

FIRST PRINT

**MISCELLANEOUS ACTS (LEASEHOLD STRATA  
SCHEMES) AMENDMENT BILL 1986**

NEW SOUTH WALES



**EXPLANATORY NOTE**

**(This Explanatory Note relates to this Bill as introduced into Parliament)**

This Bill is cognate with the Strata Titles (Leasehold) Bill 1986.

The object of this Bill is to amend certain Acts as a consequence of and in connection with the proposed enactment of the Strata Titles (Leasehold) Act 1986.

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Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the proposed Act will commence, with minor exceptions, on the commencement of the proposed Strata Titles (Leasehold) Act 1986.

Clause 3 is a formal provision which gives effect to the Schedule of amendments.

Schedule 1 contains amendments to certain Acts containing references to provisions of, and matters relating to, the Strata Titles Act 1973 so that the references will extend to the corresponding provisions of, and matters relating to, the proposed Strata Titles (Leasehold) Act 1986.

Certain of the amendments relating to the Darling Harbour Authority Act 1984 and the Sydney Cove Redevelopment Authority Act 1968 are aimed at enabling the Authorities constituted by those Acts—

(a) to establish and participate in leasehold strata schemes; and

- (b) to exercise functions relating to the approval of development to be carried out in or in respect of their respective development areas for the purposes of leasehold strata schemes.

The Schedule contains amendments to the following Acts:

- Auctioneers and Agents Act 1941 No. 28
  - Broken Hill Water and Sewerage Act 1938 No. 20
  - Builders Licensing Act 1971 No. 16
  - Coastal Protection Act 1979 No. 13
  - Community Justice Centres Act 1983 No. 127
  - Consumer Claims Tribunals Act 1974 No. 16
  - Contracts Review Act 1980 No. 16
  - Credit Act 1984 No. 94
  - Credit (Administration) Act 1984 No. 95
  - Credit (Finance Brokers) Act 1984 No. 96
  - Darling Harbour Authority Act 1984 No. 103
  - Environmental Planning and Assessment Act 1979 No. 203
  - Heritage Act 1977 No. 136
  - Hunter District Water, Sewerage and Drainage Act 1938 No. 11
  - Industrial Arbitration Act 1940 No. 2
  - Land and Environment Court Act 1979 No. 204
  - Land Sales Act 1964 No. 12
  - Land Tax Management Act 1956 No. 26
  - Local Government Act 1919 No. 41
  - Metropolitan Water, Sewerage, and Drainage Act 1924 No. 50
  - Real Property Act 1900 No. 25
  - Stamp Duties Act 1920 No. 47
  - Strata Titles Act 1973 No. 68
  - Sydney Cove Redevelopment Authority Act 1968 No. 56
  - Valuation of Land Act 1916 No. 2
  - Wills, Probate and Administration Act 1898 No. 13
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# MISCELLANEOUS ACTS (LEASEHOLD STRATA SCHEMES) AMENDMENT BILL 1986

NEW SOUTH WALES



## TABLE OF PROVISIONS

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SCHEDULE 1—AMENDMENTS TO ACTS

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**MISCELLANEOUS ACTS (LEASEHOLD STRATA  
SCHEMES) AMENDMENT BILL 1986**

NEW SOUTH WALES



No. , 1986

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**A BILL FOR**

An Act to amend certain Acts as a consequence of the enactment of the Strata Titles (Leasehold) Act 1986 and for other purposes.

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*Miscellaneous Acts (Leasehold Strata Schemes) Amendment 1986*

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**BE** it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:

**5 Short title**

1. This Act may be cited as the "Miscellaneous Acts (Leasehold Strata Schemes) Amendment Act 1986".

**Commencement**

2. (1) Sections 1 and 2 shall commence on the date of assent to this 10 Act.

(2) Except as provided by subsection (1), this Act shall commence on the commencement of the Strata Titles (Leasehold) Act 1986.

**Amendments to Acts**

3. Each Act specified in Schedule 1 is amended in the manner set forth 15 in relation to that Act in that Schedule.

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SCHEDULE 1

(Sec. 3)

AMENDMENTS TO ACTS

**Auctioneers and Agents Act 1941 No. 28—**

20 (1) Section 3 (Definitions)—

(a) Section 3 (1), paragraph (a) of the definition of "Real estate agent"—

After "1973", insert "and a leasehold interest in a lot within the meaning of the Strata Titles (Leasehold) Act 1986".

(b) Section 3 (1), definition of "Strata managing agent"—

25 (i) After "1973", insert "or the Strata Titles (Leasehold) Act 1986".

(ii) After paragraph (a) (i), insert:

(ia) is the lessee of a lot to which the leasehold strata scheme for which the body corporate is constituted relates;

30 (iii) In paragraph (a) (iii), after the word "scheme", insert "or leasehold strata scheme".

*Miscellaneous Acts (Leasehold Strata Schemes) Amendment 1986*

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SCHEDULE 1—*continued*

AMENDMENTS TO ACTS—*continued*

(2) Section 50k (**Interpretation**)—

After “1973”, insert “or section 4 (1) of the Strata Titles (Leasehold) Act 1986”.

(3) Section 51 (**Interpretation**)—

Section 51, definition of “Allotment of land”—

- 5 After “1973”, insert “and a leasehold interest in a lot within the meaning of the Strata Titles (Leasehold) Act 1986”.

**Broken Hill Water and Sewerage Act 1938 No. 20—**

(1) Section 83 (**Basis of rating**)—

Section 83 (4), definition of “strata lot”—

- 10 After “1973”, insert “or the Strata Titles (Leasehold) Act 1986”.

(2) Section 87A (**Reduction of rates payable by certain classes of pensioners**)—

Section 87A (1), definition of “flat”—

After “1973”, insert “or the Strata Titles (Leasehold) Act 1986”.

**Builders Licensing Act 1971 No. 16—**

15 (1) Section 3 (**Interpretation**)—

Section 3 (1), paragraph (e) of the definition of “purchaser”—

Omit the paragraph, insert instead:

- 20 (e) in relation to building work comprised in the common property the subject of a strata scheme or leasehold strata scheme within the meaning of the Strata Titles Act 1973 or Strata Titles (Leasehold) Act 1986, the body corporate in respect of the scheme, but only if the original proprietor or original lessee, if any, under the scheme is not the proprietor or lessee, as the case may be, of all the lots comprised in the scheme;

25 (2) Section 34 (**Insurance of house purchasers**)—

Section 34 (2) (f) (i)—

After “1973”, insert “or a leasehold strata scheme within the meaning of the Strata Titles (Leasehold) Act 1986”.

*Miscellaneous Acts (Leasehold Strata Schemes) Amendment 1986*

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SCHEDULE 1—*continued*

AMENDMENTS TO ACTS—*continued*

**Coastal Protection Act 1979 No. 13—**

Section 37 (**Interpretation**)—

Section 37 (2) (c)—

- 5 After “1973”, insert “or Division 1 of Part 2 of the Strata Titles (Leasehold) Act 1986”.

**Community Justice Centres Act 1983 No. 127—**

Section 25 (**Representation by agent**)—

Section 25 (2) (b)—

Omit the paragraph, insert instead:

- 10 (b) where a corporation that is a body corporate constituted under the Strata Titles Act 1973 or the Strata Titles (Leasehold) Act 1986 is a party to a mediation session—the proprietor or lessee or, if there is more than one proprietor or lessee, one of the proprietors or lessees, constituting that corporation; or

**15 Consumer Claims Tribunals Act 1974 No. 16—**

(1) Section 4 (**Interpretation**)—

Section 4 (1), paragraph (c) of the definition of “consumer”—

Omit the paragraph, insert instead:

- 20 (c) a corporation that is a body corporate constituted under—
- (i) the Strata Titles Act 1973 by the proprietor or proprietors of lots within the meaning of that Act; or
- (ii) the Strata Titles (Leasehold) Act 1986 by the lessee or lessees of lots within the meaning of that Act; and

(2) Section 30 (**Presentation of cases**)—

25 (a) Section 30 (3) (a)—

Omit “or”.

