

15. PROPOSED OVERSTRAND MUNICIPALITY TINY HOUSE POLICY

17/5/B

S Muller

29 July 2022

Director : Infrastructure & Planning

(028) 313 8019

1. Executive Summary

The purpose of this report is for Council to approve the Tiny House Policy. The Tiny House Policy is attached as Annexure A.

2. Service Delivery and Budget Implementation Plan - IGNITE

Directorate: Infrastructure & Planning

Department: Town Planning

Department: Building Control

3. Compliance with Strategic Priorities

Provision of democratic, accountable and ethical governance

The provision and maintenance of municipal services

Creation and maintenance of a safe and healthy environment

The promotion of tourism, economic and social development

4. Delegated Authority

None

5. Legal Requirements

This policy is developed in the context to the following legislation, policies and strategic frameworks:

- The National Building Regulations and Building Standards Act (Act 103 of 1977), the NBR.
- South African National Standard 10400: The Application of The National Building Regulations (SANS 10400).

6. Background/Discussion/Evaluation/Conclusion**Background**

A global shift towards simplicity and minimalism in the built environment in recent years has birthed the 'tiny house trend', which has taken off across the globe and has recently made its way to South Africa.

A Tiny House complies with the definition of a residential dwelling house but on a smaller than usual scale.

AGENDA OF A SPECIAL MAYORAL COMMITTEE MEETING 29 AUGUST 2022

The tiny house movement (also called the small house movement) is an architectural and social movement that advocates for downsizing living spaces, simplifying, and essentially "living with less." According to the 2018 International Residential Code, Appendix Q Tiny Houses, a tiny house is a "dwelling unit with a maximum of 37 square metres of floor area, excluding lofts."

While tiny housing primarily represents a return to simpler living, the movement is also regarded as a potential eco-friendly solution to the existing housing industry, as well as a feasible transitional option for individuals experiencing a lack of shelter.

The purpose of this policy is to focus on primary dwelling houses with a footprint of less than 30m².

Discussion

The Policy proposes three categories of tiny houses, as follows:

- Permanent – Attached to approved foundation, prioritising occupant safety and energy efficiency,
- Temporary – Built on chassis or frame and may have wheels, prioritising mobility, or
- Transitional – living facilities for persons who lack shelter, prioritises flexibility to meet local needs.

The Policy provides guidelines to be considered by decision makers when considering building plans for tiny house.

The Policy also guidance regarding areas and land use zones where tiny houses will be considered.

Public participation process was followed and comments received were considered and incorporated into the policy where applicable. Summary of comments attached as Annexure C.

Conclusion

The Policy will give assistance to developers of tiny houses, and guidance to municipal officials who must consider building plan applications for tiny houses.

7. Financial Implications

None

8. Staff Implications

None

AGENDA OF A SPECIAL MAYORAL COMMITTEE MEETING 29 AUGUST 2022**9. Comments from other Departments, Divisions and Administrations**

None

10. Annexures

Annexure A: Tiny House Policy

Annexure B: Summary of comments received in public participation process.

RECOMMENDATION TO THE COUNCIL:

that the Tiny House Policy **be approved**.

RESPONSIBLE OFFICIAL :**S MULLER****TARGET DATE FOR IMPLEMENTATION :****1 SEPTEMBER 2022**

Annexure A 1/8

OVERSTRAND MUNICIPALITY



TINY HOUSE POLICY

Final Version 4 (28 July 2022)

CONTENTS**Page**

1.	Introduction	3
2.	Legal Framework	3
3.	Categories (types) of Tiny Houses	5
4.	Tiny House Guidelines	6
5.	Zoning and area	8
6.	Procedural requirements and application process	8

1. INTRODUCTION

A global shift towards simplicity and minimalism in the built environment in recent years has birthed the 'tiny house trend', which has taken off across the globe and has recently made its way to South Africa.

A *Tiny House* complies with the definition of a residential dwelling house but on a smaller than usual scale.

The tiny house movement (also called the small house movement) is an architectural and social movement that advocates for downsizing living spaces, simplifying, and essentially "living with less." According to the 2018 International Residential Code, Appendix Q Tiny Houses, a tiny house is a "dwelling unit with a maximum of 37 square metres of footprint floor area, excluding lofts."

While tiny housing primarily represents a return to simpler living, the movement is also regarded as a potential eco-friendly solution to the existing housing industry, as well as a feasible transitional option for individuals experiencing a lack of shelter.

The purpose of this policy is to focus on primary dwelling houses with a footprint of less than 27m².

All Tiny House applications must comply with the National Building Regulations, including the parameters for rational designs, as well as the Land Use Scheme parameters and other applicable legislation.

2. LEGAL FRAMEWORK

The legal framework for all buildings in South Africa is contained in the following two documents:

- The National Building Regulations and Building Standards Act (Act 103 of 1977) (referred to as the *Building Act*),
- South African National Standards 10400: The Application of The National Building Regulations (SANS 10400).

All buildings must be approved by the Local Authority. When considering an application for a building, the decision maker must take into consideration all aspects of the Building Act and SANS 10400 or National Building Regulations (NBR).

Any digression from the prescriptive requirements of SANS 10400 requires a rational design. A rational design is described in Part A of SANS 10400 as a design by a competent person involving a process of reasoning and calculation and which may include a design based on the use of a standard or other suitable document.

