

Local Government Act & regulations

02: Homes and structures

Owners and operators of residential land lease communities (also called manufactured home estates, caravan parks and residential parks) have certain obligations under the *Local Government Act 1993* and *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation* (the Regulation).

The Regulation is made under the *Local Government Act 1993* and it is updated from time to time. The current version is the 2005 Regulation but in some situations an older regulation may apply.

This factsheet explains the law in New South Wales about homes and structures in land lease communities.

Terminology

The Local Government Act and regulations have not been updated since the *Residential (Land Lease) Communities Act 2013* commenced in 2015 and the terminology is therefore different. The Local Government Act and regulations still use the terms caravan park and manufactured home estate - both are land lease communities.

Homes and compliance

It is a term of all standard form site agreements signed under the (now repealed) *Residential Parks Act 1998* that the home owner agrees to ensure that their home complies with any regulations under the *Local Government Act 1993* with which it is required to comply.

Standard form site agreements signed under the *Residential (Land Lease) Communities Act 2013* do not contain such a term but homes and structures must still comply with the Regulation.

The Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation changes from

time to time, which can lead to confusion about compliance requirements. Homes in residential communities are required to comply with the Regulation that was in place at the time the home was placed on site, not the current Regulation.

At times the regulations for caravan parks and manufactured home estates have been separate and at other times they have been combined. Below is a list of the various regulations and the dates they were in effect:

1 September 2005 to the present

Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.

1 September 1995 to 31 August 2005

Local Government (Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 1995.

Local Government (Manufactured Home Estates and Manufactured Homes) Regulation 1995.

1 July 1993 to 31 August 1995

Local Government (Caravan Parks and Camping Grounds) Transitional Regulation 1993.

1 March 1993 to 30 June 1995

Manufactured Home Estates Ordinance 1992.

1 December 1986 to 30 June 1993

Ordinance No. 71.

Structural soundness

A manufactured home, rigid annexe or associated structure (a carport, garage, shed, pergola, verandah, etc.) must be of a design certified by a practising structural engineer to be structurally sound.

The home, rigid annexe and associated structure must also be designed to resist certain wind speeds as specified in the Regulation.

Compliance plates

Each part of a manufactured home, rigid annexe and associated structure should have a compliance plate attached to it. The compliance plate contains details such as the manufacturer, the month and year of manufacture, the design gust wind speed and a statement that the structure complies with the applicable Regulation.

On older homes compliance plates can be difficult to read and in some cases they are no longer attached. This does not mean that the dwelling or structure doesn't comply with the applicable Regulation.

Installation of homes and structures

The prior approval of your local council is not required for the installation of a home, rigid annexe or associated structure on site unless the structure is more than one storey high or the MHE or caravan park is on flood liable land and the local council has notified the operator in writing that the land is flood liable.

However, under the *Residential (Land Lease) Communities Act 2013* you must get written permission from the operator before you make any alteration to the exterior of your home (other than painting or minor repairs), or add a fixture, or replace your current home with another one.

The operator cannot unreasonably refuse such a request and you can apply to the NSW Civil and Administrative Tribunal (NCAT) if they do refuse and you believe the refusal to be unreasonable. The application must be made within 28 days of the refusal.

Complaints about local councils

If your local council is not meeting its' obligations under the Local Government Act you can make a complaint to the NSW Ombudsman.

FURTHER HELP

Tenants Advice and Advocacy Services

Sydney

South	9787 4679
South West	4628 1678
Inner West	9559 2899
North	9559 2899

Regional

Blue Mountains	4704 0201
Central Coast	4353 5515
Hunter	4969 7666
Illawarra & South Coast	4274 3475
Mid Coast	6583 9866
Northern Rivers	6621 1022
North West NSW	1800 836 268
South West NSW	1300 483 786

Aboriginal

Sydney	9833 3314
Northern NSW	1800 248 913
Southern NSW	1800 672 185
Western NSW	1800 810 233

Website	thenoticeboard.org.au
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NSW Fair Trading	13 32 20
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This factsheet is intended as a guide to the law and should not be used as a substitute for legal advice. The information applies to people who live in, or are affected by the law as it applies in New South Wales, Australia.

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