

Our ref: PP-2025-2427(IRF25/2812)

The Chief Executive Officer
Shellharbour City Council

By email: council@shellharbour.nsw.gov.au

Attention: Jacob Lia

Subject: PP-2025-2427 to amend Shellharbour Local Environmental Plan 2013

I am writing in response to the planning proposal you have forwarded to the Minister under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to permit “tiny homes” as an exempt use under Schedule 2 for a period of 2-years.

As delegate of the Minister for Planning and Public Spaces, I have determined that the planning proposal should proceed subject to the conditions in the enclosed gateway determination.

Considering the nature of the planning proposal I have determined that Council may exercise local plan-making authority functions in relation to the planning proposal.

The proposed local environmental plan (LEP) is to be finalised on or before 29 January 2027. Council should aim to commence the exhibition of the planning proposal as soon as possible. Should Council seek to make a proposed LEP, the request to draft the LEP should be made directly to Parliamentary Counsel's Office well in advance of the date the LEP is projected to be made. A copy of the request should be forwarded to the Department of Planning, Housing and Infrastructure.

Should you have any enquiries about this matter, I have arranged for Louise Myler to assist you. Louise can be contacted on (02) 02 4247 1822 or louise.myler@planning.nsw.gov.au.

Yours sincerely,



11/3/2026

Chantelle Chow
Director, Southern, Western and Macarthur Region
Local Planning and Council Support

Encl: Gateway determination

Gateway Determination

Planning proposal (Department Ref: PP-2025-2427): Shellharbour Tiny Homes Pilot Project.

I, the Director Southern, Western and Macarthur Region at the Department of Planning, Housing and Infrastructure, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Shellharbour Local Environmental Plan 2013 to permit “tiny homes” as an exempt use under Schedule 2 for a period of 2-years should proceed subject to the following

The Council as planning proposal authority is authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the Act subject to the following:

- (a) the planning proposal authority has satisfied all the conditions of the gateway determination;
- (b) the planning proposal is consistent with applicable directions of the Minister under section 9.1 of the Act or the Secretary has agreed that any inconsistencies are justified; and
- (c) there are no outstanding written objections from public authorities.

The LEP should be completed on or before 29 January 2027.

Gateway Conditions

1. Prior to exhibition, the planning proposal is to be amended to insert the following details, or similar for the Trial Mechanism:
 1. Change the title ‘secondary dwelling’ at the top of the PP to ‘temporary use of structure as a secondary dwelling’.
 - Including an explanatory note that a section 68 approval grants permission for the installation of a manufactured home, moveable dwelling or associated structure on land.
 2. Including the provision: ‘this clause permits the temporary use of the structure for a secondary dwelling for a maximum of 365 days per year up until XXX (cessation date after 2 years), provided the following requirements are met:
 - The provisions currently written within the planning proposal would then be listed.
 3. Adding the explanatory note: ‘any secondary dwelling that is used in accordance with this clause is considered a temporary use of land, similar to the provisions of section 2.8 in the *Shellharbour Local Environmental Plan 2013*. As such, at the end of the temporary use period the land must be, as far as is practicable, restored to the condition in which it was before the commencement of the use. To adhere to this requirement, it will be necessary to either:
 - Remove the structure from the land, or cease use of the structure as a secondary dwelling within XXX days, or

- Obtain the relevant approvals required under the *Environmental Planning & Assessment Act 1979* within XXX days for permanent use of the structure as a secondary dwelling.’

and forwarded to the Department prior to exhibition.

2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
 - (a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum of 20 working days; and
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023).
 - (c) The draft Local Approvals Policy is to be exhibited at the same time and in the same way as the planning proposal (as far as practicable).
3. No consultation is required with public authorities or government agencies under section 3.34(2)(d) of the Act
4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

Dated 11 March 2026



Chantelle Chow
Director, Southern, Western and
Macarthur Region
Local Planning and Council Support.
Department of Planning, Housing and
Infrastructure

Delegate of the Minister for Planning and
Public Spaces