

Fact Sheet

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Tiny Houses

“Tiny houses” is a trendy name for modestly sized dwellings that can appeal to those downsizing their home or wanting a simpler lifestyle.

- Some tiny houses are intended to be permanently attached to land.
- Others are attached to wheels so they can be moved to different locations.

This Fact Sheet gives guidance on laws for their approval and use in Tasmania.

Building approval of new dwellings

Building laws apply to the construction and use of dwellings of any size, either as:

- a) a complete building that has all necessary facilities to allow it to be occupied; or
- b) a new structure (such as a granny flat, sleep-out etc.) detached from the rest of a dwelling, but collectively forming part of it. The new part must be associated with other parts of a residence, such as the kitchen and sanitary facilities.

If a dwelling is intended to be attached to land, it requires building approval and these conditions apply:

- All new building and plumbing work in Tasmania must meet the standards of the National Construction Code.
- An occupancy permit is required before a new dwelling is used.

Law	Section	Provision
Building Act 2016	11	New work is to comply with Act
Building Act 2016	216	Habitable structures require an occupancy permit

Use of land for residential purposes also requires council planning approval:

- Reference: *Land Use Planning and Approvals Act 1993* and local council planning scheme.

Structures built with wheels?

In Tasmania, these definitions apply:

- “Vehicle” means a motor vehicle or a trailer
- “Trailer” means a vehicle that is built to be towed, or is towed, by a motor vehicle
 - A caravan is a trailer that is constructed principally for use as a dwelling.

If a structure is built with wheels (e.g. a caravan or trailer) **and** is capable of being registered as a vehicle by the Tasmanian Motor Vehicle Registry (Department of State Growth) then it is not a building and it does not need building approval for erection or installation.

- “Building work” includes the erection, re-erection, alteration or removal of an *unregistrable relocatable building*.
- Therefore, if it *cannot be registered as a vehicle*, then it is a building and the Building Act applies.

These Building Act provisions may assist in determining whether a structure is a building or caravan:

- a “building” includes a structure, or a part of a structure
- for the purposes of that Act, the nature, purpose or use of a building is:
 - (a) to be determined from the design of the building; or
 - (b) if the building is suitable for different purposes or uses by its design, to be determined according to its most natural purpose or use as inferred from its design, its situation and the declared intention of the owner at the relevant time.

Law	Section	Provision
Vehicle and Traffic Act 1999	3	Interpretation
Building Act 2016	4(2)	Interpretation
Building Regulations 2016	24	Prescribed building work

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occupation of registered vehicles (such as caravans) for permanent residential purposes also requires planning approval.

- Reference: *Land Use Planning and Approvals Act 1993* and local council planning scheme, or local by-laws for the use and occupation of caravans.

Minimum safety standards for trailer and caravan design

All Australian Governments jointly maintain a system for regulating supply of road vehicles to the market. The system imposes design and performance standards for vehicles. It is known as Australian Design Rules and is intended to make vehicles safe for use on the road.

Before a road trailer or caravan can be registered for the first time in Australia or used on a public road, it must meet the requirements of the Commonwealth’s Motor Vehicle Standards Act 1989 and the Australian Design Rules.

The Vehicle Standards Bulletin No. 1 provides details of construction requirements for trailers (including caravans). If a structure is not compliant with these requirements, then it is not registrable as a vehicle. Some common areas of non-compliance include:

- Trailer dimensions (2.5m maximum width, 4.3m maximum height, 12.2m maximum length, and there are also requirements on permissible overhang)
- Axle ratings
- Tow couplings
- Lighting
- Braking systems
- Trailer identification plates

Vehicle Standards Bulletin No. 1 is available on the Commonwealth Department of Infrastructure website: <https://infrastructure.gov.au>

Modifications

If a trailer is registered, but subsequently changed, it will require Modification Certification in line with the registration regulations.

- However, if it is modified to be larger than the maximum permitted dimensions, it will not be granted registration as a vehicle.
- Its placement or attachment on land will then require either building approval, or a temporary occupancy permit for the modified structure.

Gas safety

There are safety standards for gas appliances used for cooking or heating in vehicles. Only licensed installers may perform this work. See information on the Consumer Building and Occupational Services webpage:

- [Gas-Fitter licensing](#)
- [Fact Sheet - Carbon Monoxide Dangers in recreational vehicles](#)

Law	Section	Provision
Gas (Safety) Regulations 2014	74	(no sale of caravan with LPG system, unless gas installer's compliance plate fitted)

Pre-manufactured homes versus caravans

The fact that a dwelling (or parts of it) may be manufactured off-site and relocated on wheels to another place (as a trailer or on another vehicle) does not make it a “caravan”. To fit that meaning, it must also be *capable of being registrable as a vehicle*.

- In order to be registered it must meet the requirements of Vehicle Standards Bulletin No. 1.

Permits for relocatable temporary structures

Temporary structures or prefabricated buildings erected for a temporary purpose require a temporary occupancy permit for their placement and occupation, instead of building approval for permanent use.

- Some structures, such as builder's site sheds, or structures associated with mining activities, are exempt from a temporary occupancy permit while work is performed on site.

Habitation of structures

Living for more than one month, in a permanent structure not built as a dwelling (such as in a garage or shed) requires: -

1. a temporary occupancy permit from a building surveyor; and
2. the approval of the council general manager.

Law	Section	Provision
Building Act 2016	228	Temporary occupancy permit
Building Act 2016	308	Habitation of certain buildings
Building Regulations 2016	4	Temporary structures
Building Regulations 2016	70	Exempt temporary structures

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