



On Public Exhibition

Planning Proposal and Local Approvals Policy
for Mobile Tiny Homes Pilot Program
(Council ref. PP0002/2025
Planning Portal ref. PP-2025-2427)

Exhibition period

From 9 April to 8 May 2026

Submissions received until 4:30pm on Friday 22nd May 2026

How to make a Submission

Submissions must be received in writing and addressed to
The Chief Executive Officer, Dharawal Country,
Locked Bag 155 Shellharbour City Centre, 2529
or sent by email to council@shellharbour.nsw.gov.au

PRIVACY & PERSONAL INFORMATION PROTECTION NOTICE

The personal information contained in your submissions is collected by Shellharbour City Council for the purpose of corresponding with you about your submission. If you make an anonymous submission, Council will be unable to contact you further.

The information is intended for use by Council to assist in its decision making processes. The content of your submission may be summarised and attached to a Council Report and displayed on Council's website, your personal information will not be included. The submission will be stored in Council's electronic records management system. You can apply to Council to access and correct your personal information. Please see Council's Privacy Management Plan available on Council's website or contact Council's Privacy Officer on 4221 6111 for more information.

Mobile Tiny Homes Pilot – Local Approvals Policy

Policy Owner: Executive Director Planning and Environment	
Date Last Adopted: [Date Adopted]	Review Date: [Date for next Review]

1. Policy Statement/Objective(s)

Council's Mobile Tiny Homes Pilot Local Approvals Policy (Policy) establishes a pilot program for the installation of Mobile Tiny Homes on residential properties through section 68 approval under the *Local Government Act 1993 (LG Act 1993)*. This Policy will be established for a 2-year period. This Policy offers a 'trial' for a faster planning approval pathway for installation and use of Mobile Tiny Homes as rental accommodation. This trial is established in conjunction with the exempt development provisions within Schedule 2 of the Shellharbour Local Environmental Plan 2013 which temporarily removes the requirement for a development application for use of a Mobile Tiny Homes structure as a Secondary Dwelling.

This Policy is made under section 158 of the *LG Act 1993*, which requires exemption criteria, criteria for consideration, and matters related to approval to be addressed in the Policy, as discussed in section 7 of the Policy below.

The objectives of the Policy are to:

- Improve short-term housing supply and affordability in Shellharbour by permitting Mobile Tiny Homes to be used as rental accommodation through a 2-year pilot program
- Establish an approval pathway through section 68 of the *Local Government Act 1993* for Mobile Tiny Homes participating in the pilot program, in conjunction with temporary exempt development provisions within Schedule 2 of the Shellharbour Local Environmental Plan 2013.
- Establish detailed development criteria to ensure good planning outcomes for Mobile Tiny Homes to be used as rental accommodation, during the pilot program period.

2. Scope

This Policy applies to lands within Shellharbour City LGA which are Torrens Title, have a maximum of one dwelling house existing onsite and have been identified as suitable for the installation of one (1) Mobile Tiny Home for rental accommodation in accordance with this Policy. Section 7 will contain the Policy matters used to ensure the requirements are met under a section 68 Local Approval.

This Policy does not apply to:

- Installation of Mobile Tiny Homes for the purpose of farm-stay accommodation or agri-tourism. Separate development pathways are provided through state legislation for these land uses,
- Installation of Mobile Tiny Homes in the form of a manufactured home or relocatable home.
- Any works for Mobile Tiny Homes outside the definition of 'installation', such as erection of a Mobile Tiny Home.

3. References

Australian Building Codes Board Housing Provisions Standard 2022
Building Code of Australia 1988
Local Government Act 1993
Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021
National Construction Code 2022
Residential Tenancies Act 2010
Road Transport Act 2013
Road Transport (Vehicle Registration) Regulation 2017
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
State Environmental Planning Policy (Housing) 2021

4. External/Internal Consultations

Internal

Building Surveyor
 Contract Manager Waste Services
 Development Contributions Contractor
 Executive Manager Waste Services
 Manager Compliance and Regulation
 Principal Engineer – Development and Subdivision Certification
 Senior Building Surveyor
 Statutory Planning and Urban Release Manager
 Strategic Planner
 Town Planner – Statutory Planning

