Appendix A
Examples of inconsistent regulation of caravans and other moveable dwellings, by state:

Tasmania

Tasmania provides a clear example of regulatory inconsistency in the treatment of caravans, including tiny houses on wheels, and other moveable dwellings. While various departmental fact sheets and guidance documents address tiny houses, there appears to be limited regulatory certainty underpinning these publications, resulting in differing interpretations and requirements between state agencies and local councils.

Tasmania has recently adopted a statewide planning scheme, with only Kingborough Council currently operating under an interim scheme while transitioning to the new framework. Under the statewide scheme, the regulation of longer-term occupation of caravans and moveable dwellings appears to be managed through planning controls, while local councils retain varying powers under their by-laws to regulate short-term camping and visitor accommodation. The result is a fragmented regulatory environment in which requirements differ significantly between jurisdictions.

Conflicting advice is provided by different government sources. Information published through the PlanBuild website indicates that a Temporary Occupancy Permit (TOP) will be required for occupation of a caravan or tiny house. However, departmental staff have referred to the *Director's Determination – Temporary Occupancy Permit 2018*, which states that a TOP is not required because a caravan is not classified as a building. Some local councils, by contrast, require a caravan licence or temporary occupancy approval under their local by-laws. In some cases, council by-laws reference the *Building Act 2016* as justification for occupancy limits associated with temporary approvals, despite the apparent absence of a direct legislative connection. Definitions of "caravan" also vary between councils.

The Tasmanian State Planning Provisions do not specifically recognise caravans or road-registrable vehicles as dwellings. The definition of "dwelling" within the planning framework is linked to buildings. At the same time, the PlanBuild enquiry system includes both caravans and tiny houses as recognised housing options, and a state planning fact sheet outlines potential pathways for the lawful occupation of both registrable and non-registrable tiny houses.

In many residential and rural living zones, neither a planning permit for a single dwelling nor a secondary dwelling is required, provided the development complies with applicable planning standards such as setbacks and site coverage. Road-registrable dwellings are generally understood not to require building approval unless they become "fixed" to the land. However, uncertainty exists regarding what constitutes fixing.

In January 2024, Consumer, Building and Occupational Services (CBOS) issued a regulatory note stating that road-registrable vehicles cannot be connected directly to plumbing and drainage systems. The note refers generally to the *Building Act 2016* and the National Construction Code, but does not identify a specific legislative provision that expressly prohibits such connections. The restriction appears to be based on administrative interpretation rather than a clearly defined statutory requirement.

The same CBOS guidance acknowledges that compliant alternatives are available, including sewer-connected dump points and pump-out systems in rural areas. This approach differs significantly from that adopted in New South Wales, where caravans used for residential purposes are generally required to be connected to approved utility services or OWMS. It also conflicts with the requirements of some Tasmanian local councils, including Sorell Council.

For example, Sorell Council's *Environmental Health By-Law No. 1 of 2023* requires a licence to establish or occupy a caravan or mobile home on private land. The by-law adopts a broad definition that includes caravans, houses on wheels, covered vans, trailers, attached structures, and any vehicle used or adapted for human occupation. The by-law further states that a licence to occupy a caravan must not be granted unless a plumbing permit has been issued under the *Building Act 2016* for an onsite wastewater management system.

Conversely, Huon Valley Council has repealed their Caravan By-Law 2015, stating

'Council will not continue with any regulation of provisions relating to the occupation of caravans as were provided in the previous Caravan By-law. Occupation of caravans and tiny homes are regulated through the Land Use Planning and Approvals Act 1993 approvals process and a By-law cannot conflict with a planning scheme. Additional provisions are included in the Proposed By-law in relation to environmental factors such as keeping of animals in residential areas as well as specific provisions to deal with unapproved sewerage disposal on land that may otherwise have been able to be dealt with through the former Caravan By-law.'

These examples highlight a broader regulatory inconsistency across Tasmania. Definitions and requirements vary between planning legislation, building regulation, departmental guidance, local government by-laws and proposed reforms. Further complexity is introduced by the *draft Residential Parks Bill 2026*, which adopts a significantly broader concept of a dwelling than is found elsewhere in Tasmania's regulatory framework.