(b) Section 30 (3) (b), (c)—

At the end of section 30 (3) (b), insert:

; or

- 30 (c) where a corporation that is a body corporate constituted under the Strata Titles (Leasehold) Act 1986 is a party to a proceeding before a consumer claims tribunal—the lessee or, if there is more than one lessee, one of the lessees constituting that corporation,



*Miscellaneous Acts (Leasehold Strata Schemes) Amendment 1986*

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SCHEDULE 1—*continued*

AMENDMENTS TO ACTS—*continued*

**Contracts Review Act 1980 No. 16—**

Section 4 (**Interpretation**)—

Section 4 (2) (a)—

Omit the paragraph, insert instead:

- 5 (a) a corporation that is a body corporate constituted under—
- (i) the Strata Titles Act 1973 by the proprietor or proprietors of lots within the meaning of that Act; or
  - (ii) the Strata Titles (Leasehold) Act 1986 by the lessee or lessees of lots within the meaning of that Act; or

10 **Credit Act 1984 No. 94—**

Section 5 (**Interpretation**)—

Section 5 (1), paragraph (a) of the definition of “body corporate”—

Omit the paragraph, insert instead:

- (a) a body corporate—
- 15 (i) constituted under the Strata Titles Act 1973 by the proprietor or proprietors of lots within the meaning of that Act; or
- (ii) constituted under the Strata Titles (Leasehold) Act 1986 by the lessee or lessees of lots within the meaning of that Act; or

**Credit (Administration) Act 1984 No. 95—**

20 Section 4 (**Interpretation**)—

Paragraph (a) of the definition of “body corporate”—

Omit the paragraph, insert instead:

- (a) a body corporate—
- 25 (i) constituted under the Strata Titles Act 1973 by the proprietor or proprietors of lots within the meaning of that Act; or
- (ii) constituted under the Strata Titles (Leasehold) Act 1986 by the lessee or lessees of lots within the meaning of that Act; or

*Miscellaneous Acts (Leasehold Strata Schemes) Amendment 1986*

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SCHEDULE 1—*continued*

AMENDMENTS TO ACTS—*continued*

**Credit (Finance Brokers) Act 1984 No. 96—**

Section 4 (**Interpretation**)—

Section 4 (1), paragraph (a) of the definition of “body corporate”—

Omit the paragraph, insert instead:

- 5 (a) a body corporate—
- (i) constituted under the Strata Titles Act 1973 by the proprietor or proprietors of lots within the meaning of that Act; or
  - (ii) constituted under the Strata Titles (Leasehold) Act 1986 by the lessee or lessees of lots within the meaning of that Act; or

**10 Darling Harbour Authority Act 1984 No. 103—**

(1) Section 3 (**Interpretation**)—

(a) Section 3 (1), definition of “leasehold strata scheme”—

After the definition of “General Manager”, insert:

- 15 “leasehold strata scheme” means a leasehold strata scheme within the meaning of the Strata Titles (Leasehold) Act 1986;

(b) Section 3 (3) (c)—

After “1973”, insert “or Division 1 of Part 2 of the Strata Titles (Leasehold) Act 1986”.

(2) Section 5 (**Variation of Development Area**)—

20 Section 5 (3)—

After “1973”, insert “or the Strata Titles (Leasehold) Act 1986”.

(3) Section 15 (**Grant of leases, easements and licences**)—

Section 15 (6)—

After section 15 (5), insert:

- 25 (6) Nothing in this section limits or otherwise affects—
- (a) the operation of the Strata Titles (Leasehold) Act 1986 in respect of controlled land; or
  - (b) the exercise by the Authority, for the purposes of a leasehold strata scheme or proposed leasehold strata scheme relating to controlled land,
- 30 of any function conferred or imposed by that Act.

*Miscellaneous Acts (Leasehold Strata Schemes) Amendment 1986*

SCHEDULE 1—*continued*

AMENDMENTS TO ACTS—*continued*

(4) Section 16B—

After section 16A, insert:

**Leasehold strata schemes**

5 16B. The Authority may, with the consent of the Minister, do all things necessary or convenient for the purposes of creating leasehold strata schemes under the Strata Titles (Leasehold) Act 1986 in respect of controlled land and exercise the functions of—

- (a) the lessor and a lessee (whether statutory or not) under any such scheme;
- 10 (b) a prescribed authority or local council, or both, under that Act; and
- (c) a former lessor or former lessee under that Act, or both, in respect of any such scheme which has been terminated.

(5) Section 59 (**Application of certain legislation within Development Area**)—

Section 59 (2)—

15 At the end of section 59, insert:

(2) In relation to land within the Development Area, the Authority may exercise the functions conferred or imposed by or under the Strata Titles (Leasehold) Act 1986 on a local council, except to the extent that the regulations may otherwise provide.

20 (6) Section 67 (**Regulations**)—

(a) Section 67 (1) (p)—

Omit “and” where lastly occurring.

(b) Section 67 (1) (q), (r)—

At the end of section 67 (1) (q), insert:

25 ; and

(r) providing that the Authority shall not exercise a function conferred or imposed on a local council by or under the Strata Titles (Leasehold) Act 1986.

**Environmental Planning and Assessment Act 1979 No. 203—**

30 (1) Section 4 (**Interpretation**)—

Section 4 (2) (d)—

After “1973”, insert “or Division 1 of Part 2 of the Strata Titles (Leasehold) Act 1986”.

*Miscellaneous Acts (Leasehold Strata Schemes) Amendment 1986*

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SCHEDULE 1—*continued*

AMENDMENTS TO ACTS—*continued*

(2) Section 84 (**Notice of applications respecting designated development**)—

Section 84 (2A)—

After section 84 (2), insert:

- 5 (2A) Where land is a lot within the meaning of the Strata Titles (Leasehold) Act 1986, a written notice to the lessor under the leasehold strata scheme concerned and to the body corporate shall be deemed to be a written notice under subsection (1) (a) to the owner or occupier of each lot within the scheme.

**Heritage Act 1977 No. 136—**

(1) Section 4 (**Interpretation**)—

- 10 (a) Section 4 (1), definition of “consent authority”—

Omit “or the Strata Titles Act, 1973”, insert instead “, the Strata Titles Act 1973 or the Strata Titles (Leasehold) Act 1986”.

- (b) Section 4 (5) (d)—

- 15 After “1973”, insert “or Division 1 of Part 2 of the Strata Titles (Leasehold) Act 1986”.

(2) Section 56 (**Interpretation**)—

- (a) Section 56 (g)—

Omit “or” where lastly occurring.

- (b) Section 56 (i), (j)—

- 20 At the end of section 56 (i), insert:

; or

- (j) Division 7 of Part 2 of the Strata Titles (Leasehold) Act 1986,

(3) Section 66 (**Application of Subdivision**)—

- 25 Omit “and the Strata Titles Act, 1973”, insert instead “, the Strata Titles Act 1973 and the Strata Titles (Leasehold) Act 1986”.

(4) Section 76 (**Appeal to Minister in respect of prescribed applications**)—

Omit “or the Strata Titles Act, 1973”, insert instead “, the Strata Titles Act 1973 or the Strata Titles (Leasehold) Act 1986”.

*Miscellaneous Acts (Leasehold Strata Schemes) Amendment 1986*

SCHEDULE 1—*continued*

AMENDMENTS TO ACTS—*continued*

**Hunter District Water, Sewerage and Drainage Act 1938 No. 11—**

(1) Section 89A (**Interpretation**)—

Section 89A (1), definition of “strata lot”—

Omit the definition, insert instead:

- 5 “strata lot” means a lot under the Strata Titles Act 1973 or the Strata Titles (Leasehold) Act 1986.

(2) Section 104A (**Reduction of rates payable by certain classes of pensioners**)—

Section 104A (1), definition of “flat”—

After “1973”, insert “or the Strata Titles (Leasehold) Act 1986”.

10 (3) Section 104AA (**Board may reduce rates in certain cases**)—

Section 104AA (1), definition of “strata lot”—

After “1973”, insert “or the Strata Titles (Leasehold) Act 1986”.

**Industrial Arbitration Act 1940 No. 2—**

Section 92D (**Small claims before industrial magistrates**)—

15 Section 92D (8) (b)—

Omit the paragraph, insert instead:

- 20 (b) where a corporation that is a body corporate constituted under the Strata Titles Act 1973 or the Strata Titles (Leasehold) Act 1986 is a party to proceedings before an industrial magistrate—the proprietor or lessee or, if there is more than one proprietor or lessee, one of the proprietors or lessees constituting the body corporate, from representing the corporation.

