

# Statement of Environmental Effects

*Proposed Manufactured Housing Estate*

171-187 Warral Road, West Tamworth

# Statement of Environmental Effects

Prepared by

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## Client and Land Details

Client **[REDACTED]**  
Subject Site Lot 1 DP611738,  
171-187 Warral Road, West Tamworth  
Proposal Proposed Manufactured Housing Estate

**Warwick Stimson RPIA**  
Director



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Version	Date	Comment
1.0	8/4/24	Initial Draft for client review
2.0	4/7/24	Final for DA lodgement



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## Terms and Abbreviations

ATO	Approval to Operate
BC Act	Biodiversity Conservation Act 2016
BCA	Building Code of Australia
Client	Warral Developments Pty Ltd
Council	Tamworth Regional Council
CPTED	Crime Prevention Through Environmental Design
DA	Development Application
DCP	Tamworth Regional Development Control Plan 2010
DPHI	NSW Department of Planning Housing and Industry
DPIE	NSW Dept Planning, Industry & Environment
EDC	Estimated Development Cost
EP&A Act, the Act	Environmental Planning and Assessment Act 1979
GTA's	General Terms of Approval
LEP	Tamworth Regional Local Environmental Plan 2010
LG Act	Local Government Act 1993
LG Regs (MHE)	Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021
LLC	Land Lease Community
MHE	Manufactured Housing Estate
RFS	Rural Fire Service
SEPPBC	State Environmental Planning Policy (Biodiversity & Conservation) 2021
SEPPH	State Environmental Planning Policy (Housing) 2021
SEPPRH	State Environmental Planning Policy (Resilience and Hazards) 2021



# 1 Introduction

## 1.1 Project Overview

Stimson Advisory has been engaged by Warral Developments Pty Ltd to prepare a Statement of Environmental Effects in relation to a proposed manufactured housing estate on the property known as 171-187 Warral Road, West Tamworth.

The proposed development includes the construction of community facility buildings and the provision of 158 dwelling sites for a manufactured housing estate. The application also seeks consent to demolish all existing structures on the site.

The site is zoned *R1 General Residential* under *Tamworth Regional Local Environmental Plan 2010* with the proposal being permissible with consent.

The proposal is defined as *development* in Section 4 of the Act. The Act stipulates that the development must not be carried out on the subject site until consent has been obtained. The proposal is also considered to be 'integrated development' with approval being required from NSW Rural Fire Service prior to the determination of the application.

This report describes the proposed development and subject site in detail and undertakes an assessment of the proposal against the relevant aims, objectives and development provisions of Council's LEP and DCP, and Section 4.15 of the Act.

## 1.2 Report Structure

This Statement of Environmental Effects is structured as follows:

- Section 1: Introduction – provides an overview of the proposal, planning history for the site and background to the application.
- Section 2: The Site and Surrounds – provides an analysis of the subject site, development within the locality and a consideration of the local and regional context.
- Section 3: Project Description – provides a detailed description of the proposed development and its characteristics.
- Section 4: Statutory Considerations – provides for an assessment of the proposal against the specific planning instruments and policies that are applicable.
- Section 5: Key Planning Issues – provides an assessment of the key issues identified in the preparation of the application.
- Section 6: Section 4.15 Assessment – provides an assessment against section 4.15 of the EPA Act.
- Section 7: Conclusion and Recommendation – summarises the report and presents a recommendation.

## 1.3 Pre-Lodgement Meeting

The proposal was discussed at a pre-lodgement meeting held with officers at Tamworth Regional Council on 27 July 2023 where a range of issues were discussed. Whilst it was considered that the proposal could be supported, this Statement of Environmental Effects and accompanying information addresses the technical and planning compliance issues raised in that meeting and in summary include:



**Table 1 Pre-Lodgement Matters**

Key Issue	Requirement for Consideration	
<b>Planning</b>	The site is zoned R1 General Residential under the LEP and the proposed MHE is permissible with consent in this zone.	Noted. 'Caravan Parks' are a permissible land use in the zone, enabling the development of an MHE pursuant to the Housing SEPP.
	The site is identified as being partly affected by bushfire and flooding constraints.	Noted. The proposed development is 'integrated development' pursuant to the Rural Fires Act 1997, with GTA's needing to be issued by the NSW RFS.  Overland flow has been considered in the accompanying civil plans.
	The proposed development will be integrated development (i.e. special fire protection purpose) under Section 100B of the Rural Fires Act 1997. A bushfire assessment report will need to be submitted with the DA in this regard.	Noted.
	Asbestos: address how asbestos has been removed and a site clearance certificate will be required as part of the development application.	A Preliminary Site Investigation accompanies the application. It concludes the subject site is suitable for the proposed development, but it is recommended that an 'Unexpected Finds Protocol' be prepared prior to construction commencing. This can form the basis of a conditions of consent.
	A cost of Works Summary Report will be required. Should the cost of works be over \$3 million, a Quantity Surveyor Report will be required.	Noted. Accompanying the application.
	Housing Design options were discussed and there are several to choose from, noting some are only available in certain site locations. All options are to be provided within the DA, noting site locations. It was noted that the housing design choice is a decision made by the owner/purchaser.	A range of dwelling site sizes are proposed that will facilitate diverse housing outcomes.
	Parking requirements to be addressed pursuant to the Tamworth Regional Council Development Control Plan 2010.	Noted, however parking is to be considered pursuant to the LG Regs (MHE), and not the DCP.
<b>Building Certification</b>	Demonstrate how the manufactured dwellings will be built, pursuant to the Local Government (Manufactured Home Estates, caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021. It was mentioned if the manufactured dwellings are to be built on site, an approval to operate will be required. Proponent advised that a table will be submitted with the Development application demonstrating the Regulations applicable and how they would be addressed.	Dwellings will be made off site and transported to their final location.
	Certification of all types of housing are to be supplied.	Can be provided once dwelling types and manufacturers details are known.
	A fire service plan is to be lodged with the DA illustrating fire safety measures, location of hose reels and hydrants. ACTION: Provide Hydrant location within minutes.	Once Council is at a stage where it is satisfied with the design, this plan can be provided.
<b>Engineering</b>		
<b>Access/Traffic</b>	The proponent addressed previous advice given for the requirement of a round-a-bout to be constructed for the access into the Multi dwelling site; and the response in the meeting was this would not be a requirement.	A Traffic Impact Assessment accompanies the application addressing these matters.
	Access into the proposed development was discussed, if the estate is to be a gated community, detail demonstrating access in and out and how entry will be gained.	Access will be via a security pass system.



Key Issue	Requirement for Consideration	
	Waste Management is to be addressed in the development application if waste is to be collected by Tamworth Regional Council or via a private contractor. It was noted in the meeting a condition will be added to the consent of that which is mentioned in the development application.	A private contractor will be used to collect waste.
<b>Stormwater/ Water/Sewer</b>	Stormwater easement was noted to run through the neighbouring property and to be noted within application. Stormwater detention will be required, considering pre development flows.	Refer to accompanying plans.
	Development proposal is outside the flood affected area; however, it was noted in the meeting this is required to be recognised within the development application.	Noted.
<b>DA Fees, S.7.11 Contributions &amp; Water/Sewer Headworks</b>	Development Application fees are based upon the estimated Cost of Works for the Development.	Noted.
	Developer Contribution charges pursuant to Section 7.11 of the Environmental Planning & Assessment will be applicable to the subject proposal.	Noted.
	Headworks will be charged for water and sewer infrastructure on a per tenement basis if required.	Noted.

## 1.4 Supporting Documentation

The proposed is accompanied by the following documentation:

Table 2 Project Team

Documentation	Prepared By
<b>Architectural Drawings</b>	Integrated Design Group
<b>Asbestos Clearance Certificate</b>	P. Clifton & Associates
<b>Bushfire Impact Assessment</b>	Control Line Consulting
<b>Civil/Stormwater Plans</b>	High Definition West
<b>Landscape Plan</b>	Nicholas Bray Landscapes
<b>Preliminary Site Investigation</b>	PEM Environmental
<b>Quantity Surveyors Report</b>	Berkowitz and Associates Quantity Surveyors
<b>Survey</b>	Bath Stewart Associates
<b>Traffic Impact Assessment</b>	Stanbury Traffic Planning

## 1.5 Legislation, Environmental Planning Instruments and Policies to be considered

The following legislation and policies have been considered in the preparation of this application.

- Rural Fires Act 1997
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Housing) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021





- Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021
- Tamworth Regional Local Environmental Plan 2010
- Tamworth Regional Development Control Plan 2010

## **1.6 Consent Authority**

The consent authority for this application is Tamworth Regional Council.



## 2 The Site and Surrounds

The subject site and its surrounds have the following characteristics.

<b>Site Address</b>	171-187 Warral Road, West Tamworth
<b>Lot/DP</b>	Lot 1 DP611738
<b>Site Area</b>	6.165ha approx.
<b>Local Government Area</b>	Tamworth Regional Council
<b>Zoning</b>	R1 General Residential
<b>Current Land Use</b>	Part vacant and part half demolished buildings
<b>Proposed Land Use</b>	Manufactured Housing Estate
<b>Surrounding Land Uses</b>	West and southwest is primary production - small lots. South and southeast is large lot residential. North and east are general residential.
<b>Topography</b>	The site has a slope from the western boundary towards the southern corner of the site.
<b>Terrestrial Biodiversity</b>	The site is not mapped as having terrestrial biodiversity or biodiversity values.
<b>Vegetation</b>	The site contains a large number of trees specifically within the front portion of the site.
<b>Heritage</b>	The site does not contain a heritage item nor is it within a heritage conservation area.
<b>Flooding/Overland Flow</b>	The site is not mapped as being within the flood planning area map of the LEP.
<b>Bushfire</b>	The site is mapped as being bushfire prone land.



