

1993—No. 320

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979
STATE ENVIRONMENTAL PLANNING POLICY No. 36—
MANUFACTURED HOME ESTATES**

NEW SOUTH WALES



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His Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Environmental Planning and Assessment Act 1979, has been pleased to make the State Environmental Planning Policy set forth hereunder in accordance with the recommendation made by the Minister for Planning.

ROBERT WEBSTER,
Minister for Planning.

Sydney, 8 July, 1993.

Citation

1. This Policy may be cited as State Environmental Planning Policy No. 36—Manufactured Home Estates.

Aims and strategies

2. (1) The aims of this Policy are:
- (a) to facilitate the establishment of manufactured home estates as a contemporary form of medium density residential development that provides an alternative to traditional housing arrangements; and
 - (b) to provide immediate development opportunities for manufactured home estates on the commencement of this Policy; and
 - (c) to encourage the provision of affordable housing in well designed estates; and

- (d) to ensure that manufactured home estates are situated only in suitable locations and not on land having important resources or having landscape, scenic or ecological qualities that should be preserved; and
 - (e) to ensure that manufactured home estates are adequately serviced and have access to essential community facilities and services; and
 - (f) to protect the environment surrounding manufactured home estates; and
 - (g) to provide measures which will facilitate security of tenure for residents of manufactured home estates.
- (2) The strategies by which those aims are to be achieved are:
- (a) by allowing, with development consent, manufactured home estates on certain land on which caravan parks are permitted if the land meets the suitable locational criteria stipulated in this Policy (which it would not do if, for example, it contains important resources, is subject to natural or man-made risks or has sensitive environmental or ecological features); and
 - (b) by applying this Policy to areas where there is likely to be a demand and suitable opportunities for the development of manufactured home estates; and
 - (c) by allowing manufactured home estates to be subdivided with development consent either by way of leases for terms of up to 20 years or under the Community Land Development Act 1989; and
 - (d) by enabling the Minister for Planning to exclude from this Policy any land that is subject to a local environmental plan prepared in accordance with the principles of a direction issued in conjunction with this Policy under section 117 of the Act.

Land to which this Policy applies

3. (1) This Policy applies to land that is within the City of Gosford or the Shire of Wyong and to all other areas in the State that are outside the Sydney region.

(2) However, this Policy does not apply to land described in Schedule 1, being land subject to a local environmental plan prepared in accordance with the principles of a direction issued in conjunction with this Policy and made under section 117 of the Act.

Relationship to other environmental planning instruments

4 (1) In the event of an inconsistency between this Policy and any other environmental planning instrument (other than State Environmental Planning Policy No. 4—Development Without Consent) whether made before or after this Policy, this Policy prevails to the extent of the inconsistency.

(2) Nothing in State Environmental Planning Policy No. 21—Caravan Parks prevents development consent from being granted pursuant to this Policy for the use of land for the purposes of a manufactured home estate.

(3) This Policy amends State Environmental Planning Policy No. 21—Caravan Parks:

(a) by omitting clause 3 (2) (a);

(b) by omitting from clause 6 the definitions of “caravan park” and “Ordinance No. 71” and by inserting instead the following definition:

“**caravan park**” means land (including a camping ground) on which caravans (or caravans and other moveable dwellings) are, or are to be, placed or erected;

(c) by inserting after clause 5 (3) the following subclause:

(4) Nothing in State Environmental Planning Policy No. 36—Manufactured Home Estates prevents development consent from being granted pursuant to this Policy for the use of land as a caravan park in which manufactured homes are or are to be placed.

(d) by omitting from clauses 8, 9 and 10 the words “Ordinance No. 71” wherever occurring and by inserting instead the words “the Local Government (Caravan Parks and Camping Grounds) Transitional Regulation 1993”;

(e) by omitting from clause 8 (2) (b) the word “Ordinance” and by inserting instead the word “Regulation”;

(f) by omitting from clause 8 (4) the words “a licence issued under section 289H of the Local Government Act 1919 for” and by inserting instead the words “an approval under Part 1 of Chapter 7 of the Local Government Act 1993 to operate a caravan park or camping ground on”;

(8) by inserting in clauses 8 (5) and 9 (4) after the word “land” wherever occurring the words “that is authorised to be used for the purposes of a manufactured home estate by a development consent granted pursuant to State Environmental Planning Policy No. 36—Manufactured Home Estates or”.

Definitions

5. (1) Words and expressions used in this Policy that are defined in the Dictionary at the end of this Policy have the meanings set out in that Dictionary.

(2) Notes appearing in this Policy are intended to assist understanding of this Policy only and are not part of this Policy.

Where development for the purposes of a manufactured home estate may be carried out

6. Development for the purposes of a manufactured home estate may be carried out pursuant to this Policy on any land on which development for the purposes of a caravan park may be carried out, except:

- (a) land within one or more of the categories described in Schedule 2;
or
- (b) land dedicated or reserved under the National Parks and Wildlife Act 1974; or
- (c) land within a Crown reserve.

Development consent required for manufactured home estates

7. (1) Development for the purposes of a manufactured home estate permitted to be carried out by this Policy may be carried out only with the development consent of the council.

(2) A council must not consent to any such development unless it imposes, as a condition of the consent, a requirement that an approval to operate a manufactured home estate on the land on which the development is to be carried out must be obtained under Part 1 of Chapter 7 of the Local Government Act 1993.

(3) Nothing in this Policy requires a separate development consent to authorise the placing of each manufactured home within a manufactured home estate.