**Land and Environment Court Act 1979 No. 204—**

(1) Section 17 (**Class 1—environmental planning and protection appeals**)—

25 (a) Section 17 (ba), as inserted by the Land and Environment Court (Strata Titles) Amendment Act 1985 No. 115—

Omit the paragraph.

(b) Section 17 (bb)—

Before section 17 (c), insert:

- 30 (bb) applications under section 28F of the Strata Titles Act 1973 or section 46 of the Strata Titles (Leasehold) Act 1986;

*Miscellaneous Acts (Leasehold Strata Schemes) Amendment 1986*

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SCHEDULE 1—*continued*

AMENDMENTS TO ACTS—*continued*

(2) Section 18 (**Class 2—local government and miscellaneous appeals**)—

Section 18 (c)—

After “1973”, insert “and, except as provided by section 69 (4) (d) of the Strata Titles (Leasehold) Act 1986, under section 69 (4) of the latter Act”.

5 (3) Section 20 (**Class 4—environmental planning and protection civil enforcement**)—

(a) Section 20 (1) (da)—

After “1973”, insert “or section 49 or 51 of the Strata Titles (Leasehold) Act 1986”.

(b) Section 20 (2) (d), (3) (c)—

10 Omit “the agreement” wherever occurring, insert instead “an agreement”.

(c) Section 20 (3) (c)—

After “1973”, insert “or section 47 of the Strata Titles (Leasehold) Act 1986”.

(4) Section 71 (**Proceedings in Supreme Court**)—

Section 71 (2)—

15 Omit the subsection, insert instead:

(2) Subject to section 58, an action or an agreement referred to in section 20 (3) (c) may not be commenced or entertained except by or in proceedings referred to in section 20 (1) (da).

**Land Sales Act 1964 No. 12—**

20 Section 2 (**Interpretation**)—

Section 2, paragraph (b) of the definition of “Instalment contract”—

After “1973”, insert “or of a leasehold interest in a lot within the meaning of the Strata Titles (Leasehold) Act 1986”.

**Land Tax Management Act 1956 No. 26—**

25 Section 10 (**Land exempted from tax**)—

(1) Section 10 (1CA)—

After section 10 (1C), insert:

30 (1CA) In subsection (1) (r), “owner”, in relation to a lot under the Strata Titles (Leasehold) Act 1986, means the lessee of the lot, within the meaning of that Act.

*Miscellaneous Acts (Leasehold Strata Schemes) Amendment 1986*

SCHEDULE 1—*continued*  
 AMENDMENTS TO ACTS—*continued*

(2) Section 10 (1D) (b) (i)—

Omit “, 1973,”, insert instead “1973 or the Strata Titles (Leasehold) Act 1986”.

(3) Section 10 (1E)—

Omit the subsection, insert instead:

5 (1E) In subsection (1) (r), “strata lot” means—

(a) a lot under the Strata Titles Act 1973, not being a lot—

(i) that is owned by a company;

10 (ii) that is owned by or on behalf of a company and is land of which a mortgagee or person (by way of security for money) is in possession;

(iii) that is held by a trustee for or on behalf of a company; or

(iv) in respect of which a company is jointly assessed with any other person; or

(b) a lot under the Strata Titles (Leasehold) Act 1986, not being a lot—

15 (i) which is leased by a company;

(ii) which is leased by or on behalf of a company and which is land of which a mortgagee or person (by way of security for money) is in possession;

(iii) which is leased by a trustee for or on behalf of a company; or

20 (iv) in respect of which a company is jointly assessed with any other person.

**Local Government Act 1919 No. 41—**

(1) Section 51 (Meaning of “requisite qualification”)—

Section 51 (4)—

25 Omit “, 1973,”, insert instead “1973 or the Strata Titles (Leasehold) Act 1986”.

(2) Section 126A (Aggregation of values of certain parcels subject to minimum amounts)—

Section 126A (4B)—

After “1973,”, insert “or the Strata Titles (Leasehold) Act 1986”.

*Miscellaneous Acts (Leasehold Strata Schemes) Amendment 1986*

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SCHEDULE 1—*continued*

AMENDMENTS TO ACTS—*continued*

(3) Section 160AA (**Reduction of rates payable by certain classes of pensioners**)—

Section 160AA (1), definition of “flat”—

After “1973”, insert “or the Strata Titles (Leasehold) Act 1986”.

(4) Section 317C (**Interpretation**)—

5 Section 317C (3)—

Omit “, 1973, a reference to the body corporate for that strata scheme”, insert instead “1973 or a leasehold strata scheme under the Strata Titles (Leasehold) Act 1986, a reference to the body corporate under that scheme”.

(5) Section 327AA (**Land included in a current plan not to be disposed of except in lots or portions shown on that plan**)—

10

Section 327AA (1), paragraph (c) of the definition of “plan of subdivision”—

After “1973”, insert “ or the Strata Titles (Leasehold) Act 1986”.

**Metropolitan Water, Sewerage, and Drainage Act 1924 No. 50—**

(1) Section 86A (**Interpretation**)—

15 Section 86A (1), definition of “strata lot”—

After “1973”, insert “or section 4 (1) of the Strata Titles (Leasehold) Act 1986”.

(2) Section 100A (**Reduction of rates payable by certain classes of pensioners**)—

Section 100A (1), definition of “flat”—

After “1973”, insert “or the Strata Titles (Leasehold) Act 1986”.

20 (3) Section 100AA (**Board may reduce rates in certain cases**)—

Section 100AA (1), definition of “strata lot”—

After “1973”, insert “or the Strata Titles (Leasehold) Act 1986”.

**Real Property Act 1900 No. 25—**

(1) Section 28P (**Application of provisions of this Act to qualified folio and land therein**)—

25

Section 28P (1) (c)—

After “1973”, insert “or the Strata Titles (Leasehold) Act 1986”.

(2) Section 28T (**Creation of limited folio**)—

Section 28T (8) (c)—

30 After “1973”, insert “or the Strata Titles (Leasehold) Act 1986”.



*Miscellaneous Acts (Leasehold Strata Schemes) Amendment 1986*

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SCHEDULE 1—*continued*

AMENDMENTS TO ACTS—*continued*

(3) Section 32 (**Folios of the Register**)—

Section 32 (2)—

After “1973”, insert “or section 25 or 27 of the Strata Titles (Leasehold) Act 1986”.

5 (4) Section 36 (**Registration of dealings**)—

Section 36 (3)—

Omit “, 1973,”, insert instead “1973 or the Strata Titles (Leasehold) Act 1986”.

(5) Section 106 (**Seal of corporation substituted for signature**)—

Section 106 (2) (a)—

10 Omit “, 1973,”, insert instead “1973 or the Strata Titles (Leasehold) Act 1986”.

**Stamp Duties Act 1920 No. 47—**

Section 66A (**Agreements and conveyances on sale—concession for purchases of private dwelling houses**)—

(1) Section 66A (2)—

15 Omit “, 1973,”, insert instead “1973 or the Strata Titles (Leasehold) Act 1986”.

(2) Section 66A (2A)—

After section 66A (2), insert:

(2A) In this section—

20 (a) a reference to an agreement for sale of land or property, in relation to a private dwelling house which is a lot within the meaning of the Strata Titles (Leasehold) Act 1986, is a reference to an agreement for the sale of the leasehold interest in the lot; and

25 (b) a reference to that land or property is a reference to the leasehold interest in that lot.

**Strata Titles Act 1973 No. 68—**

(1) Section 5 (**Interpretation**)—

Section 5 (1), paragraph (a) of the definition of “strata scheme”—

(a) After “division”, insert “under this Act”.

30 (b) After “allocation”, insert “under this Act”.

*Miscellaneous Acts (Leasehold Strata Schemes) Amendment 1986*

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SCHEDULE 1—*continued*  
 AMENDMENTS TO ACTS—*continued*

(2) Section 7 (**Subdivision**)—

Section 7 (1), definition of “current plan lot”—

After “this Act”, insert “or section 4 (1) of the Strata Titles (Leasehold) Act 1986”.