Figure 1 Subject Site - Aerial

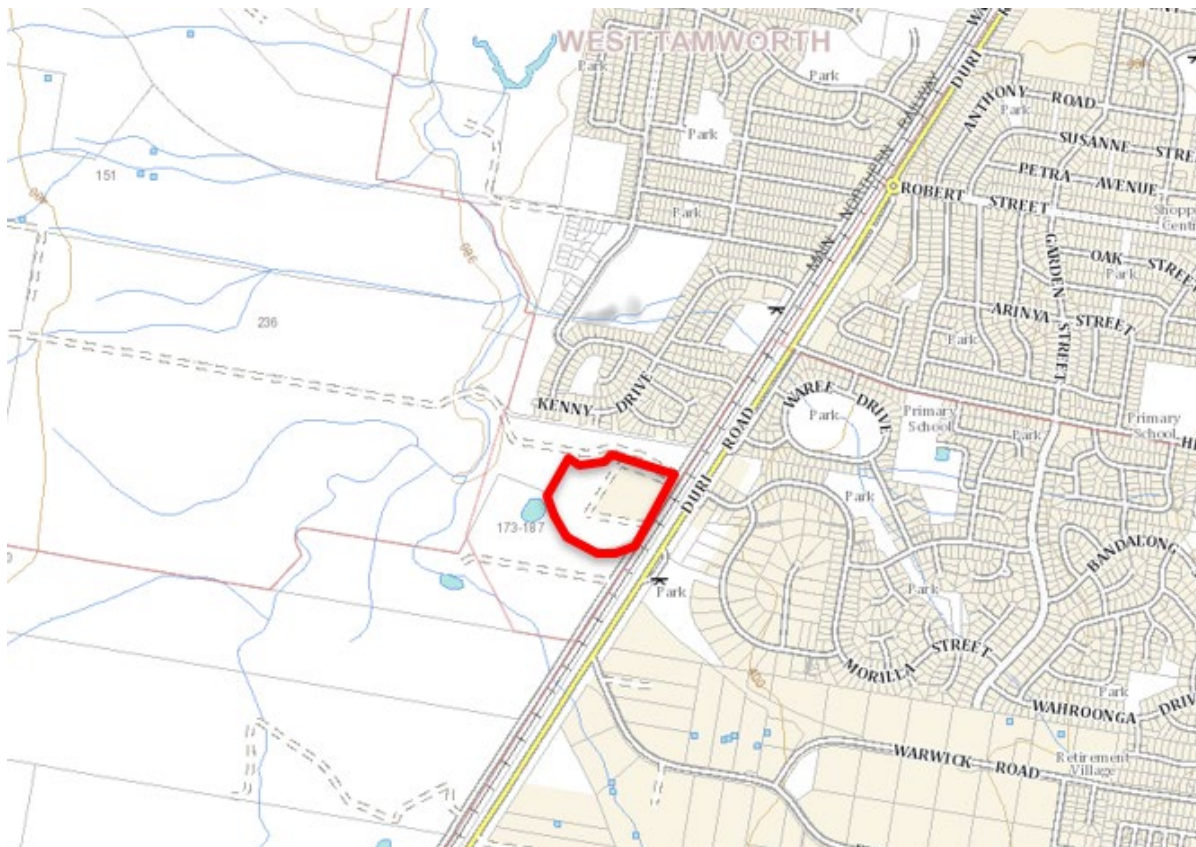


Figure 2 Subject Site - Cadastre

## 2.1 Surrounding Context

The immediate surroundings comprises of rural residential dwellings as well as smaller residential lots and dwellings in the greater locality.

## 2.2 Transport Network

The site is accessed via local road being Warral Road which provides access to the residential area of West Tamworth as well as providing access to the Oxley Highway. Directly opposite the site is the railway line.

## 2.3 Easements

There is a lot to the south of the site, known as Lot 2, which is noted on the 88b Instrument as public reserve land. This land is in the ownership of Tamworth Regional Council.

There is also an easement to drain water that runs from the western boundary of the site to the creek located to the west of the site. This easement is to be utilised for this proposal.





## 3 Project Description

### 3.1 Overview

The subject site has a total site area of 6.172 hectares with a frontage of 184.46m to Warral Road. There are a number of partially demolished buildings on the site. The site is highly modified, noting the previous use as a school.

The application seeks approval for the construction of a manufactured housing estate comprising several community facilities buildings, swimming pool, and provision of 158 dwelling sites for manufactured homes, over several stages.



Figure 3 Estate Layout



## 3.2 Elements of the Proposed Development

The proposed development will allow the occupants of the manufactured homes to own their home whilst leasing the dwelling site from the operator of the estate. No subdivision is proposed.

### 3.2.1 Demolition

Demolition of all existing structures is proposed. The site is currently in significant disrepair, laying dormant and heavily vandalised since its use as a school decades ago. This application will see the site cleared in preparation for the proposed development.

### 3.2.2 Dwelling Sites

The proposal provides for four different sized lots ranging from 153sqm to 198sqm. The breakdown of lots is detailed below.

Area	Number of lots
153sqm	39
162sqm	36
180sqm	40
198sqm	43

All dwelling sites are accessed via internal roads.

There are four different dwelling types that can be contained within the proposed lots with 1, 2 and 3 bedroom dwellings provided. The dwellings will all be single storey and would have a carport attached. Detailed dwelling design would be considered at the time when a s68 application is submitted for the installation of each dwelling.

### 3.2.3 Community Facilities

The community facilities buildings consists of a gym, amenities, sales office, sport lounge/activities room, multipurpose hall with kitchen and storeroom and a craft/library room. The buildings are all connected via an awning with a landscaped courtyard in the middle. A swimming pool is also proposed as well as a covered BBQ area with seating.

The external finishes of the community facility buildings comprises of brick and cladding with a colourbond roof. The buildings are single storey and have a skillion style roof.

The swimming pool has dimensions of 14.5m x 6m and has a 2m x 2m spa contained within a corner of the pool. The plant equipment will be stored in the plant room adjacent to the change rooms.



Figure 4 Community Facilities location

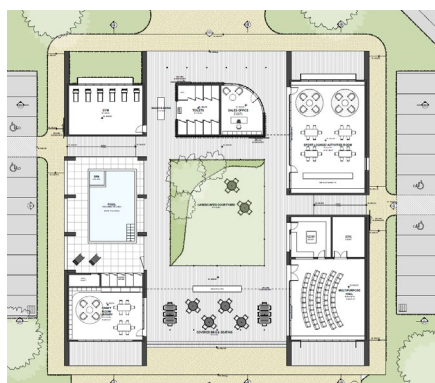


Figure 5 Community Facilities layout



### **3.2.4 Landscaping**

Approximately twenty-six existing trees are to be retained with additional landscaping proposed. This landscaping comprises of additional trees along the boundaries of the site as well as along the internal roads. Also proposed as part of new landscaping a landscaping courtyard near the community facilities and several garden areas with seating areas and shade structures throughout the manufactured home estate. A Landscape Plan accompanies the application and demonstrates high quality landscaping outcomes.

### **3.2.5 Roads and Vehicle Circulation**

Access to the site is via Warral Road with the proposed development comprising of an internal roundabout and a loop road that generally follows the boundaries of the site. Off this loop road are several smaller width roads that provide access to all of the housing lots.

Eleven visitor car parking spaces are provided in the northern corner of the site. Twenty-two car parking spaces are provided adjacent to either side of the community facilities buildings. Four of these spaces are for disabled parking. Twenty car parking spaces are provided along the southern part of the site in two separate locations.



**Figure 6 Community Facilities perspective**

### **3.2.6 Stormwater Infrastructure and Associated Works**

A stormwater drainage concept plan accompanies the application and demonstrates compliance with Council's controls. Stormwater is all proposed to drain towards the existing drainage easement located to the western side of the site.

### **3.2.7 Sewage Infrastructure**

The site will be appropriately serviced to accommodate the proposed use. Some utility upgrades are likely to be required and will be confirmed with the relevant service authority, at the time of securing a Construction Certificate.

### **3.2.8 Operational Aspects**

MHE's are usually managed by an on-site manager and that will be the case for this proposal. The on-site manager will be responsible for the day to day matters pertaining to the MHE.



### **3.2.9 Waste Management**

#### **3.2.9.1 Residential Waste Management**

Each dwelling will store their own waste bins within their lots. The site manager will organise collection each week within the site and transport the bins to the entry point of the site. Collection will be organised through a commercial contractor.

#### **3.2.9.2 Community Facility and Wellness Centre**

The community facility buildings will all contain their own garbage bins within the buildings. The site manager will ensure those bins are emptied and refuse is taken to the entry point of the site for collection by a commercial contractor.

### **3.3 Tree Removal**

Approximately 156 existing trees are proposed to be removed from the site whilst some are proposed to be retained. The vegetation to be removed is not native to the site, noting the previous use of the site as a school. Whilst this application would result in the site being largely cleared, the resultant development outcome will result in a superior landscaped outcome.



## 4 Statutory Considerations

The applicable statutory planning instruments and relevant guidelines have been considered below.

### 4.1 Residential (Land Lease) Communities Act 2013

It is proposed to operate the development under the Residential (Land Lease) Communities Act 2013 (Land Lease Act). In this circumstance, the residents purchase and own the house and pay a ground lease to the operator of the Estate. A builder for the homes themselves has not yet been identified.

In the operation of the development the Act sets out the rights and responsibilities of the resident and the operator.

Under this tenure arrangement, each resident benefits from the ownership of their home and will have access to community facilities, activities and open space that will be owned and managed by the operator.

### 4.2 Local Government Act 1993

The LG Act applies to this proposal in the following ways:

1. The LLC will require an approval to operate (ATO) pursuant to s68 of the Act.
2. Individual manufactured homes will require approval for installation pursuant to s68 of the Act.
3. The LG(MHE) Regulation will be used to assess compliance of the layout and operation of the development. An assessment against the Regulation is provided at Appendix A.

For completeness, the following commentary is provided in respect of the granting of a s68 approval relating to an MHE.