External

Caravan & Camping Industry Association NSW
 Australian Tiny House Association

5. Definitions

Mobile Tiny Home	<p>Means a campervan or caravan, defined as follows:</p> <p>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.</p> <p>caravan means a moveable dwelling designed to be capable of being registered as a trailer, but does not include a camper trailer.</p> <p>This definition does not include a manufactured home, a relocatable home, or a tent.</p> <p>Note: Campervans and caravans are defined in the <i>Local Government (Manufactured Homes Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021</i>.</p> <p>The requirements for motor vehicle and trailer registration are detailed in the <i>Road Transport Act 2013</i>.</p>
Installation	<p>Means the importation of a Mobile Tiny Home to the site, and includes footings/anchoring for the Mobile Tiny Home, as well as the connection of gas, electricity, telephone, water, sewerage and drainage services, for the purpose of the Mobile Tiny Home.</p> <p>Note: 'Installation' is defined in the <i>Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021</i>. The definition of 'installation' within the <i>Regulations</i> does not make clear reference to campervans or caravans, however Section 68 of the <i>Local Government Act 1993</i> provides express consent for a Local Approvals Policy to grant permission to 'install... a moveable dwelling'.</p> <p>The definition of 'installation' within this Policy applies the same wording and interpretation as the <i>LG Regulations</i> to reference the appropriate activities and connections required to 'install' a campervan or caravan on a site.</p>
Protected Tree	<p>As per the <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i> definition of a protected tree:</p> <p>protected tree means a tree that requires a separate permit, approval or development consent for pruning or removal, but does not include a tree that may be removed without development consent.</p>
Residential Premises	<p>As per the <i>Residential Tenancies Act 2010</i> definition of a residential premises:</p> <p>residential premises means any premises or part of premises (including any land occupied with the premises) used or intended to be used as a residence.</p>

6. Variation and Review

Council reserves the right to review, vary or revoke this policy.

It is recommended that a review takes place one year after commencement of the trial period. Upon completion of the trial period, it is recommended that the pilot program is evaluated.

Review History

COLLABORATION	ACCOUNTABILITY	INTEGRITY	RESPECT	SUSTAINABILITY
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Policy Name: Mobile Tiny Homes Pilot Policy

Date of Last Adoption: [Enter date]

7. Policy

Shellharbour City Council is committed to establishing a pilot program to allow installation of Mobile Tiny Homes on residential properties for rental accommodation. This Policy provides a section 68 approval pathway for installing Mobile Tiny Homes that will help with short-term housing supply and affordability.

In accordance with section 158 of the *LG Act 1993*, this Policy seeks to:

Part 1 – Specify the circumstances (if any) in which a person would be exempt from the necessity to obtain a particular approval from Council,

Part 2 – Specify the criteria that Council staff will take into consideration in determining applications for approval under the *LG Act 1993*,

Part 3 – Specify any other matters relating to the approvals process under the *LG Act 1993*.

7.1. Exemption Criteria

7.1.1. There is no exemption criteria applicable under this Policy.

7.2. Criteria to be Considered in Determining an Application

This section lists the criteria Council must take into consideration in determining whether to give or refuse approval of a Section 68 application under the *LG Act 1993*. In order to achieve the objectives of this Policy, with regard to approving activities that result in good planning outcomes, the below development criteria will be taken into consideration in the assessment of all applications:

7.2.1. The land must meet the criteria described in the Scope of the Policy, including:

7.2.1.1. Must be located in the Shellharbour City LGA.

7.2.1.2. Must feature one existing dwelling house within its own Torrens Title allotment.

7.2.2. Pursuant to the *Road Transport (Vehicle Registration) Regulation 2017*, Mobile Tiny Homes must not exceed the following dimensions:

7.2.2.1. 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.