5 (3) Section 8 (**Registration of plans**)—

Section 8 (1)—

After “land” where firstly occurring, insert “and illustrating a proposed subdivision referred to in section 7 (2)”.

**Sydney Cove Redevelopment Authority Act 1968 No. 56—**

10 (1) Section 3 (**Interpretation**)—

Section 3 (1), definition of “leasehold strata scheme”—

After the definition of “Director”, insert:

“leasehold strata scheme” has the meaning ascribed to that expression in the Strata Titles (Leasehold) Act 1986;

15 (2) Section 12 (**Rents, profits, outgoings and powers in relation to land acquired by Authority**)—

Section 12 (2)—

After “Act”, insert “or the Strata Titles (Leasehold) Act 1986 (Division 4 of Part 2 of that Act excepted)”.

20 (3) Section 19 (**General powers of Authority**)—

Section 19 (1) (a1), (b), (b1)—

Omit section 19 (1) (a1) and (b), insert instead:

- 25 (a1) grant or agree to grant, with the approval of the Minister, a lease for a term in excess of 5 years (on such conditions as the Authority may determine and the Minister may approve) of any land vested in, granted to, or otherwise acquired by, the Authority, including any building site, building area or building (whether or not in the course of erection), or any part of any one or more of them, owned by the Authority, and whether or not the land is a lot or the common property the subject of
- 30 a leasehold strata scheme or proposed leasehold strata scheme;
- (b) for the purposes of the exercise or performance of any of its powers, authorities, duties or functions under this or any other Act, cause surveys to be made, and plans of survey to be prepared;

*Miscellaneous Acts (Leasehold Strata Schemes) Amendment 1986*SCHEDULE 1—*continued*AMENDMENTS TO ACTS—*continued*

- 5 (b1) do all things necessary or convenient for the purposes of creating leasehold strata schemes under the Strata Titles (Leasehold) Act 1986 in respect of any land referred to in paragraph (a1) and exercise and perform the powers, authorities, duties and functions (other than under Division 4 of Part 2 of that Act) of—
- (i) the lessor and a lessee (whether statutory or not) under any such scheme;
- (ii) a prescribed authority or local council, or both, under that Act; and
- 10 (iii) a former lessor or former lessee under that Act, or both, in respect of any such scheme which has been terminated;
- (4) Section 20 (**Dedication of land for public purposes or as a road**)—
- Section 20 (1)—
- 15 After “notification” where secondly occurring, insert “, not being land the subject of a leasehold strata scheme,”.
- (5) Section 22 (**Authority may erect buildings or grant leases**)—
- (a) Section 22 (1) (b)—
- After “grant”, insert “or agree to grant, under this section”.
- (b) Section 22 (1) (b)—
- 20 After “area”, insert “, or part of a building site or building area (which part may consist of a stratum of land, whether or not comprised wholly or partly of airspace),”.
- (c) Section 22 (1) (c)—
- 25 Omit “on completion”, insert instead “(whether or not on completion of the building and whether or not to the person who has erected or is to erect the building)”.
- (d) Section 22 (1A), (1B)—
- After section 22 (1), insert:
- 30 (1A) A lease granted after the commencement of the Strata Titles (Leasehold) Act 1986 shall be treated as having been granted under this section only if it is expressed to have been so granted.
- (1B) Nothing in this section limits or otherwise affects the power of the Authority to grant or to agree to grant a lease for a term in excess of 5 years under and subject to section 19 (1) (a1).

*Miscellaneous Acts (Leasehold Strata Schemes) Amendment 1986*

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SCHEDULE 1—*continued*

AMENDMENTS TO ACTS—*continued*

(e) Section 22 (3)—

After “Act” where firstly occurring, insert “(other than the Strata Titles (Leasehold) Act 1986)”.

(6) Section 22A (**Strata schemes**)—

5 Omit the section.

(7) Section 25 (**Development consent and building approval, etc.**)—

(a) Section 25 (1A) (d)—

After “1973”, insert “or Division 1 of Part 2 of the Strata Titles (Leasehold) Act 1986”.

10 (b) Section 25 (1F)—

After section 25 (1E), insert:

(1F) In relation to land within the development area, the Authority may exercise and shall perform the powers, authorities, duties and functions conferred or imposed by or under the Strata Titles (Leasehold) Act 1986 on a local council, except to the extent that the regulations may otherwise provide.

15

(8) Section 46 (**Regulations**)—

Section 46 (2)—

Omit the subsection, insert instead:

(2) Without limiting the generality of subsection (1), the regulations may—

20

(a) prescribe a form of lease of a building site or building area; or

(b) provide that the Authority shall not exercise or perform a power, authority, duty or function conferred or imposed on a local council by or under the Strata Titles (Leasehold) Act 1986.

**Valuation of Land Act 1916 No. 2—**

25 (1) Section 4 (**Definitions**)—

Section 4 (3)—

After “1973”, insert “or the Strata Titles (Leasehold) Act 1986”.

(2) Section 58C (**Interpretation**)—

Section 58C (6), definition of “strata lot”—

30

After “1973”, insert “or section 4 (1) of the Strata Titles (Leasehold) Act 1986”.

*Miscellaneous Acts (Leasehold Strata Schemes) Amendment 1986*

SCHEDULE 1—*continued*  
 AMENDMENTS TO ACTS—*continued*

**Wills, Probate and Administration Act 1898 No. 13—****Fourth Schedule (Rights of surviving spouse of intestate with respect to acquisition of the matrimonial home)—****Clause 3 (Restrictions on the exercise of right conferred by sec. 61D)—**

5 (1) Clause 3 (1) (d) (i)—

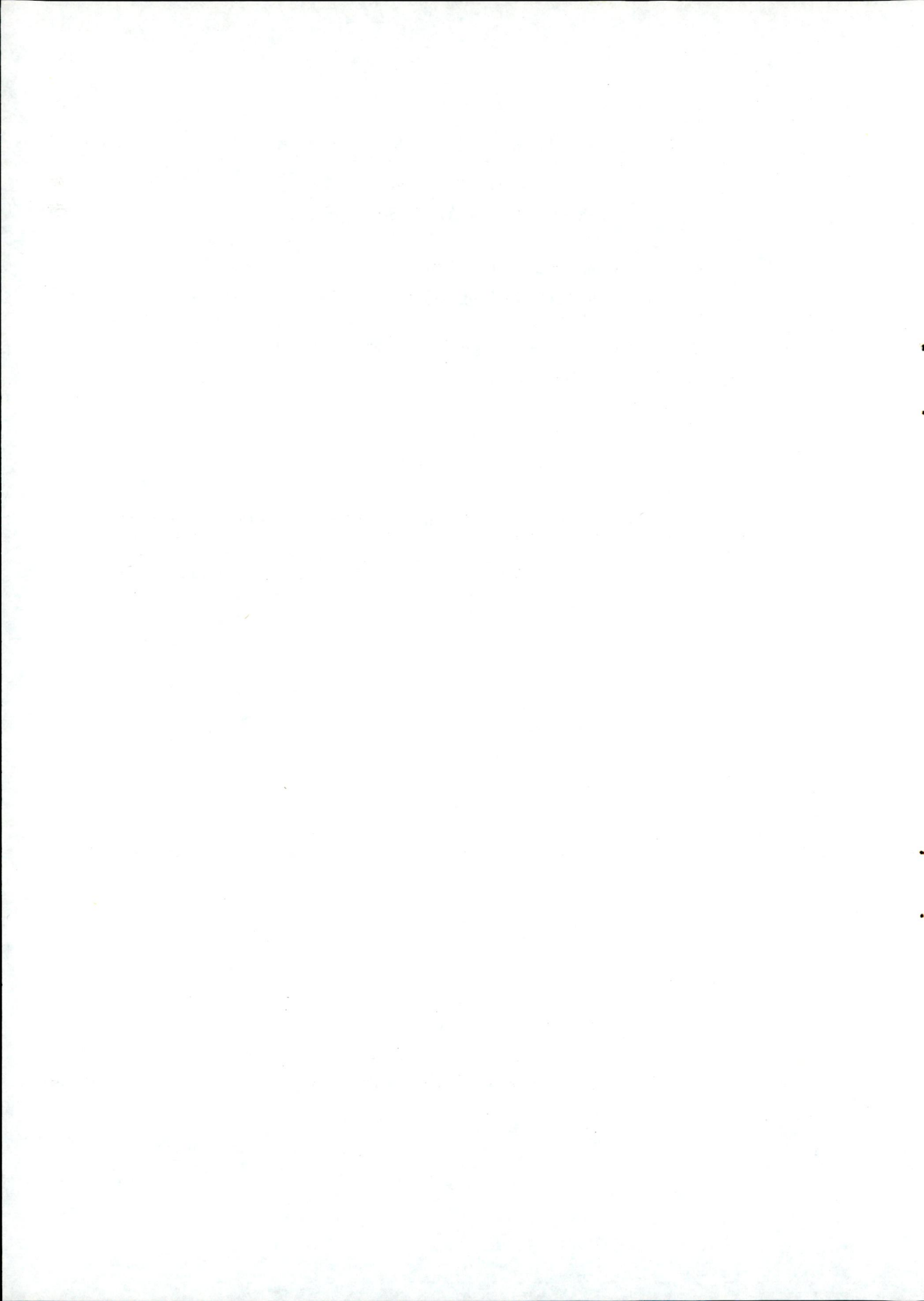
Omit “or”.

