

**LOCAL GOVERNMENT ACT 1919—ORDINANCE**

(Manufactured Home Estates Ordinance 1992)

NEW SOUTH WALES



*[Published in Gazette No. 148 of 24 December 1992]*

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Local Government Act 1919, has been pleased to make the Ordinance set forth hereunder.

G. B. PEACOCKE,  
Minister for Local Government.

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**PART 1—PRELIMINARY**

**Citation**

1. This Ordinance may be cited as the Manufactured Home Estates Ordinance 1992.

**Commencement**

2. This Ordinance commences on 1 March 1993.

**Application**

3. This Ordinance applies to all areas.

**Object**

4. The object of this Ordinance 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; and
- (d) by providing for the inspection of manufactured home estates to ascertain whether the established standards are being complied with; and
- (e) by providing a simplified system of council approval for the siting and installation of manufactured homes and associated structures.

### Definitions

5. In this Ordinance:

**“access road”** means a road (other than a public road) situated within an estate;

**“AS 1170”** means the standard published by Standards Australia under the title “SAA Loading Code”, and numbered AS 1170, as in force on 1 July 1992;

**“AS 1288”** means the standard published by Standards Australia under the title “SAA Glass Installation Code”, and numbered AS 1288, as in force on 1 July 1992;

**“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 July 1992;

**“AS 3000”** means the standard published by Standards Australia under the title “SAA Wiring Rules”, and numbered AS 3000, as in force on 1 July 1992;

**“associated structure”** has the same meaning as it has in Division 5B of Part 10 of 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 Code of Australia”** has the same meaning as it has in the Building Code of Australia (Administrative Provisions) Ordinance 1991;

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

- (a) for the administration or servicing of the estate; or
- (b) for recreational or other communal purposes serving the interests of the occupiers of manufactured homes within the estate,

but does not include any car parking space that is required to be provided for the 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 residence for the manager of an estate;

**“Department”** means the Department of Local Government and Co-operatives;

**“Director-General”** means the Director-General of the Department;

**“engineer’s certificate”** means a certificate issued by a practising structural engineer in accordance with clause 47;

**“estate”** means a manufactured home estate;

**“estate map”** means a scale map that accurately shows the road reserves, the community amenities and the residential sites within the estate;

**“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;

**“licence”** means a licence under section 289H of the Act;

**“major access road”** means an access road serving more than 30 residential 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”** 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 one or more major sections; 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 the subject of a licence, being a licence on which there is imposed a condition to the effect that the land may be used for the placement of manufactured homes;

**“minor access road”** means an access road serving no more than 30 residential sites within an estate;

**“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 in force on 1 October 1992, a copy of which is deposited in the Sydney office of the Department;

**“practising structural engineer”** means a person who holds qualifications in structural engineering acceptable to the Institution of Engineers, Australia, for admission as a corporate member;

**“residential site”** means a site within an estate that is to be used, in accordance with the licence for the estate, for the installation of a manufactured home;

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

**“site boundary”** means any boundary of a residential site other than a boundary fronting onto a road reserve;

**“the Act”** means the Local Government Act 1919.

### **Manufactured homes prescribed as movable dwellings for the purposes of section 289E of the Act**

6. Manufactured homes are a prescribed class of structure for the purposes of paragraph (b) of the definition of “movable dwelling” in section 289E (1) of the Act.

### **Contraventions of Ordinance**

7. Except to the extent to which this Ordinance expressly provides, a contravention of this Ordinance does not give rise to an offence but constitutes grounds for the issuing of a notice of irregularity under clause 71.

## **PART 2—LICENCES**

### **Application for licence**

8. (1) An application for a licence is to be in the form approved by the council.

(2) An application with respect to land for which a relevant development consent is in force may relate to the whole or to part only of the land the subject of that consent.

(3) In this clause, “**relevant development consent**” means consent under the Environmental Planning and Assessment Act 1979 to the carrying out of development for the purposes of a manufactured home estate.

