

Access arrangements in land lease communities

As a home owner in a residential land lease community you have rights under the *Residential (Land Lease) Communities Act 2013* and *Residential (Land Lease) Communities Regulation 2015*. This factsheet explains the law in NSW regarding access.

Access for home owners

The operator must take reasonable steps to ensure you always have access to your site and have reasonable access to the community's common areas.

Access to site and home by operator

While a site agreement is in force the operator (or someone acting on the operator's behalf) is only permitted to enter your site or home in certain limited circumstances.

Generally the operator is allowed to enter your site if:

- you have given consent at the time of entry or no more than 14 days prior to entry
- in an emergency if entry is necessary to avert danger to life or valuable property
- to inspect, read, service, repair or replace a water, electricity or gas meter (if the operator is the utility service provider)
- to comply with an obligation under the *Residential (Land Lease) Communities Act 2013* or another Act so long as you have been given at least 2 days notice
- for grounds or lawn maintenance if you have agreed and access is at a reasonable time and on a reasonable number of occasions. You can withdraw consent by giving the operator written notice.

- if the NSW Civil and Administrative Tribunal (NCAT) orders it.

Generally the operator is allowed to enter your home if:

- you have given consent at the time of entry
- it is necessary in an emergency to avert danger to life
- required to comply with an obligation under another Act or law
- the NCAT orders it.

If an operator comes on to your site or into your home they must not enter any area where access is not reasonably required, or stay longer than is reasonably necessary.

Both you and the operator can apply to NCAT to settle a dispute about access to your site and home. The application must be made within 28 days of the dispute occurring.

Tradespeople and service providers

The operator must take all reasonable steps to ensure that tradespeople and service providers have access to homes in the community to provide goods and services arranged by the resident of the home.

The operator cannot require you to use particular tradespeople or service providers. You are entitled to engage providers of your

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choice. However, an operator can impose reasonable restrictions on further entry for a particular period if the tradesperson or service provider has:

- unduly disturbed the peace and quiet of the community, or
- violated any community rules about motor vehicle traffic (if those rules were on display).

You can apply to NCAT to resolve disputes about access for tradespeople and service providers. The application must be made within 28 days of the dispute.

Emergency and home care vehicles

The operator must take all reasonable steps to ensure that emergency and home care personnel have unimpeded vehicular access to homes in the community at all times.

The operator must consult with residents and all relevant local emergency and home care services about the access arrangements. They must also keep them informed about any changes that are made to these arrangements.

The operator is also required to ensure that all roads and sites within the community are signposted, or that an accurate, easy-to-follow map is placed at each entrance to the community. These measures enable emergency and home care service personnel to locate the home they are seeking in the community.

Any resident or representative of an emergency or home care service can make an application to NCAT if the operator does not comply with these obligations. The application must be made within 28 days of the person becoming aware of the operator's non-compliance.

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General information about land lease communities can be found at tenants.org.au/thenoticeboard
Also check out our newsletter *Outasite*.



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