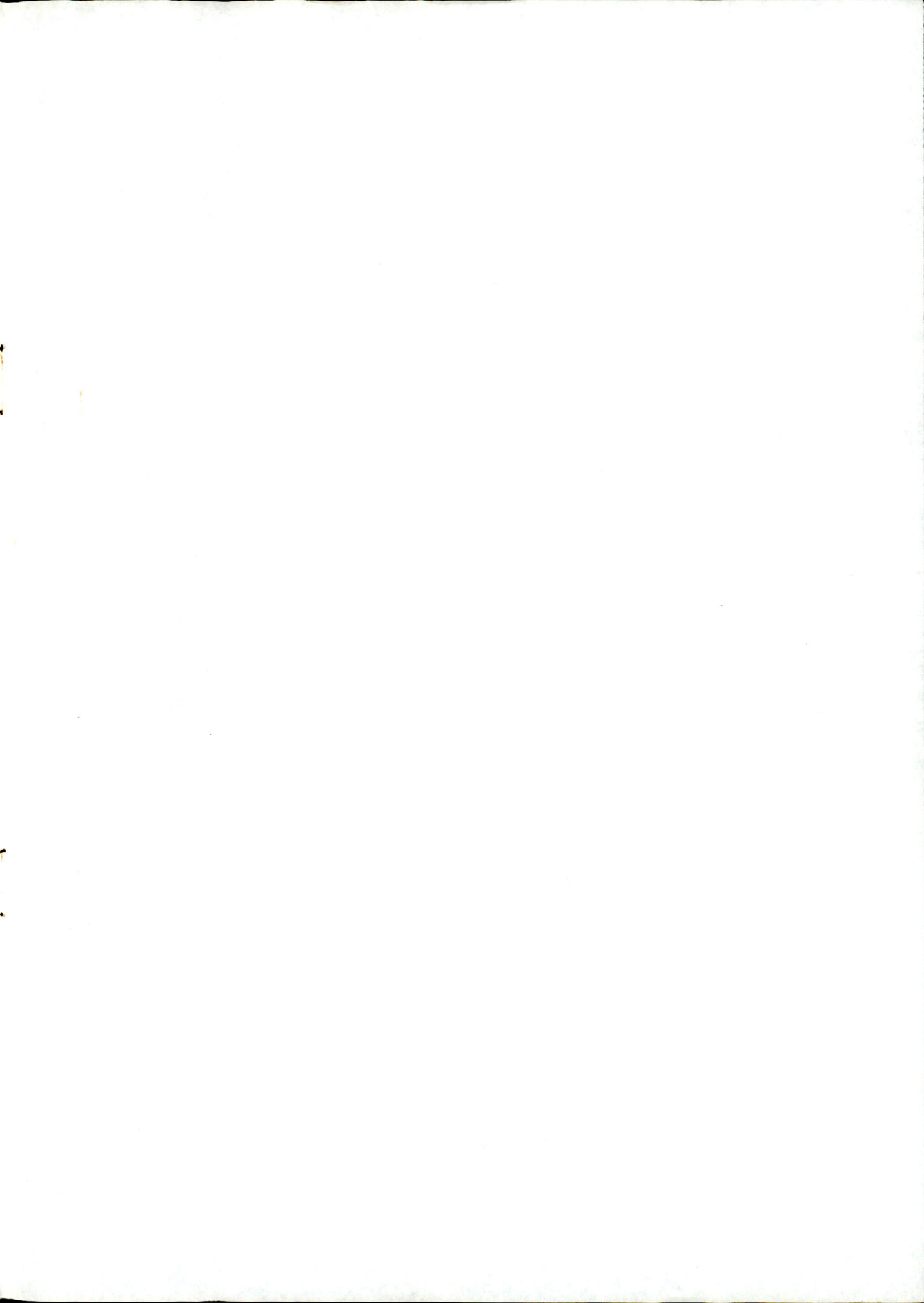
(2) Clause 3 (1) (d) (ii), (iii)—

At the end of clause 3 (1) (d) (ii), insert:

; or

10 (iii) the Strata Titles (Leasehold) Act 1986, with respect to the manner of subdividing land within the meaning of section 6 of that Act or of any lot within the meaning of section 4 (1) of that Act, and with respect to any requirement incidental to the manner of subdividing any such land or lot,









**MISCELLANEOUS ACTS (LEASEHOLD STRATA  
SCHEMES) AMENDMENT ACT 1986 No. 220**

NEW SOUTH WALES



**TABLE OF PROVISIONS**

1. Short title
2. Commencement
3. Amendments to Acts

SCHEDULE 1—AMENDMENTS TO ACTS

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**MISCELLANEOUS ACTS (LEASEHOLD STRATA SCHEMES)  
AMENDMENT ACT 1986 No. 220**

NEW SOUTH WALES



**Act No. 220, 1986**

An Act to amend certain Acts as a consequence of the enactment of the Strata Titles (Leasehold) Act 1986 and for other purposes. [Assented to 23 December 1986]

*Miscellaneous Acts (Leasehold Strata Schemes) Amendment 1986*

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**BE** it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:

**Short title**

1. This Act may be cited as the "Miscellaneous Acts (Leasehold Strata Schemes) Amendment Act 1986".

**Commencement**

2. (1) Sections 1 and 2 shall commence on the date of assent to this Act.

(2) Except as provided by subsection (1), this Act shall commence on the commencement of the Strata Titles (Leasehold) Act 1986.

**Amendments to Acts**

3. Each Act specified in Schedule 1 is amended in the manner set forth in relation to that Act in that Schedule.

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SCHEDULE 1

(Sec. 3)

AMENDMENTS TO ACTS

**Auctioneers and Agents Act 1941 No. 28—**

(1) Section 3 (**Definitions**)—

(a) Section 3 (1), paragraph (a) of the definition of "Real estate agent"—

After "1973", insert "and a leasehold interest in a lot within the meaning of the Strata Titles (Leasehold) Act 1986".

(b) Section 3 (1), definition of "Strata managing agent"—

(i) After "1973", insert "or the Strata Titles (Leasehold) Act 1986".

(ii) After paragraph (a) (i), insert:

(ia) is the lessee of a lot to which the leasehold strata scheme for which the body corporate is constituted relates;

(iii) In paragraph (a) (iii), after the word "scheme", insert "or leasehold strata scheme".

*Miscellaneous Acts (Leasehold Strata Schemes) Amendment 1986*

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SCHEDULE 1—*continued*

AMENDMENTS TO ACTS—*continued*

(2) Section 50K (**Interpretation**)—

After “1973”, insert “or section 4 (1) of the Strata Titles (Leasehold) Act 1986”.

(3) Section 51 (**Interpretation**)—

Section 51, definition of “Allotment of land”—

After “1973”, insert “and a leasehold interest in a lot within the meaning of the Strata Titles (Leasehold) Act 1986”.

**Broken Hill Water and Sewerage Act 1938 No. 20—**

(1) Section 83 (**Basis of rating**)—

Section 83 (4), definition of “strata lot”—

After “1973”, insert “or the Strata Titles (Leasehold) Act 1986”.