### **Determination of application**

9. (1) An application for a licence must be determined within 40 days after it is made.

(2) The council must, by its employees or agents, inspect the proposed estate before determining the application.

(3) If the council determines an application by deciding not to grant a licence, the council must cause written notice to be given to the applicant of the reasons for the refusal and of the applicant’s rights of appeal, under section 2891 of the Act, against the refusal.

### **Grounds for refusal of licence**

10. A licence may not be granted to an applicant unless the council is satisfied that the requirements of Part 3 have been substantially complied with in relation to the proposed estate or (in the case of an estate that is being developed in stages) in relation to that part of the estate to which the application for the licence relates.

**Conditions of licence**

**11. (1)** For the purposes of section 289H (7) (c) of the Act, the prescribed manner of effecting a variation in relation to the conditions of a licence is by notice in writing served on the licensee.

**(2)** Any such notice must allow a reasonable time for the licensee to comply with the variation.

**(3)** The council may, as a condition referred to in section 289H (7) (c) of the Act:

- (a) make a less onerous requirement in relation to any matter; or
- (b) prescribe a less onerous standard in relation to any matter,

than those made or prescribed by this Ordinance in relation to the same matter.

**(4)** However, the council may not do so unless:

- (a) it has obtained the approval of the Minister; and
- (b) it is satisfied that to do so would not significantly reduce the amenity of the estate.

**(5)** An approval referred to in subclause (4) (a) may be given generally or in a particular case.

**(6)** The provisions of this Ordinance, to the extent of any inconsistency with a condition imposed by the council in accordance with section 289H (7) (c) of the Act, are of no effect in relation to the estate.

**(7)** A condition referred to in section 289H (7) (c) of the Act, to the extent that it purports to make a requirement or impose a standard more onerous than those made or prescribed by this Ordinance, is of no effect.

**Form of licence**

**12.** A licence:

- (a) must be in a form approved by the council; and
- (b) must specify the name and business address of the licensee; and
- (c) must specify, by reference to a plan, the number, size and location of the residential sites allowed by the licence; and
- (d) must set out the conditions of the licence.

**Copy of licence to be sent to Department**

**13.** The council must cause a copy of any licence issued by it to be sent to the Director-General as soon as practicable after the licence is issued.

**Duration of licence**

**14. (1)** A licence continues in force until it is revoked.

**(2)** The council may not revoke a licence except in the following circumstances:

- (a) if the Minister directs the council to revoke the licence under section 289H (8) of the Act;
- (b) if the council is satisfied that the land concerned is no longer being used as an estate.

**Transfer of licence**

**15. (1)** As soon as a person becomes the occupier of land comprising an estate in place of the previous occupier of that land, the new occupier must cause written notice of that fact to be sent to the council together with written evidence of the change in occupier.

**(2)** The council must issue the new occupier of the land with a replacement licence, in the name of the new occupier, within 10 working days after receiving the notice.

**Register of licences**

**16. (1)** The council must keep a public register containing particulars of:

- (a) every licence issued, including the date of issue, the name of the licensee and the address of the estate; and
- (b) every revocation of a licence; and
- (c) any court action taken by the council against a licensee in respect of the estate.

**(2)** The register must be available for inspection by any person, free of charge, at the office of the council during normal office hours.

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

**17.** An estate may not have an area of less than 1 hectare OH, if a lesser area is prescribed by a relevant environmental planning instrument, that lesser area.

**Community amenities**

**18. (1)** Of the total land area of the estate:

- (a) at least 10 per cent; or
- (b) such lesser proportion as the council may approve,

must be reserved for community amenities.

**(2)** In deciding whether to approve 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 council may not approve a lesser proportion than 6 per cent.

