



# MAILBOXES AND TREES



## fact sheet

Home owners in New South Wales have rights under the *Residential (Land Lease) Communities Act 2013* and the *Residential (Land Lease) Communities Regulation 2015*. This fact sheet sets out the law in NSW regarding mailboxes and tree maintenance in your community.

### Mailboxes

Not all communities provide individual mailboxes for home owners. Under the *Residential (Land Lease) Communities Act*, the operator of a community must establish and maintain at the community reasonably accessible and reasonably secure mail facilities for the home owners. The operator of a community must not access or interfere with individual mail facilities provided to a home owner in the community, except with the prior consent of the home owner.

If your community has no mailboxes similar to those that you might find at the post office or in an apartment block, your community home owners may request the community operator to provide them. This could be done under the provisions of the Special Levy. See our fact sheet titled "Special Levy".

Mailboxes must be installed in accordance with any requirements or guidelines from Australia Post.

The boxes must be constructed in such a way that home owners are able to install their own separate locks on them, if they choose. A community owner must not access or interfere with individual mail facilities provided to a home owner of the community, except with the prior consent of the home owner.

A community owner has no right to retain a key to home owners' mailboxes. A home owner may choose to give them one, but they cannot be forced to.



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### Tree Maintenance

Section 48 of the *Residential (Land Lease) Communities Act 2013* concerns the maintenance of trees in communities. It states that a community owner must ensure that trees in a community are properly maintained and to 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 a property so as to protect the safety of home owners, moveable dwellings and other property in the community.

However, if a tree is a protected tree, such as in a known koala habitat area, then the community 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.

As a home owner in the community or an occupant in that home, you must not plant or authorise the planting of a tree without the consent of the community operator. This removes the likelihood of an incorrect species being planted and, in many years to

come, causing damage or injury. The community operator should not unreasonably refuse the planting of appropriate trees.

The *RLLC Act* defines a community 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 community 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 community 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 ARPR on **1300 798 399**. More advice is also available from Fair Trading on **133 220**.

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