When considering an application for a tiny house, the following three sections are of particular importance:

A4/8

2.1. SECTION 7 OF THE BUILDING ACT

Section 7 of the Building Act reads as follows:

7. Approval by local authorities in respect of erection of buildings

(1) If a local authority, having considered a recommendation referred to in section 6(1)(a) -

(a) is satisfied that the application in question complies with the requirements of this Act and any other applicable law, it shall grant its approval in respect thereof;

(b) (i) is not so satisfied; or

(ii) is satisfied that the building to which the application in question relates –

(aa) is to be erected in such manner or will be of such nature or appearance that –

(aaa) the area in which it is to be erected will probably or in fact be disfigured thereby;

(bbb) it will probably or in fact be unsightly or objectionable;

(ccc) it will probably or in fact derogate from the value of adjoining or neighbouring properties;

(bb) will probably or in fact be dangerous to life or property,

Such local authority shall refuse to grant its approval thereof and give written notice for such refusal.

2.2. SANS 10400 PART C: DIMENSIONS

SANS 10400 prescribes that a primary dwelling house must be at least 27m² in area. Additional dwelling units on the same erf as a primary dwelling (second or third dwelling houses) are not limited in size in terms of the Building Act.

SANS 10400, Part C: Dimensions reads as follows:

4.4 Floor area

The overall plan area of any dwelling house shall be not less than:

a) 15 m² in the case of a temporary building,

b) 27 m² in the case of permanent category 1 buildings, or

c) 30 m² in the case of any other permanent building.

With the present tendency towards smaller sites, it is likely that many more houses of a size much smaller than has been common in the past will be built. In considering the very small permanent building it should be remembered that size cannot be equated with quality.

3. CATEGORIES OR TYPES OF TINY HOUSES

Tiny Houses can be grouped into three categories, based on their intended use:

- Permanent – Attached to approved foundation, prioritising occupant safety and energy efficiency,
- Temporary – Built on chassis or frame and may have wheels, prioritising mobility, or
- Transitional – living facilities for persons who lack shelter, prioritises flexibility to meet local needs.

3.1 Permanent Dwelling

Permanent tiny houses are attached to a foundation and complies with all applicable law. Permanent tiny houses must meet the requirements of the Building Act. Any digression from the prescriptive requirements requires a rational design. The Building Act requirements for permanent houses are well-established and expanded upon in Section 4 of this document.

Sleeping lofts are allowed in a tiny house, a ladder or stairs may be used as the primary means of access to the sleeping lofts if submitted as a rational design.

Service connections (Water, sewage, electricity) will be required as per normal building regulations (SANS 10400).

Plan approvals and inspections are mandatory and provided by the Municipality.

Builders, electricians, and plumbers who work on a tiny house must be licensed/registered.

3.2 Temporary Dwelling / Mobile Tiny House

Tiny houses attached to a frame or chassis (which may or may not have wheels attached), park model recreational vehicles, or tiny houses on wheels are considered temporary dwellings. Temporary dwellings prioritize mobility.

Temporary tiny houses may only be established in areas zoned as resorts or areas zoned as less formal development zones.

Mobile tiny houses are designed for regular movement on public highways and subject to the National Road Traffic Safety Act (NRTA). This includes standards for brakes, lights, wheels, tires, rear impact guards, and VIN numbers. Temporary tiny houses not designed for regular

movement on public highways can be transported under a trip permit or an over-dimension permit.

3.3 Transitional Housing

The establishment of transitional housing units to provide seasonal, emergency, or transitional living facilities for persons who lack permanent or safe shelter and cannot be placed in low-income housing can be allowed.

Transitional tiny houses may only be established in areas zoned as less formal development zones.

Transitional housing units can include shacks, cabins, fabric structures, and other similar accommodations. Transitional housing units may only be established in areas zoned as less formal development zones. These are established and regulated at the local government level. This standard is a service to local government and has no regulatory impact until adopted by local government.

4. TINY HOUSE GUIDELINES

This section must be read with the Building Act and SANS 10400.

4.1. GENERAL

Scope

This part is applicable to tiny houses used as primary single dwelling units, or second dwelling units.

4.2. DEFINITIONS

The following words and terms shall, for the purposes of this document, have the meanings shown herein. Refer to the Building Act and SANS 10400 for general definitions.

TINY HOUSE: A dwelling that is 27m² or less in footprint with or without lofts.

LOFT: A floor level located more than 800 mm above the main floor, open to the main floor on one or more sides with a ceiling height of less than 2100mm and used as a living or sleeping space.

4.3. CEILING HEIGHT

4.3.1. Minimum ceiling height

Habitable space in tiny houses shall have a ceiling height of not less than 2100mm.

Bathrooms, toilet rooms and kitchens shall have a ceiling height of not less than 1900mm.

A7/8

Obstructions including, but not limited to, beams, girders, ducts and lighting, shall not extend below these minimum ceiling heights.

Exception: Ceiling heights in lofts are permitted to be less than 2100mm.

4.4. LOFTS

4.4.1. Minimum area

Lofts shall have a floor area of not less than 2.0m².

4.4.2. Minimum dimensions

Lofts shall be not less than 1.0m in any horizontal dimension.

4.4.3. Minimum height of loft area

The height of a loft measured from the finished floor to the finished ceiling shall not be less than 750mm.

