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### THE TEXT OF THE LEGISLATION FOLLOWS

### Western Australia

# **Strata Titles General Regulations 1996**

# CONTENTS

# Part 1 — Preliminary

1.	Short title	1
2.	Commencement	1
3.	Interpretation	1
	Part 2 — Strata/survey-strata plans	
4.	Quality of plans	3
5.	Plan specifications	3
5A.	Statements required on plans for section 5(1)(aa)	7
6.	Numbering of lots on plans	8
7.	Plan of survey	10
8.	Description of parcel, etc.	10
9.	Schedule of unit entitlement	11
10.	Licensed Valuer's certificate	11
11.	Consents of registered persons	11
12.	Alteration	12
13.	Arrangement and presentation of plans etc.	12
14.	Numbering of strata/survey-strata plans	13
	Part 2A — Easements on survey-strata	
	plans	
14A.	Prescribed easements	14
14B.	Notation of easements on survey-strata plan	14
14C.	Provision for terms of easement on plan etc.	15
14D.	Provisions applicable to regulations 14E to 14I	15
14E.	Vehicle Access Easement	16

page i

[This printout is not an official version of the legislation]

Contents	

14F. 14G.	Light and Air Easement	17 19
14G. 14H.	Party Wall Easement Intrusion Easement	20
14I.	Pedestrian Access Easement	21
	Part 2B — Merger of common property	
	in strata scheme	
14J.	Form of resolution — merger of buildings	23
14K.	Form of resolution — merger of land	23
14L.	Requirements for sketch plan	25
14M.	Matters to be certified by surveyor	26
	Part 2C — Conversion to a	
	survey-strata scheme	
14N.	Form of resolution — conversion to survey-strata	
	scheme	28
14O.	Matters to be certified by surveyor	29
	Part 3 — Exemptions under	
	section $25(2)$	
15.	Exemption — residential strata plan	31
	Part 4 — Registration	
16.	Application to register	32
17.	Certificate of title to be produced	32
18.	Prescribed manner of registration	32
19.	Amendment of plans, schedule of unit entitlement	33
20.	Abbreviated procedure for conversion of tenancies in	35
21.	common Abbreviated procedure for plan of re-subdivision	33 37
21A.	Abbreviated procedures for notices of resolution	39
22.	Quality of documents	41
	Part 5 — Strata companies	
23.	First meeting of strata company	42
24. 25.	Period of keeping records under section 35	42 43
23. 26.	Period of keeping records under section 35 Interest on unpaid contributions	43
20. 27.	Provision excluded for 3, 4 or 5 lot schemes	43
-· ·		

page ii

		Contents
28.	Maximum amount of penalty in by-law	43
29.	Prescribed amount under section 47(1)	43
	Part 6 — Approval of erection,	
	alteration or extension of structure	
30.	Statement in notice of meeting	44
31.	Prescribed grounds of refusal for purposes of	
	section 7(5)(c)	45
32. 33.	Improvements prescribed for purposes of section 7(6) Improvements prescribed for purposes of	45
	section 7A(4)	45
34.	Prescribed information to accompany application	
25	under section 7B(1)	46
35.	Definitions of "open space" and "plot ratio"	48
	Part 7 — Management statement	
36. 37.	Sufficient compliance by plan with by-laws Prescribed requirements for clause 8(a) of	49
	Schedule 2A	50
	Part 8 — Miscellaneous	
37A.	Permitted boundary deviations	52
37B.	Attachments included for purposes of	
	section 3AB(1)(a)(i)	52
37C.	Attachments excluded for purposes of	<b>5</b> 2
38.	section 3AB(1)(a)(ii)	53 53
36. 39.	Prescribed period under section 19(10) Considerations prescribed under sections 23(2a) and	33
3).	24(2a)	53
40.	Period prescribed for section 25A(3)	55
41.	Requirements of plan on partial resumption of strata	
	lot	55
42.	Disclosure statement by vendor	55
43.	Notifiable information prescribed under	
4.4	section 69A(f)	55 5.5
44. 45	Maximum amount of penalty by order of referee	55 55
45. 46.	Fees Forms	55 56
46. 48.	Transitional provisions	56
10.	Transitional provisions	20

page iii

Compilation table

# Schedule 1 58 Schedule 2 62 Schedule 3 65 Notes

131

### Western Australia

### Strata Titles Act 1985

# **Strata Titles General Regulations 1996**

### Part 1 — Preliminary

### 1. Short title

These regulations may be cited as the *Strata Titles General Regulations* 1996<sup>1</sup>.

