

Site fee reductions 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 the *Residential (Land Lease) Communities Regulation 2015*. This factsheet explains the law in NSW regarding site fee reductions.

You may be entitled to a site fee reduction if you become aware that some part of the common areas of the community have been reduced or withdrawn. This can cover a wide range of features from specific rooms or features like BBQ areas, gardening services, or access paths and many more.

Can I ask for a site fee reduction?

Under section 63 of the *Residential Land Lease Communities Act 2013* (RLLC Act) Home owners are entitled to ask the operator for a site free reduction. There are no restrictions under this section about the circumstances for when an agreed site fee reduction can be applied.

A mutually agreed site fee reduction should be clearly written to include when the site fee reduction starts, the amount of the reduction, and if or when it ends.

An agreement to reduce site fees could also be written into the site agreement, such as a term for site fees to change automatically at specific intervals. This approach may be useful for a home owner who moves into a new community that is being developed in stages. Advice should be sought beforehand.

For a guide to asking for a site fee reduction, see [sample letter: Site fee reduction for problems in common areas](#).

Is there a free way to resolve disputes?

An individual, or a group of home owners, can apply for voluntary mediation with NSW Fair

Trading. Applying for mediation is currently fee-free and doesn't affect your right to apply to the NSW Civil and Administrative Tribunal (NCAT) afterward if the mediation is not successful.

The mediator's role is to act as a neutral and impartial facilitator to ensure both parties are heard and encourage the open exchange of information between the parties toward settling disputes under the provisions of the RLLC Act.

When can I go to the Tribunal?

Under section 64 of the RLLC Act you are entitled to apply to the NSW Civil and Administrative Tribunal for an order that site fees be reduced where you have lost or not been provided with a facility or service. You must also apply while the site agreement is still active.

The Tribunal may make an order reducing the site fee if it is satisfied that at least one of these specific reasons applies:

- There has been a substantial decrease in the amenity or standard of the common areas since you entered into the site agreement.
- There has been a withdrawal or substantial reduction of a communal service or facility since you entered into the site agreement.
- The operator has not provided a communal facility or service advertised by or for the operator, or described in another document the operator makes available to a home owner (before entering into a site agreement).

Evidence for your case should include as many of the documents mentioned in section 64 for the Tribunal to consider.

- Your site agreement
- The disclosure statement provided to you by the operator.
- Other documents the operator gave you before entering into the site agreement, such as an FAQ sheet about the community.
- Advertisements made available to you by the operator (before entering into the site agreement). These may include online advertisements or brochures the operator publishes to promote the community.
- Any other documents that might be relevant for the Tribunal.

If you are applying for other related orders, such as orders to resolve a dispute about a repair or maintenance to a communal facility, there could be different time limits for you to apply. Get advice from your local Tenant's Advice and Advocacy Service.

- If the site becomes wholly uninhabitable, for another reason than a breach of the site agreement (such as a severe weather event)

See: tenants.org.au/thenoticeboard/factsheet/natural-disasters

Other related resources

- [Sample letter: Site fee reduction for problems in common areas](#)
- [Operator responsibilities in land lease communities](#)
- [Rights and responsibilities of home owners](#)
- [NSW Civil and Administrative Tribunal](#)
- [Site Fee Increases](#)

For further help, contact your local
Tenants Advice & Advocacy Service –
see phone numbers below.

Factsheet updated October 2025.

There are other sections in the RLLC Act that make it mandatory for site fees to be reduced:

- If the operator gives you a notice to pay for a utility after they install separate metering.

See: tenants.org.au/thenoticeboard/factsheet/electricity-charges

tenants.org.au/thenoticeboard/factsheet/water-sewerage-charges

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



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	4276 1939
• 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

NSW FAIR TRADING: 13 32 20

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. ©Tenants' Union of NSW

