

2005

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for Planning)

Unit Titles (Staged Development) Amendment Bill 2005

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(Minister for Planning)

Unit Titles (Staged Development) Amendment Bill 2005

A Bill for

An Act to amend the *Unit Titles Act 2001*, and for other purposes

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 **1 Name of Act**

2 This Act is the *Unit Titles (Staged Development) Amendment*
3 *Act 2005*.

4 **2 Commencement**

5 This Act commences on a day fixed by the Minister by written
6 notice.

7 *Note 1* The naming and commencement provisions automatically commence on
8 the notification day (see Legislation Act, s 75 (1)).

9 *Note 2* A single day or time may be fixed, or different days or times may be
10 fixed, for the commencement of different provisions (see Legislation
11 Act, s 77 (1)).

12 *Note 3* If a provision has not commenced within 6 months beginning on the
13 notification day, it automatically commences on the first day after that
14 period (see Legislation Act, s 79).

15 **3 Legislation amended**

16 This Act amends the *Unit Titles Act 2001*.

17 *Note* This Act also amends the following legislation (see sch 1):

- 18 • *Land (Planning and Environment) Act 1991*
- 19 • *Unit Titles Regulation 2001*.

20 **4 Units plan**
21 **New section 7 (1) (aa)**

22 *insert*

23 (aa) if the application provides for a staged development—the
24 development statement;

25 **5 Section 7 (1)**

26 *renumber paragraphs when Act next republished under Legislation*
27 *Act*

1 **6 Unit title applications—general requirements**
2 **Section 17 (3), note**

3 *substitute*

4 *Note* An application for a staged development may be approved only if—

- 5 • the development has been approved under the Land Act
6 (see s 20 (2) and the Land Act, pt 6); and
- 7 • for developments of class A units—the boundary floors, walls and
8 ceilings of each unit in the first stage have been built in accordance
9 with the development statement (see s 20 (2)).

10 **7 Unit title applications—approval**
11 **Section 20 (2) (b)**

12 *substitute*

- 13 (b) for a staged development of class A units—the boundary
14 floors, walls and ceilings of each unit in the first stage have
15 been built in accordance with the development statement.

16 **8 New section 20 (7)**

17 *insert*

18 (7) In this section:

19 *first stage*, for a staged development of class A units, means the
20 stage identified as the first stage in the development statement.

21 **9 Endorsement of units plan for registration**
22 **New section 27 (1) (aa)**

23 *insert*

24 (aa) if the application provides for a staged development—

- 25 (i) the development statement as approved; or
- 26 (ii) if the development statement has been amended under
27 section 29—the development statement as amended;

1 **10 Section 27 (1)**

2 *renumber paragraphs when Act next republished under Legislation*
3 *Act*

4 **11 Amendment of development statements after registration**
5 **Section 30 (5)**

6 *substitute*

- 7 (5) The planning and land authority may authorise the amendment of
8 the schedule of unit entitlement to reflect a change of boundaries
9 if—
- 10 (a) the amendment of the development statement requires the
11 change of boundaries; and
- 12 (b) the authority is satisfied, on reasonable grounds, that the
13 amendment is necessary to reflect accurately a change in the
14 relative improved values of the units.
- 15 (6) If the planning and land authority authorises the amendment of the
16 schedule of unit entitlement under this section—
- 17 (a) the authority must—
- 18 (i) endorse the amended schedule of unit entitlement; and
19 (ii) give a notice of authorisation to the lessee; and
- 20 (b) the lessee must lodge with the registrar-general—
- 21 (i) the endorsed amended schedule of unit entitlement; and
22 (ii) the notice of authorisation.
- 23 (7) If the planning and land authority amends the development
24 statement under this section—
- 25 (a) the authority must endorse the amended development
26 statement; and

- 1 (b) the lessee must lodge with the registrar-general the endorsed
2 amended development statement.

3 **12 Section 31**

4 *substitute*

5 **31 Effect of registration of amendment**

- 6 (1) On the registration of an amended development statement, and any
7 amended schedule of unit entitlement, lodged under section 30—
8 (a) the units plan is amended accordingly; and
9 (b) if unit or common property boundaries are changed—the land
10 covered by each affected lease is the area of land indicated by
11 the boundaries as changed.
12 (2) A change of unit or common property boundaries under this section
13 is not a variation of any lease for the Land Act, part 6.

