

From: **Garry Webber** <Garry.Webber@westernbay.govt.nz>

Date: Thu., 23 Jan. 2020, 2:28 pm

Subject: RE: Jenkin's tiny house Ohauti

To: Jenny Jenkins

Cc: Miriam Taris

Dear Jenny

Further to your enquiry regarding the “tiny house” R405b Ohauti Road at I would like to confirm the following with regards to the regulations that apply within the Western Bay of Plenty.

The Council has to be consistent in the application of its District Plan especially the regulation of tiny houses and does not provide for individual case-by-case interpretation.

How Council’s District Plan applies

A tiny house, whether built on wheels or not, is considered a “minor dwelling” in Council’s District Plan. A minor dwelling is something which is habitable, self-contained and 60m² or less.

In the residential zone, one or more minor dwellings (in addition to the main dwelling on a property) are provided for through resource consent and the payment of financial contributions. Minor dwellings must comply with general rules such as boundary setbacks, daylighting and building coverage (limited to 40 percent of the title). They must also share the same vehicle access as the main dwelling on the title.

In the rural, rural-residential and lifestyle zones, only one minor dwelling (in addition to the main dwelling on a property) is provided for through resource consent and the payment of financial contributions. Minor dwellings must comply with general rules such as boundary setbacks and daylighting. They must also be within 20metres of the main dwelling on the title and share the same vehicle access.

This means a resource consent is required to locate any tiny house on a property if there is already a main dwelling on it. Otherwise the applicant will be in breach of the Resource Management Act 1991.

Furthermore, the restriction in the rural, rural-residential and lifestyle zones is to stop the increase in infrastructure use (roads and water) which adds real costs to all ratepayers.

How the Building Act 2004 applies

Under the Building Act 2004, if a tiny house is built on wheels, and it must comply with the Land Transport Act 1998 (with registration and a warrant of fitness); it is classed as a vehicle and doesn’t need a building consent at the time it is built.

However, a building consent will be required when you connect the dwelling to services. This includes any water, wastewater or stormwater services (whether it’s a Council service or on-site service), if alterations, additions or structures are made or connected to the dwelling or if you intend to occupy the dwelling other than temporarily.

At the time the additional work is carried out the tiny house will no longer be classed as a vehicle and it legally becomes a dwelling, and at that point it needs a Certificate of Acceptance. If a tiny house is not on wheels it is a building under the Building Act 2004 and will require a building consent prior to commencing construction.

Getting further help

I have cc'd this email to the Chief Executive Officer Miriam Taris, please contact Council's duty planner and/or duty building officer on 5718008 for further assistance and guidance for any applications.

Regards,

Garry Webber

Mayor

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