**Size of residential sites**

**19.** A residential site must be at least 130 square metres in area.

**Site identification**

**20. (1)** Each residential site must be numbered or identified and its site boundaries clearly delineated.

**(2)** The site identification must be situated in a conspicuous location.

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

**21.** A residential site must have vehicular access to an access road.

**Setbacks of community buildings**

**22. (1)** A community building may not be located closer than 10 metres to the boundary of the estate, or to the boundary of a residential site, except with the approval of the council.

**(2)** Approval under subclause (1) may not be given 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 may not in my case be located closer than 2 metres to the boundary of the estate or to the boundary of a residential site.



**Setbacks of residential sites from principal road frontages**

23. (1) No residential site may be located closer than 10 metres to a public road that serves as the principal frontage to the estate except with the approval of the council.

(2) Approval under subclause (1) may not be given unless the council is satisfied that the residential site has been or will be properly screened, fenced, enclosed or otherwise treated.

**Use of buffer zones**

24. Nothing in this Ordinance prevents land with a buffer zone arising from the setbacks required by this Division from being used for community amenities, access roads, car parking spaces, footpaths, landscaping or for any other purpose approved by the council.

**Division 3—Services****Provision of services generally**

25. (1) Each residential site must be provided with separate electricity, water, sewerage and drainage services in accordance with the requirements of the council or other body having responsibility for the provision of those services.

(2) Telephone services, if available, are to be provided in such a manner that a telephone connection is available to each residential site within the estate.

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

**Water, sewerage and drainage**

26. (1) A residential site that is provided with water from a reticulated water service must be provided with a separate water meter and a separate water service isolating valve.

(2) Water, sewerage and drainage services provided within an estate are to comply with the Plumbing and Drainage Code of Practice.

**Electricity supply**

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

(2) Any such electrical circuit must be installed in accordance with the requirements of AS 3000.

(3) However, the maximum capacity of the electrical circuit supplying a residential 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.

(4) If a residential 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.

#### **Division 4—Roads**

##### **Entrance and exit roads**

**28. (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 must be to the satisfaction of the council.

##### **Width of roads**

**29. (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**

**30.** 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**

**31. (1)** An estate must contain no fewer visitor parking spaces than the number of spaces calculated as follows:

- (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 1 additional space for each additional 7 sites (or part thereof) over 140.

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

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

**Road surfaces**

**32.** All access roads, including all passing and parking bays, must have an all-weather sealed or other surface finish approved by the council and must be adapted to the topography to allow for adequate drainage and to eliminate excessive grades.

**Lighting**

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

**Division 5—Fire protection facilities****Hydrants**

**34. (1)** No part of a residential 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 satisfaction of the council.

**Alternative water supplies**

35. If an adequate reticulated mains pressure water supply is not available, alternative arrangements must be provided and maintained to the satisfaction of the council.

**Division 6—Garbage removal****Garbage removal**

36. (1) Arrangements approved by the council must be instituted and maintained for the removal of garbage and for maintenance of garbage receptacles in a clean and sanitary condition.

(2) Those arrangements may, if the licensee requires, provide for the deposit of garbage at a suitable garbage facility within the estate pending its collection and disposal by the council or by some other garbage removal service approved by the council.

**PART 4—MANUFACTURED HOMES AND ASSOCIATED STRUCTURES****Division 1—General****Installation allowed only on residential sites**

37. (1) A manufactured home may not be installed in an estate otherwise than on a residential 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 residence.

**Manufactured homes to be constructed and assembled off-site**

38. (1) A manufactured home may not be installed on a residential 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) 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 residential site.

**Installation allowed only if residential site is properly serviced**

**39.** A manufactured home may not be installed on a residential site unless the requirements of Part 3 have been complied with in relation to the site.

**Density**

**40.** No more than one manufactured home may be installed on a single residential site.

**Site coverage**

**41. (1)** Neither a manufactured home nor any associated structure may be installed on a single residential site if the floor 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 area of a manufactured home is the area of the enclosed floor space of the home, excluding the area of any associated structure forming part of the home that is not roofed; and
- (b)** the floor area of any associated structure not forming part of the manufactured home is the floor plan area of the structure, excluding any area of the structure that is not roofed; and
- (c)** if there is no carport or garage on the residential site, an area of 18 square metres is to be added to the floor 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 on the residential site, an area with minimum dimensions of 6.0 metres by 3.0 metres accessible from an access road and useable for car parking must be provided on the site.

