

2005

LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY

UNIT TITLES (STAGED DEVELOPMENT) AMENDMENT BILL 2005

EXPLANATORY STATEMENT

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

Unit Titles (Staged Development) Amendment Bill 2005

Background

The object of these amendments is to resolve an anomaly with respect to staging of Class A units in that the units must be physically built in order for staging to be permitted. In other states the staging of Class A units or their equivalent only require the first stage to be built and that the remaining stages have development approval.

Clause Notes

Clauses 1-2 provide for the naming and commencement of the Act.

Clause 3 notes the Acts being amended.

Clause 4 inserts a new section 7(1)(aa) to provide for a “development statement” following an application for staged development.

Clause 5 provides for the renumbering of the Act following republication.

Clause 6 substitutes a note with respect to an application for staged development.

Clause 7 provides a new sub-paragraph (b) to section 20(2) and clarifies the position in respect to approval of a Unit Title application for a staged development, if satisfied that the boundary floors, walls and ceilings of each unit in the first stage have been built in accordance with a development statement.

Clause 8 provides a new section, which defines the phrase “first stage”.

Clause 9 introduces a new section providing for the approval and amendment of the “development statement”.

Clause 10 provides for the renumbering of the Act following republication.

Clause 11 substitutes a new section 30(5) and deals with circumstances where the Authority may authorise the amendment of the Schedule of Unit Entitlements. It also introduces new sections 30(6) and 30(7), which are new procedures dealing with the Authority endorsing and authorising amendments to the Schedule of Unit Entitlements and the “development statement”.

Clause 12 substitutes and new section 31 dealing with the effect of registration of amendment of the units plan.

Clause 13 replaces the existing section 51(3)(a) with two new subsections dealing with the common property on the basis that it is either for a staged development or for a development that is not staged.

Clauses 14 provides for the renumbering of the Act following republication.

Clause 15 inserts a new section 88A that provides for the capacity of the executive committee to make decision about uncompleted stages of a development.

Clause 16 is a new section 110A providing for decision about staged developments. This section provides for motions of a general meeting of an owners corporation and their capacity to vote on completed and uncompleted parts of the development.

Clause 17 is a new section 110A providing for decision about staged developments. This section provides for motions of a general meeting of an owners corporation and their capacity to vote on completed and uncompleted parts of the development.

Schedule 1 – Other Amendments

Part 1.1 - Land (Planning and Environment) Act 1991

Clause 1.1 inserts a new section 179(5), this subsection refers to subsection (4) and the issue of certificates of compliance where an occupier is substantially inconvenienced by works being carried out to the common property or another unit within the same stage.

Part 1.2 - Unit Titles Regulation 2001

Clause 1.2 substitutes a new section 8 – Staged developments – development statements – Act s17(4) and prescribes what the “development statement” must contain.