4.4.4. Loft access

The access to the primary egress from lofts shall be by means of a stairway or ladder.

4.4.5. Loft Guards/balustrade

Loft guards shall be located along the open side of lofts. Loft guards shall be not less than 400mm in height.

5. ZONING AND AREAS

5.1 Zoning codes determine where owners can site their tiny houses.

Tiny houses will be considered in the following zones:

- Resort Zone:

Temporary Tiny Houses, built on chassis or frame and may have wheels.

- Less Formal Development Zone:

Permanent Tiny Houses, attached to approved foundation,
Temporary Tiny Houses, built on chassis or frame and may have wheels, and
Transitional Tiny Houses, living facilities for persons who lack shelter,
prioritises flexibility to meet local needs.

- Residential Zone 1: Single Residential

Permanent Tiny Houses, attached to approved foundation.
Direct neighbours' comments (or proof of notices served) are required for
structures smaller than 30m².

5.2 The consideration of the specific areas where tiny houses could be constructed must take the following into account:

- Requirements of Section 7 of the NBR,
- General style and value of buildings in the area, and
- Need and Desirability.

6. PROCEDURAL REQUIREMENTS AND APPLICATION PROCESS

The process to obtain permission to erect a tiny house is as follows:

- 6.1 Before formally submitting an application, an applicant must first discuss the details with the relevant official in the Building Control and Town Planning Departments.
- 6.2 The applicant must then submit a building plan application to the Building Control Department, together with a motivation and application for exemption and/or deviation from all the relevant parts of the NBR.
- 6.3 The building plan application is then assessed by the Municipality, taking all relevant legislation and this Policy into consideration.
- 6.4 Once assessed, the application is referred to the competent authority for decision.
- 6.5 The applicant is notified of the decision.

Annexure B18

TINY HOUSE POLICY - COMMENTS RECEIVED DURING PUBLIC PARTICIPATION PROCESS			INCORPORATED INTO POLICY
NR	NAME	COMMENT	RESPONSE
1	Dirk Kruger	<p>Finish of unit: The finish of the units to be specified during application as there are some manufactures supplying units that will not look good in area. Outside finish will vary from fibre cement to roofing material / timber. What will be the limits for finish? What will the allowable colour be?</p> <p>Structural design: Some title deeds have limitations that will not allow such buildings. I had to change title deed to be allowed to build a timber / LSF home. Still need to issue drawings for approval Here is a very grey area that is not noted anywhere in SANS codes. Making use of SANS 517 will be a start Most overseas units make use of light steel framing as that is the lightest option available. There are some companies making use of cold room panels which can look good if done right. Timber construction as per SANS standards. Corrosion protection: All steel to be treated to suit environment. Painted and or galvanised to suit Timber: All timber to be treated as per SANS standard</p>	<p>It is standard to specify the finish on the drawings, usually on elevation (i.e. plaster & paint) or in the spec.</p> <p>NO</p>
2	Dirk Kruger	<p>Precast building: I know of one company manufacturing these unit as a precast unit of 6 m x 2.7 m footprint. The building has been designed to SANS standards and have all the required agreement documentations. They are using a combination of waste products and cement mixture with fire proofing additives that has been installed in Kruger National Park. Foundations: If the unit will stand on legs / jacks the ground should be stable. Paving will allow the unit to stand firm and prevent unwanted growth under the units. Geomembranes to be allowed as alternative. Wheels / jacks to be placed on concrete bases. There could be some exceptions in areas. The unit to be tied down to these blocks. This will prevent units from being blown over in area as the wind loading are very high.</p>	<p>BC: Application must still comply with the Building Act, applicable Regulations and all other applicable law: a rational design must be submitted. TP: The policy does not over rule the title deed restriction, the restrictive condition will have to be addressed prior to the approval of the structure.</p> <p>NO</p>
3	Dirk Kruger	<p>Foundations: If the unit will stand on legs / jacks the ground should be stable. Paving will allow the unit to stand firm and prevent unwanted growth under the units. Geomembranes to be allowed as alternative. Wheels / jacks to be placed on concrete bases. There could be some exceptions in areas. The unit to be tied down to these blocks. This will prevent units from being blown over in area as the wind loading are very high.</p>	<p>Yes, if it complies with all applicable law including rational design for structural integrity.</p> <p>NO</p>
4	Dirk Kruger	<p>Ladders: Allowance for fixed or movable ladder. Ladder to have timber steps with non-slip surface Steel ladders allowed Aluminium ladder: Here we can use standard ladders available or custom units Spacing of the steps 200-250 mm Slope of ladder 65, 75 to 90 degrees to floor (avoid the 45-to-65-degree range) Width of ladder 450 mm Ladder hook. Ladder to hook onto top platform (hinged or pin / pipe location)</p>	<p>An Engineer must take responsibility for relevant Duties of SANS 10400, Form 2.</p> <p>NO</p>
5	Dirk Kruger	<p>Side rails Ladder to have side rails with all edge rounded to 8 mm and smooth Staircase: A normal staircase is specified in SANS but in tiny home the width and pitch of steps will take a lot of space. Tiny house staircase to be allowed to go to 45 degrees (200 rise x 200 going or to use ladder as above Step overlap as per SANS Timber tread 2250 wide x 22 thick as minimum if less than 460 mm wide. Some homes are combining storage space with the staircase.</p>	<p>Although I agree, in terms of legislation, a Rational design is required.</p> <p>NO</p>
6	Dirk Kruger	<p>Side rails Ladder to have side rails with all edge rounded to 8 mm and smooth Staircase: A normal staircase is specified in SANS but in tiny home the width and pitch of steps will take a lot of space. Tiny house staircase to be allowed to go to 45 degrees (200 rise x 200 going or to use ladder as above Step overlap as per SANS Timber tread 2250 wide x 22 thick as minimum if less than 460 mm wide. Some homes are combining storage space with the staircase.</p>	<p>Although I agree, in terms of legislation, a Rational design is required.</p> <p>NO</p>

