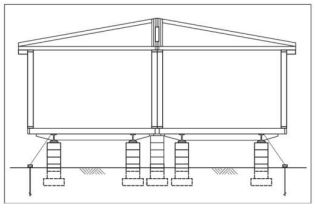
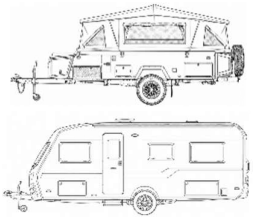
# TINY HOUSE GUIDE

Tiny Houses have become popular alternate way to provide affordable accommodation. With many styles and types available, owners need to consider both local and state planning legislation when considering this form of living.

Outlined below is some general information to help guide you through the various requirements and approvals that may apply.

## DEFINITIONS

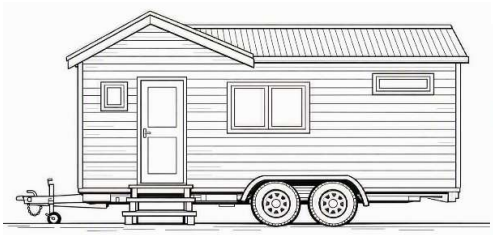
| | |
|---|---|
| **campervan** | means a moveable dwelling, other than a caravan, designed to be capable of being registered as a motor vehicle, and includes a camper trailer.<br> |
| **caravan** | means a moveable dwelling designed to be capable of being registered as a trailer but does not include a camper trailer.<br> |
| **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—<br>(a) that comprises one or more major sections, and<br>(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.<br>  |
| **moveable dwelling** | means-<br>(a) any tent, or any caravan or other van or other portable device (whether on wheels or not), used for human habitation, or<br>(b) a manufactured home, or<br>(c) any conveyance, structure or thing of a class or description prescribed by the regulations for the purposes of this definition. |
| **self-contained moveable dwelling** | means a moveable dwelling that contains shower and toilet facilities.<br> or  +  |

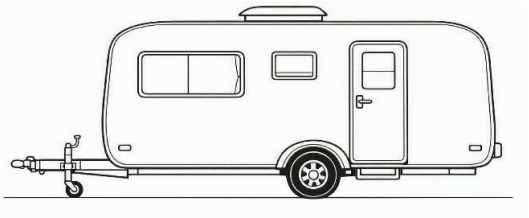
## WHAT IS A TINY HOUSE?

A tiny home is:

- A **Tiny House on Wheels** (THOW) is small dwelling-house fixed to a trailer (like a caravan). As the tiny house is built on a trailer, designed to legal road dimensions within the restrictions required for road transport and is capable of being registered under the *Road Transport Act 2013,* or
- A **Tiny House** is a small dwelling house up to 60m$^2$ fixed and supported by piers and footings to the ground on your property. They are a classified as a Class 1a dwelling that may be assessed for approval under the National Construction Code.

The approval requirements depend on the type of tiny house you consider and the of the land it's situated.





## WHAT LEGISLATION APPLIES?

Tiny house installation and use is subject to the approval and design requirements of the NSW Government and Council's planning controls.

Council's planning documents that apply are:

- Lithgow Local Environmental Plan 2014
- Lithgow Development Control Plan

You will also need to consider NSW Government legislation:

- *State Environmental Planning Policy (Housing) 2021* (for secondary dwellings)
- BASIX – *State Environmental Planning Policy (Sustainable Buildings) 2022*
- *Local Government Act 1993* – Section 68
- *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021*
- *Environmental Planning and Assessment Act 1979*
- *State Environmental Planning Policy (Exempt & Complying Development) 2021*

## EXEMPTIONS : DOES A TINY HOME NEED APPROVAL FROM COUNCIL?

You do not need development approval to keep your tiny house in your backyard or on your property, if you can register it with RMS as a trailer, and you meet certain exemptions as detailed below.

You do not need to get approval for your THOW in certain situations under Part 3 of *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021* being:

- Up to 2 caravans or THOWs (or tents) if they are only occupied for no more than 2 consecutive days and no more than 60 days in a 12-month period.

