



# SERVICES AND FACILITIES



## 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 the services and facilities that have been provided for your use in the community, and whose responsibility it is to maintain them.

### Services

The term 'service' or 'services' may refer to utilities such as water or electricity, or it may be in relation to waste disposal or tree maintenance. If the utilities are not separately metered, then water, electricity and gas charges will be part of what a home owner pays for when they pay their site fee. If at any time one of these services is removed or reduced, the removal or reduction is referred to as a reduction or withdrawal of that service, and is a breach of your agreement.

The installation of a separate water meter on a residential site and the subsequent charging for water usage and availability is taken to be a reduction in service for which a home owner may be entitled to a site fee reduction.

### Facilities

Almost all communities have something in the way of facilities that are provided for the home owners' use. They might include a community hall, bowling green, swimming pool, barbecue area, or a tennis court. These are referred to as common areas, and it is the community owner's responsibility to keep the common areas of the community reasonably clean and fit to use. If the community owner decides to close the swimming pool completely, or to close it between certain hours when previously home owners had access, then this would be a withdrawal or reduction in facility.



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### Withdrawal or reduction of service or facility

If a home owner believes that a service or facility has been withdrawn or reduced, they should write a letter to the community owner outlining the breach and asking for the service to be reinstated. If the community owner refuses, the home owner may then apply to the Tribunal for an order reinstating the service. The home owner may also ask for a site fee reduction until such time as the service is resumed or reinstated. Depending on the service that has been withdrawn, the reduction in site fees awarded can be minimal when compared to the disruption the withdrawal has caused.

The access roads and storm drains within a community are part of the common area, and it remains the responsibility of the community owner to maintain and repair them. The roads are a facility provided for use by the home owners, but the work done to maintain and repair them would be classified as a service.

For further information on service and facilities, including what to do if you believe a breach of your agreement has occurred, please contact your local affiliate or contact ARPR on **1300 798 399**. More advice is also available from NSW Fair Trading on **133 220**.

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