- A licence is required to install a manufactured home, moveable dwelling or associated structure on land or operate a MHE under s68 of the LG Act. This is separate from and in addition to, the planning approval process.
- The 2021 Regulations to the LG Act provide development controls which must be complied with in order to obtain a s68 approval.
- For clarity, s68 of the LG Act specifies that the installation of a manufactured home, moveable dwelling or associated structure on land, may only be carried out with the prior approval of the Council, unless a regulation or local policy provides otherwise. For example, clause 73A of the 2021 LG(MHE) Regulation provides that a s68 approval is not required to install a moveable dwelling or associated structure on land used for the purposes of a caravan park or camping ground, or to operate a caravan park or camping ground.
- Clause 123(2) of the Housing SEPP provides that a Council must not give development consent for a MHE development, unless it imposes a condition or requirement that a s68 approval under the LG Act be obtained.
- Practically speaking, it would be ideal to lodge the development consent application and s68 approval concurrently and ensure compliance with the 2021 Regulation in the first instance given assessment against the 2021 Regulations will need to occur anyway as part of the s68 approval process. We have attached an assessment against the Regulation at Appendix A.
- Section 4.12 of the EPA Act (which applies only to development that needs consent) provides that a person may apply to a consent authority for consent to carry out development. If the consent authority is a Council, a person may in the same development application, apply for development consent and approval for anything that requires approval under paragraph 1 of Part A of the LG Act i.e. an application that relates to the installation of a manufactured home, moveable dwelling or associated structure on the land. This means that an operator can apply for development consent from Council and a s68 approval at the same time.
- In determining a development application under section 4.12 of the EPA Act, the Council may apply any of the provisions of the LG Act that it could apply if the development application were an application under the LG Act, such as the 2021 Regulations. Accordingly, if there were any inconsistencies between, for





example, a DCP and the 2021 Regulations, the Council could apply the provisions of the LG Act and the 2021 Regulations.

- Given a s68 approval will be required to install a moveable dwelling in an MHE or operate an MHE in any event, practically speaking, the 2021 Regulations should be complied with in the event of an inconsistency with, say, a Development Control Plan.

### 4.3 Rural Fires Act 1997

The site is identified as being bushfire prone land and therefore the legislative requirements for the proposed development are applicable.

The NSW Guideline document *Planning for Bush Fire Protection (PBP)* 2019 details that this style of development shall be treated as a Special Fire Protection Purpose (SFPP) development which then requires the issuance of a Bush Fire Safety Authority (BFSA) from the NSW RFS.

The application is integrated development, requiring GTA's to be issued by the NSW RFS prior to its determination. A Bushfire Hazard Assessment report accompanies this application that addresses this legislation.

### 4.4 State Environmental Planning Policy (Biodiversity and Conservation) 2021.

#### Chapter 2 - Vegetation in non-rural areas

The aim of Chapter 2 – Vegetation in non-rural areas, of SEPPBC is to protect the biodiversity values of trees and other vegetation in non-rural areas and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

The proposal includes the removal of the majority of existing trees as part of the development application. Appropriate conditions of consent are expected to be applied to ensure that trees that are to be removed are done so safely, and trees to be retained are protected.

Approximately 156 existing trees are proposed to be removed from the site whilst some are proposed to be retained. The vegetation to be removed is not native to the site, noting the previous use of the site as a school. Whilst this application would result in the site being largely cleared, the resultant development outcome will result in a superior landscaped outcome.

### 4.5 State Environmental Planning Policy (Resilience and Hazards) 2021

#### Chapter 4 - Remediation of Land

This Chapter provides for a statewide planning approach to the remediation of contaminated land. Clause 4.6 of the chapter requires the following:

- (1) *A consent authority must not consent to the carrying out of any development on land unless—*
  - (a) *it has considered whether the land is contaminated, and*
  - (b) *if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
  - (c) *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*
- (2) *Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subsection (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.*



- (3) *The applicant for development consent must carry out the investigation required by subsection (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation..*

A Preliminary Site Investigation prepared by PEM Environmental accompanies the application, supporting the proposed development. The report concluded that the potential contamination risk of the site is low and therefore the site would be suitable for residential use. The report also made the following recommendations:

- *Further testing of the fibre cement fragments surrounding the buildings adjoining the oval to confirm the initial finding of non-detect for asbestos for the fragment collected during the site inspection.*
- *Removing all the fly tipping on the site and disposing of this material at registered facilities to accept the classification of waste. Based on site observations, fly tipped household waste is pre-classified as General Solid Waste (GSW) and the stockpile of tyres is classified as Special Waste.*
- *Demolishing buildings and infrastructure from the former school. Where feasible, much of the demolished material such as concrete, brick, asphalt and steel can be recycled.*
- *An Unexpected Finds Protocol (UFP) should be developed as a contingency should unexpected contamination or materials other than observing during the site inspection be encountered.*

These recommendations can be included as conditions of consent.

In addition, an Asbestos Identification Report was submitted stating that there was no longer any asbestos on site with a visual inspection confirming that the asbestos removal work had been carried out with all asbestos containing construction materials to have been satisfactorily removed from the buildings.

As such, the provisions of the SEPP are considered to be satisfied, and it is considered that the subject site is suitable for the proposed residential use.

## 4.6 State Environmental Planning Policy (Housing) 2021

### Part 8 - Manufactured Home Estates

The following Part of the SEPP is relevant to the proposed development.

Provision	Comment
<b>118 Aims and strategies</b>	
(1) The aims of this Part 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	The proposed development is for a manufactured home estate.
(b) to provide immediate development opportunities for manufactured home estates on the commencement of this Part, and	The proposal provides an immediate development opportunity for a manufactured home estate.
(c) to encourage the provision of affordable housing in well-designed estates, and	The proposal is well-designed.
(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	The subject site does not have any landscape, scenic or ecological qualities that prohibit residential use.
(e) to ensure that manufactured home estates are adequately serviced and have access to essential community facilities and services, and	The site is adequately serviced and will provide community facilities.
(f) to protect the environment surrounding manufactured home estates, and	The proposal would not adversely impact on the surrounding environment.



Provision	Comment
(g) to provide measures which will facilitate security of tenure for residents of manufactured home estates.	The proposal would incorporate a number of security measures to keep future occupants safe such as fencing around the site and front gate.
(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 Part (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	The subject site is suitable for the proposed development.
(b) by applying this Part to areas where there is likely to be a demand and suitable opportunities for the development of manufactured home estates, and	The site is located in an area that would be in demand.
(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	The site is not proposed to be subdivided.
(d) by enabling the Minister for Planning to exclude from this Part any land that is subject to a local environmental plan prepared in accordance with the principles of a direction issued in conjunction with this Part under section 117 of the Act.	Not applicable.
<b>119 Land to which this Part applies</b>	
(1) This Part 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.	West Tamworth is outside the Sydney region.
(2) This Part does not apply to—	Not applicable.
(a) land described in Schedule 5, being land subject to a local environmental plan prepared in accordance with the principles of a direction issued in conjunction with this Part and made under section 117 of the Act, or	
(b) land less than 18 kilometres from the Siding Spring Observatory within the meaning of clause 5.14 of the standard local environmental planning instrument prescribed by the Standard Instrument (Local Environmental Plans) Order 2006.	Not applicable.
<b>120 Relationship to other environmental planning instruments</b>	
(1) In the event of an inconsistency between this Part and any other environmental planning instrument whether made before or after this Part, this Part prevails to the extent of the inconsistency.	Not applicable.
(2) Nothing in Chapter 3, Part 9 prevents development consent from being granted pursuant to this Part for the use of land for the purposes of a manufactured home estate.	Not applicable.
<b>121 Definitions</b>	
(1) Words and expressions used in this Part that are defined in Schedule 7 have the meanings set out in that Schedule.	Noted.
(2) Notes appearing in this Part are intended to assist understanding of this Part only and are not part of this Part.	



Provision	Comment
<b>122 Where development for the purposes of a manufactured home estate may be carried out</b>	
Development for the purposes of a manufactured home estate may be carried out pursuant to this Part on any land on which development for the purposes of a caravan park may be carried out, except—	Caravan parks are a permissible use within the R1 General Residential zone.
(a) land within one or more of the categories described in Schedule 6, or	Not applicable.
(b) land dedicated or reserved under the National Parks and Wildlife Act 1974, or	Not applicable.
(c) land within a Crown reserve.	Not applicable.
<b>123 Development consent required for manufactured home estates</b>	
(1) Development for the purposes of a manufactured home estate permitted to be carried out by this Part may be carried out only with the development consent of the council.	Development consent is sought from 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.	A condition of consent will be applied to ensure that the operation of the manufactured home estate is carried with an approval obtained under Chapter 7 of the Local Government Act 1993.
(3) Nothing in this Part requires a separate development consent to authorise the placing of each manufactured home within a manufactured home estate.	A separate consent will not be obtained for the placing of each manufactured home.
<b>124 Subdivision of manufactured home estates</b>	
(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 Part) 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.	The proposal does not include subdivision.
(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.	Not applicable.
(3) Any prohibition or restriction on the subdivision of land imposed by any other environmental planning instrument (whether made before or after this Part) does not apply to such a subdivision.	Not applicable.
(4) This Part does not allow the subdivision of land within a Crown reserve.	Not applicable.
<b>125 Matters to be considered by councils</b>	
(1) A council may grant a development consent pursuant to this Part 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	Each dwelling site that will contain a manufactured home would be adequately provided with reticulated water, reticulated sewage system, drainage and electricity.



Provision	Comment
(b) that the manufactured home estate is or will be provided with adequate transport services, and	Adequate transport services will be provided.
(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	Community facilities are proposed within the site which is easily accessible by all future occupants.
(d) that the development will not have an adverse effect on any— <ul style="list-style-type: none"> <li>• conservation area</li> <li>• heritage item</li> <li>• waterway or land having special landscape, scenic or ecological qualities,</li> </ul> which is identified in an environmental planning instrument applicable to the land concerned.	The site does not contain a heritage item and is not within a heritage conservation area.
(2) A council may grant a development consent pursuant to this Part allowing development for the purposes of a manufactured home estate only after it has considered the following—	The proposal would not have an adverse impact on the surrounding environment and would provide adequate services for the residential use proposed. The proposal would be operated in accordance with the relevant provisions of the Local Government (Manufactured Home Estates) Transitional Regulation 1993.
(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.	