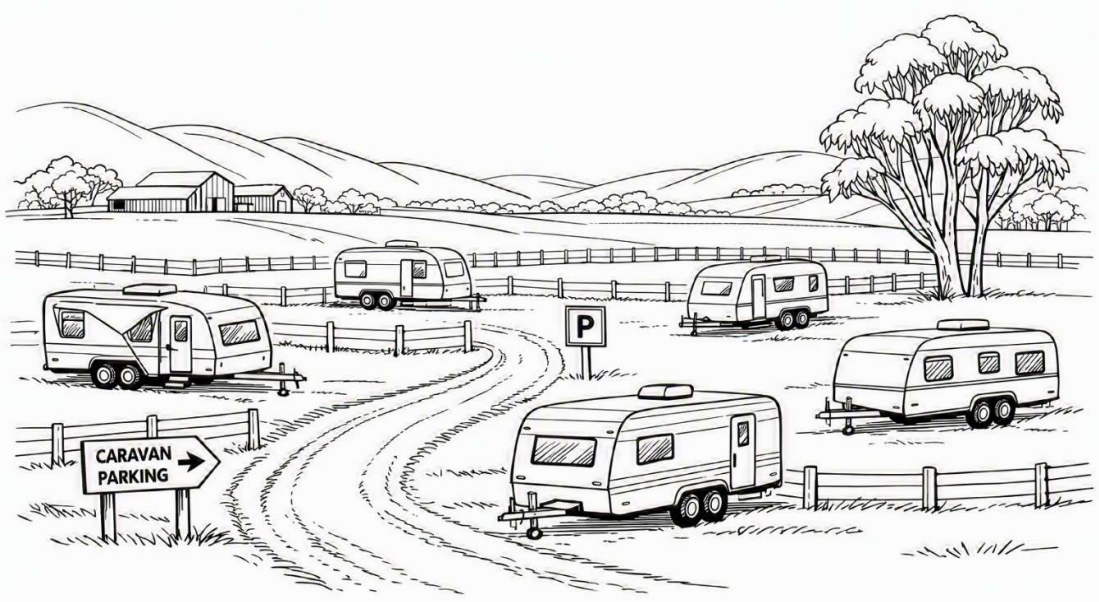
- 1 caravan or THOW on land in connection with the owner's dwelling house if the caravan or THOW is lived in by you or a member of your household. 1 caravan or THOW only when you have an approved dwelling house on the allotment. The caravan or THOW is maintained in a safe and healthy condition.

- Caravan or THOW on pastoral or agricultural land, provided it is merely occupied seasonally by people employed in pastoral or agricultural operations on the land.

- Moveable dwelling (includes a caravan or THOW) or associated structure on land to accommodate a person who has been displaced as a result of a natural disaster if the moveable dwelling or associated structure is-
    - maintained in a safe and healthy condition, and
    - removed within 2 years after it is installed
    - notify Council of this undertaking

*State Environmental Planning Policy (Exempt & Complying Development) 2021,* Subdivision 16E provides an additional exemption for THOWs summarised below:

- Farm stay accommodation:
    - Permitted in RU1, RU2, RU4, C3 & C4 zones
    - A minimum landholding of 15ha and off-street parking
    - A maximum of 6 caravans/THOWs and campervans
    - Maximum of 20 guests
    - Up to 21 consecutive days of stay.
    - See attached for full requirements as per the SEPP.




If the THOW is not exempt, as outlined above, it will require development consent and meet the relevant development controls, permissibility and address any applicable constraints such bushfire, flooding, land use conflicts and the like. Please call Council Planning staff to discuss this matter further during normal business hours by phone on (02) 63549999 or by email *Council@lithgow.nsw.gov.au*

Meetings with Council planning staff can be arranged with an associated fee to discuss this matter in detail for your site and minutes may be provided for your future reference.

*Note: The information in this clause changes often and Council recommends that you undertake your own review to keep updated on current standards.*

