

11 February 2021

Request for Official Information responded to under the Local Government and Official Information and Meetings Act 1987 (LGOIMA) – reference: 7881219 (OIR: 2021-159)

I refer to your information request we received on 8 January 2021 for the following:

I am a currently building my own tiny home / tiny house on wheels in the Kāpiti district. From what I can gather, this is legitimate, but tiny houses parked long term on land often fall into grey areas, and many councils differ in their attitudes and approaches to tiny houses.

I would like to request any information you hold on the Kāpiti District Council and its dealings with tiny houses parked on private land (whether connected to council services, or off-grid.

I'm specifically interested in instances where the council has had an issue about a tiny house, or a complaint from the public.

Council undertook a search of its email system and concluded that the emails and service requests found with the subject of “tiny homes” which related to other people concerned their private business or personal information and therefore could be withheld under section 7(2)(a) of LGOIMA to protect the privacy of natural persons, including that of deceased natural persons. In the Council's view the reasons for withholding these details are not outweighed by public interest considerations in section 7(1) favouring their release.

As planning and building requirements for tiny homes vary as a result of site specific information it is recommended that if you would like information on the regulatory requirements for your tiny home you contact the Building team at building.dutyofficer@kapiticoast.govt.nz and the Resource Consents Service Planner at resource.consents@kapiticoast.govt.nz.

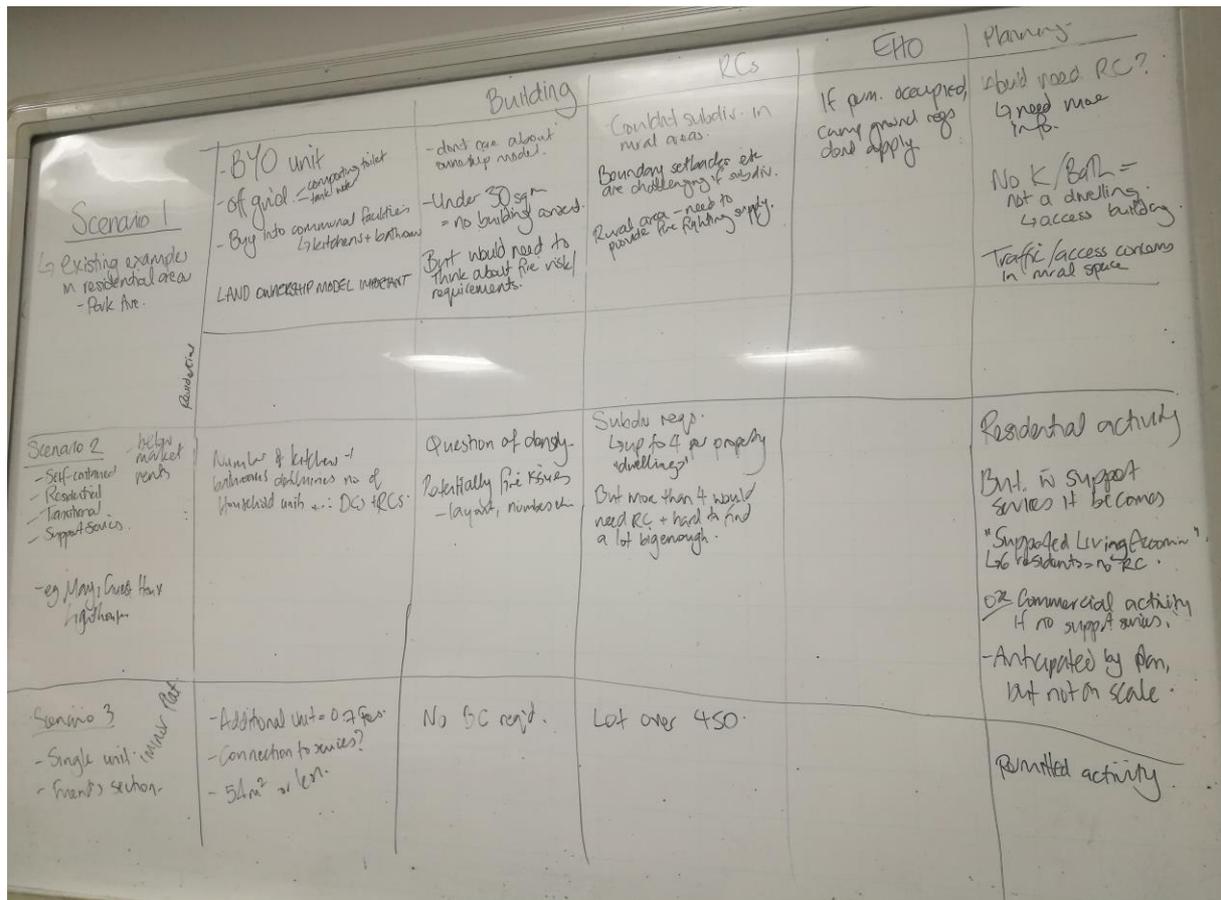
I am also interested in any information where tiny houses / tiny homes have been a topic of discussion within council, where this is available.

The below information is provided in direct response to your request. However, this information should not replace site-specific advice that can be provided by speaking with our planning and building staff about your own tiny home. There is no ‘one-size-fits-all’ policy that governs tiny homes within the district, and the relative levels of permissions that may or may not be required are a result of requirements primarily set out in the District Plan and the Building Act that can vary depending on location and design of your tiny home.

From 29 September 2020 until 12 October 2020, internal staff and two Councillors were involved in an email conversation regarding a proposed meeting to discuss a specific tiny home proposal with a member of the public. This meeting occurred on 9 October 2020.

The emails relating to this conversation have been withheld under section 7(2)(b)(ii) of LGOIMA – to protect the commercial position of the person who supplied or who is the subject of the information. In the Council's view the reasons for withholding these details are not outweighed by public interest considerations in section 7(1) favouring their release.

Relevant council staff had an internal discussion about tiny homes on 29 October 2020 to discuss how tiny homes might be treated under current relevant legislation and regulations in three different hypothetical scenarios. The notes from this meeting are captured in the photo below.



Council's legal counsel provided staff with advice on the existing case law regarding tiny homes on 21/10/2020 and further commentary was provided on a specific tiny home proposal on 3/11/2020. However, this information has been withheld under section 7(2)(g) of LGOIMA – to maintain legal professional privilege. In the Council's view the reasons for withholding these details are not outweighed by public interest considerations in section 7(1) favouring their release.

We have also attached several links to articles about Tiny Homes that may be of interest:

<https://www.stuff.co.nz/life-style/homed/119637072/movable-vehicle-is-not-a-building-victory-for-tiny-homes-in-landmark-case>

<https://www.ccc.govt.nz/assets/Documents/Consents-and-Licences/building-consents/Tiny-house-information-for-CCC-website-July-2018-with-headings-and-table-of-contents.pdf>

[2019/036: Regarding a notice to fix and whether a structure on trailers | Building Performance](#)

It is considered that all of the information you have requested has been provided in this response however if you would like any further information in relation to this request please contact Vijay Soma, Resource Consents and Compliance Manager at vijay.soma@kapiticoast.govt.nz.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or Freephone 0800 802 602.

Ngā mihi

A handwritten signature in blue ink, appearing to read 'James Jefferson', with a long horizontal line extending to the right.

James Jefferson

Group Manager Regulatory Services
Te Kaihautū Ratonga Whakaritenga