

**STRATA TITLES (LEASEHOLD) (REGISTRATION OF PLANS)
AMENDMENT BILL 1989**

NEW SOUTH WALES



EXPLANATORY NOTE

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

This Bill is cognate with the Strata Titles (Registration of Plans) Amendment Bill 1989.

The object of this Bill is to amend the Strata Titles (Leasehold) Act 1986:

- (a) to enable local councils to ensure that, before the conversion of an existing building to leasehold strata title units, any outstanding notices affecting the building and relating to matters such as fitness for occupation, structural soundness and fire safety have been complied with; and
- (b) to permit the registration under the Act of certain plans for the subdivision of a building into leasehold strata units even if the building encroaches on other land (including a public place).

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

Clause 3 defines the expression "Principal Act".

Clause 4 is a formal provision that gives effect to the Schedules of amendments.

Clause 5 is a transitional provision.

**SCHEDULE 1 - AMENDMENTS RELATING TO COUNCIL
REQUIREMENTS**

Schedule 1 proposes to include among the matters as to which a local council must be satisfied before approving a subdivision under the Principal Act, compliance with

Strata Titles (Leasehold) (Registration of Plans) Amendment 1989

outstanding requirements under certain provisions of the Public Health Act 1902 and the Local Government Act 1919 and its ordinances.

SCHEDULE 2 - AMENDMENTS RELATING TO ENCROACHMENTS

Schedule 2 (1):

- (a) proposes that, before a strata plan may be registered, a surveyor must, in addition to other matters, certify that an appropriate easement exists, or will be created, in respect of any encroachment on other land that is not a public place; and
- (b) provides for the encroachment to be treated as part of a lot, or as common property, within the leasehold strata scheme.

Schedule 2 (2) makes similar provision in relation to the surveyor's certificate required to accompany a proposed plan of subdivision of a development lot.

Schedule 2 (3) makes similar provision in relation to the surveyor's certificate required to accompany a proposed strata plan of subdivision.

Schedule 2 (4) makes similar provision in relation to the surveyor's certificate required to accompany a proposed building alteration plan.

Schedule 2 (5):

- (a) removes limitations on the type of encroachment on a public place that would otherwise prevent a council from approving a strata plan or strata plan of subdivision; and
 - (b) provides for the encroachment to be treated as part of a lot, or as common property, within the leasehold strata scheme.
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