The practical consequences of this uncertainty are significant. Industry participants report that regulatory ambiguity has discouraged investment and innovation within the sector. Between 2024 and 2025, three custom tiny house builders reportedly ceased operations in Tasmania, including a significant employer of young boiler makers and apprentice carpenters. Many owners of tiny houses and moveable dwellings continue to occupy them without formal approvals, often relying on informal interpretations of the regulatory framework because clear and consistent pathways do not exist.

Unless addressed, the proposed Residential Parks Bill 2026 may perpetuate these inconsistencies by introducing a broader definition of dwelling without resolving the issue of lawful plumbing and drainage connections for long-term occupied caravans and other road-registrable dwellings. The result would be a continuation of the uncertainty currently faced by councils, regulators, industry participants and residents.

New South Wales

Ambiguity in definitions and lack of clarity has also created significant confusion in NSW. The advice regarding options for living in caravans and other moveable dwellings varies considerably from council to council, despite being based on the same *Local Government Act 1993* and *Local Government (Manufactured Housing Estates, Caravan Parks and Moveable Dwellings) Regulation 2021*. It would seem that councils have the power under S68 of the Act to create local policy regarding caravans and other moveable dwellings, but legal advice is always that use of a caravan requires development consent, even when temporary and ancillary to a dwelling. There are limited options listed in the Regulation cl77 for installation of a caravan without council approval, but NSW councils don't have the clear regulatory power to create local policies to manage caravan occupation in the way that other states do (and that Tasmania did until the new Planning System confused matters). This has led to several court cases with still more ambiguity in outcome. Overly conservative legal interpretation of ambiguous regulation is a huge barrier in NSW, and while councils are pleading for clarity, the review of the regulation that was undertaken in 2023 has been shelved indefinitely. See more detail in this and related articles https://www.abc.net.au/news/2025-08-19/tiny-house-eviction-bega-valley-council-legislation/105609366.

Shellharbour Council has taken the fairly complex and time-consuming step of amending their Local Environmental Plan to temporarily permit tiny home caravans as a secondary dwelling without development approval on some urban land, but not rural land. The draft policy is very restrictive, reflective of the overly controlling nature of NSW Planning. Approval would be granted via a local approvals policy for a term up to two years. A similar but much less restrictive Statewide policy could be implemented through the *SEPP Exempt and Complying Development,* as was done in 2022 for Farm Stay accommodation. ATHA, in conjunction with experts, is currently developing a state-based policy for consideration, referencing both the Western Australian approach and aspects of the Shellharbour approach.

For land owners, there are established pathways to gain development approval for living in a movable dwelling, including for both registrable caravans and tiny houses, and non-registrable tiny houses that comply with design and construction standards for relocatable dwellings (found in the Regulation), but confusion exists within councils as to what is legally possible.

Not all councils understand that it is possible to give consent for someone to live permanently in a caravan on private land, due to ambiguity in the regulations and definitions and associated caselaw. Bega Valley Council permits caravans as primary and secondary dwellings, with development consent. Byron Shire provides conflicting information, stating that caravans can't be permitted as dwelling houses or secondary dwellings, but also providing information on applications that may need to be submitted for these purposes. Eurobodalla Shire also provides conflicting information on approval pathways, avoids addressing the question of primary dwellings and states that information regarding tiny houses changes frequently. Lachlan Shire Council explicitly states that tiny homes registrable as caravans can't be approved as primary dwellings under current legislation.

Western Australia

Development and building approval are not required for a tiny home or other caravan that is considered a vehicle, but permanent use is not permitted either.

Recent (2024) changes to the *Caravan Parks and Camping Grounds Regulations 1997* have given local councils the power to approve the use of tiny home caravans as temporary accommodation on private land for up to 24 months (previously they were restricted to approvals up to 3 months). Application fees are set by the state and are reasonable for long term stays ($600 for up to two years) but not viable for use as visitor accommodation as a new permit is required for every new visitor at a cost of $150. It is possible to renew a permit for $300.

