

Bayside Project (Further Amendment) Bill

EXPLANATORY MEMORANDUM

Clause 1 contains the purpose of the Bill.

Clause 2 states that the Act is to come into operation on a day or days to be proclaimed.

Clause 3 states that the **Bayside Project Act 1988** is referred to as the “Principal Act”.

Clause 4 amends the definition of “Court” to refer to the Magistrates’ Court consistent with the Subdivision Act.

Clause 5 enables conditional pre-selling of any part of the land within the project site subject to rescission rights if the subdivision is not completed.

Clauses 6 and 7 enable the Minister for Planning and Housing to certify or seal plans of subdivision of land within the Bayside site.

Clause 8 enables the Minister for Planning and Housing to seal plans in relation to subdivisions under the Strata Titles, Cluster Titles or Local Government Acts. The Clause also attends to other matters prior to the registration or approval of plans. It also enables bodies corporate and plans under the Bayside Project Act to take the benefit of certain provisions of the Subdivision Act.

Clause 9 includes in section 19 of the Bayside Project Act, which deals with the duties of strata and cluster bodies corporate, references to duties of a body corporate under the Subdivision Act or the Bayside Project Act.

Clauses 10 and 11 substitute the expression “unit liability” with “lot liability” as used in the Subdivision Act.

Clause 12 enables amalgamation of bodies corporate where one is created under the Subdivision, Strata Titles, or Cluster Titles Acts and another is created under the Bayside Project Act.

Clause 13 inserts a new section 29A which provides that the subdivision of a primary allotment on a plan does not affect the continued operation of the original plan or the rules or by-laws of the body corporate.

A new section 29B is also included by this Clause to deal with the creation of access routes within the Bayside site, and the change in status of those routes to public roads, by using a plan under the Subdivision Act, Cluster Titles Act or Strata Titles Act, prepared by the Minister for Planning and Housing or with that Minister’s consent.

Clause 14 enables disputes arising under certain provisions of the Planning and Environment Act or the Subdivision Act to be referred to arbitration and fixes a time limit within which a reference to arbitration may be made.

Clause 15 is intended to make it clear that an additional open space contribution beyond the normal requirements if the Bayside land was treated as a whole is not required whether the subdivision is under the **Local Government Act 1958** or otherwise.

Clause 16 enables the person or body appointed under the Bayside Project Act to be responsible for administering the Building Control Act to exercise powers under section 16 of that Act.

Clause 17 deals with the application of the Subdivision Act to plans of subdivision of Bayside land and empowers a body corporate to develop common property that is part of a common allotment.

Clause 18 enables certain provisions of the Bayside Project Act to apply to consolidation of land as well as subdivision.