14 **13 General duties**
15 **Section 51 (3) (a)**

16 *substitute*

- 17 (a) for a staged development—the common property included in a
18 completed stage of the development;
19 (aa) for a development that is not a staged development—the
20 common property;

21 **14 Section 51 (3)**

22 *renumber paragraphs when Act next republished under Legislation*
23 *Act*

1 **15 New section 88A**

2 *insert*

3 **88A Decisions about staged development**

4 (1) This section applies to a meeting of an executive committee of an
5 owners corporation for a staged development if the development has
6 not been completed.

7 (2) The executive committee must not decide a matter about the
8 uncompleted stages of the development.

9 **16 New section 110A**

10 *insert*

11 **110A Decisions about staged development**

12 (1) This section applies to a motion at a general meeting of an owners
13 corporation for a staged development if the development has not
14 been completed.

15 (2) The people entitled to vote on the motion are as follows:

16 (a) if the motion is about an uncompleted stage of the
17 development—the owner of units in the uncompleted stages;

18 (b) in any other case—the people entitled to vote under
19 section 110 in relation to units in the completed stages of the
20 development.

1 **Schedule 1** **Consequential amendments**

2 (see s 3)

3 **Part 1.1** **Land (Planning and**
4 **Environment) Act 1991**

5 **[1.1] New section 179 (5)**

6 *insert*

- 7 (5) For subsection (4), an occupier is substantially inconvenienced by
8 works being, or to be, carried out, if the works are being, or are to
9 be, carried out to the common property or another unit in the same
10 stage of the development as the occupier's unit.

11 **Part 1.2** **Unit Titles Regulation 2001**

12 **[1.2] Section 8**

13 *substitute*

14 **8** **Staged developments—development statements—Act**
15 **s 17 (4)**

- 16 (1) A development statement must—
17 (a) include a description of the land consisting of the parcel; and
18 (b) include a copy of the plans and specifications relating to the
19 development, and any amendment of the plans or
20 specifications, as approved under the Land Act, part 6; and
21 (c) state how the staged development is to be carried out,
22 including—

- 1 (i) a description of the work (including common property
2 amenities) to be completed in each stage of the
3 development; and
- 4 (ii) a schedule of commencement and completion dates for
5 each stage; and
- 6 (iii) the arrangements for access to the parcel during the
7 development; and
- 8 (iv) the permitted uses of the common property during the
9 development; and
- 10 (v) landscaping of the parcel; and
- 11 (d) state that the developer must pay the reasonable expenses
12 incurred by the owners corporation—
- 13 (i) in repairing any damage to the common property, or to
14 units, in the completed stages of the development that is
15 caused in carrying out the development; and
- 16 (ii) for any water, sewerage, drainage, gas, electricity, oil,
17 garbage, conditioned air or telephone service used in
18 carrying out the development; and
- 19 (e) state that the developer must make good, as soon as
20 practicable, any damage to the common property or units in the
21 completed stages of the development caused in carrying out the
22 development; and
- 23 (f) state that the standard of materials used, finishes effected,
24 common property improvements, landscaping, roadways and
25 paths to be carried out in the development must not be inferior
26 to or substantially different from those of the buildings and
27 other works in the completed stages of the development; and
- 28 (g) include a requirement that after the completion of any stated
29 stages of the development, and after the completion of the
30 entire development, the planning and land authority must be

1 provided with a report by a registered surveyor about the
2 position of fully or partially completed buildings in relation to
3 the boundaries of the units and of the parcel.

4 *Note* If a form is approved under the Act, s 180 for a report by a
5 registered surveyor under par (g), the form must be used.

6 (2) The development statement may apportion the liability for expenses
7 for the use or maintenance of the common property of the staged
8 development differently from the way that liability would otherwise
9 be apportioned by the schedule of unit entitlement.

10 (3) An apportionment under subsection (2) has effect despite the current
11 schedule of unit entitlement, but does not apply to any liability for
12 the use or maintenance of the common property after the
13 development is completed.

14 *Note* If a form is approved under the Act, s 180 for a development statement,
15 the form must be used.

Endnotes

1 **Presentation speech**

Presentation speech made in the Legislative Assembly on 2005.

2 **Notification**

Notified under the Legislation Act on 2005.

3 **Republications of amended laws**

For the latest republication of amended laws, see www.legislation.act.gov.au.