### 2. Commencement

These regulations come into operation on the day on which the *Strata Titles Amendment Act 1995* comes into operation <sup>1</sup>.

### 3. Interpretation

In these regulations, unless the context otherwise requires —

"Form" means a form in Schedule 3;

"Licensed Surveyors Regulations" means the *Licensed*Surveyors (Guidance of Surveyors) Regulations 1961;

"plan" means a strata/survey-strata plan;

"section" means a section of the Act;

"Survey Regulations" means the Licensed Surveyors
Regulations, the TLA Regulations and the *Transfer of Land*(Surveys) Regulations 1995 or such other regulations,
including any directions, instructions or guidelines which
may be issued under any of those regulations, as are for the

r. 3

time being in force for the guidance of surveyors when practising under the *Transfer of Land Act 1893*;

**"TLA Regulations"** means the *Licensed Surveyors (Transfer of Land Act 1893) Regulations 1961* <sup>2</sup>.

# Part 2 — Strata/survey-strata plans

### 4. Quality of plans

A plan lodged for registration under the Act, including a sketch plan referred to in section 21T(1)(b) and a survey-strata plan referred to in section 31E(1)(a), must conform to the following requirements, namely —

- the drawing medium must be of such type and size as may be approved by the Registrar of Titles, unblemished and free of creases;
- a margin of at least 10 mm must be left on all edges of (b) the drawing medium;
- the writing, drawing or typewriting must be only on one (c) side of the drawing medium;
- (d) drawings, writing or typewriting must be clear and legible and of sufficient density and size to permit photographic or other reproduction and must not be blurred or liable to blur.

[Regulation 4 amended in Gazette 17 Jan 1997 p. 453.]

### 5. Plan specifications

- (1) All plans lodged for registration under the Act, including a survey-strata plan referred to in section 31E(1)(a), must be in the form of Form 1 or 2 and must be accompanied by an annexure sheet in the form of Form 8.
- (1a) All such plans must be drawn showing
  - the north point, which must direct upwards; (a)
  - (b) the scale to which the plan is drawn, being a scale which will allow all details and notations to be clearly shown;
  - in the case of a floor plan (c)
    - the boundaries of lots or whole separate parts of lots by continuous lines so that boundaries

- defined by walls or other structural features are clearly distinguished from boundaries defined by lines only; and
- (ii) which includes survey information under section 3(2a), except to the extent that the Survey Regulations are inconsistent with these regulations, the information required by the Survey Regulations (including without limitation, regulation 5 of the TLA Regulations) as if
  - (I) references in the Survey Regulations to a lot, a plan or a boundary included references to a lot or common property, a strata plan or a boundary of a lot or common property;
  - (II) field books or notes were only required to be lodged under regulation 8 of the Licensed Surveyors Regulations and regulation 8 of the TLA Regulations in the circumstances determined by the Registrar of Titles;
  - (III) the balance of regulation 12 of the TLA Regulations from and including the words "Consecutive numbering from one upwards" were deleted; and
  - (IV) regulations 54 and 55A to 55E inclusive of the Licensed Surveyors Regulations and regulations 61 and 62 of the TLA Regulations were deleted;
- (d) in the case of a location plan
  - (i) if the Registrar of Titles so requires, the relationship of the boundaries of the parcel to the location of the building;

- (ii) offsets in any case where part of the building is within 2 metres of a boundary of the parcel; and
- (iii) encroachments, if any,

(but no other dimensions are necessary);

- (e) in the case of a survey-strata plan
  - all common property as a lot or lots, prefixed by the letters "CP";
  - (ii) if a cubic space lot (limited in height and depth) is created, the upper and lower boundaries of that lot defined by reference to Australian Height Datum, or such other datum as is approved by the Registrar of Titles;
  - (iii) all angles in degrees, minutes and seconds;
  - [(iv)]deleted]
    - except to the extent that the Survey Regulations (v) are inconsistent with these regulations, the information required by the Survey Regulations (including without limitation, regulation 5 of the TLA Regulations) as if —
      - (I) references in the Survey Regulations to a lot, a plan or a boundary included references to a lot or common property lot, a survey-strata plan or a boundary of a lot or common property lot;
      - (II)field books or notes were only required to be lodged under regulation 8 of the Licensed Surveyors Regulations and regulation 8 of the TLA Regulations in the circumstances determined by the Registrar of Titles;
      - (III)the balance of regulation 12 of the TLA Regulations from and including the

