

1995—No. 390

LOCAL GOVERNMENT ACT 1993—REGULATION

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

NEW SOUTH WALES



[Published in Gazette No. 102 of 25 August 1995]

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Local Government Act 1993, has been pleased to make the Regulation set forth hereunder.

ERNEST PAGE, M.P.,
Minister for Local Government.

PART 1—PRELIMINARY

Citation

1. This Regulation may be cited as the Local Government (Manufactured Home Estates and Manufactured Homes) Regulation 1995.

Commencement

2. This Regulation commences on 1 September 1995.

Object

3. The object of this Regulation is to provide opportunities for affordable alternatives in housing:

- (a) by establishing standards for the design of manufactured home estates; and
- (b) by establishing standards for the design and construction of manufactured homes and for their siting; and
- (c) by establishing standards to promote the health, safety and amenity of the occupiers of manufactured homes.

Application of Regulation

4. This Regulation applies to the operation of manufactured home estates, and to the installation of manufactured homes in manufactured home estates, but does not apply to the installation of manufactured homes elsewhere than in manufactured home estates.

Note: The installation of manufactured homes elsewhere than in manufactured home estates is governed by the Local Government (Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 1994. That Regulation deals with relocatable homes and, for the purposes of that Regulation, a relocatable home includes a manufactured home.

Definitions

5. Expressions used in this Regulation which are defined in the Dictionary at the end of this Regulation have the meanings set out in the Dictionary.

Notes

6. Notes to provisions of this Regulation do not form part of this Regulation.

PART 2—APPROVALS AND EXEMPTIONS**Division 1—Operation of manufactured home estates**

Note: Section 68 of the Act prohibits a person from operating a manufactured home estate without the prior approval of the council. Part 1 of Chapter 7 of the Act deals generally with the granting, amendment, extension, renewal, revocation and modification of approvals. Approvals may be granted subject to conditions, including conditions prescribed by the regulations. Breach of any such condition constitutes an offence under section 626 of the Act.

Factors for consideration before approval is granted

7. (1) The council must not grant an approval to operate an estate unless it is satisfied that the estate will be designed, constructed, maintained and operated in accordance with the relevant requirements of Part 3.

(2) In deciding whether or not the approval for the estate should allow the installation of a manufactured home on flood-labile land, the council must have regard to the principles contained in the Floodplain Development Manual.

Matters to be specified in approval

8. In addition to any other matters it must contain, an approval to operate an estate must specify, by reference to a plan, the number, size and location of the dwelling sites allowed by the approval.

Conditions of approval

9. An approval to operate an estate is subject to the following conditions:

- (a) the estate must be designed, constructed, maintained and operated in accordance with the requirements of Part 3;
- (b) the annual levy for the estate must be paid in accordance with clause 68.

Division 2—Installation of manufactured homes and associated structures in manufactured home estates

Note: Section 68 of the Act prohibits a person from installing a manufactured home or associated structure on land without the prior approval of the council, except in so far as the regulations (among other instruments) allow a manufactured home or associated structure to be installed without that approval. Breach of the conditions on which the installation of a manufactured home or associated structure is allowed constitutes an offence under section 626 of the Act.

Conditional exemption

10. The prior approval of the council is not required for:

- (a) the installation of a manufactured home on land within an estate, so long as:
 - (i) it is designed, constructed and installed in accordance with the relevant requirements of Part 4; and
 - (ii) it is not occupied by any person until a certificate of completion has been issued for it; or
- (b) the installation of an associated structure on land within an estate, so long as it is designed, constructed and installed in accordance with the relevant requirements of Part 4.

PART 3—MANUFACTURED HOME ESTATES**Division 1—Land and dwelling site requirements****Minimum size of estate**

11. An estate must not have an area of less than one hectare or, if a lesser area is prescribed by a relevant environmental planning instrument, that lesser area.

Community amenities

12. (1) Of the total land area of an estate:

(a) at least 10 per cent; or

(b) such lesser proportion as the approval for the estate may allow, must be reserved for recreation or other communal activities.