**Setbacks for manufactured homes**

**42.** A manufactured home may not be located:

- (a)** closer than 1 metre to a road reserve; or
- (b)** closer than 2 metres to the boundary of the estate.

**Minimum open space requirements for residential sites**

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

(2) The open space of each residential 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 residential site, any space having a width or length of less than 2 metres is to be disregarded.

### **Site boundary arrangements**

**44. (1)** A manufactured home may not be located closer than:

- (a) 2 metres to any other manufactured home; or
- (b) 1 metre to the boundary of any adjoining residential site.

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

- (a) the installation of a manufactured home on the adjoining site is prohibited (whether by way of easement or agreement) on such part of that site as is within 2 metres of the location of the proposed manufactured home; and
- (b) access, at least 1 metre wide, is available to the occupier of the manufactured home, in accordance with the terms of the easement or other agreement, along each external wall of the home.

(3) This clause does not prohibit the installation of semi-detached manufactured homes on adjoining residential sites so long as the common wall between them:

- (a) is located on the boundary between the sites; and
- (b) conforms to the fire resistance and sound transmission requirements of the Building Code of Australia applicable to Class 1 buildings.

(4) Subject to approval by the council, arrangements may be made to achieve the fire resistance and sound transmission requirements of the Building Code of Australia by means of an associated structure in the nature of a free-standing masonry wall or the like.

(5) Abutting walls of semi-detached manufactured homes must be protected from the weather to the satisfaction of the council.

### **Carpports and garages**

**45. (1)** A carport or garage may abut a site boundary and a shared double carport or shared double garage may extend over a site boundary.

(2) Adjacent garages may abut each other along a shared site boundary.

(3) Separation by construction conforming to the fire resistance requirements of the Building Code of Australia applicable to Class 1 buildings must be provided between the two halves of a shared double garage if the garage abuts or is within 2 metres of a manufactured home.

### **Directions for design, construction and installation**

46. (1) The Minister may, by order published in the Gazette, issue directions (not inconsistent with this Ordinance) for the design, construction and installation of manufactured homes and associated structures.

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

(3) Subject to Divisions 2, 3 and 4, a manufactured home or associated structure must be designed, constructed and installed in accordance with any directions in force under this clause.

### **Division 2—Design**

#### **Structural soundness**

47. (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 Ordinance or by any directions in force under clause 46, required to comply; and
- (b) must include specifications as to the manner in which the manufactured home or associated structure is to be transported and installed and as to the nature of the footings (if any) on which it is to 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 wind speed**

48. 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**

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

### **Floor areas of certain rooms**

**50. (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**

**51.** The ceiling height of each habitable room in a manufactured home must be at least 2.4 metres over not less than two-thirds of the floor area of the room.

### **Separation of kitchen areas**

**52.** 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**

**53. (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, 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).

#### **Associated structures not to contain habitable rooms**

**54.** An associated structure may not be designed so as to be capable of being used as a habitable room.

### **Division 3—Construction**

#### **Anchor points**

**55.** A manufactured home or associated structure must be provided with appropriate anchor points for the attachment of tie-down gear.

#### **Glazing**

**56. (1)** Glazing materials must be selected and installed in accordance with the relevant provisions of AS 1288 and, if those provisions require the use of safety glass, in accordance with the relevant provisions of AS 2208.

**(2)** In particular, safety glass must be used in:

- (a) every glazed door; and
- (b) every glazed panel so located that it is capable of being mistaken for a doorway or unimpeded path of travel; and
- (c) every glazed panel (whether or not located as referred to in paragraph (b)) located on the boundary of a room (or separate area) of the manufactured home or associated structure and which:
  - has a vertical edge within 300 millimetres of the nearest vertical edge of a doorway and has its lower edge less than 1.2 metres above the floor level or ground level adjacent to the glazing; or
  - has its lower edge less than 500 millimetres above any adjacent floor level or walking level and is not less than 2 square metres in surface area.

