

## **Frequently Asked Questions**

Correct as at 1 Feb 2018

### **Q1. What is the range of prices for Apartments at The Orchards?**

The prices for Apartments range from \$315,000 to \$478,000 for 2 and 3 bedroom Apartments.

All apartments have their own separate lock up garage with remote control access included in the price as well as the following ~~standard~~ inclusions:

Electric cook top and oven, range hood, stainless steel one and a half bowl sink, dishwasher, laundry tub, clothes dryer, washing machine, built in wardrobes, TV outlets, telephone, 24/7 emergency call system (INS Lifeguard)\*, light fittings, carpets, reverse cycle air conditioning, smoke detectors, emergency lighting, access to PABX telephone system to enable free calls to be made to administration and other Residents within Village, access point for internet\* (Residents liable for cost of modem, installation and usage charges), sliding security door, key locks and fly screens to all windows.

\*Cost of service included in Recurrent charges.

+Prices subject to change based on quarterly reviews and availability of Apartments.

### **Q2. What are the costs associated with becoming a Resident?**

You will have to pay for the purchase price of the Apartment as well as Lease Registration fees (\$107.00) Owners Solicitors Disbursements \$114.00 and Mortgage Consent Fees for the lease to be registered (\$200.00).

As from 1 January 2008, no stamp duty is payable on the purchase contract as compared to other ownerships structures such as Torrens Title or Company Title.

By way of example Stamp Duty payable on a Apartment for \$350,000 if purchased under Torrens or Company Title will amount to \$11,240.00 whereas at The Orchards there is no stamp duty payable.

In addition to the savings in stamp duty you will NOT have to pay for our Solicitors costs for preparing the Village documents.

We encourage potential Residents to obtain independent legal advice and consequently if you choose to obtain advice, you will have to pay for your own legal advice.

When choosing a legal advisor make sure you obtain a fee estimate and that the advisor has experience in Retirement Villages a useful free of charge reference point is the Law Society of New South Wales Tel. 99260333 or [www.lawsociety.com.au](http://www.lawsociety.com.au)

### **Q3 What are the “on-going” fees” payable by Residents?**

The on-going fees for being a Resident in a Retirement Village are known as ~~%~~Recurrent charges+or ~~%~~General Service charges+and optional fees known as ~~%~~Personal Service charges+.

The recurrent charges are the costs for running the Village and are payable by all Residents during the term of their lease even if they absent themselves from the Village. At the Orchards the weekly charge applicable to each Apartment is determined as a fixed percentage to the Single Age Pension.

The link to the Single Age Pension guarantees the maximum amount that a Resident will have to pay. This not only safeguards Residents from any unforeseen rises but enables them to budget their living expenses without the threat of any ~~%~~hidden surprises+.

The risk and liability for any expenses over and above the rate payable by the Residents is met by Astoria Platinum Villages.

The recurrent charges are for the following expenses:

Accounting fees for having the Village accounts audited, Council and Water rates, garbage collection fees, grounds maintenance, cleaning of common areas, maintaining and lighting common areas, building and public liability insurance, cost of running and maintaining the village bus, providing on-site village management and staff, repairs and maintenance to all items not personally owned by the residents, internet access in the library and security patrols.

The recurrent charges are ~~%~~at cost+with no operator ~~%~~mark-up+.

The Personal Services charges at The Orchards are for optional services including:

Cleaning of Residents' apartments, hairdressing, home assistance, provision of meals, laundry, medical assistance, nursing services, personal hygiene, physiotherapy and other services particular to a Resident's personal circumstances. These additional services are on a ~~%~~user pay+basis and the rates are set by the service providers separate from the General Service charges.

At The Orchards, we believe that the Personal Service charges should only be charged to the users of such services. This ensures that the recurrent charges on which the Residents pay their fortnightly contribution are only for the service that relate to the running of the Village.