(2) In deciding whether to allow a lesser proportion, the council must have regard to the type and range of amenities provided and to such other matters as it considers relevant.

(3) The approval for an estate must not allow a lesser proportion than 6 per cent.

Size of dwelling sites

13. A dwelling site must have an area of at least 130 square metres.

Site identification

14. (1) A dwelling site must be numbered or identified and its site boundaries clearly delineated.

(2) The site identification must be conspicuous.

Division 2—Setbacks**Dwelling sites to have road frontage**

15. A dwelling site must have vehicular access to an access road.

Setbacks of community buildings

16. (1) A community building must not be located closer than 10 metres to the boundary of an estate, or to the boundary of a dwelling site, unless the approval for the estate so allows.

(2) The approval for an estate must not allow a lesser distance than 10 metres unless the council is satisfied that the community building has been or will be properly screened, fenced, enclosed or otherwise treated.

(3) A community building must not in any case be located closer than 2 metres to the boundary of an estate or to the boundary of a dwelling site.

Setbacks of dwelling sites from road frontages

17. (1) A dwelling site must not be located closer than 10 metres to a public road or 3 metres to any other boundary of the estate unless the approval for the estate so allows.

(2) The approval for an estate must not allow a lesser distance than 10 metres unless the council is satisfied that the dwelling site has been or will be properly screened, fenced, enclosed or otherwise treated.

Use of buffer zones

18. Nothing in this Regulation prevents land within a buffer zone arising from the setbacks required by this Division from being used:

- (a) for community amenities, access roads, car parking spaces, footpaths or landscaping; or
- (b) for any other similar purpose allowed by the approval for the estate.

Division 3—Roads

Entrance and exit roads

19. (1) A road that forms an entrance to or exit from an estate must be at least 8 metres wide.

(2) In the case of a divided road, the width of the sealed portion of the road on either side of the median strip must be at least 5 metres.

(3) The arrangement for the width of an entrance or exit road to taper into or meet the width of the sealed portion of the access roads leading to the entrance or exit may be specified in the approval for the estate.

Width of roads

20. (1) The width of the road reserve must be:

- (a) at least 8.5 metres for a major access road; and
- (b) at least 6 metres for a minor access road.

- (2) The width of the sealed portion of an access road must be:
 - (a) at least 6 metres for a major access road; and
 - (b) at least 3.5 metres for a minor access road.
- (3) If a minor access road exceeds 80 metres in length, a passing bay must be provided within the road reserve.
- (4) The distance between passing bays must not exceed 100 metres.
- (5) The width of the sealed portion of an access road at any point at which there is a passing or parking bay must be:
 - (a) at least 8.5 metres for a major access road; and
 - (b) at least 6 metres for a minor access road.

Speed restrictions as part of road design

21. Access roads must be so designed as to limit the speed at which vehicles may travel on them to:

- (a) 30 kilometres per hour for major access roads; and
- (b) 15 kilometres per hour for minor access roads,

in accordance with the Australian Model Code for Residential Development.

Visitor parking

22. (1) An estate must contain no fewer visitor parking spaces than the following:

- (a) 8 spaces for an estate containing not more than 35 sites;
- (b) 12 spaces for an estate containing 36 sites or more but not more than 70 sites;
- (c) 16 spaces for an estate containing 71 sites or more but not more than 105 sites;
- (d) 20 spaces for an estate containing 106 sites or more, plus one additional space for each additional 7 sites (or part thereof) over 140.

(2) Each parking space is to have dimensions of:

- (a) 5.4 metres by 2.5 metres, in the case of angle parking; and
- (b) 6.1 metres by 2.5 metres, in any other case.

Road surfaces

23. All access roads, including all passing and parking bays, must have an all-weather sealed or other surface finish specified in the approval for the estate, and must be adapted to the topography to allow for adequate drainage and to eliminate excessive grades.

