



**Western
Bay of Plenty**
District Council



Mā tō tātou takiwā For our District

Western Bay of Plenty
District Council –
Internal policy for
assessing 'Tiny
Home' type structures.

Options for assessing 'Tiny Home' type structures

When arriving to follow up a complaint in relation to a Tiny Home structure, we will be faced with a number of scenarios. Here are the common scenarios that we encounter, and how they are assessed.

Please note that this document was initially developed to enable council staff to have a consistent approach to managing Tiny Home complaints. It is not intended to override any legislative requirements.

We would strongly recommend obtaining independent advice and following the Tiny Home guidance set by MBIE on the following link: <https://www.building.govt.nz/assets/Uploads/getting-started/tinyhouses/tiny-houses-guidance-mbie.pdf>

Option 1

- Arrive to find a unit containing no sanitary fixtures.
- It is either on wheels or has had the wheels removed.
- A registration and WOF/COF is desirable, however not mandatory.
- The unit has a chassis, and a trailer that is fit for purpose, including a draw bar length that allows it to be towed away behind a vehicle on the road with relative ease.
- There are no other systems/services, such as heat pumps, that are not connected to the unit or chassis.
- You can choose to take no further action if the wheels are fixed on it because the vehicle will not become a building if it is movable, and the Building Act 2004 does not need to be applied.
- Refer to Appendix 1 for other considerations to be made onsite.
- Example photo is on the following page.



Example above of no systems/services requiring consideration.

Option 2

- Arrive to find a unit that contains sanitary fixtures but is not connected to inground services.
- It is either on wheels or has had the wheels removed.
- A registration and WOF/COF is desirable, however not mandatory.
- The unit has a chassis, and a trailer that is fit for purpose, including a draw bar length that allows it to be towed away behind a vehicle on the road with relative ease.
- The services are above ground tanks that can be emptied/filled, like a caravan.
- All tanks can be disconnected easily and removed for transport, or they are fixed to the chassis of the trailer.
- There are no other systems/services, such as heat pumps, that are not connected to the unit or chassis.
- You can choose to take no further action if the wheels are fixed on it because the vehicle will not become a building if it is movable, and the Building Act 2004 does not need to be applied.
- Refer to Appendix 1 for other considerations to be made onsite.
- Example photos are on the following page.



Example above of tanks not requiring connection to drainage systems



Example above of other systems/services (heat pumps) connected to the unit only

Option 3

- Arrive to find a unit connected to in-ground services.
- It is either on wheels or has had the wheels removed.
- A registration and WOF/COF is desirable, however not mandatory.
- The unit has a chassis, and a trailer that is fit for purpose, including a draw bar length that allows it to be towed away behind a vehicle on the road with relative ease.
- The unit is connected to a sewer system and "appropriate outfall" within the ground via a "vehicle type connection", such as a drainage system going to Council mains, or an Onsite Effluent Treatment system. Services include a potable water supply from somewhere onsite.
- The in-ground services can be easily disconnected via a simple connection ie rubber hose clamp joint (with a cap fitted to the drain) and lifting waste pipes out of the gully trap.
- There are no other systems/services, such as heat pumps, that are connected to the ground.

- You can choose to take no further action in relation to the unit itself if the wheels are fixed on it because the vehicle will not become a building if it is movable, and the Building Act 2004 does not need to be applied.
- If the services are not able to be disconnected easily ie glued joints to the drainage system, or heat pumps attached to the ground, it is a vehicle that has become immovable, so therefore a building. Discussions will need to be had with the owner in relation to whether a building consent has been/can be obtained to make the connection simple as per the point above.
- Refer to Appendix 1 for other considerations to be made onsite.
- Refer to Appendix 2 for drainage considerations.
- Example photos are on the following page.



Example above of waste pipes that are not easily disconnected



Example above of other systems/services (heat pumps) that are connected to the ground

Appendix 1

Attached structures or units not on wheels

For any of the scenarios above, after assessing the unit itself, consideration needs to be given to anything that may be "attached" to it. If there is a deck or veranda roof attached to the unit, and it is unable to support itself, then it is a vehicle that has become immovable, irrespective of whether the unit has wheels. It has now become a building.

Attached structures will need to be removed or constructed to be self-supporting, and enforcement action in the way of a Notice to Fix may need to be considered.

Depending on the characteristics of the deck or veranda roof, the owner may be able to carry out the required building work under [Schedule One](#) of the Building Act 2004 to remove the connection to the unit. This is work not requiring a building consent.

Please refer to the current edition of the MBIE guidance document "[Building work that does not require a building consent](#)", to ensure that the building work does not need to be captured via a building consent, or certificate of acceptance if already carried out.

Also note that if the unit does not have wheels that are able to be attached to it, as described within the options above, then it is unable to be considered as a vehicle at any point in your considerations. You will need to discuss this situation further within the Council's Building Services Team before proceeding, to determine whether any building work has been carried out.



Example of an attached structure (veranda roof)



Example of structures that are not attached to the unit (freestanding)



Example of a unit that is not attached to a trailer allowing it to be moved with relative ease.

Appendix 2

Services, including drainage systems

The term "in-ground services" within this document is easier to use because typically the sewer connection to either the Council main or OSET system will be at ground level, as the chassis of the unit is low to the ground. If there is a situation where the services are more permanent than a caravan type set up, but not "in-ground", further discussion would likely be required within the Council's Building Services Team before proceeding.

The in-ground services aspects that require further consideration are as follows:

- Do they have a building consent / code compliance certificate, or a certificate of acceptance available on file that covers the relevant building work?
- If not, then the owner will likely require a Notice to Fix to be issued to them. This will enable Council to request that a certificate of acceptance be obtained to ensure that the building work carried out without building consent can meet the provisions of the Building Code to the extent required by the Building Act 2004.
- Whether the water supply is potable would also need to be considered further.

When looking at the connection of the unit to the drainage system onsite, further discussion will be required within the Council's Building Services Team before proceeding. The following items will need to be considered:

- Is there an easily disconnected fitting attached to the soil fixture pipe (toilet pan), and is this directly to the drainage system (not via a gully trap)? Can this be capped to allow the vehicle to be towed away?
- Can the waste fixture pipes from the unit discharge to a gully trap, and are they easily removed from the gully trap to allow the vehicle to be towed away?
- If the unit were to be towed away, does the drainage system have its own water supply (hose tap) to fill the gully trap water seal when there are no waste fixture pipes present?
- Does the drainage system have a drain vent? Both the tap and the vent would need to have been attached to a post, not the unit.
- Is the gully trap/drain overflow point protected with a concrete surround and compliant with minimum flood height levels??

Because any drainage system installed to serve the unit requires a building consent - via that application, or an application for a certificate of acceptance, a suitably

competent Building Control Officer will assess the building work for compliance with the relevant provisions of the Building Code.



Example of a water connection that can be easily isolated and disconnected

Compliance with Council's District Plan

You will need to advise the Council's District Plan Compliance Team of what you find onsite. Irrespective of whether the unit can remain defined as a vehicle, there may be other requirements within the [District Plan](#) that you are not aware of. It is best that the owner discusses this with the relevant team to ensure the correct information is given out. Make your decision based on the requirements of the Building Act 2004.

Published tiny home guidance

MBIE have published a guidance document in November 2021, titled "Tiny House Guidance – Tiny Guidance for the Building Act 2004", found on [their website](#). You will need to consider this document when giving the owner instructions on seeking further advice. The Western Bay of Plenty District Council has taken care in preparing its

option taking guide, but like the MBIE document, it should not be relied upon as establishing compliance with all relevant clauses of the Building Act or Building Code in all cases that may arise.