

**LOCAL GOVERNMENT (MOVABLE DWELLINGS)  
AMENDMENT ACT 1991 No. 37**

NEW SOUTH WALES



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**LOCAL GOVERNMENT (MOVABLE DWELLINGS)  
AMENDMENT ACT 1991 No. 37**

NEW SOUTH WALES



**Act No. 37, 1991**

An Act to amend the Local Government Act 1919 with respect to movable dwellings and associated structures and with respect to the granting of leases over land used for the placement of movable dwellings.  
[Assented to 20 November 1991]

*Local Government (Movable Dwellings) Amendment 1991*

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**The Legislature of New South Wales enacts:**

**Short title**

1. This Act may be cited as the Local Government (Movable Dwellings) Amendment Act 1991.

**Commencement**

2. This Act commences on a day or days to be appointed by proclamation.

**Amendment of Local Government Act 1919 No. 41**

3. The Local Government Act 1919 is amended as set out in Schedule 1.

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**SCHEDULE 1—AMENDMENTS**

(Sec. 3)

(1) Section 289E (**Interpretation and application**):

In section 289E (1) insert in alphabetical order:

“**associated structure**” means:

- (a) a carport, garage, shed, pergola, verandah or other structure designed to enhance the amenity of a movable dwelling and attached to or integrated with, or located on the same site as, the dwelling concerned; or
- (b) a separating wall between 2 movable dwellings;

(2) Section 289G (**Standards etc, for movable dwellings and associated structures**):

- (a) In section 289G (1) and (2) (a), after “movable dwellings” wherever occurring, insert “and associated structures”.
- (b) Omit section 289G (2) (e), insert instead:
  - (e) requiring compliance of movable dwellings and associated structures with any standards prescribed for the purposes of this Division to be attested by the certificate of a person having appropriate engineering or other qualifications;

*Local Government (Movable Dwellings) Amendment 1991*

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SCHEDULE 1—AMENDMENTS—*continued*

(3) Section 289H (**Licences**):

After section 289H (8), insert:

(9) The Minister may, in person or by any duly appointed agent, inspect any licensed premises or any land apparently being used in contravention of section 289F (other than any part of any such premises or land that is being used as a dwelling) to ascertain whether the provisions of this Division or any ordinance made for the purposes of this Division are being complied with in relation to the premises.

(4) Section 289J (**Suspension of certain laws**):

In section 289J (1) and (2) (a), after “movable dwelling” wherever occurring, insert “or an associated structure”.

(5) Section 289K:

After section 289J, insert:

**Subdivision for purpose of lease**

289K. (1) If an application is made for approval under this Act of the subdivision of land that is licensed under this Division or that forms part of any land so licensed, the council may, with the consent of the owner of the land, determine the application by approving of the subdivision on the condition that it is a subdivision for lease purposes in accordance with this section.

(2) After an application for approval of the subdivision has been so determined, the Registrar-General, when registering the relevant plan of subdivision, is to record the fact that it is a subdivision for lease purposes in accordance with this section.

(3) When the plan has been registered with a recording in accordance with subsection (2), the plan is not a current plan within the meaning of section 327AA, but land shown as a lot in the plan may be leased, and the leasehold interest in any such land may be mortgaged, without contravention of section 327AA (2).

*Local Government (Movable Dwellings) Amendment 1991*

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SCHEDULE 1—AMENDMENTS—*continued*

(4) The authorisation, by subsection (3), to lease land does not extend to permit:

- (a) the creation of a lease for a period that, including any period for which the lease could be renewed by the exercise of an option, exceeds 20 years; or
- (b) the creation of a lease in contravention of the provisions of an ordinance or any other law or the conditions of a licence.

(5) This section does not apply to Crown land that has been reserved or dedicated for any public purpose (within the meaning of the Crown Lands Act 1989).

(6) Section 327AA (**Restriction on disposal of land in a current plan**):

In paragraph (a) of the definition of “current plan” in section 327AA (1), after “subdivision” where secondly occurring, insert “(other than a plan of subdivision for lease purposes in accordance with section 289K)”.

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*[Minister's second reading speech made in—  
Legislative Assembly on 2 July 1991  
Legislative Council on 12 November 1991]*