



**ACT**  
Government

Environment, Planning and  
Sustainable Development

## AGENDA

### Strata Reform Consultative Group

#### Meeting 1

LOCATION/TIME	
<b>Date</b>	Monday, 18 February 2019
<b>Time</b>	3:30 PM – 5:00 PM
<b>Location</b>	Executive Board Room, Level 3, South Building, Dame Pattie Menzies House, 16 Challis Street, DICKSON ACT
<b>Contact on entry</b>	Petra Vest ext 59646 re access to Executive Boardroom on Level 3
<b>Logistics contact</b>	Caroline Cogger (02) 6205 3747
<b>Project Oversight</b>	Gary Power (02) 6205 4961
<b>Project Officers</b>	David Dunstan (02) 6207 1831 Caroline Cogger (02) 6205 3747
<b>Email</b>	stratareform@act.gov.au

## AGENDA

TIME	ACTIVITY	KEY MESSAGES	LEAD
3:30 PM	Welcome	<ul style="list-style-type: none"> <li>• Welcome</li> <li>• Acknowledgement of traditional custodians of the land</li> <li>• Apologies (if any)</li> <li>• Fire exits and toilet location</li> <li>• Coffee and tea</li> </ul>	Ben Ponton (Chair)
3:35 PM	Introductions	<ul style="list-style-type: none"> <li>• Consultative Group members introduce themselves and their background</li> <li>• ACT Government staff introduce themselves and role</li> </ul>	Ben Ponton
3:45 PM	Work to date	<ul style="list-style-type: none"> <li>• Brief summary of consultation and work to date</li> <li>• Overview of aims of Consultative Group                             <ul style="list-style-type: none"> <li>○ Advice and feedback sought from representatives of key stakeholder organisations with particular expertise</li> <li>○ Advice sought on proposed solutions and proposed time frame – i.e. Stage 1 or Stage 2</li> </ul> </li> </ul>	Ben Ponton
4:00 PM	Procedural matters	<ul style="list-style-type: none"> <li>• Terms of Reference</li> <li>• Conflict of interest requirements, confidentiality and other matters</li> <li>• Expectations of consultative group members</li> <li>• Expectations of Chair</li> <li>• Expectations of EPSDD officers</li> </ul>	Gary Power
4:15 PM	Forward program for Consultative Group	<ul style="list-style-type: none"> <li>• Outline of proposed program for rest of year</li> <li>• Overall timeframe for Stage 1 and 2 reforms</li> <li>• Coordination with other reform programs (e.g. Territory Plan review)</li> <li>• Frequency of meetings</li> </ul>	Ben Ponton

TIME	ACTIVITY	KEY MESSAGES	LEAD
4:30 PM	Initial review of draft table potential solutions	<ul style="list-style-type: none"> <li>• Overview purpose table, for discussion</li> <li>• Table does not represent settled view of directorate or government</li> <li>• Overview different categories considered</li> <li>• Overview source issues (discussions to date, comparison other jurisdictions, internal discussions)</li> <li>• Corrections, edits, comments welcome and can be conveyed prior to Meeting 2</li> </ul>	Gary Power
4:40 PM	Initial feedback on draft table solutions	<ul style="list-style-type: none"> <li>• Initial feedback about approach and suggested treatments</li> <li>• Proposed process for analysing items at Meeting 2 eg traffic light analysis: Green – which actions would be supported by all sectors and should be progressed? Yellow – which actions need further research, information and in-depth consultation? Red – which actions would be too risky, have unintended consequences or be rejected by a sector?</li> </ul>	Gary Power
4:55 PM	Future Actions	<ul style="list-style-type: none"> <li>• Review agenda item discussion</li> <li>• Noting new matters/concerns raised</li> <li>• Summary future actions</li> <li>• Date for Meeting 2</li> </ul>	Ben Ponton
5:00 PM	Close	<ul style="list-style-type: none"> <li>• Thank you for your time and your advice</li> <li>• What to expect next</li> <li>• Keep discussing with your sectors and communities</li> <li>• Contact us if required</li> </ul>	Ben Ponton



## **Strata Reform Consultative Group – Meeting 1 Minutes**

**Monday 18 February 2019**

**3:30 PM – 5:00 PM**

**Executive Board Room, Level 3 South, Dame Pattie Menzies House**

### ***Attendees:***

- Adina Cirson – Property Council of Australia (ACT)
- Alfonso del Rio – Law Society of the ACT
- Chris Miller – Strata Community Australia (ACT)
- Greg Ledwidge – Spatial & Surveying Sciences Institute
- Greg Weller – Housing Industry Association (ACT)
- Gary Petherbridge – Owners Corporation Network (ACT)
- Michael Kumm – Real Estate Institute of the ACT
- Trevor Fitzpatrick – Planning Institute of Australia (ACT)

### ***Government Officers***

- Ben Ponton – Director-General – Environment, Planning and Sustainable Development Directorate (EPSDD) (Chair)
- Dr Erin Brady – Deputy Director-General, Land Strategy & Environment - EPSDD
- Kathy Cusack – Executive Director, Planning, Land & Building Policy - EPSDD
- Gary Power – Director, Land & Building Policy - EPSDD
- Christine Luchetti – Senior Manager, Housing & Land Policy - EPSDD
- David Dunstan – Senior Manager, Housing & Land Policy - EPSDD
- Caroline Cogger – Senior Policy Officer, Housing & Land Policy - EPSDD
- Jacklyn Buckley – Executive Assistant, Land & Building Policy - EPSDD (minutes)
- Jennifer Bauer – Senior Policy Officer, Regulation & Productivity – Chief Minister, Treasury and Economic Development Directorate (CMTEDD)

### ***Apologies:***

- Deb Phippen (Tenants Union ACT)
- Ashlee Berry (Master Builders Association - ACT)
- Vanessa Morris (Building Policy - EPSDD)
- Chantel Potter (Regulation & Productivity - CMTEDD)

### **1.1 Welcome, apologies and minutes:**

Welcome to the Strata Reform Consultative Group (the Group), acknowledgement of traditional custodians of the land, apologies, fire exits and toilet location and refreshments.

### **1.2 Introductions**

Members and Government officers introduced themselves around the table.

### **1.3 Work to date**

The Chair gave a short introduction regarding the work to date and noted as follows. Building reform and strata reform were two of the key priorities of the Director-General for this year. The intent was to proceed with reforms in two stages and to achieve stage 1 reforms as soon as

practically possible. The intended role of the group was to provide essential feedback on proposed solutions, noting that they did not represent the views of the directorate or the Government at this stage.

Gary Power gave a more detailed overview of reform work to date including discussions, analysis, internal review, and comparisons with other jurisdictions and noted as follows. The proposed timeline for reforms was to have stage 1 issues resolved and, where possible, in place in the short term, with stage 2 matters for implementation in 2020. The proposed reforms were linked to other reform priorities such as the Building Quality Reforms, Territory Plan Review, and National Capital Design Review Panel. The materials distributed included an initial list of the substantial issues and draft solutions for discussion. The proposed solutions were developed in part through review of New South Wales and Victorian Strata Reform Legislation and legislation in other jurisdictions.

#### **1.4 Procedural matters**

Gary Power noted the terms of reference and asked if any comments. Discussion regarding confidentiality requirements occurred. The Group confirmed that members are encouraged, as representatives of their respective organisations, to discuss issues and materials with officers in their organisation on an in-confidence basis and to bring feedback from these discussions.

- Attendees were advised to nominate someone to attend in their place if they cannot make a future meeting(s).
- The Chair emphasised that for the group to operate in an effective, productive manner it was important for the group to discuss items in a collaborative, constructive fashion.
- The terms of reference were accepted by the Group.

#### **1.5 Forward program for Consultative Group**

Gary Power and Dr Erin Brady noted that the intent of this consultative process was to seek views on the draft list of reforms as to its completeness and relevance at this meeting and to discuss the issues and proposed solutions in more detail at future meetings. Also for discussion was the initial distribution of issues between stage 1 and 2.

As noted above, within the first half of this year, EPSDD proposes to finalise stage 1 matters and commence review proposals for stage 2. The following six months will consist of development of exposure draft legislation for stage 1 reforms for public consultation. This period will also include consultative group review of proposals for stage 2.

EPSDD aims to be moving to stage 2 issues in 2020 which will include legislative changes. By this time next year, stage 1 reforms will be implemented, anticipating that this time in two years, all issues will be resolved.

#### **1.6 Initial review and feedback of draft table potential solutions**

Attendees considered that overall the proposed list of issues/solutions represented a reasonable initial coverage of issues and potential solutions.

Attendees considered a sample of issues and discussed these briefly as follows. This was a preliminary discussion only with a view to considering these and other issues in detail at subsequent meetings.

Attendees discussed the potential need for separate budget/contributions regarding different classes of uses e.g. commercial/residential. The discussion included:

- General support for the need for legislation to recognise split budgets
- Possible need for this to recognise the distinction between A and B class buildings as well as commercial/residential
- Difficulties with implementation given leases/unit plans do not specify what is/is not commercial

- Need to consider that this and other issues could be addressed to a significant extent through adoption of strata management plans as in NSW.

Attendees discussed the possible need for an ability to depart from default rules currently required under the Unit Title (Management) Act, for original owner to have ability to establish bespoke rules or utilise alternate model rules to suit particular qualities/needs of site. The discussion included:

- Comments in favour of this flexibility
- Suggestion that this could be realised in part through building management plans
- Developers to provide a robust disclosure requirements and information support for off the plan purchasers.

Attendees discussed building defects and possible provisions for dealing with potential conflict of interest in voting on owners corporation resolutions. The discussion included:

- Need for legislation to not necessarily preclude ability of original owner (developer) to vote in favour of litigation against original builder (e.g. Opal Tower in Sydney).

Attendees discussed possible water metering (and other utility metering) requirements for new complexes (e.g. through Territory Addendum to Plumbing Code) and ability to require metering in some circumstances for existing complexes. The discussion included:

- Possible design aesthetic impacts i.e. high numbers of gas and water meters out the front of properties is not visually appealing
- Need for ongoing discussion to be clear re whether issue is about budget management, service contracts with utilities or the physical/infrastructure means of measuring service provision
- As a general principle legislation should recognise user pays principle i.e. where a single lot(s) uses a service only this lot(s) should pay
- Secretariat undertook to provide examples from other jurisdictions re how this and other issues addressed elsewhere
- Was not physically practical for some existing unit plan schemes to have physical meters retrofitted; proposals were to permit some owners corporations to move forward with fairer budget arrangements where practicable notwithstanding an inability to install infrastructure.

Attendees discussed need to ensure appropriate transitional measures in connection with each reform measure. Discussion included:

- Need to consider to what extent proposed reforms can practically/equitably apply to already built or significantly progressed complexes as well as to entirely new complexes and that this was a fundamental issue not a supplementary point of detail.
- Tension between need for appropriate transitional requirements and need for identified reforms to apply as soon as possible and as universally as possible.

Attendees discussed proposals to permit budgets and some other matters to be modified through a 75% vote resolution at an owners corporation meeting. Discussion included:

- 75% for a new type of “super resolution” may not be a sufficient, meaningful differentiation from the existing 67% special resolution - perhaps e.g. 85%?
- Risk new thresholds could lead to arguably (different views on this expressed) inequitable outcomes, e.g. lead to a commercial owner(s) being always outvoted by residential owners that hold 75% of unit entitlements; perhaps need to consider separate thresholds for separate classes commercial/residential as in some other jurisdictions.

Attendees raised issue of AirBnB. Jennifer Bauer advised CMTEDD had carriage of this project and would advise the Group of any developments. CMTEDD to continue to attend meetings of the Group.

### **1.8 Future Actions – Secretariat to:**

- a) Investigate possibility for an online portal for sharing documents to assist discussions out of session
- b) Provide group with copies of presentations from meeting 1
- c) Forward draft minutes of meeting to group for confirmation/amendment at meeting 2
- d) Send out proposed meeting date for meeting 2
- e) Bring to next meeting examples of metering infrastructure arrangements in other jurisdictions and how address aesthetic impacts and other issues.

### **2.1 Close**

EPSDD is hoping to have the second meeting in March 2019. Further meeting anticipated for April 2019 to settle stage 1 items. It is also anticipated that meetings may occur in May and June 2019 to discuss stage 2 items.

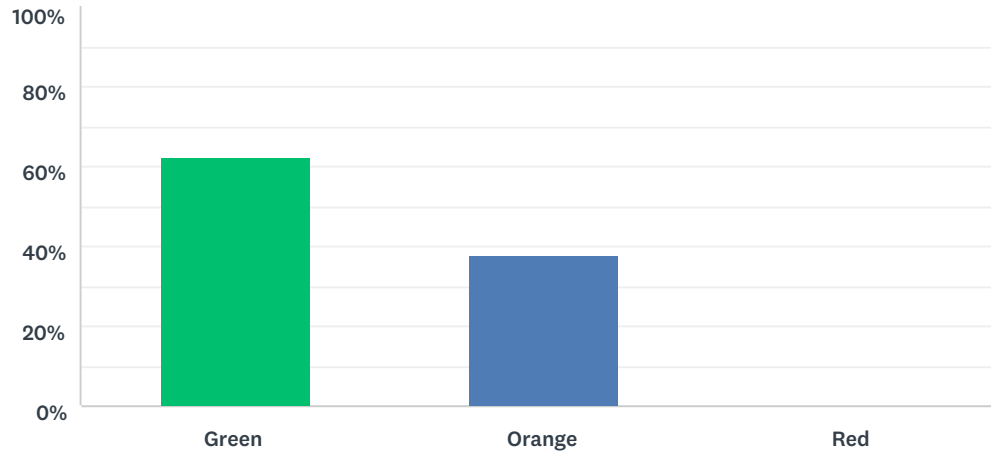
### **Other Business**

Broad comment for consideration: Language in list of issues/solutions was at times unnecessarily negative in reference to the role of developers. Future papers/discussions would benefit from a more neutral language. Chair and attendees agreed on the importance of neutral language and suggested way forward.

**Next meeting: TBA – anticipated to occur mid-March 2019**

## Q1 Issue #1 - Representation on EC

Answered: 8 Skipped: 0

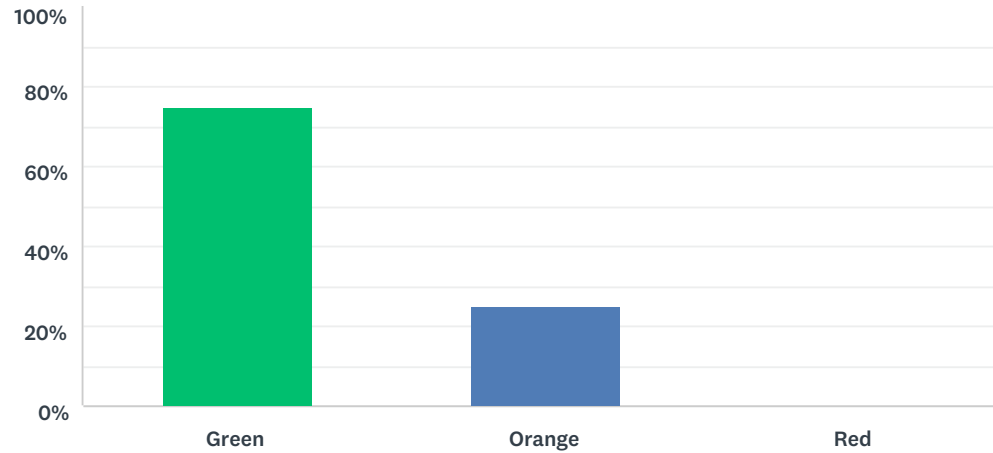


ANSWER CHOICES	RESPONSES
Green	62.50% 5
Orange	37.50% 3
Red	0.00% 0
Total Respondents: 8	

#	COMMENTS	DATE
1	Greate flexibility in representation should be given for company owned units - to allow representation by them, or their agents on EC.	3/18/2019 2:38 PM
2	Need to expand eligibility for company representation. Officer of the company should include agents of others engaged by the company to represent it	3/14/2019 8:24 PM
3	See OCN comment on Concise Summary on Objective Connect	3/14/2019 12:57 PM
4	I agree with the solution but would like to see more detail about the solution because of the potential issues regarding decisions to address issues when there is some reluctance to agree to work.	3/13/2019 11:31 AM

## Q2 Issue #2 - Budget Contributions - Default Model

Answered: 8 Skipped: 0

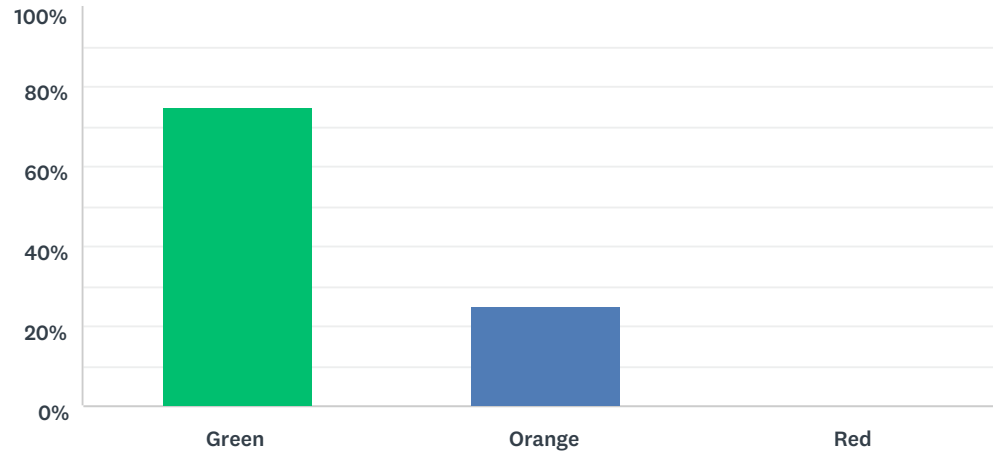


ANSWER CHOICES	RESPONSES
Green	75.00% 6
Orange	25.00% 2
Red	0.00% 0
Total Respondents: 8	

#	COMMENTS	DATE
1	Noting things on title register is problematic but if it is done through changes to default rules then that would be easier as changes to these are required to be registered	3/14/2019 6:23 PM
2	See OCN comment on Concise Summary on Objective Connect	3/14/2019 12:57 PM

### Q3 Issue #3 - Disclosure Statements for Off the Plan Purchasers

Answered: 8 Skipped: 0

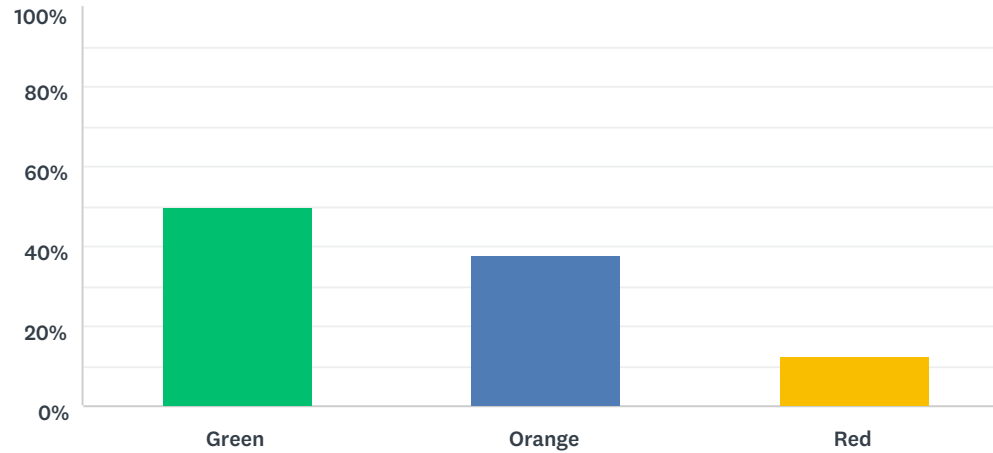


ANSWER CHOICES	RESPONSES
Green	75.00% 6
Orange	25.00% 2
Red	0.00% 0
Total Respondents: 8	

#	COMMENTS	DATE
1	Whilst the principle is supported - issues that we are concerned about are changing uses of units to allow for flexibility in leasing. We are concerned that future uses might be restricted. Also concerned about 'other matters as might be prescribed' may be too open.	3/18/2019 2:38 PM
2	Potential uses disclosures requires ACTPLA to review policy of all units being allowed to have all uses	3/14/2019 6:23 PM
3	See OCN comment on Concise Summary on Objective Connect	3/14/2019 12:57 PM

## Q4 Issue #4 - Voting on Building Structural Defects

Answered: 8 Skipped: 0

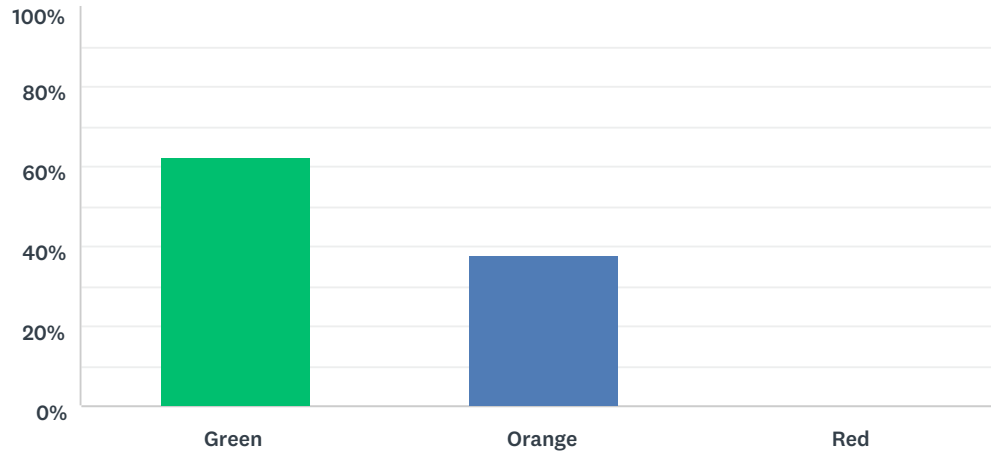


ANSWER CHOICES	RESPONSES
Green	50.00% 4
Orange	37.50% 3
Red	12.50% 1
Total Respondents: 8	

#	COMMENTS	DATE
1	We are concerned that a property should have a natural right to be involved in decisions relating to financial contributions and not have a say. This is particularly relevant to property units who may retain a number of units or commercial spaces.	3/18/2019 2:47 PM
2	See OCN comment on Concise Summary on Objective Connect	3/14/2019 12:58 PM

## Q5 Issue #5 - Maintenance Requirements Information

Answered: 8 Skipped: 0

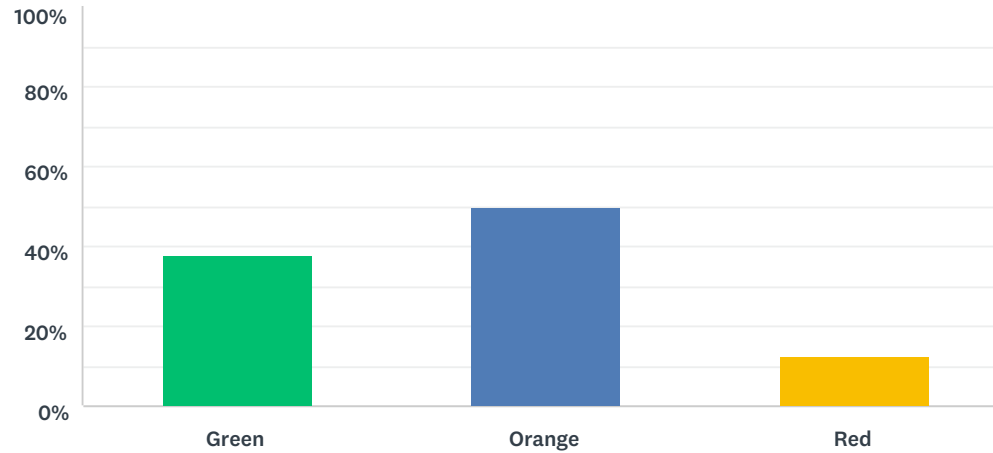


ANSWER CHOICES	RESPONSES
Green	62.50% 5
Orange	37.50% 3
Red	0.00% 0
Total Respondents: 8	

#	COMMENTS	DATE
1	Support in principle - and understand this is inline with NSW requirements and represents best practice. Communication and direction and transition arrangements to allow for processes to be improved.	3/18/2019 2:47 PM
2	See OCN comment on Concise Summary on Objective Connect	3/14/2019 12:58 PM

## Q6 Issue #6 - Holding Leases Before Building is Constructed

Answered: 8 Skipped: 0

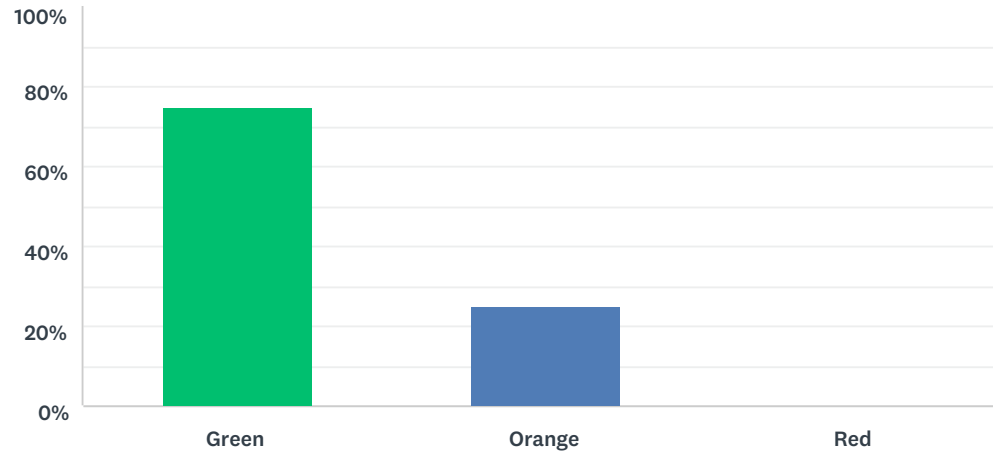


ANSWER CHOICES	RESPONSES
Green	37.50% 3
Orange	50.00% 4
Red	12.50% 1
Total Respondents: 8	

#	COMMENTS	DATE
1	Further information is required about potential impact to members - particularly on their financial arrangements.	3/18/2019 2:47 PM
2	Not sure.	3/14/2019 8:25 PM
3	See OCN comment on Concise Summary on Objective Connect	3/14/2019 12:58 PM

## Q7 Issue #7 - Structural Defects Standing Item for AGM's

Answered: 8 Skipped: 0

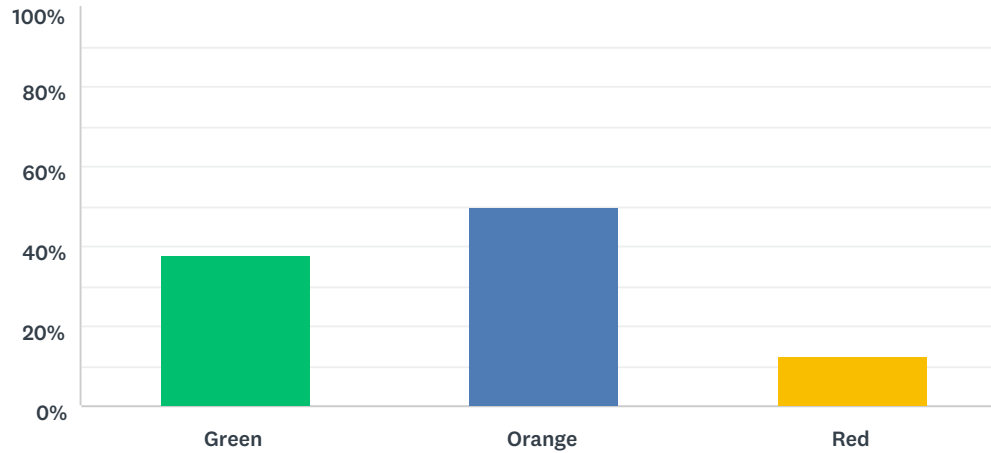


ANSWER CHOICES	RESPONSES
Green	75.00% 6
Orange	25.00% 2
Red	0.00% 0
Total Respondents: 8	

#	COMMENTS	DATE
1	Not necessary	3/18/2019 2:55 PM
2	Not necessary. I think developer should be required to commission defect report and present at first agm. Perhaps for review by second agm.	3/14/2019 8:33 PM
3	See OCN comment on Concise Summary on Objective Connect	3/14/2019 1:15 PM

## Q8 Issue #8 - Developer Authorised Contract in Early Period

Answered: 8 Skipped: 0

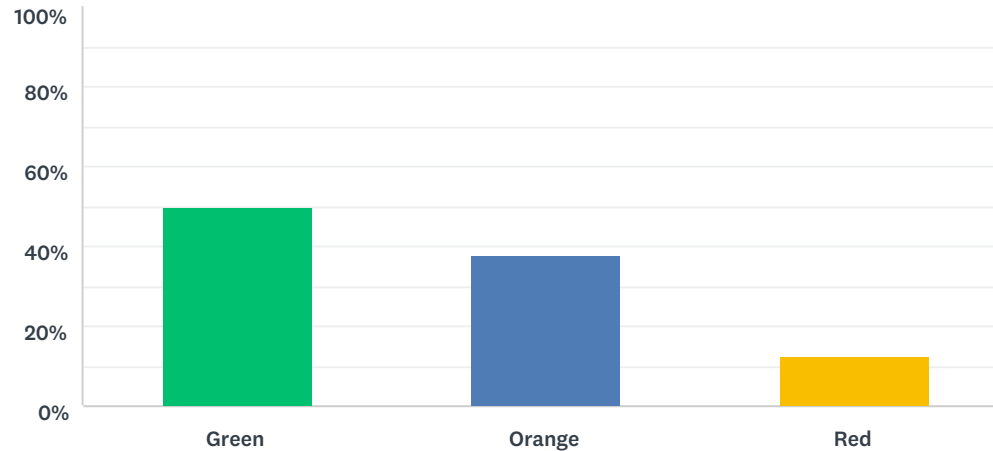


ANSWER CHOICES	RESPONSES
Green	37.50% 3
Orange	50.00% 4
Red	12.50% 1
Total Respondents: 8	

#	COMMENTS	DATE
1	There are already constraints on building owners which adequately address the issues raised here.	3/18/2019 2:55 PM
2	Reduction to 12 months is impractical. Lifts are a major expense and can only be maintained by the manufacturer. Same applies for many proprietary systems.	3/14/2019 6:27 PM
3	See OCN comment on Concise Summary on Objective Connect	3/14/2019 1:15 PM

## Q9 Issue #9 - Initial Appointment of Unit Plan Manager

Answered: 8 Skipped: 0



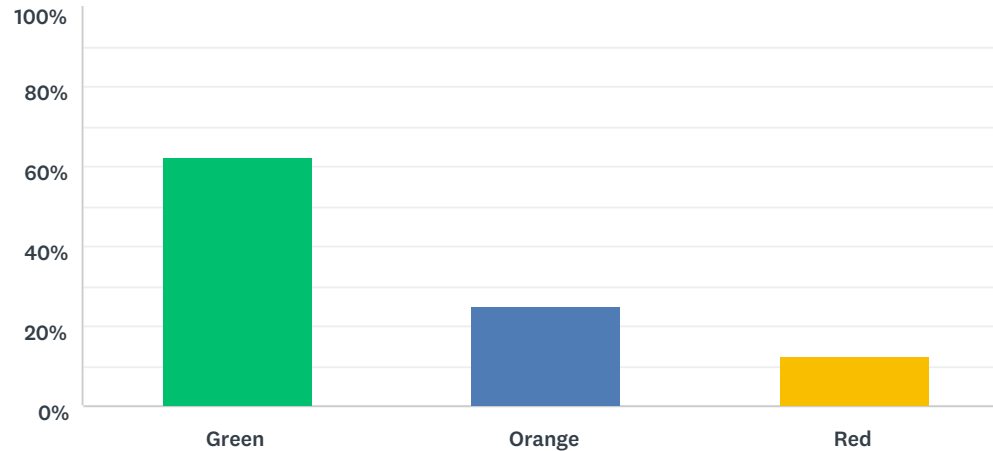
ANSWER CHOICES	RESPONSES
Green	50.00% 4
Orange	37.50% 3
Red	12.50% 1
Total Respondents: 8	