7.2.2.2. If registered as a trailer, must not exceed a length of 12.3m, a width of 2.5m, and a height of 4.3m.

7.2.3. Only land which is eligible for exempt development through *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* will be eligible under this Policy. In this regard, the following land will not be eligible for this Policy (including, but not limited to):

7.2.3.1. Flood-prone land,

7.2.3.2. Bushfire-prone land,

7.2.3.3. Land which contains Heritage items or draft Heritage items, or within a Heritage Conservation Area

- 7.2.3.4. Land in a foreshore area,
- 7.2.3.5. Land in an environmentally sensitive area,
- 7.2.3.6. In a declared area of outstanding biodiversity value under the Biodiversity Conservation Act 2016, or declared critical habitat under Part 7A of the Fisheries Management Act 1994,
- 7.2.3.7. Land known to be contaminated lands.
- 7.2.4. The Mobile Tiny Home must connect to existing reticulated sewer systems on site. Connection to an on-site sewer management system will not be accepted.
- 7.2.5. The Mobile Tiny Home must connect to existing stormwater drainage systems on site.
- 7.2.6. Applications which require the removal, pruning or other clearing of protected trees will not be eligible, unless the tree removal or pruning works are exempt in accordance with Chapter 21 of the Shellharbour Development Control Plan 2017.
- 7.2.7. The siting of a Mobile Tiny Home must retain the existing *required* car parking for the principal dwelling on site. The *required* car parking refers to parking required by the Shellharbour Development Control Plan 2013 or other development controls applicable to the site.
- 7.2.8. Setbacks for Mobile Tiny Homes and associated structures must comply with the following:
 - 7.2.8.1. Be located behind the front building line of the primary dwelling.
 - 7.2.8.2. Provide for a minimum 1.8m separation from the principal dwelling and attached structures to ensure fire safety in accordance with the *National Construction Code 2022*.
 - 7.2.8.3. If the site's area is 900sqm or less, must comply with a side setback of at least 0.9m, and a rear setback of at least 3m.
 - 7.2.8.4. If the site's area is between 900sqm – 1,500sqm, must comply with a side setback of at least 1.5m, and a rear setback of at least 5m.
 - 7.2.8.5. If the site's area is 1,500sqm or more, must comply with a side setback of at least 2.5m, and a rear setback of at least 10m.
 - 7.2.8.6. If the site is a corner allotment, must be positioned behind the front building line of the primary dwelling, from the primary road boundary.
 - 7.2.8.7. If the site is a corner allotment with a site area less than 600sqm, must be setback at least 2m from the secondary road boundary.
 - 7.2.8.8. If the site is a corner allotment with a site area equal to or greater than 600sqm, must be setback at least 3m from the secondary road boundary.
 - 7.2.8.9. Must be setback 3m from the trunk of any protected trees in accordance with *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.
- 7.2.9. The siting of a Mobile Tiny Home must retain a 20sqm Principal Private Open Space for the primary dwelling.
- 7.2.10. Mobile Tiny Homes are to be sited on a maximum gradient of 5%.

- 7.2.11. The Mobile Tiny Home must not be installed over any easements.
- 7.2.12. Mobile Tiny Homes must feature a smoke alarm installed in accordance with the *National Construction Code of Australia* and *Australian Building Codes Board Housing Provisions Standard 2022*.
- 7.2.13. Mobile Tiny Homes must be anchored or otherwise secured to the site, as required by the manufacturer's advice, however must be kept on wheels during the pilot period.
- 7.2.14. Mobile Tiny Homes are not permitted to be attached to the principal dwelling on site, with the exception of utility connections extending from the principal dwelling.
- 7.2.15. The design and installation of the Mobile Tiny Home must be certified by a practicing structural engineer, and must provide for a comfortable and amenable use as a habitable residential premises.
- 7.2.16. Must contain an area for sleeping, kitchen and living, bathroom and laundry.
- 7.2.17. The Mobile Tiny Home must be restricted to a maximum of two (2) bedroom spaces.
- 7.2.18. There must be an existing all-weather access to the site for transportation and installation of the Mobile Tiny Home.
- 7.2.19. Mobile Tiny Homes must comply with all restrictions on title, agreements, covenants, or other similar instruments applicable to the site, with the exception of those limiting the site to a maximum number of dwellings where Council is the authority empowered to release, modify or vary the restriction.
- 7.2.20. There must be enough kerbside space to facilitate on-street bin collection services for both the principal dwelling and the Mobile Tiny Home. Each additional bin will require 1.2m of kerbside space.
- 7.2.21. Mobile Tiny Homes may be accompanied by area decking which meets exempt development criteria in Subdivision 6, Division 1 in Part 2 of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

7.3. Other Matters Relating to Approvals

The following section is intended to provide information about the processes involved in lodging an application to Council for Local Approvals issued under this Policy, as well as any supplementary information required.

