

# Strata, Staged Development and Community Development Scheme

## Policy

September 2018

# Table of Contents

POLICY .....	3
RELEVANT LEGISLATION .....	3
PURPOSE.....	3
DEFINITIONS .....	4
ELEMENTS OF THE POLICY .....	4
1    APPLICABILITY .....	5
2    APPROVAL OF REGISTRATION OF A PLAN FOR STRATA SCHEME.....	5
3    APPROVAL OF REGISTRATION OF A PLAN FOR STAGED DEVELOPMENT SCHEME.....	5
4    APPROVAL OF REGISTRATION OF A PLAN FOR A COMMUNITY DEVELOPMENT SCHEME .....	6
5    ROLES AND RESPONSIBILITIES .....	6
6    PROCEDURES .....	7
7    REVIEW OF POLICY .....	7
ATTACHMENT – PROCEDURE – CERTIFICATE OF APPROVAL FOR STRATA PLAN .....	8

## POLICY

This Policy provides direction for the Council in respect of the approval of a Strata Scheme, Staged Development Scheme or Community Development Scheme under the *Strata Titles Act 1998*.

## RELEVANT LEGISLATION

This Policy was developed with reference to:

- . *Strata Titles Act 1993*
- . *Land Use Planning and Approvals Act 1993*
- . *Central Coast Interim Planning Scheme 2013*
- . *Building Act 2016*

## PURPOSE

Certificates of Approval, issued by the Council, are required for registration of Strata Plans, Amendments to Strata Plans, consolidation of Strata Plans, Staged Development and Community Schemes and the cancellation of Strata Plans.

The purpose of this Policy is to ensure that the Council's requirements for a Strata, Staged Development or a Community Development Scheme are implemented with consistency through the registration of a Plan with the Recorder of Titles under the *Strata Titles Act 1998*.

Land and buildings may be divided, vertically and horizontally, into private lots and common property and must consist of a full quota of lots upon which the development is sited.

Where development involves two or more lots, registration of a Plan has the effect of automatically amalgamating those lots, i.e. there is no need to amalgamate the lots under the *Local Government (Building and Miscellaneous Provisions) Act 1993*.

**Note:** – Where an application for the strata of land is reasonably considered by Council to be the division of land by subdivision, as defined under Section 80 of the *Local Government (Building and Miscellaneous Provisions) Act 1993*, all documents submitted are to be returned to the applicant, citing Section 31(6) of the *Strata Titles Act 1998*.

## DEFINITIONS

**Common property** means –

- (a) all land and property within a Scheme that is not within the boundaries of a lot;  
and

- (b) all other infrastructure administered by the body corporate for the relevant Scheme, excluding land that is designated for future development in an approved Master Plan.

***Community development scheme*** means –

The development and registration of land under an approved Master Plan. The Scheme typically allows for the establishment of community-based developments, such as a retirement village or a residential marina.

***Plan*** means –

- (a) a Strata Plan;
- (b) the master plan for a Staged Development; or
- (c) the master plan for a Community Development Scheme.

***Scheme*** means –

- (a) a Strata Scheme;
- (b) a Staged Development Scheme; or
- (c) a Community Development Scheme.

***Strata Scheme*** means –

The complex of lots and common property (together with the system of administration and management) created through the registration of a Strata Plan.

***Staged Development Scheme*** means –

The Scheme for the development of land by the registration of a series of Strata Plans.

## ELEMENTS OF THE POLICY

- 1 Applicability
- 2 Approval of Registration of a Plan for Strata Scheme
- 3 Approval of Registration of a Plan for Staged Development Scheme
- 4 Approval of Registration of a Plan for Community Development Scheme
- 5 Roles and Responsibilities
- 6 Procedures
- 7 Review of Policy

### 1 *APPLICABILITY*

Application for Certificate of Approval of a Plan would ordinarily be preceded by a development application and the issue of a Planning Permit under the *Land Use Planning and Approvals Act 1993* and the *Central Coast Interim Planning Scheme 2013*, and issue of any associated Building and Plumbing Permits, notifications or certificates for the development of the land.