#	COMMENTS	DATE
1	Best outcomes are often gained when strata managers have long term arrangements that commence during the design phase, and carry forward into operation of the building. We are unsure of any potential gains to be made from further limiting - balance is right. There is a great benefit to building owners from having input into the design process from professionals who manage these properties.	3/18/2019 2:55 PM
2	Current limitations of no more than 2 years works well. Developer will engage with manager very early at design stage. Manager will often have considerable input into project and will have discussed strategies for the best management. They will almost certainly be best placed to manage the complexities for the initial term, particularly for complicated and mixed use projects. If they are unlikely to be appointed for a term, they will not be prepared to invest time required at planning and implementing stage. Developer will not engage on paid consultancy as the beneficiary is the end user. This will result in poor outcomes. Issue of optics triumphing over best practice. Agree re relationship with developer.	3/14/2019 8:33 PM
3	Ignores potential for commercial / precinct developments done by significant global businesses	3/14/2019 6:27 PM



## Q10 Issue #10 - Adequacy of Initial Contribution Levies to Cover Costs

Answered: 8 Skipped: 0

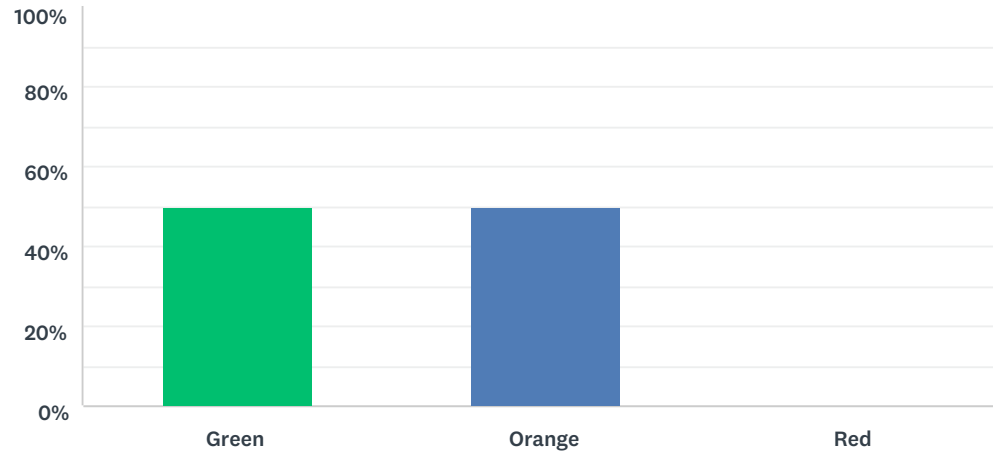


ANSWER CHOICES	RESPONSES
Green	62.50% 5
Orange	25.00% 2
Red	12.50% 1
Total Respondents: 8	

#	COMMENTS	DATE
1	The developer does not control costs once buildings are handed over. What is considered 'adequate' needs to be quantified.	3/18/2019 3:02 PM
2	Not as simple as it appears. Developer has no control after settlement. Incoming owners may increase discretionary spending to suit their desire. This may be difficult to distinguish and may have unintended consequences. Agree to the principal.	3/14/2019 8:40 PM
3	Buyers receive details of budgets before they purchase property	3/14/2019 6:29 PM
4	See OCN comment on Concise Summary on Objective Connect	3/14/2019 1:19 PM

## Q11 Issue #11 - Rules - Alternative Model Rules

Answered: 8 Skipped: 0

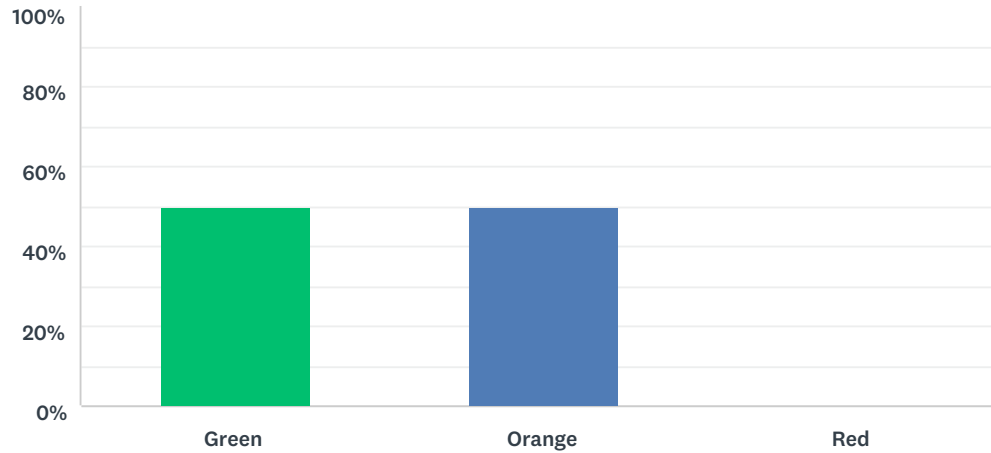


ANSWER CHOICES	RESPONSES	
Green	50.00%	4
Orange	50.00%	4
Red	0.00%	0
Total Respondents: 8		

#	COMMENTS	DATE
1	The rules give the building owner the ability to describe how a building is to be used or spaces utilised. if an owner discloses in the sales contract the proposed rules, then they should free to register those rules the developer control period.	3/18/2019 3:02 PM
2	This is the area that most attention should be given. Maximum flexibility to draft rules specific to the needs of the development should be given, providing they are disclosed. Extend to exclusive use by laws and partitioning of costs per those exclusive uses. If done properly this could resolve many of the issues currently being faced.	3/14/2019 8:40 PM
3	See OCN comment on Concise Summary on Objective Connect	3/14/2019 1:19 PM

## Q12 Issue #12 - Rules - Variations to Alternate Model Rules

Answered: 8 Skipped: 0

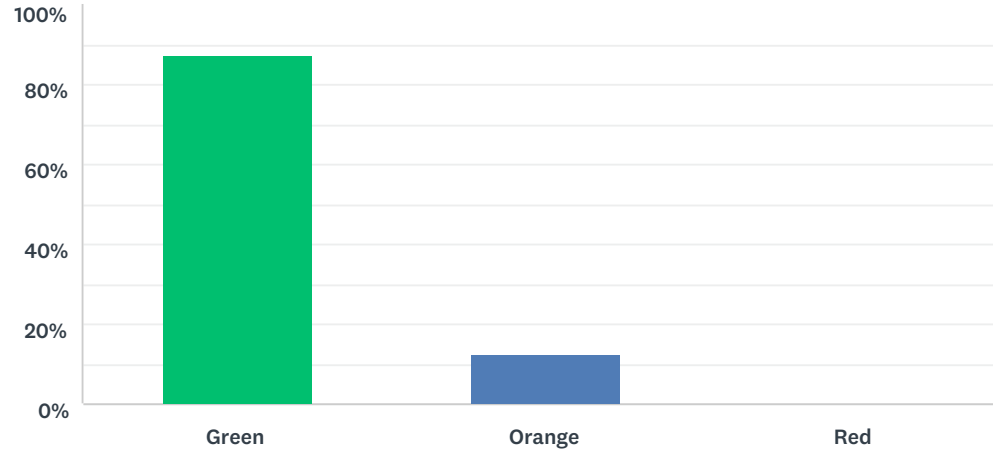


ANSWER CHOICES	RESPONSES
Green	50.00% 4
Orange	50.00% 4
Red	0.00% 0
Total Respondents: 8	

#	COMMENTS	DATE
1	see above.	3/18/2019 3:02 PM
2	As above	3/14/2019 8:40 PM
3	See OCN comment on Concise Summary on Objective Connect	3/14/2019 1:19 PM

## Q13 Issue #13 - Rules - Obligation to Register Amendments

Answered: 8 Skipped: 0

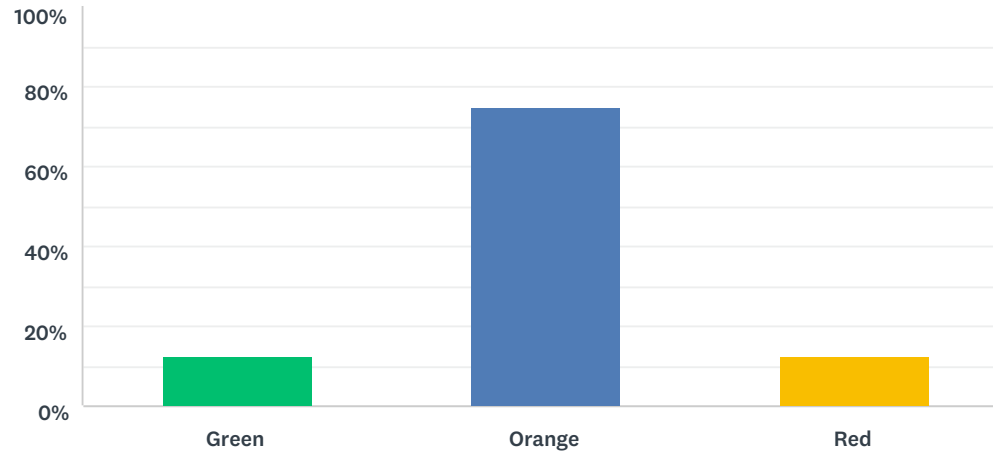


ANSWER CHOICES	RESPONSES
Green	87.50% 7
Orange	12.50% 1
Red	0.00% 0
Total Respondents: 8	

#	COMMENTS	DATE
	There are no responses.	

## Q14 Issue #14 - Granting Special Privileges

Answered: 8 Skipped: 0

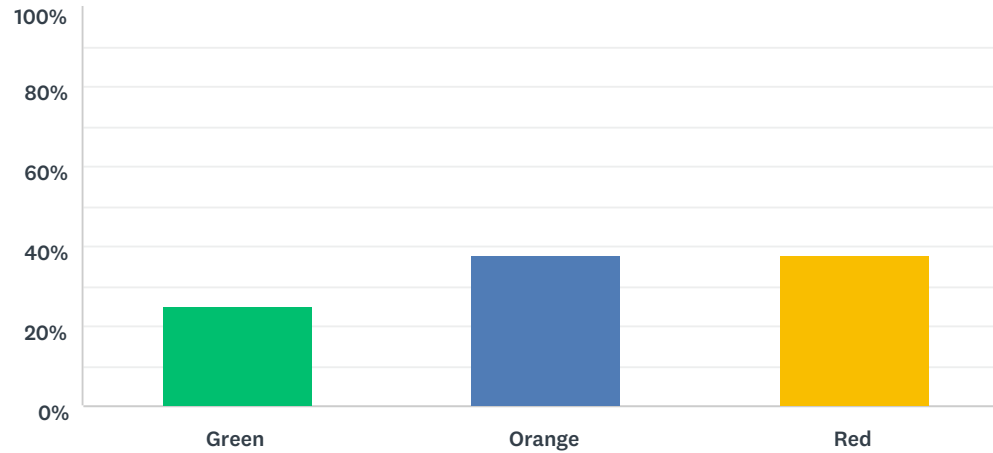


ANSWER CHOICES	RESPONSES
Green	12.50% 1
Orange	75.00% 6
Red	12.50% 1
Total Respondents: 8	

#	COMMENTS	DATE
1	Exclusive use, should be permitted through by-laws - providing disclosure is given. ie commercial exclusive use right over waste areas, with associated costs borne by those 'exclusive' users.	3/18/2019 3:07 PM
2	Allow in the form of exclusive use by laws providing disclosed up front	3/14/2019 8:43 PM
3	If developer discloses then the resolution should be able to be passed	3/14/2019 6:35 PM
4	See OCN comment on Concise Summary on Objective Connect	3/14/2019 1:22 PM

## Q15 Issue #15 - Unit Titling of Car Parks

Answered: 8 Skipped: 0

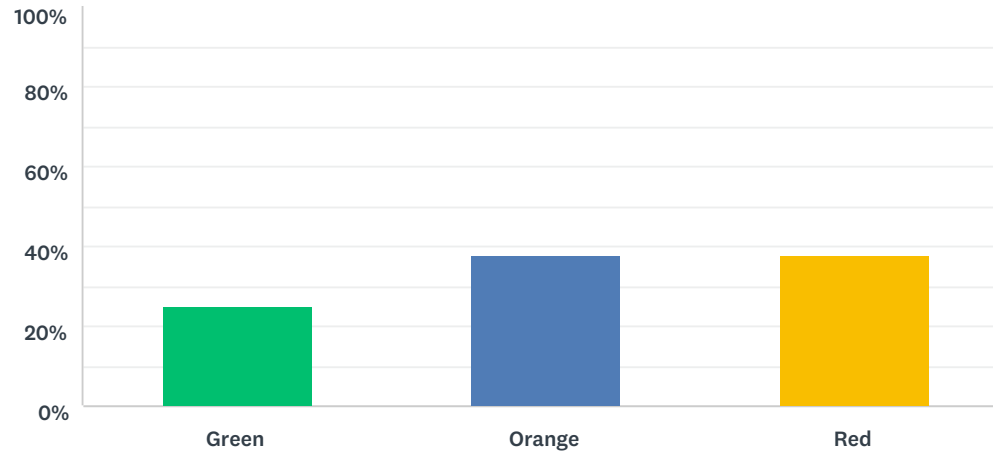


ANSWER CHOICES	RESPONSES
Green	25.00% 2
Orange	37.50% 3
Red	37.50% 3
Total Respondents: 8	

#	COMMENTS	DATE
1	unnecessary. Issue already dealt with for lower entitlements for car park 'units'.	3/18/2019 3:07 PM
2	Aging demographics should encourage separate titling of car spaces and storage spaces to encourage aging in place	3/14/2019 6:35 PM
3	See OCN comment on Concise Summary on Objective Connect	3/14/2019 1:22 PM
4	Need to see more detail though.	3/13/2019 11:41 AM

## Q16 Issue #16 - Development Consultation

Answered: 8 Skipped: 0

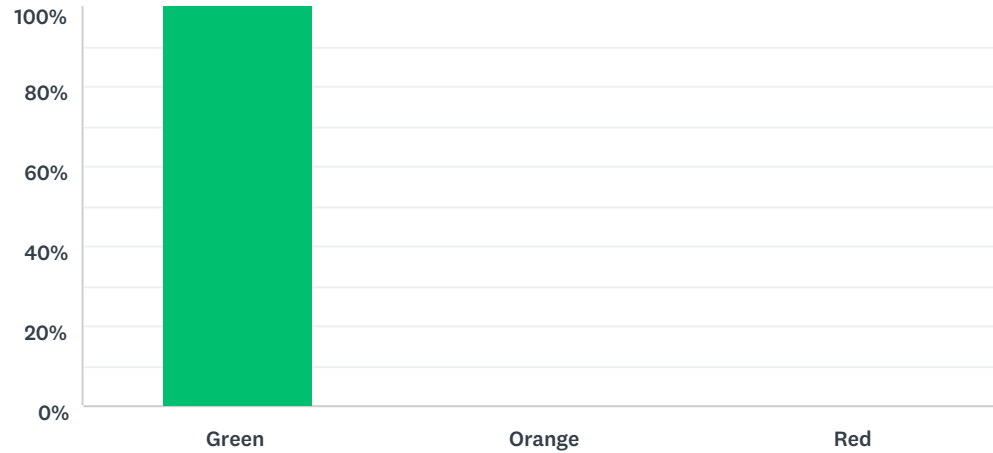


ANSWER CHOICES	RESPONSES
Green	25.00% 2
Orange	37.50% 3
Red	37.50% 3
Total Respondents: 8	

#	COMMENTS	DATE
1	This will lead to unnecessary delays and complexities to approval authority and building owners with no tangible benefit to future owner.	3/18/2019 3:13 PM
2	This is impractical	3/14/2019 6:38 PM
3	Needs a quick discussion as to what is consultation. Will absolute 100% of buyers signatures on a "lessee form" be required, as per DAs .	3/14/2019 4:45 PM
4	There is a significant difference between consulting and approving	3/13/2019 11:45 AM

## Q17 Issue #17 - Building Management Statements

Answered: 8 Skipped: 0

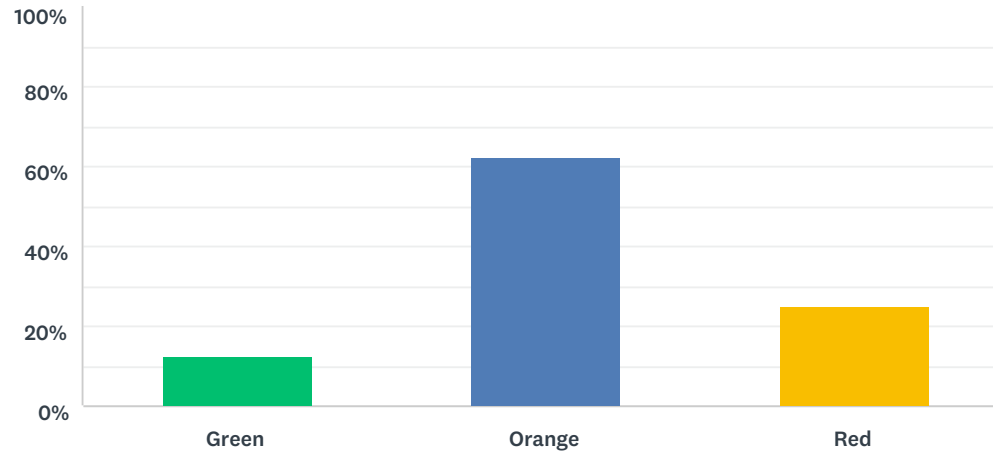


ANSWER CHOICES	RESPONSES	
Green	100.00%	8
Orange	0.00%	0
Red	0.00%	0
Total Respondents: 8		

#	COMMENTS	DATE
1	This issue needs to be given greater priority for implementation to give immediate clarity to building owners - particularly for precinct style developments - and many of these buildings already under construction given the level of activity in the market.	3/18/2019 3:13 PM
2	This is much more important than is being given credit for. Opportunity to resolve some of these issues by extending the parameters for rules to address needs of project, including exclusive use. BMS is the ultimate solution however	3/14/2019 8:46 PM

## Q18 Issue #18 - Permitted Uses Under a Lease

Answered: 8 Skipped: 0

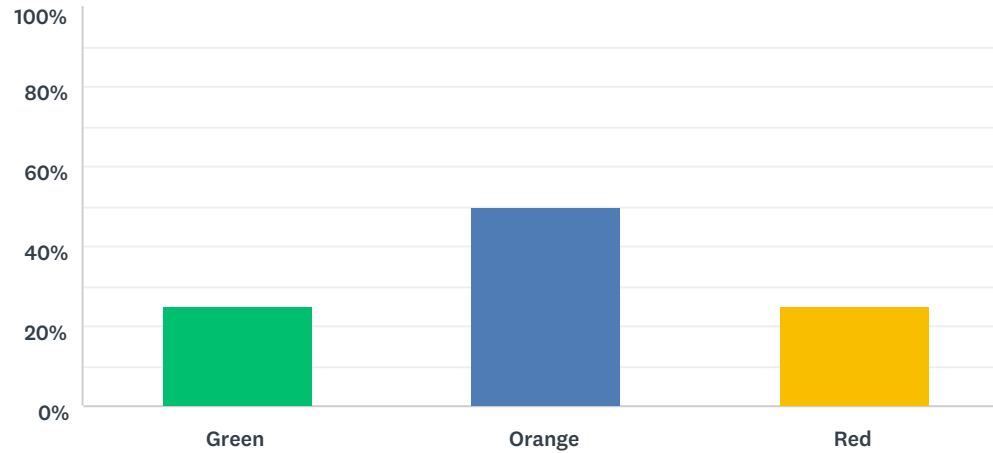


ANSWER CHOICES	RESPONSES
Green	12.50% 1
Orange	62.50% 5
Red	25.00% 2
Total Respondents: 8	

#	COMMENTS	DATE
1	emphasis should remain with flexible approach.	3/18/2019 3:13 PM
2	Needs serious discussion	3/14/2019 4:45 PM
3	See OCN comment on Concise Summary on Objective Connect	3/14/2019 1:23 PM

## Q19 Issue #19 - Noise

Answered: 8 Skipped: 0

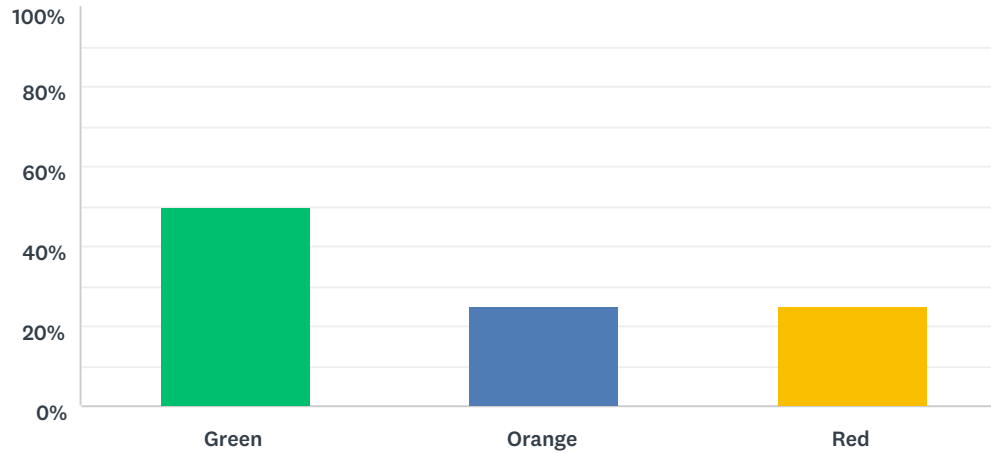


ANSWER CHOICES	RESPONSES
Green	25.00% 2
Orange	50.00% 4
Red	25.00% 2
Total Respondents: 8	

#	COMMENTS	DATE
1	Support disclosure statements. There needs to be ability to attenuate noise in line with the tenancies, (ie different requirement on day spa as opposed to a cafe.	3/18/2019 3:18 PM
2	Disclosure statements disclosing uses are problematic due to crown lease	3/14/2019 6:43 PM
3	See OCN comment on Concise Summary on Objective Connect	3/14/2019 1:29 PM

## Q20 Issue #20 - Electrical Design

Answered: 8 Skipped: 0

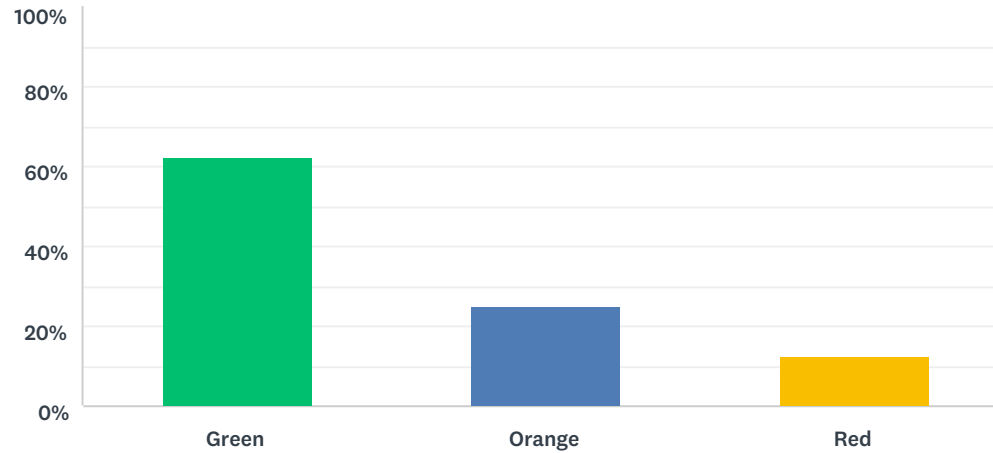


ANSWER CHOICES	RESPONSES
Green	50.00% 4
Orange	25.00% 2
Red	25.00% 2
Total Respondents: 8	

#	COMMENTS	DATE
1	This is not an issue that requires a systemic response.	3/18/2019 3:18 PM
2	Only ever known one issue of this kind. Seems less relevant or pressing than other issues which occur routinely	3/14/2019 8:48 PM
3	Do not see reason to treat utility services differently and they should be considered holistically	3/14/2019 6:43 PM
4	See OCN comment on Concise Summary on Objective Connect	3/14/2019 1:29 PM

## Q21 Issue #21 - Design Requirements for Mixed-Use & Building Fit Out

Answered: 8 Skipped: 0

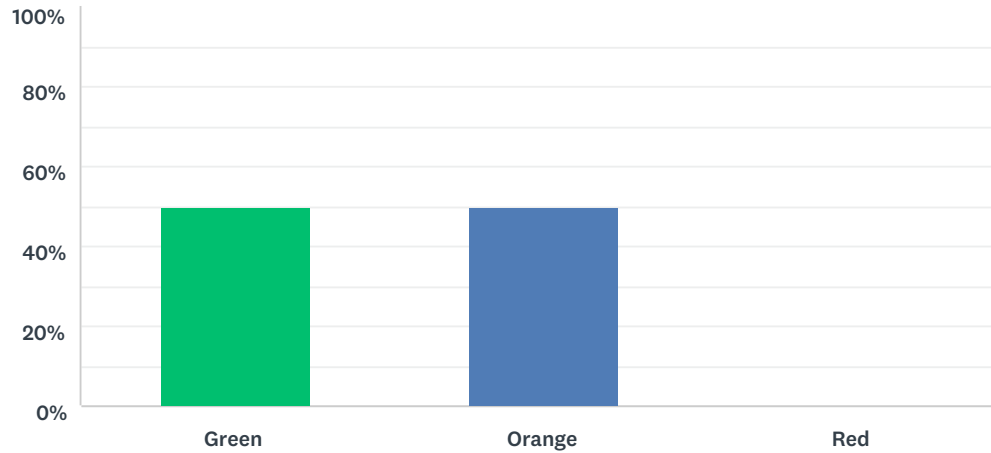


ANSWER CHOICES	RESPONSES
Green	62.50% 5
Orange	25.00% 2
Red	12.50% 1
Total Respondents: 8	

#	COMMENTS	DATE
1	Support further consultation on proposed territory plan amendments on this issue	3/18/2019 3:18 PM
2	Needs serious discussion	3/14/2019 4:50 PM
3	See OCN comment on Concise Summary on Objective Connect	3/14/2019 1:29 PM

## Q22 Issue #22 - DA Exemptions (Exemptions from Requirement for Development Approval)

Answered: 8 Skipped: 0

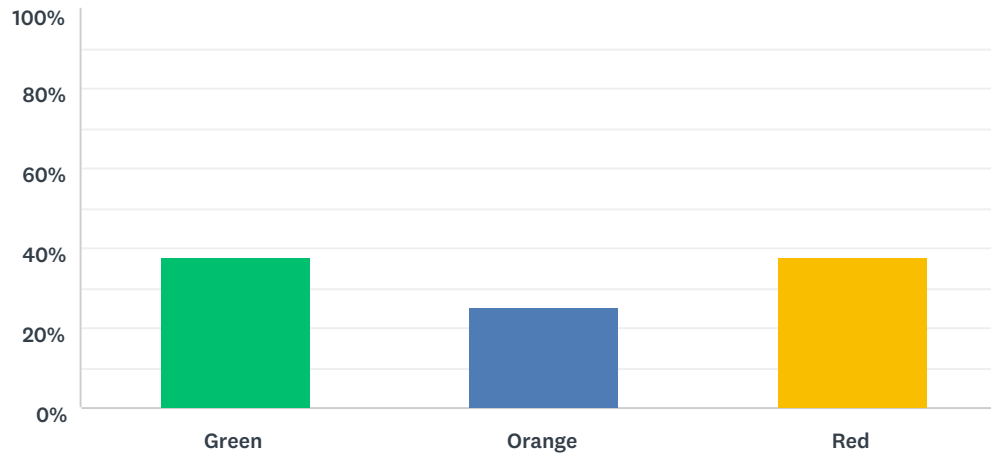


ANSWER CHOICES	RESPONSES
Green	50.00% 4
Orange	50.00% 4
Red	0.00% 0
Total Respondents: 8	

#	COMMENTS	DATE
1	happy to consider - but consideraton should be for greater streamling not greater assessment of mixed used which are becoming more common.	3/18/2019 3:24 PM
2	Needs discussion	3/14/2019 4:53 PM
3	See OCN comment on Concise Summary on Objective Connect	3/14/2019 1:50 PM

## Q23 Issue #23 - Amendments to Developments when Buying Off the Plan NOTE: This is a duplicate of Issue #16

Answered: 8 Skipped: 0

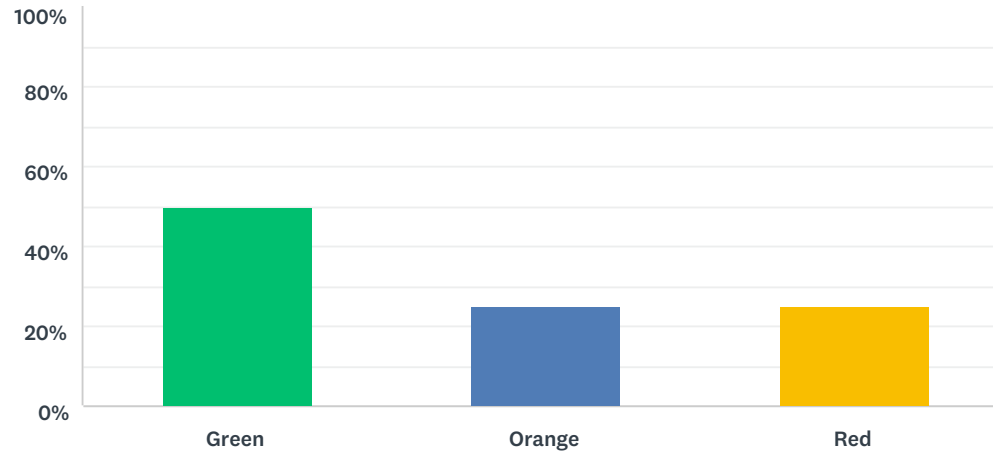


ANSWER CHOICES	RESPONSES
Green	37.50% 3
Orange	25.00% 2
Red	37.50% 3
Total Respondents: 8	

#	COMMENTS	DATE
1	See response Q16.	3/18/2019 3:24 PM
2	Needs discussion on what is an amendment. It is common for the exact materials and finishes identified on DA plans to not be available at the time of construction.	3/14/2019 4:53 PM
3	See OCN comment on Concise Summary on Objective Connect	3/14/2019 1:50 PM
4	comment as above	3/13/2019 11:49 AM

## Q24 Issue #24 - Separation of Water Meters for New Developments - Plumbing Capable

Answered: 8 Skipped: 0

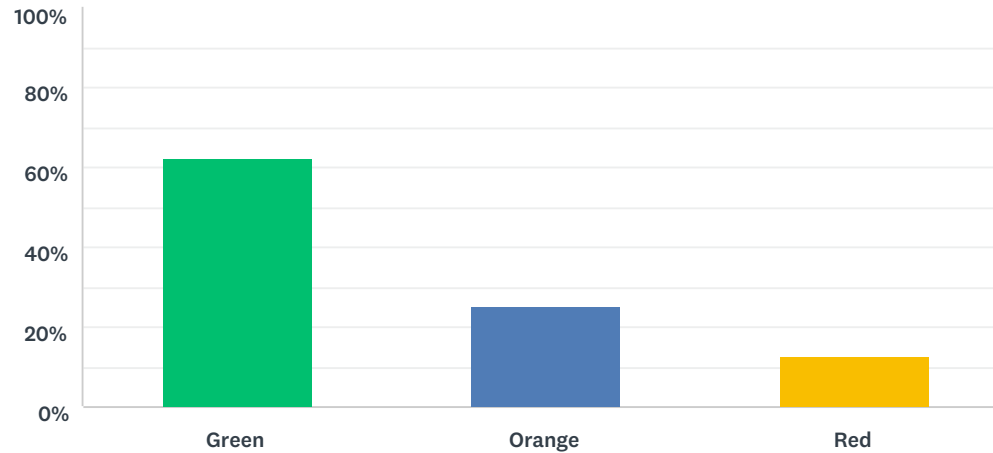


ANSWER CHOICES	RESPONSES
Green	50.00% 4
Orange	25.00% 2
Red	25.00% 2
Total Respondents: 8	

