

STRATA TITLES (LEASEHOLD) AMENDMENT BILL 1988

NEW SOUTH WALES



EXPLANATORY NOTE

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

The object of this Bill is to amend the Strata Titles (Leasehold) Act 1986 and the Miscellaneous Acts (Leasehold Strata Schemes) Amendment Act 1986 to provide that an appeal under section 69 of the former Act will lie only to the Land and Environment Court. Neither of these Acts has commenced.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the proposed Act commences on the date of assent.

Clause 3 gives effect to the Schedule of amendments.

SCHEDULE 1—AMENDMENT OF CERTAIN ACTS

The Bill amends section 69 (Appeal against refusal of approval) of the Strata Titles (Leasehold) Act 1986. Section 69 provides that an applicant for a certificate of approval of a proposed strata plan, a proposed strata plan of subdivision, a notice of conversion or a proposed amendment of a development statement will be able to appeal if the prescribed authority to which the application is made refuses to approve the application, approves the application subject to a condition or fails to notify the applicant of its approval within 40 days. Under the proposed provisions of that section as they stand at present, an appeal would lie to the Land and Environment Court or, if the prescribed authority concerned is the Sydney Cove Redevelopment Authority or the Darling Harbour Authority, it would lie to the Minister administering the relevant provisions of the Act which constitutes the relevant body. The proposed amendment provides that an appeal will lie only to the Land and Environment Court.

Strata Titles (Leasehold) Amendment 1988

The Bill also consequentially amends the uncommenced amendments made by the Miscellaneous Acts (Leasehold Strata Schemes) Amendment Act 1986 to the Land and Environment Court Act 1979 in respect of appeals under section 69 of the Strata Titles (Leasehold) Act 1986. These uncommenced amendments will provide for the jurisdiction of the Land and Environment Court to hear those appeals.

STRATA TITLES (LEASEHOLD) AMENDMENT BILL 1988

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of certain Acts

SCHEDULE 1—AMENDMENT OF CERTAIN ACTS

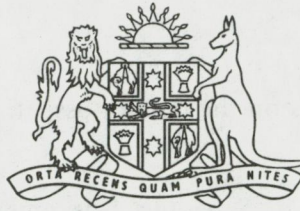


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STRATA TITLES (LEASEHOLD) AMENDMENT BILL 1988

NEW SOUTH WALES



No. , 1988

A BILL FOR

An Act to amend the Strata Titles (Leasehold) Act 1986 and the Miscellaneous Acts (Leasehold Strata Schemes) Amendment Act 1986 with respect to certain appeals.

Strata Titles (Leasehold) Amendment 1988

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Strata Titles (Leasehold) Amendment Act 1988.

5 Commencement

2. This Act commences on the date of assent.

Amendment of certain Acts

3. Each Act specified in Schedule 1 is amended as set out in that Schedule.

10 **SCHEDULE 1—AMENDMENT OF CERTAIN ACTS**

(Sec. 3)

Strata Titles (Leasehold) Act 1986 No. 219—

Section 69 (**Appeal against refusal of approval**)—

(a) Section 69 (4)—

15 Omit “appeal—”, insert instead “appeal to the Land and Environment Court.”.

(b) Section 69 (4) (c) and (d)—

Omit the paragraphs.

(c) Section 69 (5)—

20 Omit “or a Minister, as the case may require,”.

(d) Section 69 (5)—

Omit “or Minister”.

(e) Section 69 (6)—

Omit “or a Minister”.