- words "Consecutive numbering from one upwards" were deleted;
- (IV) the expression "section 22(2) of the Strata Titles Act 1985," were inserted after "under" in regulation 3(2)(a) of the Transfer of Land (Surveys) Regulations 1995; and
- (V) regulations 54 and 55A to 55E inclusive of the Licensed Surveyors Regulations and regulations 61 and 62 of the TLA Regulations were deleted;
- (f) all linear measurements to 2 decimal places of a metre; and
- (g) the name and address of the surveyor or other person who is responsible for the correctness of the plan.
- (2) All linear connections shown on a strata plan must be referred to a stated surface of a floor, wall, ceiling, or permanent structural feature shown on the plan.
- (3) Except as provided in section 3(2a), no reference may be made in a floor plan to the relationship of boundaries of lots to boundaries of the parcel.
- (4) Subject to subregulation (7), every plan must be drawn to one of the following ratios, or multiples of 10 of the ratios —

1:50

1:75

1:100

1:200

1:250

1:300

1.400

1:400 1:600

1:800

and must show a scale bar.

- (5) Additional plan sheets in the form of Form 4 may be used as required, and if used must comply with these regulations, must be numbered consecutively 'sheet .... of .....sheets' and all floor plans must be drawn to the same scale and in the same relationship to the borders of the floor plan sheets except where the Registrar of Titles otherwise determines.
- (6) A plan lodged for registration under the Act may include a cross-sectional diagram to illustrate the horizontal boundaries of cubic space of the lots on the plan. A cross-sectional diagram must be drawn —
  - (a) to a suitable scale approved by the Registrar of Titles;
  - (b) so as to identify, by suitable notation, those areas that are a part of a lot and that are common property; and
  - (c) in the case of a strata plan, in compliance with regulation 5(2).
- (7) A plan lodged for registration under the Act may, with the approval of the Registrar of Titles, include an enlargement of part of the plan.
- (8) All sheets of a plan lodged for registration under the Act must be initialled by the person who prepared the plan.
- (9) Subregulations (2) to (8) also apply to
  - (a) a sketch plan referred to in section 21T(1)(b); and
  - (b) a survey-strata plan referred to in section 31E(1)(a).

[Regulation 5 amended in Gazette 17 Jan 1997 p. 453-4; 2 Sep 2004 p. 3824.]

### 5A. Statements required on plans for section 5(1)(aa)

The prescribed form of the statement to be contained on a strata plan for the purposes of section 5(1)(aa) is —

(a) where section 3(2)(a) applies —

The boundaries of the lots or parts of the lots which are buildings shown on the strata plan are the inner surfaces of the walls, the upper surface of the floor and the under surface of the ceiling, as provided by section 3(2)(a) of the *Strata Titles Act 1985*.

and

(b) where section 3AB applies —

"

The boundaries of the lots or parts of the lots which are buildings shown on the strata plan are the external surfaces of those buildings, as provided by section 3AB of the *Strata Titles Act 1985*.

,,

and, if applicable —

Where 2 lots have a common or party wall or have buildings on them which are joined, the centre plane of that wall, or the plane at which they are joined, is the boundary.

[Regulation 5A inserted in Gazette 17 Jan 1997 p. 454-5.]

### 6. Numbering of lots on plans

- (1) In a plan lodged for registration under the Act
  - (a) each lot must be numbered consecutively commencing with lot 1 and terminating with a lot number corresponding with the total number of lots comprised in the plan; and
  - (b) the abbreviation "CP" may not be used other than in the circumstances permitted by subregulation (5)(a).

- (2) In a plan lodged for registration under the Act as a plan of consolidation or as a plan of re-subdivision each lot must be numbered consecutively, the lowest lot number being greater by one than the highest number of any lot in the existing scheme.
- (3) Where different parts of a parcel (including parts of a building) constitute a single lot, reference must be made on each sheet on the plan that depicts part of that lot, to any other sheet of the plan that refers to that part or another part of that lot.
- (4) In all plans, where a numbered lot is shown as consisting of more than one part, each part must be described as part of that numbered lot, using the abbreviation "Pt." before the number.
- (5) In a survey-strata plan lodged for registration under the Act
  - (a) all common property lots must be prefixed by the letters "CP" and must be included in the consecutive numbering of the lots on the plan required by subregulation (1)(a) or (2) as the case requires, but on every survey-strata plan and every plan of re-subdivision or consolidation for a survey-strata scheme, the lots must be numbered first followed by the numbering of the common property lots; and
  - (b) subregulations (3) and (4) apply to common property lots as if a reference in those subregulations to a lot included a reference to a common property lot.
- (5a) In
  - (a) a sketch plan referred to in section 21T(1)(b); or
  - (b) a survey-strata plan referred to in section 31E(1)(a),
  - each lot (not including any common property lot) must have the same number as that lot has in the existing scheme.
- (6) The Registrar of Titles may, after giving notice to all persons who will be affected by his or her decision, number or re-number any lots in any plan lodged for registration or registered under the Act or the *Strata Titles Act 1966* <sup>3</sup>.

