

LEGALWISE SEMINAR | 11.03.15

Strata & Community Title Law Reform and Complex Group Title



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Strata and Community Title Law Reform – 201?



Strata Law Reform

- Building Defects
- By-laws
- Legal Action
- Levy Collection
- Management
- Managing Agents
- Meetings
- Strata Committee
- Works



Community Law Reform

- Allow land to be added to community or precinct schemes
- Schedule of contributions to be included in development contract
- Allow community or precinct plan of subdivision creating additional association property
- Meetings to authorise development concerns
- Neighbourhood development contract for staged development only
- Allow land to be added as association property or as a lot by special resolution

Community Law Reform

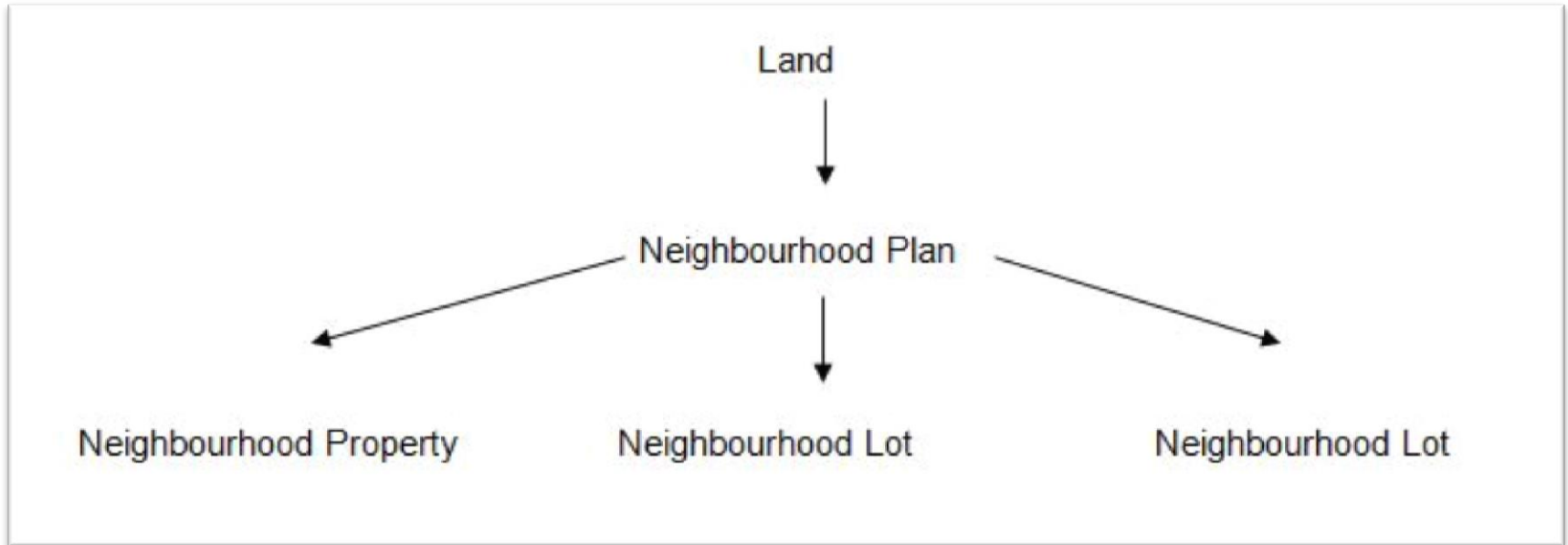
- Allow associations to lease additional property
- Allow subsidiary neighbourhood schemes to be wound up
- Enable community plan of subdivision to subdivide or create association property by special resolution
- Allow neighbourhood scheme or strata scheme to approve subdivision by special resolution
- Enable associations to take the benefit of statutory easements
- Allow subsidiary schemes to lodge revised schedule of unit entitlements when development is complete