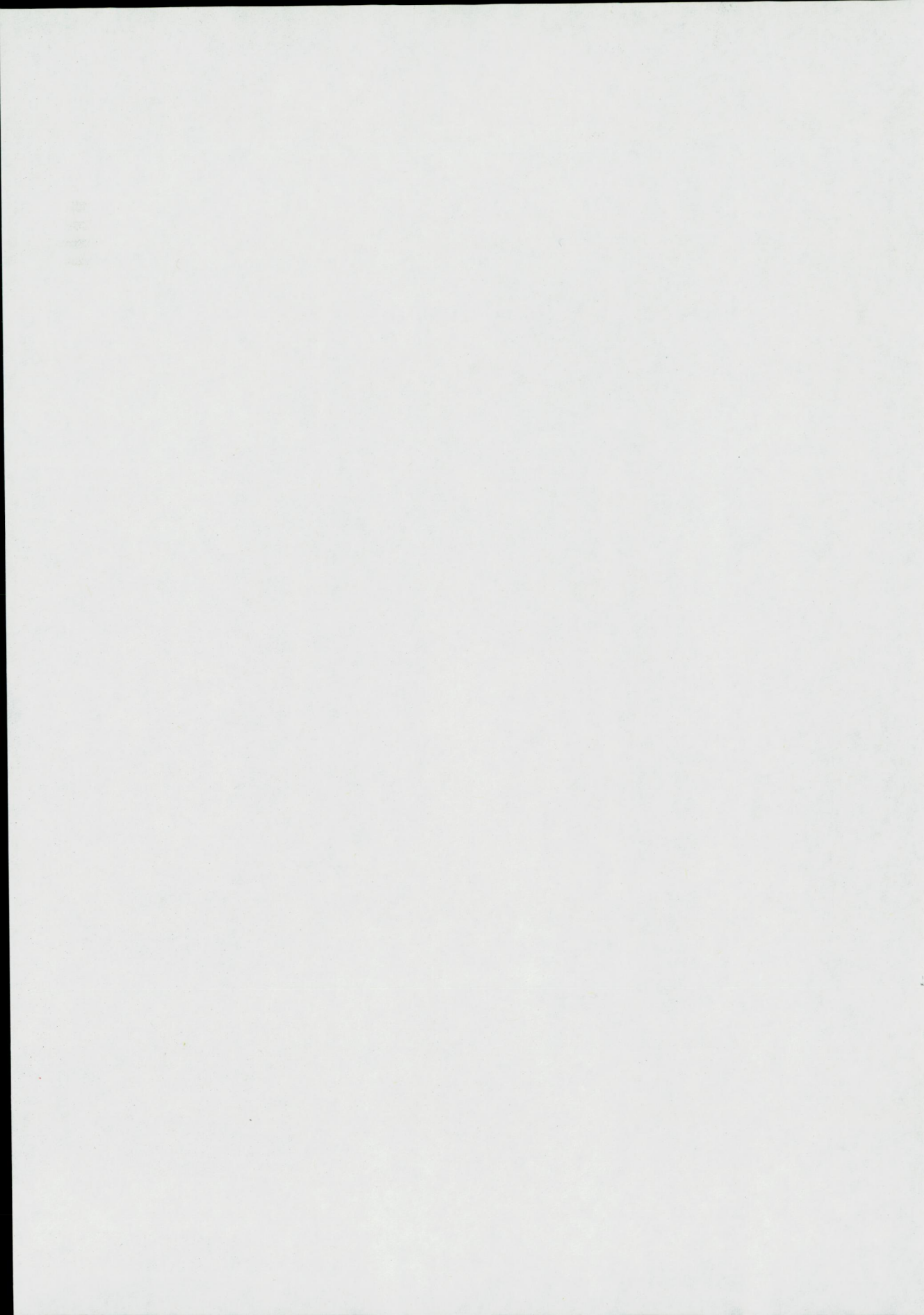
25 **Miscellaneous Acts (Leasehold Strata Schemes) Amendment Act 1986 No. 220—**

From the matter relating to the Land and Environment Court Act 1979 in Schedule 1, omit item (2), insert instead:

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

Section 18 (c)—

After “1973”, insert “and under section 69 (4) of the Strata Titles (Leasehold) Act 1986”.



STRATA TITLES (LEASEHOLD) AMENDMENT ACT 1988
No. 58

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of certain Acts

SCHEDULE 1—AMENDMENT OF CERTAIN ACTS

STRATA TITLES (LEASEHOLD) AMENDMENT ACT 1988 No. 58

NEW SOUTH WALES



Act No. 58, 1988

An Act to amend the Strata Titles (Leasehold) Act 1986 and the Miscellaneous Acts (Leasehold Strata Schemes) Amendment Act 1986 with respect to certain appeals. [Assented to 15 November 1988]

*Strata Titles (Leasehold) Amendment 1988***The Legislature of New South Wales enacts:****Short title**

1. This Act may be cited as the Strata Titles (Leasehold) Amendment Act 1988.

Commencement

2. This Act commences on the date of assent.

Amendment of certain Acts

3. Each Act specified in Schedule 1 is amended as set out in that Schedule.

SCHEDULE 1—AMENDMENT OF CERTAIN ACTS

(Sec. 3)

Strata Titles (Leasehold) Act 1986 No. 219—**Section 69 (Appeal against refusal of approval)—**

(a) Section 69 (4)—

Omit “appeal—”, insert instead “appeal to the Land and Environment Court.”.

(b) Section 69 (4) (c) and (d)—

Omit the paragraphs.

(c) Section 69 (5)—

Omit “or a Minister, as the case may require.”.

(d) Section 69 (5)—

Omit “or Minister”.

(e) Section 69 (6)—

Omit “or a Minister”.

Miscellaneous Acts (Leasehold Strata Schemes) Amendment Act 1986 No. 220—

From the matter relating to the Land and Environment Court Act 1979 in Schedule 1, omit item (2), insert instead:

Strata Titles (Leasehold) Amendment 1988

SCHEDULE 1—AMENDMENTS OF CERTAIN ACTS—*continued*

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

Section 18 (c)—

After “1973”, insert “and under section 69 (4) of the Strata Titles (Leasehold) Act 1986”.

[*Minister's second reading speech made in—
Legislative Assembly on 14 September 1988
Legislative Council on 8 November 1988*]