#	COMMENTS	DATE
1	Worth further investigation about practicality of implementing - ie costs borne by building owners, and ICON's policies.	3/18/2019 3:24 PM
2	Could also be address with better flexibility inn by laws	3/14/2019 8:50 PM
3	Do not see reason to treat utility services differently and they should be considered holistically	3/14/2019 6:43 PM
4	See OCN comment on Concise Summary on Objective Connect	3/14/2019 1:50 PM

## Q25 Issue #25 - Separation of Water Meters for New Developments - All Residential and Commercial Units

Answered: 8 Skipped: 0

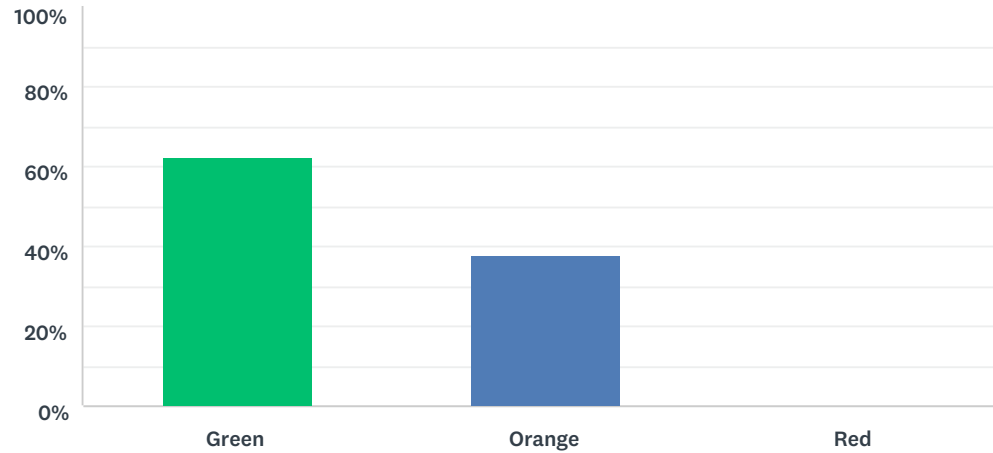


ANSWER CHOICES	RESPONSES
Green	62.50% 5
Orange	25.00% 2
Red	12.50% 1
Total Respondents: 8	

#	COMMENTS	DATE
1	as above	3/18/2019 3:25 PM
2	As above	3/14/2019 8:51 PM
3	Do not see reason to treat utility services differently and they should be considered holistically	3/14/2019 6:44 PM

## Q26 Issue #26 - New Resolution Type

Answered: 8 Skipped: 0

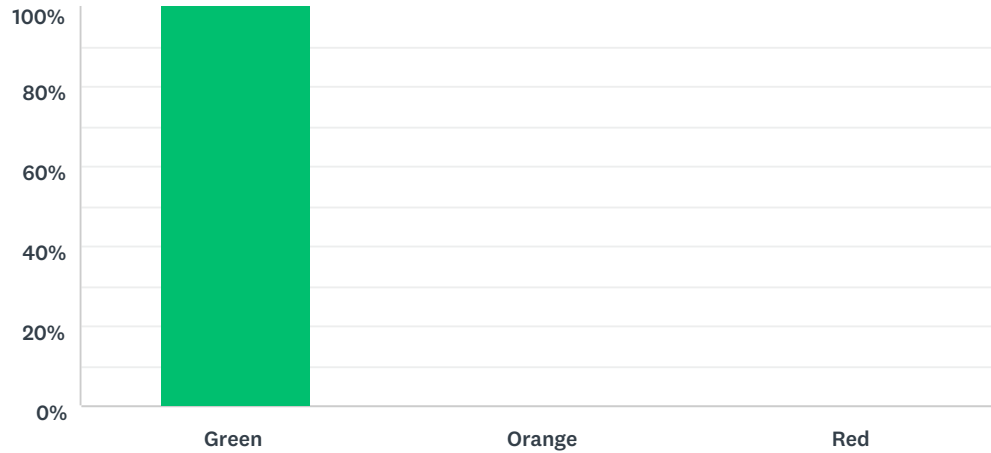


ANSWER CHOICES	RESPONSES
Green	62.50% 5
Orange	37.50% 3
Red	0.00% 0
Total Respondents: 8	

#	COMMENTS	DATE
1	Look at consolidating two thirds requirement with the new resolution type to simplify	3/14/2019 6:44 PM
2	Discuss 75% in different scenarios	3/14/2019 4:54 PM
3	See OCN comment on Concise Summary on Objective Connect	3/14/2019 1:50 PM

## Q27 Issue #27 - Changing Method for Determining Levy Contributions

Answered: 8 Skipped: 0

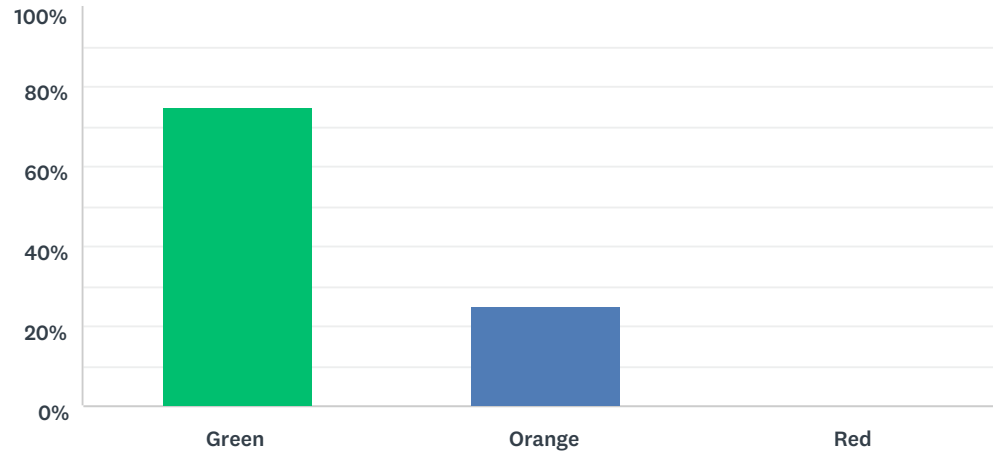


ANSWER CHOICES	RESPONSES	
Green	100.00%	8
Orange	0.00%	0
Red	0.00%	0
Total Respondents: 8		

#	COMMENTS	DATE
1	Could be incorporated into BMS.	3/14/2019 11:11 AM

## Q28 Issue #28 - Metered Utility Services - Levies

Answered: 8 Skipped: 0

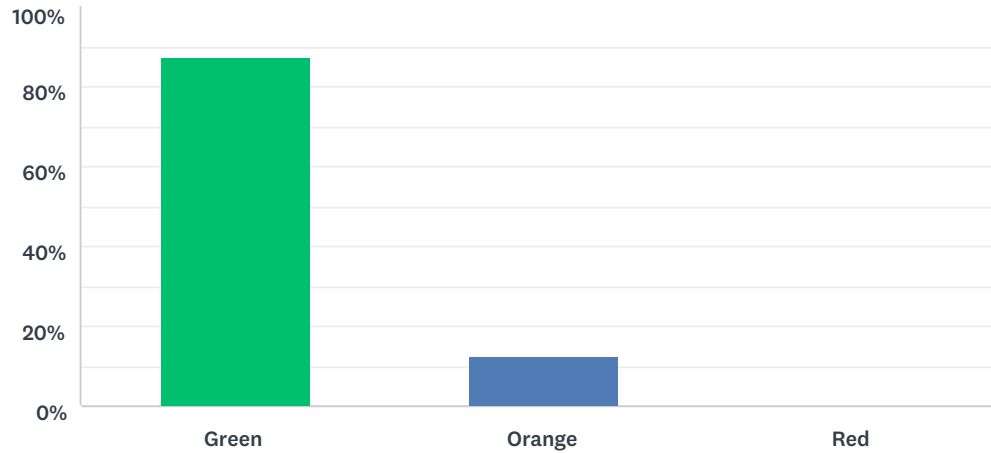


ANSWER CHOICES	RESPONSES
Green	75.00% 6
Orange	25.00% 2
Red	0.00% 0
Total Respondents: 8	

#	COMMENTS	DATE
1	See Q25 re increased costs. note that consumption of services, where they can be seperately measured and charged - should be.	3/18/2019 3:29 PM
2	Consider submetering option where OC get account and can pass on submetered costs as part of levies	3/14/2019 6:49 PM

## Q29 Issue #29 - Metered Utility Services - Installation of Infrastructure - Commercial Units

Answered: 8 Skipped: 0

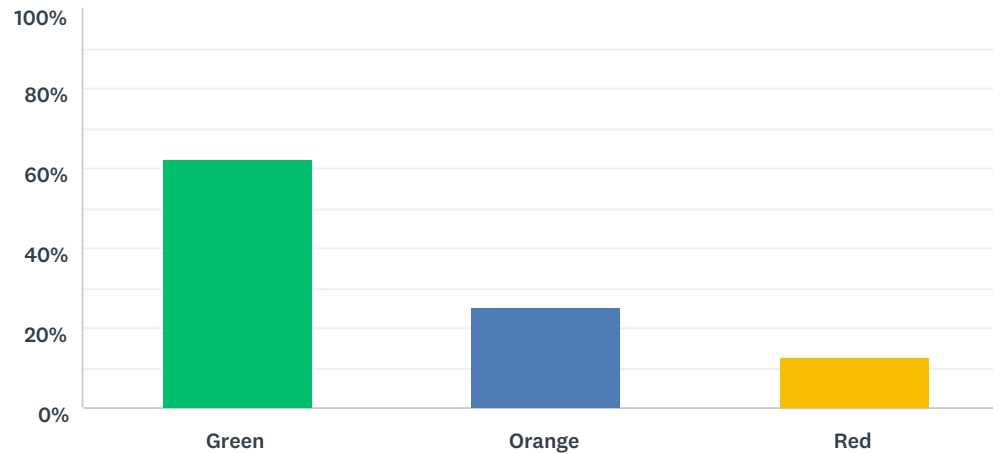


ANSWER CHOICES	RESPONSES
Green	87.50% 7
Orange	12.50% 1
Red	0.00% 0
Total Respondents: 8	

#	COMMENTS	DATE
1	Do not differentiate between commercial and residential there could be other classes eg residential with swimming pool / spa	3/14/2019 6:49 PM

## Q30 Issue #30 - Metered Utility Services - Installation of Infrastructure - All Residential and Commercial Units

Answered: 8 Skipped: 0

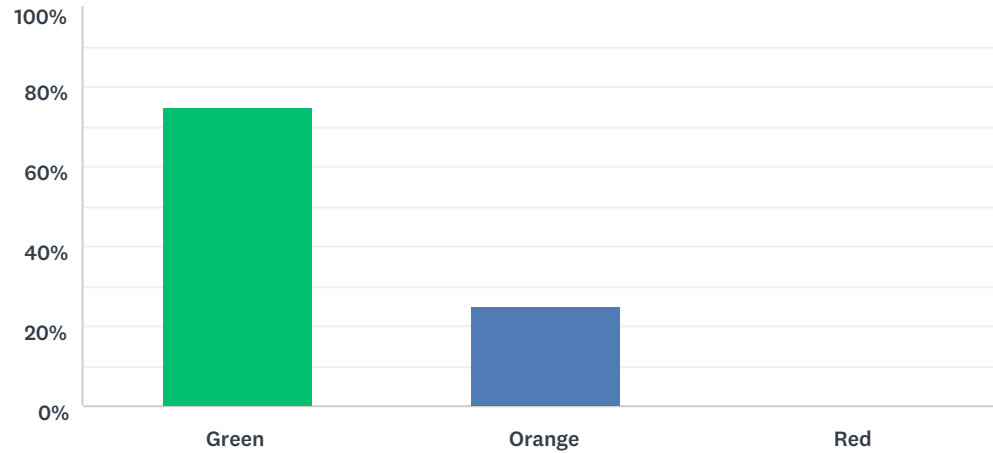


ANSWER CHOICES	RESPONSES
Green	62.50% 5
Orange	25.00% 2
Red	12.50% 1
Total Respondents: 8	

#	COMMENTS	DATE
1	As above.	3/18/2019 3:29 PM
2	Same comments as 29	3/14/2019 6:49 PM
3	See OCN comment on Concise Summary on Objective Connect	3/14/2019 1:54 PM

## Q31 Issue #31 - Splitting Budgets

Answered: 8 Skipped: 0

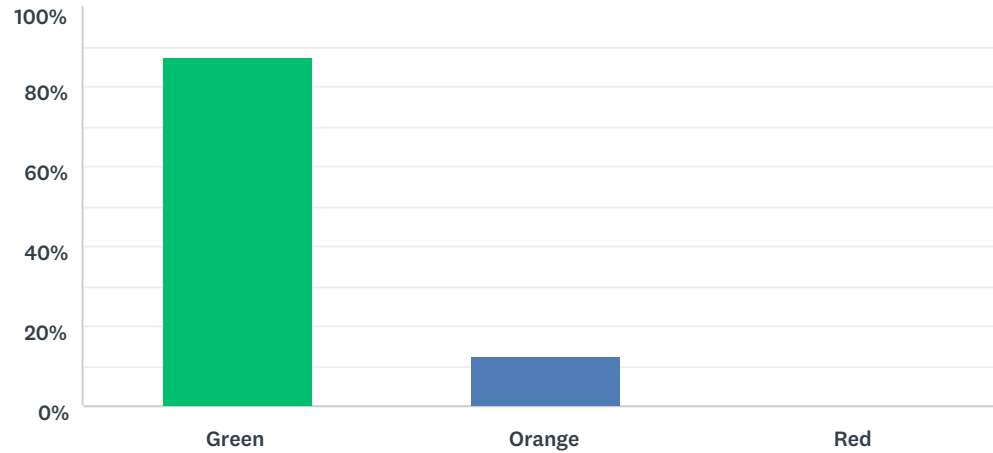


ANSWER CHOICES	RESPONSES
Green	75.00% 6
Orange	25.00% 2
Red	0.00% 0
Total Respondents: 8	

#	COMMENTS	DATE
1	Could be better dealt with through BMS or by laws.	3/18/2019 3:31 PM
2	Splitting is only part of the issue. Also changing method. The core principal should consider which units are consuming / benefiting from services, utilities or assets and in what proportion. Better addressed with a BMS or exclusive use by laws	3/14/2019 8:55 PM
3	See OCN comment on Concise Summary on Objective Connect	3/14/2019 1:57 PM
4	Could be incorporated into BMS	3/14/2019 11:13 AM

### Q32 Issue #32 - Audit of OC Funds

Answered: 8 Skipped: 0

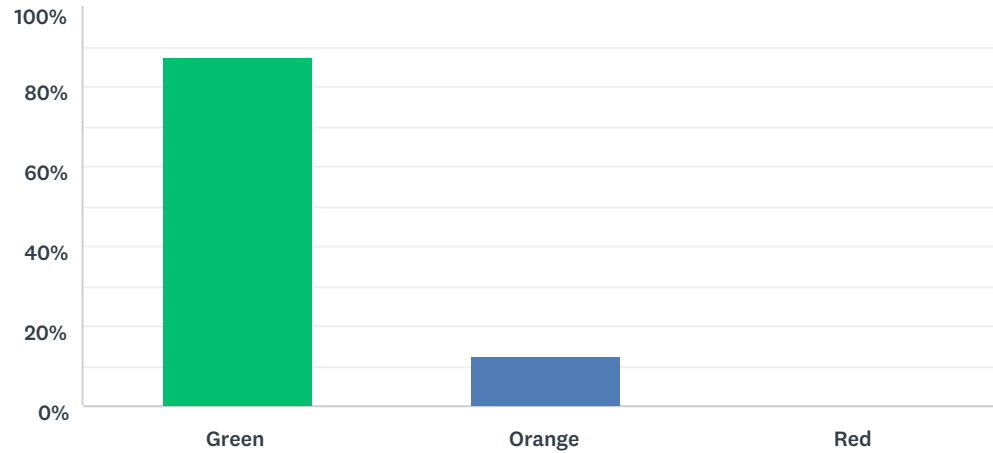


ANSWER CHOICES	RESPONSES
Green	87.50% 7
Orange	12.50% 1
Red	0.00% 0
Total Respondents: 8	

#	COMMENTS	DATE
1	See OCN comment on Concise Summary on Objective Connect	3/14/2019 1:57 PM
2	Agreement as long as the size of the scheme is clear	3/13/2019 11:57 AM

## Q33 Issue #33 - Approved Forms

Answered: 8 Skipped: 0

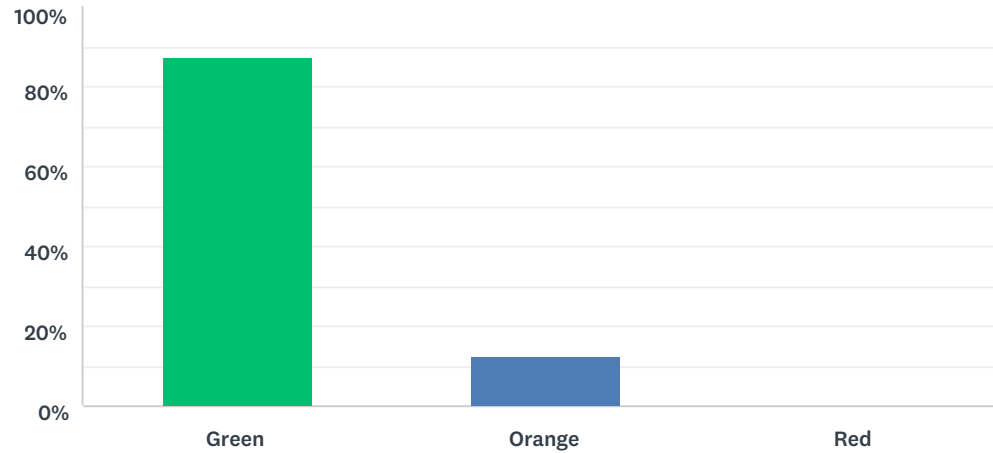


ANSWER CHOICES	RESPONSES
Green	87.50% 7
Orange	12.50% 1
Red	0.00% 0
Total Respondents: 8	

#	COMMENTS	DATE
1	Must include s119	3/14/2019 8:55 PM
2	A particular issue we see in rented units	3/13/2019 11:57 AM

## Q34 Issue #34 - Meeting Agendas - Mandatory Items

Answered: 8 Skipped: 0

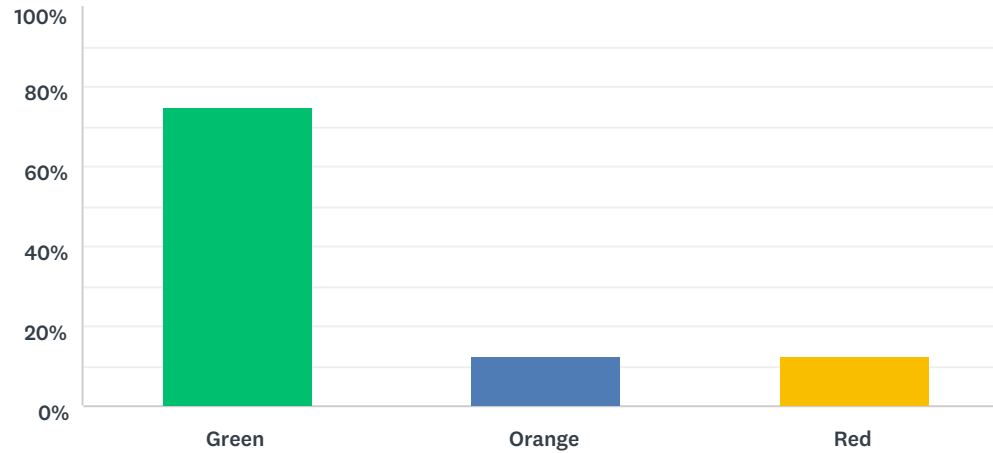


ANSWER CHOICES	RESPONSES
Green	87.50% 7
Orange	12.50% 1
Red	0.00% 0
Total Respondents: 8	

#	COMMENTS	DATE
1	building owners to be consluted on mandatory items.	3/18/2019 3:32 PM
2	See OCN comment on Concise Summary on Objective Connect	3/14/2019 1:59 PM

## Q35 Issue #35 - Meeting Minutes

Answered: 8 Skipped: 0

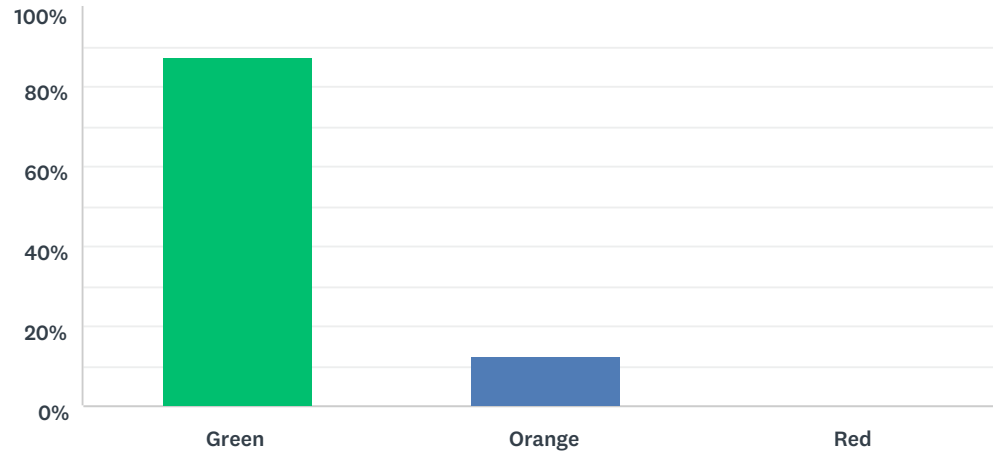


ANSWER CHOICES	RESPONSES
Green	75.00% 6
Orange	12.50% 1
Red	12.50% 1
Total Respondents: 8	

#	COMMENTS	DATE
1	See OCN comment on Concise Summary on Objective Connect	3/14/2019 1:59 PM

## Q36 Issue #36 - Electronic Meetings & Voting

Answered: 8 Skipped: 0

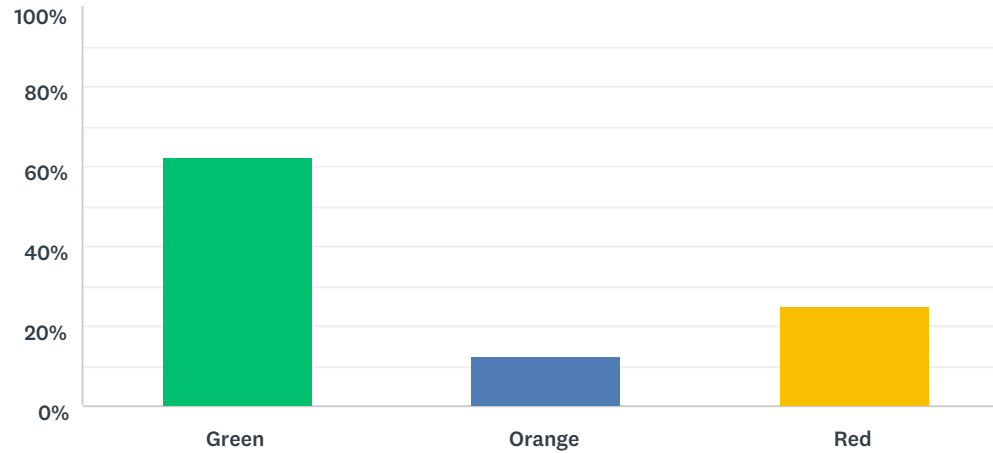


ANSWER CHOICES	RESPONSES
Green	87.50% 7
Orange	12.50% 1
Red	0.00% 0
Total Respondents: 8	

#	COMMENTS	DATE
1	Very important as many meetings cannot occur due to lack of any quorum. Particularly prejudices individuals seeking approval for something that does not impact others. If no one else cares to attend a meeting cannot happen. Many meetings are required for basic agreement on matters that are unremarkable and it would be a huge efficiency to have non attended meetings as in other states	3/14/2019 8:58 PM
2	See OCN comment on Concise Summary on Objective Connect	3/14/2019 1:59 PM

## Q37 Issue #37 - Tenant Attendance at OC Meetings

Answered: 8 Skipped: 0

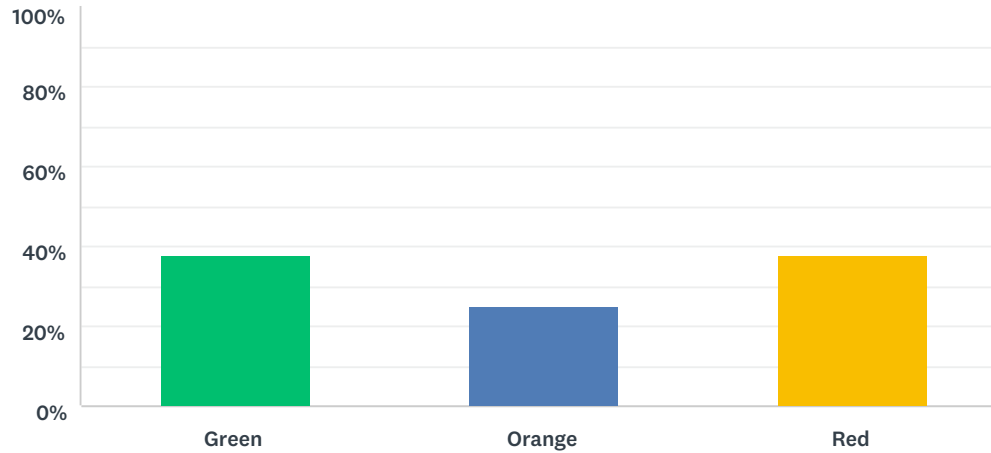


ANSWER CHOICES	RESPONSES
Green	62.50% 5
Orange	12.50% 1
Red	25.00% 2
Total Respondents: 8	

#	COMMENTS	DATE
1	NSW experience demonstrates impracticalities.	3/18/2019 3:33 PM
2	Terrible idea. Huge issues in NSW. Cannot even get owners to comply with providing tenant details now	3/14/2019 9:00 PM
3	See OCN comment on Concise Summary on Objective Connect	3/14/2019 2:01 PM
4	Interested in detail such as what is a registered tenant?	3/13/2019 12:14 PM

## Q38 Issue #38 - Tenant Representative at EC Meetings

Answered: 8 Skipped: 0

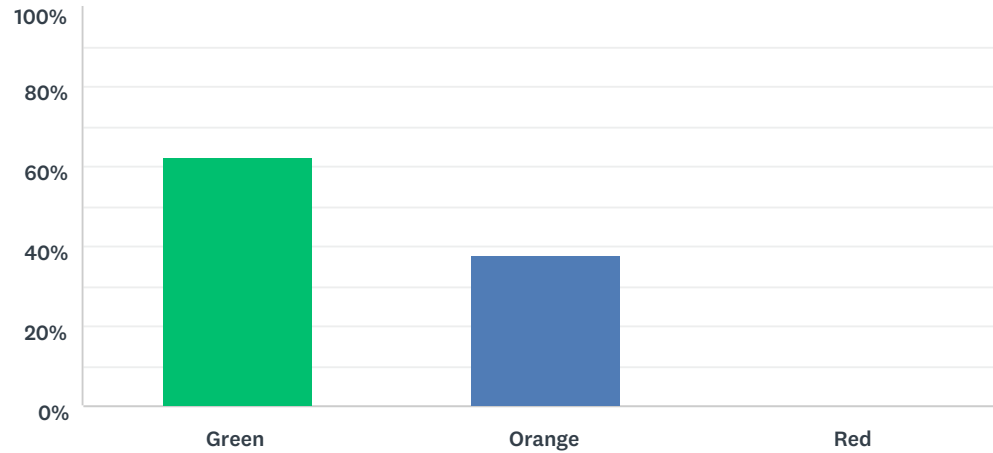


ANSWER CHOICES	RESPONSES
Green	37.50% 3
Orange	25.00% 2
Red	37.50% 3
Total Respondents: 8	

#	COMMENTS	DATE
1	as above	3/18/2019 3:33 PM
2	As above	3/14/2019 9:00 PM
3	Too hard to determine owned v rented as OC not privy to that information as assumes live in owner will nominate physical unit address	3/14/2019 6:50 PM
4	See OCN comment on Concise Summary on Objective Connect	3/14/2019 2:01 PM

## Q39 Issue #39 - Record Keeping

Answered: 8 Skipped: 0

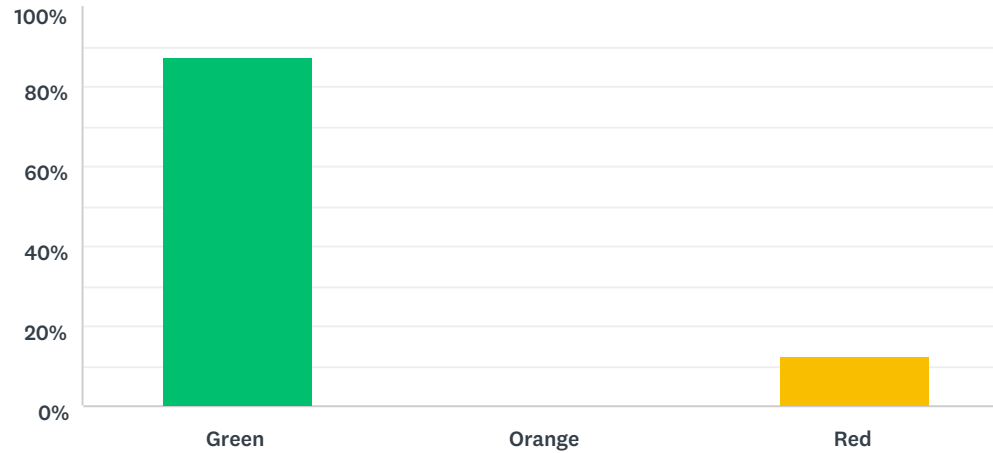


ANSWER CHOICES	RESPONSES
Green	62.50% 5
Orange	37.50% 3
Red	0.00% 0
Total Respondents: 8	

#	COMMENTS	DATE
1	not aware of any issues	3/18/2019 3:33 PM
2	Haven't known this to be an issue, but not opposed	3/14/2019 9:00 PM

