



FACT SHEET

Tiny Houses

The tiny house movement is gaining momentum, with increasing numbers of Australians adopting this affordable lifestyle choice.

What is a tiny house?

A tiny house can be either:

- 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.

Tiny dwellings can be designed and built using green principles and provide affordable housing whilst minimising the urban footprint.

They are emerging in varying forms and locations, such as granny flats (or secondary dwellings) to complement existing housing, groupings of dwellings in established urban areas, converted sheds and beach shacks on larger, isolated properties, and in mobile caravan formats.

In each case, you need to be mindful of the approvals and design requirements of existing State Government and local Council planning controls.

Is approval from Council required for a tiny house built on the lot?

Council's primary planning documents for new dwelling developments are Local Environmental Plan 2014 (LEP 2014) and Development Control Plan 2014 (DCP 2014). These documents can be viewed and downloaded from Council's website www.byron.nsw.gov.au.

While these controls have been formulated for conventional forms of housing, many of the zoning, site and design requirements are still relevant to most forms of compact and tiny homes.

- Tiny houses would need to meet the relevant Development Controls. Council requires a development application or complying development certificate and other related applications (construction certificate, driveway, water and sewer connection) to assess and certify these proposals. For more information on this process, please visit our website or contact Council's Development Support Officers.
- Secondary dwellings are a popular way to establish a tiny house to complement an existing home. Council requires a development application and other related applications (construction certificate, driveway, water and sewer connection) to assess and certify these proposals. For more information on this process, visit our website.

Address: 70 Station Street Mullumbimby 2482 | PO Box 219 Mullumbimby NSW 2482

Tel: 02 6626 700 | **Email:** council@byron.nsw.gov.au | **Web:** www.byron.nsw.gov.au

Is approval from Council required for a tiny house on a trailer?

In some cases, if a tiny house is RMS registered as a trailer, no DA approval is required to put it in your backyard or on your property, if you meet certain exemptions. In summary NSW legislation may permit the following:

- You to have no more than two caravans, campervans or tents if you plan for someone to stay in them for a short-term (up to 48 hours at a time) for no more than 60 days a year.
- You can have no more than one caravan, campervan or tent if you plan to have someone that is a member of your household live in it on a long-term basis, only when you have an approved dwelling house already on the lot. The tiny house is to be maintained in a safe and healthy condition.
- Or you plan to use it on pastoral or agricultural land, so long as it is merely occupied seasonally by persons employed in pastoral or agricultural operations on the land.

Where not exempt by NSW Legislation, a tiny house on a trailer would need to meet the relevant Development Controls and address any applicable constraints such bushfire, flooding, land use conflicts and the like. Council requires a development application or complying development certificate and other related applications (eg Activity Approval, driveway, water and sewer connection, S68 approvals) to assess and certify these proposals.

For rural properties this may require an upgrade of the existing onsite effluent disposal system (eg Septic tank), whilst in an urban setting approvals may also be required to connect to water and sewer infrastructure including payment of applicable contributions.

Relevant legislation

- Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005
- Local Government Act – Section 68
- Environmental Planning & Assessment Act 1979
- [Local Environmental Plan 2014 \(LEP 2014\)](#)
- Development Control Plan 2014 (DCP 2014)

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.
Campervan	means a moveable dwelling (other than a caravan) that is designed so as to be capable of being registered (within the meaning of the Road Transport Act 2013) as a motor vehicle, and includes a camper trailer.

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Moveable dwelling	any tent, or any caravan or other van or other portable device (whether on wheels or not), used for human habitation, or a manufactured home, or any conveyance, structure or thing of a class or description prescribed by the regulations for the purposes of this definition.
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Further information

If you have any further questions, please contact Council's Development Services Officers on 02 6626 7025 or DSO@byron.nsw.gov.au

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