Following completion of a development, application would be made to the Council for a Certificate of Approval so that a Plan may be registered under the *Strata Titles Act 1998*. Multiple Plans may be registered over a period of time if the development is approved to be a Staged Development Scheme.

### 2 *APPROVAL OF REGISTRATION OF A PLAN FOR STRATA SCHEME*

A Strata Scheme over multiple dwellings and common land, or exiting buildings, must have a Planning Permit issued for the use and development of the land and be over lawfully constructed buildings with common land.

The Strata Plan must be substantially in accordance with the Planning Permit issued.

A Strata Plan may be issued for:

- (a) new multiple dwellings with common property;
- (a) a new dwelling with an existing building on the site, with no vacant land, but with common property;
- (b) multi-storey development; or
- (c) the separation of “old” buildings, or rooms within existing “old” buildings, where no recent Permits have been issued under the *Land Use Planning and Approvals Act 1993* and the *Central Coast Interim Planning Scheme 2013*. Common property must also be identified.

### 3 *APPROVAL OF REGISTRATION OF A PLAN FOR A STAGED DEVELOPMENT SCHEME*

A Staged Development Scheme must have a Planning Permit issued for a Master Plan that describes the use and development of the land and the various stages of development.

The Strata Plan must be substantially in accordance with the Planning Permit issued.

A Staged Development Scheme may comprise the following forms of development:

- (d) new multiple dwellings in stages with common property;
- (e) the construction of new multiple dwellings in stages with common property and the creation of lots that may be vacant until construction begins on such lots; and there may be existing buildings on the site;
- (f) multi-storey staged development with common property (such as common car parks, waste storage areas, landscaping, shared buildings etc); or
- (g) the construction of a new dwelling behind an existing building with vacant land. Common property must be identified.

### 4 *APPROVAL OF REGISTRATION OF A PLAN FOR A COMMUNITY DEVELOPMENT SCHEME*

A Community Development Scheme must have a Planning Permit issued for a Master Plan that describes the use and development and any staging of the Scheme.

A Community Development Scheme may comprise the following forms of development:

- (a) the construction of buildings and infrastructure in stages. Stage 1 is to include, at a minimum, the development of all community infrastructure on common land, one building, and may include vacant lots prior to the construction of buildings on such lots;
- (h) Multi-storey Staged Development whereby ground level common property land is completed with approved buildings and infrastructure (such as car parks, recreational facilities, landscaping etc) and each floor level must be absolutely completed prior to registration of a Plan for that stage.

### 5 *ROLES AND RESPONSIBILITIES*

The Director Community Services or Land Use Planning Group Leader, or Land Use Planning Officers are responsible for undertaking assessments of applications for the use and development of land and determination that any

proposal is not deemed to be a subdivision of land and is substantially in accordance with any Planning Permit issued.

The Regulatory Services Group Leader or Building Compliance Officer is responsible to ensure buildings are compliant under the Building Act 2016 and Building Regulations 2017.

The Asset & Facilities Group Leader, Engineering Group Leader or Environmental Engineer is responsible for determining that all matters outlined in a Statement of Compliance issued by the Council, in its capacity as the Road Authority and Stormwater Authority, have been satisfied.

*6 PROCEDURES*

Workflow procedures have been developed for assessment of use and development applications under the Land Use Planning & Approvals Act 1993 and the Central Coast Interim Planning Scheme 2013. Refer to Planning Procedures LUP004 and LUP005.

Workflow procedures have been developed for assessment and determination of application for a Certificate of Approval and registration of a Plan under the Strata Act 1998. Refer to Planning Procedure LUP012.

*7 REVIEW OF POLICY*

The Strata, Staged Development and Community Development Scheme Policy will be reviewed every three years.

Date of approval: ...../...../.....

Approved by:

.....