(3) Subclause (2) does not apply to:

- (a) any section of glazing in a panel or door, being a section of glazing which:
- has a surface area of not more than 0.1 square metres; or
  - has a surface area between 0.1 square metres and 0.5 square metres and is at least 5 millimetres in thickness; or
- (b) glazing in a panel or door enclosing or partially enclosing a shower.

### **Electrical wiring**

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

### **Moisture**

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 300 millimetres above the appliance.

### **Rainproofing**

59. A manufactured home is to be constructed so as to prevent penetration by moisture.

## **Division 4—Installation**

### **Flood-liable land**

60. (1) A manufactured home must not be installed on flood-liable land except with the prior written approval of the council.

(2) In deciding whether or not to grant an approval under this clause, the council must have regard to the principles contained in the Floodplain Development Manual.

(3) The council may grant an approval under this clause unconditionally or subject to such conditions as it may consider appropriate to include in the approval.

(4) In this clause:

**“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 Sydney office of the Department;

**“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.

### **Footings**

**61. (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 200 millimetres; or
  - (b) such lesser clearance as the council may approve,
- each having adequate provision for underfloor cross-flow ventilation.

### **Installation to comply with specifications**

**62.** A manufactured home may not be installed on a residential 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 approved by the council.

### **Compliance plate**

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

- (a) any manufactured home;
- (b) any associated structure that forms part of a manufactured home;
- (c) any 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 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) Identification numbers 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.

### **Division 5—Inspections by council**

#### **Occupancy of installed home**

**64. (1)** The council must be given written notice of the completion of installation of a manufactured home or associated structure.

(2) The notice must be accompanied by a fully dimensioned diagram of the residential 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 Ordinance have been complied with.

#### **Certificates of completion**

**65. (1)** The council:

- (a) must inspect the installation of a manufactured home within 3 working days after receiving notice of completion of installation; and
- (b) may inspect the installation of an associated structure at any time after receiving such a notice.

- (2) The inspection 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 Ordinance have been complied with;
  - (d) whether a compliance plate has been duly affixed to the manufactured home or associated structure.

(3) After the council has inspected the manufactured home or associated structure, it must, if satisfied that it has been installed in accordance with the requirements of this Ordinance, issue a certificate of completion to its owner.

(4) A person must not reside in a manufactured home unless a certificate of completion has been issued in respect of the home.

Maximum penalty: \$1,000.

## **PART 5—MISCELLANEOUS**

### **Exhibition homes**

**66.** Nothing in this Ordinance prevents a manufactured home on an estate from being used for exhibition purposes.

### **Estate map**

**67.** The licensee must ensure that the council is provided with a copy of the current estate 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 licence and estate map**

**68.** The licensee must ensure that:

- (a) the licence for the estate; and
- (b) the current estate map; and
- (c) a copy of this Ordinance,

are readily available in a location in the estate approved by the council and that any resident or intending resident of the estate has reasonable access to them.

**Inspections**

**69.** In exercising its powers under the Act to enter and inspect an estate, the council must ensure that the inspection is carried out, as far as practicable, in company with the licensee or an agent of the Licensee.

**Modification of associated structures**

**70.** A person must not modify an associated structure that is situated within an estate so as to make the structure capable of being used as a habitable room.

Maximum penalty: \$1,000.

**Notices of irregularity**

**71. (1)** If, in the opinion of the council or an authorised officer:

- (a) any matter or thing at or in relation to an estate contravenes this Ordinance; or
- (b) the licensee, by any act or omission, has contravened this Ordinance,

the council or officer may serve on the licensee, or any agent of the licensee, a notice of irregularity.