There is provision in the regulations for more than one caravan (or camp) on private land, with ministerial approval, and there is no explicit requirement that the caravan be registrable or that there be an existing dwelling, but there is a requirement that land be suitable with respect to safety and health, and access to services. The state regulations are appropriately broad and not overly prescriptive. Councils have the capacity to develop more detailed policies, and to restrict the use to residential rather than tourism as they see fit.

Australian Capital Territory

Advice from Planning Enquiries:
'If a caravan or 'tiny home' can be registered as a caravan and has wheels (it can be driven onto/off site at any time) then there is little legislative control within the planning rules. However, a proposal that is fixed could be viewed in multiple ways.'

The advice received included incorrect information, so there is a need for more clarity in the ACT with regards to tiny home caravans that do not belong to the land owner, and clarification as to what is defined as 'fixed'. At this stage there is not a restriction on living in a tiny house caravan in the back yard of a property in the ACT, and while there was apparent intention and much discussion within the Planning department around inclusion of tiny home caravans in the recent (2018-2023) major review of the Territory Plan, that did not happen.

There is no guidance regarding development approval for a tiny house caravan as a primary permanent dwelling but given the complexity of ACT regulations and design controls, this is unlikely to be achievable.

Victoria

There is a lot of complexity in the planning/building regulations, and not a lot of clarity.

Generally, councils have a local law that permits short term stays in a caravan for generally up to 28 days, or even up to 6 months, without a permit (as is the case with Hume shire). Mt Alexander Shire has removed the requirement for a permit entirely, with conditions. Some councils allow longer stays with a permit.

Without approval (but with conditions)
Mt Alexander Shire has removed the need for a permit under their local laws for a caravan or tiny home on wheels in conjunction with an existing dwelling (no requirement to be a registrable caravan), but conditions

apply such as no payment for land rent/no airbnb; waste water and sewage to be taken off-site. Note that some Victorian councils consider that this is not a legal step, and claim state legislation needs to change first. Surf Coast Council has a pilot running, similar to the Shellharbour pilot in NSW but without the large number of conditions or the requirement for time-consuming regulatory change in order to run the pilot.

Without Planning approval, but with Building approval
A tiny house can be a **small second dwelling** if it meets building requirements. It is not clear how this can be achieved for a tiny house caravan, as it appears to need to comply with the NCC. Some zones and overlays won't require planning approval, others will. Advice from different councils and regulatory departments differs.

As a primary residence
Surf Coast Councils temporary policy does appear to allow for a tiny house caravan as a primary residence, with only a permit (similar to the WA temporary accommodation policy). Other councils' local laws only permit caravans in conjunction with an existing dwelling.

Queensland

Regulation of temporary housing in caravans is undertaken by individual councils under their Local Laws in much the same way as Victoria. Connection to services is considered to deem the tiny house to be fixed, and therefore not in the scope of local laws. Many Councils, particularly in the South East, are not amenable to temporary housing options.

The Queensland government encourages tiny houses as fixed permanent dwellings, particularly as secondary dwellings. In some areas, if the tiny house complies with criteria under the Planning regulation, no planning permit is required, but building and plumbing permits are required. The Building and Construction Commission states:
'Once fixed to land and used as a dwelling, it becomes a Class 1a building and must meet all building, planning and plumbing requirements.' This means many tiny home caravans would not comply.

Tourism provisions also vary by council area.

Northern Territory

Information regarding regulation of caravans is hard to source, though information on a local builder's site indicates varied rules across the territory.

Appendix B:
Regulatory Constraints on Multiple Occupancy and Alternative Housing Models

As outlined in the main submission, a significant regulatory constraint affecting housing supply is the continued focus of planning systems on limiting the number of dwellings permitted on a parcel of land, rather than assessing the overall environmental, infrastructure and amenity impacts of development. This approach can restrict multi-generational living arrangements, intentional communities, co-housing developments and other forms of shared housing that may accommodate more residents with a lower overall environmental footprint than conventional detached housing.

New South Wales

Boarding Houses and Co-Living Housing
In 2021, amendments were made to the New Generation Boarding House provisions to require management by community housing providers for the purpose of delivering affordable housing outcomes. The changes responded to concerns that some developments approved under the previous framework were being used primarily for higher-value development outcomes rather than affordable housing.

