

Water and sewerage charges

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 water and sewerage charges.

Water usage charges

The operator can charge you for water usage if it is a term of your site agreement, your use is separately measured or metered, and the operator provides you with an itemised account and 21 days to pay.

The operator cannot charge you any more than the amount charged by the service provider or regulated offer retailer (e.g. Sydney Water) providing the service. This means the operator must charge you no more than they pay.

Sewerage usage charges

If you are on an older site agreement signed prior to the commencement of the current Act you can only be charged for 'excess' sewerage and only in circumstances where that can be measured.

If you have signed a site agreement under the *Residential (Land Lease) Communities Act 2013* (the Act) the operator may be able to charge you sewerage usage charges if your water usage is separately measured or metered.

To pass on sewerage usage charges the operator must be supplied with water and sewerage services by a water supply authority (e.g. Sydney Water). The supply authority must charge for water and sewerage separately and specify a sewerage discharge factor (SDF).

Water supply authorities set SDFs and they are not all the same. They are usually a percentage-based number, for example, 25%.

The sewerage usage charge that you will pay is based on the volume of water used at your site. The volume used is multiplied by the relevant SDF to get the sewerage volume. The charge may be a different rate to the rate you pay for water but it can be no more than the operator pays.

Example sewerage usage calculation

You used 40 KL of water in a quarter

The SDF set by the water authority supplying the operator is 50%

40 KL multiplied by 50% = 20 KL

Your sewerage usage would be 20 KL

Your total usage would be 40 KL of water plus 20 KL sewerage

Remember water and sewerage may be charged at different rates.

Availability charges

The operator can charge you a combined annual amount for water and sewerage availability (sometimes called an access charge). It must be the lower of the following amounts:

- the amount the operator pays for availability divided by the number of sites in the community (including vacant and holiday sites), or
- \$50.

Late fees

If you have a site agreement under the current Act the operator can charge you a fee for a late or dishonoured payment. The fee cannot be more than the fee that could be charged if the service was supplied directly to you by the local utility service provider or regulated offer retailer.

Reduction of site fees

You are entitled to a reduction in your site fees if water or sewerage services supplied to your site by the operator are not separately measured or metered and:

- the operator starts measuring or metering the service and charging you, or
- the operator stops supplying the services.

The operator must provide you with a written notice within 14 days explaining the changes and calculations and setting out your new site fees.

The NSW Civil and Administrative Tribunal (NCAT) can resolve any disputes about these changes or charges. The application must be made within 30 days of receiving the notice.

Receipts

The operator must provide you with a receipt for accounts you pay in person, or upon request.

Operator's records

You are entitled to inspect any records of the operator that relate to your payment of water and sewerage charges. See also sample letter utility bills.

You can apply to NCAT to settle a dispute about water and sewerage charges. The application must be made within 28 days of the dispute.

See also

Sample letter utility bills at:
<https://www.tenants.org.au/thenoticeboard/sample/utility-bills>

FURTHER HELP

Tenants Advice and Advocacy Services

Sydney

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

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 Western NSW	1800 836 268
South Western NSW	1300 483 786

Aboriginal

Sydney	9833 3314
Northern NSW	1800 248 913
Southern NSW	1800 672 185
Western NSW	6881 5700

Website	tenants.org.au/thenoticeboard
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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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