

**Strata & Staged Development Scheme
Policy**

July 2011

Authority and Other Information	
Date of approval	10 August 2011
Source of approval	Council Resolution No. 18/063.11
Date of commencement	11 August 2011
Source of authority	<i>Strata Titles Act 1998</i>
Legislative Reference	<i>Strata Titles Act 1998</i>
Delegations	Delegations No. 9 (i. – viii)
Strategic Plan Reference	1.2
Date of review	To be reviewed every 5 years, with the first review on or before 30 June 2016 or following relevant legislative reform
Previous policies withdrawn or amended	N/A
Department responsible for implementation	Planning and Legal Services
Department responsible for policy	Planning and Legal Services
Publication of policy	On Council website and for inspection at and free of charge from the Council Customer Service Centre

1. Purpose and Background:

The purpose of the Policy is to provide certainty and consistency for the consideration of applications for a Strata Scheme or a Staged Development Scheme made pursuant to the *Strata Titles Act 1998*.

2. Policy statement:

The following policy statement should be read in conjunction with the legislative requirements of the *Strata Titles Act 1998*.

2.1 Approval of a Strata Scheme or a Staged Development Scheme

2.1.1 A Strata Scheme or a Staged Development Scheme will only be approved where

- (a) a planning permit has been granted under the *Land Use Planning and Approvals Act 1993* for a development that provides separate occupancy of individual buildings or parts of building(s), or
- (b) a site has existing use rights pursuant to section 20 (3) of the *Land Use Planning and Approvals Act 1993* for a development that provides separate occupancy or individual buildings or parts of building(s).

2.1.2 A Strata Scheme or a Staged Development Scheme will only be approved where, in addition to the requirements of the *Building Act 2000* and the *Land Use Planning and Approvals Act 1993*, all infrastructure and buildings on the subject land satisfy relevant Council policy, by-laws and engineering standards.

2.1.3 A Strata Scheme will not be approved if any lot on the Strata Scheme contains vacant land.

2.2 Staged Development Scheme

2.2.1 Prior to the approval of a Strata Scheme for any stage of an approved Staged Development Scheme the following work must be completed:

- (a) all common areas within the vicinity of each stage, including all adjacent driveways, car parking, landscaping and retaining walls,
- (b) on sloping or otherwise restricted sites, all excavation and foundation for all stages,
- (c) all service infrastructure clear of the vicinity of each stage, and

- (d) fencing between any stage and the remainder of the site, comprised of any necessary private open space and temporary fencing around construction works.

2.3 Strata Scheme or Staged Development Scheme in Rural Areas

- 2.3.1 A Strata Scheme or Staged Development Scheme for any purpose or for any type of building shall not be approved by Council in a rural area.

3. Application:

This Policy applies to all applications made to Council for a Strata Scheme or a Staged Development Scheme pursuant to the *Strata Titles Act 1998*.

4. Definitions:

Rural area:	means any area located outside of a town, minor settlement, hamlet or small settlement or an industrial or other commercial area.
Service infrastructure	means cables, wires, pipes, sewers, drains, ducts, plant and equipment connecting a utility to a lot or common property shown on a strata scheme as defined in the <i>Strata Titles Act 1998</i> .
Staged Development Scheme:	means a scheme for development of land by the registration of a series of strata plans as defined in the <i>Strata Titles Act 1998</i> .
Strata Scheme:	means the complex of lots and common property as defined in the <i>Strata Titles Act 1998</i> .
Vacant land:	includes any land that contains an outbuilding(s), agricultural shed(s) or similar building(s) only.

5. Procedures:

All applications will be considered in accordance with the *Strata Titles Act 1998* and Council delegations.