[Regulation 6 amended in Gazette 17 Jan 1997 p. 455.]

### 7. Plan of survey

- (1) Where
  - (a) land which comprises more than 1 lot, allotment or portion of land is proposed to be the subject of a scheme; or
  - (b) it is proposed to amalgamate adjoining land with a parcel under section 18,

the plan must be accompanied by a plan of survey amalgamating the land into 1 lot.

- (2) Where an amalgamation referred to in subregulation (1) is effected an application for a certificate of title for the land not included in the amalgamation must accompany the transfer.
- (3) The plan of survey referred to in subregulation (1) must comply with the Survey Regulations.

### 8. Description of parcel, etc.

- (1) The parcel must be described in a plan other than a plan of re-subdivision, a plan of consolidation or a plan referred to in section 31E(1)(a) by reference
  - (a) to the certificate of title or Crown grant; and
  - (b) to a lot, allotment or portion illustrated on the relevant plan on public record in the Department of Land Administration.
- (2) In a plan of re-subdivision or a plan of consolidation lodged for registration under the Act the parcel must be described by reference to the lots and common property in the scheme.
- (3) In a survey-strata plan referred to in section 31E(1)(a) the parcel must be described by reference to the lots and common property in the scheme.

[Regulation 8 amended in Gazette 17 Jan 1997 p. 455-6.]

### 9. Schedule of unit entitlement

- (1) The vertical interval between items in a schedule of unit entitlement or an amended schedule of unit entitlement must be not less than 8 millimetres.
- (2) All common property lots must be included in any schedule of unit entitlement or amended schedule of unit entitlement which relates to a survey-strata scheme, but the number of each common property lot must be prefixed by the letters "CP" and the words "COMMON PROPERTY" must be noted against each entry for a common property lot.

### 10. Licensed Valuer's certificate

- (1) Subject to the Act, a certificate given by a licensed valuer for the purposes of the Act is valid for a period of 2 years.
- (2) Despite subregulation (1), upon registration of a plan the certificate of a licensed valuer is valid until the unit entitlement of the scheme is reallocated or amended under the Act and registered or recorded on the relevant schedule to the plan.

[Regulation 10 amended in Gazette 17 Jan 1997 p. 456.]

### 11. Consents of registered persons

The consents required under —

- (a) section 8A(i) and (j);
- (b) section 9(3)(c);
- (c) section 15(2)(b);
- (d) section 21T(1)(e); and
- (e) section 31E(1)(e),

must be endorsed on or bound into or must accompany the plan, notice of resolution or application in the manner approved by the Registrar of Titles.

[Regulation 11 amended in Gazette 17 Jan 1997 p. 456.]

### 12. Alteration

- (1) A sheet of a plan lodged in the office of the Registrar of Titles for registration must be
  - (a) altered only by striking through the matter intended to be altered and not by rubbing, scraping or cutting the surface of the sheet; and
  - (b) replaced, if in the opinion of the Registrar of Titles any alteration will render it unsuitable for copying by photographic or similar means.
- (2) Every alteration to a sheet of a plan, other than a deletion under regulation 13(4) or an alteration made by the Registrar of Titles under section 129A or regulation 6(6) must be authenticated
  - (a) by the surveyor, unless the sheet shows only the whole or part of a schedule of proposed unit entitlement; and
  - (b) if the alteration
    - (i) relates to the definition of a lot boundary, by the Commission where the plan is required to be approved by the Commission under section 25(1) or 25B(2), or the local government in any other case; or
    - (ii) affects the proportional unit entitlement of any lot in the scheme, by the licensed valuer.

[Regulation 12 amended in Gazette 28 Jun 1996 p. 3060.]