## Q40 Issue #40 - Common Seal No Longer Mandatory

Answered: 8 Skipped: 0

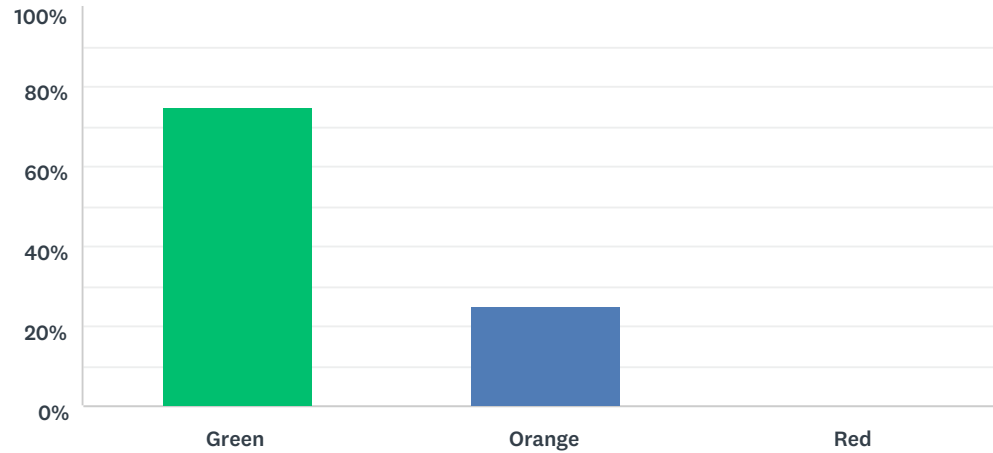


ANSWER CHOICES	RESPONSES
Green	87.50% 7
Orange	0.00% 0
Red	12.50% 1
Total Respondents: 8	

#	COMMENTS	DATE
	There are no responses.	

## Q41 Issue #41 - Clarify Address Information

Answered: 8 Skipped: 0

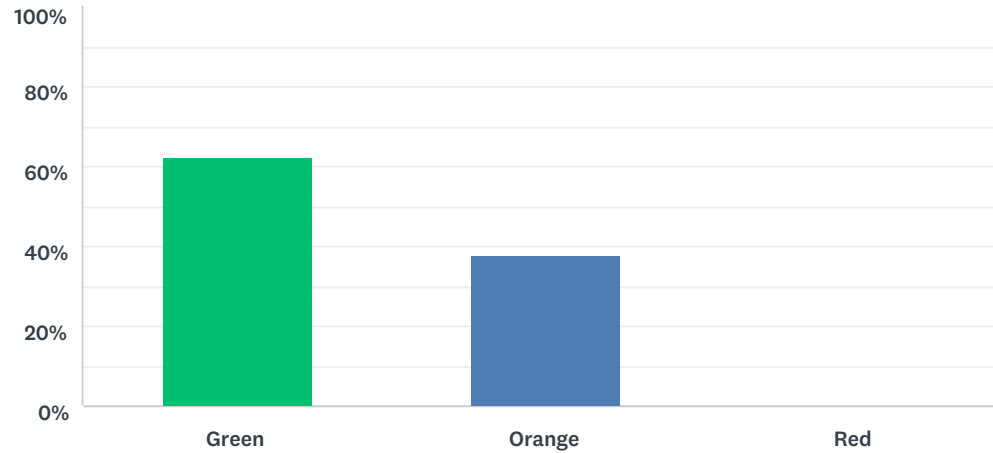


ANSWER CHOICES	RESPONSES
Green	75.00% 6
Orange	25.00% 2
Red	0.00% 0
Total Respondents: 8	

#	COMMENTS	DATE
1	Extend to phone etc	3/14/2019 9:01 PM
2	See OCN comment on Concise Summary on Objective Connect	3/14/2019 2:47 PM

## Q42 Issue #42 - End of Building Life/Renewal

Answered: 8 Skipped: 0

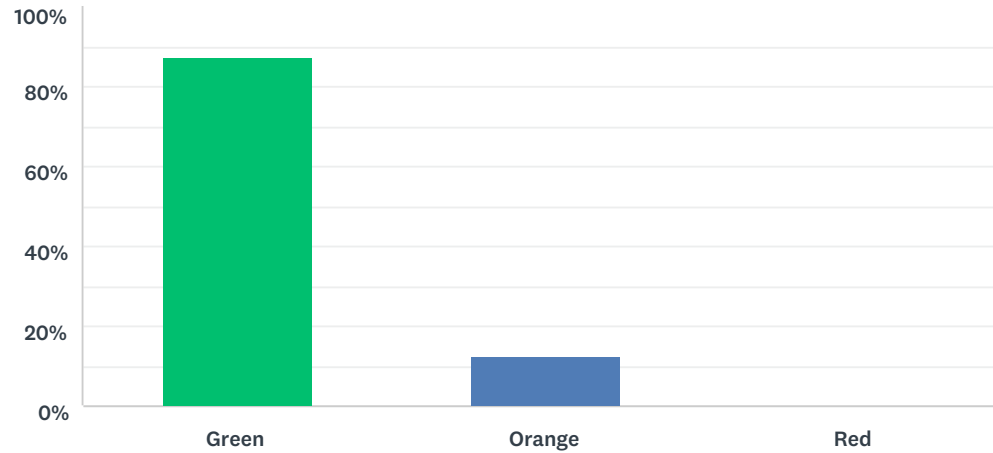


ANSWER CHOICES	RESPONSES
Green	62.50% 5
Orange	37.50% 3
Red	0.00% 0
Total Respondents: 8	

#	COMMENTS	DATE
1	necessary change at time of need for urban renewal. Proven to help in development supply when needed.	3/18/2019 3:35 PM
2	WA example looks good	3/14/2019 4:59 PM

## Q43 Issue #43 - Clarify Eligibility for EC - Part Owners & Company Owned Units

Answered: 8 Skipped: 0

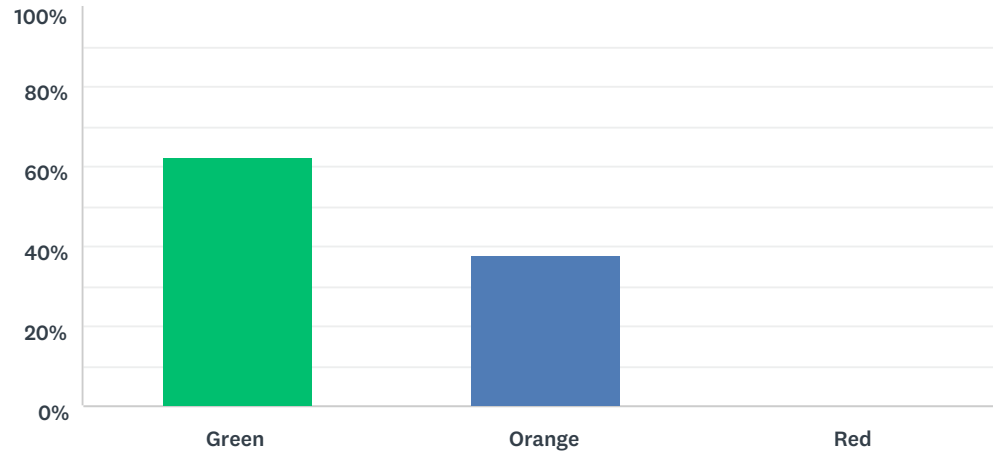


ANSWER CHOICES	RESPONSES	
Green	87.50%	7
Orange	12.50%	1
Red	0.00%	0
Total Respondents: 8		

#	COMMENTS	DATE
1	See OCN comment on Concise Summary on Objective Connect	3/14/2019 2:47 PM

## Q44 Issue #44 - Pets

Answered: 8 Skipped: 0

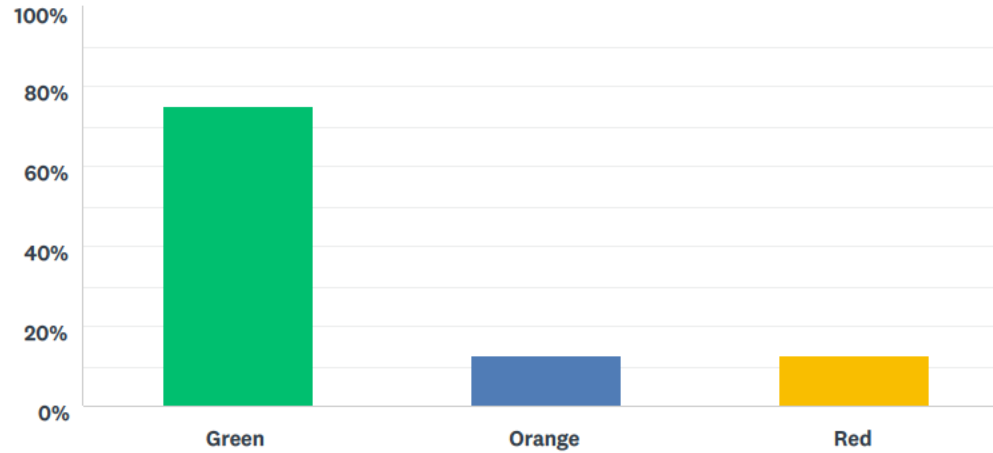


ANSWER CHOICES	RESPONSES
Green	62.50% 5
Orange	37.50% 3
Red	0.00% 0
Total Respondents: 8	

#	COMMENTS	DATE
1	Pets is poorly addressed in the act. Requires OC approval, but can't be unreasonably withheld. Make decision of EC.	3/14/2019 9:02 PM
2	Species and number of pets should be specified - may need to obtain comments from domestic animal service or the like.	3/14/2019 11:30 AM

## Q45 Issue #45 - EC Sub-Committees

Answered: 8 Skipped: 0

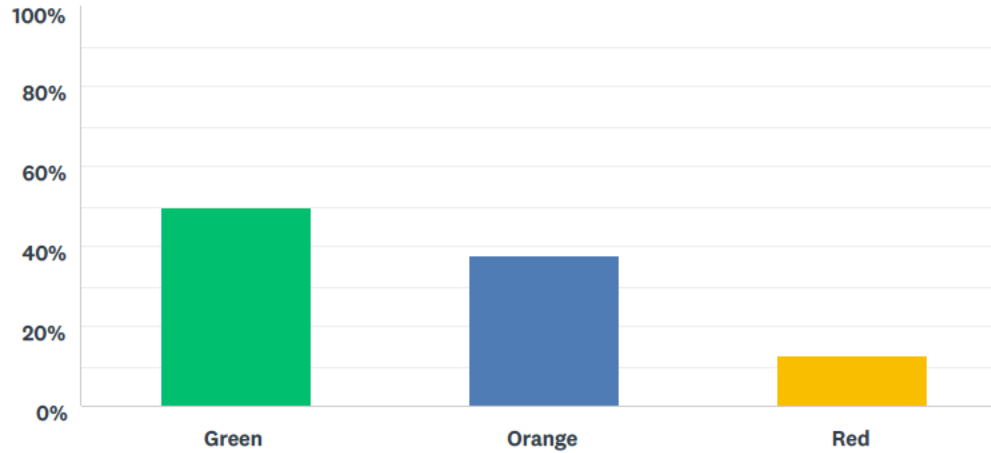


ANSWER CHOICES	RESPONSES	
Green	75.00%	6
Orange	12.50%	1
Red	12.50%	1
Total Respondents: 8		

#	COMMENTS	DATE
1	See OCN comment on Concise Summary on Objective Connect	3/14/2019 2:47 PM

## Q46 Issue #46 - Special Privileges

Answered: 8 Skipped: 0

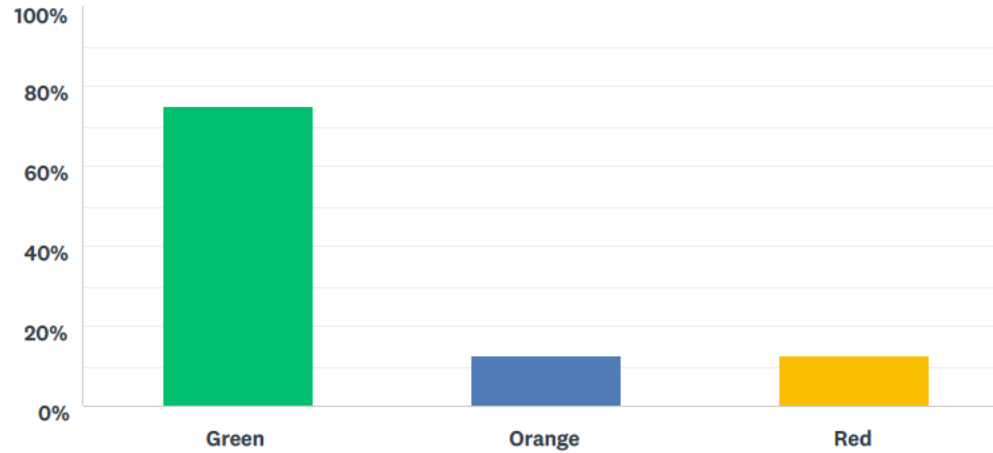


ANSWER CHOICES	RESPONSES
Green	50.00% 4
Orange	37.50% 3
Red	12.50% 1
Total Respondents: 8	

#	COMMENTS	DATE
1	by-laws should be used to deal with these.	3/18/2019 3:40 PM
2	See OCN comment on Concise Summary on Objective Connect	3/15/2019 8:38 AM
3	Exclusive use by laws would resolve this	3/14/2019 9:05 PM

## Q47 Issue #47 - Subleasing of Common Property

Answered: 8 Skipped: 0

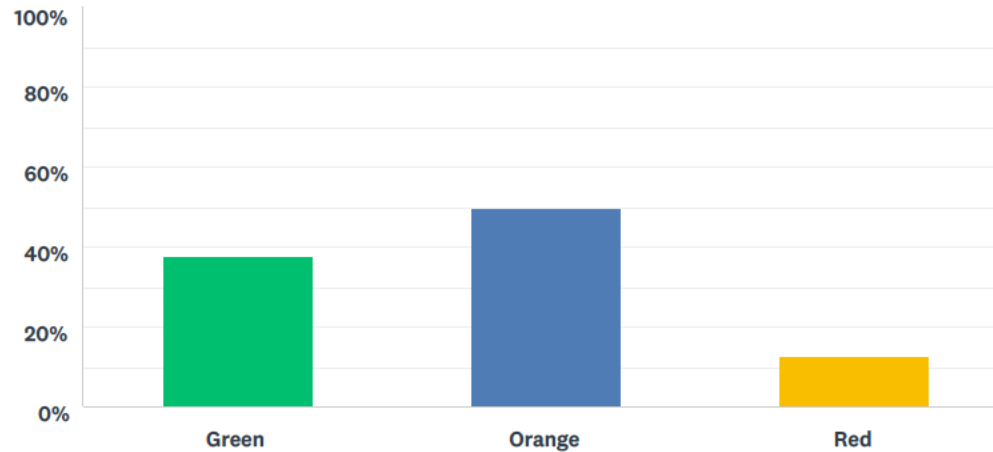


ANSWER CHOICES	RESPONSES
Green	75.00% 6
Orange	12.50% 1
Red	12.50% 1
Total Respondents: 8	

#	COMMENTS	DATE
1	would better align with other jurisdictions, unlocks value - and could provide opportunities for innovative use of unused space. Such opportunities, may assist ease rates burden on landowners.	3/18/2019 3:40 PM
2	See OCN comment on Concise Summary on Objective Connect	3/15/2019 8:38 AM
3	Needs to happen. OC should benefit from common area of viable	3/14/2019 9:05 PM

## Q48 Issue #48 - Change of Use of Unit, Lease Grant and DA Assessment - Stage 1 NOTE: Refer Issue #18

Answered: 8 Skipped: 0

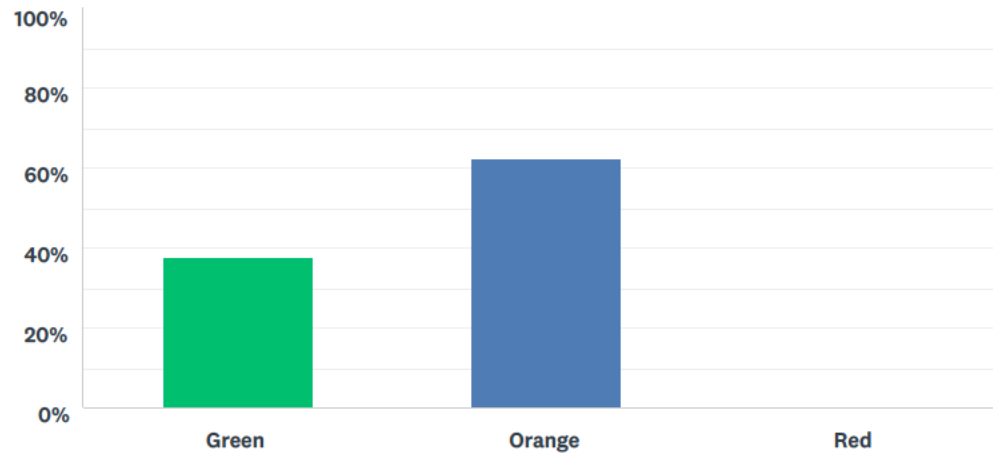


ANSWER CHOICES	RESPONSES
Green	37.50% 3
Orange	50.00% 4
Red	12.50% 1
Total Respondents: 8	

#	COMMENTS	DATE
1	refer response to 18.	3/18/2019 3:40 PM
2	See OCN comment on Concise Summary on Objective Connect	3/15/2019 8:38 AM
3	Permitted use issue and broad crown lease purposes. OC should not be controlling uses. That is for ACTPLA to do via lease purpose	3/14/2019 6:51 PM
4	What about units that are potentially both commercial and residential (small office/home office units)	3/14/2019 5:02 PM

## Q49 Issue #49 - Change of Use of Unit, Lease Grant and DA Assessment - Stage 2 NOTE: Refer Issues # 18 & 48

Answered: 8 Skipped: 0

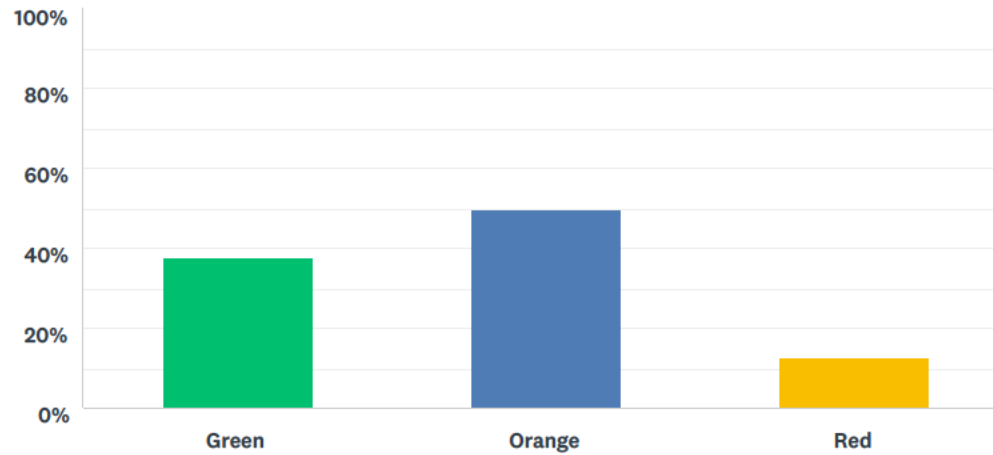


ANSWER CHOICES	RESPONSES	
Green	37.50%	3
Orange	62.50%	5
Red	0.00%	0
Total Respondents: 8		

#	COMMENTS	DATE
1	refer response 18	3/18/2019 3:43 PM

## Q50 Issue #50 - Certification for Change of Use of Commercial Units

Answered: 8 Skipped: 0

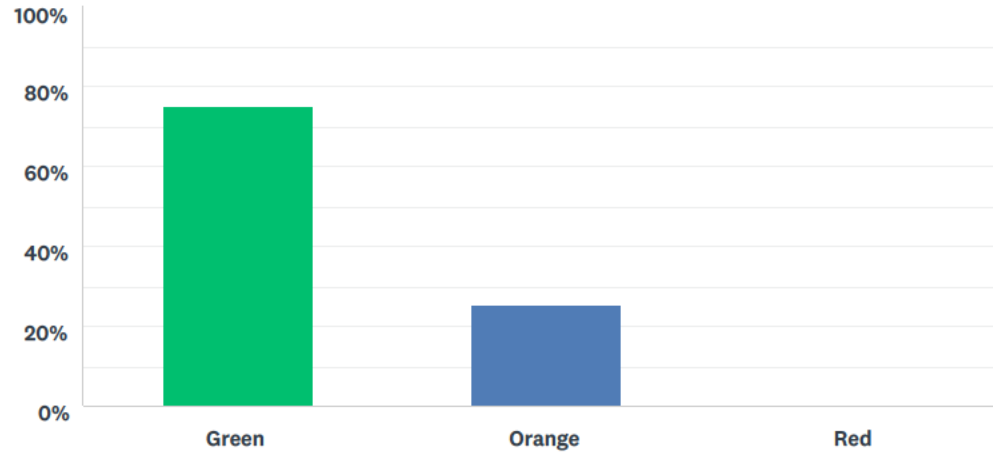


ANSWER CHOICES	RESPONSES
Green	37.50% 3
Orange	50.00% 4
Red	12.50% 1
Total Respondents: 8	

#	COMMENTS	DATE
1	preference for flexibility important for building owners	3/18/2019 3:43 PM
2	See OCN comment on Concise Summary on Objective Connect	3/15/2019 8:39 AM

## Q51 Issue #51 - Clarify Boundaries and Obligations for Repairs - Information

Answered: 8 Skipped: 0

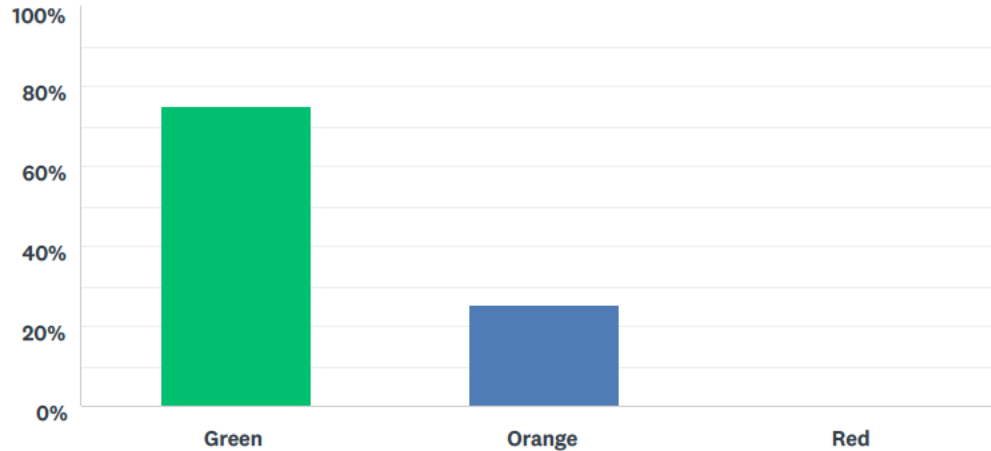


ANSWER CHOICES	RESPONSES
Green	75.00% 6
Orange	25.00% 2
Red	0.00% 0
Total Respondents: 8	

#	COMMENTS	DATE
1	See OCN comment on Concise Summary on Objective Connect	3/15/2019 8:39 AM

## Q52 Issue #52 - Clarify Boundaries and Obligations for Repairs - Legislative Change

Answered: 8 Skipped: 0

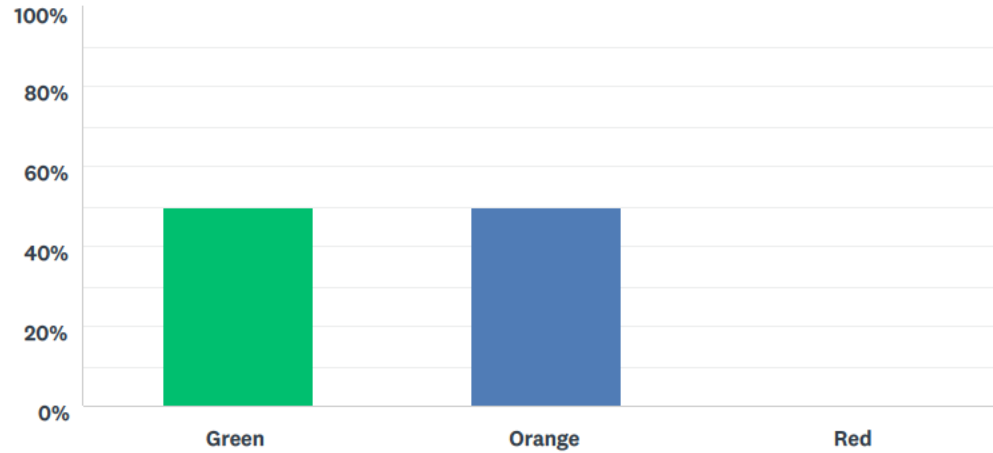


ANSWER CHOICES	RESPONSES	
Green	75.00%	6
Orange	25.00%	2
Red	0.00%	0
Total Respondents: 8		

#	COMMENTS	DATE
1	See OCN comment on Concise Summary on Objective Connect plus new issue when As and Bs are in the same Unit Plan as allowed prior to 2001 Bs contribute to Sinking Fund for maintenance but can't access funds for work without OC passing a Special Resolution.	3/15/2019 8:40 AM

## Q53 Issue #53 - Clarify Parties to a Dispute

Answered: 8 Skipped: 0

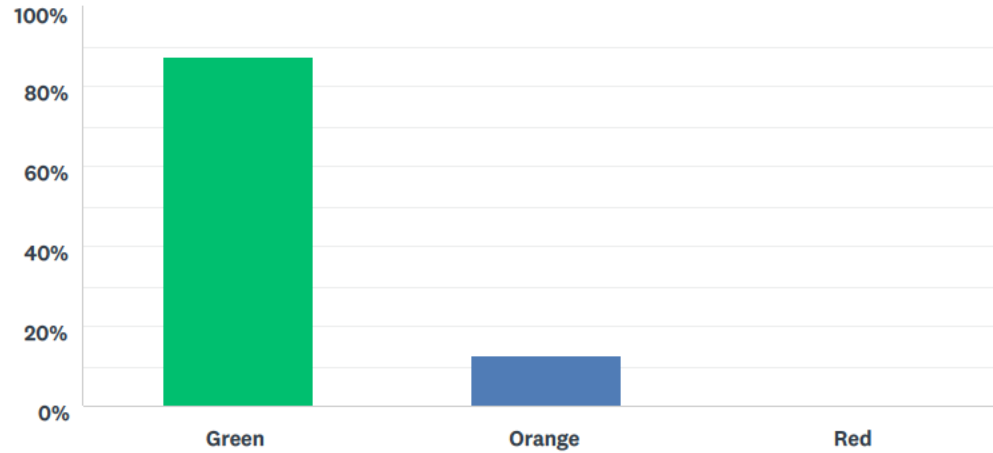


ANSWER CHOICES	RESPONSES	
Green	50.00%	4
Orange	50.00%	4
Red	0.00%	0
Total Respondents: 8		

#	COMMENTS	DATE
1	support improvements to dispute resolution	3/18/2019 3:44 PM
2	See OCN comment on Concise Summary on Objective Connect	3/15/2019 8:40 AM
3	Needs discussion on "former owner"; former manager, occupier etc	3/14/2019 5:06 PM

## Q54 Issue #54 - Dispute Processes - Internal Procedures

Answered: 8 Skipped: 0

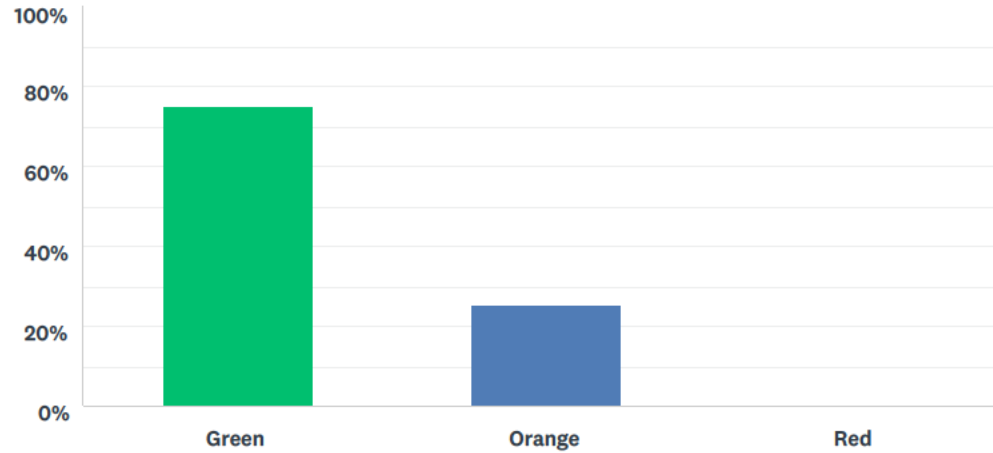


ANSWER CHOICES	RESPONSES
Green	87.50% 7
Orange	12.50% 1
Red	0.00% 0
Total Respondents: 8	

#	COMMENTS	DATE
1	as above	3/18/2019 3:44 PM
2	See OCN comment on Concise Summary on Objective Connect	3/15/2019 8:40 AM

## Q55 Issue #55 - Dispute Processes - Mandatory Mediation

Answered: 8 Skipped: 0

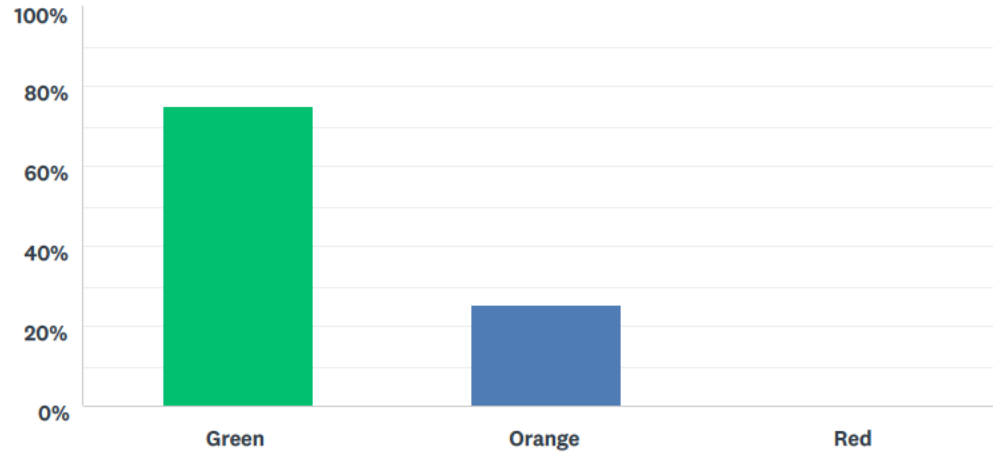


ANSWER CHOICES	RESPONSES	
Green	75.00%	6
Orange	25.00%	2
Red	0.00%	0
Total Respondents: 8		

#	COMMENTS	DATE
1	support improvements	3/18/2019 3:45 PM
2	See OCN comment on Concise Summary on Objective Connect	3/15/2019 8:40 AM

## Q56 Issue #56 - Section 119 Certificates - Updating Information

Answered: 8 Skipped: 0

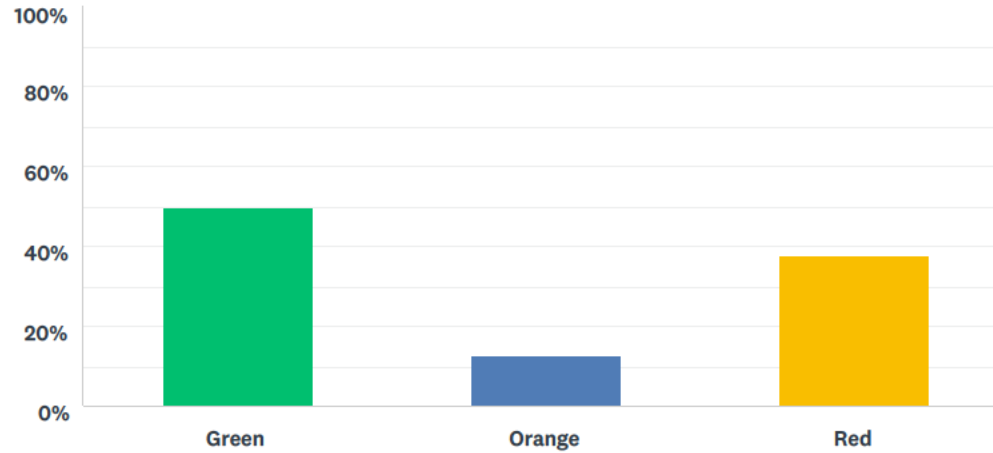


ANSWER CHOICES	RESPONSES	
Green	75.00%	6
Orange	25.00%	2
Red	0.00%	0
Total Respondents: 8		