## QUESTIONS

| TINY HOUSE PERMANENT (THP) | TINY HOUSE ON WHEELS (THOW) |
|---|---|
| **Do I need development approval for my tiny house?** | |
| *Yes*<br><br>Council requires a Development Application (or Complying Development Certificate, which can potentially be approved by a Private Certifier) to assess and determine proposals for a permanently constructed/installed tiny house. | *No*<br><br>If the THOW is capable of being registered with the Roads and Maritime Services as a trailer, no development approval is required (subject to meeting a number of certain exemptions). |
| **Do I have to pay a development contribution?** | |
| *Yes*<br><br>As a secondary dwelling, contributions are payable for connection to town water and sewerage services and potentially development contributions based on estimated cost. | *No* |
| **Can I live in my tiny house, as a primary dwelling, on my vacant property?** | |
| *Yes*<br><br>Planning controls have been prepared for standard forms of housing, many of the zoning, site, and design requirements are still relevant to most forms of compact and tiny houses. To be considered a primary dwelling, you will need to obtain development consent, show compliance with Building Code of Australia and Lithgow Development Control Plan. | *No*<br><br>Current legislation does not allow for a tiny house as a primary dwelling as outlined in this fact sheet. For a tiny house to be considered a primary dwelling, you will need to obtain development consent and show compliance with Building Code of Australia and Local Government Regulation building standard requirements. It's best to consult with us if this is your intention. |
| **Can I, or a member of my household, live in my tiny house on my property, which has an approved, existing dwelling?** | |
| *Yes*<br><br>With development approval for the tiny home as well where a secondary dwelling or dual occupancy is permissible. | *Yes*<br><br>You can have only 1 THOW if you or a member of your household will live in it, only when you have an approved existing dwelling already on the lot. You must maintain your tiny house in a safe and healthy condition for human habitation. |
| **Can I have more than one tiny house on my property?** | |
| *Potentially*<br><br>On certain land zoned R1 & R2 there may be opportunity to erect additional tiny houses under multi-dwelling provisions if the land meets the minimum lot size. Additionally the Lithgow Development Control Plan will stipulate additional requirements including setbacks, open space, privacy, carparking, access etc. | *Potentially*<br><br>NSW Legislation permits some exemptions. See exemptions section.<br><br>Contact Council for specific advice relative to your property. |

| TINY HOUSE PERMANENT (THP) | TINY HOUSE ON WHEELS (THOW) |
|---|---|
| **Can I holiday let or rent out my tiny house?** | |
| *Potentially*<br><br>The secondary dwelling can be rented out as a form of affordable rental housing if the house has development approval as a dwelling. This does not require approval if it meets requirements under Part 6 of the *State Environmental Planning Policy (Housing) 2021*. Please discuss with Planning for further details. | *Potentially*<br><br>The installation is for occupation by the owner or by members of the owner's household only.<br>If you want to provide some tourist accommodation on farms larger than 15 hectares, you can have up to 6 caravans/THOWs (see exemptions section for more information). Other holiday letting requires development consent from Council. |
| **Can I connect my tiny house to sewer?** | |
| *Yes*<br><br>You will require approval from Council to connect to a sewerage system. If a reticulated sewer is not available, you will require approval from Council for an on-site sewerage management system. These approvals are through a Section 68 Application under *Local Government Act 1993.* | *Yes*<br><br>You will require approval from Council to connect to the town water supply and sewerage system.<br>If a town sewer connection is not available, you will require approval from Council for an on-site sewerage management system. These approvals are through a Section 68 Application under *Local Government Act 1993.* |
| **How can I provide electricity to my tiny house?** | |
| Connect to your property power supply or separate connection to the electricity network.<br><br>It is important to note that any electrical installation needs certification from a Licensed Electrical Contractor. | If your THOW is close to a main dwelling, you can power it by running an RCD protected, caravan-rated, extension cord from the dwelling.<br>The use of solar power may be suitable. This can be portable such as a solar trailer or fixed to the structure. It is important to note that any electrical installation needs certification from a Licensed Electrical Contractor. |
| **Can I connect my tiny house to town water?** | |
| *Yes*<br><br>You will require approval from Council to connect to the existing dwelling to the town water supply. These approvals are through a Section 68 Application under *Local Government Act 1993.* | *Yes*<br><br>An approval for a temporary connection from your main dwelling water supply is not required. You will require approval from Council to connect to the existing dwelling connection for town water supply. These approvals are through a Section 68 Application under *Local Government Act 1993.*<br><br>On some lots you will need a water collection and storage system if town water is not available. |