### **Q4. How far is the local shopping centre from the village?**

Lisarow Plaza is a 900 metre level walk from the village. The following shops operate from the Plaza:

Bi Lo Supermarket (open 7:00am . 10:00pm, 7 days per week), Bakers Delight, Liquorland, Subway, The Seafood Spot, Eagle Boys Pizza Parlour, Block Buster Video, Clothing Store, The Bakehouse Café, Allan's Quality Meats, Lisarow Newsagency, Bendigo Bank, LJ Hooker, Hair to Impress, Absolute Medical Services, Chemist Outlet, Mayne Health Laverty Pathology, Sure Optical, Thai Restaurant, Dental Surgery.

### **Q5. What is the distance of the public bus stop and railway station from the village?**

The public bus stop and Lisarow Railway Station is a 500 metre level walk from the village.

#### **Q6. What does the Resident or their estate receive back when their Lease ends?**

When the Lease ends, the Resident receives the Purchase price (described as a Loan) in full less a Lease Termination Payment also known as a Departure fee.

If the Apartment is resold for more than the original price, the Resident is entitled to 50% of the capital gain.

The Departure fee is 3.5% per annum for a maximum of 35% (calculated daily) at 10 years of occupancy on the purchase price not the resale price.

#### **Q7. Who pays for the refurbishment costs when the Lease ends and the Resident leaves the Village?**

At The Orchards, the refurbishment costs are the responsibility of Astoria Platinum Villages. If for example, the Resident has resided in the Apartment for 10 years and the carpet, hot water service, stove, air conditioner, kitchen bench tops and/or cupboards need replacing or the Apartment needs to be repainted, the cost of these items will be paid by Astoria Platinum Villages.

At the end of the Lease, Astoria Platinum Villages will have the total say as to what items need to be replaced and the degree of refurbishment including type, quality and colour. As a minimum the Apartment will be refurbished to the same standard as the last similar Apartment sold in the Village at the relevant time. The minimum standard ensures that when the Apartment is offered for Sale it presents to a high standard increasing the potential for a capital gain which is shared between Astoria Platinum Village and the Resident without the Resident having to pay for the refurbishment.

#### **Q 8. What is a Departure fee?**

A Departure fee is payable by a Resident when the lease ends ie when the resident can or does not want to reside in the Village.

The fee is deducted from the money that Astoria Platinum Villages must repay to the Resident when the Lease ends.

The fee is paid to Astoria Platinum Villages towards the Resident being released from the Lease and for Astoria Platinum Villages, providing services to the Village such as the bowling green, community centre, walk ways, common facilities, subsidizing Village expenses, liability for refurbishments cost of apartments, responsibility for the replacement of any capital items in the Village such as roofs, roads, pathways and plumbing and non capital items, such as air conditioners, stoves, dishwashers and the Village Bus.

As discussed under question 6 above, the Departure fee is a fixed percentage per annum (calculated on a daily basis) for a maximum period (of 10 years) and is based on the Purchase Price.

Departure Fees vary from Village to Village and are either calculated on the Purchase price or Resale Price.

Some Villages accelerate the maximum fee over a short period whilst others have no cap.

When assessing a Village's Departure fees one must look beyond the percentage amount and see what the Village has to offer. The Departure fee should be viewed by taking account of the services and facilities available to Residents, style and age of Premises, location and topography, size and condition of Village. In most cases a Village that scores low will generally have a lower Departure fee to a Village that has a higher score. Potential Residents need to look at what they are getting for their money.

**Q9. Can a Resident be evicted, and if so, by whom and what is the due process?**

A Resident can only be evicted from the Village if an order is obtained from the Consumer, Trader and Tenancy Tribunal administered by the Department of Fair Trading.

The Tribunal is unlikely to issue an eviction order unless it is shown that the Resident is unable to look after themselves or they are a nuisance to other Residents in the village. Village life is about community life with all members of the community being able to live and enjoy village life without feeling that their personal safety or well being is at risk, be it emotionally or physically.