(2) Section 87A (**Reduction of rates payable by certain classes of pensioners**)—

Section 87A (1), definition of “flat”—

After “1973”, insert “or the Strata Titles (Leasehold) Act 1986”.

**Builders Licensing Act 1971 No. 16—**

(1) Section 3 (**Interpretation**)—

Section 3 (1), paragraph (e) of the definition of “purchaser”—

Omit the paragraph, insert instead:

- (e) in relation to building work comprised in the common property the subject of a strata scheme or leasehold strata scheme within the meaning of the Strata Titles Act 1973 or Strata Titles (Leasehold) Act 1986, the body corporate in respect of the scheme, but only if the original proprietor or original lessee, if any, under the scheme is not the proprietor or lessee, as the case may be, of all the lots comprised in the scheme;

(2) Section 34 (**Insurance of house purchasers**)—

Section 34 (2) (f) (i)—

After “1973”, insert “or a leasehold strata scheme within the meaning of the Strata Titles (Leasehold) Act 1986”.

*Miscellaneous Acts (Leasehold Strata Schemes) Amendment 1986*

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SCHEDULE 1—*continued*  
 AMENDMENTS TO ACTS—*continued*

**Coastal Protection Act 1979 No. 13—**

Section 37 (**Interpretation**)—

Section 37 (2) (c)—

After “1973”, insert “or Division 1 of Part 2 of the Strata Titles (Leasehold) Act 1986”.

**Community Justice Centres Act 1983 No. 127—**

Section 25 (**Representation by agent**)—

Section 25 (2) (b)—

Omit the paragraph, insert instead:

- (b) where a corporation that is a body corporate constituted under the Strata Titles Act 1973 or the Strata Titles (Leasehold) Act 1986 is a party to a mediation session—the proprietor or lessee or, if there is more than one proprietor or lessee, one of the proprietors or lessees, constituting that corporation; or

**Consumer Claims Tribunals Act 1974 No. 16—**

(1) Section 4 (**Interpretation**)—

Section 4 (1), paragraph (c) of the definition of “consumer”—

Omit the paragraph, insert instead:

- (c) a corporation that is a body corporate constituted under—
- (i) the Strata Titles Act 1973 by the proprietor or proprietors of lots within the meaning of that Act; or
  - (ii) the Strata Titles (Leasehold) Act 1986 by the lessee or lessees of lots within the meaning of that Act; and

(2) Section 30 (**Presentation of cases**)—

(a) Section 30 (3) (a)—

Omit “or”.

(b) Section 30 (3) (b), (c)—

At the end of section 30 (3) (b), insert:

; or

- (c) where a corporation that is a body corporate constituted under the Strata Titles (Leasehold) Act 1986 is a party to a proceeding before a consumer claims tribunal—the lessee or, if there is more than one lessee, one of the lessees constituting that corporation,

*Miscellaneous Acts (Leasehold Strata Schemes) Amendment 1986*

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SCHEDULE 1—*continued*

AMENDMENTS TO ACTS—*continued*

**Contracts Review Act 1980 No. 16—**

Section 4 (**Interpretation**)—

Section 4 (2) (a)—

Omit the paragraph, insert instead:

(a) a corporation that is a body corporate constituted under—

- (i) the Strata Titles Act 1973 by the proprietor or proprietors of lots within the meaning of that Act; or
- (ii) the Strata Titles (Leasehold) Act 1986 by the lessee or lessees of lots within the meaning of that Act; or

**Credit Act 1984 No. 94—**

Section 5 (**Interpretation**)—

Section 5 (1), paragraph (a) of the definition of “body corporate”—

Omit the paragraph, insert instead:

(a) a body corporate—

- (i) constituted under the Strata Titles Act 1973 by the proprietor or proprietors of lots within the meaning of that Act; or
- (ii) constituted under the Strata Titles (Leasehold) Act 1986 by the lessee or lessees of lots within the meaning of that Act; or

**Credit (Administration) Act 1984 No. 95—**

Section 4 (**Interpretation**)—

Paragraph (a) of the definition of “body corporate”—

Omit the paragraph, insert instead:

(a) a body corporate—

- (i) constituted under the Strata Titles Act 1973 by the proprietor or proprietors of lots within the meaning of that Act; or
- (ii) constituted under the Strata Titles (Leasehold) Act 1986 by the lessee or lessees of lots within the meaning of that Act; or

*Miscellaneous Acts (Leasehold Strata Schemes) Amendment 1986*

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SCHEDULE 1—*continued*

AMENDMENTS TO ACTS—*continued*

**Credit (Finance Brokers) Act 1984 No. 96—**

Section 4 (**Interpretation**)—

Section 4 (1), paragraph (a) of the definition of “body corporate”—

Omit the paragraph, insert instead:

(a) a body corporate—

(i) constituted under the Strata Titles Act 1973 by the proprietor or proprietors of lots within the meaning of that Act; or

(ii) constituted under the Strata Titles (Leasehold) Act 1986 by the lessee or lessees of lots within the meaning of that Act; or

**Darling Harbour Authority Act 1984 No. 103—**

(1) Section 3 (**Interpretation**)—

(a) Section 3 (1), definition of “leasehold strata scheme”—

After the definition of “General Manager”, insert:

“leasehold strata scheme” means a leasehold strata scheme within the meaning of the Strata Titles (Leasehold) Act 1986;

(b) Section 3 (3) (c)—

After “1973”, insert “or Division 1 of Part 2 of the Strata Titles (Leasehold) Act 1986”.

(2) Section 5 (**Variation of Development Area**)—

Section 5 (3)—

After “1973”, insert “or the Strata Titles (Leasehold) Act 1986”.

(3) Section 15 (**Grant of leases, easements and licences**)—

Section 15 (6)—

After section 15 (5), insert:

(6) Nothing in this section limits or otherwise affects—

(a) the operation of the Strata Titles (Leasehold) Act 1986 in respect of controlled land; or

(b) the exercise by the Authority, for the purposes of a leasehold strata scheme or proposed leasehold strata scheme relating to controlled land, of any function conferred or imposed by that Act.



*Miscellaneous Acts (Leasehold Strata Schemes) Amendment 1986*

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SCHEDULE 1—*continued*

AMENDMENTS TO ACTS—*continued*

(4) Section 16B—

After section 16A, insert:

**Leasehold strata schemes**

16B. The Authority may, with the consent of the Minister, do all things necessary or convenient for the purposes of creating leasehold strata schemes under the Strata Titles (Leasehold) Act 1986 in respect of controlled land and exercise the functions of—

- (a) the lessor and a lessee (whether statutory or not) under any such scheme;
- (b) a prescribed authority or local council, or both, under that Act; and
- (c) a former lessor or former lessee under that Act, or both, in respect of any such scheme which has been terminated.

(5) Section 59 (**Application of certain legislation within Development Area**)—

Section 59 (2)—

At the end of section 59, insert:

(2) In relation to land within the Development Area, the Authority may exercise the functions conferred or imposed by or under the Strata Titles (Leasehold) Act 1986 on a local council, except to the extent that the regulations may otherwise provide.

(6) Section 67 (**Regulations**)—

(a) Section 67 (1) (p)—

Omit “and” where lastly occurring.

(b) Section 67 (1) (q), (r)—

At the end of section 67 (1) (q), insert:

; and

(r) providing that the Authority shall not exercise a function conferred or imposed on a local council by or under the Strata Titles (Leasehold) Act 1986.

**Environmental Planning and Assessment Act 1979 No. 203—**

(1) Section 4 (**Interpretation**)—

Section 4 (2) (d)—

After “1973”, insert “or Division 1 of Part 2 of the Strata Titles (Leasehold) Act 1986”.

*Miscellaneous Acts (Leasehold Strata Schemes) Amendment 1986*

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SCHEDULE 1—*continued*

AMENDMENTS TO ACTS—*continued*

(2) Section 84 (**Notice of applications respecting designated development**)—

Section 84 (2A)—

After section 84 (2), insert:

(2A) Where land is a lot within the meaning of the Strata Titles (Leasehold) Act 1986, a written notice to the lessor under the leasehold strata scheme concerned and to the body corporate shall be deemed to be a written notice under subsection (1) (a) to the owner or occupier of each lot within the scheme.

