



GPO Box 2279  
Brisbane QLD 4001  
Level 12, 120 Edward Street  
Brisbane QLD 4000  
T 07 3229 1589  
E [udia@udiaqld.com.au](mailto:udia@udiaqld.com.au)  
[www.udiaqld.com.au](http://www.udiaqld.com.au)  
ACN 010 007 084  
ABN 32 885 108 968

22 November 2019

Ange Wright  
A/ Executive Director  
Strategic Policy and Legislation  
Housing, Homelessness and Sport  
Department of Housing and Public Works  
GPO Box 2457  
Brisbane Qld 4001

**BY POST / EMAIL –** [MHC@hpw.qld.gov.au](mailto:MHC@hpw.qld.gov.au)

Dear Ange,

**RE: Review of draft *Retirement Villages (Closure, Transition and Redevelopment Plans and Other Matters) Amendment Regulation 2019***

The Urban Development Institute of Australia Queensland (Institute) writes in relation to the amendments to the draft *Retirement Villages (Closure, Transition and Redevelopment Plans and Other Matters) Amendment Regulation 2019* (draft amendment regulation).

Queensland Treasury projects that there will be around 1.5 million people in Queensland 65 years or over by 2041. This is an increase of 790,520 over 2016 or more than doubling in this population group. The Institute is keenly aware of the task required to meet the housing needs of this growing sector. The Institute's comments below on the draft amendment regulation stem from acknowledgement of the task ahead as well as a wish to assist in making the regulations as usable, consistent, and clear as possible.

**Section 7, Schedule 1A, item 9 and Schedule 1B, item 11 (Closure Plan and Transition Plan)**

These new items (which are not currently part of the approved forms) require specific information to be inserted for each and every unit that is occupied in the village. In practice this will mean inserting a large number of additional rows in the table at item 3.5 of the Form 8 (Closure Plan) or item 1.10 of the Form 11 (Transition Plan). This will lead to very lengthy plans.

Further, the information is excessive, and would be easy for a scheme operator to inadvertently miscalculate. It is also not clear what purpose the information serves. By contrast, the current approved form requires the information in summary only, i.e. the total number of residents in occupied units for each type of tenure.

**Suggested change:**

Re-word these items to reflect the information currently required in the approved forms, as follows:

*"For each type of tenure or interest that can be obtained, the number of currently occupied accommodation units"*

### Section 7, Schedule 1B, item 29 (Transition Plan)

This item is based on the previous wording of item 4.4.2 of the Form 11 Transition Plan when it was in draft form for stakeholder consultation. Following feedback, the Department amended item 4.4.2 to require the scheme operator to detail only capital replacement fund contributions required to be made since it became the scheme operator (i.e. so any previous contributions required to be made by previous scheme operators over the life of the village do not have to be ascertained or detailed). The item should therefore reflect item 4.4.2 as amended.

#### Suggested change:

Change this item as follows:

*"For each capital replacement fund contribution that, as at **between the date the existing scheme operator became scheme operator of the village and the declaration date for the transition plan**, must have been made for the retirement village..."*

### Section 8(1), item 15A, and section 9, item 7(ba) (Village Comparison Document (VCD) and Prospective Costs Document (PCD))

These are new items not currently part of the approved forms. It is unclear whether the new prescribed information is to be provided by the Department or by the scheme operator.

#### Suggested change:

The approved form should be amended to include the information required by this item, by way of:

- a) a standard block of text containing a summary of the relevant sections of the *Retirement Villages Act 1999* (preferred option); or
- b) a placeholder for the scheme operator to insert its own summary of the relevant sections of the *Retirement Villages Act 1999*.

### Section 8 (VCD)

The approved form of VCD has recently been changed to remove all content in Part 15 (Financial management of the body corporate). Accordingly, section 8 should also delete Schedule 2 clauses 21(b), 22(b), 23(b) and 24(c) of the current Regulation.

#### Suggested change:

Either:

- a) add further content to the Draft amendment regulation to delete these clauses from the current Regulation (with consequential changes to items 21(c) and 22(d)); or
- b) reinstate the relevant content in the approved form of VCD.

Part 15.1 of the approved form VCD has recently been changed to add a new column headed 'Balance', however neither the current Regulation nor section 8 requires a balance to be inserted, nor is there any guidance about what the term 'balance' is referring to. In the context of Part 15.1, it would indicate that it means the balance of the general services charges fund at the end of the relevant financial year.

#### Suggested change:

Either:

- a) add further content to the draft amendment regulation to include a new subparagraph to clause 21 to require the balance of the General Services Charges Fund at the end of the relevant financial year to be included; or
- b) remove the 'Balance' column from the current version of the approved form VCD.

### Section 12(2), Schedule 7, definition of 'declaration date' (Transition Plan and Redevelopment Plan)

There are incorrect cross-references in the definition.

**Suggested change:**

Change the definition as follows (subject to other changes made to the draft amendment regulation)

- for a transition plan – refer to item 34 (not 33); and
- for a redevelopment plan – refer to item 48 (not 47).

**Conclusion**

Thank you for the opportunity to comment on the draft amendment regulation. If you have any questions regarding this letter, please contact Manager of Policy, Martin Zaltron ([mzaltron@udiaqld.com.au](mailto:mzaltron@udiaqld.com.au)) on (07) 3229 1589.

Yours sincerely,

**Urban Development Institute of Australia Queensland**



Kirsty Chessher-Brown  
**Chief Executive Officer**