Sandra Ayton  
GENERAL MANAGER





**Activity:** *Certificate of Approval for Strata Plan*

**Procedure:** *LUP012*

---

## WORK METHOD REQUIREMENTS

- . To ensure that the Council signs-off on Strata Plan development through a transparent process involving the issue of a Certificate of Approval that the Strata Plan is substantially in accordance with a Planning Permit issued under the *Land Use Planning and Approvals Act 1993* and the *Central Coast Interim Planning Scheme 2013* and compliant under the *Building Act 2016 and Building Regulations 2017*.
- . To ensure the Strata Plan and associated documents are properly executed, prior to submission to the Recorder of Titles for registration.

## References

Central Coast Council’s “Strata Scheme, Staged Development Scheme & Community Development Scheme Policy”  
*Strata Titles Act 1998*

## Preamble

The purpose of this procedure is to ensure that the issue of a Certificate of Approval for a Strata Plan is substantially in accordance with the Planning Permit issued.

Ordinarily, an application for a Planning Permit (Procedures LUP004 & LUP005) would precede the submission of a Strata Plan for certification by the Council.

### 1 General Process upon receipt of a Strata Plan for Approval

- The Planner is to undertake a preliminary assessment of the application for the Strata of land to initially determine if the proposal can be reasonably considered to be the division of land by subdivision (not Strata) as defined under Section 80 of the *Local Government (Building and Miscellaneous Provisions) Act 1993*.

Where the proposal is deemed to be a subdivision, the planner is to record a file note and send all documents back to the applicant, citing Section 31(6) of the *Strata Titles Act 1998*.

- Where an application is for a Strata Plan, an invoice is to be produced for the Strata fee and sent to the applicant.
- Refer electronic copy of the plan to other Departments and request other Departments advise if any works or Certificates are outstanding. Other

Departments are to endorse “referral from” or advise if there are any outstanding matters. Do NOT refer to TasWater.

- Check Strata Fee has been paid.
- Refer to the Planning Permit file. Check the proposal is substantially in accordance with the Permit issued (e.g. visitor car parking is located on common land, letter box location, waste bin location, private areas and building footprints are as approved).
- Notify applicant and/or solicitor if there are any outstanding matters.
- Where Permit conditions have been completed and the development is in accordance with the relevant procedure outlined in this document, the Land Use Planning Group Leader, Town Planner or Planning Officer is to request the General Manager (or delegated officer) sign the Certificate of Approval and Strata Plan. Do NOT Seal the Plan.
- The Plan is returned to the applicable legal office or forwarded to the Recorder of Titles, as requested. The Recorder of Titles will, in due course, forward to the Council notification of the registered Strata Plan.
- The Recorder of Titles notification is received by the Council’s Records Officer who registers the document in InfoXpert and forwards to Planning Services, Rates and GIS staff. The process for dealing with the Recorder of Titles notification by the relevant staff is as follows:
  - 1 Planner checks in “Spectrum” the new lots are correctly zoned.
  - 2 Planning Administration checks the zone is correctly noted in “Property”, locates the relevant Development Application file and files the Notification document on the relevant Development Application file.

## **2 Certificate of Approval for Strata Scheme over completed new multiple dwellings**

- Refer to 1 “General Process upon receipt of a Strata Plan for Approval” above for the initial procedure upon lodgment of an application for Strata Plan.
- Check that all common land and associated infrastructure has been completed, including waste storage area, visitor car parking, roadways and maneuvering area, letterboxes, landscaping and other shared infrastructure.
- Check that all Final Certificates have been issued, including building and plumbing.
- Check on site for compliance with Planning Permit conditions (e.g. landscaping, car parking etc).
- Notify applicant and/or solicitor if there are any outstanding matters.
- Refer to 1 “General Process upon receipt of a Strata Plan for Approval” above for issue of Certificate of Approval and Notification by Recorder of Titles.

