

FACT SHEET - TINY HOUSES

What is a tiny house?



Tiny homes are quickly becoming a new, alternate option for accommodation which allow owners to live in a sustainable and communal environment. Compared to purchasing a new dwelling or apartment, a tiny home is affordable and an ideal alternative for first home owners, downsizers or innovators.

Tiny homes are governed by several pieces of legislation, at both local and state planning levels which should be read when considering any purchase.

Is consent required for a tiny house?

There are two different types of tiny homes, those that are fixed “in-situ”, and those that are mobile.

A tiny house can be either be:

- a small dwelling house under 50m² built on the lot; or
- a small dwelling house built on a trailer (similar to a caravan). As the tiny house is built on a trailer it has the capability of being registered under the *Road Transport Act 2013*.

Fixed Tiny House (including as a Secondary Dwelling)

Fixed tiny homes can be built in various situations, such as granny flats (or secondary dwellings) where an existing primary dwelling house exists on a site, as a group of tiny homes in a ‘manufactured home estate’ or in caravan parks & camping grounds. Council’s local planning documents to inform new development are the Lachlan Local Environment Plan 2013 and the Lachlan Development Control Plan 2018.

Although tiny homes are not a conventional form of housing, most of Council’s zoning and site design controls still apply to this type of development.

Council requires a Development Application and potentially other related applications (for services connections) to assess and approve any proposal for a permanent, fixed dwelling or manufactured home (a tiny home falls under the definition of a manufactured home). For more information regarding the development approval process and required applications, visit [Council’s website](#).

Where a tiny home is proposed on a lot with an existing dwelling house, the proposed development is assessed as a Secondary Dwelling. Refer to Council’s local planning documents to determine permissibility of a secondary dwelling in the specific zone to which the proposed development applies.

Mobile Tiny House (Caravan/Trailer)

In most cases, where a tiny house is registered with RMS as a trailer, development approval from Council is not required subject to requirements. Exceptions are made in some circumstances, and the proposed location of the tiny home is a determining factor. NSW Legislation provides that a tiny home is permitted in areas elsewhere than in caravan parks or camping grounds where:

- a. the installation of not more than 2 caravans, campervans or tents on any land, so long as they are not occupied for more than 2 days at a time and are not occupied for more than 60 days (in total) in any single period of 12 months, or
- b. the installation of not more than one caravan or campervan on land occupied by the owner of the caravan or campervan in connection with that owner’s dwelling-house, so long as it is used for habitation only by the owner or by members of the owner’s household and is maintained in a safe and healthy condition, or
- c. the installation of a caravan or campervan on pastoral or agricultural land, so long as it is merely occupied seasonally by persons employed in pastoral or agricultural operations on the land, or
- d. the installation of any moveable dwelling and associated structure on land for the purposes of accommodating a person who has been displaced because of a bush fire, but only if the moveable dwelling or associated structure is maintained in a healthy and safe condition and removed within 2 years after it is installed.

Where these requirements cannot be met, a mobile tiny home is most suited to an existing caravan park or camping ground with available dwelling sites.

Can a tiny house be a primary dwelling on a vacant lot?

No, current legislation does not allow for tiny houses as primary dwellings.

Can one of my family members live in a tiny home on my property, with an existing dwelling already on the site?

For fixed “in-situ” tiny homes, you may have a member of your house live in it on a long-term basis, where there is an approved existing dwelling already in place on the lot. Where the subject tiny home is mobile (caravan/trailer), you may have no more than one caravan, campervan or tent on the lot where a member of your household is living on a long-term basis.

Can I connect my tiny home to town water and sewer?

You will need approval from Council to carry out plumbing works for water supply or wastewater disposal (fixed water and sewer connection points) under Section 68 of the *Local Government Act 1993*. You will need a separate approval for an on-site sewage management system if a town sewer connection is not available.

Can I have more than one tiny house on a property?

As per NSW legislation, you may have no more than two caravans, campervans or tents on any land, so long as they are not occupied for more than 2 days at a time and are not occupied for more than 60 days (in total) in any single period of 12 months. This clause applies to mobile tiny homes that are registered as caravans, as you may not have more than one fixed “in-situ” tiny home on your property.

Relevant Legislation

The installation and use of a tiny house is conditional on the requirements of both the NSW Government and Lachlan Shire Council’s local planning controls.

For further information regarding this particular type of residential development, you can refer to Council’s key planning documents:

[Lachlan Local Environment Plan 2013](#) and [Lachlan Development Control Plan 2018](#).

In addition to these documents, the following NSW Government legislation is relevant to tiny homes:

[Local Government \(Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings\) Regulation 2005](#);
[Local Government Act 1993 No. 30 \(Chapter 7, Pt. 1, Div. 1, Section 68\)](#); and
[Environmental Planning & Assessment Act 1979](#).

Definitions

caravan means a moveable dwelling that is designed so as to be capable of being registered (within the meaning of the [Road Transport Act 2013](#)) as a trailer, but does not include a camper trailer.

manufactured home means a self-contained dwelling (that is, a dwelling that includes at least one kitchen, bathroom, bedroom and living area and that also includes toilet and laundry facilities), being a dwelling:

- a. that comprises one or more major sections, and
- b. that is not a motor vehicle, trailer or other registrable vehicle within the meaning of the [Road Transport Act 2013](#),

and includes any associated structures that form part of the dwelling.

moveable dwelling has the same meaning as in the *Local Government Act 1993*.

Note. The term is defined as follows:

moveable dwelling means:

- a. any tent, or any caravan or other van or other portable device (whether on wheels or not), used for human habitation, or
- b. a manufactured home, or
- c. any conveyance, structure or thing of a class or description prescribed by the regulations (under the *Local Government Act 1993*) for the purposes of this definition.