While the amendments addressed concerns regarding the original policy intent, industry participants report that the revised framework has significantly reduced the financial viability of new developments, resulting in substantially lower uptake of the model. This illustrates the challenge of balancing regulatory safeguards with the need to encourage innovative and affordable housing supply.

New South Wales has also introduced co-living housing provisions in selected residential zones. These provisions provide a pathway for higher-density shared housing but include operational requirements, such as the appointment of a 24-hour manager, that may impose disproportionate costs on smaller developments, regional projects and intentional communities. The provisions also place substantial limitations on the design and use of individual living spaces, reducing flexibility and limiting the range of housing models that can be delivered.

Rural Land Sharing and Intentional Communities
Opportunities for community-based housing models in rural areas remain limited. Rural Land Sharing Communities are permitted only where local councils have adopted the relevant provisions contained in Schedule 5 of the State Environmental Planning Policy (Primary Production) 2021. As a result, this housing option is currently available in only a small proportion of New South Wales local government areas.

The limited geographic availability of these provisions restricts opportunities for alternative housing models that can accommodate multiple households while minimising environmental impacts and infrastructure costs.

Tiny House and Caravan-Based Communities
Housing models involving residents who own caravans or tiny houses and lease land on which to locate them face additional regulatory uncertainty. While some forms of community-based development may be possible in council areas that permit rural land sharing, there is inconsistent interpretation regarding whether such developments should be regulated as intentional residential communities or as caravan parks.

Where caravan park regulation is applied, requirements designed primarily for tourist accommodation may not be well suited to long-term residential communities. This can create additional compliance costs and uncertainty for both developers and residents.

Caravan Park Development
The development of new caravan parks capable of providing affordable long-term housing is constrained by inconsistent planning controls between local government areas. While some councils permit caravan parks in rural zones, development conditions may be imposed that significantly affect project feasibility. Examples reported by industry participants include requirements for infrastructure that may be disproportionate to the

scale and location of the development. Two caravan parks approved in Braidwood in the past decade did not progress to development due to unfeasible conditions, despite widespread community support for much needed accommodation options.

In other areas, caravan parks are permitted only within recreation or tourism-related zones, where land values are often significantly higher and less suited to the provision of affordable housing.

The result is a constrained supply of sites capable of accommodating long-term caravan and tiny house residents despite strong demand for lower-cost housing options.

Potential Integration of Co-Living and Tiny House Models
Existing co-living provisions may provide a potential framework for accommodating tiny house communities if regulatory pathways were clarified. Under such a model, a site operator could provide access roads, landscaping, utility connections and communal facilities, while individual residents would retain ownership of their homes and obtain approval to install them on-site.

This approach could facilitate the development of numerous small-scale housing projects and partially offset the ongoing loss of affordable residential sites within traditional caravan parks.

Australian Capital Territory

Co-Housing Development
Proposed amendments to the Territory Plan are intended to facilitate co-housing developments in a broader range of zones and on smaller sites, with provision for separate titles. While these changes have the potential to increase housing diversity, additional costs remain a significant constraint.

Stakeholders have raised concerns regarding the application of Lease Variation Charges (LVCs) to additional dwellings, with charges reportedly applying on a per-dwelling basis regardless of whether the total number of residents exceeds that anticipated for a conventional detached dwelling. Such charges may disproportionately affect smaller and more affordable housing developments and warrant further review.

Caravan Park Development
Industry participants report that the development approval process for new caravan parks in the ACT is lengthy, uncertain and costly. Concerns include the absence of clear assessment criteria and the lack of statutory assessment timeframes. Extended approval periods can create substantial holding costs, reducing project viability and discouraging investment in a form of housing that may provide relatively affordable accommodation options.

Case Study: Co-Housing Canberra
The experience of Co-Housing Canberra illustrates the impact that lengthy planning and development processes can have on innovative housing projects.

In 2018, the ACT Government identified a site for a demonstration co-housing project. However, infrastructure development for the site did not commence until 2026. During this period, property values almost tripled and many of the original participants secured alternative housing arrangements.

While individual project circumstances vary, this case demonstrates how extended planning, land release and infrastructure delivery timeframes can undermine housing innovation, increase costs and reduce the effectiveness of policies intended to promote housing diversity.