Lighting

24. All access roads must be adequately lit between sunset and sunrise.

Division 4—Utility services**Water supply**

25. (1) An estate:
- (a) must be connected to a mains water supply; or
 - (b) must be provided with an alternative water supply service as specified in the approval for the estate.
- (2) A dwelling site:
- (a) must be connected to the water supply service for the estate; and
 - (b) must be provided with a separate water meter and a separate water service isolating valve.
- (3) The water supply service must comply with:
- (a) the Plumbing and Drainage Code of Practice; and
 - (b) the requirements of any relevant statutory body.

Sewerage

26. (1) An estate:
- (a) must be connected to a main sewer; or
 - (b) must be provided with an alternative sewage disposal system as specified in the approval for the estate.
- (2) A dwelling site must be connected to the sewage disposal system for the estate.
- (3) The sewage disposal system must comply with:
- (a) the Plumbing and Drainage Code of Practice; and
 - (b) the requirements of any relevant statutory body.

Drainage

27. (1) An estate must be provided with a stormwater drainage system as specified in the approval for the estate.
- (2) A dwelling site:
- (a) must be connected with the stormwater drainage system for the estate; or
 - (b) must be provided with an on-site stormwater drainage system.

- (3) A stormwater drainage system must comply with:
- (a) the Plumbing and Drainage Code of Practice; and
 - (b) the requirements of any relevant statutory body.

Electricity supply

28. (1) A dwelling site must be supplied with electricity from a reticulated electricity service by means of an electrical circuit connected to a separate electricity meter.

(2) Any such electrical circuit must be installed in accordance with the requirements of AS 3000, except that the maximum capacity of the electrical circuit supplying a dwelling site need not be greater than 32 amperes if the site is provided with gas, whether by means of a reticulated gas service or by means of on-site gas containers.

(3) If a dwelling site is provided with electricity otherwise than by way of direct connection to the local electricity supply authority's electricity main, electricity must be supplied at a rate no greater than the electricity supply authority's domestic tariff.

Telephone lines

29. Telephone services, if available, must be provided in such a manner that a telephone connection is available to each dwelling site within the estate.

Common trenches

30. A common trench may be used for the installation of services in accordance with guidelines provided in the Australian Model Code for Residential Development.

Division 5—General

Garbage removal

31. Arrangements specified in the approval for the estate must be instituted and maintained for the removal of garbage and for the maintenance of garbage receptacles in a clean and sanitary condition.

Fire hydrants

32. (1) No part of a dwelling site or community building may be situated more than 90 metres from a fire hydrant.

(2) Any fire hydrant located within an estate must be maintained to the standard specified in the approval for the estate.

Buildings

33. (1) A building must not be erected on an estate unless the approval for the estate so allows.

(2) The approval for the estate may only allow the following kinds of building to be erected on an estate:

- (a) community buildings;
- (b) brick or masonry walls in the form of separating walls between adjoining manufactured homes;
- (c) brick or masonry walls in the form of external facades to manufactured homes.

(3) The approval for an estate may only allow the erection of a brick or masonry wall in the form of an external facade to a manufactured home:

- (a) if the dwelling site on which the manufactured home is situated is a neighbourhood lot within the meaning of the Community Land Development Act 1989; and
- (b) the owner of the manufactured home is also the proprietor of the neighbourhood lot.

Note: Section 68 of the Act prohibits a person from erecting a building (including a community building or a brick or masonry wall) without the prior approval of the council. The erection of buildings is governed by the Local Government (Approvals) Regulation 1993.

Use of manufactured home estates

34. (1) An estate must not be used:

- (a) for any commercial purpose other than a manufactured home estate or an associated purpose; or
- (b) for the manufacture, construction or reconstruction of moveable dwellings.

(2) Nothing in this clause prevents a manufactured home from being used for exhibition purposes.

Community map

35. The council must be provided with a copy of the current community map:

- (a) as soon as practicable after any amendment is made to the map; and
- (b) at such other times as the council may reasonably require.

