

RESIDENTIAL PARKS FACTSHEET

Local Government Act & regulations

03: Sites, separation distances and setbacks

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 can apply.

This factsheet explains the law in New South Wales in relation to residential parks about site coverage, separation distances and setbacks.

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.

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 two-thirds of the area of the site. This is

based on the floor plan area of the home plus the area of any associated structure with a roof (carport, garage, shed, pergola, verandah etc.).

- If there is no carport or garage on the site then an area with the minimum dimensions of 6 metres by 3 metres (18 sq.m) 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).

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. These rules include the following:

- 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 to any other moveable dwelling than 3 metres (if it is on a long-term site), or 2.5 metres (if it is on a short-term site) (clause 91).

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- A relocatable home or associated structure must not be located closer than 1 metre to an access road or 2 metres to the boundary of the park (clause 138).
- A relocatable home and associated structure must not take up more than two-thirds of the area of the site. This is based on the floor plan area 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 139).
- 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 139).

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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