**Heritage Act 1977 No. 136—**

(1) Section 4 (**Interpretation**)—

(a) Section 4 (1), definition of “consent authority”—

Omit “or the Strata Titles Act, 1973,” insert instead “, the Strata Titles Act 1973 or the Strata Titles (Leasehold) Act 1986”.

(b) Section 4 (5) (d)—

After “1973”, insert “or Division 1 of Part 2 of the Strata Titles (Leasehold) Act 1986”.

(2) Section 56 (**Interpretation**)—

(a) Section 56 (g)—

Omit “or” where lastly occurring.

(b) Section 56 (i), (j)—

At the end of section 56 (i), insert:

; or

(j) Division 7 of Part 2 of the Strata Titles (Leasehold) Act 1986,

(3) Section 66 (**Application of Subdivision**)—

Omit “and the Strata Titles Act, 1973”, insert instead “, the Strata Titles Act 1973 and the Strata Titles (Leasehold) Act 1986”.

(4) Section 76 (**Appeal to Minister in respect of prescribed applications**)—

Omit “or the Strata Titles Act, 1973”, insert instead “, the Strata Titles Act 1973 or the Strata Titles (Leasehold) Act 1986”.

*Miscellaneous Acts (Leasehold Strata Schemes) Amendment 1986*

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SCHEDULE 1—*continued*

AMENDMENTS TO ACTS—*continued*

**Hunter District Water, Sewerage and Drainage Act 1938 No. 11—**

(1) Section 89A (**Interpretation**)—

Section 89A (1), definition of “strata lot”—

Omit the definition, insert instead:

“strata lot” means a lot under the Strata Titles Act 1973 or the Strata Titles (Leasehold) Act 1986.

(2) Section 104A (**Reduction of rates payable by certain classes of pensioners**)—

Section 104A (1), definition of “flat”—

After “1973”, insert “or the Strata Titles (Leasehold) Act 1986”.

(3) Section 104AA (**Board may reduce rates in certain cases**)—

Section 104AA (1), definition of “strata lot”—

After “1973”, insert “or the Strata Titles (Leasehold) Act 1986”.

**Industrial Arbitration Act 1940 No. 2—**

Section 92D (**Small claims before industrial magistrates**)—

Section 92D (8) (b)—

Omit the paragraph, insert instead:

- (b) where a corporation that is a body corporate constituted under the Strata Titles Act 1973 or the Strata Titles (Leasehold) Act 1986 is a party to proceedings before an industrial magistrate—the proprietor or lessee or, if there is more than one proprietor or lessee, one of the proprietors or lessees constituting the body corporate, from representing the corporation.

**Land and Environment Court Act 1979 No. 204—**

(1) Section 17 (**Class 1—environmental planning and protection appeals**)—

- (a) Section 17 (ba), as inserted by the Land and Environment Court (Strata Titles) Amendment Act 1985 No. 115—

Omit the paragraph.

- (b) Section 17 (bb)—

Before section 17 (c), insert:

- (bb) applications under section 28F of the Strata Titles Act 1973 or section 46 of the Strata Titles (Leasehold) Act 1986;

*Miscellaneous Acts (Leasehold Strata Schemes) Amendment 1986*

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SCHEDULE 1—*continued*

AMENDMENTS TO ACTS—*continued*

(2) Section 18 (**Class 2—local government and miscellaneous appeals**)—

Section 18 (c)—

After “1973”, insert “and, except as provided by section 69 (4) (d) of the Strata Titles (Leasehold) Act 1986, under section 69 (4) of the latter Act”.

(3) Section 20 (**Class 4—environmental planning and protection civil enforcement**)—

(a) Section 20 (1) (da)—

After “1973”, insert “or section 49 or 51 of the Strata Titles (Leasehold) Act 1986”.

(b) Section 20 (2) (d), (3) (c)—

Omit “the agreement” wherever occurring, insert instead “an agreement”.

(c) Section 20 (3) (c)—

After “1973”, insert “or section 47 of the Strata Titles (Leasehold) Act 1986”.

(4) Section 71 (**Proceedings in Supreme Court**)—

Section 71 (2)—

Omit the subsection, insert instead:

(2) Subject to section 58, an action or an agreement referred to in section 20 (3) (c) may not be commenced or entertained except by or in proceedings referred to in section 20 (1) (da).

**Land Sales Act 1964 No. 12—**

Section 2 (**Interpretation**)—

Section 2, paragraph (b) of the definition of “Instalment contract”—

After “1973”, insert “or of a leasehold interest in a lot within the meaning of the Strata Titles (Leasehold) Act 1986”.

**Land Tax Management Act 1956 No. 26—**

Section 10 (**Land exempted from tax**)—

(1) Section 10 (1CA)—

After section 10 (1C), insert:

(1CA) In subsection (1) (r), “owner”, in relation to a lot under the Strata Titles (Leasehold) Act 1986, means the lessee of the lot, within the meaning of that Act.

*Miscellaneous Acts (Leasehold Strata Schemes) Amendment 1986*SCHEDULE 1—*continued*AMENDMENTS TO ACTS—*continued*

## (2) Section 10 (1D) (b) (i)—

Omit “, 1973,” insert instead “1973 or the Strata Titles (Leasehold) Act 1986”.

## (3) Section 10 (1E)—

Omit the subsection, insert instead:

(1E) In subsection (1) (r), “strata lot” means—

(a) a lot under the Strata Titles Act 1973, not being a lot—

- (i) that is owned by a company;
- (ii) that is owned by or on behalf of a company and is land of which a mortgagee or person (by way of security for money) is in possession;
- (iii) that is held by a trustee for or on behalf of a company; or
- (iv) in respect of which a company is jointly assessed with any other person; or

(b) a lot under the Strata Titles (Leasehold) Act 1986, not being a lot—

- (i) which is leased by a company;
- (ii) which is leased by or on behalf of a company and which is land of which a mortgagee or person (by way of security for money) is in possession;
- (iii) which is leased by a trustee for or on behalf of a company; or
- (iv) in respect of which a company is jointly assessed with any other person.

**Local Government Act 1919 No. 41—**(1) Section 51 (**Meaning of “requisite qualification”**)—

Section 51 (4)—

Omit “, 1973,” insert instead “1973 or the Strata Titles (Leasehold) Act 1986”.

(2) Section 126A (**Aggregation of values of certain parcels subject to minimum amounts**)—

Section 126A (4B)—

After “1973,” insert “or the Strata Titles (Leasehold) Act 1986”.

*Miscellaneous Acts (Leasehold Strata Schemes) Amendment 1986*SCHEDULE 1—*continued*AMENDMENTS TO ACTS—*continued*(3) Section 160AA (**Reduction of rates payable by certain classes of pensioners**)—

Section 160AA (1), definition of “flat”—

After “1973”, insert “or the Strata Titles (Leasehold) Act 1986”.

(4) Section 317C (**Interpretation**)—

Section 317C (3)—

Omit “, 1973, a reference to the body corporate for that strata scheme”, insert instead “1973 or a leasehold strata scheme under the Strata Titles (Leasehold) Act 1986, a reference to the body corporate under that scheme”.

(5) Section 327AA (**Land included in a current plan not to be disposed of except in lots or portions shown on that plan**)—

Section 327AA (1), paragraph (c) of the definition of “plan of subdivision”—

After “1973”, insert “ or the Strata Titles (Leasehold) Act 1986”.

**Metropolitan Water, Sewerage, and Drainage Act 1924 No. 50—**(1) Section 86A (**Interpretation**)—

Section 86A (1), definition of “strata lot”—

After “1973”, insert “or section 4 (1) of the Strata Titles (Leasehold) Act 1986”.

(2) Section 100A (**Reduction of rates payable by certain classes of pensioners**)—

Section 100A (1), definition of “flat”—

After “1973”, insert “or the Strata Titles (Leasehold) Act 1986”.

(3) Section 100AA (**Board may reduce rates in certain cases**)—

Section 100AA (1), definition of “strata lot”—

After “1973”, insert “or the Strata Titles (Leasehold) Act 1986”.