Access to approval and community map

36. Copies of the following documents must be readily available for inspection without cost by any person in a location in the estate specified in the approval for the estate:

- (a) the approval for the estate;
- (b) the current community map;
- (c) this Regulation.

PART 4—MANUFACTURED HOMES AND ASSOCIATED STRUCTURES**Division 1—General****Specifications for design, construction, installation, modification and extension of manufactured homes and associated structures**

37. (1) The Minister may, by order published in the Gazette, establish specifications (not inconsistent with this Part) for the design, construction, installation, modification and extension of manufactured homes and associated structures.

(2) The specifications may adopt, with or without modification, the provisions of any rule, standard or code of practice.

(3) Subject to this Part, a manufactured home or associated structure must be designed, constructed, installed, modified and extended in accordance with any specifications in force under this clause.

Installation allowed only on dwelling sites

38. (1) A manufactured home must not be installed in an estate otherwise than on a dwelling site.

(2) This clause does not apply to a manufactured home that is used solely for the purposes of a community amenity or as a manager's or caretaker's office or residence.

Manufactured homes to be constructed and assembled off-site

39. (1) A manufactured home must not be installed on a dwelling site unless each major section of the home has been constructed and assembled at, and transported to the estate from, a place of manufacture outside the estate.

(2) However, the fixing of cornices, the setting of wall lining joints, the fitting of skirting boards and architraves and the grouting of tiles may be done on the dwelling site.

Installation allowed only if dwelling site is properly serviced

40. A manufactured home must not be installed on a dwelling site unless the requirements of Part 3 have been complied with in relation to the site.

Density

41. No more than one manufactured home may be installed on a single dwelling site.

Setbacks for manufactured homes

42. A manufactured home must not be located:

- (a) closer than one metre to a road reserve; or
- (b) closer than 2 metres to the boundary of the estate.

Site coverage

43. (1) A manufactured home and associated structure must not be installed on a single dwelling site if the floor plan area of the manufactured home (together with any associated structure or other building or structure on the site) is more than two-thirds of the area of the site

(2) For the purposes of this clause:

- (a) the floor plan area of a manufactured home is the area occupied by the home, excluding the area of any associated structure forming part of the home that is not roofed; and
- (b) the floor plan area of any associated structure not forming part of the manufactured home is the area occupied by the structure, excluding any area that is not roofed; and
- (c) if there is no carport or garage on the dwelling site, an area of 18 square metres must be added to the floor plan area of the manufactured home to account for the car parking space that is required by subclause (3) to be provided on the site.

(3) If there is no carport or garage OR the dwelling site, an area with minimum dimensions of 6 metres by 3 metres accessible from an access road and useable for car parking must be provided on the site.

Minimum open space requirements for dwelling sites

44. (1) There must be at least 30 square metres of open space (that is, space on which there is no building, structure or car parking space) within each dwelling site.

(2) The open space of each dwelling site must include at least one area having a minimum width and minimum depth of 3 metres.

(3) For the purpose of calculating the area of open space within a dwelling site, any space having a width or length of less than 2 metres must be disregarded.

Site boundary arrangements

45. (1) A manufactured home must not be installed closer than one metre to the boundary of any adjoining dwelling site.

(2) Subclause (1) does not prohibit the installation of a manufactured home closer than one metre to the boundary of an adjoining dwelling site so long as:

- (a)** the installation of a manufactured home on the adjoining site is not practicable on such part of that site as is within 2 metres of the location of the proposed manufactured home; and
- (b)** access, at least one metre wide, is available to the occupier of the manufactured home along each external wall of the home.

(3) This clause does not prohibit the installation of semi-detached manufactured homes on adjoining dwelling sites so long as they are separated by construction conforming to the fire resistance and sound transmission requirements of the Building Code of Australia relating to Class 1 buildings

Garages

46. (1) A garage may abut a site boundary, a shared double carport or shared double garage may extend over a site boundary and adjacent garages may abut each other along a shared site boundary.