### **3 Certificate of Approval for Staged Development and Community Development Scheme**

- Refer to 1 “General Process upon receipt of a Strata Plan for Approval” above for the initial procedure upon lodgment of an application for Strata Plan.
- Refer to the Development Application file. Check the proposal was approved as a Staged Development and/or Community Development Scheme and is substantially in accordance with the Planning Permit issued (e.g. visitor car parking is on common land, location of community infrastructure and buildings is as approved, lot sizes and locations are as approved). If not approved as a staged development, then the applicant must seek to have the Permit amended to include a staged development schedule.
- Stage 1 MUST be as approved in Planning Permit, including the completion of all common land (shared roads, visitor car parking and manoeuvring areas, landscaping, letterboxes etc). Common buildings need not necessarily be completed at Stage 1, however the staging schedule must reflect the Planning Permit issued.
- Stage 1 MUST demonstrate that all proposed lots are fully serviced (other than balance land for Community Development Scheme, i.e. land that is included in the Planning Permit issued but is approved as balance land).
- Stage 1 MUST include the completion of at least one (1) dwelling on the site and all Final Certificates must be issued.
- Notify applicant and/or solicitor if there are any outstanding matters.
- Refer to 1 “General Process upon receipt of a Strata Plan for Approval” above for issue of Certificate of Approval and Notification by Recorder of Titles.

### **4 Certificate of Approval for multiple dwellings with an existing “old” building on site.**

- Refer to 1 “General Process upon receipt of a Strata Plan for Approval” above for the initial procedure upon lodgment of an application for Strata Plan.
- Refer to the Development Application file. Check that the proposal is substantially in accordance with the Permit issued, e.g. visitor car parking is on common land, private areas and building footprints are as approved.
- The Plan MUST be accompanied by a report and/or Certificate by an accredited Building Surveyor certifying that the existing building on the site is in compliance with all necessary Acts and Regulations.
- Check that all common land and associated infrastructure has been completed (waste storage area, visitor car parking, roadways and manoeuvring areas, letterboxes, landscaping, shared infrastructure etc).

- Check that all Final Certificates have been issued.
- Check on the site for compliance with Planning Permit conditions, e.g. landscaping, car parking etc.
- Notify applicant and/or solicitor if there are any outstanding matters.
- Refer to 1 “General Process upon receipt of a Strata Plan for Approval” above for issue of Certificate of Approval and Notification by Recorder of Titles.

## 5 Certificate of Approval for Strata of “old” existing buildings and rooms in “old” buildings

- Refer to 1 “General Process upon receipt of a Strata Plan for Approval” above for the initial procedure upon lodgment of an application for Strata Plan.
- Refer to any relevant Development Application file. Check the proposal is substantially in accordance with the Permit issued (if required).
- The Plan MUST be accompanied by a report and/or Certificate by an accredited Building Surveyor certifying that the existing building(s) on the site are in compliance with all necessary Acts and Regulations. **Note:** If a Building Surveyor’s report requires works to existing “old” buildings to make buildings compliant with current legislation, then a Certificate issued by the Building Surveyor following completion of all works on the site is required.
- Notify applicant and/or solicitor if there are any outstanding matters.
- Refer to 1 “General Process upon receipt of a Strata Plan for Approval” above for issue of Certificate of Approval and Notification by Recorder of Titles.

## 6 Certificate of Approval for Multi–Storey Staged Development Schemes

- Refer to 1 “General Process upon receipt of a Strata Plan for Approval” above for the initial procedure upon lodgment of an application for Strata Plan.
- Refer to Development Application file. Check the proposal is substantially in accordance with the Permit issued (e.g. common land infrastructure and apartment layouts).
- Ground level common land and associated infrastructure MUST be completed (including waste storage area, visitor car parking, roadways and manoeuvring area, letterboxes, landscaping, communal buildings and shared infrastructure).
- Each floor level MUST be complete with all relevant Certificates issued for that level, including common rooms/areas and infrastructure for that level, before a Certificate of Approval is issued for that stage.
- Check on the site for compliance with Planning Permit conditions, e.g. landscaping, car parking etc.

- Notify applicant and/or solicitor if there are any outstanding matters.
- Refer to 1 “General Process upon receipt of a Strata Plan for Approval” above for issue of Certificate of Approval and Notification by Recorder of Titles.