The proposed development is consistent with the relevant provisions of the SEPP.

## 4.7 Tamworth Regional Local Environmental Plan 2010

The Tamworth Regional LEP is the main environmental planning instrument applicable to the subject site. The objectives of the LEP are as follows:

- (aa) *to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,*
- (a) *to encourage the orderly management, development and conservation of natural and other resources within the Tamworth region by protecting, enhancing or conserving—*
  - (i) *important agricultural land, and*
  - (ii) *timber, minerals, soil, water and other natural resources, and*
  - (iii) *areas of significance for nature conservation, and*
  - (iv) *places and buildings of archaeological or heritage significance,*
- (b) *to allow flexibility in the planning framework so as to encourage orderly, economic and equitable development while safeguarding the community's interests and residential amenity,*
- (c) *to manage and strengthen retail hierarchies and employment opportunities, promote appropriate tourism development, guide affordable urban form and provide for the protection of heritage items,*
- (d) *to promote ecologically sustainable urban and rural development and control the development of flood liable land, and*
- (e) *to secure a future for agriculture by expanding Tamworth's economic base and minimising the loss or fragmentation of productive agricultural land.*

It is submitted that the proposed development is not inconsistent with these objectives.



## Land Use and Permissibility

The subject site is zoned *R1 General Residential* with the following zone objectives applying to that zone.

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

The proposed development is consistent with the objectives of the zone in that:

- The proposal would provide for a variety of housing types.
- The proposal would provide community facilities and other land uses that would service the day-to-day needs to the residents.

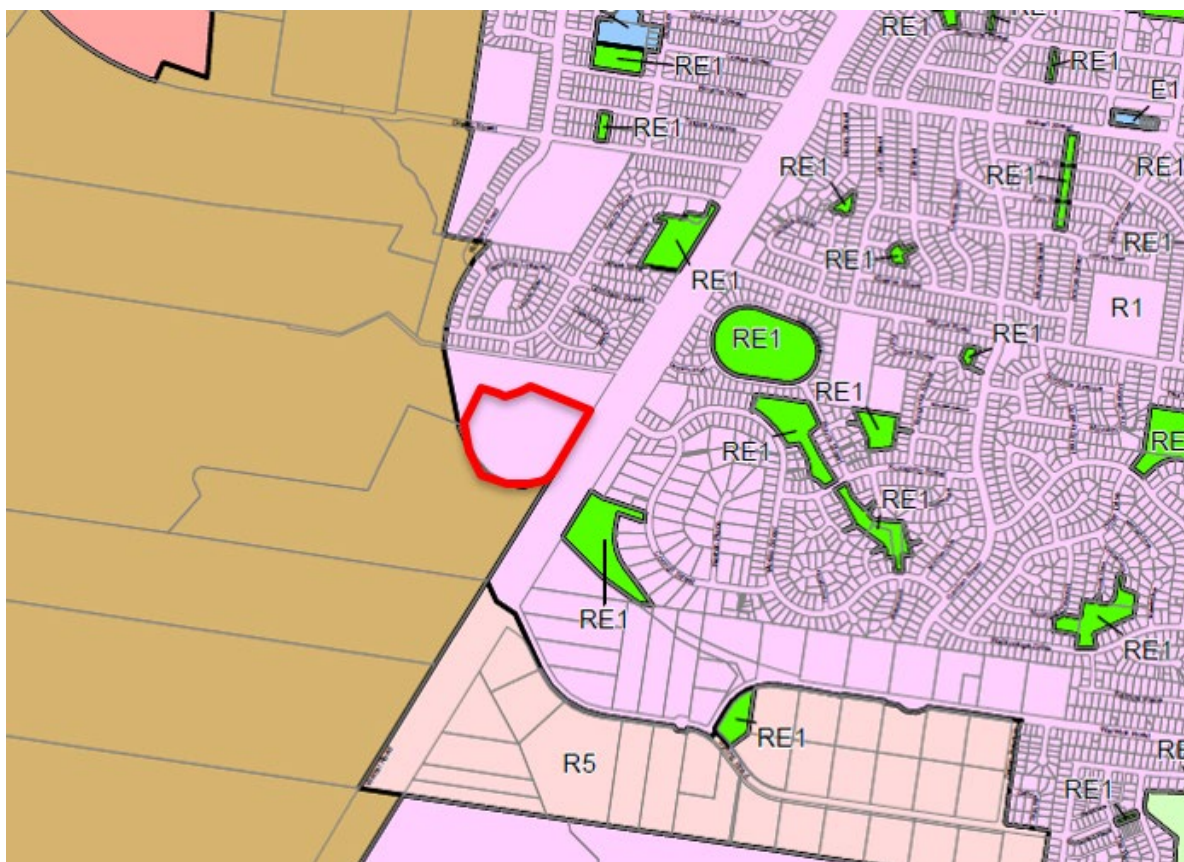


Figure 7 Land use zoning map

The following relevant clauses have also been considered in respect of this development proposal.

### Part 4 Principal Development Standards:

Standard	Permitted	Proposed	Comment
4.1 Minimum Lot Size	600sqm	N/A	Not applicable. The site is not proposed to be subdivided.

### Provision

### Comment

### Part 5 Miscellaneous Provisions

5.1 Relevant acquisition authority	N/A
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Provision		Comment
5.1A	Development on land intended to be acquired for public purposes	N/A
5.2	Classification and reclassification of public land	N/A
5.3	Development near zone boundaries	N/A
5.4	Controls relating to miscellaneous permissible uses	N/A
5.5	Controls relating to secondary dwellings on land in a rural zone	N/A
5.6	Architectural roof features	N/A
5.7	Development below mean high water mark	N/A
5.8	Conversion of fire alarms	N/A
5.9	Dwelling house or secondary dwelling affected by natural disaster	N/A
5.10	Heritage conservation	N/A
5.11	Bush fire hazard reduction	N/A
5.12	Infrastructure development and use of existing buildings of the Crown	N/A
5.13	Eco-tourist facilities	N/A
5.14	Siding Spring Observatory—maintaining dark sky	N/A
5.15	Defence communications facility	N/A
5.16	Subdivision of, or dwellings on, land in certain rural, residential or conservation zones	N/A
5.17	Artificial waterbodies in environmentally sensitive areas in areas of operation of irrigation corporations	N/A
5.18	Intensive livestock agriculture	N/A
5.19	Pond-based, tank-based and oyster aquaculture	N/A
5.20	Standards that cannot be used to refuse consent—playing and performing music	N/A
5.21	Flood planning	The site is not within the flood planning area.
5.22	Special flood considerations	N/A
5.23	Public bushland	N/A
5.24	Farm stay accommodation	N/A
5.25	Farm gate premises	N/A
<b>Part 7 Additional Local Provisions</b>		
7.1	Earthworks	Minor earthworks are required, however would not adversely impact on the environment.
7.2	(Repealed)	N/A
7.3	Erection of rural workers' dwellings on land in Zone RU1 and RU4	N/A
7.4	Development in Zones E1, E3 and MU1	N/A
7.5	Development within a designated buffer area	N/A
7.6	Development in flight path	N/A



Provision		Comment
7.7	Servicing 7.7 Development in areas subject to aircraft noise	N/A
7.8	Location of sex services premises and restricted premises	N/A
7.9	Temporary events on public reserves and public roads	N/A
7.10	Temporary workers' accommodation	N/A
7.11	Design excellence	N/A
7.12	Minimum dwelling density	N/A
7.13	Development control plan for certain land at Browns Lane and Manilla Road, Stratheden	N/A

The proposed development is consistent with the provisions of the LEP.

#### 4.8 Tamworth Regional Development Control Plan 2010

As stated previously, given a s68 approval will be required to install a manufactured home in an MHE or operate an MHE in any event, practically speaking, the 2021 Regulations should be complied with in the event of an inconsistency unless a DCP explicitly provides that it prevails over any other statutory instruments. The DCP does not state that it prevails over any other statutory instrument. An assessment against the LG(MHE) Regulation is provided at Appendix A, demonstrating the proposed development can comply with those requirements.

#### 4.9 Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021

*The object of LG(MHE) Regulation is to provide opportunities for affordable alternatives in short-term and long-term accommodation by setting standards—*

- (a) for the design of manufactured home estates, caravan parks and camping grounds, and*
- (b) for the design and construction of manufactured homes and other moveable dwellings, and*
- (c) for the siting of manufactured homes and other moveable dwellings, and*
- (d) to promote the health, safety and amenity of the occupiers of manufactured homes and other moveable dwellings.*

The objectives have been considered in the preparation of this application. An assessment against the LG(MHE) Regulation is provided at Appendix A, demonstrating the proposed development can comply with those requirements.



## 5 Key Planning Issues

The following impacts have been considered in the preparation of this development proposal.

### 5.1 Flora and Fauna

Approximately 156 existing trees are proposed to be removed from the site whilst some are proposed to be retained. The vegetation to be removed is not native to the site, noting the previous use of the site as a school. Whilst this application would result in the site being largely cleared, the resultant development outcome will result in a superior landscaped outcome.

### 5.2 Stormwater and Flooding

A stormwater concept plan has been submitted with the development application demonstrating compliance with Council's requirements in this regard and is consistent with the discussions held at the pre-lodgement meeting. Stormwater is directed to the easement, connecting on the western edge of the site through to the creek.