(2) If a manufactured home and garage are situated on the same dwelling site such that the garage is situated closer than 900 millimetres to the manufactured home and closer than 900 millimetres to the site boundary of an adjoining dwelling site:

- (a)** the external walls of the manufactured home that face the garage must comply with the provisions of the Building Code of Australia relating to Class 1 buildings; or

- (b) the external walls of the garage that face the manufactured home must comply with the provisions of the Building Code of Australia relating to Class 10a buildings.

Associated structures not to contain habitable rooms

47. An associated structure must not be designed or modified so as to be used as a habitable room.

Division 2—Design

Structural soundness

48. (1) A manufactured home or associated structure must be of a design certified by a practising structural engineer to be structurally sound.

(2) A certificate issued under this clause:

- (a) must indicate that the manufactured home or associated structure complies with any standards, codes and specifications with which it is, by this Regulation or by the Ministerial specifications, required to comply; and
- (b) must include specifications as to the manner in which the manufactured home or associated structure must be transported and installed and as to the nature of the footings (if any) on which it must be installed.

(3) Any specifications with respect to footings or tie-down systems must have regard to the design gust wind speed, soil type and other design considerations applicable to the various locations in which the home or structure may be installed.

(4) This clause does not apply to fences or privacy screens.

Design gust wind speed

49. A manufactured home or associated structure must be designed and constructed in accordance with Parts 1 and 2 of AS 1170, except that the design gust wind speed referred to in Clause 3.2 of Part 2 of that Standard is not to be taken to be less than 41 metres per second.

Floor area of manufactured home

50. The enclosed floor area of a manufactured home must be at least 35 square metres.

Floor areas of certain rooms

51. (1) The floor area of a bathroom must be at least 2.2 square metres, plus an additional:

- (a) 0.6 square metres if the bathroom has a separate shower and bath; and
- (b) 0.7 square metres if the bathroom has a toilet; and
- (c) 1.6 square metres if the manufactured home does not include a separate laundry.

(2) The floor area of a shower room must be at least 1.1 square metres.

(3) If a toilet is installed in a separate room, the room in which it is installed must have an area of at least 1.1 square metres and a width of at least 0.8 metres.

(4) The floor area of a laundry must be at least 1.6 square metres.

Ceiling height

52. (1) The ceiling height of each habitable room (other than a kitchen) in a manufactured home must be at least 2.4 metres.

(2) The ceiling height of a kitchen, laundry, hallway or other similar part of a manufactured home must be at least 2.1 metres.

Separation of kitchen areas

53. A toilet must not be located in any room that leads directly into a kitchen or other food preparation area unless the room containing the toilet is mechanically ventilated.

Lighting and ventilation

54. (1) A manufactured home must have adequate provision for light and ventilation.

(2) A habitable room must have natural lighting and natural ventilation provided by one or more windows to the outside air, or by one or more openings into an adjoining room, being windows or openings having:

- (a) a total area of at least 10 per cent of the floor area of the room; and
- (b) an area (being at least 5 per cent of the floor area of the room) which is capable of being opened.

(3) If any part of the natural lighting or natural ventilation for a habitable room is provided by one or more openings into an adjoining room, the adjoining room must have natural lighting and ventilation provided by one or more windows that comply with subclause (2) in relation to the combined area of both rooms.

Division 3—Construction**Termite shields**

55. Shields, barriers or the like must be provided to protect any structural members that are susceptible to attack by termites.

Glazing

56. Glazing materials must be selected and installed in accordance with the relevant provisions of AS 1288 and, to the extent to which those provisions require the use of safety glass, in accordance with the relevant provisions of AS 2208.

External waterproofing

57. The roof, external walls, door frames and window frames of a manufactured home must be constructed so as to prevent rain or dampness penetrating to the inner parts of the home.

Internal waterproofing

58. (1) The floor of a bathroom, shower room or room containing a toilet or washing machine must consist of, or be covered by, material that is impervious to water.