### 13. Arrangement and presentation of plans etc.

(1) The certificates, schedule of unit entitlement, directions, consents, instruments or documents required by the Act to accompany a plan must be presented, arranged or bound with the plan in the manner approved by the Registrar of Titles.

- (2) Subject to regulation 5(5), any strata plan lodged for registration under the Act may incorporate on one sheet a floor plan and a location plan.
- (3) Any certificate, schedule of unit entitlement, direction or consent required to be lodged with or accompany a plan lodged under the Act may be contained on a separate sheet or may be endorsed on the plan if each plan, certificate, schedule, direction or consent is identified as such and is sufficiently separated from each other so as, in the opinion of the Registrar of Titles, not to be confusing or misleading.
- (4) Where on any plan, form, certificate, schedule of unit entitlement, direction or consent lodged under the Act or required to be lodged with or accompany a plan lodged under the Act
  - (a) the words "strata/survey-strata" appear, the word "strata" or "survey-strata" must be struck through as appropriate or the appropriate word substituted for the words "strata/survey-strata"; and
  - (b) any expression or passage is inapplicable, it
    - (i) may be printed on the form and struck through; or
    - (ii) need not be printed.

[Regulation 13 amended in Gazette 17 Jan 1997 p. 456-7.]

### 14. Numbering of strata/survey-strata plans

The Registrar of Titles must —

- (a) upon accepting a plan for registration, allot a distinctive reference to the plan; and
- (b) keep a record of all plans registered under the Act.

### Part 2A — Easements on survey-strata plans

[Heading inserted in Gazette 17 Jan 1997 p. 457.]

### 14A. Prescribed easements

The following easements are prescribed for the purposes of section 5H —

- (a) an easement relating to vehicle access, parking or turning;
- (b) an easement for access or use of light and air;
- (c) an easement for party wall rights;
- (d) an easement for the right of a structure to intrude into another lot where that intrusion would constitute a permitted boundary deviation if the scheme were a single tier strata scheme;
- (e) an easement for pedestrian access.

[Regulation 14A inserted in Gazette 17 Jan 1997 p. 457.]

### 14B. Notation of easements on survey-strata plan

- (1) For the purposes of section 5D(4), notations under section 5D(3)(a) and (b) are to be in the following manner or in such other manner as may be approved by the Registrar of Titles
  - (a) the location of the easement is to be marked on the survey-strata plan by dotted lines showing
    - (i) in the case of an easement of the kind mentioned in regulation 14A(a), (b) and (e) two dimensions, being the length and width of the easement area;
    - (ii) in the case of an easement of the kind mentioned in regulation 14A(d) three dimensions, being the height, length and width of the easement area; and

(iii) in the case of an easement of the kind mentioned in regulation 14A(c) — two dimensions, being the length and height of the easement area;

and

- (b) the dominant and servient lots are to be shown in tabular form, by reference to the prescribed short form description of the easement.
- (2) Unless stated otherwise on the survey-strata plan, the height and depth of any easement of a kind mentioned in regulation 14A is to be the height and depth limits of the lot (if any).

[Regulation 14B inserted in Gazette 17 Jan 1997 p. 457-8.]

### 14C. Provision for terms of easement on plan etc.

For the purposes of section 5E(1), any term, condition or provision of or in relation to an easement under section 5D may be made —

- (a) by notation on a survey-strata plan, in respect of the apportionment of liability for the costs of upkeep of an area over which the easement is created by inclusion in the table referred to in regulation 14B(1)(b) of a specified percentage for each of the dominant and the servient lots; or
- (b) by memorial or other instrument lodged with a survey-strata plan, in respect of any matter relating to the easement.

[Regulation 14C inserted in Gazette 17 Jan 1997 p. 458.]

### 14D. Provisions applicable to regulations 14E to 14I

(1) The terms, conditions and provisions of and relating to easements that may be created under section 5D, and the short form description of each such easement are prescribed, for the purposes of section 5H(1), in regulations 14E to 14I.

### r. 14E

- (2) In the terms, conditions and provisions of and relating to the easements in regulations 14E to 14I
  - (a) "dominant lot" and "servient lot" have the same meanings as those terms have in section 5D(2)(b) and as are marked on the survey-strata plan;
  - (b) "easement area" means the area of the servient lot marked on the survey-strata plan as being subject to the relevant easement; and
  - (c) where an easement is expressed to be granted in favour of the grantee, that grant is to be taken to be in favour of the grantee as a person entitled to an estate or interest in possession in the dominant lot or any part of the dominant lot which is capable of enjoyment of the rights granted by the relevant easement.

