



FIRST PRINT

STRATA TITLES (DEVELOPMENT SCHEMES) AMENDMENT BILL, 1985

EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The Land and Environment Court (Strata Titles) Amendment Bill, 1985, is cognate with this Bill.

The object of this Bill is to amend the Strata Titles Act, 1973 ("the Principal Act"), to impose certain obligations, and confer certain rights, where a developer proposes to develop a parcel of land by erecting a series of buildings in succession, each building being, on completion, subdivided into strata lots which are then sold in order to assist in financing the next stage of the development.

Basic to the provisions proposed by the Bill is the "development statement" to be recorded by the Registrar-General. This comprises the various instruments, plans and drawings prepared by the developer to illustrate and explain the overall concept and timetable for the "development scheme". From the development statement a purchaser of a strata lot in the early stages of the development scheme knows what is proposed later in relation to the immediate environment of the lot and the amendments proposed by the Bill protect the interests of such a purchaser in relation to completion of the development scheme as represented. Certain rights are also conferred on the developer in relation to the use of common property in the strata scheme constituted by registration of a strata plan on completion of the first building. These rights are those necessary to enable the developer to carry the development scheme through to completion.

Schedule 1 amends Part I of the Principal Act to provide for the interpretation of the new provisions.

Apart from consequential amendments relating to technical and ancillary matters, Schedule 2 proposes the insertion in Part II of the Principal Act of a new Division 2A which includes—

- (a) section 28A which requires a development statement to be lodged with the relevant municipal or shire council whenever development consent is sought to a proposal involving the progressive development of a parcel of land as indicated above;
- (b) section 28B which authorises the Registrar-General, when registering a strata plan of subdivision, to register an accompanying development statement;

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SOLICITORS
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SYDNEY

- (c) section 28C which specifies the requirements to be complied with before a development statement may be amended;
- (d) section 28D which provides the machinery for registering certain classes of amendments to a development statement;
- (e) section 28E which provides the machinery for registering certain other classes of amendments of a development statement;
- (f) section 28F which enables the developer to apply to the Land and Environment Court for an order dispensing with certain consents that the developer has been unable to obtain;
- (g) section 28G which creates statutory covenants between a developer, purchasers, mortgagees and occupiers of strata lots and the body corporate under a strata scheme whereby the developer covenants with the other parties that the relevant parcel of land will be developed in accordance with the development statement and those other parties covenant to permit the developer to do so;
- (h) section 28H which relates to the rights of a developer to use common property under a strata scheme while developing the parcel that is subject to the scheme;
- (i) section 28I which deals with the circumstances in which a development scheme terminates or may be terminated;
- (j) section 28J which deals with the effect of certain notices;
- (k) section 28K which enables the Land and Environment Court to order amendment of a misleading development statement;
- (l) section 28L which deals with remedies for a departure from the terms of a development statement;
- (m) section 28M which enables the Registrar-General to register the effect of certain orders;
- (n) section 28N which deals with certain applications to the Strata Titles Commissioner for assistance in the institution or defence of proceedings arising under the proposed amendments;
- (o) section 28O which relates to the granting of legal assistance under the Consumer Protection Act, 1969;
- (p) section 28P which nullifies any vote of the developer, or of a mortgagee of the developer, for the purposes of a resolution by the body corporate under a strata scheme to pursue certain remedies in relation to a development scheme; and
- (q) section 28Q which confers on the Strata Titles Commissioner certain advisory and conciliatory powers in relation to a development scheme.

Schedules 3, 4 and 5 effect ancillary and consequential amendments to the Principal Act.

Schedule 6—

- (a) brings within the common property in a strata scheme pipes, wires, cables and ducts outside the building as well as those within the building (Schedule 6 (1)); and
 - (b) amends the regulation-making power to bring it into conformity with present practice (Schedule 6 (2)).
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