(2) The wall surface of a shower enclosure (or, in the case of a shower that is not enclosed, any wall surface within 1.5 metres of the shower fitting) must be impervious to water to a height of at least 1.8 metres above the floor.

(3) Any wall surface within 75 millimetres of a bath, basin or other similar bathroom appliance must be impervious to water to a height of at least 150 millimetres above the appliance.

Plumbing and drainage

59. All pipes and fittings in a manufactured home that relate to water supply, sewerage or stormwater drainage must be installed in accordance with:

- (a) the Plumbing and Drainage Code of Practice; and
- (b) the requirements of any relevant statutory body.

Electrical wiring

60. The electrical wiring in a manufactured home must comply with the requirements of AS 3000.

Fire and smoke alarms

61. (1) A manufactured home must be equipped with an automatic fire detection and alarm system that complies with the requirements of NSW Clause E1.7 of the Building Code of Australia in relation to Class 1 buildings within the meaning of that Code.

(2) This clause does not apply to a manufactured home that was constructed before 1 January 1996, whether installed before, on or after that date.

Division 4—Installation**Footings**

62. (1) A manufactured home or associated structure must be installed on footings if the engineer's certificate for the home or structure so requires.

(2) The footings and tie-down system for the manufactured home or associated structure must be constructed in accordance with the engineer's certificate for the home or structure.

(3) In the case of a manufactured home or associated structure that is placed on footings, the clearance beneath the home or structure must be:

- (a)** at least 400 millimetres, where termite shields are required to be installed; or
- (b)** at least 200 millimetres, where termite shields are not required to be installed; or
- (c)** such lesser clearance as the approval for the estate may allow, with adequate provision for underfloor cross-flow ventilation.

Installation to comply with specifications

63. A manufactured home must not be installed on a dwelling site otherwise than in accordance with:

- (a)** the specifications contained in the engineer's certificate issued in respect of the manufactured home; or
- (b)** such other specifications as are specified in the approval for the estate.

Compliance plate

64. (1) A compliance plate must be attached to an accessible part of each of the following structures:

- (a)** a manufactured home;

- (b) an associated structure that forms part of a manufactured home;
 - (c) an associated structure comprising a free-standing garage.
- (2) A compliance plate must specify the following:
- (a) the name of the manufacturer of the manufactured home or associated structure;
 - (b) the unique identification number for each major section of the manufactured home;
 - (c) the month and year during which the manufactured home or associated structure was constructed;
 - (d) the design gust wind speed for the manufactured home or associated structure;
 - (e) a statement that the manufactured home or associated structure complies with the requirements of this Part;
 - (f) the name of the practising structural engineer by whom the engineer's certificate has been issued in respect of the manufactured home.
- (3) A unique identification number must be permanently marked on each major section of the manufactured home.
- (4) The Minister may, by order published in the Gazette, issue directions for the design, construction, issue and registration of compliance plates for the purposes of this clause.
- (5) A compliance plate must be designed, constructed, issued and registered in accordance with any directions in force under this clause.

Notice of completion of installation

- 65. (1)** The council must be given written notice of the completion of installation of a manufactured home or associated structure.
- (2) The notice:
- (a) must indicate the site identifier of the dwelling site on which the manufactured home has been installed; and
 - (b) must include the particulars contained on each compliance plate relating to the manufactured home.
- (3) The notice must also be accompanied by:
- (a) a copy of the engineer's certificate for the manufactured home or associated structure; and
 - (b) a fully dimensioned diagram of the dwelling site on which the manufactured home or associated structure is installed, sufficient to indicate whether or not the setback, density, open space and site delineation requirements of this Regulation have been complied with.

PART 5—MISCELLANEOUS**Certificates of completion**

66. (1) Within 5 business days after receiving written notice of the completion of installation of a manufactured home or associated structure, the council must issue to the owner of the home or structure:

- (a) a certificate of completion for the home or structure; or
- (b) a written notice that states why such a certificate is not being issued.

