

9 August 2010

Project Manager  
Tenure Legislation Review  
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By email: [duncan.watson@landgate.wa.gov.au](mailto:duncan.watson@landgate.wa.gov.au)

Dear Duncan

**Re: Schemes within Schemes, Leasehold Strata and Other Reforms to Strata Titles Legislation in WA**

The Urban Development Institute of Australia (WA) is pleased to provide comment on the consultation paper *Schemes within Schemes, Leasehold Strata and Other Reforms to Strata Titles Legislation in WA*. UDIA is the key representative body of the land development industry in Western Australia with members drawn from the land development, planning, engineering, urban design, legal and financial professions.

In general, UDIA supports and welcomes the proposed amendments but there are some issues that we believe require further consideration. This submission highlights key areas of interest to the development industry.

**KEY ISSUES**

**The need for developer flexibility**

Developer flexibility during multi-staged, longer term projects is paramount. This should be reflected in requirements for inclusion in the management statement at the outset of the development.

The exact nature of future stages should not need to be disclosed, but information should be made available to consumers of the potential of future building height, plot coverage and uses (residential, commercial etc) as applicable under the relevant town planning scheme.

**Common Property**

The requirement for there to be common property to be able to enter into a multi scheme (scheme within a scheme) is unnecessary. Developers could benefit from including common property within each scheme for various projects that are not available to the overall scheme. Mandating the requirement for common property will lead to the creation of token areas such as bin areas and letterbox locations.

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Where common property is to be provided details should be available as to the nature of that property but there should be no obligation to provide an exact date of delivery or location within the property. This provides developers with maximum flexibility to be able to adjust to the market and evolve the product over time.

**Agreement to change the scheme during construction**

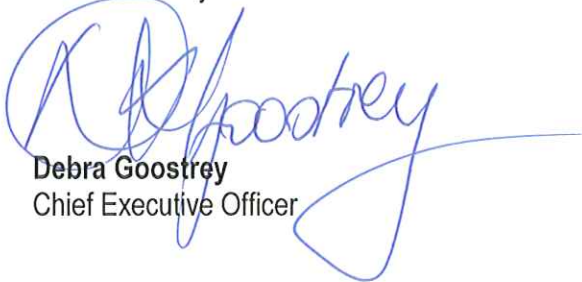
Provided that the developer remains consistent to any local planning schemes, design codes and /or the R-codes owners within early stages should not be able to prevent developers adjusting future stages to adapt to the needs of the market.

**Strata Company**

The creation triggers for the various strata companies must be clear to all parties. Currently proposal 20 is ambiguous and requires reconsideration.

We trust you will give these comments due consideration in finalising the reforms to the strata titles legislation and thank you again for the opportunity to provide feedback.

Yours sincerely



**Debra Goostrey**  
Chief Executive Officer