



JUNE 2003

NEW CONVEYANCING PROCEDURES AFFECTING SALE OF STRATA LOTS AND "HOUSE AND LAND PACKAGES"

Source:

As of 1st June 2003, the Conveyancing (Sale of Land) Regulation 2000 provide for an occupation certificate (either interim or final) under the Environmental Planning and Assessment Act to be served by the vendor on the purchaser before completion of certain contracts. These conveyancing procedures imply a non-excludable term into relevant contracts stating that completion is not due until at least 14 days after the vendor provides the purchaser with an occupation certificate (or a copy thereof) for the building to which the lot relates.

These procedures protect purchasers from having to settle contracts in respect of properties that they are not legally entitled to occupy.

Contracts affected by the new procedures:
(1) A contract for sale of a lot in a proposed strata plan entered into before the date of registration of the plan ("off the plan" sale), where the building is a new building;

(2) A contract for sale of a lot in a strata plan entered into within 12 months of the date of registration of the strata plan, where the building is a new building;

(3) A contract for the sale of a lot in a deposited plan, or in a proposed deposited plan, that also provides for the erection by the vendor of a dwelling-house on the lot, where the house-dwelling is a new building;

(4) A contract for the sale of a lot in a deposited plan, or in a proposed plan, that also provides for the sale of a dwelling-house already erected on the lot, where the house-dwelling is a new building.

Under the Environmental Planning and Assessment Act, the definition of a new building includes an altered portion of, or extensions to, an existing building.

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