

Local Government Act & regulations

03: Sites, separation distances and setbacks

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 2021 Regulation however, in some situations an older regulation may apply.

This factsheet explains the law in New South Wales about site coverage, separation distances and setbacks in land lease communities.

Terminology

The Local Government Act and regulations still use the terms caravan park and manufactured home estate - both are land lease communities.

Manufactured home estates

The Regulation sets the rules about the placement of manufactured homes on dwelling sites in manufactured home estates (MHEs). These rules include the following:

- A dwelling site in a MHE must have an area of at least 130 square metres (clause 14).
- A manufactured home must not be located closer than 1 metre to a road or reserve, or closer than 2 metres to the boundary of the MHE (clause 44).
- A manufactured home and associated structure must not take up more than 65% of the area of the site. This is based on the floor plan of the home plus the area of any associated structure with a roof (carport, garage, shed, pergola, verandah etc.). If there is no garage or carport then 18 square metres

must be added to the floor plan of the home to give the overall total square metres (clause 45).

- If there is no carport or garage on the site then an area with the minimum dimensions of 6 metres by 3 metres, which is accessible from an access road and useable as a parking space, must be provided on the site (clause 45).
- A dwelling site must have at least 30 metres of open space (space where there is no structure or car parking space). This open space must include an area with a minimum width and depth of 3 metres (clause 46).
- A manufactured home must not be installed closer than 1 metre to the boundary of any adjoining dwelling site. In some circumstances a home can be installed closer to the boundary provided the occupier has access at least 1 metre wide along each external wall of the home (clause 47).

Garages and carports

A garage may adjoin a site boundary. A shared double carport or shared double garage may extend over a site boundary and adjacent garages may adjoin along a shared site boundary (clause 48).

Caravan parks

The Regulation provides a different set of rules for the installation of homes on sites in caravan parks but many of them reflect the rules for MHEs.

- A dwelling site for long-term use in a caravan park must have an area of at least 80 square metres (clause 85).
- A moveable dwelling must not be installed closer than 3 metres to any other moveable dwelling (if on a long-term site), or 2.5 metres (if on a short-term site) (clause 91).

- A relocatable home and associated structure must not be located closer than 1 metre to an access road or 2 metres to the boundary of the caravan park (clause 137).
- A relocatable home and associated structure must not take up more than 65% of the area of the site. This is based on the floor plan of the home plus the area of any associated structure with a roof, for example a carport. If there is no garage or carport then 18 square metres must be added to the floor plan of the home to give the overall total square metres (clause 138).
- If there is no carport or garage on the site then an area with the minimum dimensions of 6 metres by 3 metres, which is accessible from an access road and useable as a parking space, must be provided on the site (clause 138).

Garages and carports

A garage may adjoin a site boundary. A shared double carport or shared double garage may extend over a site boundary and adjacent garages may adjoin each other along a shared site boundary.

Compliance

If you have any concerns about compliance with the Regulation you should raise them with your local council. They are responsible for ensuring that operators comply with both the Local Government Act and its regulations.

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. For more information regarding what you can complain about and how to make a complaint go to the website: ombo.nsw.gov.au

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	6881 5700

Website	tenants.org.au/thenoticeboard
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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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