



Queensland

Manufactured Homes (Residential Parks) Act 2003

Manufactured Homes (Residential Parks) Regulation 2017

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Manufactured Homes (Residential Parks) Regulation 2017

1 Short title

This regulation may be cited as the *Manufactured Homes (Residential Parks) Regulation 2017*.

2 Commencement

- (1) This regulation, other than section 3, commences on 1 September 2017.
- (2) Section 3 commences on 1 October 2017.

2A Information required for application for registration of residential park—Act, s 18A

For section 18A(3)(j) of the Act, the following information is prescribed—

- (a) a copy of any development approvals for the planning and construction of the residential park—
 - (i) required under the *Planning Act 2016*; and
 - (ii) obtained by the park owner;
- (b) whether the residential park will contain types of accommodation in addition to owner-occupied manufactured homes;
Examples of additional types of accommodation—
caravans, holiday rentals, residential premises (including manufactured homes) under residential tenancy agreements
- (c) details of any other residential parks owned by the park owner;
- (d) a copy of any instrument used, or to be used, by the park owner as a template for—
 - (i) a site agreement; or

- (ii) an agreement for the sale of a manufactured home in the residential park to a prospective home owner;
- (e) an estimate of the proposed site rent, or the proposed range of site rent, payable by a home owner in the first year of operation of the residential park.

2B Information to be included in residential park register for residential park—Act, s 18C

For section 18C(2)(1) of the Act, the following information is prescribed—

- (a) the information prescribed under section 2A that was included in, or accompanied, the application to register the residential park;
- (b) the comparison document, or information included in the comparison document, for the residential park;
- (c) whether the residential park has started operating;
- (d) if the residential park has started operating—the date the park started operating.

2C Exemption from requirement to maintain website for residential park—Act, s 18G

For section 18G(3) of the Act, a residential park is exempt from the requirement under section 18G(1) of the Act if the residential park has not more than 15 sites.

2D Details for comparison document for residential park—Act, s 18H

For section 18H(b)(v) of the Act, the details stated in schedule 1 are prescribed.

3 Particular types of special terms prohibited in site agreements—Act, s 25B

For section 25B(1)(a) of the Act, the types of special terms that are prohibited are special terms that—

- (a) calculate site rent increases in a misleading way; or

Example—

a special term that states that a rental increase is calculated in accordance with the consumer price index, but the rental increase includes an additional charge

- (b) require a home owner to pay other charges but does not fully explain the charges; or
- (c) require a home owner to gain the consent of the park owner before the home owner complies with a requirement under law; or
- (d) state that if the seller assigns the seller's interest in a site agreement to a buyer, the site agreement between the seller and the park owner does not end until the buyer enters into a site agreement with the park owner; or
- (e) require the home owner to give a current building inspection certificate to the park owner; or
- (f) restrict or prohibit an alteration to the home that is not visible from the outside of the home; or
- (g) allow the park owner to consent to the alteration to the exterior of a home or addition to the home in a way that is contrary to section 98 of the Act; or
- (h) require the home owner to indemnify the park owner and the park owner's employees, contractors or agents for loss that was not caused by the home owner, a guest of a home owner, or a home owner's contractors or agents; or
- (i) give the park owner either of the following rights, however described—
- (i) a right to buy a home before another person may be offered the home;

- (ii) a right to make a final offer to buy a home after all other offers have been made to buy the home; or
- (j) state site rent will not be reduced if there is a decrease or reduction in the standards, amenity or community facilities or services, including if—
 - (i) there is a decrease in amenity or standard of the residential park’s common areas and communal facilities mentioned in section 72(1)(a) of the Act; or
 - (ii) a communal facility or services mentioned in section 72(1)(b) of the Act has been withdrawn; or
 - (iii) a communal facility or services mentioned in section 72(1)(c) of the Act has not been provided; or
- (k) state that the park owner does not warrant that the site is suitable for use as the site of a manufactured home; or
- (l) state that the park owner may exclude a person from the residential park without having reasonable grounds for the exclusion; or
- (m) appoint, or require the home owner to appoint, the park owner as an attorney for the home owner; or
- (n) state that the seller is liable for the actions of a buyer after the seller assigns the seller’s interest to the buyer; or
- (o) state that referring to the site agreement is a sufficient way to explain how an increase in site rent is calculated for the Act; or
- (p) purport to exclude legislation from affecting the site agreement, unless the legislation provides that it may be excluded; or
- (q) impose a monetary penalty on a home owner if the home owner breaches the site agreement; or
- (r) remove a park owner’s liability for negligence or a breach of a contractual duty of care if the negligence or

breach is caused by an act or omission of the park owner or the park owner's employees, contractors or agents; or

- (s) prohibit or prevent the park owner from reducing the site rent for any reason.

