

RESIDENTIAL PARKS FACTSHEET

Local Government Act & regulations

02: Homes and structures

Operators of manufactured home estates and caravan parks (residential parks) have certain obligations under the 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 is updated from time to time. The current version is the 2005 Regulation but in some circumstances an older Regulation may apply.

Home owners who live in residential parks have obligations under the Regulation.

This factsheet explains the law in New South Wales in relation to residential parks about homes and structures.

Homes and compliance

It is a term of all standard form site agreements signed prior to the commencement of the *Residential (Land Lease) Communities Act 2013* that the home owner agrees to ensure their home complies with any regulations under the *Local Government Act 1993* with which it is required to comply.

Homes in residential parks must comply with the Regulation that was in place at the time the home was placed on site. Each new regulation contains savings provisions that carry over the effect of previous regulations.

At times the regulations for caravan parks and manufactured home estates have been separate and at other times they have been combined.

The various regulations and the dates they were in effect are:

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 1993
Manufactured Home Estates Ordinance 1992

1 December 1986 to 30 June 1993
Ordinance No. 71

Example: a home placed on site in November 1999 is required to comply with the Local Government (Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 1995.

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 or associated structure must also be designed to resist certain wind speeds.

Compliance plates

Each part of a manufactured home, rigid annexe and associated structure should

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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 residential 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* (section 42) you must get written permission from the operator before you make any alteration to your home that is visible from the outside (other than painting or minor repairs), or before you add a fixture, or replace your current home with another one.

The operator must not unreasonably withhold consent to such a request and you can apply to the NSW Civil and Administrative Tribunal (NCAT) if your request has been refused and you believe the refusal to be unreasonable.

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:

Park residents can get free advice from Tenants Advice and Advocacy Services.

Generalist services

Sydney

Southern	9787 4679
South West	4628 1678
Western	8833 0933
Northern	8198 8650

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 services

Greater Sydney	9833 3314
Northern NSW	1800 248 913
Southern NSW	1800 672 185
Western NSW	6884 0969

Website www.thenoticeboard.org.au

NSW Fair Trading 133 220

NSW Ombudsman 9286 1000



This factsheet is intended as a guide to the law and should not be used as a substitute for legal advice. It applies to people who live in, or are affected by the law as it applies in New South Wales, Australia.

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