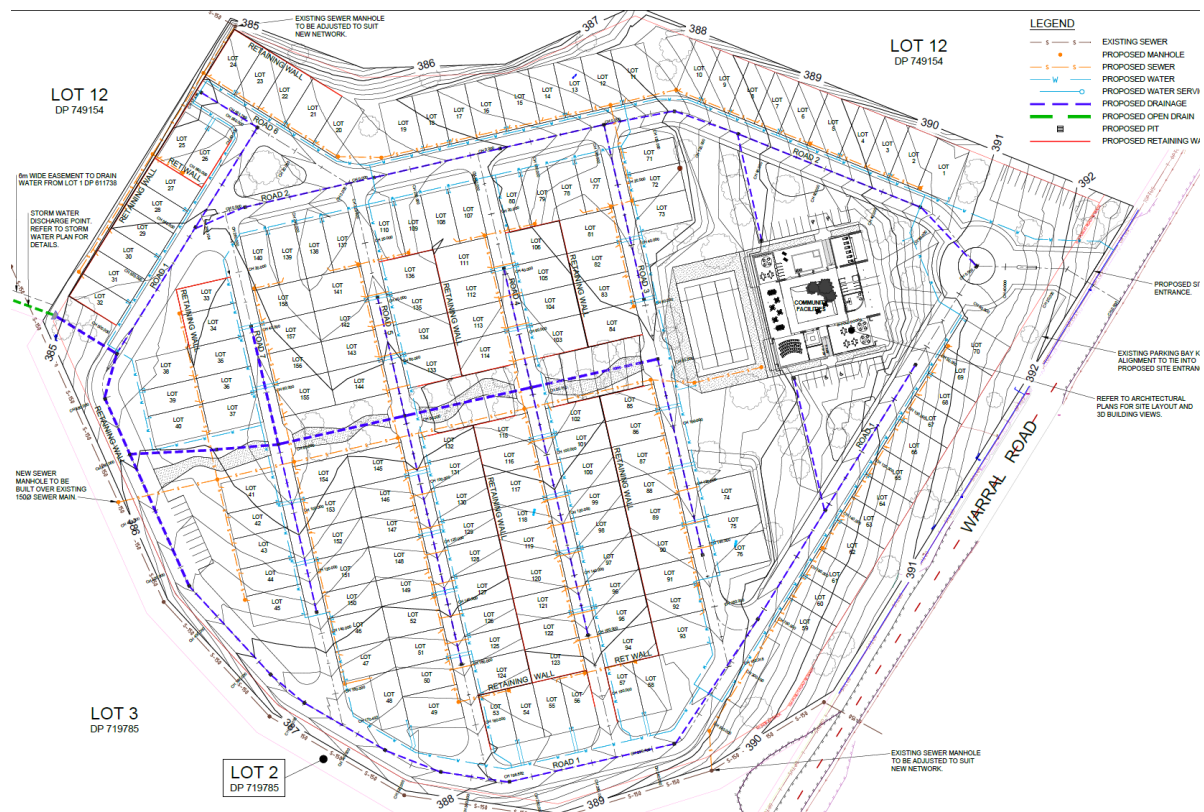


Figure 8 Stormwater Concept Plan

The accompanying Drainage Strategy Report also details the following strategy:

- Capture of stormwater from lot and road areas by an inverted road shape and pit and pipe drainage network located in the centre of the road.
- As the system's legal point of discharge The system is to be split into a northern and southern network to reduce channel discharge. The southern network is to discharge into the existing road network in Wattle Street
- Discharge from the major catchment outlets will be conveyed over land within the existing watercourses, or piped as required, toward eastern side of the site, generally similar to the discharge from the undeveloped catchments.



Details of the proposed local drainage system will be determined at the time of Construction Certificate application, to Council's standard requirements.

### 5.3 Traffic Generation and Parking

The proposed development would increase the traffic generation only marginally and therefore would not adversely impact on the traffic within the local road network. It is considered that the proposed carport/garages for each dwelling as well as the fifty-three additional spaces on the site would be sufficient enough to cater for the parking needs of the proposal. It is considered that there would be no negative impact anticipated in this regard.

### 5.4 Services

The site is appropriately serviced to allow for the proposed development. Any requirements to upgrade will be confirmed at the time of obtaining a Construction Certificate.

### 5.5 Social and Economic

There are no negative social or economic impacts considered relevant to the proposal.

### 5.6 Crime Prevention Through Environmental Design (CPTED)

The consideration of CPTED issues has been prepared having regard to various published CPTED literature and academic works, and specifically includes the "*Crime Prevention and Assessment of Development Application Guidelines under Section 4.15 of the Environmental Planning and Assessment Act 1979*" published by the former Department of Urban Affairs and Planning.

The advice is structured in accordance with Part B of the above guidelines – *Principles for Minimising Crime Risk*. In this regard, the advice considers the responsiveness of the proposed design to each of the adopted four principles for CPTED (surveillance; access control; territorial reinforcement and space management).

CPTED principles have been adopted by the NSW Police Force, based on recognition that the design of spaces plays a pivotal role in facilitating the safety and security of its users. The NSW Police Force has identified key principles of CPTED being:

- Establish opportunities for **good surveillance**, both casually and technically.
- Provide legible barriers for **access control** for spatial definition.
- Create a sense of ownership over spaces that are also clearly demarcated between public and private ownership for **territorial reinforcement**.
- Establish spaces that are utilised appropriately through **proper space management**, relating to litter and graffiti removal, and ensuring lighting fixtures are working.

When implemented, these measures are likely to reduce opportunities for crime by using design and place management principles.

#### Surveillance

The proposed development will provide numerous opportunities for surveillance. The following casual surveillance opportunities have been provided through the design of the project:

- Opportunities for visual observance through a high percent of transparent glazing from dwellings and community buildings allow normal space users to see and be seen by others.
- Entries are located in highly visible locations.
- Active communal areas at the front and rear of the building are well positioned.
- Clear visual pathways within resident areas as well as from public streets to private entrances.
- Areas of entrapment are limited due to multiple exit points from around the development.



### **Access Control**

Access control to public, semi public and private areas of the development is considered to be well managed and effective. Access control to buildings can be effectively managed through lockable entry doors. Common areas at all locations and levels should have access control measure in place. With respect to fire escape points and building services rooms, the location of these access points, the use of lockable doors and other environmental cues will make it clear that these are not public entry points.

### **Territorial Reinforcement**

Clear separation exists between public and private space in terms of the relationship between the proposal and the public domain. Appropriate signage, landscaping, site furnishings and paving will provide good environmental cues about the transition or movement from public to private domain.

### **Space Management**

For most modern residential developments, space management is increasingly carried out in a professional manner, often by third party specialist building management businesses. Therefore, the effectiveness of management systems such as light globe replacement, removing graffiti, and fixing broken site furnishings will influence the perceived level of care of the project. In this case, the on-site manager will ensure that processes are established to respond to and fix services and structures and under whose responsibilities these services are assigned.

Site cleanliness is also a factor that influences the perceived and actual level of care of an area.

Cleanliness of the project is dependent upon the management practices of individual residents as well as the implementation of waste removal and street cleaning processes. This will be overseen by the on-site manager. The selection of lighting should also be vandal proof, and materials facilitate ease of maintenance in the long-term, to delay the appearance of decay.

## **5.7 Waste Management**

Appropriate waste management measures would be put in place on the site that are consistent with Council's requirements. This will include the provision of bins for individual dwellings, which will be collected by the on-site manager for collection by a private contractor.



## 6 Section 4.15 Assessment

The following assessment against Section 4.15 of the EPA Act has been undertaken.

Table 3 Section 4.15 Assessment

Clause	Consideration
<b>Section 4.15(1)(a)(i) – Any Environmental Planning Instruments</b>	<p>The relevant environmental planning instruments have been considered earlier in this report. These include the following:</p> <ul style="list-style-type: none"> <li>• Rural Fires Act 1997</li> <li>• State Environmental Planning Policy (Biodiversity and Conservation) 2021</li> <li>• State Environmental Planning Policy (Housing) 2021</li> <li>• State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>• Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021</li> <li>• Tamworth Regional Local Environmental Plan 2010</li> <li>• Tamworth Regional Development Control Plan 2010</li> </ul> <p>The proposal is permissible with consent and is considered satisfactory when assessed against the relevant controls.</p>
<b>Section 4.15(1)(a)(ii) – Any Draft Environmental Planning Instrument</b>	There are no known draft Environmental Planning Instruments applicable to the subject site.
<b>Section 4.15(1)(a)(iii) – Any Development Control Plan</b>	The application of the DCP in respect of this proposal has been explained earlier in this report.
<b>Section 4.15(1)(a)(iiia) – Any Planning Agreement</b>	There are no known planning agreements that apply to the site or development.
<b>Section 4.15(1)(a)(iv) – The Regulations</b>	There are no sections of the regulations that are relevant to the proposal at this stage.
<b>Section 4.15(1)(a)(v) – Any Coastal Zone Management plan</b>	Not relevant to the proposed development.
<b>Section 4.15(1)(b) – The Likely Impacts of the Development</b>	<p><u>Natural and Environmental</u></p> <p>Whilst the proposal requires a number of existing trees to be removed, additional landscaping is proposed that would provide sufficient amounts of landscaping that will contribute to a positive streetscape.</p> <p><u>Social and Economic</u></p> <p>The proposed development would not have an adverse social and/or economic impact.</p> <p><u>Built</u></p> <p>The layout of the manufactured home estate provides opportunity for landscaping and communal spaces as well as provided internal access and manoeuvring to each site. The provision of five different types of dwellings for the sites means that there is diversity in architectural style and design.</p>



Clause	Consideration
<b>Section 4.15(1)(c) – The Suitability of the Site</b>	<p>The proposal is generally consistent with the planning controls that apply in this zone. Moreover, the objectives of the zone have been satisfied, ensuring that the MHE would not result in any unacceptable impact on any adjoining landowners or buildings.</p> <p>The site is considered to be suitable for the development for the reasons outlined below:</p> <ul style="list-style-type: none"><li>• The proposal is permissible with consent in the R1 zone.</li><li>• The proposal represents an appropriate land use and built form located on an appropriately serviced site that is in an accessible location.</li><li>• The proposal is compatible with surrounding land uses which include residential developments.</li><li>• The proposal provides facilities for the day-to-day needs of the occupants.</li><li>• The proposal represents additional diverse housing supply to the City.</li></ul>
<b>Section 4.15(1)(d) – Any Submission Made</b>	<p>Council may undertake a notification process in accordance with its controls and policies. We welcome the opportunity to provide additional information in response any submissions received.</p>
<b>Section 4.15(1)(e) – The Public Interest</b>	<p>Given the type of development, its general compliance with the planning controls, how the objectives are satisfied and the suitability of the site it is considered that the public interest would not be jeopardised as a result of this development.</p>

The proposed development is considered to satisfy the relevant provisions of the Act.