**(2)** If, in the opinion of the council or an authorised officer:

- (a) a manufactured home or associated structure located on an estate contravenes this Ordinance; or
- (b) a person other than a licensee, by any act or omission, has contravened this Ordinance,

the council or officer may serve on the owner or occupier of the manufactured home concerned, or on that person, a notice of irregularity.

**(3)** In particular, if the council or authorised officer is of the opinion that the condition of a manufactured home or associated structure represents a danger to the health or safety of its occupants, a notice of irregularity may require:

- (a) that the manufactured home or associated structure be placed, within the time specified by the notice, in a condition satisfactory to the council; or
- (b) that the manufactured home or associated structure be removed from the estate.

**(4)** A notice of irregularity:

- (a) must be in writing; and

- (b) must specify clearly and in ordinary language the nature of the irregularity or ground of the notice and what should be done to rectify it; and
- (c) must specify any relevant provision of this Ordinance to which the irregularity or the ground of the notice relates; and
- (d) must state a time within which the person to whom the notice is addressed is required to comply with the notice; and
- (e) must warn the person of the fact that failure to comply with the requirements of the notice constitutes an offence that is punishable by a fine not exceeding \$1,000.

(5) A duplicate of any notice of irregularity addressed to a person other than the licensee of the estate concerned must be furnished to the licensee.

(6) The council or an authorised officer may, by a subsequent notice, revoke or vary a notice of irregularity.

(7) A person must not fail to comply with the requirements of a notice of irregularity within the time specified by the notice.

Maximum penalty: \$1,000.

(8) In this clause:

“**authorised officer**” means a person authorised by the Minister to exercise the powers conferred by this clause on an authorised officer.

### **Fees**

**72. (1)** The Minister may, by order published in the Gazette, establish directions for the fees that councils may impose for the purposes of this Ordinance.

(2) A fee for the purposes of this Ordinance may not be imposed in contravention of the directions in force under this clause.

### **Levies**

**73. (1)** For the purposes of section 289G (2) (h) of the Act, a levy is payable on the grant of a licence and annually thereafter.

(2) The amount (in dollars) of the levy is an amount equal to 2.7 times the total number of residential sites in the estate to which the licence application, or licence, relates.

(3) The levy payment must be sent to the Director-General:

- (a) by the council, on initial grant of a licence; and

- (b) by the licensee, on 30 June in each year following the year in which the licence was granted.

### **Amendment of Ordinance No. 71**

**74. (1)** Ordinance No. 71 under the Local Government Act 1919 is amended by inserting at the end of clause 3 the following clause:

**(2)** This Ordinance does not apply to or in respect of a manufactured home or a manufactured home estate within the meaning of the Manufactured Home Estates Ordinance 1992.

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**EXPLANATORY NOTE**

The object of this Ordinance is to provide for the licensing of manufactured home estates under Division 5B of Part 10 of the Local Government Act 1919 and for the design, construction and installation of manufactured homes within manufactured home estates. The new Ordinance makes provision with respect to the following matters:

- (a) the procedures for obtaining a licence, the keeping of registers of licences issued and the transfer of licences (Part 2);
- (b) the requirements that manufactured home estates must comply with in relation to:
  - land and residential site requirements (Division 1 of Part 3); and
  - setbacks (Division 2 of Part 3); and
  - services (Division 3 of Part 3); and
  - roads (Division 4 of Part 3); and
  - fire protection facilities (Division 5 of Part 3); and
  - garbage removal (Division 6 of Part 3);

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- (c) the requirements that manufactured homes and associated structures must comply with in relation to:
    - general site requirements (Division 1 of Part 4); and
    - design (Division 2 of Part 4); and
    - construction (Division 3 of Part 4); and
    - installation (Division 4 of Part 4);
  - (d) the inspection of, and the issue of certificates of completion for, manufactured homes that have been installed within a manufactured home estate (Division 5 of Part 4);
  - (e) other formal and miscellaneous matters (Parts 1 and 5).
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