[Regulation 14D inserted in Gazette 17 Jan 1997 p. 458; amended in Gazette 2 Sep 2004 p. 3824.]

### 14E. Vehicle Access Easement

The short form description for an easement relating to vehicle access, parking or turning is "Vehicle Access Easement", and the terms, conditions and provisions of and relating to the easement are as follows —

- 1. The registered proprietor of the servient lot ("grantor") grants to the registered proprietor and every occupier of the dominant lot or lots from time to time ("grantee") the rights for the grantee and his or her independent contractors, employees, agents and visitors, at any time
  - (a) to park vehicles in such car parking areas (if any) as may be marked on the survey-strata plan or as may be set aside or marked out

- for that purpose at the date of creation of this easement; and
- (b) to turn and drive vehicles over such areas as may be marked on the survey-strata plan or as may be set aside, at the date of creation of this easement, for the purpose of gaining access to and egress from the dominant lot to any street or any part of the parcel.
- 2. The grantor and the grantee are liable for the cost of repairing, maintaining, replacing, cleaning (including the removal of any solid or liquid dropped or leaking from any vehicle) or upkeeping the easement area in proportion to the unit entitlements of their respective lots shown on the survey-strata plan from time to time.
- 3. The grantee agrees to indemnify and keep indemnified the grantor against all actions, liabilities, proceedings, claims, costs and expenses which the grantor may suffer, incur or sustain in connection with, or arising in any way out of the loss of or damage to any property or the death or injury of any person resulting from the use of the easement area by the grantee or his or her independent contractors, employees, agents and visitors.

[Regulation 14E inserted in Gazette 17 Jan 1997 p. 458-9.]

14F. Light and Air Easement

The short form description for an easement for access or use of light and air is "Light and Air Easement", and the terms, conditions and provisions of and relating to the easement are as follows —

### r. 14F

- 1. The registered proprietor of the servient lot ("grantor") grants to the registered proprietor and every occupier of the dominant lot from time to time ("grantee") the right to full and unimpeded access to light and air to, through and for the windows or openings in any building or buildings on the dominant lot at the date of creation of this easement for the use and enjoyment of the dominant lot, without any obstruction or interruption caused by or consequent upon the erection of any building, structure or thing (other than the existing building or buildings on the servient lot or any future building erected on the same foundations and of the same or lesser dimensions) except as is reasonably incidental to the use by the grantor of the servient lot.
- 2. The grantee may enter on the servient lot at any reasonable time with or without independent contractors, employees or agents and necessary materials, equipment and vehicles for the purpose of taking all reasonable steps to prevent or remove any buildings, structures, trees or vegetation obstructing or interrupting the unimpeded access to light and air. The grantee, in exercising such right must cause as little inconvenience as is reasonably possible and must make good all damage caused in exercising the right of entry.
- 3. If the whole or the part of the building or buildings on the dominant lot in respect of which this easement is used or enjoyed is destroyed, it must be reinstated within one year, or an extended period ordered under section 103O of the Act, after the destruction, and if it is not so reinstated this easement is terminated in respect of the whole or part which is destroyed.

[Regulation 14F inserted in Gazette 17 Jan 1997 p. 459-60; amended in Gazette 30 Dec 2004 p. 6944.]

### 14G. Party Wall Easement

The short form description for an easement for party wall rights is "Party Wall Easement", and the terms, conditions and provisions of and relating to the easement are as follows —

- 1. The registered proprietor of the servient lot ("grantor") grants to the registered proprietor and every occupier of the dominant lot from time to time ("grantee") the right to use a party wall within or on the boundary of the servient lot for the support of the walls, floors, footings, ceilings, roofs or other parts of any building built or placed on the dominant lot.
- 2. The grantee may enter on the servient lot at any reasonable time with or without independent contractors, employees or agents and necessary materials, equipment and vehicles for the purpose of repairing, maintaining, renewing or otherwise remedying any failure to maintain the above right to use a party wall including the right to erect scaffolding or equipment as is reasonably necessary for upholding and maintaining the party wall. The grantee, in exercising such right must cause as little inconvenience as reasonably possible and must make good all damage caused in exercising the right of entry.
- 3. If the whole or the part of the building or buildings on the dominant lot which are supported by the party wall is destroyed, it must be reinstated within one year, or an extended

### r. 14H

period ordered under section 103O of the Act, after the destruction, and if it is not so reinstated this easement is terminated in respect of the whole or part which is destroyed.