#	COMMENTS	DATE
1	Also review the scope of info required and harmonies with the docs required in civil sale if res property act. Fee should increase accordingly	3/14/2019 9:10 PM
2	Need to understand that there are 2 certificates required one is for disclosure and the other is immediately before settlement to confirm levies and arras. Need to avoid duplicating cost. Possible one free update to levy information?	3/14/2019 6:53 PM

## Q57 Issue #57 - Proxy Farming

Answered: 8 Skipped: 0

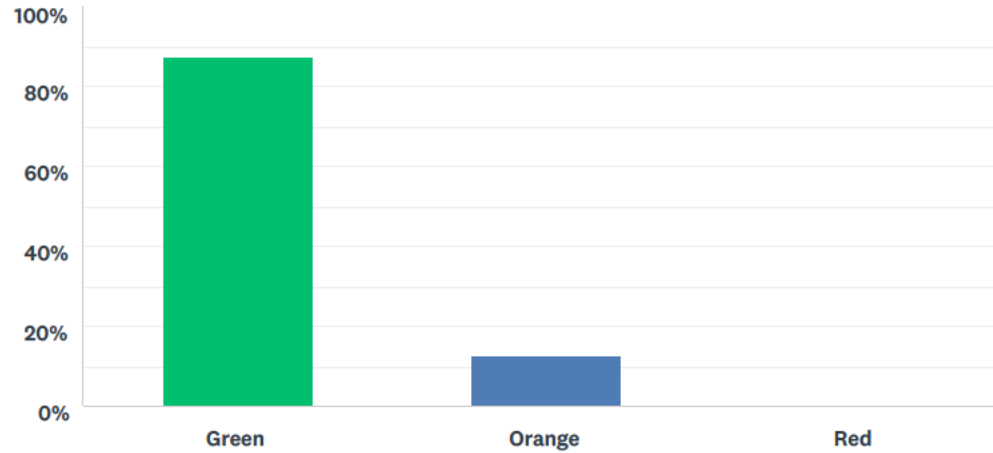


ANSWER CHOICES	RESPONSES
Green	50.00% 4
Orange	12.50% 1
Red	37.50% 3
Total Respondents: 8	

#	COMMENTS	DATE
1	not an issue.	3/18/2019 3:45 PM
2	See OCN comment on Concise Summary on Objective Connect	3/15/2019 8:40 AM
3	Disagree. I do not see this occurring. The chair will usually have many proxies	3/14/2019 9:10 PM

## Q58 Issue #58 - Proxy Appointed Under Contract for Sale

Answered: 8 Skipped: 0

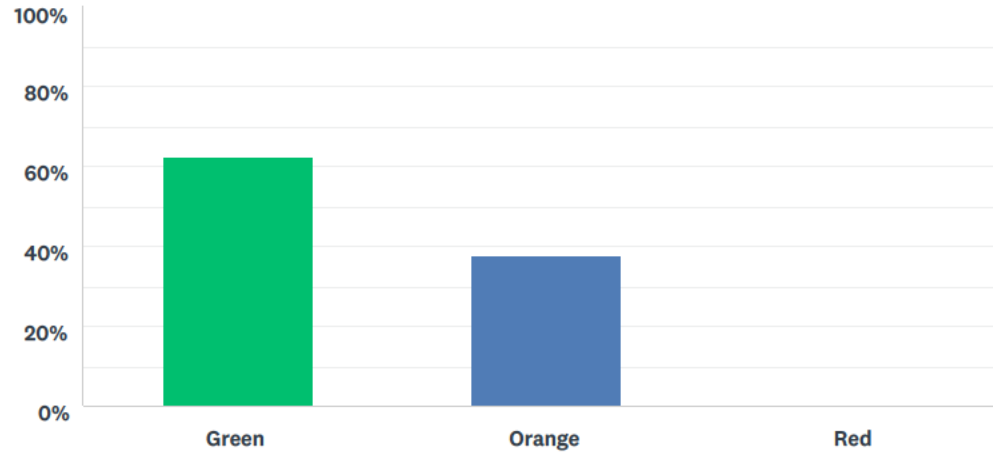


ANSWER CHOICES	RESPONSES
Green	87.50% 7
Orange	12.50% 1
Red	0.00% 0
Total Respondents: 8	

#	COMMENTS	DATE
	There are no responses.	

## Q59 Issue #59 - Managers Insurance Commission

Answered: 8 Skipped: 0

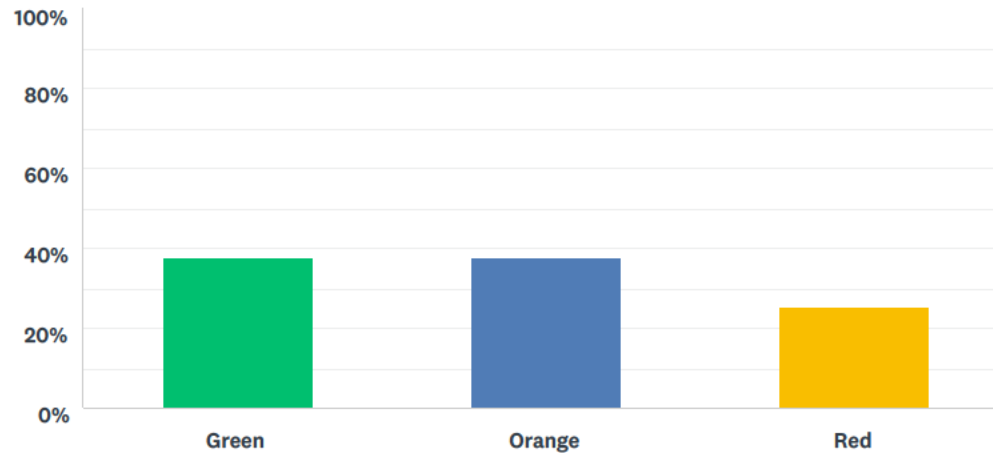


ANSWER CHOICES	RESPONSES
Green	62.50% 5
Orange	37.50% 3
Red	0.00% 0
Total Respondents: 8	

#	COMMENTS	DATE
1	needs further discussion - complex issue	3/18/2019 3:48 PM
2	See OCN comment on Concise Summary on Objective Connect	3/15/2019 8:40 AM

## Q60 Issue #60 - Identifying Commercial vs Residential on Plans

Answered: 8 Skipped: 0

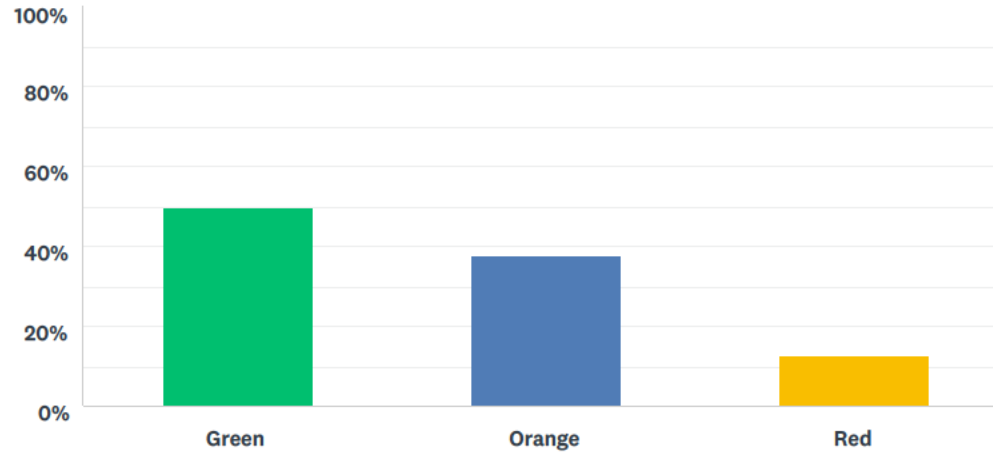


ANSWER CHOICES	RESPONSES
Green	37.50% 3
Orange	37.50% 3
Red	25.00% 2
Total Respondents: 8	

#	COMMENTS	DATE
1	Flexibility should be retained. Some units are deliberately built to be adaptable. Consumption issues are better resolved in exclusive use and budget splitting.	3/18/2019 3:48 PM
2	Does not make sense. Concentrate on consumption \ benefit of services rather than defining units	3/14/2019 9:12 PM
3	Use information is identified on the UP (and crown lease before UP is registered). DO NOT keep referring to residential and commercial as a binary issue it is not consistent with planning policies	3/14/2019 6:55 PM

## Q61 Issue #61 - Identifying Class of Unit Subsidiaries

Answered: 8 Skipped: 0

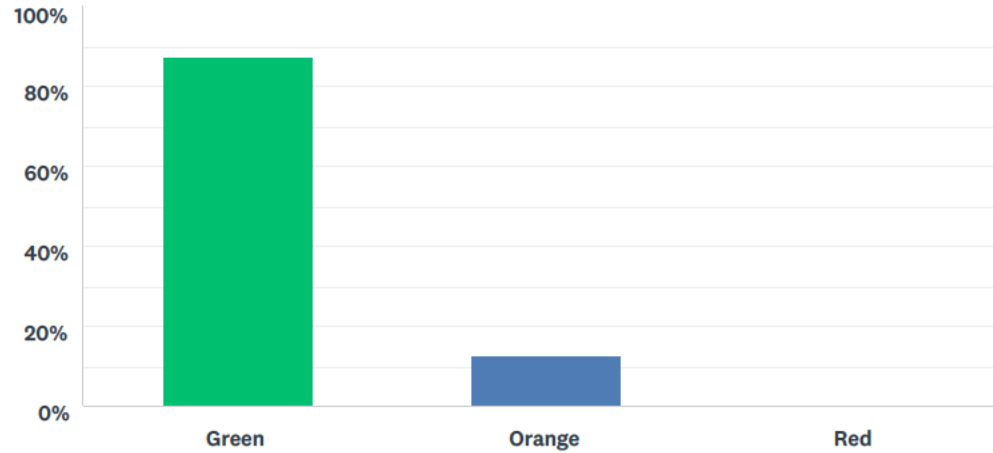


ANSWER CHOICES	RESPONSES
Green	50.00% 4
Orange	37.50% 3
Red	12.50% 1
Total Respondents: 8	

#	COMMENTS	DATE
1	Flexibility is still essential for both commercial and residential owners	3/18/2019 3:49 PM
2	See OCN comment on Concise Summary on Objective Connect plus new issue some pre 2001 Ups contain As and Bs and this creates additional issues needed correction in legislation	3/15/2019 8:41 AM
3	Happy to revisit but currently you can't have a mix of A and B so are you looking to reverse this?	3/14/2019 6:58 PM

## Q62 Issue #62 - Disclosure Statements

Answered: 8 Skipped: 0

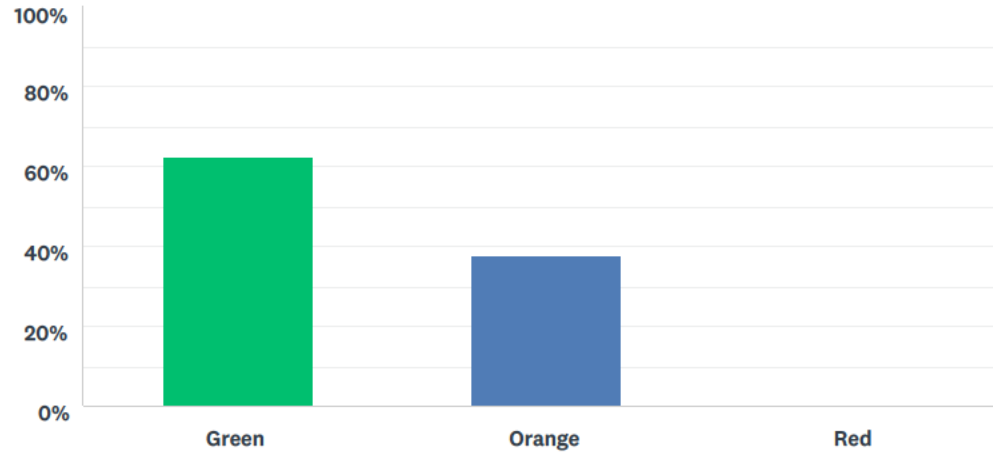


ANSWER CHOICES	RESPONSES
Green	87.50% 7
Orange	12.50% 1
Red	0.00% 0
Total Respondents: 8	

#	COMMENTS	DATE
1	duplication question	3/18/2019 3:49 PM
2	See Issue 18	3/15/2019 8:41 AM
3	Need to discuss uses and noise management plans - both of these are crown lease issues and currently disclosed	3/14/2019 6:58 PM

## Q63 Issue #63 - Permitting OC to Operate Car Parks

Answered: 8 Skipped: 0

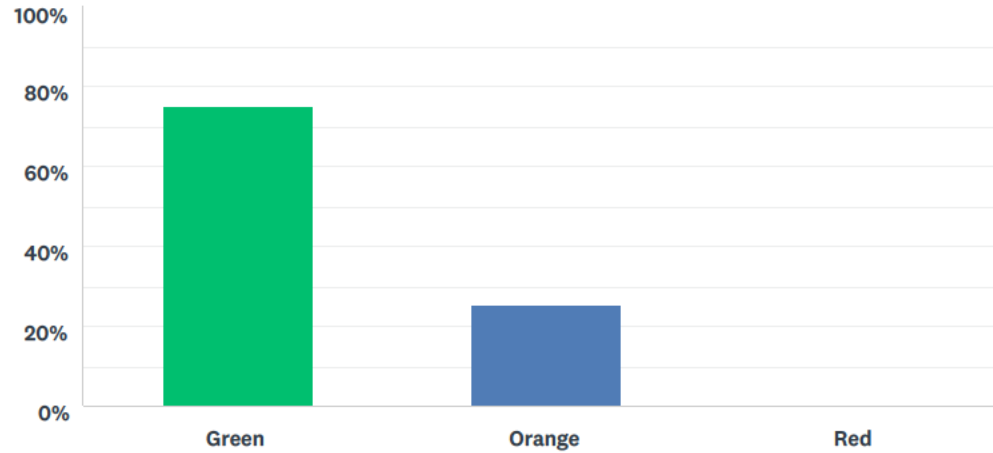


ANSWER CHOICES	RESPONSES
Green	62.50% 5
Orange	37.50% 3
Red	0.00% 0
Total Respondents: 8	

#	COMMENTS	DATE
1	See OCN comment on Concise Summary on Objective Connect	3/15/2019 8:41 AM
2	Developer should be able to set up (as long as disclosed)	3/14/2019 6:58 PM
3	Consider in line with 47	3/14/2019 11:36 AM

## Q64 Issue #64 - Subleasing/Exclusive Use

Answered: 8 Skipped: 0

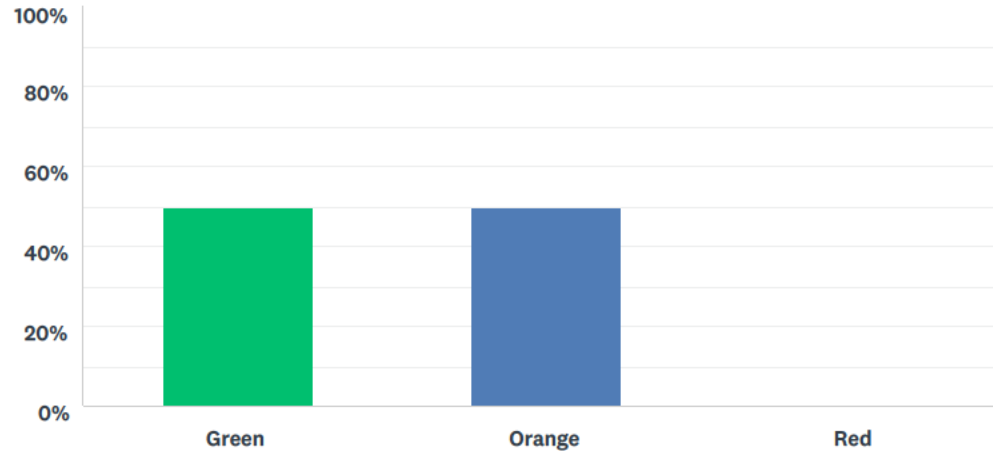


ANSWER CHOICES	RESPONSES
Green	75.00% 6
Orange	25.00% 2
Red	0.00% 0
Total Respondents: 8	

#	COMMENTS	DATE
1	See OCN comment on Concise Summary on Objective Connect see issue 47	3/15/2019 8:41 AM

## Q65 Issue #65 - Layered Titling

Answered: 8 Skipped: 0

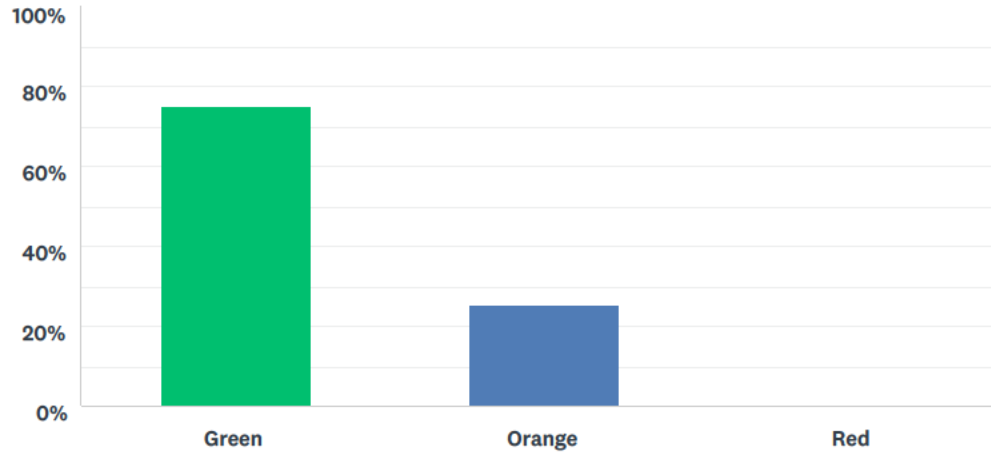


ANSWER CHOICES	RESPONSES
Green	50.00% 4
Orange	50.00% 4
Red	0.00% 0
Total Respondents: 8	

#	COMMENTS	DATE
1	The ability already exists - ie Nishi and is in use. There is however no ability to enshrine governing documents like a BMS - which would assist in any layered titling environment. This should be undertaken as a priority.	3/18/2019 3:53 PM
2	Green See OCN comment on Concise Summary on Objective Connect	3/15/2019 8:41 AM
3	Ability to do this already exists, and it is happening in many cases. The issue is lack of governance once done. Urgent need to allow BMS to address. This should be a simple fix	3/14/2019 9:14 PM

## Q66 Issue #66 - Exemptions

Answered: 8 Skipped: 0

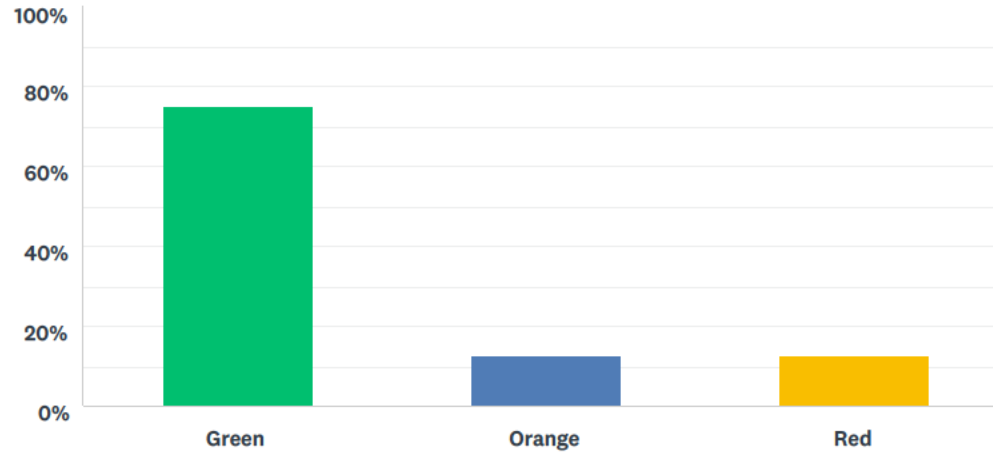


ANSWER CHOICES	RESPONSES	
Green	75.00%	6
Orange	25.00%	2
Red	0.00%	0
Total Respondents: 8		

#	COMMENTS	DATE
1	Green See OCN comment on Concise Summary on Objective Connect	3/15/2019 8:41 AM

## Q67 Issue #67 - Community Titles Act

Answered: 8 Skipped: 0



ANSWER CHOICES	RESPONSES	
Green	75.00%	6
Orange	12.50%	1
Red	12.50%	1
Total Respondents: 8		

#	COMMENTS	DATE
1	not necessary with other changes proposed.	3/18/2019 3:53 PM



**ACT**  
Government

Environment, Planning and  
Sustainable Development

**AGENDA**  
**Strata Reform Consultative Group**  
**Meeting 2**

**LOCATION/TIME**

<b>Date</b>	Thursday, 21 March 2019
<b>Time</b>	10:00 AM – 1:30 PM
<b>Location</b>	Executive Board Room, Level 3, South Building, Dame Pattie Menzies House, 16 Challis Street, DICKSON ACT
<b>Contact on entry</b>	Petra Vest ext 59646 re access to Executive Boardroom on Level 3
<b>Logistics contact</b>	Caroline Cogger (02) 6205 3747
<b>Project Oversight</b>	Gary Power (02) 6205 4961
<b>Project Officers</b>	David Dunstan (02) 6207 1831 Caroline Cogger (02) 6205 3747
<b>Email</b>	stratareform@act.gov.au

## AGENDA

TIME	ACTIVITY	KEY MESSAGES	LEAD
10:00 AM	Welcome	<ul style="list-style-type: none"> <li>• Welcome</li> <li>• Apologies (if any)</li> <li>• Fire exits and toilet location</li> <li>• Coffee and tea</li> </ul>	Erin Brady (Chair)
10:05 AM	Minutes	<ul style="list-style-type: none"> <li>• Review minutes of Meeting 1</li> </ul>	Erin Brady
10:10 AM	Work Update	<ul style="list-style-type: none"> <li>• Brief update on work since Meeting 1</li> <li>• Proposed timeframes for Project delivery</li> </ul>	Erin Brady/ Gary Power
10:20 AM	Admin	<ul style="list-style-type: none"> <li>• Brief overview of Objective Connect</li> </ul>	Caroline Cogger
10:25 AM	Building Management Statements (BMS)	<ul style="list-style-type: none"> <li>• Discussion of use of BMS</li> <li>• Comparison of use in other jurisdictions</li> </ul>	David Dunstan
10:40AM	Triaging Results	<ul style="list-style-type: none"> <li>• Review results of and comments submitted through Survey Monkey</li> <li>• Confirm “Green” issues and proposed stage</li> <li>• Confirm “Red” issues and proposed stage</li> </ul>	Gary Power
11:30 AM	Review and Discussion of Issues	<ul style="list-style-type: none"> <li>• Review and discuss “Orange” issues</li> </ul>	Gary Power
12:00 PM	Lunch		
12:15 PM	Review and Discussion of Issues – Cont.	<ul style="list-style-type: none"> <li>• Review and discuss “Orange” issues</li> </ul>	Gary Power

TIME	ACTIVITY	KEY MESSAGES	LEAD
1:15 PM	Future Actions	<ul style="list-style-type: none"><li>• Review agenda item discussion</li><li>• Noting new matters/concerns raised</li><li>• Summary future actions</li><li>• Date for Meeting 3</li></ul>	Erin Brady
1:30 PM	Close	<ul style="list-style-type: none"><li>• Thank you for your time and your advice</li><li>• What to expect next</li><li>• Keep discussing with your sectors and communities</li><li>• Contact us if required</li></ul>	Erin Brady



## **Strata Reform Consultative Group – Meeting 2 Minutes**

Thursday 21 March 2019

10:00 AM – 1:30 PM

Executive Board Room, Level 3 South, Dame Pattie Menzies House

### ***Attendees:***

- Adina Cirson – Property Council of Australia (ACT)
- Alfonso del Rio – Law Society of the ACT
- Chris Miller – Strata Community Australia (ACT)
- Greg Ledwidge – Spatial & Surveying Sciences Institute
- Gary Petherbridge – Owners Corporation Network (ACT)
- Trevor Fitzpatrick – Planning Institute of Australia (ACT)
- Deb Phippen – Tenants Union Inc. (ACT)

### ***Government Officers***

- Dr Erin Brady – Deputy Director-General, Land Strategy & Environment – EPSDD (Chair)
- Gary Power – Director, Land & Building Policy - EPSDD
- David Dunstan – Senior Manager, Housing & Land Policy - EPSDD
- Caroline Cogger – Senior Policy Officer, Housing & Land Policy - EPSDD
- Jackelyn Buckley – Executive Assistant, Land & Building Policy - EPSDD (minutes)
- Diana Wallace – Policy Officer, Legislation, Policy & Programs – JACS
- Jennifer Bauer – Assistant Director, Regulation & Productivity – CMTEDD

### ***Apologies:***

- Ashlee Berry – Master Builders Association ACT
- Greg Weller – Housing Industry Association (ACT)
- Michael Kumm – Real Estate Institute of the ACT
- Vanessa Morris – Coordinator, Building Policy - EPSDD
- Chantel Potter – Director, Regulation & Productivity – CMTEDD

### **1.1 Welcome, apologies and minutes – Erin Brady**

Welcome to the Strata Reform Consultative Group (the Group), apologies, fire exits and toilet location and refreshments.

### **1.2 Introductions – Erin Brady**

- Members and Government officers introduced themselves around the table.
- Noted significant participation in the survey and this will be discussed in the meeting.
- Moved acceptance of minutes for Meeting 1, which were accepted without change.

### **1.3 Update on work – Gary Power**

- Summarised work since last consultative group meeting, including internal discussions with other directorates regarding proposed changes to legislation and discussions with other jurisdictions including NSW and WA.

- Thanked everyone for logging on and undertaking the survey and noted today's meeting will be to discuss the issues and those that presented as more complex will be discussed last. The intent of today's meeting to have open-minded discussions with view to conclude on the Stage One reforms today.
- Noted proposed schedule to enable new legislation to be presented to Assembly this year.
- Gary advised group it is not necessary to have an opinion on every one of the issues as it is recognised that many issues are relative to specific circumstances and areas of expertise, can respond with nil comment to avoid non-progression.
- Group encouraged to comment freely and today's outcomes, will not be the last opportunity to comment on the reforms as everything that isn't agreed on today will be discussed in Stage Two.

#### **1.4 Objective Connect – Caroline Cogger**

- Noted all group members should have received invites for the Objective Connect file sharing portal, advised to contact team if they have not.
- Although there are some restrictions on editing documents, everyone that has access to all documents on site and system designed to be user friendly. Recommend that group members take the opportunity to familiarise themselves with the portal.
- New documents will be added regularly to the portal, recommend that everyone logs into this every couple of days to check for updates and if there is anything that anyone would like to add, then to email the Strata Team.

#### **1.5 Discussion on use of BMS (Building Management Statement) – David Dunstan**

- Advised group that EPSDD has been looking at the NSW Strata Management Statement model.
- The statement can set out required principals for sharing utility costs, areas that are common to different lots, dispute resolution process etc.
- The statement can only be altered by agreement of the building management committee that meet once a year.
- WA also has a BMS that operates with a full-on tiered scheme in conjunction with the owner's corporation.
- Chris Miller added that the statement is oversights by building management committees. Also added that the statements he has worked on is driven by what is shared within the building, services and infrastructure, how they are used and how costs and responsibilities are portioned. Also noted that the NSW BMS approach has significant advantages for developments that have to rely on bilateral contracts, easements where community title legislation not appropriate.
- Alfonso de Rio noted that the NSW BMS model is for vertical subdivision of apartment complexes and not for management of standalone strata schemes. Standalone strata scheme matters can be managed through strata rules. Further suggested that yes there was a need to look at BMS in the subdivision context (as a more workable alternative to bilateral contracts and easements) but that this issue could go to Stage Two, however if adopted, suggested that the NSW model was best.

#### **1.6 Triaging Issues – Gary Power**

- **Issue #17 Building Management Statement** – 100% Green.  
Following BMS initial discussion, group noted that there was universal support for the BMS and unit plan schemes. NSW has BMS that applies for lots, strata management statement that sits over strata management lots. The group agreed on the BMS as a Stage One item, noting they are for use in stratum subdivision. **Agreed**
- **Issue #13 Rules – Obligation to Register Amendments** – 85.5% Green, 12.5% Orange.

The group agreed to this issue being a Stage One item. Group also noted to progress in association with proposal for buyer/vendor sale contract to include s119 certificate with current rules. Group suggested OC should have option to have rules commence immediately prior to registration but that rules would lapse if not registered within specified time frame e.g. 90 days. **Agreed**

- **Issue #2 Budget Contributions** – 75% Green, 25% Orange.  
This option is about enabling developers to depart from default rules regarding contribution levies. Contribution levies base on unit entitlements to remain default position but group agreed developer should be able to determine alternate basis. Any change from the default needs to be noted on contract for sale and registered when OC is registered. Group noted that changes to unit entitlements for purpose of market value/share of property capital value (relevant e.g. in case of cancellation of units plan) is not proposed. **Agreed**
- **Issue #3 Disclosure Statements for Off the Plan Purchases** – 75% Green, 25% Orange.  
Group agreed need for disclosure statements for off the plan purchases to include key information such as contribution levies matters consistent with above. Group also noted that proposal for statement to declared proposed uses was a matter best left for Stage Two as this involved consideration of a number of issues related to Territory Plan review and other matters. **Agreed, however proposal regarding disclosure statement relating to use to move to Stage 2**
- **Issue #7 Structural Defects Standing Item for AGM's** – 75% Green, 25% Orange.  
This proposal was widely agreed. Noted the proposal comes from NSW and is a significant element on how to deal with structural defects. **Agreed**
- **Issue #1 Representation on EC** – 62.5% Green, 37.5% Orange.  
This applies to issue when there are multiple persons who own a lot and therefore currently eligible to be on the EC. The group agreed to reforms similar to NSW in effect where only one owner in this situation can self-nominate to be on the EC but a further owner could be on the EC if nominated by another unit owner. The group agrees on this issue as a Stage One reform. The group also agreed with proposals regarding lots owned by a company - to permit any person duly authorised by the company to be on the EC (other than strata manager, similar to proxy vote restrictions). **Agreed**
- **Issue #5 Maintenance Requirements Information** - 62.5% Green, 37.5% Orange.  
Noted this should include as much information as relevant/reasonable and could include a preventative maintenance plan and an insurance evaluation at the first AGM. Group also discussed need for other key information at AGM including regarding sinking fund costs and that requirements should address this need also. **Agreed**  
**Action: Strata Group to evaluate NSW.**
- **Issue #10 Adequacy of initial contribution levies to cover costs** – 62.5% Green, 25% Orange, 12.5% Red.  
Suggested a new provision that would permit OC to make application to ACAT for compensation from original developer if contribution levies were initially unreasonably underestimated, similar to NSW. Some comments from the group were supportive of this issue, however, others considered that there was the potential for inequitable results as the developer may not be aware of all issues prior to the actual operation of the units plan. Also potential for this proposal to be incorrectly applied to scenario where additional costs result from OC decisions post registration. Group suggested further consideration required regarding how it can operate. The group agreed it should be left for Stage Two. **Not Agreed – Move to Stage 2**
- **Issue #11 Rules – Alternative Model Rules** – 50% Green, 50% Orange.  
Legislation sets out a single set of default rules that the developer must adopt pre-registration. This differs from other jurisdictions e.g. NSW/QLD where developer can develop bespoke rules within general parameters of reasonableness and potential for

owners to appeal to ACAT equivalent. Group indicated further discussion required. **Not agreed at this stage – Further discussion required**

**Action: To discuss again at the next meeting.**

- **Issue #24 Separation of water meters for new developments** – 50% Green, 25% Orange, 25% Red.