## 7 Conclusion and Recommendation

The proposed development has been assessed against the requirements of the Tamworth Regional LEP and DCP and is considered to represent a form of development that is acceptable.

The proposed MHE would not result in any unacceptable impact on the locality.

The proposed development provides a functional layout and design that would positively contribute to the streetscape and afford good amenity to the future occupants.

The site is considered quite suitable for a use of this nature and is consistent with nearby and adjoining development.

An assessment against Section 4.15 of the EPA Act has not resulted in any significant issues arising.

Accordingly, it is recommended that the proposed development be approved.

# Appendix A

Local Government (Manufactured Home Estates,  
Caravan Parks, Camping Grounds and Moveable  
Dwellings) Regulation 2021 Assessment



**Stimson**

Advisory

**Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021**

**171-187 Warral Road, West Tamworth**

Provision	Consideration
<b>Part 2 Manufactured home estates and manufactured homes</b>	
<b>Division 1 Application of Part</b>	
<b>5 Application of Part</b>	
<b>This Part applies to—</b>	
(a) the operation of manufactured home estates, and	Applicable.
(b) the installation of manufactured homes in manufactured home estates.	Applicable.
<b>Division 2 Approvals and exemptions</b>	
<b>Subdivision 1 Operation of manufactured home estates</b>	
<b>6 Factors for consideration before approval is granted</b>	
(1) The council must not grant an approval unless satisfied the manufactured home estate will be designed, constructed, maintained and operated in accordance with Division 3.	Noted. The application has been prepared on this basis.
(2) Before approving the operation of a manufactured home estate on flood liable land, the council must consider the principles in the Floodplain Development Manual.	Not applicable.
<b>7 Matters to be specified in approval</b>	
An approval must specify, by reference to a plan, the number, size and location of the dwelling sites allowed by the approval.	Noted. The SEE details this information.
<b>8 Conditions of approval</b>	
An approval is subject to the condition that the manufactured home estate is designed, constructed, maintained and operated in accordance with Division 3.	Noted.



Provision	Consideration
<b>Subdivision 2 Installation of manufactured homes and associated structures in manufactured home estates</b>	
<b>9 Conditional exemption</b>	
(1) A person may, without an approval—	Noted.
(a) install a manufactured home on land within a manufactured home estate if the home is—	
(i) designed, constructed and installed in accordance with Division 4, and	
(ii) not occupied by a person until a certificate of completion has been issued, or	
(b) install an associated structure on land within a manufactured home estate if the structure is designed, constructed and installed in accordance with Division 4.	
(2) The installation must be carried out by, or with the consent of, the holder of the approval.	Noted.
(3) This section does not apply—	
(a) if the council has given the holder of the approval written notice that the land is flood liable land—to the installation of a manufactured home on flood liable land, or	Not applicable.
(b) to the installation of a manufactured home or associated structure exceeding 1 storey	Not applicable at this stage - single storey dwellings contemplated.
<b>10 Installation on flood liable land</b>	
(1) Before approving the installation of a manufactured home or associated structure on flood liable land, the council must consider the principles in the Floodplain Development Manual.	Not applicable.
(2) It is a condition of an approval to install a manufactured home or an associated structure on flood liable land that the manufactured home is designed, constructed and installed in accordance with Division 4.	Not applicable.
<b>11 Installation of manufactured home or associated structure of more than 1 storey</b>	
Before approving the installation of a manufactured home or associated structure exceeding 1 storey, the council must consider the likely impact on the amenity of—	Not applicable.
(a) occupiers of adjoining manufactured homes, and	

Provision	Consideration
(b) occupiers of land adjoining the manufactured home estate.	
<b>Division 3 Manufactured home estates</b>	
<b>Subdivision 1 Land and dwelling site requirements</b>	
<b>12 Minimum size of estate</b>	
A manufactured home estate must not have an area of less than—	
(a) 1 hectare, or	Complies.
(b) if a lesser area is permitted on the land by an environmental planning instrument, the lesser area.	Not applicable.
<b>13 Community amenities</b>	
(1) A minimum of 10% of the total land area of a manufactured home estate must be reserved for recreation or other communal activities.	Complies.
(2) The council may allow a lower percentage, not less than 6% of the total land area of the manufactured home estate, to be reserved for recreation or other communal activities.	Not applicable.
(3) Before allowing a lower percentage, the council must consider—	Not applicable.
(a) the type and range of amenities to be provided, and	
(b) other matters the council considers relevant.	
<b>14 Size of dwelling sites</b>	
A dwelling site must have an area of at least 130 square metres.	Complies.
<b>15 Site identification</b>	
(1) A dwelling site must be numbered or identified with its site boundaries clearly outlined.	Complies.
(2) The site identification must be easily recognised.	Complies.
<b>Subdivision 2 Setbacks</b>	
<b>16 Dwelling sites to have road frontage</b>	
A dwelling site must have vehicular access to an access road.	Complies.

Provision	Consideration
<b>17 Setbacks of community buildings</b>	
(1) A community building must not be located closer than 10 metres to the boundary of a manufactured home estate or dwelling site.	Complies.
(2) The council may allow a lesser distance of at least 2 metres if satisfied the community building has been or will be properly screened, fenced, enclosed or otherwise treated.	Not applicable.
<b>18 Setbacks of dwelling sites from road frontages</b>	
(1) A dwelling site must not be located closer than—	
(a) 10 metres to a public road, or	Complies.
(b) 3 metres to another boundary of the manufactured home estate.	Complies.
(2) The council may allow a lesser distance if satisfied the dwelling site has been or will be properly screened, fenced, enclosed or otherwise treated.	Noted.
<b>19 Use of buffer zones</b>	
Nothing in this Part prevents land within a required setback from being used for—	
(a) community amenities, access roads, car parking spaces, footpaths or landscaping, or	Noted.
(b) a similar purpose allowed by the council.	Noted.
<b>Subdivision 3 Roads</b>	
<b>20 Entrance and exit roads</b>	
(1) A road forming an entrance to or exit from a manufactured home estate must be at least 8 metres wide.	Complies.
(2) For 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.	Complies.
(3) The council may specify, in an approval, the way in which an entrance or exit road must meet the sealed portion of other access roads.	Complies.
<b>21 Width of roads</b>	
(1) The width of the road reserve must be at least—	
(a) 8.5 metres for a major access road, and	Complies.

Provision	Consideration
(b) 6 metres for a minor access road.	Complies.
(2) The width of the sealed portion of an access road must be at least—	
(a) 6 metres for a major access road, and	Complies.
(b) 4 metres for a minor access road.	Complies.
(3) If a minor access road exceeds 80 metres in length, a passing bay must be provided within the road reserve.	Can comply.
(4) Passing bays must be provided at intervals of no more than 100 metres.	Can comply.
(5) The width of the sealed portion of an access road at a passing or parking bay must be at least—	
(a) 8.5 metres for a major access road, and	Can comply.
(b) 6 metres for a minor access road.	Can comply.
<b>22 Speed restrictions as part of road design</b>	
Access roads must be designed to limit the speed at which vehicles may travel on the roads to—	
(a) 30 kilometres per hour for major access roads, and	Can comply.
(b) 15 kilometres per hour for minor access roads.	Can comply.
<b>23 Visitor parking</b>	
(1) A manufactured home estate must contain at least the following number of visitor parking spaces—	
(a) for a manufactured home estate containing no more than 35 sites—8 spaces,	Not applicable.
(b) for a manufactured home estate containing more than 35 sites, but no more than 70 sites—12 spaces,	Not applicable.
(c) for a manufactured home estate containing more than 70 sites, but no more than 105 sites—16 spaces,	Not applicable.
(d) for a manufactured home estate containing more than 105 sites—20 spaces plus 1 additional space for every 7 sites above 140 sites.	Can comply.

Provision	Consideration
(2) Each parking space must have minimum dimensions of—	
(a) for angle parking—5.4 metres by 2.5 metres, or	Can comply.
(b) otherwise—6.1 metres by 2.5 metres.	Can comply.
(3) Visitor parking spaces must be clearly identified.	Can comply.
<b>24 Visitor parking for people with disabilities</b>	
(1) A manufactured home estate must contain—	
(a) at least 1 visitor parking space for people with a disability (a <i>disabled parking space</i> ), or	Can comply.
(b) if the manufactured home estate contains 100 sites or more—at least 1 additional disabled parking space for—	Complies.
(i) the first 100 sites, and	
(ii) every further 100 sites, and	
(iii) a remaining part, if any, of 100 sites.	
(2) A disabled parking space must be—	
(a) provided in accordance with AS/NZS 2890.1:2004, <i>Parking facilities, Part 1: Off street car parking</i> , and	Complies.
(b) clearly identified as a disabled parking space.	Complies.
(3) A disabled parking space may be counted as a visitor parking space.	
<b>25 Road surfaces</b>	
All access roads, including all passing and parking bays, must—	
(a) have an all-weather sealed or other surface finish specified in the approval, and	Complies.
(b) be adapted to the land to enable adequate drainage and remove excessive grades.	Complies.

