

# Land lease community utilities

In a land lease community it is common for the operator to re-supply utilities to residential sites within the community. The operator may ask you to pay them directly for any or all of the following:

- electricity
- gas
- water
- sewerage (but only if the local water supplier charges for this separately).

You can be asked to pay utility charges in the following ways:

- as usage charges - this varies depending on how much you use
- as service availability charges - that is, as fixed amounts.

## When can I be charged for utilities?

Before an operator can ask you to pay utility charges, two things need to have happened:

1. the use of the particular utility on your site must be separately measured or metered
2. you must have agreed to pay the particular charge under the terms of your site agreement. Note: utility charges are now standard terms for any agreements entered into after the new laws began on 1 November 2015.

If your site is not metered and the operator wants this to happen they must pay for installing the meter.

If you haven't been paying a utility charge and the operator wants this to change, the operator must give you at least 14 days' written notice. There would need to be an agreed offset with your site fees. If you cannot agree, an application can be made to the NSW Civil and Administrative Tribunal to resolve the dispute.

## Are there limits on utility usage charges?

If you need to pay usage charges for utilities, an operator cannot charge more than you would pay if you were a direct residential customer of a local utility service

provider. Check your local provider's website to see what is the standard rate for usage.

With service availability charges, the operator cannot charge an individual home owner any more than the actual amount they have been billed themselves divided by the number of residential places, including holiday sites, in the community.

The maximum service availability charge you can be asked to pay for both water and sewerage service availability is \$50 each calendar year.

## Am I entitled to a bill for utilities?

An operator must give you an itemised account. This should set out what you are being asked to pay and how each amount has been calculated. Each operator can determine how often they send the bill (eg. monthly or quarterly).

## How much time must I be given to pay?

You must be given at least 21 days to pay the charges.

## What receipts should I receive?

An operator must give you a receipt for any utility payments you make in person. If utility payments are made by another method, the operator only has to give you a receipt if you ask for one. A receipt for a utility payment must include:

- the name and address of your community
- your site number
- your name
- the amount paid
- any amount you are in debit or credit as at the date of payment
- the period covered by your payment
- the date your payment was received.

## What if my electricity supply is not up to standard?

Where the electricity being supplied to your site by the operator is less than 60 amps, the following service availability charge discount applies:

Level of supply to site	Maximum service availability charge (SAC)
less than 20 amps	20% of relevant local area retailer's SAC
20-29 amps	50% of relevant local area retailer's SAC
30-59 amps	70% of relevant local area retailer's SAC

Where 60 or more amps are capable of being supplied, you are required to pay the full service availability charge. This applies even if your home is not capable of receiving this amount of supply, for example in the case of old style caravans.

### Can an operator charge late fees?

Yes. If you do not pay by the due date, or if a payment for utilities you make is dishonoured, the operator can charge a late fee. Whether such a fee is charged is at the discretion of the operator. However, any late fee cannot be higher than would normally be charged if you were a direct customer of the relevant local utility service provider. Check the local supplier's website to see what fees they charge for late payments.

### What else can the operator do if I don't pay my utility bills?

In addition to or instead of charging late fees, the operator may apply to the Tribunal for an order requiring you to pay the outstanding amounts. The Tribunal can make an order in these situations without a hearing, if you agree. This order can then be enforced as a debt in the local court. Extra fees and charges could be added if it gets to this stage.

### Can site fees be used to cover utility bills?

No. An operator must not use money you have paid as site fees towards the payment of any other charges, including utilities.

### Can I be charged for the operator reading the meters?

The operator has the right to come onto your site to inspect, read, service, repair or replace any meter. They cannot charge you a fee for doing this.

### What if I feel I have been overcharged?

If you believe that the amounts you are being charged for utilities are incorrect, discuss this first with the operator. You have the right to ask the operator to provide you with reasonable access to bills and other documents relating to your utility charges.

If an agreement is reached, the operator may:

- refund the overpayment directly
- or
- allow you to deduct the amount from your site fees.

If you cannot agree, you can apply to the Tribunal for an order to resolve the dispute.