3218

7	Dirk Kruger	<p>Loft: Design load will be required at 50 kg /m2 as some lofts have standing / packing space Loft to have a minimum of one window that can be opened / closed to suit Loft ceiling to have a high insulation value due to heat build-up in roof area Loft railings: the 400 mm minimum requirement should be looked at. I will say that top of mattress to top of rail should be minimum 400 mm to prevent person rolling of the side if a bed with legs is installed the railing should be at 1000 mm above loft floor level I would note that there should be a toe guard on bottom of railing to prevent things from rolling of the loft and dropping on floor. Handrailing inside a house has the 100 mm ball limit to prevent stuff from falling. Sometime the children will be sleeping in the loft area, and they are smaller than adult so the gap of 100 mm between horizontal bars on handrail should apply</p>	An Engineer must take responsibility for relevant Duties of SANS 10400, Form 2. Rational design is required.	NO
8	Dirk Kruger	<p>Lighting in loft: Some lights can get hot when installed and can burn a person. I will recommend a low power lights / light in non-breakable holder / glass</p>	Not prescribed in NBR Act or regulation.	NO
9	Dirk Kruger	<p>Bathroom: Toilets: Will composting toilets be allowed for tiny house and normal houses Wastewater: Will alternatives to underground tanks be allowed Grey water: Will grey water be allowed to irrigate the garden?</p>	BC: Toilets & wastewater: Not in Res 1 TP: will not be allowed in the urban area	NO
10	Dirk Kruger	<p>Building layout: I have looked at the following option due to tiny homes sometimes being limited in size and the transport of these items. By splitting the main building into division / separate items will allow larger families to live easier together Kitchen living room unit with possible stoep Bedroom with ensuite bathroom (toilet, hand basin and shower) as separate entity Shed / storage: Due to house limits additional storage for goods are required. Containers is an option but sometimes can get ugly. Note that containers must be painted / kept neat or cover by material. Allowance for corrugated sheds make from timber / steel will be appreciated</p>	Application must comply with Zoning scheme, Sheds/stores: there is a Container guideline.	NO
11	Dirk Kruger	<p>Off grid options: Generators: Noise level to be noted Battery system: I do not know if there are any regulations in this regard. Something to look at Solar panels: This could result in problem if the solar panels are installed and are influencing views from home. The panels supporting structure to be to a standard to prevent panels blow away and damaging to properties / injuries to others Wind generators: This must be addresses as some units are very noisy. Location / visibility limits. This should be noted somewhere</p>	Off grid options are allowed, but availability fees/rates still applicable. Solar panels & wind generators to comply NBR (rational design) and Zoning scheme. TP: Subject to compliance with the Municipal by-laws.	NO
12	Dirk Kruger	<p>Security lights: Security lights must not activate if vehicle person is passing outside the erf boundary. Activation by domestic animals not to be allowed The lights may not stay on through the night. Theses light to be limited by watt or lumens I hope that there is a bylaw with penalty for this.</p>	As for any other application,	NO
13	Linda Rescic	Manner of control - support the concept	As for any other approved building application: Building inspections;	NO
14	Raymond Cool	Want to build tiny house on garage	Tiny Home on top of garage would classify as 'normal' house (this comment: not by Building Control)	NO
15	Pierre Jenkins	How will Council assist with subdivision process	Enquiry not related to policy	NO