Provision	Consideration
<b>26 Lighting</b>	
All access roads must be adequately lit between sunset and sunrise.	Can comply.
<b>Subdivision 4 Utility services</b>	
<b>27 Water supply</b>	
(1) A manufactured home estate must be—	
(a) connected to a mains water supply, or	Can comply.
(b) provided with an alternative water supply service as specified in the approval.	Not applicable.
(2) A dwelling site must be—	
(a) connected to the water supply service for the manufactured home estate, and	Can comply.
(b) provided with—	
(i) a separate water meter, and	Can comply.
(ii) a separate water service isolating valve.	Can comply.
(3) The water supply service must comply with—	
(a) the <i>Plumbing and Drainage Act 2011</i> and the regulations made under that Act, and	Can comply.
(b) the requirements of a relevant statutory body.	Can comply.
(4) The water supplied for human consumption or domestic purposes must comply with the <i>Australian Drinking Water Guidelines</i> 6 published in October 2011 by the National Health and Medical Research Council.	Can comply.
<b>28 Sewerage</b>	
(1) A manufactured home estate must be—	
(a) connected to a main sewer, or	Can comply.
(b) provided with an alternative sewage disposal system as specified in the approval.	Not applicable.
(2) A dwelling site must be connected to the sewage disposal system for the manufactured home estate.	Can comply.

Provision	Consideration
(3) The sewage disposal system must comply with—	
(a) the <i>Plumbing and Drainage Act 2011</i> and the regulations made under that Act, and	Can comply.
(b) the requirements of a relevant statutory body.	Can comply.
<b>29 Drainage</b>	
(1) A manufactured home estate must be provided with a stormwater drainage system as specified in the approval.	Can comply.
(2) A dwelling site must be—	
(a) connected with the stormwater drainage system for the manufactured home estate, or	Can comply.
(b) provided with an on-site stormwater drainage system.	Can comply.
(3) A stormwater drainage system must comply with—	
(a) the Plumbing Code of Australia, and	Can comply.
(b) the requirements of a relevant statutory body.	Can comply.
<b>30 Electricity supply</b>	
(1) A dwelling site must be supplied with electricity from a reticulated electricity service by an electrical circuit connected to a separate electricity meter.	Can comply.
(2) The electrical circuit must be installed in accordance with the Australian/New Zealand Wiring Rules.	Can comply.
(3) The maximum capacity of the electrical circuit supplying a dwelling site is not required to be more than 32 amperes if the site is provided with gas, whether by a reticulated gas service or on-site gas containers.	Can comply.
(4) If a dwelling site is provided with electricity otherwise than by a direct connection to the local electricity supply authority's electricity main, the occupant of the dwelling site may only be charged reasonable charges for the supply of the electricity.	Can comply.
<b>31 Telephone lines</b>	
Telephone services, if available, must be provided by a telephone connection that is available to each dwelling site within the manufactured home estate.	Can comply.

Provision	Consideration
<b>32 Common trenches</b>	
A common trench may be used for the installation of services in accordance with guidelines provided in AMCORD.	Can comply.
<b>Subdivision 5 General</b>	
<b>33 Garbage removal</b>	
Arrangements specified in an approval must be implemented and maintained—	
(a) for the removal of garbage, and	Can comply.
(b) to keep garbage receptacles in a clean and sanitary condition.	Can comply.
<b>34 Fire hydrants</b>	
(1) No part of a dwelling site or community building within a manufactured home estate may be located more than 90 metres from a fire hydrant.	Can comply.
(2) A fire hydrant located within a manufactured home estate must be—	
(a) a double-headed pillar-type fire hydrant, and	Can comply.
(b) maintained to the standard specified in the approval.	Can comply.
<b>35 Buildings</b>	
(1) A building must not be erected on a manufactured home estate unless the approval allows the erection of the building.	Can comply.
(2) An approval may allow only the following kinds of buildings to be erected on the manufactured home estate—	
(a) community buildings,	Can comply.
(b) brick or masonry walls to erect—	
(i) separating walls between adjoining manufactured homes, or	Can comply.
(ii) external facades to manufactured homes.	Can comply.
(3) The approval may allow the erection of a brick or masonry wall to erect an external facade to a manufactured home only if—	
(a) the dwelling site on which the manufactured home is located is a neighbourhood lot, and	Can comply.



Provision	Consideration
(b) the owner of the manufactured home is the owner of the neighbourhood lot.	Can comply.
(4) In this section— <b>neighbourhood lot</b> has the same meaning as in the <i>Community Land Development Act 1989</i> .	
<b>36 Use of manufactured home estates</b>	
(1) A manufactured home estate must not be used—	
(a) for a commercial purpose other than a manufactured home estate or an associated purpose, or	Can comply.
(b) for the manufacture, construction or reconstruction of moveable dwellings.	Can comply.
(2) A manufactured home may be used for exhibition purposes.	Noted.
(3) A manufactured home installed in a manufactured home estate may be renovated, maintained and repaired.	Noted.
<b>37 Community map</b>	
The holder of an approval must provide the council with a copy of the community map for the manufactured home estate—	
(a) as soon as practicable after an amendment is made to the map, and	Can comply.
(b) at other times reasonably required by the council.	Can comply.
<b>38 Access to approval and community map</b>	
The holder of an approval must ensure that copies of the following documents are available for inspection, free of charge, by an occupant of the manufactured home estate—	
(a) the approval for the manufactured home estate,	Can comply.
(b) the current community map,	Can comply.
(c) this Regulation.	Can comply.

Provision	Consideration
<b>Division 4 Manufactured homes and associated structures</b>	
<b>Subdivision 1 General</b>	
<b>39 Specifications for design, construction, installation, modification and extension of manufactured homes and associated structures</b>	
(1) The Minister may, by order published in the Gazette, establish specifications for the design, construction, installation, modification and extension of manufactured homes and associated structures.	Noted.
(2) The specifications may adopt, with or without modification, the provisions of a rule, standard or code of practice.	Noted.
(3) A manufactured home or associated structure must be designed, constructed, installed, modified and extended in accordance with the specifications.	Noted.
<b>40 Installation allowed only on dwelling sites</b>	
(1) A manufactured home must only be installed in a manufactured home estate on a dwelling site.	Noted.
(2) This section does not apply to a manufactured home that is used only—	
(a) for a community amenity, or	Noted.
(b) as a manager's or caretaker's office or residence.	Noted.
<b>41 Manufactured homes to be constructed and assembled off-site</b>	
(1) A manufactured home must not be installed on a dwelling site unless each major section of the manufactured home is—	
(a) constructed and assembled at a place of manufacture outside the manufactured home estate, and	Can comply.
(b) transported to the manufactured home estate from the place.	Can comply.
(2) The following work may be carried out on the dwelling site—	Noted.
(a) the fixing of cornices,	
(b) the setting of wall lining joints,	
(c) the fitting of skirting boards and architraves,	
(d) the grouting of tiles.	

Provision	Consideration
<b>42 Installation allowed only if dwelling site is properly serviced</b>	
A manufactured home must not be installed on a dwelling site unless the dwelling site complies with Division 3.	Can comply.
<b>43 Density</b>	
No more than 1 manufactured home may be installed on 1 dwelling site.	Complies.
<b>44 Setbacks for manufactured homes</b>	
A manufactured home must not be located—	
(a) within 1 metre of a road reserve, or	Can comply.
(b) within 2 metres of the boundary of the manufactured home estate.	Can comply.
<b>45 Site coverage</b>	
(1) A manufactured home must not be installed on a dwelling site if the manufactured home floor area is more than 65% of the site area.	Can comply.
(2) If there is no carport or garage on the dwelling site, the site must contain an area—	
(a) with minimum dimensions of 6 metres by 3 metres, and	Can comply.
(b) accessible from an access road, and	Can comply.
(c) used for car parking.	Can comply.
(3) In this section—	
<b><i>manufactured home floor area</i></b> means—	
(a) the area occupied by—	
(i) the manufactured home, and	
(ii) associated structures or other buildings, excluding areas without a roof, and	
(b) if there is no carport or garage on the dwelling site—an area of 18 square metres.	
<b>46 Minimum open space requirements for dwelling sites</b>	
(1) A dwelling site must contain at least 30 square metres of open space.	Can comply.

Provision	Consideration
(2) An open space must include at least 1 area with minimum dimensions of 3 metres.	Can comply.
(3) In calculating the area of open space in a dwelling site, a space with a width or length of less than 2 metres must not be included.	Can comply.
(4) In this section— <b>open space</b> means space on which there is no building, structure or car parking space.	Noted.
<b>47 Site boundary arrangements</b>	
(1) A manufactured home (the <b>proposed manufactured home</b> ) must not be installed within 1 metre of the boundary of an adjoining dwelling site unless—	
(a) it is not practical to install a manufactured home on the part of the adjoining site that is within 2 metres of the proposed manufactured home, and	Noted.
(b) a minimum 1 metre wide access will be provided along each external wall of the proposed manufactured home.	Noted.
(2) This section does not apply to the installation of semi-detached manufactured homes on adjoining dwelling sites if they are separated by construction that complies with the fire safety and sound insulation provisions relating to class 1 buildings in the <i>ABC Housing Provisions Standard</i> , Parts 9.3 and 10.7.	Not applicable.
<b>48 Garages</b>	
(1) A garage may adjoin a site boundary.	Noted.
(2) A shared double carport or shared double garage may extend over a site boundary.	Noted.
(3) Adjacent garages may adjoin along a shared site boundary.	Noted.
(4) If a garage on a dwelling site is located within 900 millimetres of both the manufactured home and the site boundary of an adjoining dwelling site—	
(a) the external walls of the manufactured home that face the garage must comply with the <i>ABC Housing Provisions Standard</i> , Part 9.2 for class 1 buildings, or	Noted.
(b) the external walls of the garage that face the manufactured home must comply with the <i>ABC Housing Provisions Standard</i> , Part 9.2 for class 10 buildings.	Noted.

