

[Act 1996 No 81]



New South Wales

Strata Titles Amendment Bill 1996

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

This Bill is cognate with the *Community Land Development Amendment Bill 1996*.

Overview of Bill

The objects of this Bill are:

- (a) to repeal an uncommenced provision of the *Strata Titles (Community Land) Amendment Act 1989*, and
 - (b) to amend section 7 (2C) of the *Strata Titles Act 1973* (“the Principal Act”) to remove the prohibition on the subdivision of a development lot under the *Community Land Development Act 1989* where the strata plan applies to only part of a building, and
 - (c) to amend section 28R of the Principal Act in order to dispense with the necessity for a strata management statement if a building to be erected on a community development lot is to be only partly subdivided by a strata plan, with the rest of the building being community property, or if the Minister directs that the statement may be dispensed with.
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Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the proposed Act to commence on the date of assent.

Clause 3 provides for the amendment of the Principal Act as set out in Schedule 1.

Clause 4 repeals an uncommenced provision of the *Strata Titles (Community Land) Amendment Act 1989*. If it had been commenced, the provision would have inserted in the Principal Act a new section prohibiting the registration of a strata plan if the Registrar-General considered that the plan did not provide essentially for the subdivision of land into lots the principal parts of which corresponded to parts of a building erected on the land. The provision is considered to be unnecessary.

Schedule 1 Amendments

Schedule 1 [1] amends section 7(2C) of the Principal Act. This has the effect of removing the present prohibition of the subdivision by a strata plan of *part only* of a building on a community development lot or a precinct development lot.

Schedule 1 [2] amends section 28R of the Principal Act. That section at present prevents the Registrar-General from registering a strata plan for part only of a building unless the approved form of strata management statement for the building is also registered. The proposed amendment dispenses with this requirement if either the building is part of a community scheme that provides for part of the building to be subdivided by a strata plan and for some, or all, of the remainder of the building to be community property or the Minister directs that the statement may be dispensed with.

The proposed amendment removes a difficulty that has arisen with some proposed community schemes which would include a strata title building only partly occupied by the residents, with another part (for example, a gymnasium) being for the use of the *community—not just the occupants of the building*.