

Operator responsibilities

Residential (Land Lease) Communities Act 2013

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 operator responsibilities.

Residential sites

The operator has a number of responsibilities related to your site. They must:

- ensure that the site is in a reasonable condition and fit for habitation at the start of your site agreement (the condition of the site must be noted in the condition report attached to your site agreement)
- ensure the continuity of supply of utilities to your site where it is within their control
- take reasonable steps to ensure that you always have access to your site and have reasonable access to the common areas
- take all reasonable steps to ensure that tradespeople and service providers have access to your home
- take all reasonable steps to ensure that emergency vehicles have unimpeded access to your home at all times
- not intentionally or recklessly damage or destroy your property or that of your guests or other occupants
- not restrict or interfere with, or permit interference with your privacy, peace and quiet enjoyment of your site or the common areas.

Safety and security

The operator has responsibility for the safety and security of the community. They are required to ensure that:

- the community is reasonably safe and secure
- there are appropriate emergency evacuation

procedures in place in the community, and all residents are aware of these procedures

- they, or a representative, is available to be contacted at appropriate times.

Maintenance of common areas

The responsibility for maintaining the common areas and facilities of the community lies with the operator. They must:

- maintain the common areas and facilities, in a reasonable state of cleanliness and repair so that they are fit for use by you
- take reasonable steps to keep the common areas free of noxious weeds and vermin
- ensure trees in the community are properly maintained, and take reasonable action if a home owner reports that a tree has caused or is likely to cause injury to a person or damage to property.

In maintaining the common areas the operator must ensure that:

- necessary work is carried out as soon as is reasonably practicable and with minimal disruption to residents, and
- the work is carried out at an appropriate standard.

Mail facilities

The operator must establish and maintain mail facilities at the community that are reasonably accessible and secure.

General conduct

The operator is required to comply with the terms of your site agreement, comply with the Act, abide by the community rules and observe the rules of conduct. The rules of conduct require that the operator:

- has a knowledge and understanding of the relevant legislation
- acts honestly, fairly and professionally in negotiations and transactions
- exercises reasonable skill, care and diligence
- does not engage in high pressure tactics, harassment, harsh or unreasonable conduct
- maintains confidentiality
- takes reasonable steps to ensure employees comply with the legislation
- does not request or require a signature on an incomplete document
- does not misrepresent the nature or effect of any provision of the legislation.

Compliance and complaints

If the operator does not comply with their obligations you can make an application to the NSW Civil and Administrative Tribunal (NCAT). Applications to NCAT have to be made within certain time periods so get advice before making your application. Free advice is available from your local Tenants' Advice and Advocacy Service.

If you don't want to apply to NCAT you could make a complaint to NSW Fair Trading. They can speak to the operator on your behalf to try to resolve the issue.

FURTHER HELP

Tenants Advice and Advocacy Services

Sydney

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| South | 9787 4679 |
| South West | 4628 1678 |
| Inner West | 9559 2899 |
| North | 9559 2899 |

Regional

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| Blue Mountains | 4704 0201 |
| Central Coast | 4353 5515 |
| Hunter | 4969 7666 |
| Illawarra & South Coast | 4274 3475 |
| Mid Coast | 6583 9866 |
| Northern Rivers | 6621 1022 |
| North West NSW | 1800 836 268 |
| South West NSW | 1300 483 786 |

Aboriginal

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| Sydney | 9833 3314 |
| Northern NSW | 1800 248 913 |
| Southern NSW | 1800 672 185 |
| Western NSW | 1800 810 233 |

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| Website | thenoticeboard.org.au |
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| NSW Fair Trading | 13 32 20 |
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This factsheet is intended as a guide to the law and should not be used as a substitute for legal advice. The information applies to people who live in, or are affected by the law as it applies in New South Wales, Australia.

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