

# Operator responsibilities



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 the operator's general 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 the 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, 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
- exercise reasonable skill, care and diligence
- not engage in high pressure tactics, harassment, harsh or unreasonable conduct
- maintain confidentiality
- not misrepresent the nature or effect of any provision of the legislation

## FURTHER HELP:

### Tenants Advice and Advocacy Services

#### Sydney

South	9787 4679
South West	4628 1678
West	8833 0933
Northern	8198 8650

#### Regional

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

Sydney	9833 3314
North NSW	1800 248 913
South NSW	1800 672 185
West NSW	6884 0969

<b>Website</b>	<a href="http://thenoticeboard.org.au">thenoticeboard.org.au</a>
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<b>Law Access</b>	1300 888 529
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<b>Fair Trading</b>	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. It applies to people who live in, or are affected by the law as it applies in New South Wales, Australia.

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