The proposal is to amend the Building Code (plumbing code) as necessary to require new complexes to have individual water metering or capacity for water metering for individual units. Comments pointed to potential aesthetic issues of water metering out the front of units and also difficulties regarding how water consumption would be assessed if meters were locked away in a room. Noted that making requirement is possible through amendments to the Plumbing Code. Suggested this issue could be delayed to Stage Two.

**Not Agreed – Further Discussion Required**

- **Issue #33 Approved Forms** – 87.5% Green, 12.5% Orange.  
Noted difficulties with consistency across strata managers as different approaches are taken to relevant forms. Revision of notifiable instrument possible rather than an approved form. Group agreed this would be a Stage One reform. **Agreed**
- **Issue #34 Meeting Agendas – Mandatory Items** – 87.5% Green, 12.5% Orange.  
Group agreed to mandatory items to be included on meeting agendas, e.g. outstanding maintenance issues, insurance etc. Further discussion occurred relating to current legislation not adequately providing for steps required prior to the holding of the first AGM with owner, and needs to be recognition of a prior “inaugural meeting” where usually only the developer and manager are present. This is meeting where levies are struck and initial sinking fund contributions are set. The group agreed to address this aspect in Stage Two. **Agreed**
- **Issue #36 Electronic meetings and voting** – 87.5% Green, 12.5% Orange.  
Chris Miller noted proposal and informed the group that NSW has successfully adopted a process that permits meetings and voting online without necessarily physical face to face meetings. Noting that there are a significant number of matters that need to be agreed to and considered that don’t warrant face to face discussion like a new cleaning contract, only require a yes or no online vote. Same with a new individual needing a new air conditioner. Send out electronic agenda and cast a vote while no one needs to attend. The group further suggested that any decision made by OC via electronic voting should be revisited/ratified and next face to face meeting of the OC. The group agrees on this issue. **Agreed**
- **Issue #40 Common Seal – no longer mandatory** – 87.5% Green, 12.5% Red.  
Suggestion for a digital common seal as currently it needs to be done in front of two executive committee members which can present as an issue at times. The group is supportive of a common seal no longer being necessary. **Agreed**
- **Issue #41 Clarify Address Information** – 75% Green, 12.5% Red.  
Suggestion is to amend legislation to make it clear that contact with unit holders by OC or EC can be by email including service of documents by email (similar to WA). Concerns were also raised about too much personal information being on the corporate register that is available to other unit holders. The group agreed that owners should be able to elect whether email address should be disclosed on the corporate register or simply made available to EC for service of documents etc. **Agreed**
- **Issue #37 Tenant attendance at Owners Corporation meeting** – 62.5% Green, 12.5% Orange.  
There was mixed comments on this issue as some members agreed to the attendance and others did not. Discussion noted the potential benefits of increased participation in discussion and also noted potential as apparent in NSW for consequent confusion regarding convening meetings, participation etc. Needs more discussion to be more successful, suggested to be addressed in Stage Two. **Not Agreed – Move to Stage 2**

- **Issue #38 Tenant representative at executive committee meetings** – 37.5% Green, 25% Orange, 37.5% Red.  
Group agreed that this would be delayed to a Stage Two issue as above. **Not Agreed – Move to Stage 2**
- **Issue #44 Pets** – 62.5% Green, 37.5% Orange.  
Proposal was to amend legislation to permit assistance animals in units without written permission consistent with recent residential tenancy legislation reforms. Further proposal to permit unitholder to have a pet without written permission if this was agreed by OC resolution. Group agreed:
  - need to keep the default rule as requiring written consent for pets (other than assistance animals)
  - if consent is required, it must not be unreasonably withheld and written reasons must be given
  - OC should have ability to by resolution to remove requirement for written consent (ie pet friendly policy) noting that the OC should be able to set conditions around this
  - If written consent continues to be required there was discussion as to whether this should be consent from OC, EC or authorised persons. Suggestion was for this to be able to be consented by EC.

Also suggested that there be further out of session discussion of this with interested Group members. **Agreed in principle subject to further discussion.**

### 1.8 Other Business

- Discussed legislative timelines and the limited time for consultative meetings to address all the issues.
- Gary noted issue raised as to whether Canberra Business Chamber should participate in this group. Group indicated this was fine, subject to interest of the Business Chamber.
- Additional meeting required to be held relatively soon to address outstanding issues for Stage One. Agreed to reconvene in 2 weeks with afternoon of Thursday, 4 April suitable to members present - meeting invitation to be sent as soon as possible.

Meeting Close at 1:35 PM

**Next meeting: Thursday 4<sup>th</sup> of April 1:30pm-5:15pm**



**ACT**  
Government

Environment, Planning and  
Sustainable Development

## AGENDA

### Strata Reform Consultative Group

### Meeting 3

#### LOCATION/TIME

<b>Date</b>	Thursday, 4 April 2019
<b>Time</b>	1:30 PM – 5:15 PM
<b>Location</b>	Executive Board Room, Level 3, South Building, Dame Pattie Menzies House, 16 Challis Street, DICKSON ACT
<b>Contact on entry</b>	Petra Vest ext 59646 re access to Executive Boardroom on Level 3
<b>Logistics contact</b>	Caroline Cogger (02) 6205 3747
<b>Project Oversight</b>	Gary Power (02) 6205 4961
<b>Project Officers</b>	David Dunstan (02) 6207 1831 Caroline Cogger (02) 6205 3747
<b>Email</b>	stratareform@act.gov.au

## AGENDA

TIME	ACTIVITY	KEY MESSAGES	LEAD
1:30 PM	Welcome	<ul style="list-style-type: none"> <li>• Welcome</li> <li>• Apologies (if any)</li> <li>• Fire exits and toilet location</li> <li>• Coffee and tea</li> </ul>	Gary Power (Chair)
1:35 PM	Minutes	<ul style="list-style-type: none"> <li>• Review Meeting 2 minutes</li> </ul>	Gary Power
1:45 PM	Review and Discussion of Issues	<ul style="list-style-type: none"> <li>• Continuation from Meeting 2 of review and discussion of “Orange” issues</li> </ul>	Gary Power
3:15 PM	Afternoon Tea		
3:30 PM	Review and Discussion of Issues – Cont.	<ul style="list-style-type: none"> <li>• Continuation of review and discussion of “Orange” issues</li> </ul>	Gary Power
4:45 PM	Other Business	<ul style="list-style-type: none"> <li>• Invitation to Group Members to raise matters</li> </ul>	Gary Power
5:00 PM	Future Actions	<ul style="list-style-type: none"> <li>• Review agenda item discussion</li> <li>• Noting new matters/concerns raised</li> <li>• Summary future actions</li> <li>• Suggested timeframe for Meeting 4</li> </ul>	Gary Power
5:15 PM	Close	<ul style="list-style-type: none"> <li>• Thank you for your time and your advice</li> <li>• What to expect next</li> <li>• Keep discussing with your sectors and communities</li> <li>• Contact us if required</li> </ul>	Gary Power



## **Strata Reform Consultative Group – Meeting 3 Minutes**

Thursday 4 April 2019

1:30 PM – 5:15 PM

Executive Board Room, Level 3 South, Dame Pattie Menzies House

### ***Attendees:***

- Chris Miller – Strata Community Australia
- Greg Ledwidge – Spatial & Surveying Sciences Institute
- Gary Petherbridge – Owners Corporation Network
- Trevor Fitzpatrick – Planning Institute of Australia
- Deb Pippen – Tenants Union Inc.
- John Chamberlain – Law Society of the ACT
- Michael Kumm – Real Estate Institute of the ACT

### ***Government Officers:***

- Gary Power – Executive Branch Manager: Building, Design & Projects – EPSDD
- David Dunstan – Director: Housing & Land Policy – EPSDD
- Caroline Cogger – Senior Policy Manager: Housing & Land Policy – EPSDD
- Jackelyn Buckley – Executive Assistant: Building, Design & Projects – EPSDD

### ***Apologies:***

- Alfonso del Rio – Law Society of the ACT
- Adina Cirson – Property Council of Australia (ACT)
- Greg Weller – Housing Industry Association
- Ashlee Berry – Master Builders Association
- Jennifer Bauer – CMTEDD
- Dianna Wallace - JACS
- Vanessa Morris – Building Policy - EPSDD

### **1.1 Welcome, apologies and minutes:**

Welcome to the Strata Reform Consultative Group (the Group), apologies, fire exits and toilet location and refreshments.

### **1.2 Introductions – David Dunstan**

- Noted Gary Power would be attending the meeting later, however agreed David Dunstan would chair meeting in the interim.
- Members and Government officers introduced themselves around the table.
- Noted the progress made in the last meeting and the intent to begin where the last meeting finished.
- Consideration of the minutes for Meeting 2, Gary Petherbridge suggested one set of consolidated minutes. Noted that Gary has comments he would like to add to the minutes and this can be discussed. The group accepted the minutes.

### 1.3 Continuation from Meeting 2 of review and discussion of “orange” issues – David Dunstan

The group made it through 17 items previously. Intentions to continue to further consider issues in the orange category. Survey Monkey results suggested that orange issues need further discussion.

- **Issue #11 Rules – Alternative Model Rules** – 50% Green, 50% Orange.  
The group agreed last meeting that this is a stage one issue but needs further discussion. David Dunstan suggested that this remain a reform for stage one as it is an important principal. Further discussion of issue occurred where principle agreement to issue was achieved – developers would be permitted to propose tailored rules which will need to be disclosed to buyers in contract of sale; rules would then need to be registered on the title when unit plan is registered; if rules are unfair or unreasonable, developer or party could apply to ACAT for merit review.  
**Agreed, but need clear disclosure requirements and ACAT review mechanisms.**
- **Issue #62 Disclosure Statements** – 87.5% Green, 12.5% Orange.  
Information presented to group which elaborated on initial proposal by continuing to allow land to be sold with all uses available but developer then nominating at DA or registration stage as to what the uses will be. Questions were raised as to whether this option of electing which uses can go with which units is necessary and whether better addressed simply by disclosure information. Needs further discussion a matter for stage 2.  
**Agreed to discuss further at later date in context further discussion on change of use issues.**
- **Issue #4 Voting on Building Structural Defects** – 50% Green, 37.5% Orange, 12.5% Red.  
Group agreed on possible restrictions on entity voting on legal action related to building defect matters if entity is the object of the legal action, could apply to developer, builder other parties responsible. Group also considered it could be unreasonable to restrict ability re voting on financial contributions needed to pursue action – need to avoid scenario where entity compelled to effectively pay for legal action against itself.  
**The group is in favour of the voting restriction and being a stage one reform but need to take care re consequences re votes on financial contribution.**
- **Issue #9 Initial appointment of unit plan manager** – 50% Green, 37.5% Orange, 12.5% Red.  
Chris Miller shared that he does not believe the proposal serves the end goal of good service to the OC very well as the proposal could preclude appointment of persons who have the relevant knowledge and experience to best carry out relevant functions. Group not satisfied that this is an issue that needs to be addressed or that this is the best way forward.  
**Agreed to take off the list of reforms.**
- **Issue #8 Developer Authorised Contract in Early Control Period** – 37.5% Green, 50% Orange, 12.5% Red.  
John Chamberlain stated that this reform is impractical in some circumstances e.g. lifts. Chris Miller mentioned that current arrangements work well but may need to explore disclosure by developer for any remuneration they receive for appointing service contract – already in civil law. Also stated that UTMA allows for developer to seek approval by ACAT for longer service contract period, but is rarely pursued – need for education not reform.  
**Moved to Stage 2 - Agreed in part to the fourth dot point in stage two.**
- **Issue #14 Granting special privileges** – 12.5% Green, 75% Orange, 12.5% Red.  
Issue related to the ability for developers to grant special privileges which will be registered as a rule on the title when plan is registered. Group agreed that this is acceptable on the basis that it is fully disclosed to buyers. The group agreed that this would only apply to common property.  
**Agreed.**
- **Issue #27 Changing method for determining levy contributions** – 100% Green.

The group agreed to proposal using the new “75%” special resolution to pass. The group further explored the change to special resolution voting - agreed that wording remains the same as currently in UTMA with change to votes against the motion to be no more than 25%.

**The group agreed on this issue in addition to resolving Issue #26 – New Resolution Type.**

- **Issue #29 Metered utility services: Installation of infrastructure** – 87.5% Green, 12.5% Orange.  
**The group disagreed that this reform was necessary as it is already covered under the ability to change contribution methods and will also be addressed through rules.**
- **Issue #28 Metered utility services: Levies** - 75% Green, 25% Orange.  
**Similar to Issue #29 - The group agreed that this is resolved and will not need to be changed.**
- **Issue #30 Metered utility services: Levies**  
**While not specifically confirmed, would appear to be covered by approach to Issue #29.**
- **Issue #31 Splitting budgets** – 75% Green, 25% Orange.  
Group agreed to proposal. Is already happening in some UP’s, however providing legislative guidance is preferred. Can split budget but do not need to change a contribution in some circumstances. Complements the change to contribution methods so should be addressed also.  
**Agreed and resolves – stage one.**
- **Issue #32 Audit of OC funds** – 85.5% Green, 12.5% Orange.  
Proposed thresholds for when audit required is adequate and should only apply to unit plans of certain size or fund amount. Proposal to make it a mandatory item on agenda to be addressed every year by all OC’s.  
**Agreed and resolved for stage one.**
- **Issue #35 Meeting minutes** – 75% Green, 12.5% Orange, 12.5% Red.  
Minutes need to include certain content and be distributed within a certain timeframe. Intention is to create consistency, need to have specific items addressed. The meeting minutes will belong to OC. Group supported that they need to be distributed to owners within specified time after meeting  
**Agreed.**
- **Issue #39 Record keeping** – 62.5% Green, 37.5% Orange.  
The group agreed to extend the timeframe from five to seven years.  
**Agreed - addressed as stage one reform.**
- **Issue #43 Clarify eligibility for EC: part owners & company owned units** – 87.5% Green, 12.5% Orange.  
Agreed that nominated representative of part or company owned units should be only eligible person within that unit to stand for EC, unless nominated by another unit owner. Also confirmed that group agreed that person holding power of attorney are also eligible.  
**Agreed on authorised representatives.**
- **Issue #42 End of Building Life/renewal** – 62.5% Green, 37.5% Orange.  
Group agreed that current arrangements are overly inflexible, restrictive. Currently one vote can prevent a reasonably sought cancellation and the alternative of Supreme Court application is not always a practical or timely option. Group noted WA recently adopted in their reforms something similar to NSW. Group agreed with adoption of a new process similar to NSW to permit cancellation in case of mandatory sale. Cancellation of unit plan by unanimous resolution under UTA will remain as there are certain circumstances that this will be used and still required. This proposal would allow an OC to pursue the process of seeking a cancellation where 75% or more of all unit owners must agree and subject to various consultation and compensatory processes. This 75% vote of all members would be a standalone voting requirement for this issue only.

**Agreed and resolved for stage one.**

- **Issue #56 S119 Certificates: Updating Information** – 75% Green, 25% Orange.

John Chamberlain noted that the Law Society wishes to see a process where two certificates are available. Initial certificate to include all required information and a second certificate to be issued just prior to settlement which updates re financial information as well as informs if there have been any changes to information initially supplied. This is to address situation where circumstances change between initial contract and settlement and to permit updated information to be readily provided at settlement stage without the expense and delay of having to obtain an entirely new certificate. Also suggested that the information required could be expanded upon.

**The group agreed on this resolution of exploring the avenue for two certificates as requested by the Law Society.**

**ACTION: The ACT Law Society to provide advice re additional information to be required in certificate.**

#### **1.4 Future Actions**

- The remaining issues will be addressed by the Strata Team and an update will be sent to the group members. Some issues may proceed and some may be reallocated to Stage Two.
- The Strata Team to provide the group with a list on what has been addressed and what hasn't.
- Strata Team will contact group to arrange next meeting, anticipated for August or possibly earlier.

#### **Other Business – David Dunstan**

- Further discussion on separate water metering – advised group Strata Team has met with Icon Water on the metering issue and they are already assessing technical requirements regarding separate water meters for units. Amendments to require introduction for new developments to provide separate meters or the capability to separately meter can be addressed through relevant changes to Plumbing Code. Project has ability to address this issue within Stage One, group agreed that this should be pursued and updated of progress.
- Insurance issues also need to be addressed – when certain people move into building it is upping the cost of insurance for the other owners which is unfair. Suggested this be an additional matter to be addressed in Stage Two.

Meeting close at 5:15pm

**Future Meeting: TBA – possibly August or earlier**



**ACT**  
Government

Environment, Planning and  
Sustainable Development

**AGENDA**  
**Strata Reform Consultative Group**  
**Meeting 4**

<b>LOCATION/TIME</b>	
<b>Date</b>	Friday, 19 July 2019
<b>Time</b>	11:00 AM – 12:00 PM
<b>Location</b>	Executive Board Room, Level 3, South Building, Dame Pattie Menzies House, 16 Challis Street, DICKSON ACT
<b>Contact on entry</b>	Petra Vest ext 59646 (6205 9646) re access to Executive Boardroom on Level 3
<b>Logistics contact</b>	Caroline Cogger (02) 6205 3747
<b>Project Oversight</b>	Gary Power (02) 6205 4961
<b>Project Officers</b>	Amy Kingham (02) 6205 3398 David Dunstan – Away in July Caroline Cogger (02) 6205 3747
<b>Email</b>	<a href="mailto:stratareform@act.gov.au">stratareform@act.gov.au</a>

## AGENDA

TIME	ACTIVITY	KEY MESSAGES	LEAD
11:00 AM	Welcome	<ul style="list-style-type: none"> <li>● Welcome</li> <li>● Apologies</li> <li>● Fire exits and toilet location</li> <li>● Coffee and tea</li> <li>● Purpose of today's meeting</li> </ul>	Gary Power (Chair)
11:05 PM	Status Update	<ul style="list-style-type: none"> <li>● What has occurred since Meeting 3</li> <li>● Upcoming Ministerial Statements                             <ul style="list-style-type: none"> <li>○ Communicating Stage 1 Reforms</li> </ul> </li> <li>● Preparing for Stage 2                             <ul style="list-style-type: none"> <li>○ Issues for consideration</li> <li>○ Interaction with other projects</li> <li>○ Proposed timeframes for delivery</li> </ul> </li> </ul>	Gary Power
11:15 AM	Terms of Reference	<ul style="list-style-type: none"> <li>● Terms of Reference – Confidentiality</li> <li>● Expanding Group Membership</li> </ul>	Gary Power
11:25 AM	Proposed Reforms	<ul style="list-style-type: none"> <li>● Review and discuss proposed reforms, including:                             <ul style="list-style-type: none"> <li>○ Requirements for developer notification when amending DA &amp; right to rescind contracts</li> <li>○ Optional developer development plan i.e. where DA more restrictive than lease and Territory Plan</li> <li>○ Water metering</li> </ul> </li> </ul>	Gary Power
11:50 AM	Future Actions	<ul style="list-style-type: none"> <li>● Review agenda item discussion</li> <li>● Noting new matters/concerns raised</li> <li>● Summary future actions                             <ul style="list-style-type: none"> <li>○ Review of Draft Bill</li> <li>○ Proposed timeframes for Meeting to review – 2 days?</li> </ul> </li> </ul>	Gary Power
11:55 AM	Other Business	<ul style="list-style-type: none"> <li>● Invitation to Group Members to raise matters</li> </ul>	Gary Power
12:00 PM	Close	<ul style="list-style-type: none"> <li>● Thank you for your time and your advice</li> <li>● Keep discussing with your sectors and communities</li> <li>● Contact us if required</li> </ul>	Gary Power



## **Strata Reform Consultative Group – Meeting 4**

### **Minutes**

Friday 19 July 2019

11:00 AM – 12:00 PM

Executive Board Room, Level 3 South, Dame Pattie Menzies House

#### ***Attendees:***

- Chris Miller – Strata Community Australia
- Greg Ledwidge – Spatial & Surveying Sciences Institute
- Gary Petherbridge – Owners Corporation Network
- Andrew Connor – for Planning Institute of Australia
- Deb Pippen – Tenants Union Inc.
- Alfonso del Rio – Law Society of the ACT
- John Chamberlain – Law Society of the ACT
- Simon Croft – for Housing Industry Association
- Susan Proctor – for Master Builders Association (part attendance)

#### ***Government Officers:***

- Gary Power – Executive Branch Manager: Building, Design & Projects – EPSDD
- Christine Luchetti – Senior Director: Housing & Land Policy – EPSDD
- Caroline Cogger – Senior Policy Manager: Housing & Land Policy – EPSDD
- Emma Liyanarachchi – Graduate Administrative Assistant: Housing & Land Policy – EPSDD (minutes)

#### ***Apologies:***

- Adina Cirson – Property Council of Australia (ACT)
- Michael Kumm – Real Estate Institute of the ACT
- Trevor Fitzpatrick – Planning Institute of Australia
- Ashlee Berry – Master Builders Association
- Greg Weller – Housing Industry of Australia
- Charmaine Smith – Senior Director: Regulation and Productivity – CMTEDD
- Mark Fletcher – Legal Policy Officer: Legislation, Policy & Programs – JACS

## **1 Welcome**

### **1.1 Introductions and apologies**

- Commenced meeting at 11:10 am. Welcome to the Strata Reform Consultative Group (the Group), apologies, fire exits and toilet location.
- Conducted round table introductions – some alternate representatives present on behalf of some members.

### **1.2 Overview of meeting purpose**

- Gary reiterated the purpose of the Group and commended the great work that has been achieved through the collaborative approach and progression of the reforms to-date. It was noted that the intention for ongoing work within the Group is to continue to discuss

and determine possible outcomes for future reforms through more analysis of issues and obtaining the Group's consensus for solutions.

- The purpose of the meeting was outlined, this being to update the Group on progress made over the past six months which will allow members to update their respective organisations.
- An update on Stage 1 reforms will be presented, and there will be opportunity for the Group to discuss if the Stage 2 list is still appropriate or needs further additions. The Group was advised that the present meeting would not go through Stage 2 in detail or resolve any issues, rather set a program for how to address Stage 2 issues over the next few months.

## **2 Project Status update**

### **2.1 Current status of work progress**

- A lot of internal work has taken place since the previous meeting. This work has culminated in Cabinet approving all of the Stage 1 changes which were recommended by the Group. Gary made a presentation to Cabinet and addressed questions.
- Gary attended estimates, and questions were raised regarding the Terms of Reference. Gary is concerned that some groups may have felt that they have not been sufficiently included in the consultation process to date.
- The Opposition is aware of progress on strata reforms. Gary extended invitation to discuss strata with Mark Parton, but Mark Parton did not express any major concerns and has not requested a discussion.
- Gary advised Government had approved the recommendations for reforms, noting Cabinet were supportive of the work undertaken by the Group.
- Drafting of the agreed reforms has begun, with the recommendation for the Group to review the draft Bill also approved by Cabinet. Noted that it is unusual for drafts to be circulated and this will require Group members to uphold strict confidentiality requirements.
- Approval has also been given for the Property Law Committee within the ACT Law Society to review draft Bill.
- The Group was advised that it is anticipated that the draft will be ready to circulate with the Group in the coming weeks. A further meeting(s) will occur to enable the Group ability to discuss and consider the proposed legislation.
- Gary advised the Group that this is a highly confidential process and how this will be managed is currently being investigated. Use of electronic methods to share documentation is being reviewed, but will need to meet strict security requirements.
- Noted that physical copy of the bill could be made available to Group members prior to meeting if electronic methods are not possible.

### **2.2 Ministerial Statements**

- Gary advised Minister Ramsay and Minister Gentleman will be making statements in the Legislative Assembly in the coming weeks with possibility of media attention. This will give exposure to the reforms being proposed and be the beginning of ongoing communications and announcements to the public about the strata reforms. Expect this will occur during the last sitting period in July.

**ACTION:** EPSDD to email Group members to confirm when statements will occur.

### **2.3 Preparing of Stage 2**

- Strata reform is part of a broader package of work being done by EPSDD. Large package of building reform is taking place this year, which will lead to changes in legislation and regulation. At the end of June the government committed to 15 of 43 reforms from the Building Act review. This includes impacts on surveyors and builders codes of practice, and standard minimum levels of documentation to be included in submissions for building applications. Final reforms are due for completion in June 2020.
- Work is taking place on the capacity for building disputes to be dealt with outside of ACAT

- Gary Petherbridge raised question about Sheargold Report. Gary Power advised that he has not received an update on this yet.
- Territory Plan review is taking place. Gary advised that he is unaware of what the full scope of the review will be, he will provide more information to the Group at the next meeting.

### **3 Consultative Group Membership**

#### **3.1 Expanding Membership**

- The Group discussed whether there should be additional representation from other organisations that may need to have some involvement developing Stage 2 of the reforms. It was suggested that EPSDD could meet individually with other organisations to have discussions about the reform project. Group members suggested approaching:

- AIBS – Australian Institute of Building Surveyors
- Institute of Architects
- Icon/TCCS

**ACTION:** EPSDD to make contact with proposed groups to determine their interest in participating or having separate meeting to discuss reforms.

- Greg Ledwidge (SSSI) – Greg explained that he has a dual role within the Group in his capacity for the SSSI and for the Office of the Surveyor-General. He advised he has been approached by members of SSSI requesting an additional member to represent SSSI in the Group from an industry perspective and for him to remain in Government capacity, especially as we progress with Stage 2 reforms. Group was supportive of this proposal

**ACTION:** Greg to advise of additional SSSI member to join the Group.

#### **3.2 Terms of Reference - Confidentiality**

- Gary further discussed that Objective Connect is currently being explored as a secure mechanism for access to the draft bill for members of the consultative group.
- It was noted that confidentiality agreements are in place for use and access when draft bill is made available to the group.
- Members were reminded that terms and conditions are already in place to ensure sensitive information is not shared. If information is marked sensitive it is not to be shared outside of consultative group membership.

### **4 Proposed Reforms in Stage 1**

- As previously advised, Government has approved all recommendations for Stage 1 reforms.
- Some reforms discussed by the Group have been further developed.

#### **4.1 Developer notification and right to rescind contract**

- Amendments are being made which enhance the right to rescind. Notification periods are being tightened to ensure developers are providing information to buyers to advise them of changes which are being made. The right to rescind is important if significant changes are made to the DA to the extent that these changes may reasonably alter a decision to purchase, enabling the purchaser to rescind their contract. Changes which may justify rescinding a contract include significant changes to product (such as changes to number of bedrooms), removal of accessibility features, or changes to common property.
- John Chamberlain stated need for specification of the point at which buyer is able to rescind, whether at point of DA amendment, further along building timeline, or at final product. Concern expressed about enabling a buyer to rescind a contract in response to an amendment which may not end up proceeding. Caroline Cogger emphasised developer's responsibility to only submit amendments if they are valid and will be implemented.
- Concern from John Chamberlain about potentially allowing buyers to rescind right at the end when final product presented, stated need for a prior period in which buyers decide whether to rescind or proceed with their contract. Caroline Cogger states that the

opportunity to review the draft of the legislative changes will enable the Group to check if these concerns are being addressed.

- Gary noted that developers currently do not have any obligation to notify buyers of intended DA changes and negotiate with buyers to ensure these changes are acceptable to the buyer.

#### **4.2 Option for Developer to restrict uses in Units Plans**

- Proposal to enable developers to remove particular uses from a lease. Caroline Cogger notes this will only allow removals from existing terms of lease, not new additions to lease. Alfonso del Rio stated unlikely to achieve much unless there is capacity to allocate different uses for different units. Gary agreed this ability would be desirable but has been advised cannot make policy changes to this extent at this time. Proposed changes will at least allow for particular uses to be removed from the whole building, allowing developers to give buyers confirmation particular uses will not be included anywhere in the building.

#### **4.3 Separate Water Metering**

- Have been meeting frequently with Icon Water to work through issues. Gary will provide an update to the Group at the next meeting.

### **5 Other Business**

#### **5.1 SSSI/Surveyors Office**

- Greg Ledwidge advised of meeting with Property Law Committee last week. Updated processes for surveyors working on unit plans coming into effect shortly. This will see new instrument commencing for the requirement for all plans to be submitted on A3, with the transition to PDF submission in the near future. This creates consistency and helps transition plans to using electronic records.
- Meeting also discussed issues relating to units plans, specifically
  - Abolishing class of unit (A & B) in preference for no definition on plan.
  - Addressing stratum subdivision.
  - Measurement of units – need to address as allegations of surveyors using architectural plans in submissions are concerning.
- Gary noted that these issues are complex and will be examined as a part of Stage 2.

#### **5.2 2020 ACT Election**

- Gary Power notes that the ACT election process is likely to impact on the schedule for reform work. As an election will take place in October 2020, there will be a period of caretaker control and government will not be in a position to make major decisions in the lead up to the election.

### **6 Future Actions**

- EPSDD will arrange meeting for Group to review draft Bill which is scheduled for receipt in the first week of August, however, this will depend on when the draft is ready. EPSDD will keep Group updated as this develops to schedule meeting date. May require more than one session to review.
- EPSDD to email out list of Stage 2 issues with copy of issues register to group members.
- EPSDD to email group to confirm date for Ministerial statements and other possible media.

Meeting close at 12:15pm

**Future Meeting: TBA – Proposed as early to mid-August (dependent on when draft bill is ready for Group to review)**



**ACT**  
Government

Environment, Planning and  
Sustainable Development

**AGENDA**  
**Strata Reform Consultative Group**  
**Meeting 5**

<b>LOCATION/TIME</b>	
<b>Date</b>	Monday 9 September 2019
<b>Time</b>	10:00 AM – 2:00 PM
<b>Location</b>	Executive Board Room, Level 3, South Building, Dame Pattie Menzies House, 16 Challis Street, DICKSON ACT
<b>Contact on entry</b>	Petra Vest ext 59646 (6205 9646) re access to Executive Boardroom on Level 3
<b>Logistics contact</b>	Caroline Cogger (02) 6205 3747
<b>Project Oversight</b>	Bethel Sendaba (02) 6205 0030
<b>Project Officers</b>	David Dunstan (02) 6207 1716 Caroline Cogger (02) 6205 3747 Jackelyn Buckley (02) 6207 9152
<b>Email</b>	<a href="mailto:stratareform@act.gov.au">stratareform@act.gov.au</a>

## AGENDA

TIME	ACTIVITY	KEY MESSAGES	LEAD
10:00 AM	Welcome	<ul style="list-style-type: none"> <li>• Welcome</li> <li>• Apologies</li> <li>• Fire exits and toilet location</li> <li>• Coffee and tea</li> </ul>	Bethel Sendaba (Chair)
10:05 PM	Status Update	<ul style="list-style-type: none"> <li>• What has occurred since Meeting 4</li> <li>• Communicating Stage 1 Reforms                             <ul style="list-style-type: none"> <li>○ Communicating Stage 1 Reforms</li> </ul> </li> <li>• Preparing for Stage 2                             <ul style="list-style-type: none"> <li>○ Issues for consideration</li> <li>○ Interaction with other projects</li> <li>○ Proposed timeframes for delivery</li> </ul> </li> </ul>	David Dunstan
10:15 AM	Review of Bill	<ul style="list-style-type: none"> <li>• Purpose of Bill review by Group</li> <li>• Group to review and discuss Bill</li> </ul>	Bethel Sendaba/ David Dunstan
12:00 PM	LUNCH	<ul style="list-style-type: none"> <li>• Working Lunch</li> </ul>	
12:10 PM	Review of Bill Cont.	<ul style="list-style-type: none"> <li>• Group to review and discuss Bill</li> </ul>	David Dunstan
1:55 PM	Other Business	<ul style="list-style-type: none"> <li>• Invitation to Group Members to raise matters</li> </ul>	David Dunstan
2:00 PM	Close	<ul style="list-style-type: none"> <li>• Thank you for your time and your advice</li> <li>• Outstanding comments on Bill due by Thursday 12 September 2019</li> <li>• Contact us if required</li> </ul>	Bethel Sendaba



## **Strata Reform Consultative Group – Meeting 5**

### **Minutes**

**Monday 9 September 2019**

**10:00AM – 2:00PM**

**Executive Board Room, Level 3 South, Dame Pattie Menzies House**

#### ***Attendees:***

- Adina Cirson – Property Council of Australia (ACT)
- Chris Miller – Strata Community Australia (ACT)
- Greg Ledwidge – Spatial & Surveying Sciences Institute
- Gary Petherbridge – Owners Corporation Network (ACT)
- Michael Kumm – Real Estate Institute of the ACT
- Susan Proctor – Master Builders Association - ACT
- Andrew Connor – Planning Institute of Australia (ACT)

#### ***Government Officers***

- Bethel Sendaba – Executive Branch Manager– EPSDD (Chair)
- David Dunstan – Senior Manager, Housing & Land Policy - EPSDD
- Caroline Cogger – Senior Policy Officer, Housing & Land Policy - EPSDD
- Jacklyn Buckley – Executive Assistant, Land & Building Policy - EPSDD (minutes)
- Mark Fletcher – Legal Policy Officer, Civil Law, Property and Commercial – JACS

#### ***Apologies:***

- Deb Phippen (Tenants Union ACT)
- Alfonso del Rio – Law Society of the ACT
- Greg Weller – Housing Industry Association (ACT)
- Christine Luchetti – Senior Director, Housing & Land Policy – EPSDD
- Ian Lawrence – Director, Economic and Regional Policy – CMTEDD

#### **Welcome & apologies**

Welcome back to the Strata Reform Consultative Group (the Group), acknowledgment of traditional custodians of the land, apologies, fire exits and toilet location and refreshments. Members and Government officers introduced themselves around the table.