7.3.1. The Local Approval application must be accompanied by the following documentation:

- 7.3.1.1. A Site Plan which demonstrates the setbacks and specifications as required by This Policy. The location of the Mobile Tiny Home may be shown on the previously approved site plan for the existing dwelling. Use Council's GIPA Form to obtain a copy of the most recent plans for your site.
- 7.3.1.2. A copy of the manufacturer's specifications showing dimensions, anchoring and other information as required by the Policy.
- 7.3.1.3. An Owner's Consent form.
- 7.3.1.4. A section 68 application form.

- 7.3.2. In addition to a Local Approval, Mobile Tiny Homes under this Policy may also require approval from Sydney Water for connection to town sewer and mains water supply, as well as other providers for utility infrastructure.
- 7.3.3. Upon conclusion of the trial period, applicants will have numerous options for 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. If the applicant wishes to continue using their Mobile Tiny Homes for rental accommodation, a development application will be required.
- 7.3.4. The provisions of Schedule 2 in the Shellharbour Local Environmental Plan 2013 specify a 90-day grace period after the trial has expired for obtaining the appropriate approvals for ongoing use as a secondary dwelling or restoring the Land to its original state and ceasing use as a secondary dwelling. It is not guaranteed that a development application will result in approval for the Mobile Tiny Homes. Please contact Shellharbour City Council's Customer Service team for clarification on continued use of Mobile Tiny Homes upon expiration of the trial period.
- 7.3.5. The *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021* is subject to review by the state government, and may change the planning approval options for Mobile Tiny Homes during the course of this trial and beyond.
- 7.3.6. Mobile Tiny Homes approved under this Policy will not be required to pay section 7.11 contributions during the trial period. Upon conclusion of the trial period, section 7.11 contributions will be levied through the required development application discussed in clause 7.3.3 and 7.3.4. Section 7.11 contributions will not be levied if the use is limited to being use for habitation only by the owner or members of the owner's household (consistent with Section 77 *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021*).
- 7.3.7. Mobile Tiny Homes may be located over a sewer line, however, must comply with the requirements of Sydney Water through the 'Tap In' service.
- 7.3.8. Mobile Tiny Homes approved under this Policy must not be used for short term rental accommodation and will be governed under the *Residential Tenancies Act 2010*. Mobile Tiny Homes approved under this Policy will be considered residential premises and require a tenancy agreement in accordance with this Act.
- 7.3.9. Landowners may apply for additional bins to facilitate additional waste servicing requirements for the Mobile Tiny Homes. The additional bins will be levied against the principal dwelling.
- 7.3.10. Obligations for Land Title, including restrictions on title are the responsibility of landowners. Landowners may need to vary a restriction on title in order to facilitate Mobile Tiny Homes approved under this Policy.

8. Related Forms/Documents

The following forms are required for completion and submission as part of the section 68 application process.

NAME	HYPERLINK
Owners Consent to Lodge an Application	Owners Consent to Lodge an Application - May 2022.pdf (nsw.gov.au)

COLLABORATION

ACCOUNTABILITY

INTEGRITY

RESPECT

SUSTAINABILITY

Policy Name: Mobile Tiny Homes Pilot Policy

Date of Last Adoption: [Enter date]

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Section 68 – Mobile Tiny Homes Application Form	To be created
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The following documents can assist in acquiring information on a property to determine if the property is eligible for a section 68 approval under this Policy.

NAME	HYPERLINK
Flood Level Information	Electronic Letterhead (nsw.gov.au)
Section 10.7 Certificate / 603 Certificate / Property Enquiry Application Form	form-section107certificate603certificatepropertyenquiryapplicationform.pdf (nsw.gov.au)

Note: Related forms can be located Online under “Forms”

9. Attachments

Nil.

Policy Authorised by:

Name: [Executive Leadership Team or Council Resolution Number]

Date: [Date adopted by ELT or Council Resolution]