

A set of alternative standards are needed to provide safe and comfortable structures for people to live in, writes Brian Risby. The recent suggestions from Senator Andrew Bragg that some of us might need to accept a lesser standard of housing was immediately labelled as a move towards a 'two-speed' society by his political opponents. One where those well-off have better standards of housing than those less affluent. The merits of this sort of approach aside, it illustrates that the more intransigent a policy problem becomes the more 'creative' the solutions proposed. A lot of effort is going into 'left-field' solutions such as Tony Mulder's inspired suggestion of building a shanty town under the Tasman Bridge on-ramps.

Notwithstanding the impracticalities and inequity of many of these, there is a need to explore alternative housing options at least for the short term. If the choice is between people sleeping in tents, or in accommodation without all the bells and whistles, then we cannot simply turn our back on a better outcome because it's not perfect.

Enter the newly minted independent member for Huon, Clare Glade-Wright, and her crusade to solve the regulatory conundrum of tiny homes. This is a huge issue across Australia which Ms Glade-Wright accurately describes as a 'regulatory loop', where compliance with one aspect leads to noncompliance with another resulting in finger pointing between different regulators.

Apparently, there's sympathy in government circles to solve this puzzle and a level of moral support for Glade-Wright's initiative but not, it would seem, a willingness to lead the work. That is strange because the recently passed Residential Parks Act is inextricably linked to the same issue. This Act purports to provide security of tenure for long-term residents of caravan parks, giving them similar rights to tenants in normal houses, but there are two outstanding issues. Firstly, many of these parks are not approved for long-term residential use and under normal planning scheme controls probably never would be because of their locations. Secondly, the vans themselves are not compliant with the building regulations for permanent residential accommodation. Solving these problems would go a long way to fixing the tiny homes issue too.

There are two sorts of tiny homes – those fixed to the ground (THs) and those on wheels (THOWs) and two areas of regulation – planning and building. The Residential Parks issue aside, generally planning is not the blocker here because if someone proposes a tiny home on any land that an ordinary house is allowed on, there are no impediments. Planning is agnostic on the size of a dwelling, or its appearance and court cases have established that, even one on wheels is deemed residential, if it is clearly used for long-term occupation. In fact, in most cases THs are simply types of secondary (ancillary) residences but can equally be primary dwellings. That doesn't help those who want to establish small clusters of THs on rural blocks, but as an alternative form of normal house – no problem. The real issue is building and plumbing controls.

There are, as Senator Bragg explained, many complex requirements for the construction of houses including structural, fire safety and health, energy efficiency, and myriad other matters. These apply to any structure deemed a Class 1 building under the National Construction Code (NCC) – basically a single on-ground building intended for permanent living. They don't extend to caravans or THOWs simply because they are not fixed to the ground. Hence the many structures liberally spread around caravan parks that don't comply technically deeming them unsuitable for permanent accommodation.

Being on wheels implies short-term accommodation so the standards can be 'lesser'. Once they put down roots, like plumbing connections, they're caught. So, you can't live in a caravan permanently because it needs to be fixed to the ground and plumbed, but if you do that then the whole structure needs to comply with the standards of a normal house.

This mobility also makes THOWs attractive because they can sit on someone's property until a more permanent site is secured. Hence why they're favoured as a cheaper alternative – there is no land purchase just a leasing agreement, similar to arrangements bolstered under the Government's Residential Parks Act. Confusingly, while caravans are not intended for permanent occupancy, I'm not aware of any legal prohibition as long as you move it every few months.

So, what's the solution? Many prefab THs are compliant with the NCC and some THOWs are beautifully designed, maximising space and flexibility. What's needed is a set of alternative standards that provide safe and comfortable structures to live in for at least a few years without requiring it to periodically move.

Perversely, while we bend over backwards to find solutions for people living permanently in caravans, I'm struck by the irony that we continue to allow houses fully compliant with the NCC to be given over to short-term holiday accommodation. Go figure.

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Brian Risby, 'The regulatory conundrum of tiny homes is a huge issue nationwide and a puzzle that needs to be solved', *Mercury, The* (online), 22 Aug 2026 46 <<https://infoweb.newsbank.com/apps/news/document-view?p=AWGLNB&docref=news/1AA242C0408D1918>>

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