

## Frequently Asked Questions

### 1. Both a Local Approvals Policy and a Planning Proposal are included in the pilot program. Why are two planning changes proposed, and how will these work?

Under the current planning legislation, a tiny home can require two approvals:

- a section 68 approval for **installation** of the tiny home onto the site, through the *Local Government Act 1993*; and
- a development application approval for **use** of the tiny home as a secondary dwelling, as this is considered to constitute development through the *Environmental Planning and Assessment Act 1979*.

This creates unnecessary confusion, complexity and grey areas when attempting to install and lease a tiny home as rental accommodation on your property.

The Mobile Tiny Homes Pilot Program will attempt to reduce this complexity as follows:

- introducing a Local Approvals Policy which will specify a set of development criteria for the **installation** of a mobile tiny home through a section 68 approval. This will apply for a 2-year trial period.
- through a Planning Proposal which will amend the Shellharbour Local Environmental Plan 2013, to specify that mobile tiny homes do not require development approval for **use** as a secondary dwelling, if they meet the criteria of the proposed LEP Exempt Development clause and Local Approvals Policy. This will apply for a 2-year trial period.

These two changes are intended such that you can apply for a section 68 approval for installation of a mobile tiny home, and will not require a second approval (development application) for use of the mobile tiny home.

### 2. What is considered a 'Mobile Tiny Home'?

This Pilot Program considers a 'mobile tiny home' to be a campervan or caravan that is capable of being registered as a motor vehicle or a trailer. To be eligible for this, the 'mobile tiny home' must not exceed the following dimensions:

- If registered as a motor vehicle, must not exceed a length of 12.5m, a width of 2.5m, and a height of 4.3m.
- If registered as a trailer, must not exceed a length of 12.3m, a width of 2.5m, and a height of 4.3m.

The mobile tiny home must meet certain design and safety standards to ensure occupant safety and amenity:

- Must feature a smoke alarm installed in accordance with the national construction code,
- Must contain an area for sleeping, kitchen and living, bathroom and laundry,
- Is restricted to a maximum of two (2) bedroom spaces,
- Must be structurally adequate, as certified by a practicing structural engineer, and
- Must provide for a comfortable and amenable use as a habitable residential premises.

### **3. Will my land be eligible for the pilot program?**

The proposed pilot program would only allow a mobile tiny home on land which is capable of having minimal environmental impact.

Your land must be a residential zoned land with one existing dwelling house onsite within a Torrens Title allotment.

Your land must not be:

- Flood-prone land,
- Bushfire-prone land,
- Land which contains Heritage items, draft Heritage items, or is within a Heritage Conservation Area,
- in a foreshore area,
- in an environmentally sensitive area,
- in a declared area of outstanding biodiversity value or declared critical habitat, or
- Known to be contaminated lands.

Additionally, your land must be capable of siting the mobile tiny home in a manner with minimal impact to the street, neighbouring properties, or vegetation. The mobile tiny home must be able to:

- Comply with setback requirements,
- Provide separation from protected trees, or only require exempt tree removal works,
- Retain a useable private open space,
- Be located on a flat gradient (max 5%), or
- Be located outside of any easements.

### **4. What will happen when the trial ends?**

Upon conclusion of the trial period, applicants will be able to consider the following options for the ongoing use of Mobile Tiny Homes on their property.

Pursuant to Section 77 of the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021*, there are certain scenarios which do not require approval from Council for installation of caravans or campervans for temporary living arrangements, or for occupation by members of the owner's household.

Should the applicant wish to continue leasing their mobile tiny home for rental accommodation to a member of the public, a development application will be required.

Applicants will have a 90-day grace period upon expiry of the trial for obtaining the required approvals for ongoing use of the mobile tiny home as rental accommodation, or ceasing use as rental accommodation.

Shellharbour City Council will monitor the effectiveness of the pilot program, and may choose to continue, change, or cease the program at the end of the 2-year trial period.

#### **5. Will section 7.11 contributions be payable on the mobile tiny homes?**

A section 7.11 contribution is a monetary contribution provided by a developer to contribute toward local infrastructure. These contributions are justified when a development places additional pressure on local infrastructure, such as parks, roads, and community facilities, for an ongoing period of time.

The Local Approvals Policy specifies that section 7.11 contributions will not be payable on mobile tiny homes during the 2-year trial period. This is because the trial would only permit mobile tiny homes for a 2-year period; there will not be a permanent pressure on infrastructure.

Upon conclusion of the trial period, if the applicant wishes to continue use of the mobile tiny home for rental accommodation on their property, they will have to lodge a development application. At this stage, section 7.11 contributions will be levied through this required development application.

#### **6. What works and uses are not eligible for the pilot program?**

The following works will not be eligible for participation in the pilot program:

- Installation of a Mobile Tiny Home for farm-stay accommodation or agri-tourism,
- Installation of manufactured homes or relocatable homes,
- Erection of a Mobile Tiny Home on the site (rather than installation), and
- Installation of a Mobile Tiny Home to be used for short-term rental accommodation.

Separate development approval pathways are available for these works, which are not considered appropriate for the scope and objectives of the pilot program.