

Tiny House Use and Occupation Regulations using Local Laws

Introduction

In most states of Australia, the regulations that apply to living on a property in a caravan, and by extension a Tiny House on Wheels, are defined by local laws. Local laws are either set by the state government and then managed by the local council, or they are set and managed by the local council.

In NSW and WA local laws are set by the state and managed by the local council.

In Vic, SA, QLD, NT and Tasmania local laws are set by local councils.

The ACT has no local government bodies, so regulations are set by the Legislative Assembly.

Local Laws must be consistent with all Acts and legislation and should not contradict or compete with any Town Planning regulations.

Local Laws typically last for 10 years which ensures they remain current and suitable for the purpose in which they were originally made.

To advocate for legalised THOW/THOS land use and occupation ATHA requires an accurate picture of the approach taken by the various States and Local Councils. A database of local laws relevant to each local government area has been prepared with data inputs crowd sourced via a web interface.

ATHA encourages members to be active participants in this research and contribute to the database. To ensure the data is collected and submitted in a consistent way a simple step by step procedure has been prepared.

State by State Summary

The formation and management of local laws varies between states.

Victoria

The Local Government Act 1989 gives each of Victoria's 79 councils a range of powers and functions including the power to make and enforce local laws.

<https://knowyourcouncil.vic.gov.au/councils>

Queensland

Queensland has 77 LGAs that prepare and manage local laws in accordance with the Qld Local Government Act 2009. These are drafted in accordance with guidelines issued by the Parliamentary Counsel under the Legislative Standards Act 1992. The period for review of local laws seems to be ad hoc.

The City of Brisbane is an exception which has the power to make local laws under the City of Brisbane Act 2010, subject to a State's interest check.

<https://www.lgaq.asn.au/find-council>

<https://www.statedevelopment.qld.gov.au/about-us/local-government/for-councils/laws/local-laws-database/local-laws-online-database>

South Australia

Model by-laws prepared by the State Government may be adopted or altered by the 68 LGAs, or entirely new by laws may be developed.

<https://www.lga.sa.gov.au/sa-councils/councils-listing>

New South Wales

In NSW local laws are set by the state's Office of Local Government and managed by 128 local government areas.

Western Australia

Local laws are set by the state and managed by 138 local councils.

Northern Territory

There are 17 local councils, plus a few non-incorporated towns that set and manage local by-laws. Note- in the NT councils do not manage planning and building.

ACT

There are no local government bodies so local laws are set by the Legislative Assembly.

Tasmania-

There are 29 local Councils- Specific by laws have been developed for some councils -Only 4 councils have local laws regarding Caravans and camping.

http://www.dpac.tas.gov.au/divisions/local_government/councillor_resources/transparency_accountability_and_continuous_improvement/council_by-laws)



Local Law Research Procedure

ATHA needs to understand the local laws of a local council area to determine the restrictions that apply and what needs to change. This is relevant for those states where local laws are set and managed by local councils (Vic, SA, QLD, NT, Tas). The following step by step procedure will allow ATHA members to research councils and contribute to a national database. You can link to the database [here](#)

ATHA has partnered with "Fred's Tiny Houses" to adapt and expand on an existing database that is the central collection point for council regulation data in relation to tiny houses on wheels. ATHA encourages members to research local councils and contribute to the database. The following procedure has been developed to ensure data is collected and recorded consistently in the database.

Check the Database

Check to see if the Council you are interested in is listed in the database already, and then check how recently the data was entered. If you think the data is more than six months old or the council is not listed, then please take the time to research and contribute to the database.

<https://fredstinyhouses.com.au/council-regulation-database-for-tiny-houses-on-wheels/>

Tip- to make the database easier to see click "view larger version" in the bottom right corner of the database view.

Finding the Local Laws

1. Search for "current local laws" on the local council web site. The local laws pertaining to THOW/THOS are often referred to as "Community Amenity Local Laws" , "Amenity Local Laws" or simply "By-Laws".
2. Select the Local Law link.
3. Browse through the table of contents looking for a reference to "caravans and camping" , "caravans or tents as temporary accommodation", "temporary dwellings" or something similar. Tiny Houses are rarely mentioned but this is what ATHA hopes to change. Then scroll through to the relevant section of the document.
4. This is where you will find the information required to input to the database.
5. Be careful to note what is allowed without a permit as well as what is allowed with a permit.

Note that registered caravan parks and campgrounds are exempt as these are regulated through the planning scheme. No need to record this in the database.

Clauses relating to the use of vehicles for sleeping or accommodation is not relevant to THOW occupation so no need to record these either.

Finding Permits

Check the Australian Business Licence and Information Service web site for information on permits available in this local council.

<https://ablis.business.gov.au/search/customsearch>

These can be difficult to find. If a permit is required, record the name of the permit in the "Other relevant text" section of the database.



Updating the Database

Access the database via the ATHA web site or Fred's Tiny Houses:

Cut and paste the following link into your web browser:

<https://fredstinyhouses.com.au/council-regulation-database-for-tiny-houses-on-wheels/>

When the web page is open click on the [Contribute](#) link to open the research input page to start adding your research findings. Answer the questions, upload PDF documents and copy text as requested. If you are researching as an ATHA member note this after your name when requested- eg Joe Bloggs (ATHA).

Thank you for your assistance in contributing to his valuable resource for the
Tiny House on Wheels community.