[Regulation 14G inserted in Gazette 17 Jan 1997 p. 460; amended in Gazette 30 Dec 2004 p. 6944.]

### 14H. Intrusion Easement

The short form description for the right of a structure to intrude into another lot where that intrusion would constitute a permitted boundary deviation if the scheme were a single tier strata scheme is "Intrusion Easement", and the terms, conditions and provisions of and relating to the easement are as follows —

- 1. The registered proprietor of the servient lot ("grantor") grants to the registered proprietor and every occupier of the dominant lot or lots from time to time ("grantee") the right for the grantee and his or her independent contractors, employees, agents and visitors, at any time to retain, construct, inspect, alter, maintain, repair, replace and use roofs, floors, walls, footings, eaves, gutters, downpipes, pipes, and all parts of any building or any thing attached to or which projects from a building on the dominant lot, which intrude into the servient lot in the easement area at the date of creation of this easement.
- 2. The grantee may enter on the servient lot at any reasonable time with or without independent contractors, employees or agents and necessary materials, equipment and vehicles for the purpose of exercising the rights granted in this easement. The grantee, in exercising such rights must cause

- as little inconvenience as is reasonably possible and must make good all damage caused in exercising the right of entry.
- 3. The grantee agrees to indemnify and keep indemnified the grantor against all actions, liabilities, proceedings, claims, costs and expenses which the grantor may suffer, incur or sustain in connection with, or arising in any way out of the loss of or damage to any property or the death or injury of any person resulting from the exercise of the rights granted in this easement, including the right of entry.
- 4. If the whole or the part of the building or buildings which intrude into the servient lot in the easement area is destroyed, it must be reinstated within one year, or an extended period ordered under section 103O of the Act, after the destruction, and if it is not so reinstated this easement is terminated in respect of the whole or part which is destroyed.

[Regulation 14H inserted in Gazette 17 Jan 1997 p. 461; amended in Gazette 30 Dec 2004 p. 6945.]

### 14I. Pedestrian Access Easement

The short form description for an easement for pedestrian access is "Pedestrian Access Easement", and the terms, conditions and provisions of and relating to the easement are as follows —

"

1. The registered proprietor of the servient lot ("grantor") grants to the registered proprietor and every occupier of the dominant lot or lots from time to time ("grantee") the right for the grantee and his or her independent contractors,

### r. 14I

- employees, agents and visitors, at any time to pass and repass on foot for any purpose over the easement area.
- 2. The grantor and the grantee are liable for the cost of repairing, maintaining, replacing, cleaning or upkeeping the easement area in proportion to the unit entitlements of their respective lots shown on the survey-strata plan from time to time.
- 3. The grantee agrees to indemnify and keep indemnified the grantor against all actions, liabilities, proceedings, claims, costs and expenses which the grantor may suffer, incur or sustain in connection with, or arising in any way out of the loss of or damage to any property or the death or injury of any person resulting from the use of the servient lot by the grantee or his or her independent contractors, employees, agents and visitors.

[Regulation 14I inserted in Gazette 17 Jan 1997 p. 461-2.]

# Part 2B — Merger of common property in strata scheme

[Heading inserted in Gazette 17 Jan 1997 p. 462.]

### 14J. Form of resolution — merger of buildings

The prescribed form of a resolution for the purposes of section 21F(1) is —

"

That in relation to the lots or parts of the lots which are buildings shown on the strata plan, the boundaries are to be fixed by reference to the external surfaces of those buildings, as provided for by section 3AB of the *Strata Titles Act 1985*.

and, if applicable —

"

Where 2 lots have a common or party wall, or have buildings on them which are joined, the centre plane of that wall or the plane at which they are joined, is the boundary.

[Regulation 14J inserted in Gazette 17 Jan 1997 p. 462.]

### 14K. Form of resolution — merger of land

(1) The prescribed form of a resolution for the purposes of section 21Q(1), is —

- 1. That the strata plan be amended as follows
  - \*(a) to show an extension or alteration to an existing building shown on the strata plan, as depicted on the sketch plan tabled for the purposes of this resolution;

- \*(b) to include a building on the strata plan, as depicted on the sketch plan tabled for the purposes of this resolution;
- \*(c) to merge land that is common property into a lot or lots on the strata plan
  - (i) as depicted on the sketch plan tabled for the purposes of this resolution; or
  - (ii) by ..... (describe merger).

and, if applicable —

"

- 2. That the horizontal boundaries of the land in the lots on the strata plan are
  - \*(a) the existing horizontal boundaries shown on the strata plan; or
  - \*(b) ...... metres above and ....... metres below ...... (describe boundaries).
- 3. That an easement or easements relating to motor vehicle access, parking or turning (in terms of section 21W of the *Strata Titles Act 1985*) be created, as depicted on the sketch plan tabled for the purposes of this resolution.
- 4. That it consents to the schedule of unit entitlement for the scheme as set out in the schedule tabled for the purposes of this resolution.

