

# Electricity charges in land lease communities

As a resident 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 embedded network electricity charges.

If the operator or a third party supplier supplies electricity to the residential site through an embedded network they can charge a resident if:

- it is a term of the site/tenancy agreement, and
- the electricity is separately measured or metered, and
- the resident receives an itemised bill that complies with the requirements outlined in the National Energy Retail Rules or if the operator or third party supplier are an exempt seller the AER Exempt Selling Guidelines.

## Usage and supply charges

Electricity usage is charged per kilowatt-hour (kWh). Operators and third party suppliers can charge for usage and a daily supply charge (service availability charge).

The operator or the third party supplier cannot charge a usage charge or daily supply charge for the use of electricity that is more than the median retail market offer in the distribution area.

The Independent Pricing and Regulatory Tribunal (IPART) makes a determination once every 12 months of the median retail market offer in each distribution area.

The current determination commenced on the 25th September 2024:

## Discount on supply charges

If the supply to your site is less than 60 amps the supply charge must be discounted as follows:

- if less than 30 amps is supplied you receive a 60% discount
- if between 30 amps and 60 amps you receive a 30% discount

## Bills for electricity

Most third party suppliers or retailers will fall under the National Energy Retail Rules billing requirements. Most operators will be exempt on-sellers and therefore the bills they issue

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### IPART's determination of the median retail market offer

The table below lists the determined median market offer for residential customers in each distribution district in NSW (including GST, nominal).

Distribution district (network)	Supply charge (cents/day)	Usage charge (cents/kWh)
Ausgrid	94.91	34.72
Endeavour Energy	87.92	36.52
Essential Energy	143.00	41.65

must follow the billing requirements in the AER Exempt Seller Guidelines.

Under the National Energy Retail Rules bills must be issued at least once every 100 days and under the AER Exempt Seller Guidelines bills must be issued at least once every 3 months.

You must be given at least 21 business days to pay from the date the bill is issued. Two payment options must be offered and one must not require internet access.

### **Bills must contain the following information:**

- name and contact details of the exempt seller or retailer,
- your name and address,
- date bill issued,
- identifier of the meter,
- pay by date for the bill,
- date of current meter reading or estimate,
- the billing period,
- current meter reading or estimate,
- previous meter reading or estimate,
- amount energy consumed and must be in kilowatt hours,
- tariffs, fees and chargers that apply including the basis on which they are calculated,
- details of available payment methods and
- contact number for account inquiries or complaints.

## **Access to operator records**

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The operator or a third party supplier must provide all residents at least once a year written notice of the charges they pay for the supply of electricity to the community.

The operator must conduct a review of the offer in their contract or the third party suppliers contract for supply of electricity to the community once every 2 years unless the length of their contract exceeds 2 years then it must be conducted before they enter into a new contract.

To ensure they are receiving the best offer under the supply contract they must compare with at least one comparable offer from another retailer.

Within 30 days of the review being carried out the operator must provide to all residents written notice of the review including the comparable offers considered and the outcome of the review.

## **Refund of overpaid amounts**

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If you have been overcharged you are entitled to recover the overpayment. If the operator agrees you can deduct the amount from site fees that are payable by you.

If the operator disagrees that you have been overcharged, or with the amount you have been overcharged, you can apply to the NSW Civil and Administrative Tribunal (NCAT) to have the dispute resolved. The application must be made within 28 days of you becoming aware that you were being overcharged.

## **Reduction of site fees**

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If electricity supplied to your site by the operator is not separately measured or metered and the operator installs a meter, or stops supplying electricity, the operator must notify you of the change within 14 days of it occurring by giving you a utility cost notice.

The notice must state the cost of electricity that was factored into your site fees and how that has been worked out. It must also tell you what your new site fees will be and the date from which they are payable.

The notice must advise you of your right to apply to NCAT within 30 days if you dispute the amount of the utility cost i.e. the amount by which your site fees have been reduced.

## **Receipts**

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The operator must provide you with a receipt for accounts you pay in person, or upon request. For other payment methods you can request a receipt and as soon as practicable after payments have been received a receipt must be provided.

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## Receipts must include the following information:

- the name and address of the community and the number of your residential site,
- your name,
- whether you are in debit or credit and by what amount,
- the period for which the charges are paid,
- the date on which payment was received, and
- the amount paid.

## See also

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- [Sample letter: Utility Bills](#)

*Factsheet updated February 2025.*

## Late fees

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If you have a site agreement under the *Residential (Land Lease) Communities Act 2013* the operator can charge you a fee for a late or dishonoured payment. This fee cannot be more than the fee that the operator or third party supplier can charge as a retailer or exempt seller. If you have informed the operator or third party supplier that you are experiencing payment difficulties then they cannot charge you a late fee. They are required to offer you a payment plan and provide you with a copy of their hardship policy.

## Exempt seller

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The operator is an on-seller of electricity and is required to hold a retail exemption and abide by the Australian Energy Regulator (AER) (Retail) Exempt Selling Guideline.

As an exempt seller the operator is also required to be a member of the Energy and Water Ombudsman NSW (EWON).

You can make a complaint to the AER or EWON about your electricity supply, billing or charges.

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**For free advice, call your local Tenants Advice & Advocacy Service:**

### **SYDNEY:**

• Eastern	9386 9147
• Inner	9698 5975
• Inner West	9559 2899
• Northern	9559 2899
• Southern	9787 4679
• South West	4628 1678
• Western	8833 0933

### **REGIONAL:**

• Blue Mountains	4704 0201
• Central Coast	4353 5515
• Hunter	4969 7666
• Illawarra Sth Coast	4274 3475
• Mid Coast	6583 9866
• Northern Rivers	6621 1022
• Northwest NSW	1800 836 268
• Southwest NSW	1300 483 786

### **ABORIGINAL:**

• Sydney	9833 3314
• West NSW	6881 5700
• South NSW	1800 672 185
• North NSW	1800 248 913

### **WEBSITE:**

[tenants.org.au/thenoticeboard](https://tenants.org.au/thenoticeboard)

**NSW FAIR TRADING:** 13 32 20

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