

Circular

Division: Land and Property Information
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Requirements for Plan Memorandums affecting Retirement Villages

A number of inconsistencies have been detected in plans for Retirement Villages and their relationship to registered Leases. In order to assist practitioners in the preparation of plan memorandums, the following guidelines have been prepared.

Sites in a retirement village, which are to be leased for a term in excess of 25 years, require a memorandum with a plan annexed.

A memorandum with a plan lodged must comply with the following:

- Schedule 6 of the Real Property Regulation 2003;
- the memorandum must include the reference to title;
- all affected lot numbers in a Strata/Deposited Plan, within the current title boundaries, must be shown in the plan;
- the memorandum must only describe the sites in the plan (proposed sites must not be shown). Furthermore, the type and number of each parcel must be described in a schedule in the memorandum and be identical to those shown on the plan; (i.e. Hostels 1-12, Apartments 1-12, Villas 1-12);
- any subsequent memorandum must not refer to sites in the schedule(s) shown in previous memorandum(s) but should contain sufficient information to enable connection with previous memorandum(s);
- the full name of the applicant and the number of pages in the memorandum must be stated;
- the memorandum must be signed by the applicant or the applicant's representative.

Lease requirements

Marginal note (A) on the lease, the property description, must clearly identify the site and be cross referenced to the relevant plan memorandum and include in the premises description all the premises subject of the lease. When the Lease includes a garage, carport, or storage room, it must be identified in the plan memorandum.

Other matters

Land and Property Information may allow renumbering of sites contained in a previous plan memorandum(s). However, this will only be done in circumstances where no leases have been registered over these sites.

A plan may be required to be lodged identifying the sites.

Where a Retirement Village contains more than one reference to title, Land and Property Information may require all the titles to be consolidated into one folio of the Register.

Where can I address further queries?

Contact the Supervisor, Folio Management Section, Department of Lands, Queens Square, Sydney NSW 2000, T: 02 9228 6871.

Des Mooney
Deputy Director General, Department of Lands and
General Manager, Land and Property Information Division