(2) In determining whether or not to issue a certificate of completion, the council must have regard to the following matters:

- (a) whether the engineer's certificate with respect to the manufactured home or associated structure is available;
- (b) whether the installation of the manufactured home or associated structure complies with the specifications contained in the engineer's certificate;
- (c) whether the setback, density, open space and site delineation requirements of this Regulation have been complied with;
- (d) whether a compliance plate has been duly affixed to the manufactured home or associated structure.

Inspections

67. In exercising its powers under the Act to enter and inspect an estate, the council must ensure that the inspection is carried out, so far as practicable, in company with the holder of the approval for the estate or an agent of the holder of that approval.

Annual levies

68. (1) A levy is payable to the Director-General by the holder of an approval to operate an estate:

- (a) on the initial grant of the approval; and
- (b) on each anniversary of the initial grant of the approval.

(2) The amount of the levy is the amount (in dollars) equal to 2.7 times the total number of dwelling sites in the estate.

Repeal and savings

69. (1) The Local Government (Manufactured Home Estates) Transitional Regulation 1993 is repealed.

(2) Any act, matter or thing that, immediately before the repeal of the Local Government (Manufactured Home Estates) Transitional Regulation 1993, had effect under that Regulation is taken to have effect under this Regulation.

(3) For the purposes of this Regulation:

- (a) any consent, permission, exemption or requirement; or
- (b) any standard or specification agreed to by a council,

that, immediately before the repeal of the Local Government (Manufactured Home Estates) Transitional Regulation 1993, had effect or was in force under that Regulation in respect of an estate is taken to continue as a condition of the approval for the estate.

(4) For the purposes of this Regulation, a manufactured home for which a compliance plate was in force under the Local Government (Manufactured Home Estates) Transitional Regulation 1993 immediately before the repeal of that Regulation is taken to comply with the requirements of this Regulation.

DICTIONARY

(Cl. 5)

access road means a road (other than a public road) situated within an estate.

approval means:

- (a) except as provided by paragraph (b), an approval of the kind referred to in item 3 of Part F of the Table to section 68 of the Act; or
- (b) in Division 2 of Part 2, an approval of the kind referred to in item 3 of Part A of that Table.

Note: By clause 10 of the Local Government (Savings and Transitional) Regulation 1993, a licence that was in force under section 289H of the Local Government Act 1919 immediately before 1 July 1993 is taken to be an approval of the kind referred to in paragraph (a).

AS 1170 means the standard published by Standards Australia under the title “SAA Loading Code”, and numbered AS 1170, as in force on 1 September 1995.

AS 1288 means the standard published by Standards Australia under the title “Glass in buildings—Selection and Installation”, and numbered AS 1288, as in force on 1 September 1995.

AS 2208 means the standard published by Standards Australia under the title “Safety Glazing Materials for Use in Buildings (Human Impact Considerations)”, and numbered AS 2208, as in force on 1 September 1995.

AS 3000 means the standard published by Standards Australia under the title “SAA Wiring Rules”, and numbered AS 3000, as in force on 1 September 1995.

associated structure has the same meaning as it has in the Act.

Australian Model Code for Residential Development means the document prepared by the Model Code Task Force of the Green Street Joint Venture under the title “Australian Model Code for Residential Development (Edition 2)”, as published in November 1990 by the Australian Government.

building has the same meaning as it has in the Act.

Building Code of Australia has the same meaning as it has in the Local Government (Approvals) Regulation 1993.

certificate of completion means a certificate issued by a council under clause 66.

community amenity means a facility that is used or intended to be used:

- (a) for the administration or servicing of an estate; or
- (b) for recreational or other communal purposes serving the interests of the occupiers of manufactured homes within an estate, but does not include any car parking space that is required to be provided for an estate.

community building means a building that is used or intended to be used in connection with a community amenity, and includes a building that is to be used as a manager’s or caretaker’s office or residence.

community map means a scale map that accurately shows the road reserves, the community amenities and the dwelling sites within the estate.