33/8

16	Karen Eddy	<p>1. Would we have a say before the 'Tiny House' is erected?</p> <p>2. Is there enough manpower to actually monitor this and make sure illegal Homes are not erected?</p> <p>3. Devaluation of our property value!</p> <p>4. Who will be monitoring this as already the basic things like potholes, Water pipes and etc. are difficult to manage?</p>	<p>1. Building plan application to be submitted to comply with all applicable law.</p> <p>2. Approved plan applications are controlled and inspected by Building inspectors.</p> <p>3. Tiny Homes get approved in terms of Section 7 of Building Act and the Municipality must take the disqualifying factors of s7 into consideration, including devaluation of adjoining properties.</p> <p>4. Approved plan applications are controlled and inspected by Building inspectors.</p>	NO
17	Dave Williams	<p>Mobile Tiny homes on farms? Do not over-regulate to discourage</p>	<p>We agree. The application must still comply with all applicable law. TP: To comply with the land use scheme regulations, in terms of certain zonings such a land use will be require a land use application.</p>	NO
18	Ronelle Viktor	<p>Does the policy allow shipping container homes?</p> <p>1. How many Tiny houses will be allowed on one single site?</p> <p>2. How will this policy impact the restrictions in the title deeds of properties stating only one dwelling will be allowed?</p> <p>3. Will Temporary Tiny Houses have a timeframe restriction condition? If I remember correctly the term temporary is applied for 6 months at building control.</p> <p>4. If a owner constructs a Primary dwelling Tiny house of 27m² and on a later stage wants to build a double garage +-36m² on the property to protect his vehicles, he will not be able to do so because the outbuilding is not subservient to the dwelling. The client will be forced to make his dwelling bigger in this case which can be regarded as unconstitutional.</p> <p>5. Will the local authority in fact adhere to Section 7 of the NBR regarding approvals for Tiny houses?</p> <p>6. Where properties have no title deed restrictions and can erect two dwellings on one single property and the owner has a primary dwelling already, can he construct a Tiny house on the same property? The draft policy states tiny houses will be used only for primary single dwelling units.</p> <p>7. A Owner wants to build a Tiny house on his vacant land as the policy provides a option now and the owner has a very limited budget but the adjacent owners do not want to provide their consent for all types of reasons. What then? The owner has the right but other people has more say. This will lead to many confrontations.</p>	<p>Referred to Container home guidelines</p> <p>1. As per scheme regulations, 2 houses are allowed accept where title deed restrict it to 1 dwelling.</p> <p>2. Title deed restrictions takes precedence over policy and scheme regulations.</p> <p>A23 Temporary Buildings</p> <p>3. (1) On receipt of any application to erect a building which the applicant has declared to be a temporary building, the local authority may, subject to the provisions of subregulations (2), (3) and (4), grant provisional authorization to the applicant to proceed with the erection of such building in accordance with any conditions or directions specified in such authorization.</p> <p>(2) Before granting such authorization the local authority may require the submission of –</p> <p>(a) a statement of the period for which authorization is required;</p> <p>(b) a site plan;</p> <p>(c) layout drawings in sufficient detail to enable the local authority to determine the general size, form, materials of construction and use of the proposed building; and</p> <p>(d) any structural detail required by the local authority to determine the structural safety of the proposed building.</p> <p>(3) The local authority shall grant the authorization contemplated in subregulation (1) for a limited period, to be determined with regard to the period specified by the applicant.</p> <p>4. As the definition for outbuilding states that it must be subservient to the main building your statement is correct and the owner would have to make sure that his</p>	NO
19	Johan Gercke	<p>Wants to build 32 sqm building and carport</p>	<p>Policy will be amended to allow for a primary and secondary tiny home.</p>	NO
20	Danie Nel	<p>Wants to build 32 sqm building and carport</p>	<p>To comply with the policy if the internal measurements are less than 30m², the policy will then apply.</p>	NO

B4/8

<p>21</p>	<p>Yulanda Roxburgh Tinyhome Africa</p>	<p>"3.1 Permanent Dwelling Permanent tiny houses are attached to an approved foundation and prioritize occupant safety and energy efficiency at the expense of mobility." All prefab tinyhomes are movable whether on wheels or not. Tiny homes are primarily designed for permanent dwelling and are normally delivered to site via a crane truck and mounted onto steel feet which stand on precast concrete plinths, designed by engineers for every site. The houses can be moved again in the same manner which means they are eternally mobile and stand on top of the ground. These houses are permanent and the fact that they can again be moved is a side benefit. "Builders, electricians, and plumbers who work on a tiny house must be licensed/registered." NHBRC licences apply mostly to brick & mortar and not prefabrication in a factory, therefore it would be beneficial for some type of licence or registration to be made available for prefab tiny home builders with an accepted standard for building and light weight materials. We would be very glad to work with government to establish something like this for South Africa, based on our climatic conditions and the building regulations.</p>	<p>1. This question is for the Department of Trade and Industry, and cannot be dealt with at local government level. 2. Mr. Semakaleng Masilo <Semakaleng.Masilo@nrcc.org.za> from the National Regulator for Compulsory Specifications, may also be able to assist. TP: The policy specifically allows for certain types of tiny homes on specific zonings. Only permanent structures will be allowed on Single Residential Zoning, mobile structures will only be allowed on certain zonings as per the policy.</p>	<p>NO</p>
<p>22</p>	<p>Yulanda Roxburgh Tinyhome Africa</p>	<p>"3.2 Temporary Dwelling Tiny houses attached to a frame or chassis (which may or may not have wheels attached), park model recreational vehicles, or tiny houses on wheels are considered temporary dwellings. Temporary dwellings prioritize mobility and allow for the use of space-saving features like sleeping lofts and ladders. Temporary tiny house may only be established in areas zoned as resorts or areas zoned as less formal development zones." People want to live in tiny houses permanently, not temporarily. It is not a caravan or park home. The international movement towards living permanently in tiny houses on wheels means that one can invest in a tiny home which can be towed to different locations occasionally (not regularly as it is cumbersome). The purpose is to live in luxury but with freedom to live in open spaces, not temporary resorts or caravan parks. Tiny house villages or second dwellings on existing properties or farms are the first preferential options. Young and retired and digital nomadic people wish to function within the property market by parking their tiny homes on wheels on land rented from someone with a bigger property or farm or joint properties made available for renting to tiny homes. This not only preserves the environment from permanent structures, but also creates more safety in rural areas and brings more income to rural towns, whilst lessening urban densification. Perhaps a new zoning can be created or land can be allocated which is not zoned as resort (ie temporary or for caravan) or less formal development zones (implying lower income) but as tiny home estates? Further allocation is required to allow tiny homes on wheels on residential properties as a second movable dwelling provided certain criteria are met. "Mobile tiny houses are designed for regular movement on public highways and subject to the National Road Traffic Safety Act (NRTA). This includes standards for brakes, lights, wheels, tires, rear impact guards, and VIN numbers." A typical tiny home on wheels of 8m long x 2.5m wide weighs in at about 4 tons or more. The current national road regulations only allow for a vehicle of the same weight to tow this, which makes towing of a tiny home impossible by any 4 x 4 vehicle unless its a 4 ton truck. Could a new allowance be considered with the correct braked axels, lights etc?</p>	<p>TP: Permanent residency will only be allowed on Single Residential Zoning and temporary housing will only be allowed on specific zoned properties. Comment is noted however the land use scheme and zoning parameters will prevail.</p>	<p>NO</p>
<p>23</p>	<p>Yulanda Roxburgh Tinyhome Africa</p>	<p>"3.3 Transitional Housing The establishment of transitional housing units to provide seasonal, emergency, or transitional living facilities for persons who lack permanent or safe shelter and cannot be placed in low-income housing can be allowed. Transitional housing units can include shacks, cabins, fabric structures, and other similar accommodations. Transitional housing units may only be established in areas zoned as less formal development zones, are established and regulated at the local government level. This standard is a service to local government and has no regulatory impact until adopted by local government." Grouping this type of shack or tent within the tiny home policy devalues the tiny home industry and only serves to create a low cost housing option by the lesser informed. Perhaps this should be a separate policy altogether.</p>		