**Q10. Who owns The Orchards?**

The Owner and operator of The Orchards is Astoria Platinum Villages.

The Orchards was the first village on the Central Coast of NSW to attain Australian Accreditation under the Australian Retirement Village Accreditation system.

Astoria Platinum Villages is a private company owned by the Shanahan family. The Shanahans have been involved in the property industry since the 1950s and have undertaken numerous projects ranging from residential land development, motel & hotel developments, industrial, commercial and retail developments.

The company is family owned and operated and committed to providing its Residents with living based on quality, soundness of management, commitment to care, security and easy living.

**Q11. What happens if a Resident requires extra care? What care is provided from day 1 of entering the village?**

The Orchards has a number of Optional User Pay Personal Services available to Residents on an as needs basis.

The Optional Personal Services include catering, laundry, personal care and medical treatment.

This user pay system ensures that the operating costs are reduced and the cost of the extra care services are only incurred when they are required and then only by those persons who require them.

The cost for the Personal Service is paid by the Resident direct to the service provider thus further reducing administrative costs to the village.

**Q12. Can a Resident have family friends, grandchildren etc stay with them? If so, what are the limitations?**

Yes, however stays cannot be for more than 6 months unless management approves. The decision by management not to allow for longer stays is due to the condition imposed on the development by Gosford City Council in that the village is to be occupied by the over 55s or persons with disabilities. All Persons must adhere to the village rules which are applicable to all residents and their visitors.

**Q13. Can a Resident bring a pet with them when they move in? What happens if the pet dies? Can they replace it?**

Yes\*, however there are certain rules regarding pets including:

**Birds .** The Resident is responsible for keeping the bird's cage and area where the cage is kept clean and tidy.

**Cats .** All cats must be kept within the Apartment or balcony/courtyard area and wear a collar with a bell. The wearing of the bell is to enable other Resident to hear them should they escape from the confines of the Apartment. They must not be allowed to wander throughout the village without supervision or a leash.

**Dogs .** Dogs are permitted however they must not be large dogs or dangerous breeds. They must not be allowed to wander throughout the village without supervision or a leash.

\*With all pets it is the responsibility of the Resident to make sure that they do not cause interference to other Residents and that any excrement is picked up and disposed of in the general garbage.

**Q14. Who is going to operate and manage the Village day to day? What access does a Resident have to village management?**

The Orchards has its own on-site Village Managers, Sue Frost & Jodie Elwin. Sue & Jodie are assisted by the Village Receptionists and specialised contractors who undertake Village maintenance and ground care.

The administration of Astoria Platinum Villages is managed from Astoria's head office whose personnel includes accounts staff, IT Manager, Asset Manager, Occupational Health and Safety Officer and a Development Manager to name but a few.

At The Orchards, we encourage an open door policy to all Residents, however if a Resident desires a lengthy discussion with management, an appointment would be appreciated at a mutually convenient time.

**Q15. Does a prospective Resident have to supply a medical certificate or reports to certify her/his ability to live independently?**

No, even though various forms of Care are readily available, the Village is for independent living.

**Q16. Does a Resident have to provide documentation of their medical conditions and medications? If so, who will have access to it?**

No, although this is advisable in the event of an emergency. All records on Residents held at the Orchard are held pursuant to the provisions of the Privacy Act, 1988. Full details of the Privacy Policy are on display at the Village and can be made available to Residents on request.

**Q17. What restrictions are there on a Resident in the use of their Apartment and the village facilities with regard to having someone else with them, having visitors including overnight or short stay guests, car parking, pets and other restrictions?**

At The Orchards, we encourage Residents to maintain contact with their family and friends. We are proud of our village and its facilities and wish all Residents to be able to share this with family and friends. Visitors are encouraged at all times.