Compliance plate means a compliance plate referred to in clause 64.

dwelling site means an area of land within an estate that is designated as a dwelling site by the approval for the estate.

engineer’s certificate means a certificate issued by a practising structural engineer in accordance with clause 48.

estate means a manufactured home estate.

flood-liable land means land that has been determined by the council to be flood-liable land, having regard to the principles contained in the Floodplain Development Manual.

Floodplain Development Manual means the manual entitled “Floodplain Development Manual” and published by the New South Wales Government, and as in force from time to time, and of which a copy is deposited in the Bankstown office of the Department of Local Government.

habitable room has the same meaning as it has in the Building Code of Australia.

installation means:

- (a) in relation to a manufactured home, the process of connecting together the major sections of the manufactured home, and any associated structures forming part of the manufactured home, and attaching them to footings; or
- (b) in relation to an associated structure, the process of constructing or assembling the components of the associated structure, and (where appropriate) attaching them to footings, and includes the connection of gas, electricity, telephone, water, sewerage and drainage services.

major access road means an access road serving more than 30 dwelling sites within an estate.

major section means a single portion of a manufactured home, being a portion:

- (a) that contains a total living space (excluding the living space contained in any associated structure) of at least 20 cubic metres; and
- (b) that comprises all of the major components of that portion of the home, including the chassis or frame, the external and internal walls, the roof and ceilings, the floors, the windows and doors, the internal plumbing and wiring, the tiling, the kitchen, bathroom and laundry fittings (other than stoves, refrigerators, washing machines and other white goods) and the built-in cupboards and cabinets.

manufactured home has the same meaning as it has in the Act.

manufactured home estate has the same meaning as it has in the Act.

Ministerial specifications means specifications in force under clause 37.

minor access road means an access road serving no more than 30 dwelling sites within an estate.

moveable dwelling has the same meaning as it has in the Act.

Plumbing and Drainage Code of Practice means the code of practice published by the Committee on Uniformity of Plumbing and Drainage in New South Wales under the title “New South Wales Code of Practice—Plumbing and Drainage”, as published in Gazette No. 89 of 17 July 1992, at pages 5098—5146.

practising structural engineer means a person who holds (or who at all relevant times held) qualifications in structural engineering acceptable to the Institution of Engineers, Australia, for admission as a corporate member.

road reserve means such part of an estate (excluding any part of a dwelling site) as is reserved for the purposes of access roads, footpaths, parking spaces and associated landscaping.

site boundary means any boundary of a dwelling site other than a boundary fronting onto a road reserve.

the Act means the Local Government Act 1993.

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EXPLANATORY NOTE

The object of this Regulation is to repeal and remake the provisions of the Local Government (Manufactured Home Estates) Transitional Regulation 1993. The new Regulation deals with the following matters:

- (a) approvals and exemptions (Part 2), including:
 - (i) approvals to operate a manufactured home estate (Division 1); and
 - (ii) exemption from the requirement for approval to install a manufactured home or associated structure in a manufactured home estate (Division 2);
- (b) manufactured home estates (Part 3), including:
 - (i) land and dwelling site requirements (Division 1); and

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- (ii) setbacks (Division 2); and
 - (iii) roads (Division 3); and
 - (iv) utility services (Division 4); and
 - (v) other matters relating to manufactured home estates (Division 5);
- (c) manufactured homes and associated structures (Part 4), including:
- (i) general provisions (Division 1); and
 - (ii) design (Division 2); and
 - (iii) construction (Division 3); and
 - (iv) installation (Division 4);
- (d) other formal and machinery provisions (Parts 1 and 5).

This Regulation is made under the Local Government Act 1993, including section 748 (the general regulation making power) and various other sections.

This Regulation is made in connection with the staged repeal of subordinate legislation under the Subordinate Legislation Act 1989.
