

2005

LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY

UNIT TITLES (STAGED DEVELOPMENT) AMENDMENT BILL 2005
GOVERNMENT AMENDMENTS

SUPPLEMENTARY EXPLANATORY STATEMENT

Circulated by authority of the
Minister for Planning
Mr Simon Corbell MLA

Unit Titles (Staged Development) Amendment Bill 2005

Background

The Government amendments follow the tabling of the Bill. Consultation took place with representatives of the property development industry and the Law Society. The amendments address and respond to the comments made by those groups.

Clause Notes

Clause 1 provides for new clauses 10A, 10B and 10C.

- **New clause 10A** inserts new sections 30(1A) and (1B). Section 30(1A) provides for the amendment of the “development statement” of an uncompleted stage of a staged development where the Planning and Land Authority is satisfied that the applicant has obtained the written agreement of each person with an interest in a unit in that part of the parcel comprising the uncompleted stages. Further, that any change of a unit or common property boundary as a result of the amendment will be a minor boundary change within the uncompleted stages of the development.

Section 30(1B) provides that the Planning and Land Authority may amend the “development statement” despite the applicant’s failure to obtain an interested person’s agreement, if satisfied that the applicant could not reasonably be aware of that interest or that reasonable efforts to obtain that agreement have been made and that the interested person would not suffer any substantial long term detriment or that despite that failure to obtain agreement the amendment in all the circumstances is desirable.

In regard to uncompleted stages **only** of a staged development the applicant for an amendment to the “development statement” need not specifically obtain the agreement of the owners corporation.

- **New clause 10B** inserts provisions to restrict the application of section 30(2) to amendments to the development statement to which section 30(1A) does not apply.
- **New clause 10C** inserts the provisions to restrict the application of section 30(3) to amendments made under section 30(2).

Clause 2 provides for the renumbering of the Act following republication.

Clause 3 provides for new clause 14A, which inserts a new section 64A. This section deals with contributions to the general and sinking funds for a staged development where the development has not been completed.

Clause 4 provides for new clause 16, which omits proposed new section 110A(2) and substitutes a new section 110A(2) with respect to those who are entitled to vote on a motion for an uncompleted stage or a completed stage of a staged development.

Clause 5 provides for new clause 17, which inserts a new section 132(3). This section inserts a new definition of “parcel”. For a staged development the definition is restricted to buildings in the completed stages, so the owners corporation only has to insure buildings in the completed stages.

Clause 6 Schedule 1 – Amendment 1.1 provides for the omission of section 179(5) by substituting a new section 179(5) in the *Land (Planning and Environment) Act 1991*. This section has been punctuated to assist interpretation.