

**SYDNEY COVE REDEVELOPMENT AUTHORITY
(AMENDMENT) ACT, 1983, No. 73**

New South Wales



ANNO TRICESIMO SECUNDO

ELIZABETHÆ II REGINÆ

Act No. 73, 1983.

An Act to amend the Sydney Cove Redevelopment Authority Act, 1968, with respect to development consents and strata schemes. [Assented to, 4th May, 1983.]

Sydney Cove Redevelopment Authority (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the "Sydney Cove Redevelopment Authority (Amendment) Act, 1983".

Commencement.

2. (1) Except as provided by subsection (2), this Act shall commence on the date of assent to this Act.

(2) Section 5, in its application to Schedule 2, and Schedule 2 shall commence on such day as may be appointed in respect thereof and as may be notified by proclamation published in the Gazette.

Principal Act.

3. The Sydney Cove Redevelopment Authority Act, 1968, is referred to in this Act as the Principal Act.

Schedules.

4. This Act contains the following Schedules:—

SCHEDULE 1.—AMENDMENT TO THE PRINCIPAL ACT RELATING TO DEVELOPMENT CONSENT.

SCHEDULE 2.—AMENDMENT TO THE PRINCIPAL ACT RELATING TO STRATA SCHEMES.

Amendment of Act No. 56, 1968.

5. The Sydney Cove Redevelopment Authority Act, 1968, is amended in the manner set forth in Schedules 1 and 2.

Sydney Cove Redevelopment Authority (Amendment).

SCHEDEULE 1.

(Sec. 5.)

AMENDMENT TO THE PRINCIPAL ACT RELATING TO
DEVELOPMENT CONSENT.

Section 25 (1)–(2A)—

Omit section 25 (1) and (2), insert instead:—

- (1) In this section, “development” in relation to land means—
 - (a) the erection of a building on that land;
 - (b) the carrying out of a work in, on or over that land;
 - (c) the use of that land or of a building or work on that land; and
 - (d) the subdivision of that land.

(1A) This section has effect notwithstanding anything in any other Act.

(1B) Subject to subsection (2), no consent or approval other than the consent or approval of the Authority is required for any development within the development area.

(2) Part XI of the Local Government Act, 1919, applies to and in respect of a building (other than a building referred to in section 22 (1) (a)) for the erection of which the Authority has given its consent but, in relation to such a building, approval shall be deemed to have been given under that Part of that Act to—

- (a) the building line and height of the building;
- (b) the proportion of the building area to be covered by the building and any open space and light areas to be provided;
- (c) the position of the building in relation to other buildings and the boundaries of the building area;
- (d) the means of access to the building;

Sydney Cove Redevelopment Authority (Amendment).

SCHEDULE 1—*continued.*

AMENDMENT TO THE PRINCIPAL ACT RELATING TO
DEVELOPMENT CONSENT—*continued.*

- (e) the space or accommodation to be provided for vehicles likely to be used by the occupants of or visitors to the building; and
 - (f) the accommodation to be provided for the loading and unloading of vehicles.
- (2A) An application for approval under Part XI of the Local Government Act, 1919, to the erection of a building on land within the development area is not, for the purposes of any Act, an application for development of that land.

SCHEDULE 2.

(Sec. 5.)

AMENDMENT TO THE PRINCIPAL ACT RELATING TO
STRATA SCHEMES.

Section 22A—

After section 22, insert:—

Strata schemes.

22A. (1) Where a certificate of title issues to the Authority for land in the development area, the Strata Titles Act, 1973, and the regulations made thereunder apply to and in respect of the land with such prescribed

Sydney Cove Redevelopment Authority (Amendment).

SCHEDULE 2—*continued.***AMENDMENT TO THE PRINCIPAL ACT RELATING TO
STRATA SCHEMES—*continued.***

modifications as are necessary and convenient having regard to sections 18, 22 and 25, and to the approved scheme as from time to time in force.

(2) Regulations may be made under subsection (1) for and with respect to the estate or interest to be taken by—

- (a) a mortgagee of the lease of a lot in a strata plan from the Authority to the proprietor of the lot;
- (b) a sublessee under such a lease; and
- (c) the holder of any other interest in such a lot that is subsidiary to the estate or interest of the proprietor of the lot,

upon the early termination of the lease from the Authority to the proprietor of the lot.

(3) The Authority may not, in respect of land in the development area, apply for registration of a plan as a strata plan under the Strata Titles Act, 1973, unless the lots in the strata plan are to be used for, and in connection with, residential purposes.

(4) The Registrar-General shall not be concerned to inquire whether subsection (3) has been contravened, and registration of a strata plan pursuant to an application made in contravention of that subsection is as valid as if the subsection had not been contravened.

Sydney Cove Redevelopment Authority (Amendment).

SCHEDULE 2—continued.

**AMENDMENT TO THE PRINCIPAL ACT RELATING TO
STRATA SCHEMES—continued.**

(5) For the purposes of subsection (1), but without prejudice to the prescription of any other modifications—

- (a) the Strata Titles Act, 1973, shall be deemed to have been amended—
 - (i) by inserting in section 5 (1) after the definition of “approved insurer” the following definition:—

“Authority” means the Sydney Cove Redevelopment Authority;
 - (ii) by inserting in section 5 (1) before the definition of “enrolled mortgage” the following definition:—

“development area” has the same meaning as it has in the Sydney Cove Redevelopment Authority Act, 1968;
 - (iii) by omitting from paragraph (a) of the definition of “proprietor” in section 5 (1) the words “an estate in fee simple in that lot” and by inserting instead the words “a lease of that lot from the Authority being a lease expressed to expire at the same time as the time at which the lease under section 18 (1) from the Authority to the body corporate is expressed to expire”;
 - (iv) by omitting section 8 (1) (e) and (4);
 - (v) by inserting in section 8 (1) (f) (iv) after the word “are” the words “, notwithstanding the existence of a building (whether subjacent, superjacent or adjacent) conterminous with the building illustrated in the strata plan,”;
 - (vi) by omitting section 18 (1) and by inserting instead the following subsection:—
 - (1) Upon registration of a strata plan for land within the development area, the Authority shall grant a lease of any common property in the plan to the body corporate for the strata scheme.

Sydney Cove Redevelopment Authority (Amendment).

SCHEDULE 2—continued.**AMENDMENT TO THE PRINCIPAL ACT RELATING TO
STRATA SCHEMES—continued.**

(b) the Strata Titles Act, 1973, shall be construed as if, except in relation to the application of section 25 (2) of this Act, references in that Act to the local council were references to the Authority.

(6) The prescription by subsection (5) of the matters specified therein does not preclude the making of regulations under subclause (1) having the same effect as subsection (5).