B5/8

<p>24</p> <p>Yulanda Roxburgh Tinyhome Africa</p>	<p>"4.4.6. Other general requirements: Bracing must be regarded as critical." A tiny home of 8 x 2.5m weighs in at 4 tons. It does not move in the wind or blow over. We have been testing this for 8 months now in high impact winds and storms. Perhaps the bracing specifications should apply to units that weigh in at lower weights. It is an unnecessary expense and danger to animals and humans to create braces. "5. ZONING AND AREAS 5.1 Zoning codes determine where owners can site their tiny houses. Tiny houses will be considered in the following zones: • Resort Zone: Temporary Tiny Houses, built on chassis or frame and may have wheels." Please refer to my comments above. Resort zoning defeats the purpose of tiny homes on wheels. There is not enough resort zoning available and they are often used as caravan parks, which is very different from tiny homes on wheels. The biggest problem with resort zoning is that they don't allow permanent residence. "Less Formal Residential Zone: Permanent Tiny Homes, attached to approved foundation, Temporary Tiny Houses, built on chassis or frame and may have wheels, and Transitional Tiny Homes, living facilities for persons who lack shelter, prioritises flexibility to meet local needs." This terminology implies a lesser value, most tiny homes are priced at R25k per square meter or higher which is much more than a brick & mortar house, the only difference is the preference for something smaller. It should not be implied that tiny homes are less formal or of lesser value as this could be considered offensive and misleading. "Residential Zone 1: Single Residential Permanent Tiny Homes, attached to approved foundation. Direct neighbours' consent is required." Direct neighbours' consent is not required when a large house is about to be built next to you, taking away your views and sunlight. Why should it be required when a smaller but more expensive p/sqm, house is going to be placed on a neighbouring property that will not be double storey or imposing upon its neighbours? ".....Answer: because it deviates from the Zoning Scheme and SANS 10400.</p>	<p>Rational design (Engineers appointment) is required.</p>	<p>Policy amended - point 4.4.6 removed.</p>
<p>25</p> <p>Yulanda Roxburgh Tinyhome Africa</p>	<p>"5.2 The consideration of the specific areas where tiny houses could be constructed must take the following into account: • Requirements of Section 7 of the NBR, • General style and value of buildings in the area, and • Need and Desirability." General brick & mortar house designs are not taken into consideration when approving new plans, council does not consider that a new house will destroy the view and sun availability to a neighbour when building large houses, nor do they consider whether the style or even colour will complement the other buildings in the area. How does one determine desirability or need, it is relative and specific to each landowner. Once should not discriminate based on size. Materials and finishes should conform to general building laws and that should be sufficient. Mostly tiny homes are designed to open up into nature, when building tiny one is generally taking the natural environment into consideration and preferring more natural land rather than concrete man made buildings. This should be encouraged.</p>	<p>ALL Building Plan applications take the disqualifying factors of Section 7 into consideration.</p>	<p>NO</p>
<p>27</p> <p>Gareth Newto</p>	<p>We have been through the mill trying to build a tiny house and have a lot of suggestions. We ended up modifying a scrapped 13m truck trailer due to all the red tape involved in building a Tiny House with the existing housing policies. Can we have a Zoom meeting with you? We feel we can add a lot as we actually have almost finished building our Tiny House. My cell is 083 611 0351</p>	<p>Enquiry not related to policy. A rational design is required. In this instance it means an Engineer must take responsibility for certain Duties of SANS10400, Form 2. The application is still evaluated in terms of Section 7 of the Building Act.</p>	<p>N/A</p>

