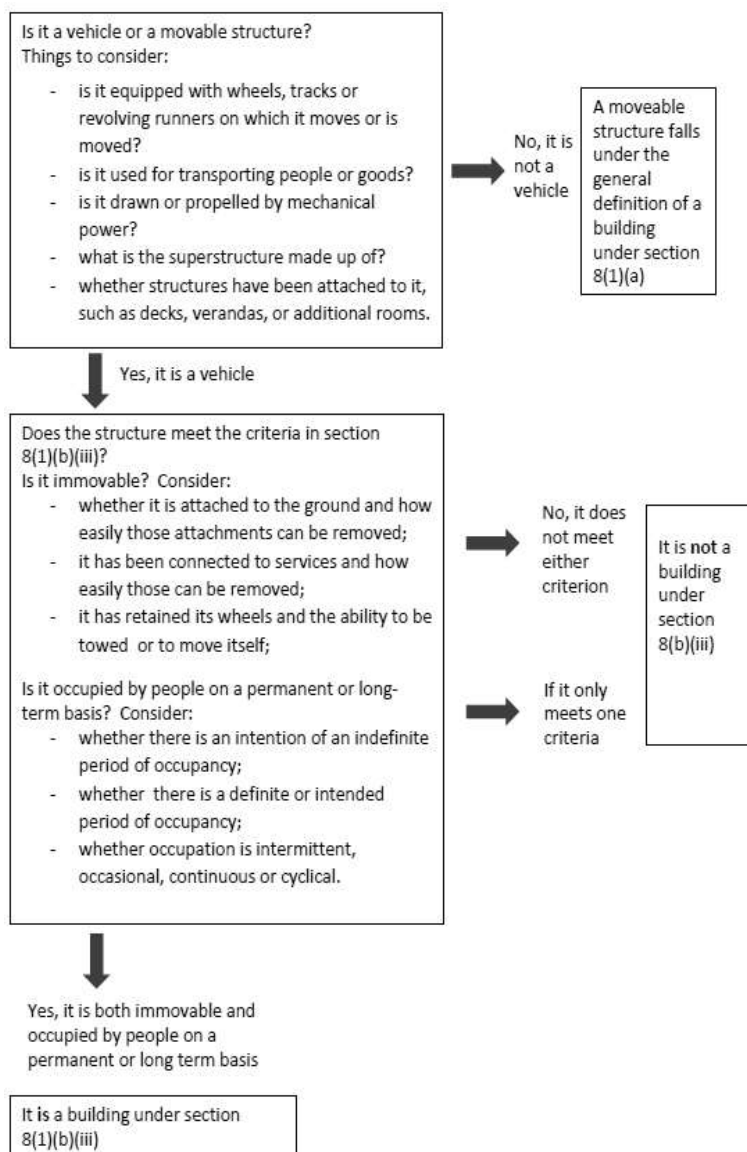
### Relocation (under the TRMP)

Relocation – in relation to a building, means the removal and re-siting of any building from any site to a new site.

## Appendix 2

### Ministry of Business, Innovation & Employment's Decision Tree on whether a Vehicle or a Building

Determination 2019/017 (Appendix A)



## Appendix 3

### Frequently asked questions about tiny houses and resource consent

#### **Q1 Is my tiny house a "building" under the Tasman Resource Management Plan (TRMP)?**

*Answer:* Yes, if it is lived in for more than two calendar months per year.

#### **Q2 Will my tiny house need a resource consent?**

*Answer:* If it is lived in for more than two calendar months per year and is self-contained, i.e. it has cooking facilities, ablutions and sleeping facilities then it is classed as a "dwelling." It will be assessed just like any other small dwelling under the Tasman Resource Management Plan (TRMP). If it is not a permitted activity and does not comply with one of more rules applying to dwellings in the TRMP it will need a resource consent.

#### **Q3 What water supply will I need to provide for my tiny house?**

*Answer:* If it is classed as a "dwelling" (see question 2 above) then you will need to comply with the TRMP water supply and firefighting water rules for dwellings or apply for a resource consent.

Tasman District Council Email [info@tasman.govt.nz](mailto:info@tasman.govt.nz) Website [www.tasman.govt.nz](http://www.tasman.govt.nz) 24 hour assistance

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