#### **Status update**

David Dunstan gave a summary of where the Strata team is up too in the Bill. The Bill is looking at four key areas, purchases, new mechanism for building management statements (governance), extensive provision of sale of unit plan, several administrative measures for OC and additional flexibility for rules prior to registration of OC and unit plan.

David Dunstan noted that the presentation of the Bill is scheduled for presentation in the Legislative Assembly this year potentially in October and detailed that the potential time for debate and passage is February/March 2020 with implementation by mid-2020. David explained that there may be a delay in full implementation for 2-3 months post-passage for the Bill to commence in late

June 2020. He explained that this will allow time for industry and Government stakeholders to prepare relevant administrative measures. David Dunstan gave more details on the intentions of the Bill and notes as follows:

- Several transitional provisions, looking to have a two-year time frame for pet friendly rules.
- Existing buildings will have the options of a building management statement.
- New building will have a mandatory requirement for a building management statement for multiple strata leases.

### Review of the Bill

The meeting considered key aspects of the draft Bill as circulated and a number of comments were made. Attendees indicated further specific comments would be made following meeting.

<u>Subject Area</u>	<u>Clause Ref.</u>	<u>Issue raised</u>	<u>Group response</u>	<u>Suggested response</u>
Mandatory sale of unit plan and cancellation plan for redevelopment	40-44	<p>Risk extensive provisions on mandatory sale and cancellation of units plans overshadowing due consideration of rest of the bill. These provisions are modelled on NSW provisions which were controversial, took years to develop and in practice are proving complex/difficult to implement by unit owners.</p> <p>Suggest this part of the bill be postponed to stage 2 to permit more discussion and to benefit from further NSW experience. This is possible as this is not a pressing issue in Canberra. Postponement would also permit consideration issue in conjunction with building quality review process.</p>	Group also noted that previous meeting agreed for this matter to be stage 1 in part to address current scenarios where vast majority owners wish to mandatory sale but cannot do so because of a single veto vote. Or for example in relation to physical integrity issues as per Elara building.	<p>In light of discussion review options.</p> <p>Options include maintain in the bill but have differential commencement so that the commencement of these provisions are delayed by 6 months to permit sufficient industry information to be conveyed to industry.</p> <p>Alternatively, postponement to stage 2 would not likely result in significant concerns from stakeholders as other pressing issues will be still be addressed in stage 1.</p>
Mandatory sale of unit plan and cancellation plan for redevelopment	40-44	The process in the bill requires the proposed cancellation plan and related steps to be reviewed by the Supreme Court for adequacy. The requirement to go to the Supreme Court seems overly burdensome costly and time consuming and risks this process not being a practical alternative. Suggest that the role of checking the process be with ACAT not Supreme Court with right of appeal to	Group agreed could be raised with Law Society Property Committee and if that Committee comfortable then include provision.	Review function was reserved to Supreme Court consistent with fact that can result in termination of person's home etc.

		Supreme Court. After the Lands Acquisition Act also includes mix of ACAT and Supreme Court review options.		[Property Committee of Law Society agree with retaining this as a matter for the Supreme Court. ]
Transitional provisions - general		Noted bill included some but not many transitional provisions.	<p>EPSDD noted transitional provisions still being worked through. Is intention for disclosure statement requirements to not apply to contracts entered into prior to Bill.</p> <p>Also transitional provisions (as instructed on) will preserve existing OC rules. Transitionals will give existing OCs the ability to require OC consent to pets by a set date and if not do so then default rule of no consent required will apply.</p>	Ensure transitionals are in bill.
Transitional provisions - disclosure statements		Transitional provisions for new information disclosure requirements?	<p>EPSDD response – It is the intention for disclosure statement requirements to not apply to contracts entered into prior to Bill but to apply to contracts entered into after Bill. Noting that there will be a 2-3-month delay between passage and commencement.</p> <p>Rest Group noted and did not raise issues with this approach.</p>	Ensure transitionals are in bill.
Transitional provisions - OC rules and		Transitional provisions for ability to have alternate rules for proposed OCs?	EPSDD response – It is the intention for ability to have	Ensure transitionals are in bill.

alternate rules			<p>alternate rules to apply only where no contract of sale has been entered into prior to commencement.</p> <p>Rest Group noted and did not raise issues with this approach.</p>	
Transitional provisions - Pets		The provisions re Pets and whether OC consent is required, transitionals?	<p>Transitionals will give existing OCs the ability to continue to require OC consent to have pets and to do so by special resolution by specified date and if not elect to do so then proposed default rule of no consent required (subject to conditions) will apply.</p> <p>Rest Group noted and did not raise issues with this approach.</p>	Ensure transitionals are in bill.
Disclosure statement provisions - general	5, 6, 14-18	Noted that proposed disclosure requirements arguably increase the burden on developers in terms of time, cost and potential liability. And indicated that it will be interesting to see Property Committee views.	<p>EPSDD response – increased disclosure requirements were supported by Consultative group discussion earlier. Existing right to rescind contract already available under existing legislation under Civil Law Sale of Property Act – this proposal adds detail to what must be disclosed and requires quarterly updates from the developer of any changes.</p> <p>Group noted comments.</p>	Noted and discussing provisions with Property Committee of the Law Society.

Disclosure statement provisions – specific matters	6	<p>Requirement for plan of unit location to other units and for internal plan to be provided by registered surveyor – is problematic because cost and potential liability re changes due to minor relocations also registered surveyors not typically involved at that point in contract process.</p> <p>Also, requirement to show easements can result in difficulty as the precise location of easements may not be known at this point and will inevitably change as building developed.</p>	<p>Group discussed and agreed requirement for registered surveyor plan should not be required.</p> <p>Also noted that there may be an issue with overly prescriptive requirement re internal plans but a matter for further comment Property Committee Law Society.</p> <p>Agreed OK for bill to require mention of easements but should be clear that does not require the precise location.</p>	<p>Noted. Consideration change requirement re registered surveyors and also to make clear that easements not need to be precisely described.</p>
Disclosure statement provisions and BMS	6	<p>Will the Bill require disclosure to off the plan purchasers of Building Management Statement (where multiple stratum leases in one building and not all stratum leases unit titled)</p>	<p>EPSDD response – was not originally intended as matter for rules applying between stratum leases and not between unit owners.</p> <p>Group noted.</p>	<p>Consideration being given to possibly adding this as a disclosure requirement.</p>
Pets	51-53, 82	<p>EPSDD noted approach to Pets essentially the default rule will be that pets can be kept provided the keeping of the pet is consistent with standing conditions re security, cleanliness and maximum of three. OCs will be able to have alternate rule or will be able to require case by case OC consent</p>	<p>Group agreed OK after some discussion re why 3 animals and some discussion interaction of Act provisions and the rules.</p> <p>Group noted that it remains open for the OC to retain case by case consent but that this will require a resolution during the proposed transitional period.</p>	<p>No change.</p>
Building Management Statements (BMS)	19, 32, 33, 35, 78	<p>Will BMSs be compulsory in scenarios where unit titles are not involved ie multiple stratum leases in one building and none of the stratum leases are unit titled? Suggest this was</p>	<p>EPSDD response- Bill to make clear that cannot unit title a stratum lease in</p>	<p>No change.</p>

		required in NSW	<p>such scenario unless building has a BMS.</p> <p>As a result, there is an incentive to stratum lessees (at point of initial development) to agree to a BMS where a unit title is contemplated.</p> <p>EPSDD noted that bill provision (still being drafted will permit application to planning and land authority for approval of and registration of a BMS for a building notwithstanding unit titling was not yet contemplated.</p> <p>EPSDD noted that discussion with NSW indicated that it was not a mandatory requirement to have a BMS where no unit titling involved.</p>	
Admin matter		<p>Existing requirement for notice to unit owners of a decision that was made with a reduced quorum (rule 3.10 in schedule 4 to Unit Titles (Management) Act.</p> <p>This should be changed as currently with Australia Post procedures it is impossible to comply with. Suggest instead require notice to be sent within 7 days not given.</p>	Group agreed.	Assess further in liaison with JACS policy.
Admin matter – meeting and voting online	97, 98	Ability to have meetings online – suggestion that provisions should make it clear as in NSW that can have voting online and out of session.	Group agreed.	Assess further in liaison with JACS policy and re human rights considerations.
Dispute resolution	86	<p>New rules re methodology of determining contribution levies can be subject to unit owner seeking ACAT merit review on basis rule is not just, equitable.</p> <p>Noted in practice it is not possible or very difficult for a unit owner to pay ACAT fees and lawyer and related fees to mount a challenge of this sort.</p>	<p>Group noted. Group reaffirmed changes to voting on contribution methodologies.</p> <p>JACS responded that this is a broader ACAT issue best addressed through</p>	No change to bill but to raise in alternate forum as suggested by JACS.

			looking at ACAT issues in general context and will raise this in this context and will report back to the strata reform group. Noted agreed.	
Maintenance schedule	49, 99, 116	<p>A member – queried whether the maintenance schedule provided by the developer should be compulsory for OC to follow.</p> <p>Suggestion made that it would be useful to make it a requirement for OCs to develop a maintenance schedule for the second AGM.</p>	<p>Discussed and Group as a whole did not agree that it should be mandatory for the OC to follow the maintenance requirements of the schedule and to leave bill as is in this regard.</p> <p>Group agreed with suggestion it would be useful for bill to require this of new OCs i.e. to prepare own maintenance schedule taking into account the scheduled provided by the developer.</p>	Consideration to amending Bill to incorporate this suggested additional requirement.

Meeting close at 2:00PM.

**Next meeting**

Next meeting TBC – anticipated before the end of 2019.



**ACT**  
Government

Environment, Planning and  
Sustainable Development

**AGENDA**  
**Strata Reform Consultative Group**  
**Meeting 6**

**LOCATION/TIME**

<b>Date</b>	Wednesday 27 November 2019
<b>Time</b>	2:00 PM – 4:00 PM
<b>Location</b>	Executive Board Room, Level 3, South Building, Dame Pattie Menzies House, 16 Challis Street, DICKSON ACT
<b>Contact on entry</b>	Caroline Cogger ext 53747 re access to Executive Boardroom on Level 3
<b>Logistics contact</b>	Caroline Cogger (02) 6205 3747
<b>Project Oversight</b>	Bethel Sendaba (02) 6205 0030
<b>Project Officers</b>	David Dunstan (02) 6207 1716 Caroline Cogger (02) 6205 3747 Jackelyn Buckley (02) 6207 9152
<b>Email</b>	<a href="mailto:stratareform@act.gov.au">stratareform@act.gov.au</a>

## AGENDA

TIME	ACTIVITY	KEY MESSAGES	LEAD
2:00 PM	Welcome	<ul style="list-style-type: none"> <li>• Welcome</li> <li>• Apologies</li> <li>• Fire exits and toilet location</li> <li>• Coffee and tea</li> </ul>	Christine Luchetti (Chair)
2:05 PM	Progress Update	<ul style="list-style-type: none"> <li>• Review Meeting 5 minutes</li> <li>• What has occurred since Meeting 5</li> </ul>	Christine Luchetti/ David Dunstan
2:15 PM	Overview of Bill	<ul style="list-style-type: none"> <li>• Overview Unit Titles Legislation Amendment Bill 2019</li> <li>• Key developments since last draft</li> <li>• Transitional provisions overview</li> <li>• Possible timetable for debate and passage</li> </ul>	David Dunstan
3:30 PM	Next Steps	<ul style="list-style-type: none"> <li>• Managing and communicating the implementation of reforms</li> <li>• Thinking ahead to Stage 2 and future reforms                             <ul style="list-style-type: none"> <li>○ Separate water metering</li> <li>○ Further suggestions from members for Stage 2 reforms</li> </ul> </li> <li>• Ongoing work re instruments and forms</li> <li>• Opportunity for additional comments from members</li> </ul>	Christine Luchetti/ Caroline Cogger
4:00 PM	Close	<ul style="list-style-type: none"> <li>• Thank you for your time and your advice</li> <li>• Possible timeframe for next meeting</li> <li>• Contact us in meantime if needed</li> </ul>	Christine Luchetti



## **Strata Reform Consultative Group – Meeting 6 Minutes**

**Wednesday 27 November 2019**

**2:00PM – 4:00PM**

**Executive Board Room, Level 3 South, Dame Pattie Menzies House**

### ***Attendees:***

- John Chamberlain – Law Society of the ACT
- Greg Ledwidge – Spatial & Surveying Sciences Institute
- Gary Petherbridge – Owners Corporation Network (ACT)
- Trevor Fitzpatrick – Planning Institute of Australia (ACT)
- Susan Proctor – Master Builders Association (ACT)
- Robert Craven – Strata Community Australia (ACT)

### ***Government Officers***

- Christine Luchetti – Senior Director, Housing & Land Policy – EPSDD (Chair)
- David Dunstan – Senior Director, Housing & Land Policy - EPSDD
- Caroline Cogger – Assistant Director, Housing & Land Policy - EPSDD
- Jacklyn Buckley – Executive Assistant, Land & Building Policy - EPSDD (minutes)
- Charmaine Smith – Senior Director, Regulation and Productivity, CMTEDD

### ***Apologies:***

- Deb Phippen – Tenants Union ACT
- Alfonso del Rio – Law Society of the ACT
- Chris Miller – Strata community Australia (ACT)
- Michael Kumm – REIACT
- Greg Weller – Housing Industry Association (ACT)
- Bethel Sendaba – Executive Branch Manager – EPSDD
- Mark Fletcher – Legal Policy Officer, Civil Law, Property and Commercial – JACS
- Ian Lawrence – Director, Economic and Regional Policy – CMTEDD

### **Welcome & apologies**

Welcome, apologies, fire exists and toilet location, coffee and tea.

### **Status update**

Previous minutes accepted.

Christine Luchetti proceeded with an update of what has happened since Meeting 5. David and Caroline have been working to finalise the Bill. At the last meeting the Group reviewed a draft of the Bill, with some members providing written comments to the Strata Team. EPSDD has had some follow up comments and further internal discussions, resulting in some changes to the version of the draft Bill the Group reviewed at the last meeting.

## Key Changes in Bill

David Dunstan addressed some of the key changes that have occurred with the Bill since the group reviewed.

1. Stage One of the reforms will not include mandatory sale provisions (end of building life). This will now be considered in Stage Two of the reforms following further consultation. Government is keen for reforms in this space to have additional measures to safeguard vulnerable persons. The Group expressed that it is important that it is still on the agenda for Stage Two. EPSDD confirmed that potential reforms on the matter will also consider the provisions that exist in WA and NSW.
2. Disclosure statements needed to be discussed further at an internal level, there was a feeling that the previous Bill talked about statements and the connection between changes of information. The provisions needed to be clearer on the obligations of the developer, seller and buyer. EPSDD has looked further at WA legislation and have now grouped updates into type 1 and type 2 matters. Bill now includes greater clarity of what matters must be disclosed and dependent on the type of matter, when and how a buyer can pull out of the contract. Confirmed disclosure statements will be in Stage One, with Bill detailing necessary information. New requirements to apply from 1 July 2021, but also give the option to opt in earlier if the buyer and seller agree that the new requirements apply to existing contracts, however, buyers will have right to rescind if they don't want to opt in.
3. Building Management Statements remain in the Bill. Following conversations with the Property Law Committee, EPSDD has further developed this process including more detail about the content of the statement. Also considered public policy needs for insurance across buildings that include unit plans and other leases.
4. Pets was raised at the last meeting and confirmed the default position will shift. The previous position was that if you wanted to keep a pet you needed OC permission on a case-by-case basis. Now OC's will be given the ability for blanket permission to allow pets through the new pet rule. This will apply to all units plans from the day after the second AGM if OC doesn't do anything about amending or creating a pet policy. OC's will still be able to have a consent process if they wish but will need to amend the rules to remove the default pet rule.
5. Confirmed maintenance schedules are included in the Bill, requiring the developer to provide new units plans with their schedule at their first AGM and making it an obligation for existing OC's to develop their own schedule. This takes effect for new units plans on 1 July 2021, with existing owners corporations to develop their maintenance schedule by the second AGM after commencement.
6. Special privileges now split into two provisions. If you want to make a special privilege up to three months, only need special resolution. If for more than three months, it needs to be a rule made by OC and registered with land titles. Current special privileges will remain in place until the transition period unless terminated earlier. OC's will need to review their special privileges to see what has been granted in the past and will need to be transitioned into the new special privilege rule.
7. David Dunstan confirmed the Bill includes capacity for people attending meetings online and voting on resolutions online or by email.

## **Commencement & Implementation**

ACAT needs to update its case management systems to adapt to the proposed changes in the Bill. This will take them approximately six months which is why commencement has been proposed to occur in November 2020.

The Bill is anticipated to be debated early in 2020 and EPSDD is considering scheduling another meeting for the Consultative Group for February 2020 to discuss what will need to be done to get ready for commencement.

Group members added that the MBA, ACT Law Society and SCA will be getting started on educating industry regarding the Bill as it is now public. David Dunstan did advise to monitor if any amendments are required as the Bill that is eventually passed in 2020 could potentially be a different to what was introduced, but it is still advisable to start education and awareness within industry sooner rather than later.

EPSDD has raised the issue of amending documents with Access Canberra to ensure sufficient guidance information will be available.

## **Stage Two**

Christine Luchetti mentioned that Stage Two triaging was completed at the start of the year and that when the stage commences it will be a high workload with more in-depth matters to resolve. The issues register is still live in the objective connect portal for group members to revise if they wish. Reconfirmed some of the issues that have been moved to Stage Two of the reforms include end of building life, carparking issues, stratum leasing and surveyors.

Caroline Cogger requested members have a look at the Bill online and list of issues on the portal to identify any issues with the Bill and additional matters that members think should be considered for future reforms. Will reconvene in 2020 and compile a revised list as we look to progress with what will be address in Stage Two of the reforms.

## **Separate Water Metering**

EPSDD advised discussions have been occurring with Icon Water in relation to progressing with separate water metering for units plans. This will be a separate issue to Stage Two and this is progressing alongside of the strata reforms. This involves changes by Icon Water to their guidelines and amendments to the water technical code but is looking to progress in 2020.

Group Members commented on need to consider the interaction of embedded networks in relation to introducing separate cold water metering in units plan. Noted that some developers obtain water meter to building and then engage a third-party to provide additional separate meters for utility services (and hot water supply) to the units. Owners corporation are then contracted to the third-party provider, which is sometime at a higher cost.

Note: Will raise issues in further discussion with Icon Water and consider further offline meeting with interested group members.

### **Further Group Comments**

Group Members expressed their appreciation for the level of engagement from the ACT Government on these reforms. EPSDD thanked the group for their hard work over the year and look forward to continuing work with members on the future reforms.

David Dunstan announced his retirement from ACT Government and that EPSDD will be undertaking some recruitment to fill his position.

### **Actions**

- Email Group Members link to Assembly on Demand to access the livestreaming of the Bill being presented. COMPLETED
- Also email link to ACT Legislation Register to access copy of the Bill as presented (should be available online 29/11/2019). COMPLETED
- Consider offline meeting with MBA, SCA and OCN in new year to discuss matter further. EPSDD to raise matter with Icon Water in further discussion to be held. IN PROGRESS

Meeting close at 3:50 PM.

### **Next meeting**

Next meeting TBC – possibly February 2020.



**ACT**  
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Environment, Planning and  
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## **Strata Reform Consultative Group – Meeting 7**

### **Minutes**

**Wednesday 25 March 2020**

**4:00PM – 5:00PM**

**Cisco WebEx Meeting**

#### ***Attendees:***

- Greg Ledwidge – Spatial & Surveying Sciences Institute
- Gary Petherbridge – Owners Corporation Network (ACT)
- Trevor Fitzpatrick – Planning Institute of Australia (ACT)
- Susan Proctor – Master Builders Association (ACT)
- Chris Miller – Strata Community Association (ACT)
- Alfonso del Rio – Law Society of the ACT
- Adina Cirson – Property Council Australia (ACT)
- Libby Amiel – Owners Corporation Network (ACT)

#### ***Government Officers***

- Bethel Sendaba – Executive Branch Manager – EPSDD (Chair)
- Amy Kingham – Senior Director, Housing & Policy - EPSDD
- Caroline Cogger – Assistant Director, Housing & Policy - EPSDD
- Jackelyn Buckley – Executive Assistant, Land & Building Policy - EPSDD (minutes)
- Fred Arugay – Access Canberra, CMTEDD

#### ***Apologies:***

- Michael Kumm – REIACT
- Greg Weller – Housing Industry Association (ACT)
- Heather McAuley – Legal Policy Officer, Civil Law, Property and Commercial – JACS

### **Welcome & apologies**

Welcome, rollcall of phone attendees and apologies.

### **Progress update**

Previous minutes (with SCA amendments) accepted.

Bethel Sendaba proceeded with assurance that the important work will continue under the current circumstances.

Bethel mentioned that the Bill had passed on the 18<sup>th</sup> of February and there are 15 amendments that were introduced during the debate which was sent out to group members with the agenda. EPSDD are continuing to hear good feedback from the community and will start implementing the work.

Bethel mentioned membership changes which include Legal Aid ACT to provide advice on tenants matters and further, David Dunstan has retired. Amy Kingham has stepped into David's role and will be leading the Strata work from now on. An updated TOR will be circulated post meeting.

## **Brief overview of amendments**

Caroline Cogger proceeded to provide an overview of the Act amendments.

The Greens made an amendment for properties for rent and sale to be advertised as adaptable housing, if applicable.

Trevor Fitzpatrick asked how subsequent owners will know if the dwelling is adaptable - this information is available on the building file. Alfonso Del Rio mentioned that the building file is difficult to search and should be on the unit plan, so it is available to everyone. Caroline confirmed that further policy work is required on this amendment. Further Greens amendments relate to the ability of being able to more freely install sustainable infrastructure on the unit or common property, and disclosing any ongoing DA issues.

Caroline further mentioned the government amendments which included minor and technical clarification on a few transitional issues for example for special privileges and rules. Alfonso expressed concern that transitional arrangements as drafted do not work. Caroline recommended taking this offline for further discussion separately.

Caroline confirmed that the Liberal amendments means OCs are now responsible for lodging all building insurance claims and paying excess. This issue will need further review in stage 2. Minor amendments are proposed to be made through JACS amendment bill around adaptable housing, bank accounts and the proxy form.

## **Implementation**

Commencement of Act still scheduled for 1 November, with transitional arrangements for some provisions. Caroline confirmed that EPSDD has been meeting internally and with other agencies to prepare for implementation. Caroline confirmed that EPSDD has been working on the identified publications and information that needs to be updated as well as regs, meeting guides, disallowable instruments etc that need to be created. Access Canberra will be in touch with members about implementation and the people that were involved in the information previously. EPSDD and AC are working towards having this information ready as soon as possible. It is intended that information will be communicated early to everyone involved including community and industry.

Caroline confirmed that emails will go out to group members for input to the creation of notifiable instruments, regulations and plans that will need to be provided for disclosure statements. Caroline mentioned that EPSDD needs to develop regs for s260 of the Civil Law Property Act which is being discussed with other agencies. This relates to the plans that must be included in the disclosure statements for off-the-plan units. Will request input from group in follow up correspondence post meeting.

Caroline confirmed that a new disallowable instrument has been developed; this will be circulated to the group. Chris Miller expressed his support for a prescribed form as not every Strata Manager does it the same way which leads to different lawyers wanting it done a different way. Chris agreed that if the Government sets the parameters then everyone will follow, and it will be consistent.

Alfonso mentioned that there needs to be an update to the sales contract before legislation commences in relation to transitional matters. He expressed his concern for progressing the discussions in relation to transitional arrangements and reforms for contracts for sale. Further conversation with Strata team to be held offline to discuss issues in greater detail

### **Future & comments**

Stage Two still proceeding, however anticipate delays due to COVID-19 and Government's need to prioritise public health issues at this time. Caroline asked the group to start consolidating ideas for Stage Two reforms and refining the original ideas. List of Stage Two items to be circulated to members after the meeting for consideration and input.

Caroline informed the group that due to the current COVID-19 situation; separate water metering has been delayed until further notice.

No further comments from the group. The group was encouraged to contact the Strata Team if needed.

### **Actions**

- Email Group Members requesting input to the creation of regs and instruments to cover mandatory items.
- Email new s119 disallowable instrument to Group Members.
- Email Group Members an updated TOR – this will include group membership, term of membership and meeting frequency.
- Email Group Members a list of the Stage Two ideas.

Meeting close at 5:05PM.

### **Next meeting**

Next meeting TBC – possibly June 2020 via WebEx.



**ACT**  
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## AGENDA

### Strata Reform Consultative Group

#### Meeting 8

LOCATION/TIME	
<b>Date</b>	Wednesday 29 July 2020
<b>Time</b>	2:00 PM – 3:00 PM
<b>Location</b>	Teleconference via Cisco Webex (details in meeting invite)
<b>Contact on entry</b>	N/A
<b>Logistics contact</b>	Caroline Cogger (02) 6205 3747
<b>Project Oversight</b>	Bethel Sendaba (02) 6205 0030
<b>Project Officers</b>	Amy Kingham (02) 6205 3398 Caroline Cogger (02) 6205 3747 Jackelyn Buckley (02) 6207 9152
<b>Email</b>	<a href="mailto:stratareform@act.gov.au">stratareform@act.gov.au</a>

## AGENDA

TIME	ACTIVITY	KEY MESSAGES	LEAD
2:00 PM	Welcome	<ul style="list-style-type: none"> <li>● Welcome</li> <li>● Apologies</li> </ul>	Bethel Sendaba (Chair)
2:05 PM	Progress Update	<ul style="list-style-type: none"> <li>● Review and approve Meeting 7 minutes</li> <li>● What has occurred since Meeting 7</li> </ul>	Bethel Sendaba
2:10 PM	Overview of Amendments	<ul style="list-style-type: none"> <li>● Notification and commencement of the Unit Titles Legislation Amendment Act 2020</li> <li>● New meeting exemption regulation for Covid-19 pandemic</li> <li>● Overview of amendments to Justice Legislation Amendment Bill 2020                             <ul style="list-style-type: none"> <li>○ Adaptable Housing</li> <li>○ Approved Proxy Form</li> <li>○ Bank Accounts</li> </ul> </li> </ul>	Amy Kingham/ Caroline Cogger
2:30 PM	Implementation	<ul style="list-style-type: none"> <li>● Managing and communicating the implementation of reforms</li> <li>● Development of information materials                             <ul style="list-style-type: none"> <li>○ Review of fact sheets &amp; guides</li> </ul> </li> <li>● Progress of instruments and forms                             <ul style="list-style-type: none"> <li>○ Regulation plans included in disclosure statements</li> <li>○ Inclusions for Meeting Agenda Guide</li> </ul> </li> <li>● s119 certificate determination</li> <li>● Approved form for proxy appointment</li> <li>● Templates                             <ul style="list-style-type: none"> <li>○ Disclosure statements</li> <li>○ BMS</li> </ul> </li> <li>● Update on fees for s119 certificate</li> </ul>	Amy Kingham/ Caroline Cogger
2:50 PM	Future & Comments	<ul style="list-style-type: none"> <li>● Thinking ahead to Stage 2 and future reforms                             <ul style="list-style-type: none"> <li>○ Separate water metering</li> <li>○ Further suggestions from members for Stage 2 reforms</li> </ul> </li> <li>● Opportunity for additional comments from members</li> </ul>	Amy Kingham/ Caroline Cogger
3:00 PM	Close	<ul style="list-style-type: none"> <li>● Thank you for your time and your advice</li> <li>● Possible timeframe for next meeting</li> <li>● Contact us in meantime if needed</li> </ul>	Bethel Sendaba



**ACT**  
Government

Environment, Planning and  
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## Strata Reform Consultative Group – Meeting 8

### Minutes

Wednesday 29 July 2020

2:00PM – 3:00PM

WebEx Meeting – Online

#### **Attendees:**

- Chris Miller – Strata Community Association (ACT)
- Greg Ledwidge – Spatial & Surveying Sciences Institute
- Libby Amiel – Owners Corporation Network (ACT)
- Trevor Fitzpatrick – Planning Institute of Australia (ACT)
- Susan Proctor – Master Builders Australia (ACT)
- Alfonso del Rio – Law Society of the ACT
- Derek Shields – ACT Legal Aid
- Mike Kumm – Real Estate Institute of the ACT

#### **Government Officers**

- Bethel Sendaba – Executive Branch Manager– EPSDD (Chair)
- Amy Kingham – Senior Director, Housing & Land Policy (EPSDD)
- Caroline Cogger – Assistant Director, Housing & Land Policy – EPSDD
- Isabel Vaughn – Administrative Assistant, Housing & Policy - EPSDD
- Jackelyn Buckley – Policy Officer, Housing & Land Policy - EPSDD (minutes)
- Heather McAulay – Senior Policy Officer, Legislation Policy & Programs - JACS

#### **Apologies:**

- Adina Cirson – Property Council of Australia (ACT)
- Greg Weller - Housing Industry Association (ACT)
- Gary Petherbridge – Owners Corporation Network (ACT)

#### **Welcome & apologies**

Bethel Sendaba (Chair) welcomed the group and thanked everyone for coming. Gary Petherbridge and Adina Cirson were noted as apologies.

#### **Progress update**

Everyone agreed to the minutes of Meeting 7. Libby Amiel requested a copy to review.

What has occurred since Meeting 7: Caroline Cogger provided the group with an update of work since the last meeting and thanked everyone for their input regarding the s119 fees, meeting agenda guidelines and regulations. Since receiving this feedback Caroline has re-circulated the documents with updates based on the comments. If any group members have issues, please let the Strata Team know as these are progressing to be finalised.

#### **Overview of Amendments**

Notification and commencement of the *Unit Titles Legislation Amendment Act 2020*: EPSDD confirmed that this will commence on 1 November 2020.

New meeting exemption regulation for COVID-19 pandemic: The public health declaration has been extended and the feedback the team has received has been good. It has helped EC's and OC's conduct their business safely.

