

**MISCELLANEOUS ACTS (COMMUNITY LAND) 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 Community Land Development Bill 1989.

The object of this Bill is to amend certain Acts as a consequence of the proposed enactment of the Community Land Development Act 1989 ("the Development Act") and the Community Land Management Act 1989 ("the Management Act").

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Clause 1 specifies the short title of the proposed Act.

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

Clause 3 is a formal provision which gives effect to the proposed amendments to other Acts.

Schedule 1 contains amendments to the following Acts:

**Auctioneers and Agents Act 1941**

Section 3 is amended by inserting a definition of "Community managing agent" as being a person engaged for monetary or other reward to exercise the functions of an association constituted under the Development Act for a community scheme, precinct scheme or neighbourhood scheme. (Item (2))

The Act is also amended (items (3) - (13)):

- (a) to require a person carrying on business as a community managing agent to hold a licence as a strata managing agent; and
- (b) to confer and impose on a community managing agent for an association under the Management Act similar functions to those conferred and imposed on a strata managing agent for a body corporate under the Strata Titles Act 1973.

*Miscellaneous Acts (Community Land) Amendment 1989*

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**Environmental Planning and Assessment Act 1979**

Section 99 is amended to require a consent authority, when imposing a time limit for completion of the development proposed in a development contract for a community scheme or a precinct scheme, to have regard to the stages in which development is proposed to be effected.

**Land and Environment Court Act 1979**

Section 17 is amended to give the Land and Environment Court jurisdiction to hear and dispose of proceedings relating to an amendment of a development contract registered under the Development Act. (Item (1))

Section 20 is amended to give the Land and Environment Court jurisdiction to hear and dispose of certain matters arising under the Development Act and the Management Act. (Item (2))

**Land Tax Management Act 1956**

Section 10 is amended by giving to association property vested in an association under the Development Act the same exemption from land tax as is given to common property vested in a body corporate under the Strata Titles Act 1973.

**Local Government Act 1919**

Section 327AA is amended to include among the plans of subdivision to which the section applies a strata plan of subdivision, a strata plan of consolidation and a plan of the residue of a strata parcel after a road widening followed by termination of a strata scheme.

Section 333 is amended to specify the matters required to be taken into account by a local council when considering a proposed subdivision under the Development Act. (Item (2))

**Valuation of Land Act 1916**

Section 7H is inserted to provide that certain matters are to be taken into account by the Valuer-General when valuing land the subject of a community scheme, precinct scheme or neighbourhood scheme. (Item (1))

Section 76 is amended to require the Valuer-General, on application by an association constituted under the Development Act, to provide the association with a table of values to enable the association to prepare a revised schedule of unit entitlements for the scheme under which the association is constituted.