

STRATA TITLES (LEASEHOLD) AMENDMENT BILL 1988

NEW SOUTH WALES



EXPLANATORY NOTE

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

The object of this Bill is to amend the Strata Titles (Leasehold) Act 1986 and the Miscellaneous Acts (Leasehold Strata Schemes) Amendment Act 1986 to provide that an appeal under section 69 of the former Act will lie only to the Land and Environment Court. Neither of these Acts has commenced.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the proposed Act commences on the date of assent.

Clause 3 gives effect to the Schedule of amendments.

SCHEDULE 1—AMENDMENT OF CERTAIN ACTS

The Bill amends section 69 (Appeal against refusal of approval) of the Strata Titles (Leasehold) Act 1986. Section 69 provides that an applicant for a certificate of approval of a proposed strata plan, a proposed strata plan of subdivision, a notice of conversion or a proposed amendment of a development statement will be able to appeal if the prescribed authority to which the application is made refuses to approve the application, approves the application subject to a condition or fails to notify the applicant of its approval within 40 days. Under the proposed provisions of that section as they stand at present, an appeal would lie to the Land and Environment Court or, if the prescribed authority concerned is the Sydney Cove Redevelopment Authority or the Darling Harbour Authority, it would lie to the Minister administering the relevant provisions of the Act which constitutes the relevant body. The proposed amendment provides that an appeal will lie only to the Land and Environment Court.

Strata Titles (Leasehold) Amendment 1988

The Bill also consequentially amends the uncommenced amendments made by the Miscellaneous Acts (Leasehold Strata Schemes) Amendment Act 1986 to the Land and Environment Court Act 1979 in respect of appeals under section 69 of the Strata Titles (Leasehold) Act 1986. These uncommenced amendments will provide for the jurisdiction of the Land and Environment Court to hear those appeals.
