

Park residents in New South Wales have rights under the *Residential Parks Act 1998* and the *Residential Parks Regulation 2006*. This fact sheet sets out the law in NSW regarding mailboxes and tree maintenance in your park.

Mailboxes.

Not all parks provide individual mailboxes for residents. If a majority of residents in a residential park want to have mailboxes, then the park owner must install them, and they must be placed in an area that is easily accessible to all residents. The boxes must also be installed in accordance with any applicable requirements or guidelines of Australia Post, or in accordance with any requirements that are prescribed by the regulations.

If the park owner installs individual mailboxes in response to a request from the park residents, then the park owner can charge each resident a reasonable amount, to cover the cost of purchase and installation. The amount can vary, but is roughly equivalent to the purchase price of an average mailbox from a hardware store.

The cost of the mailbox is a one-off charge, that is, the park owner can only charge it once, to the current resident, or, if the site was vacant at the time the mailboxes were purchased, to the first resident who occupies that site. The boxes must be constructed in such a way that residents are able to install their own separate locks on them, if they choose. A park owner must not access or interfere with individual mail facilities provided to a resident of the residential park, except with the prior consent of the resident.

A park owner has no right to retain a key to residents' mailboxes. A resident may choose to give them one, but they cannot be forced to. A park rule is void if it states that a resident must provide a mailbox key to the park owner.

Tree Maintenance.

Section 71 of the Residential Parks Act 1998 concerns the maintenance of trees in residential parks. It states that a park owner must ensure that trees in a residential park are maintained so as to protect the safety of residents, moveable dwellings and other property in the residential park.

However, if a tree is a protected tree, such as in a known koala habitat area, then the park owner may be prohibited by other laws from removing or interfering with that tree. Council advice and approval must always be gained before any lopping or removal work is done.

The Parks Act defines a park owner as being either the person who owns the land, or the person who has granted you the right to occupy, and is named on your agreement as park owner. Most of the time, this is one and the same person. When it comes to trees, the person responsible is the land owner. Disputes about tree maintenance can be resolved through the Civil & Administrative Tribunal. It is important to ensure that the park owner you name on your Tribunal application is the person who owns the land.

For further advice on mailboxes or tree maintenance, please contact your local affiliate, or contact ARPRA on **1300 798 399**. More advice is also available from Fair Trading on **133 220**.

www.arpra.org.au

www.fairtrading.nsw.gov.au

This fact sheet has been written to provide a brief summary of the laws in New South Wales. It should not be considered to be a full reading of the Act or be used as a substitute for legal advice.