Overview of amendments to *Justice Legislation Amendment Bill 2020*:

- Adaptable Housing – Adaptable housing definition to be removed from the Act and put in the Regulation, to allow easier updates if the Australian Standard changes.
- Approved proxy form – legislation will now enable an approved form to be developed.
- Bank Accounts – clarification that OC can operate more than one bank account.

This Bill is due for debate on 30 July and will commence in time for 1 November.

The group raised concerns about the approved proxy form. Caroline confirmed that this form is designed to be for the appointment of a proxy and not voting preferences, however it does not need to be approved and commence on 1 November if need be and can be delayed if necessary. Due to the time constraints of the meeting, the group members and the Chair agreed to take the conversation about an approved proxy form offline.

### **Implementation**

Managing and communicating the implementation of reforms: There has been lots of changes to the Build, Buy, Renovate website which have been circulated to group members. The Strata Team would appreciate it if members could please refer constituents to the website. EPSDD will have a number of factsheets uploaded to the website once they have been signed off. This will be helpful to owners, strata managers, community members etc. The Strata Team are hoping to get some media announcements of the reforms prior to 1 November. Caroline then asked members if there is anything in particular that members are going to do to prepare their stakeholders.

- Chris Miller noted that Vantage Strata will offer information sessions.
- Alfonso del Rio noted that the Law Society will run information sessions.
- Greg Ledwidge noted that the SSSI will also run information sessions with the assistance of Caroline and the Strata Team.
- Susan Proctor noted that there will be education sessions by the Master Builders as well as OCN. Caroline suggested that it may be best to involve Access Canberra as they will play an active part in the ongoing management of community engagement and implementation of the reforms.

Progress of instruments and forms: Regulations are currently being drafted by PCO.

Inclusions for Meeting Agenda Guide: The guide has been drafted and it is pending approval.

S119 certificate determination: Alfonso and Chris raised concerns on insurance, thresholds and warranties. Caroline agreed to take this into further consideration and will need further discussions.

Templates: Caroline clarified to the group that these templates are not mandatory forms and are only there as useful guides if needed. The regulation will outline what needs to be shown on the disclosure statement and the templates were developed to assist in what they should contain. Alfonso raised the fact that every other jurisdiction has a mandatory form where Caroline confirmed that the form can be made mandatory through amendment to the Act if necessary. Caroline then confirmed that this is not being developed at this stage as it would be subject to further group discussion, noting disclosure statements are not compulsory until July 2021. There will be an additional regulation made s260 of the Civil Property Act for type of plan. Alfonso then raised further

concerns for the transitional elements of the disclosure statements and selling properties before 1 July 2021. The group and the Chair agreed to take this conversation offline.

Update on fees for s119 certificate: JACS is managing the update to the fees and are currently facing a delay due to revised timing of budget. Due to this delay in budget it's unlikely it will happen before 1 November, but fees are to be increased and an update fee implemented as soon as we can. Caroline confirmed that the cost of the initial certificate will go up and a new fee determined for the update certificate, however, this is not proceeding at the moment. JACS are working on what options are available for the interim. Possible delay of changes to s119 certificate determination is an option, however this can be further discussed at the offline meeting.

### **Future & Comments**

Thinking ahead to Stage 2 and future reforms:

- Separate water metering – still going ahead, just waiting for Government to advise when, will keep the group posted.

Caroline reminded the group members of the Objective Connect portal and thinking ahead for Stage 2 of the reforms. Chris Miller is to email through his two ideas for Stage 2 reforms.

Greg advised that paper for unit plans is a problem and will be resolved in the next month or so. Everything will be PDF's and digital signatures. There has also been identification of too many problems in unit plans and examinations. This issue needs funding but there is also a number of issues about structures encroaching on adjoining property boundaries which is being investigated by Access Canberra. This needs to be managed better in the future by:

1. Implementing better design and DA assessment processes that seek to eliminate these issues at the design stage;
2. Verification surveys prior just prior to the CofO being issued so the builder and developer can rectify the structures before the unit plan is submitted.

Bethel thanked the group for attending and for the additional feedback. The Strata Team will keep the group members informed about the fee progress and the separate discussion on transitional issues.

### **Actions**

- Caroline to set up an offline meeting about Disclosure Statements, Approved Proxy Forms and Transitional matters – Attendees to include Alfonso, Chris, Susan, Libby & Gary.
- Members to provide feedback on Fact Sheets by Wednesday 5 August 2020.
- Minutes to be circulated once drafted, with web link to Strata information.
- Chris Miller to email Stage 2 ideas for inclusion on list.

### **Next meeting**

Next meeting TBC – possibly early September 2020 at 480 Northbourne Ave, Dickson and via WebEx.

Meeting close at 3:03PM.



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## AGENDA

### Strata Reform Consultative Group (Offline) Follow Up Meeting re Instruments & Fact Sheets

LOCATION/TIME	
Date	Tuesday 11 August 2020
Time	1:30 PM – 2:30 PM
Location	<b>Meeting Room 0.0031</b> <b>Ground Floor, 480 Northbourne Avenue Dickson</b> <b><u>AND</u> Teleconference via Cisco Webex (details in meeting invite)</b>
Contact on entry	See Reception Desk in foyer
Logistics contact	Caroline Cogger (02) 6205 3747
Project Oversight	Bethel Sendaba (02) 6205 0030
Project Officers	Amy Kingham (02) 6205 3398 Caroline Cogger (02) 6205 3747 Jackelyn Buckley (02) 6207 9152 – not attending
Email	<a href="mailto:stratareform@act.gov.au">stratareform@act.gov.au</a>
Attendees	Gary Petherbridge (OCN) Libby Amiel (OCN) Chris Miller (SCA) Susan Proctor (MBA) Alfonso del Rio (ACT Law Society) – via video conference John Chamberlain (ACT Law Society)

## AGENDA

TIME	ACTIVITY	KEY MESSAGES	LEAD
1:30 PM	Welcome	<ul style="list-style-type: none"> <li>● Welcome &amp; Housekeeping</li> <li>● Summary of today's meeting objectives</li> </ul>	Bethel Sendaba (Chair)
1:35 PM	s119 Certificate & Fee	<ul style="list-style-type: none"> <li>● Review updates to draft s119 (as emailed)                             <ul style="list-style-type: none"> <li>○ Do these changes address members concerns?</li> </ul> </li> <li>● Fees                             <ul style="list-style-type: none"> <li>○ Current fee issues</li> <li>○ Proposed fee - \$300 initial and \$150 for update</li> <li>○ Would we rather delay s119? Issues if we do.</li> </ul> </li> </ul>	Amy Kingham/ Caroline Cogger
1:40 PM	Proxy Form	<ul style="list-style-type: none"> <li>● Review updates to Proxy Form (as emailed)                             <ul style="list-style-type: none"> <li>○ Do these changes address members concerns?</li> <li>○ Should we delay?</li> </ul> </li> <li>● Other issues?</li> </ul>	Amy Kingham/ Caroline Cogger
1:45 PM	Templates	<ul style="list-style-type: none"> <li>● Objective of current form for Disclosure statements</li> <li>● BMS – Do we need a template?</li> </ul>	Amy Kingham/ Caroline Cogger
1:50 PM	Fact Sheets	<ul style="list-style-type: none"> <li>● Objective of Fact Sheets and interaction with Access Canberra guides</li> <li>● What works and what do we bin?</li> <li>● What needs minor amendments?</li> <li>● What needs a rewrite?</li> </ul>	Amy Kingham/ Caroline Cogger
2:10 PM	Transitional Issues	<ul style="list-style-type: none"> <li>● What are the major issues/concerns?</li> <li>● How can they be addressed? Or do they need to be?</li> </ul>	Amy Kingham/ Caroline Cogger
2:30 PM	Close	<ul style="list-style-type: none"> <li>● Overview/Action Items</li> <li>● Thank you for your time and your advice</li> </ul>	Bethel Sendaba



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## **Strata Reform Consultative Group – Follow Up to Meeting 8 (Offline) Minutes**

Tuesday 11 August 2020

1:30PM – 2:30PM

480 Northbourne Avenue, Dickson and via WebEx

### **Attendees:**

- Chris Miller – Strata Community Association (ACT) – via video conference
- Libby Amiel – Owners Corporation Network (ACT)
- Gary Petherbridge – Owners Corporation Network (ACT)
- Susan Proctor – Master Builders Australia (ACT)
- Alfonso del Rio – Law Society of the ACT – via video conference
- John Chamberlain – Law Society of the ACT

### **Government Officers:**

- Bethel Sendaba – Executive Branch Manager– EPSDD (Chair)
- Amy Kingham – Senior Director, Housing & Land Policy – EPSDD
- Caroline Cogger – Assistant Director, Housing & Land Policy – EPSDD
- Isabel Vaughan – Administrative Assistant, Housing & Policy – EPSDD (minutes)

**Apologies:** Nil

### **Welcome & apologies**

Meeting started at 1:40pm. Bethel Sendaba (Chair) welcomed the group and thanked everyone for coming. Caroline mentioned that she would circulate the minutes from Meeting 8 later in the afternoon.

### **Progress update**

Caroline circulated updated drafts of the s119 certificate determination and proxy appointment form on Friday 7 August. Feedback was received on both instruments from the Strata Community Association (SCA) since the last meeting.

### **S119 Certificate & Fee**

Caroline asked for further feedback from the group beyond the feedback provided by the SCA. John Chamberlain expressed concerns about how the owners corporation will be able to provide certain information in the unit title certificate and unit title update certificate. For example, the owners corporation is required to state whether the developer control period has expired, however this requires a title search on each unit. Similarly, it is unclear how a search can be performed for development and planning approvals.

### **Developer Control Period**

John raised concerns about s119 having to disclose if developer control period is over as they would need to undertake titles searches to determine what was no longer owned by the developer to be able to determine if the control period threshold had been reached. Chris advised this can be problematic as even though sellers and buyers must advise the owners corporation within 14 days of a sale of a unit taking place, this doesn't always happen. Amy advised we will take into consideration and see whether further changes are needed.

#### *Ongoing Development Approval conditions*

Caroline clarified that information about Development Approval (DA) conditions is available upon written request to the Planning and Land Authority (ACTPLA), as noted in the certificate determination. A public register containing information on ongoing DA conditions will hopefully become available online early next year as part of E-development. Bethel added that ACTPLA will establish a service agreement regarding how quickly a response can be expected when a request is received about DA conditions. Alfonso del Rio objected to the idea of requiring the owners corporation to contact ACTPLA to enquire about DA conditions and suggested it would be better to include a question about DA conditions in the lease conveyancing enquiry. Caroline agreed to explore this suggestion.

Libby Amiel said that information about DA conditions would be accessed if the units plan were ever to submit a DA, however Alfonso disagreed on the basis that updated information is required every time a DA is lodged. Caroline clarified that once the information is confirmed, it does not need to be updated unless the units plan makes a DA request in the future. Owners corporations need to know this information and should have it recorded for future reference. Owners corporations would also be aware of DA's they submit in future as they need to agree to them.

Chris Miller noted that owners corporations respond to DA's and this is outside the scope of the responsibility of a strata manager to provide this information. He suggested that DA conditions could be added to the list of information that lawyers obtain when they submit a lease conveyancing request. John mentioned he was unaware that a DA could have ongoing conditions. Bethel confirmed that ongoing conditions can govern future actions and provided the example of a DA condition that prohibited privacy screens from being removed.

#### *Insurance*

Alfonso suggested imposing a time limit on previous insurance claims. Chris agreed, referring to concerns held by one of the ACT SCA board members that insurance goes from one underwriter to another, which impacts on the depth of information received from previous underwriters. Amy indicated that imposing a historical time limit on insurance claims could be problematic if the limited time period does not cover a major insurance claim from an earlier date. Amy noted that the owners corporations can request a list of claims from the insurance company.

Amy asked the group whether they had any ideas about time and dollar thresholds. Chris suggested that any previous insurance claims be limited to claims of more than \$1,000 in the past 24 months. He also mentioned that an insurance register could be established on the SCA's software.

Caroline noted that executive committees need to keep the documents, records and books of account for at least 7 years, and asked the group whether this was unreasonable. Chris said this would be unreasonable when the *Unit Titles Legislation Amendment Act 2020* commences on 1 November 2020, since information over the past 7 years would not have been maintained. Susan Proctor asked whether owners corporations need to disclose past claims to get information for previous years and Chris said it depends on the strata company. Most businesses are an authorised insurance representative and strata managers will generally keep records that their software enables them to keep.

#### *Fees*

Caroline explained that JACS is currently working to update the fee required under s119(5) by 1 November 2020, however the government's caretaker period prior to the election may delay the determination of the fee. Currently, there is a \$114 fee for an initial certificate and no fee for an

update certificate. If no fee has been determined by 1 November 2020, the s119 certificate determination will still come into effect. The group voiced their concerns that owners corporations would suffer an adverse financial impact, as they will not be able to charge any fee to compensate them for the preparation of the document.

The increase to the amount of information that will be required under s119 will further compound this issue as the owners corporation will be required to provide more information without proper remuneration. Bethel confirmed that a recommendation will be put to the government to reconsider whether to delay the s119 determination until JACS determines a fee or proceed with the s119 determination despite the adverse financial impact on owners corporations. Bethel noted that the government should be inclined not to add any cost pressure to any group unnecessarily.

Even if the s119 determination were to be delayed, the group was concerned that this would not change the financial loss suffered by the owners corporation due to the lack of a fee for an update certificate being determined.

JACS has requested feedback on the proposed fee to be updated to \$300 for the initial certificate and \$150 for the update certificate. The fee for the update certificate would be less than the fee for the initial certificate, as the update certificate would be re-confirming information that would have already been provided in the initial certificate. Caroline advised that this amount was a split of the difference based on the previous feedback from Chris and Alfonso. Alfonso suggested that if the initial certificate is requested within a certain timeframe, the update certificate fee should be waived. Caroline advised this suggestion has been communicated to JACS.

The group indicated no objection to the fees proposed by JACS and Caroline has since communicated this feedback to JACS.

John asked whether, in the interest of trying to finalise the content of the certificate determination, that information that is easily obtainable is included at this time with the view to add more at a later stage so further consultation can take place. John suggested it would be possible to include information like the certificate of currency of insurance as it is easy to obtain a copy. Caroline advised that Chris had also previously suggested including copies of the sinking fund plan, which is not currently required under s119.

#### *Minutes*

Caroline said minutes will be incorporated into the s119 certificate determination as part of Stage 2 reforms next year so that every time a unit owner requests a unit title certificate, they will automatically receive minutes. This will involve amending the *Civil Law (Sale of Residential Property) Act 2003*. The fees for s119 certificates can then be reconsidered to account for the cost of providing minutes. We can consider incorporating minutes prior to Stage 2 reforms in an Amendment Bill, and Amy noted that there is a Bill planned for early next year. Bethel considered that it may be more difficult to implement the change through an Omnibus Bill, as these only allow for minor and technical changes.

Caroline suggested omitting the requirement to include minutes as part of the proposed contract under section 9(1)(h)(v) of the *Civil Law (Sale of Residential Property) Act 2003*, and instead including minutes in the s119 certificate determination. This would be clearer from a policy perspective about how the request must be made and make it easier to agree on a set amount that reflects the time and resources required to prepare the information in a s119 certificate.

## Proxy Form

Caroline reiterated that the purpose of the proxy form is simply to appoint a proxy, not to give voting preferences. The legislation only permits the creation of a form to appoint a proxy and does not extend to requiring a person to nominate their voting preferences. Owners corporations could develop their own voting preference form to accompany the approved proxy form if they wish to. Caroline suggested that the group proceed with the updated version of the proxy appointment form circulated on Friday 7 August.

Alfonso asked what would happen if a person exercises more proxy votes than the percentage stipulated in schedule 3, new section 3.26(4) of the *Unit Titles (Management) Act 2011*. Caroline said that unit owners should communicate openly with their proxy to prevent this from happening. The proxy appointment form also allows unit owners to nominate two proxies in case the proxy nominated first has their maximum number of proxies. Chris pointed out that this would create a different problem and Caroline acknowledged that this issue needs to be addressed from a policy perspective. For example, we could consider exempting the chairperson from the limitation stipulated in the legislation. This would need further consultation to determine the best way forward and will be added to Stage 2 matters under consideration.

## Templates

Since the disclosure statement template replicates the information provided in the contract, Alfonso said the disclosure statement template should cross-reference the contract to avoid duplication. Amy reminded the group that since it is only a template, it is not mandatory.

## Fact sheets

Bethel and Amy explained that we are aiming to update the website and publish the fact sheets as soon as possible before 1 November 2020. Since the website is a higher priority, Amy asked the group to refer stakeholders to the website.

## Transitional issues

Bethel acknowledged Alfonso's concerns about the opt-in period for disclosure statements between 1 November 2020 and 1 July 2021 and emphasised that it is an opt-in period. It is up to each developer to weigh up the risk of a party wanting to rescind a contract that has been exchanged after receiving a disclosure statement.

Alfonso mentioned that most contracts for developments issued over the past 5 years include provisions in the contract that the owners corporation will split budgets after registration of the units plan, even though this is not currently permitted under the legislation, so the law is simply catching up with existing practice. Susan clarified that if developers choose not to opt-in, they can maintain their current level of disclosure as to split budgets. Existing Division 2.92 of the *Civil Law (Property) Act 2006* applies in this case, meaning the buyer can only exercise their right to rescind the contract if they can establish that they have been significantly prejudiced under section 264.

Alfonso was also concerned because it is uncertain how developers can change rules and register a BMS if they have provided a disclosure statement. Susan explained that since developers are not obliged to opt-in to the disclosure statement regime, they can change rules and register a BMS without a disclosure statement. Buyers will still be protected by the implied warranties in section 264 of the *Civil Law (Property) Act 2006*.

Bethel noted that further clarification may need to be provided as there are still points of difference in terms of interpretation.

**Actions**

- S119 Certificate and Fee
  - Caroline agreed to explore Alfonso's suggestion to include a question about DA conditions in the lease conveyancing enquiry.
  - Bethel agreed to make a recommendation to government to reconsider whether to delay the s119 determination until JACS determines a fee or proceed with the determination when it comes into effect on 1 November 2020.
  - Caroline notified JACS on 12 August 2020 that there were no objections to the proposed fees for s119 certificates and that the content of the draft s119 certificate determination will be reviewed.
- Transitional issues
  - Bethel will speak to the Legal team to provide further information on transitional arrangements, noting the legislation cannot be changed at this point.

**Close**

Susan and Gary left the meeting at 2:33pm, and Bethel left at 2:42pm. The meeting closed at 2:50pm.



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## AGENDA

### Unit Titles Reform Project Consultative Group

#### Meeting 9

LOCATION/TIME	
Date	Tuesday 15 September 2020
Time	1:30 PM – 2:30 PM
Location	<b>Meeting Room 0.0031</b> Ground Floor, 480 Northbourne Avenue Dickson <u>OR</u> Teleconference via Cisco Webex (details in meeting invite)
Contact on entry	See Reception Desk in foyer
Logistics contact	Caroline Cogger (02) 6205 3747
Project Oversight	Bethel Sendaba (02) 6205 0030
Project Officers	Amy Kingham (02) 6205 3398 Caroline Cogger (02) 6205 3747 Bronwyn Wrigley (02) 6207 1873 Jackelyn Buckley (02) 6207 9152
Email	<a href="mailto:stratareform@act.gov.au">stratareform@act.gov.au</a>

## AGENDA

TIME	ACTIVITY	KEY MESSAGES	LEAD
1:30 PM	Welcome	<ul style="list-style-type: none"> <li>• Welcome</li> <li>• Apologies</li> </ul>	Bethel Sendaba (Chair)
1:35 PM	Progress Update	<ul style="list-style-type: none"> <li>• Review and approve Meeting 8 minutes</li> <li>• What has occurred since Meeting 8</li> <li>• Overview of offline Meeting</li> </ul>	Bethel Sendaba
1:45 PM	Update on Regulations and Instruments	<ul style="list-style-type: none"> <li>• Status of approval of Regulations and instruments</li> <li>• Extension of Public Health Declaration - meeting exemption regulation for Covid-19 pandemic</li> </ul>	Amy Kingham/ Caroline Cogger
1:50 PM	Update from Planning	<ul style="list-style-type: none"> <li>• DA Conditions – searching EPD register</li> <li>• Future update to lease conveyancing search to include DA conditions</li> <li>• Status of updates to forms – Registration of UP, Special Resolution, new BMS etc</li> </ul>	Amy Kingham/ Caroline Cogger/ Fred Arugay
2:00 PM	Update on s119 Fees	<ul style="list-style-type: none"> <li>• Status on fee update request</li> </ul>	Amy Kingham/ Caroline Cogger
2:10 PM	Update on Information Materials	<ul style="list-style-type: none"> <li>• Further updates to website info – Build Buy Renovate and Planning websites</li> <li>• Progress of Fact Sheets</li> <li>• Update to Renting Book</li> <li>• Update to publications by Access Canberra</li> <li>• Update from Group members – communications with stakeholders</li> </ul>	Amy Kingham/ Caroline Cogger
2:20 PM	Future & Comments	<ul style="list-style-type: none"> <li>• Introduce new Project Officer, Bronwyn Wrigley</li> <li>• Advise change of name – Unit Titles Reform Project Consultative Group</li> <li>• Update on progress for Stage 2 and future reforms                             <ul style="list-style-type: none"> <li>○ Separate water metering</li> <li>○ Developing Stage 2 reforms</li> </ul> </li> <li>• Opportunity for additional comments from members</li> </ul>	Amy Kingham/ Caroline Cogger/ Bronwyn Wrigley
2:30 PM	Close	<ul style="list-style-type: none"> <li>• Thank you for your time and your advice</li> <li>• Possible timeframe for next meeting</li> <li>• Contact us in meantime if needed</li> </ul>	Bethel Sendaba



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## **Strata Reform Consultative Group – Meeting 9**

### **Minutes**

**Tuesday 15 September 2020**

**1:30PM – 2:30PM**

**Meeting Room 0.031, Ground Floor**

**480 Northbourne Ave**

**Dickson ACT 2602**

**AND Via Cisco WebEx Meeting**

#### ***Attendees:***

##### ***Industry and Community Representatives***

- Greg Ledwidge – Spatial & Surveying Sciences Institute – via webex
- Gary Petherbridge – Owners Corporation Network (ACT)
- Libby Amiel – Owners Corporation Network (ACT)
- Trevor Fitzpatrick – Planning Institute of Australia (ACT) – via webex
- Susan Proctor – Master Builders Association (ACT) – via webex
- Chris Miller – Strata Community Association (ACT)
- Alfonso del Rio – Law Society of the ACT – via webex
- John Chamberlain – Law Society ACT
- Adina Cirson – Property Council Australia (ACT) – via webex
- Greg Weller – Housing Industry Association (ACT)
- Paul Smith – Legal Aid ACT
- Faraz Jafri – Housing Industry Association (ACT)- via webex

##### ***Government Officers***

- Amy Ingham – Senior Director, Housing & Policy - EPSDD
- Caroline Cogger – Assistant Director, Housing & Policy – EPSDD
- Bronwyn Wrigley – Assistant Director, Housing & Policy – EPSDD
- Jackelyn Buckley – Policy Officer, Housing & Policy - EPSDD (minutes)
- Kencho Choden – Graduate Administrative Assistant, Housing & Policy – EPSDD
- Fred Arugay – Access Canberra, CMTEDD
- Heather McAuley – Legal Policy Officer, Civil Law, Property and Commercial – JACS

#### ***Apologies:***

- Michael Kumm – REIACT
- Bethel Sendaba – EPSDD

### **Welcome & apologies**

Welcome, rollcall of phone attendees and apologies. No further comments on last meeting's minutes.

### **Progress update**

Since Meeting 8 there have been additional updates to the Build, Buy, Renovate (BBR) website as well as finalisation of regulations and instruments.

EPSDD met with OCN, SCA and Law Society offline to discuss instruments, finalise the new s119 certificate and proxy form. This meeting also included discussion on fact sheets and information around the reforms. EPSDD thanked these members for their further time and efforts to finalise these tasks.

### **Status of Instruments and Regulations**

All instruments and amendments to regulations have been approved and notified. These are available on the Legislation Register and have been linked on the BBR website. The regulations amended are:

- *Civil Law (Property)*
- *Civil Law (Sale of Res Property)*
- *Unit Titles (Management)*

The disclosure statement template has also been agreed to by the Minister. This will be available on the BBR website in coming weeks. This form is not mandatory; it is to be used as a guide if needed.

The new meeting guidelines will provide a guide to be used at OC meetings.

The Public Health Declaration has been extended for a further 90 days. The *Unit Titles (Management) Amendment Regulation 2020 (No 1)* will continue, section 11 of which exempts OCs from the requirement to have face-to-face meetings. The ability for meetings to be conducted electronically comes into effect on 1 November. The Amendment Regulation remaining in place will allow an OC to have an electronic meeting to decide how it would like to run its meetings from 1 November.

### **Update from Planning**

EPD Customer Services has a new name- Access Canberra Land, Planning and Building Services. They have a new email address- [acepdcustomerservices@act.gov.au](mailto:acepdcustomerservices@act.gov.au). This email is to be used for requests for DA documents, to comply with the requirement for a s119 certificate to include information about any ongoing DA conditions.

Access Canberra will provide the notice of decision and the whole DA upon a request being made. Please keep in mind when searching for documents that some blocks may have multiple DAs. Members can search for a DAs by block and section number. It is preferable to provide a DA number when searching for documents, but this isn't necessary.

Discussions were had in the group regarding possible difficulties in identifying ongoing conditions in a NOD, particularly where the NOD may consist of many pages. EPSDD and Access Canberra will have further discussions regarding this requirement and the most effective way for it be administered and will provide an update to the group.

Existing forms to lodge a Building Management Statement (BMS) are being reviewed, and a new form is being developed. It is likely we will initially use the Miscellaneous Encumbrance form, and consider preparing a specific BMS form in due course. This will be reviewed when the BMS becomes a mandatory requirement. Rules will be registered as part of a registered units plan.

### **Update on s119 Fees**

Fee updates will not proceed at this time. This means that OCs may only charge \$114 for a new s119 certificate and are not able to charge for an updated certificate. The Minister has

requested the fee updates be considered by the incoming government. JACS will proceed with the request for fee increases after the new government has been announced. EPSDD will keep the group updated.

### **Information materials**

There are several changes to the website, including information regarding transitional arrangements and the initial package of reforms. Please refer members to the BBR website. The Fact Sheets are to proceed, will be revised to consider feedback received from members. These will be available as soon as practicable, please keep an eye on the website.

JACS is currently working with the Revenue Office to update the Renting Book due to the residential tenancies changes, and these updates will include some UT reforms. The book will be updated again next year with more Unit Title information to be included as there are further changes coming. The changes to residential tenancies legislation do not include any changes to short-term occupancy options, such as AirBnb.

Access Canberra will be updating their factsheets and is reviewing other education materials. They will update their website to cross-reference the reforms as well.

### **Updates from Group Members**

Gary Petherbridge – The Owners Corporation Network is updating its website.

Greg Ledwidge – Unit plans have been making progress to transition into digital plans (PDF). Hopefully these will be ready by the end of November.

Law Society ACT – will get information out to members.

Legal Aid ACT- has a number of factsheets on residential tenancy information, these may be useful for other members of the group, to replicate for information to be provided to their members.

### **Future and comments**

The Housing & Policy Team has a new Project Officer, Bronwyn Wrigley. Caroline Cogger will be commencing maternity leave as of 21 September 2020.

The group has changed its name to the 'Unit Titles Reform Project Consultative Group' and will no longer be named the 'Strata Reform Consultative Group'.

Discussions are being had with Icon Water regarding the issue of Separate Water Metering. The issue will then be taken for Cabinet's consideration. Discussions will be held with Icon Water about proposed rollout timeframes.

Adina Cirson – would like to discuss processing times for units plan applications at next meeting.

EPSDD has a list of matters to be considered for Stage Two Reforms which will be progressed in 2021. We will work through these with the group moving forward.

Possible changes may be made to the UT legislation through the Planning Amendment Bill in 2021. This may include the issues such as minutes being a part of s119 certificate, exemptions for EC chair from proxy limits etc. These changes will be discussed in the next meeting.

**Actions**

- EPSDD to provide group members with standard text for emailing to their members about the reforms and general information.
- EPSDD and Access Canberra to have further discussions regarding ongoing DA conditions in a s119 certificate and how this requirement will be best administered.

**Next meeting**

Members will be contacted about Meeting 10. This will be held before Christmas 2020.

Meeting closed at 2:56pm.

**Unit Titles Reform Consultative Group  
Table of Issues – Stage 2**

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## OC and EC meetings

Issue #	Subject area	Issue description	Solution	Method (if any)
37	Tenant attendance at OC meetings	<p>The UTMA has no provisions relating to tenant attendance at OC meetings.</p> <p>There would seem to be a need for increased information to tenants given they may be impacted on by OC resolutions and also given tenants are bound by OC rules as much as the owner (s107(2) UTMA, subject to prescribed terms of residential tenancy agreement 107(4)).</p>	<p>Amend UTMA to permit any registered tenant to attend OC meeting and be given advance notice agenda. Tenant cannot vote at OC.</p> <p>SSMA (NSW):</p> <ul style="list-style-type: none"> <li>- s258: Owner must notify tenancy including tenant name and address for service to OC within 14 days of tenancy (similar for subtenancy); and identity of real estate agent if relevant and date of commencement of tenancy.</li> <li>- Schedule 1, item 11: OC meeting agenda to be given to tenants who have been notified to OC consistent with</li> </ul>	Amend UTMA

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			<p>s258. Other docs to be given to tenants ahead of OC meeting if agreed by OC.</p> <p>Schedule 1, item 21: Tenant cannot vote at OC meeting (unless proxy) and cannot address meeting unless invited by OC resolution to do so. OC can by resolution require tenant to not be present at discussion of financial matters, contributions, cancellation units plan.</p>	
38	Tenant representative at EC meetings	<p>UTMA has no provisions relating to representation of tenants at executive committee meetings. This may be an issue where decisions may have general or individual implications for tenant(s).</p> <p>Given tenants may be impacted on by OC resolutions and they are bound by OC rules as much as the owner (107(2) of UTMA), there would seem to be a need to permit tenant representation on the executive committee where 50% or more of occupiers of units (commercial or residential) are tenants not owners, similar to NSW.</p>	<p>Amend UTMA to permit tenants to appoint representative on executive committee if unit scheme is 50% or more tenanted. Representative cannot vote in meeting and other restrictions as per NSW.</p> <p><i>Strata Schemes Management Act 2015 (NSW)</i></p> <ul style="list-style-type: none"> <li>- s33: if more than 50% of units tenanted and notified under Act to OC, tenants can nominate a representative on executive committee (strata committee in</li> </ul>	Amend UTMA and <i>Residential Tenancies Act 1997</i> as necessary

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			<p>NSW terminology).            Tenant rep cannot vote, put a motion or nominate a person for office.</p> <p>EC can by resolution determine that tenant rep cannot be present at discussion of financial statements and auditor's reports, contributions, cancellation units plan.</p>	
-	Attendance at EC meetings by non-EC members	<p>Schedule 2, part 2.2 of the UTMA suggests EC meetings may only be attended by EC members.</p> <p>Consider amending the UTMA to allow attendance at EC meetings by non-EC members, such as experts where expert advice is required on an aspect of the units plan, e.g. builders, lawyers, accountants etc.</p>	Amend UTMA to allow non-EC members to attend EC meetings.	Amend UTMA
-	Provision of OC meeting minutes to members	<p>Schedule 2, section 2.1(2) of the UTMA requires the executive committee to give a copy of the minutes of its proceedings to each member of the OC within 14 days after the day the meeting was held.</p> <p>Need to clarify whether the executive committee is required to give the OC draft, approved or final minutes of its proceedings.</p>	Consider amending UTMA to clarify whether the executive committee must give the OC draft, approved or final minutes of its proceedings.	Possible amendment UTMA