Provision	Consideration
<b>49 Carports</b>	
(1) The following parts of a carport must be non-combustible— (a) the roof covering, (b) the ceiling lining, (c) the wall cladding, (d) the gable.	Can comply.
(2) A carport must have— (a) at least 2 open sides, and (b) a roof covering at least 500 millimetres from the manufactured home, associated structure or site boundary, and (c) at least one-third of its perimeter open.	Can comply.
(3) A carport must not provide direct vertical support to the manufactured home.	Can comply.
(4) If a carport shares a roof with a manufactured home and the carport does not have a ceiling, the opening between the top of the wall of the manufactured home and the underside of the roof covering of the carport must be infilled with— (a) a non-combustible material, or (b) construction clad with non-combustible material on the carport side.	Can comply.
<b>50 Associated structures not to contain habitable rooms</b>	
An associated structure must not be designed or modified to be capable of being used as a habitable room.	Noted.
<b>Subdivision 2 Design</b>	
<b>51 Structural soundness</b>	
(1) A manufactured home and associated structure must be of a design certified by a practising structural engineer to be structurally sound.	Can comply.

Provision	Consideration
(2) The engineer's certificate must—	
(a) certify that the manufactured home or associated structure complies with all relevant standards, codes and specifications, and	Can comply.
(b) include specifications for—	
(i) the way in which the manufactured home or associated structure must be transported and installed, and	Can comply.
(ii) the footings, if any, on which the manufactured home or associated structure must be installed.	Can comply.
(3) Specifications for footings or tie-down systems must consider—	
(a) the design gust wind speed, and	Can comply.
(b) the soil type, and	Can comply.
(c) other design considerations relevant to the location in which the manufactured home or structure will be installed.	Can comply.
(4) This section does not apply to fences or privacy screens.	Noted.
<b>52 Design gust wind speed</b>	
(1) A manufactured home or associated structure must be designed in accordance with the following—	
(a) AS/NZS 1170.1:2002, <i>Structural design actions—Part 1: Permanent, imposed and other actions</i> ,	Can comply.
(b) AS/NZS 1170.2:2011, <i>Structural design actions: Wind actions</i> or AS 4055:2021, <i>Wind loads for housing</i> ,	Can comply.
(c) AS/NZS 1170.3:2003, <i>Structural design actions, Part 3: Snow and ice actions</i> ,	Can comply.
(d) AS 1170.4—2007, <i>Structural design actions, Part 4: Earthquake actions in Australia</i> .	Can comply.
(2) The design gust wind speed for the location of a manufactured home or associated structure is taken to be at least 41 metres per second.	Can comply.

Provision		Consideration
<b>53 Floor area of manufactured home</b>		
The enclosed floor area of a manufactured home must be at least 35 square metres.		Can comply.
<b>54 Floor areas of certain rooms</b>		
(1) The floor area of a bathroom in a manufactured home must be at least 2.2 square metres plus an additional—		
(a)	0.6 square metre if the bathroom has a separate shower and bath, and	Can comply.
(b)	0.7 square metre if the bathroom has a toilet, and	Can comply.
(c)	1.6 square metres if the manufactured home does not include a separate laundry.	Can comply.
(2) The floor area of a shower room in a manufactured home must be at least 1.1 square metres.		Can comply.
(3) If a toilet is installed in a separate room in a manufactured home, the room must have—		
(a)	an area of at least 1.1 square metres, and	Can comply.
(b)	a width of at least 0.8 metre.	Can comply.
(4) The floor area of a laundry in a manufactured home must be at least 1.6 square metres.		Can comply.
<b>55 Ceiling height</b>		
(1) The ceiling height of a habitable room in a manufactured home must be at least 2.4 metres.		Can comply.
(2) The ceiling height of a kitchen, laundry, hallway or other similar room or area in a manufactured home must be at least 2.1 metres.		Can comply.
<b>56 Separation of kitchen areas</b>		
A toilet must not be located in a room in a manufactured home that leads directly into a kitchen or other food preparation area unless the room containing the toilet is mechanically ventilated.		Can comply.
<b>57 Lighting and ventilation</b>		
(1) A manufactured home must have adequate provision for light and ventilation.		Can comply.

Provision	Consideration
(2) A habitable room in a manufactured home must have at least—	
(a) 1 window, or	Can comply.
(b) 1 opening into an adjoining room that has at least 1 window.	Can comply.
(3) The window or opening, or a combination of both, in a habitable room must—	
(a) have a total area of at least 10 per cent of the floor area of the room, and	Can comply.
(b) include an area of at least 5 per cent of the floor area of the room that is capable of being opened.	Can comply.
(4) If the habitable room has no windows, the window in the adjoining room must—	
(a) have a total area of at least 10 per cent of the floor area of both the habitable room and the adjoining room, and	Can comply.
(b) include an area of at least 5 per cent of the floor area of both the habitable room and the adjoining room that is capable of being opened.	Can comply.
<b>Subdivision 3 Construction</b>	
<b>58 Termite shields</b>	
Shields or barriers must be provided in accordance with AS 3660.1—2014, <i>Termite management, Part 1: New building work</i> to protect structural members, if any, that are susceptible to attack by termites.	Can comply.
<b>59 Glazing</b>	
Glazing materials must be selected and installed in accordance with—	
(a) AS 1288—2021, <i>Glass in buildings—Selection and installation</i> , and	Can comply.
(b) if safety glass is required—AS/NZS 2208:1996, <i>Safety glazing materials in buildings</i> .	Can comply.



Provision	Consideration
<b>60 External waterproofing</b>	
The following parts of a manufactured home must be constructed to prevent rain or damp penetrating to the inner parts of the home—	
(a) the roof,	Can comply.
(b) the external walls,	Can comply.
(c) the door and window frames.	Can comply.
<b>61 Internal waterproofing</b>	
(1) The following must consist of, or be covered by, material that is impervious to water—	
(a) the floor of a bathroom or shower room, and	Can comply.
(b) the floor of a room containing a toilet or washing machine.	Can comply.
(2) The following must be impervious to water to a height of at least 1.8 metres above the floor—	
(a) the wall surface of a shower enclosure, or	Can comply.
(b) for a shower that is not enclosed—a wall surface within 1.5 metres of the shower fitting.	Can comply.
(3) A wall surface within 75 millimetres of a bath, basin or other similar bathroom fixture must be impervious to water to a height of at least 150 millimetres above the fixture.	Can comply.
<b>62 Plumbing and drainage</b>	
(1) All pipes and fittings in a manufactured home relating to water supply or sewerage must be installed in accordance with—	
(a) the <a href="#">Plumbing and Drainage Act 2011</a> and the regulations made under that Act, and	Can comply.
(b) the requirements of a relevant statutory body.	Can comply.
(2) All pipes and fittings in a manufactured home relating to stormwater drainage must be installed in accordance with—	
(a) the Plumbing Code of Australia, and	Can comply.
(b) the requirements of a relevant statutory body.	Can comply.

Provision	Consideration
<b>63 Electrical wiring</b>	
The electrical wiring in a manufactured home must comply with the Australian/New Zealand Wiring Rules.	Can comply.
<b>64 Fire and smoke alarms</b>	
(1) A manufactured home must be equipped with an automatic fire detection and alarm system that complies with the <i>ABCB Housing Provisions Standard</i> , Part 9.5 for class 1(a) buildings.	Can comply.
(2) This section does not apply to a manufactured home constructed before 1 January 1996.	Can comply.
<b>Subdivision 4 Installation</b>	
<b>65 Footings</b>	
(1) A manufactured home or associated structure must be installed on footings if required by the engineer's certificate for the home or structure.	Can comply.
(2) The footings and tie-down system for the manufactured home or associated structure must be constructed in accordance with the engineer's certificate.	Can comply.
(3) The clearance beneath the home or structure must—	
(a) provide adequate underfloor cross-flow ventilation, and	Can comply.
(b) be—	
(i) if termite shields are required to be installed—at least 400 millimetres, or	Can comply.
(ii) otherwise—at least 200 millimetres, or	Can comply.
(iii) a lesser clearance specified in the approval.	Can comply.
<b>66 Installation to comply with specifications</b>	
A manufactured home must be installed on a dwelling site in accordance with—	
(a) the specifications set out in the engineer's certificate for the manufactured home, or	Can comply.
(b) other specifications specified in the approval.	Can comply.

Provision	Consideration
<b>67 Compliance plate</b>	
(1) A compliance plate must be attached to an accessible part of the following structures—  (a) a manufactured home,  (b) an associated structure forming part of a manufactured home,  (c) an associated structure comprising a freestanding garage.	Can comply.
(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 this Division,  (f) the name of the practising structural engineer who issued the engineer's certificate for the manufactured home.	Can comply.
(3) A unique identification number must be permanently marked on each major section of the manufactured home.	Can comply.
(4) The Minister may, by order published in the Gazette, issue specifications for the design, construction, issue and registration of compliance plates.	Noted.
(5) A compliance plate must be designed, constructed, issued and registered in accordance with the specifications.	Noted.
<b>68 Notice of completion of installation</b>	
(1) The holder of an approval must give the council written notice of the installation of a manufactured home or associated structure within 7 days after its completion.	Can comply.

Provision	Consideration
(2) The notice must—  (a) indicate the site identifier of the dwelling site on which the manufactured home or associated structure has been installed, and  (b) include the particulars specified on each compliance plate relating to the manufactured home or associated structure.	Can comply.
(3) The notice must be accompanied by—  (a) a copy of the engineer's certificate for the manufactured home or associated structure, and  (b) a diagram of the dwelling site for the manufactured home or associated structure indicating whether the setback, density, open space and site identification requirements of this Part have been complied with.	Can comply.
<b>Division 5 Miscellaneous</b>	
<b>69 Certificates of completion</b>	
(1) Within 5 business days after receiving written notice of the completion of the installation of a manufactured home or associated structure, the council must give 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 a certificate of completion is not being issued.	For Council.
(2) In determining whether or not to issue a certificate of completion, the council must consider the following matters—  (a) whether an engineer's certificate for the manufactured home or associated structure is available,  (b) whether the installation of the manufactured home or associated structure complies with the specifications set out in the engineer's certificate, if any,  (c) whether the setback, density, open space and site identification requirements of this Part have been complied with,  (d) whether a compliance plate is attached to the manufactured home or associated structure in accordance with section 67.	For Council.