Subdivision of manufactured home estates

8. (1) Land on which development for the purposes of a manufactured home estate may be lawfully carried out (whether or not because of a development consent granted pursuant to this Policy) may be subdivided:

- (a) under section 289K of the Local Government Act 1919 for lease purposes; or
- (b) under the Community Land Development Act 1989,
only with the development consent of the council:

(2) A council must not grant a development consent for such a subdivision if any of the lots intended to be created by the proposed subdivision would contravene a requirement of the Local Government (Manufactured Home Estates) Transitional Regulation 1993.

(3) Any prohibition or restriction on the subdivision of land imposed by any other environmental planning instrument (whether made before or after this Policy) does not apply to such a subdivision.

(4) This Policy does not allow the subdivision of land within a Crown reserve.

Matters to be considered by councils

9. (1) A council may grant a development consent pursuant to this Policy allowing development for the purposes of a manufactured home estate only if it is satisfied:

- (a) that each of the sites on which a manufactured home is or will be installed within the manufactured home estate is or will be adequately provided with reticulated water, a reticulated sewerage system, drainage and electricity; and
- (b) that the manufactured home estate is or will be provided with adequate transport services; and
- (c) that sufficient community facilities and services, whether situated within or outside the estate, are or will be available and reasonably accessible to the residents of the manufactured home estate; and
- (d) that the development will not have an adverse effect on any:
 - conservation area
 - heritage item
 - waterway or land having special landscape, scenic or ecological qualities,which is identified in an environmental planning instrument applicable to the land concerned.

(2) A council may grant a development consent pursuant to this Policy allowing development for the purposes of a manufactured home estate only after it has considered the following:

- (a) the cumulative impact of the proposed development and other manufactured home estates in the locality;
 - (b) any relevant guidelines issued by the Director;
 - (c) the provisions of the Local Government (Manufactured Home Estates) Transitional Regulation 1993.
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**SCHEDULE 1—LAND TO WHICH THIS POLICY
DOES NOT APPLY**

(Cl. 3)

[NOTE: It is intended that descriptions of land will, after the commencement of this Policy, be entered in this Schedule if special provision is made for that land by a local environmental plan made in accordance with principles set out in a Direction under section 117 of the Act given in conjunction with this Policy.]

SCHEDULE 2—CATEGORIES OF EXCLUDED LAND

(Cl. 6)

1. Land which the council, after taking into account the principles set out in the Coastline Management Manual published by the New South Wales Government in September 1990, considers is unsuitable for residential development because of coastal erosion, tidal inundation, slip, dunal movement or any other risk of a similar nature.
2. Land which the council, after taking into account the principles set out in the Floodplain Development Manual published by the New South Wales Government in December 1986, considers is unsuitable for residential development because of flooding.
3. Land which is within a water catchment area identified by a water supply authority.
4. Land which, in the opinion of the council, is affected to an unacceptable level by an offensive or hazardous industry or any form of pollution.
5. Land which is identified in an environmental planning instrument, or in any planning strategy of the Department or the council approved for the time being by the Director, by words which are cognate with or a description consistent with any one or more of the following:
 - extractive resources;
 - services corridors;
 - airport/industry buffer area;
 - habitat corridor;
 - containing significant remnant vegetation;
 - littoral rainforest;
 - water catchment;
 - wetlands.

6. Land which under any environmental planning instrument is within an area or zone identified in that instrument by the description:

- open space, other than open space (private recreation)
- environmental protection
- scenic protection
- rural (where the land is not adjacent to or adjoining land zoned for urban use).

7. Land that is within the following coastal local government areas, being land that is not zoned or reserved under an environmental planning instrument for urban use and is not identified as suitable for urban development under the Coastal Urban Planning Strategies or Residential Strategies approved for the time being by the Director:

Ballina	Lake Macquarie
Bega Valley	Macleay
Bellingen	Nambucca
Byron	Newcastle
Coffs Harbour	Port Stephens
Eurobodalla	Richmond River
Great Lakes	Shellharbour
Greater Taree	Shoalhaven
Hastings	Tweed
Kempsey	Ullmarra
Kiama	Wollongong

8. Land that is within any of the following local government areas, being land that is not zoned or reserved under an environmental planning instrument for urban use and is not identified as suitable for urban development under any urban development strategy for the A.C.T. and sub-region approved for the time being by the Director:

Cooma-Monaro	Yarrowlumla
Gunning	Yass
Queanbeyan	

DICTIONARY

(Cl. 5)

caravan park means land (including a camping ground) on which caravans (or caravans and other moveable dwellings) are, or are to be, placed or erected.

[NOTE: This is the same meaning as applies in other environmental planning instruments because of State Environmental Planning Policy No. 21—Caravan Parks.]

Crown reserve means:

- (a) a reserve, within the meaning of Part 5 of the Crown Lands Act 1989; or
- (b) a common, within the meaning of the Commons Management Act 1989; or
- (c) land within the meaning of the Trustees of Schools of Arts Enabling Act 1902,

but does not include land that forms part of a reserve for accommodation under Part 5 of the Crown Lands Act 1989.

installation means:

- (a) in relation to a manufactured home, the process of connecting 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 to the home or associated structure of gas, electricity, telephone, water, sewerage and drainage services.

manufactured home means a self-contained dwelling (that is, a dwelling that includes at least 1 kitchen, bathroom, bedroom and living area and that also includes toilet and laundry facilities), being a dwelling:

- (a) that comprises 1 or more major sections that are each constructed, and assembled, away from the manufactured home estate and transported to the estate for installation on the estate; and
- (b) that is not capable of being registered under the Traffic Act 1909,

and includes any associated structures that form part of the dwelling.

manufactured home estate means land on which manufactured homes are, or are to be, erected.

Sydney region means the region having that name declared under section 4 (6) of the Act.

the Act means the Environmental Planning and Assessment Act 1979.

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