B6.8

<p>28 Betty's Bay Ratepayers Association</p> <p>1) Title Deeds must override all other by-laws in this instance 2) Approving a Tiny Home on and erf of +1000m² is not logical as this immediately negatively impact on the surrounding properties 3) Mention in made that surrounding neighbours will be given the opportunity to voice their concerns however this has not been the case to date in BETTY'S BAY where smaller than "normal" sized houses have been approved + erected with none of the neighbors being given the opportunity to voice their concerns which has led to great consternation 4) CONSENT how is this measure as some neighbors will ignore the notice received, some will object and some will support, one has to have a measure proportions and this needs to be adhered to 5) Aesthetic principles is another department which needs to be policed else quality is going to be a problem going forward 6) One possible idea is to demarcate allow a specific area, specifically in Betty's Bay (where the majority of the plots are 800-1000+ m²) where "TINY HOOMES" are the norm = TINY HOME CITY eg. Even between 3280/3292 to 2291/3303 btw Cowrie/Pearl/Mussel + Clarence - these are currently zoned BUSINESS 2/3 but are minute pieces of land which would lend beautifully to the "TINY HOMES" policy and rezoning these plots would be hugely beneficial to the property owners.</p>	<p>TP: 1) this is correct. Title deeds will be considered 2) BC to comment 3) houses that are compliant with National Building Regulation may be approved. 4) BC to comment 5) BC to comment 6) Noted, tiny homes will be considered on the correctly zoned property.</p> <p>Policy amended 5.1 reworded</p>
<p>29 Fred Hayman</p> <p>1. The rules for acceptance is pretty clear : Section 7 of NBR ACT b) (i) is not so satisfied; or (ii) is satisfied that the building to which the application in question relates - (aa) is to be erected in such manner or will be of such nature or appearance that - (aaa) the area in which it is to be erected will probably or in fact be disfigured thereby; (bbb) it will probably or in fact be unsightly or objectionable; (ccc) it will probably or in fact derogate from the value of adjoining or neighbouring properties; (bb) will probably or in fact be dangerous to life or property, But if you read it in conjunction with this paragraph it is clear that there is an opportunity to deviate : Section 18 of the NBR ACT 18. Deviation and exemption from national building regulations. (1) A local authority may, at the request of the owner in writing of any building or any person having an interest therein, in the erection of such a building or the land on which it is being or is to be erected, in writing permit a deviation or grant an exemption from any applicable national building regulation except a national building regulation regarding the strength and stability of buildings (2) A council may, at the request in writing of the owner of any building or any person having an interest therein and after consultation with the local authority in question, in respect of the erection of such a building or the land on which it is being or is to be erected, in writing permit a deviation or grant an exemption from</p> <p>In summary our most pressing concerns and questions are: 1. The policy does not adequately address permission for a Tiny House as a second dwelling on a property. 2. The policy mixes requirements for tiny house as a eco-friendly permanent solution and informal and temporary shelter. This is not adequately defined. What are the conditions for "lack of shelter" and the characteristics of informal and temporary housing? 3. The motivation in the document is to promote tourism but there is inadequate mention of business permits required for renting out tiny homes. We recommend that the policy is: 4. Split into two policies one for permanent Tiny Houses and the rest, or 5. A clear split inside the policy of the introduction and motivations relevant to permanent and other Tiny houses.</p>	<p>No deviations/exemptions are allowed for structural stability of health and safety, Deviations/exemptions must be motivated as to why the applicant cannot comply with the regulations, and why a rational design cannot solve the problem. Deviations/exemptions are few and far between.</p> <p>TP: 1) Policy to be amended to include second dwelling 2) Policy does not take away any existing property rights and allows for a person to apply for tiny home on less formal development zoned land 3) not applicable 4) adequately addressed in the policy 5) BC to comment</p>
<p>30 Chantal Botha</p>	<p>Policy amended to include second dwelling see 4.1</p>