# Farm Stay Accommodation: State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

*Current version for 8 July 2026 to date (accessed 22 July 2026 at 9:39)*

1. Part 2
2. Division 1
3. Subdivision 16E

**Subdivision 16E Farm stay accommodation**

**2.32K Specified development**

(1) The following development, if carried out on a relevant landholding, is specified for this code—
- (a) a change of use from residential accommodation to farm stay accommodation,
- (b) the use of a manufactured home for the purposes of farm stay accommodation,
- (b1) a change of use from farm stay accommodation to residential accommodation, if—
  - (i) the farm stay accommodation was previously residential accommodation, and
  - (ii) the change of use is to the same type of residential accommodation,
- (b2) a change of use from farm stay accommodation to the use of a manufactured home for the purposes of residential accommodation, if the manufactured home was previously used for residential accommodation,
- (c) the use of land for the purposes of farm stay accommodation that accommodates guests in one or more of the following—
  - (i) campervans,
  - (ii) caravans,
  - (iii) tents, annexes or other similar portable and lightweight temporary shelters,
- (d) the construction, installation or replacement of a deck, slab or other platform, whether roofed or not—
  - (i) to be used as an area for preparing, cooking or serving food in connection with farm stay accommodation, or
  - (ii) on which either of the following will be installed—
- (A) a moveable dwelling to be used for the purposes of farm stay accommodation,
- (B) a shelter to be used for the purposes of preparing, cooking or serving food in connection with farm stay accommodation.

(2) To be exempt development, the development must not be carried out on land—
- (a) declared to be a special area under the *Water NSW Act 2014*, or
- (b) identified on the *Agritourism and Farm Stay Accommodation Exempt and Complying Development Map*, or
- (c) in a floodway within the meaning of the *Flood Risk Management Manual*.

(2A) This clause does not apply to development under *State Environmental Planning Policy (Housing) 2021*, Chapter 3, Part 13.

(3) In this clause—

***relevant landholding*** means a landholding—
- (a) in Zone RU1, RU2 or RU4, or
- (b) on which development for the purposes of one of the following is permitted with or without development consent under an environmental planning instrument—
  - (i) agritourism,
  - (ii) extensive agriculture,
  - (iii) intensive livestock agriculture,
  - (iv) intensive plant agriculture.

**2.32L Development standards—change of use to, or use of manufactured home for, farm stay accommodation**

The following standards are specified for development referred to in clause 2.32K(1)(a) and (b)—
- (a) for a change of use from residential accommodation—the existing building must have been lawfully erected,
- (b) for the use of a manufactured home—the manufactured home must have been lawfully constructed,
- (c) the development must not contravene an existing condition of the most recent development consent that applies to the landholding,

(d) the number of buildings and manufactured homes used for the purposes of farm stay accommodation on the landholding must be no more than 6,
(e) the number of guests, not including guests under 12 years of age, accommodated in the building or manufactured home at any one time must not be more than—
  (i) for a building or manufactured home without a bedroom—2, or
  (ii) otherwise—2 times the number of bedrooms,
(f) each guest must not stay at the accommodation for more than 21 consecutive days,
(g) an evacuation diagram displaying the following must be located in a prominent position at or near the accommodation—
  (i) directions to facilitate the safe evacuation of people from the site,
  (ii) contact details for emergency services, including for a bush fire, flood or other natural disaster,
(h) vehicular or pedestrian access to the accommodation must not be directly from a freeway, highway or tollway within the meaning of the *Roads Act 1993*,
(i) an existing vehicular access point to a public road must comply with the lesser of—
  (i) a clear sight distance for vehicles leaving the premises of at least 300m, or
  (ii) the minimum car stopping sight distances set out in the *Guide to Road Design Part 3: Geometric Design*, Table 5.5, published by Austroads on 26 February 2021,
(j) vehicles must be able to enter and exit the landholding in a forward direction,
(k) car parking spaces must be located wholly within the boundaries of the landholding,
(l) waste generated as a result of the development must be disposed of—
  (i) using a sewage reticulation system connected to the landholding, or
  (ii) using a system of sewage management for which the approval of the council has been obtained under the *Local Government Act 1993*, section 68, or
  (iii) at a waste or resource management facility,
(m) the on-site disposal of organic or putrescible waste must not have an adverse impact on the use of adjoining land.

**2.32M Development standards—change of use to residential accommodation**

The following standards are specified for development referred to in clause 2.32K(1)(b1) and (b2)—
(a) the former use must have been a lawful use,
(b) the development must not contravene an existing condition of the most recent development consent that applies to the landholding.