To maintain security we do insist that all visitors register at the office. This registration is simply to alert us as to who is in the village at any particular time. This register is an integral part of our Risk Management Policy that has been developed for the safety and wellbeing of all occupants. If a Resident has visitors, it is the Residents who take responsibility for ensuring that their visitors abide by the rules for the Village in regard to respecting the rights of other Residents. All visitors must park their cars in the allocated visitor car parking spaces.

**Q18. What happens if my partner requires additional care and can no longer reside in the Apartment, do I have to leave as well?**

As long as you are a joint lessee you do not have to leave the Apartment.

**Q19. What type of Village transport is available to Residents?**

Astoria Platinum Villages has supplied a bus to the Residents. The costs for running and maintaining the bus are included in the General Service charges.

The bus is available for both regular shopping trips and any other purpose that the Residents may decide to use. In addition to the village bus, The Orchards is extremely fortunate in being only 500 metres from Lisarow Railway Station and a public bus route.

**Q20. Can a Resident move from one part of the village to another? If so, under what circumstances?**

Yes, subject to availability of alternative premises and a possible additional payment if the replacement Apartment has a higher value than the one occupied by the Resident. If a Resident moves within the Village, there is no departure fee payable until such time as the Resident finally leaves the Village.

**Q21. What arrangements exist for Residents to participate in management of the Village? What are the arrangements for Residents to be involved in making Village rules and setting fees and charges?**

At The Orchards, we encourage Residents to be involved in management of the Village through Resident committees covering such areas as finance, social activities, gardening and maintenance, security and library resources. The Residents are also able to vary, appeal or amend the village rules. The Residents must approve the village budget each and every year.

**Q22. Do I own my Apartment and what protection does a Resident have against loss or rights (including accommodation rights) if the village is sold to another organisation?**

The title to the Property remains with Astoria Platinum Villages with your rights of residency protected by a written Loan Lease documents which complies with the Retirement Villages Act 1999 (NSW).

In addition to the protection of the Retirement Villages Act the Residents right to occupy their Apartment is registered through a written lease which is registered at the Land and Property Management Authority.

**Q23. Can Residents be made liable for any additional or extraordinary charges, if so, for what purposes?**

No additional charges over and above the set percentage in the Single Ages Pension can be charges to the Residents.

**Q24. Are the Residents responsible for the replacement of capital items such as replacing a roof, guttering or the Village bus.**

No, all of these expenses are the responsibility of the Owner. Unlike other villages who set up sinking funds which is effectively the Residents' money, Astoria Platinum Villages acknowledges its liability to meet these expenses.

**Q25. Where can Residents access more information about Retirement Villages and living in a Village.**

There are a number of very good free publications that a potential Resident or existing Resident can obtain.

The Department of Fair Trading issue a number of free publications which can be obtained from any Fair Trading Office in New South Wales or downloaded from the Internet at [www.fairtrading.nsw.gov.au](http://www.fairtrading.nsw.gov.au).

We also hold copies of the Retirement Living Booklets as issued by the Department of Fair Trading which are available free of charge to all existing and prospective Residents.

The above general publications should never be taken as a substitute for obtaining competent legal advice and such advice should always be sought if you have any legal questions.

At The Orchards we understand that people may be hesitant to live in a Village environment as Retirement Living is something that is relatively new to the Australian way of living and the ¼ acre block.

The best way to understand Retirement Villages is to spend time researching the different types of Villages, ask questions and get answers, talk to your family and friends, talk to management, spend time at the Village and above all else do not enter a village community unless it is your own decision and not the decision of others.

We are confident that our Village at Lisarow, as with our other village, will be the benchmark for Villages of the future and will meet our goal of providing 'Platinum Living' for our Residents with an independent lifestyle that is safe and secure in beautiful surroundings at reasonable prices.

The advice and information in this fact sheet has been prepared by Astoria Platinum Villages and is not to be construed as a substitute for obtaining independent professional legal, financial or real estate advice. Please refer to our Disclaimer Statement.

[www.theorchards.com.au](http://www.theorchards.com.au)