B718

31	Robynn de Klerk Encyclomedia	<p>Taking the above examples, ideas and best practices into account, these are the specific areas of your draft policy that could be amended and improved upon:</p> <p>1. INTRODUCTION: - Your policy correctly refers to the "shift towards simplicity and minimalism" and the eco-friendly aspects of the tiny house movement. But one of the biggest drivers is also the financial aspect and how tiny houses provide for a different type of financial security and flexibility. Particularly how tiny houses have created a new paradigm shift in property, where people can buy their house now and their choice of land later (if at all). This is important to recognise, as it raises certain new challenges and opportunities for you as town planners, as well as for property and home owners, but with significant potential benefits for creating more quality, affordable housing options when managed appropriately.</p> <p>- Your focus only on "primary dwelling houses" could easily be expanded. Allowing tiny houses as primary dwellings is an excellent starting point. But clarifying exactly how they can also be used as second dwellings, with the appropriate permit requirements, can help you achieve your urban densification goals while easing the affordable housing shortage, which is currently a very real problem in the Overstrand.</p> <p>- The reference to dwelling houses "with a footprint of less than 27m²" is problematic. The internationally recognised footprint of up to 37m² can help you better regulate the inevitable situation of houses slightly larger than 27m² that are still considered a "tiny house" by every other definition, and do not comply with the National Building Regulations due to the various inherent differences between tiny houses and conventional homes. Differences which are not only limited to square metres alone.</p>	<p>TP: the policy will be amended to allow a tiny home to be used as a second dwelling. BC to also comment</p>	<p>Policy amended to include second dwelling see 4.1</p>
32	Robynn de Klerk Encyclomedia	<p>2. LEGAL FRAMEWORK: - In 2.1, you've highlighted section 7 of the NBR as being of particular importance to tiny houses, presumably due to concerns that tiny houses could be "unsightly" or "derogate from the value of adjoining or neighbouring properties". For all the reasons listed in section 1 of this document, and if your policy is well-worded to clearly differentiate and regulate the use of tiny houses from RV's, there is no logical remaining reason for tiny houses to negatively affect property values any more than a larger home would.</p> <p>- In 2.3, Section 18 of the NBR refers to deviations and exemptions from national building regulations. It may be far less of an administrative burden for you to create a list of common tiny house exemptions in your tiny house policy, rather than the time-consuming and costly process of approving each deviation request individually.</p>	<p>A Policy cannot override a national law.</p>	<p>NO</p>
33	Robynn de Klerk Encyclomedia	<p>3. CATEGORIES OR TYPES OF TINY HOUSES - Your categories of "Permanent", "Temporary" and "Transitional" do not adequately address the various use cases for tiny houses. You can instead have two primary categories, namely Permanent and Movable, and these can be further split into the various types of tiny houses as per the table in section 2 of this document.</p> <p>- It is a misconception that "mobile tiny houses are designed for regular movement on public highways". Lightweight, streamlined RV's are designed for road travel, while tiny houses are built with heavier, higher-quality building materials for permanent living. Therefore, differentiating the types of tiny houses and their respective mobility according to the Permanent/Movable table is a far more useful clarification than grouping all frame- or chassis-built structures as 'temporary'.</p>	<p>You can instead have two primary categories, namely Permanent and Movable. Yes? Something to consider? TP: Noted - this point should be considered. Transitional category does not fully embody the purpose of the policy.</p>	<p>DISCUSS</p>
34	Robynn de Klerk Encyclomedia	<p>4. TINY HOUSE GUIDELINES - The scope of your policy in 4.1 could be divided into two sections, dealing with primary and then second dwelling units. This will enable you to better clarify which types of tiny houses are allowed as second dwelling units and, as described in Case Study 3, allow for a tiny house pad permit in the event of the installation of a movable tiny house. By not specifically addressing the topic of second dwelling units in your tiny house policy, it leaves it open to confusion and misinterpretation, leading to unnecessary fears of transient homes in people's backyards.</p>	<p>TP: policy will be amended to include tiny homes as a second dwelling</p>	<p>Policy amended to include second dwelling see 4.1</p>
35	Robynn de Klerk Encyclomedia	<p>5. ZONING AND AREAS - Using the more detailed classification of Permanent or Movable tiny houses will better enable you to specify which tiny homes are appropriate in which zones. By now, you will have realised the value of movable tiny homes in residential zoning, and how you can easily use clearly-worded definitions (as per the various examples in the case studies) to avoid any "unsightly" or transient situations.</p> <p>- The requirement for "direct neighbours' consent" is unnecessary with a well-worded policy that controls for all the undesirable outcomes by design.</p>	<p>TP: Noted - this point should be considered. Transitional category does not fully embody the purpose of the policy.</p>	<p>Policy amended 5.1 reworded</p>
36	Robynn de Klerk Encyclomedia	<p>6. PROCEDURAL REQUIREMENTS AND APPLICATION PROCESS - Your process as outlined could apply to permanent tiny houses, but an alternative dual permit system as per the case studies could be used for movable tiny houses. This gives you the appropriate level of control to match the real-world use cases of tiny houses, with the minimum administrative burden.</p>	<p>Building Control can only approve a structure on a property with a Title Deed.</p>	<p>NO</p>

3/8/8

<p>37 Richard Wildir</p>	<p>1. Can you please give an indication as where the site/s will be situated? 2. Who will control the siting of the various types of houses? 3. Will there be a permanent present on site to ensure rules and siting of individual houses? 4. What means do you have to evict residents who do not follow the rules and have decided to pitch a shack without permission? 5. What are the daily/monthly charges for residents of each house and will these cover the costs of water electricity and sanitation? 6. How do you deal with those not paying the fees? 7. What is the cost and for whom, for the erection of each tiny house? 8. What is the plot size for each house? 9. Is a siting plan available for viewing? 10. What rules are in place to cover disturbance due to loud music, pets, parties etc to residents and neighbours to a site?</p>	<p>1. Privately owned residential sites across Overstrand, except for transitional housing which will be determined when the need arises. Resort Zones, Less Formal Residential Zones and Residential Zone 1 with direct neighbours' consent only. 2. As per National Building Regulations / approved building lines for the specific Erf, except for transitional housing which will be determined when the need arises. 3. Building Inspectors will do inspections as required for any approved building plan. 4. Normal credit control measures. Must still comply with all other applicable legislation. 5. Please refer to the tariffs in the Approved Budget available on the website. 6. Normal credit control measures. 7. Privately owned - for owners' own costs. 8. As per SG General Plan for the area. Also see answer to Question 1. 9. The owner must give permission to another individual to view his building plans. All applications must comply with all applicable law and it includes that the Plans must include a Site plan. 10. Please refer to bylaws available on the website</p>	<p>NO</p>
------------------------------	---	---	-----------