**2.32N Development standards—use of land for campervans, caravans and temporary shelters**

The following standards are specified for development referred to in clause 2.32K(1)(c)—
(a) the development must not take place on significantly contaminated land,
(b) the landholding must have an area of at least 15ha,
(c) the number of campervans, caravans and other similar moveable dwellings, not including tents, annexes or other similar portable and lightweight temporary shelters, used for the purposes of farm stay accommodation on the landholding must be no more than 6,
(d) the height of each moveable dwelling must be no more than 4.5m above ground level (existing),
(e) the moveable dwellings must not be installed or placed within—
  (i) 6m of—
    (A) a building on the landholding, or
    (B) another moveable dwelling, other than a tent or other similar portable and lightweight temporary shelter, on the landholding, or
  (ii) 50m of a property boundary or waterway, or
  (iii) 250m of residential accommodation on—
    (A) adjacent land outside the landholding, or
    (B) land outside the landholding that is separated from the landholding by a road, or
  (iv) 250m of a property boundary for land used for the purposes of one of the following—
    (A) forestry,
    (B) intensive livestock agriculture,
    (C) intensive plant agriculture,
    (D) mines,
    (E) extractive industries,
    (F) rail lines,
    (G) rural industries,

(f) the gross floor area of a part of an existing building used to provide communal amenities or facilities to guests must be no more than 25m$^2$,
(g) the number of guests accommodated in moveable dwellings on the landholding at any one time must not be more than 20,
(h) each guest must not stay on the landholding for more than 21 consecutive days,
(i) an evacuation diagram displaying the following must be located in a prominent position on the site—
  (i) directions to facilitate the safe evacuation of people from the site,
  (ii) contact details for emergency services, including for a bush fire, flood or other natural disaster,
(j) vehicular or pedestrian access to the accommodation must not be directly from a freeway, highway or tollway within the meaning of the *Roads Act 1993*,
(k) an existing vehicular access point to a public road must comply with the lesser of—
  (i) a clear sight distance for vehicles leaving the premises of at least 300m, or
  (ii) the minimum car stopping sight distances set out in the *Guide to Road Design Part 3: Geometric Design*, Table 5.5, published by Austroads on 26 February 2021,
(l) vehicles must be able to enter and exit the landholding in a forward direction,
(m) car parking spaces must be located wholly within the boundaries of the landholding,
(n) waste generated as a result of the development must be disposed of—
  (i) using a sewage reticulation system connected to the landholding, or
  (ii) using a system of sewage management for which the approval of the council has been obtained under the *Local Government Act 1993*, section 68, or
  (iii) at a waste or resource management facility,
(o) the on-site disposal of organic or putrescible waste must not have an adverse impact on the use of adjoining land,
(p) if there are no human waste storage facilities on the landholding as part of communal amenities or facilities, each moveable dwelling must contain a human waste storage facility,
(q) a human waste storage facility on the landholding must be emptied using—
  (i) a sewage reticulation system connected to the landholding, or
  (ii) a system of sewage management for which the approval of the council has been obtained under the *Local Government Act 1993*, section 68 located on the landholding or off-site.

**2.32O Development standards—decks, slabs and other platforms**

The following standards are specified for development referred to in clause 2.32K(1)(d)—
(a) the development must not be carried out on significantly contaminated land,
(b) the number of platforms constructed or installed on the landholding must be no more than—
  (i) 1 per 5ha, and
  (ii) 6 in total,
(c) the platform must have an area of no more than 25m$^2$,
(d) the height of the platform must be no more than 1m above ground level (existing),
(e) the platform must not be constructed or installed within—
  (i) 50m of a property boundary or waterway, or
  (ii) 250m of residential accommodation on—
    (A) adjacent land outside the landholding, or
    (B) land outside the landholding that is separated from the landholding by a road, or
  (iii) 250m of a property boundary for land used for the purposes of one of the following—
    (A) forestry,
    (B) intensive livestock agriculture,
    (C) intensive plant agriculture,
    (D) mines,
    (E) extractive industries,
    (F) rail lines,
    (G) rural industries,
(f) a shelter installed on the platform must have an area of no more than 25m$^2$,
(g) a shelter installed on the platform must be no more than 4m tall.