

TO: [REDACTED]  
FROM: ELLIS & SUZANNE NIVEN [REDACTED]  
RE: [REDACTED] OVER 55 VILLAGE

Appendix 1

1. Yes
2. Yes
3. Yes

The Act should be updated to reflect changes.

Our operator constantly refers to the 2005 Act which includes Manufactured Homes, Caravan sites and camping grounds. Manufactured homes in our opinion should come under a new or substantially altered Act. Changes to considered are as follows:

- (a) Homes located within three metres clearance from bush.
- (b) Fire Protection –
  - (i) Hosereels located within operating distances (36m)
  - (ii) Boostd Fire Hydrant system located using the 90metre rule.
  - (iii) Fire Hydrants complying with correct pipe sizes and twin outlets.
  - (iv) Restrict Land Care power to stop clearing of undergrowth that can fuel a forest fire close to homes.

4. No.

Operators employ on-site managers whose function is to manage the village and sell new houses. Village rules are sometimes broken to affect a sale and promises of future amenities do not eventuate (for past two years to my knowledge). A Grandfather Clause is found in the Site Agreement which limits a Home Owner making an appeal, eg. In our village the manager stated the village would have a future Library, Mens' Shed, Bus, Bowling Green,, Movie Theatre and Gated Security. This convinced us to transfer our deposit from another community under construction to the community at [REDACTED] We now find out that none of these are going to be provided. In our village the managers appear excellent sales persons but appear to be incompetent in dealing with the basic requirements of an over 55 village. Moreover, there is almost no communication with residents (eg. Closing amenities, stopping parcel deliveries that now must be collected from Post Office, newsletters, welcoming of new residents etc).

5. No

A dispute was occurring in our village at the time of our purchase, however it was not listed in the Disclosure Statement or Site Agreement and it was not until after we moved in that we heard about it.

6. Yes

7. Yes

8. Yes. Needs to convey truthful information and no omissions.

9. Not Sure

10. Yes

11. Reasonably

12. An honesty statement should be provided.

13. Improved

14. No

15. No

16. No In our village there are around 30% of homes on the Notice Method and 70% of homes on Fixed Method. Following discussions with the Residents' Union it is apparent that Operators of over 55 villages are targeting self funded retirees and those who are aged over 55 but still working. There is no consideration of Pensioners. Our village managers are currently signing up new home buyers on the fixed method, at 4% Ratchet clause for five years. Pensioners can afford this as a couple, however with the loss of a partner they will probably struggle to meet this payment and could be forced to sell. As there are limited usable amenities in our village this does seem excessive.

17. Yes CPI and pension increases should be considered.

18. Yes

19. Yes Operator must table their audited increased operating costs.

20. No

21. Yes

22. Although there is a negotiable notation, we have tried to negotiate but to no avail. It was a take it or leave it attitude so there is no way to challenge the Fixed Method.

23. No

24. No

25. No

26. No

27. No

28. No

29. Yes

30. Yes      If a time limit is broken the home owner should have the right to have the repairs carried out and the bill sent to the operator.

31. No      But some threats are made.

32. No

33. Yes

34. No      Need to have management certificate as a minimum.

35. Covered under 34.

36. Not applicable

37. No

38. Yes

39. Yes

40. Yes

41. Joint submission by say five sites.

42. Yes      Three warnings and you may be asked to vacate. In our case, the managers appear to favour certain residents (one in particular) and are not complying with the rules.

43. No

44. No
45. Yes But hampered by managers and some home owners.
46. Yes More than five sites to establish a Committee
47. –
48. No problems
49. In our case, each resident makes their own arrangements.
50. N/A
51. Better access to managers' Superiors.
52. N/A
53. N/s
54. N/A
55. N/A
56. No
57. No problems
58. No
59. N/A
60. N/A
61. No
62. Yes
63. Yes But should not hinder other selling agents ie. By placing restrictions or upgrading Site Agreement in excess of that of existing home owner's agreement.
64. No
65. Yes No unreasonable restriction should be allowed to be placed on the purchaser provided they follow the Village Regulations.
66. OK
67. OK

68. No

69. Yes

70. Not sure

71. No present system OK

72. Yes

73. Not sure

74. Yes

75. No

76. Assume OK

77. Yes

78. No

Signed: Ellis Niven

Suzanne Niven