

Making alterations to your home

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 making alterations to your home.

What alterations require consent from the operator

Not all alterations to your home require the consent of the operator. Any internal changes to the home do not need consent from the operator. You do not need consent to paint the exterior of your home and make any minor repairs to the exterior.

You must get consent from the operator for work on the exterior of your home that is a major repair and for any additions or changes you wish to make to the exterior of your home. This includes adding a fixture to your site for example adding a verandah to your home or a carport.

Seeking consent from the operator

Tell the operator in writing what alteration, change or addition you would like to make to your home or site. Provide details about the work to be undertaken and any plans or drawings. We have a sample letter you can use to seek consent.

It's important you obtain written consent from the operator before you undertake any work that requires consent of the operator.

What if the operator says no

The operator cannot unreasonably refuse a request to make an alteration. They can put reasonable conditions on their consent.

If the operator is being unreasonable then you can lodge an application at the NSW Civil and Administrative Tribunal (NCAT) and ask for an order to allow you make the alteration to your home.

The Tribunal must not make an order that would result in any addition, alteration or replacement that is in breach of the *Local Government Act 1993* and the *Environmental Planning and Assessment Act 1979*.

Solar panels

Installing solar panels on your home in a residential land lease community is an alteration to the exterior of the home and therefore requires written consent from the operator.

Details should be provided to the operator of the type and size of the solar panels you intend to install on your home.

There is currently no explicit right in the legislation for a home owner to install solar panels on their home.

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Many communities have limited capacity for solar due to the age and condition of electrical infrastructure. Other legislation and legal requirements apply when a community reaches 30kw of solar capacity. At that threshold an operator or owner of a residential community is required to install additional electricity grid protection equipment to comply with Australian Standards. This can be costly and your operator may not be willing to make these changes. The operator may refuse any further solar installations if they are already close to or at the 30kw capacity.

If your community is over the 30kw capacity and does not have the grid protection equipment installed you should contact your local energy distributor as they have the legal power to issue compliance certificates where Australian Standards are not being met.

Contact details for energy distributors in NSW

- **Ausgrid:** 13 13 65
<https://www.ausgrid.com.au/>
- **Endeavour Energy:** 133 718
<https://www.endeavourenergy.com.au/>
- **Essential Energy:** 13 23 91
<https://www.essentialenergy.com.au/>

Alterations that require Council approval

Owners and operators of residential land lease communities have certain obligations under the *Local Government Act 1993* and *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021* (the LG Regulation). This legislation outlines requirements for sites, structures and boundaries in residential land lease communities.

The prior approval of your local Council is not required for the installation of a home, rigid annexe or associated structure on the site unless the structure is more than one storey high or the manufactured home estate or caravan park is on flood liable land and the local council has notified the operator in writing that the land is flood liable.

There is a requirement for operators to inform your local Council at the completion of certain works on your home and site. This must be provided to the local Council within 7 days of the works being completed.

As a home owner you need to seek consent from the operator before commencing any work that requires operator consent. Make sure you keep a copy of written correspondence with the operator as this will be important should there be any issues raised by the local Council about the alterations you make to your home or other structures on your site.

Factsheet updated April 2024.

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



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NSW FAIR TRADING: 13 32 20

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