4 Maximum fee under selling authority—Act, s 61

For section 61 of the Act, the prescribed amount is—

- (a) if the sale price of the manufactured home is not more than \$18,000—5% of the sale price; or
- (b) if the sale price of the manufactured home is more than \$18,000—\$900 plus 2.5% of the part of the sale price over \$18,000.

5 Prescribed matter for emergency plans—Act, s 86A

For section 86A(1)(d) of the Act, the matter prescribed is the place to which home owners and other residents of the park must evacuate if there is an emergency.

6 Written records of emergency procedure tests

- (1) The park owner for a residential park must ensure a written record of each emergency procedure test for the park is kept at the park.

Maximum penalty—20 penalty units.

- (2) In this section—

emergency procedure test, for a residential park, means a test of an emergency procedure provided for in the emergency plan for the park.

7 Emergency plan to be displayed on notice board—Act, s 89

For section 89(3) of the Act—

- (a) the prescribed type of information is the emergency plan for the residential park; and

- (b) the prescribed period is any period for which a home owner for the park, or a tenant of a home owner for the park, resides in the park.

8 Information for initial disclosure documents—Act, sch 1

For schedule 1, item 1(d) of the Act, the following information about site rent that is, or is to be, payable for the site is prescribed—

- (a) the basis for working out the amount of each increase in the site rent;
- (b) how often the site rent is to be increased.

9 Manufactured Homes (Residential Parks) Regulation 2003 references

A reference in any document to the *Manufactured Homes (Residential Parks) Regulation 2003* may, if the context permits, be taken to be a reference to this regulation.

Schedule 1 **Details for comparison document for residential park**

section 2D

Identifying information

- 1 the address of the residential park
- 2 the real property description of the land on which the residential park is situated
- 3 the name of the park owner
- 4 contact details for the park owner

Residential park information

- 5 whether the residential park is completed or under development
- 6 the total number of sites in the residential park or, if the park is under development, the total number of sites that will be in the park on completion of the development
- 7 if the residential park contains types of accommodation in addition to owner-occupied manufactured homes—the types of accommodation

Examples of additional types of accommodation—

- caravans, holiday rentals, residential premises (including manufactured homes) under residential tenancy agreements
- 8 a copy of the park rules
- 9 details of any restrictions in the park rules in relation to the keeping of pets
- 10 the general increase day for the residential park for each basis on which site rent may be increased under a site agreement

Fees and costs

- 11 mandatory fees or costs for a home owner that are not included in the site rent
- 12 optional services available in the residential park for an additional fee or cost
- 13 communal facilities that may be accessed for an additional fee or cost

Utilities

- 14 utilities not included in the site rent that are available to sites
- 15 how utilities are supplied to sites, including—
 - (a) details of any embedded networks; and
 - (b) details of any known restrictions on the installation or use of solar panels in the residential park

Residential park land and facilities

- 16 the number and types of parking spaces available in the residential park, other than parking spaces allocated to particular sites, that are—
 - (a) available for the use of home owners and visitors; or
 - (b) suitable for caravans, campervans, motorhomes, boats or other recreational vehicles
- 17 whether the residential park has the following security and safety features—
 - (a) security cameras;
 - (b) security gates;
 - (c) emergency phones;
 - (d) a defibrillator
- 18 whether the communal facilities in the residential park have the following accessibility features—

-
- (a) ramps;
 - (b) lifts;
 - (c) wheelchair-accessible toilets;
 - (d) extra-wide doors
- 19 details about the day-to-day management of the residential park, including—
- (a) whether there is an on-site park manager; and
 - (b) the contact hours for the park manager; and
 - (c) whether home owners and other residents have after-hours access to the park manager’s services

Miscellaneous

- 20 whether communal facilities or common areas in the residential park are insured
- 21 whether the residential park has a home owners committee
- 22 whether the park owner is a signatory to an industry-based code of conduct or is voluntarily accredited through an industry-based accreditation scheme