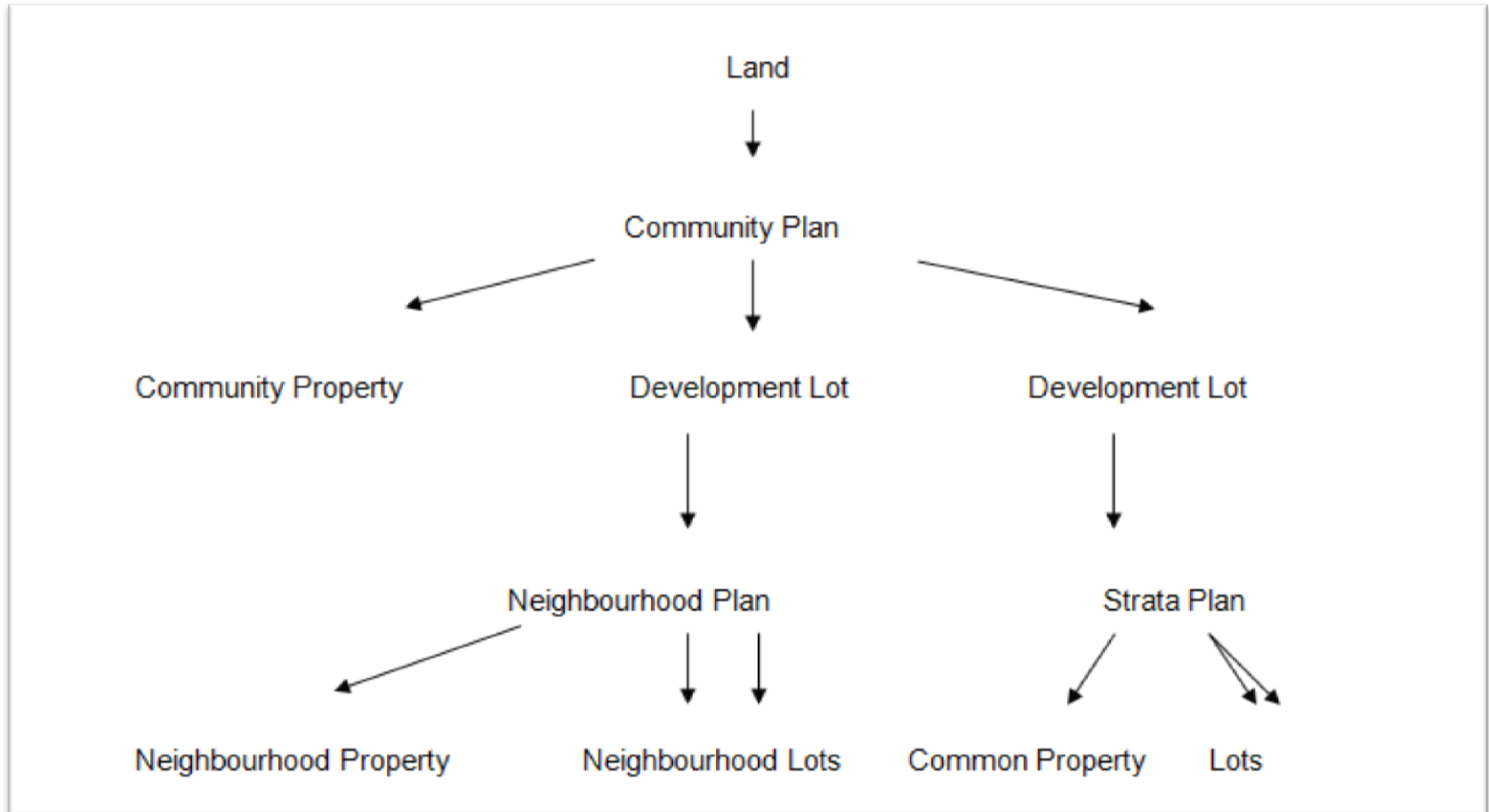
Complex Group Title

Community Title

Simple Community Scheme



Tiered Community Scheme



Community Documentation

- Management statements
- Development contracts
- Restricted property by-laws

Stratum Subdivision



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Stratum Types

- Stratum parcels (SMS mandatory)
 - SS(FD)A Div 2B ss28R-28W, Sch 1C
- Stratum lots (BMS optional)
 - CA Div 3B ss196B-196L, Sch 8A



Management Documents

- Strata Management Statement (strata scheme)
- Building Management Statement (no strata scheme)
- Easements and covenants
- Umbrella and side agreements

SMS and BMS

Must include:

- Establish BMC
- Functions of BMC & office bearers
- **Manner of amendment (SMS only) (196G CA)**
- **Obtaining insurances (BMC only) (Pt 4 SSMA)**
- Dispute resolution
- Service



SMS and BMS

Implied provisions:

- BMC to meet at least once a year
- 7 days notice of meeting on each member
- Majority is quorum
- Decisions by majority present and voting



SMS and BMS

May include:

- Control of access
- Garbage
- BMC meetings
- Keeping of records
- Safety & security measures
- Appointment of managing agent
- Noise control
- Regulation of trading activities
- Service contracts
- Architectural code



SMS and BMS

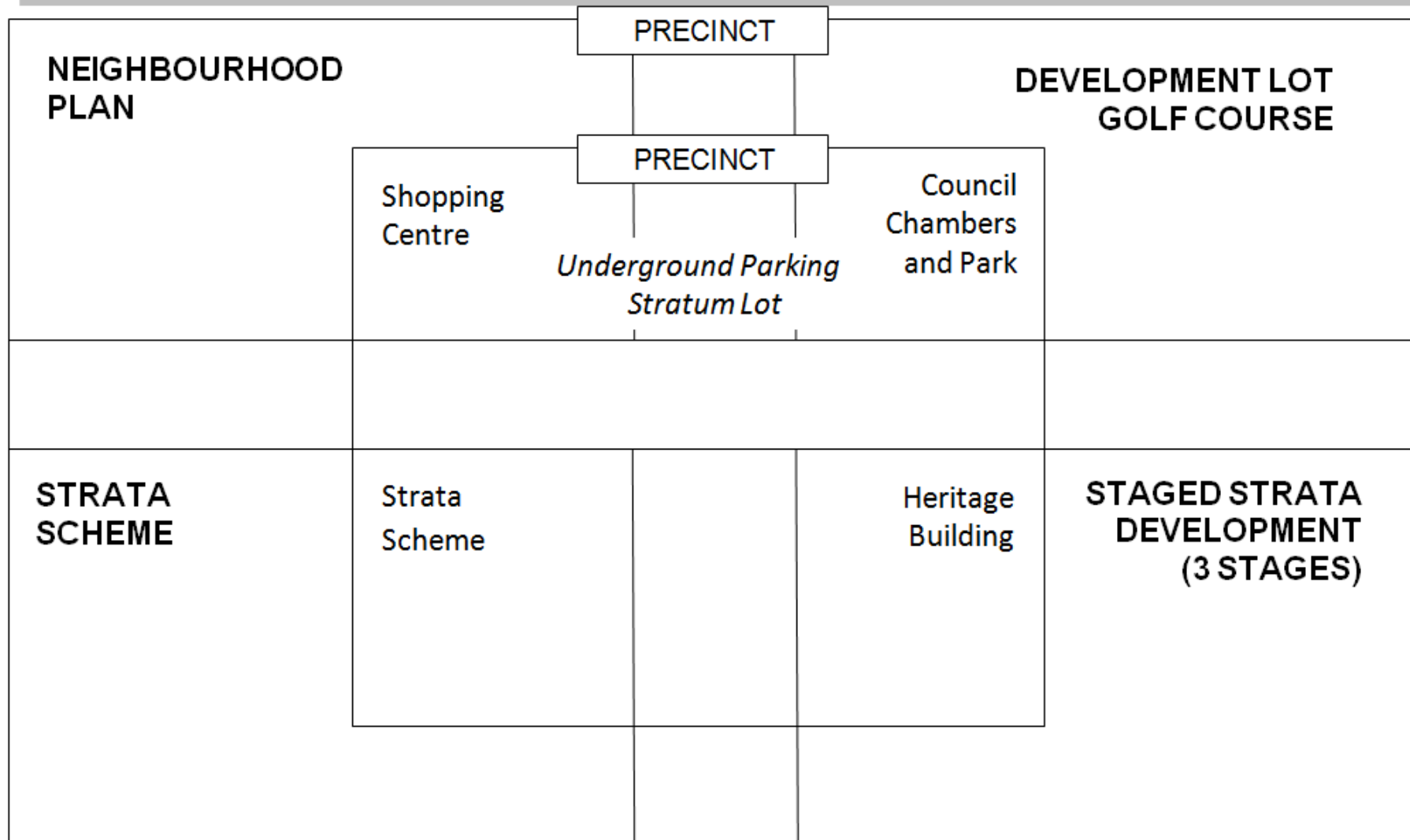
Legislation does not limit the matters which may be included in a management statement. Management statements typically include provisions relating to:

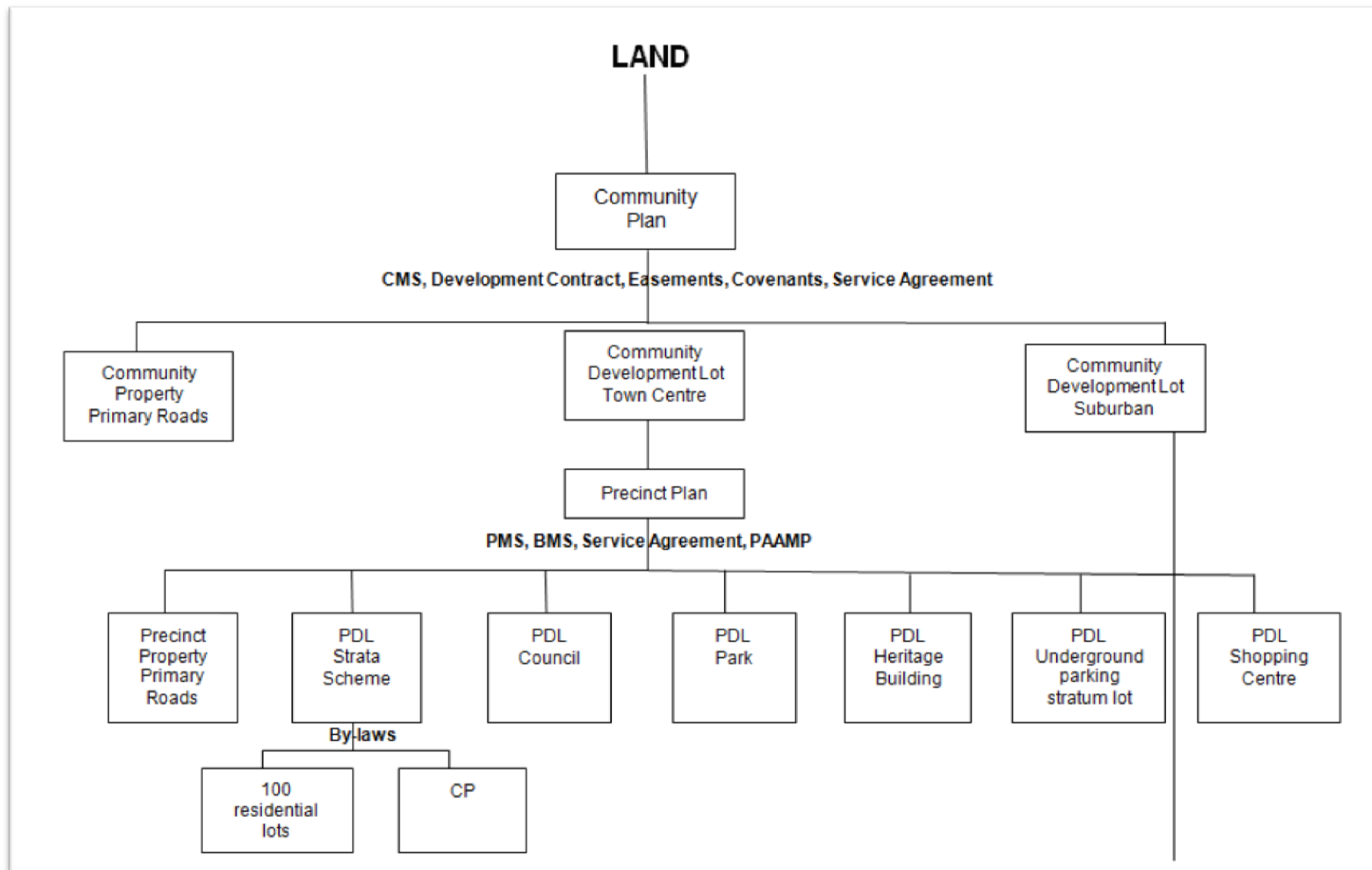
- Shared facilities
- Contributions

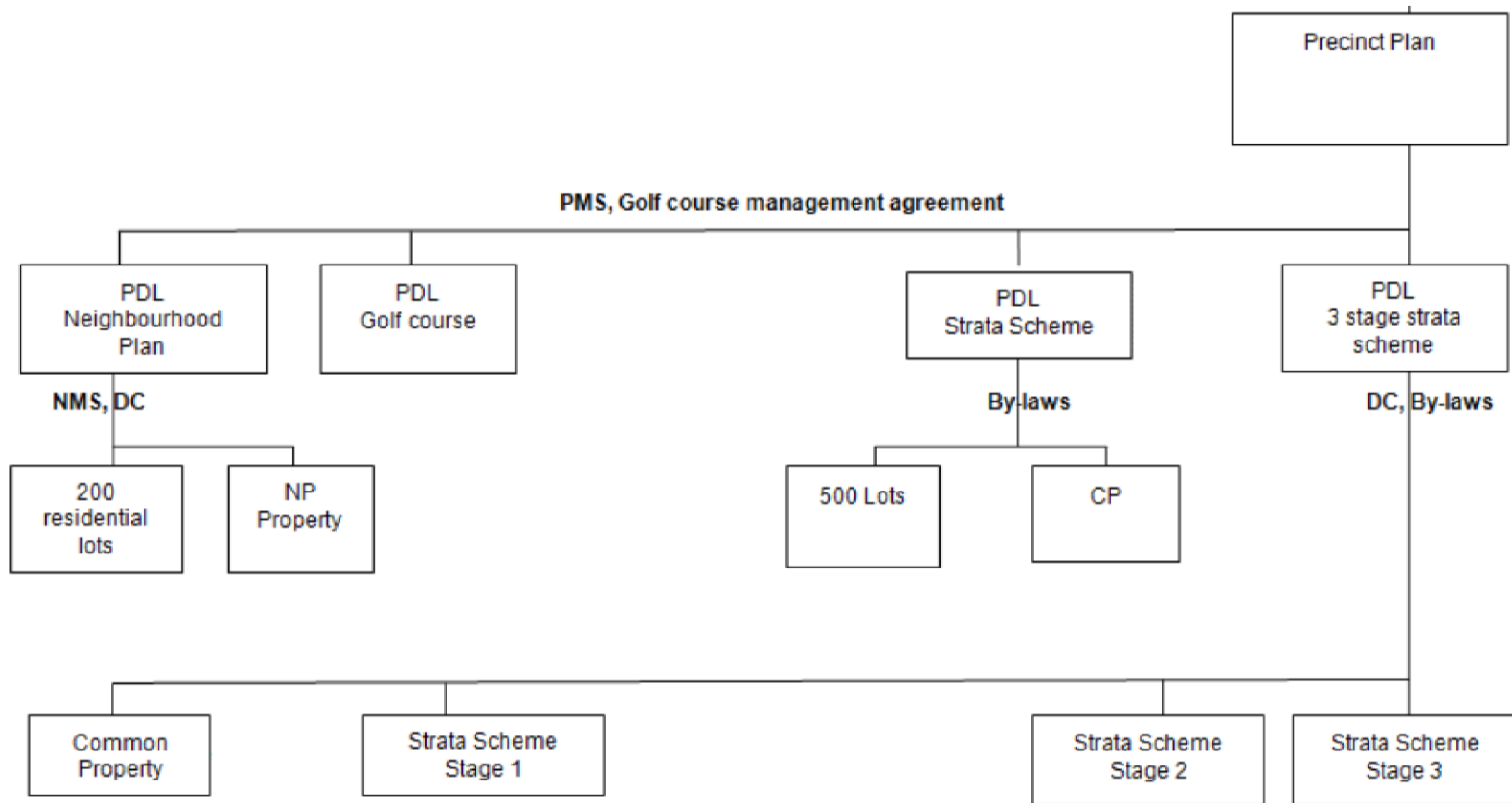
SMS and BMS

- Every strata and building management statement is different. It is essential to read them to understand any specific development in conjunction with all ancillary easements, covenants and agreements.

COMMUNITY DEVELOPMENT







THANK YOU

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