**Real Property Act 1900 No. 25—**(1) Section 28P (**Application of provisions of this Act to qualified folio and land therein**)—

Section 28P (1) (c)—

After “1973”, insert “or the Strata Titles (Leasehold) Act 1986”.

(2) Section 28T (**Creation of limited folio**)—

Section 28T (8) (c)—

After “1973”, insert “or the Strata Titles (Leasehold) Act 1986”.

*Miscellaneous Acts (Leasehold Strata Schemes) Amendment 1986*SCHEDULE 1—*continued*AMENDMENTS TO ACTS—*continued*(3) Section 32 (**Folios of the Register**)—

Section 32 (2)—

After “1973”, insert “or section 25 or 27 of the Strata Titles (Leasehold) Act 1986”.

(4) Section 36 (**Registration of dealings**)—

Section 36 (3)—

Omit “, 1973,”, insert instead “1973 or the Strata Titles (Leasehold) Act 1986”.

(5) Section 106 (**Seal of corporation substituted for signature**)—

Section 106 (2) (a)—

Omit “, 1973,”, insert instead “1973 or the Strata Titles (Leasehold) Act 1986”.

**Stamp Duties Act 1920 No. 47—****Section 66A (Agreements and conveyances on sale—concession for purchases of private dwelling houses)—**

## (1) Section 66A (2)—

Omit “, 1973,”, insert instead “1973 or the Strata Titles (Leasehold) Act 1986”.

## (2) Section 66A (2A)—

After section 66A (2), insert:

## (2A) In this section—

(a) a reference to an agreement for sale of land or property, in relation to a private dwelling house which is a lot within the meaning of the Strata Titles (Leasehold) Act 1986, is a reference to an agreement for the sale of the leasehold interest in the lot; and

(b) a reference to that land or property is a reference to the leasehold interest in that lot.

**Strata Titles Act 1973 No. 68—**(1) Section 5 (**Interpretation**)—

Section 5 (1), paragraph (a) of the definition of “strata scheme”—

(a) After “division”, insert “under this Act”.

(b) After “allocation”, insert “under this Act”.

*Miscellaneous Acts (Leasehold Strata Schemes) Amendment 1986*

SCHEDULE 1—*continued*

AMENDMENTS TO ACTS—*continued*

(2) Section 7 (**Subdivision**)—

Section 7 (1), definition of “current plan lot”—

After “this Act”, insert “or section 4 (1) of the Strata Titles (Leasehold) Act 1986”.

(3) Section 8 (**Registration of plans**)—

Section 8 (1)—

After “land” where firstly occurring, insert “and illustrating a proposed subdivision referred to in section 7 (2)”.

**Sydney Cove Redevelopment Authority Act 1968 No. 56—**

(1) Section 3 (**Interpretation**)—

Section 3 (1), definition of “leasehold strata scheme”—

After the definition of “Director”, insert:

“leasehold strata scheme” has the meaning ascribed to that expression in the Strata Titles (Leasehold) Act 1986;

(2) Section 12 (**Rents, profits, outgoings and powers in relation to land acquired by Authority**)—

Section 12 (2)—

After “Act”, insert “or the Strata Titles (Leasehold) Act 1986 (Division 4 of Part 2 of that Act excepted)”.

(3) Section 19 (**General powers of Authority**)—

Section 19 (1) (a1), (b), (b1)—

Omit section 19 (1) (a1) and (b), insert instead:

- (a1) grant or agree to grant, with the approval of the Minister, a lease for a term in excess of 5 years (on such conditions as the Authority may determine and the Minister may approve) of any land vested in, granted to, or otherwise acquired by, the Authority, including any building site, building area or building (whether or not in the course of erection), or any part of any one or more of them, owned by the Authority, and whether or not the land is a lot or the common property the subject of a leasehold strata scheme or proposed leasehold strata scheme;
- (b) for the purposes of the exercise or performance of any of its powers, authorities, duties or functions under this or any other Act, cause surveys to be made, and plans of survey to be prepared;



*Miscellaneous Acts (Leasehold Strata Schemes) Amendment 1986*

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SCHEDULE 1—*continued*

AMENDMENTS TO ACTS—*continued*

- (b1) do all things necessary or convenient for the purposes of creating leasehold strata schemes under the Strata Titles (Leasehold) Act 1986 in respect of any land referred to in paragraph (a1) and exercise and perform the powers, authorities, duties and functions (other than under Division 4 of Part 2 of that Act) of—
- (i) the lessor and a lessee (whether statutory or not) under any such scheme;
  - (ii) a prescribed authority or local council, or both, under that Act; and
  - (iii) a former lessor or former lessee under that Act, or both, in respect of any such scheme which has been terminated;
- (4) Section 20 (**Dedication of land for public purposes or as a road**)—
- Section 20 (1)—
- After “notification” where secondly occurring, insert “, not being land the subject of a leasehold strata scheme,”.
- (5) Section 22 (**Authority may erect buildings or grant leases**)—
- (a) Section 22 (1) (b)—
- After “grant”, insert “or agree to grant, under this section”.
- (b) Section 22 (1) (b)—
- After “area”, insert “, or part of a building site or building area (which part may consist of a stratum of land, whether or not comprised wholly or partly of airspace),”.
- (c) Section 22 (1) (c)—
- Omit “on completion”, insert instead “(whether or not on completion of the building and whether or not to the person who has erected or is to erect the building)”.
- (d) Section 22 (1A), (1B)—
- After section 22 (1), insert:
- (1A) A lease granted after the commencement of the Strata Titles (Leasehold) Act 1986 shall be treated as having been granted under this section only if it is expressed to have been so granted.
- (1B) Nothing in this section limits or otherwise affects the power of the Authority to grant or to agree to grant a lease for a term in excess of 5 years under and subject to section 19 (1) (a1).

*Miscellaneous Acts (Leasehold Strata Schemes) Amendment 1986*

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SCHEDULE 1—*continued*

AMENDMENTS TO ACTS—*continued*

(e) Section 22 (3)—

After “Act” where firstly occurring, insert “(other than the Strata Titles (Leasehold) Act 1986)”.

(6) Section 22A (**Strata schemes**)—

Omit the section.

(7) Section 25 (**Development consent and building approval, etc.**)—

(a) Section 25 (1A) (d)—

After “1973”, insert “or Division 1 of Part 2 of the Strata Titles (Leasehold) Act 1986”.

(b) Section 25 (1F)—

After section 25 (1E), insert:

(1F) In relation to land within the development area, the Authority may exercise and shall perform the powers, authorities, duties and functions conferred or imposed by or under the Strata Titles (Leasehold) Act 1986 on a local council, except to the extent that the regulations may otherwise provide.

(8) Section 46 (**Regulations**)—

Section 46 (2)—

Omit the subsection, insert instead:

(2) Without limiting the generality of subsection (1), the regulations may—

(a) prescribe a form of lease of a building site or building area; or

(b) provide that the Authority shall not exercise or perform a power, authority, duty or function conferred or imposed on a local council by or under the Strata Titles (Leasehold) Act 1986.

**Valuation of Land Act 1916 No. 2—**

(1) Section 4 (**Definitions**)—

Section 4 (3)—

After “1973”, insert “or the Strata Titles (Leasehold) Act 1986”.

(2) Section 58C (**Interpretation**)—

Section 58C (6), definition of “strata lot”—

After “1973”, insert “or section 4 (1) of the Strata Titles (Leasehold) Act 1986”.

*Miscellaneous Acts (Leasehold Strata Schemes) Amendment 1986*

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SCHEDULE 1—*continued*  
AMENDMENTS TO ACTS—*continued*

**Wills, Probate and Administration Act 1898 No. 13—**

**Fourth Schedule (Rights of surviving spouse of intestate with respect to acquisition of the matrimonial home)—**

**Clause 3 (Restrictions on the exercise of right conferred by sec. 61D)—**

(1) Clause 3 (1) (d) (i)—

Omit “or”.

(2) Clause 3 (1) (d) (ii), (iii)—

At the end of clause 3 (1) (d) (ii), insert:

; or

- (iii) the Strata Titles (Leasehold) Act 1986, with respect to the manner of subdividing land within the meaning of section 6 of that Act or of any lot within the meaning of section 4 (1) of that Act, and with respect to any requirement incidental to the manner of subdividing any such land or lot,