(2) Where an asterisk (\*) appears in subregulation (1) next to a paragraph designation, the contents of that paragraph may be deleted or not inserted, if it is inapplicable.

[Regulation 14K inserted in Gazette 17 Jan 1997 p. 462-3.]

### 14L. Requirements for sketch plan

A sketch plan lodged under section 21T(1)(b) must be in the form of Form 34 and must be drawn showing —

- (a) the matters provided for in regulation 5(1)(a), (b), (f) and (g);
- (b) if the sketch plan shows any extension or alteration of a building or includes a building not shown on the strata plan
  - (i) a floor plan of all floors or levels, prepared in the manner provided for in regulation 5(1)(c); and
  - (ii) a location plan prepared in the manner provided for in regulation 5(1)(d),

as if a reference in regulation 5(1)(c) and (d) to a plan were a reference to a sketch plan lodged under section 21T(1)(b);

- (c) if the sketch plan merges land that is common property into a lot or defines any area that is subject to an easement under section 21W
  - (i) a floor plan of the ground floor or level, and if there is more than one floor or level, a notation on the floor plan of the ground floor or level that the floor plan(s) in respect of upper or lower levels remain as provided on the strata plan, but which is otherwise prepared in the manner provided for in regulation 5(1)(c) as if the

following sub-subparagraph appeared after sub-subparagraph (IV) —

"

(V) the reference in regulation 34(b) of the Licensed Surveyors Regulations to "1 in 8 000" were deleted and a reference to "1 in 1 000" were substituted in its place;

"

and

(ii) a location plan prepared in the manner provided for in regulation 5(1)(d),

as if a reference in regulation 5(1)(c) and (d) to a plan were a reference to a sketch plan lodged under section 21T(1)(b).

[Regulation 14L inserted in Gazette 17 Jan 1997 p. 463-4.]

### 14M. Matters to be certified by surveyor

- (1) The matters prescribed for the purposes of section 21U(4)(a), as to which a licensed surveyor is to certify under section 21U(3), are
  - (a) the number of car parking bays and rights of vehicular turning and access to a street or parts of the common property;
  - (b) in the case of residential developments, rights to private open space for the occupiers of each of the lots;
  - (c) rights of pedestrian access to a street or parts of the common property;
  - (d) rights for access and use of storage areas, service areas, mail boxes and service meters;
  - (e) rights for service access;

### having regard to —

- (f) the provisions of the relevant town planning scheme;
- (g) the existing development approval for the strata scheme;
- (h) any implied easements or other provisions contained in the Act; and
- (i) any easements or restrictive covenants granted or to be created on registration of the notice of resolution.
- (2) In the case of a residential development, any expression used in subregulation (1) that is defined in the document titled "Statement of Planning Policy No. 1 Residential Planning Codes" published in the *Gazette* on 30 January 1985 has the same meaning as it has from time to time in that document.
- (3) If the sketch plan shows any land that is common property to be merged into a lot, the certificate is to show whether or not an easement is required to be created on the sketch plan under section 21W for the purposes of satisfying section 21U(3)(b).

[Regulation 14M inserted in Gazette 17 Jan 1997 p. 464-5.]

# Part 2C — Conversion to a survey-strata scheme

[Heading inserted in Gazette 17 Jan 1997 p. 465.]

### 14N. Form of resolution — conversion to survey-strata scheme

(1) The prescribed form of a resolution for the purposes of section 31C(1) is —

"

1. That the strata scheme be converted to a survey-strata scheme, as depicted on the survey-strata plan tabled for the purposes of this resolution.

The owners acknowledge —

- (a) that the unit entitlement for a survey-strata scheme is determined on site value; and
- (b) that they are aware that this is different from the capital value, which is the basis on which the unit entitlement is determined for a strata scheme.

That it consents to the schedule of unit entitlement for the scheme as set out in the schedule tabled for the purposes of this resolution.

,

and, if applicable —

- 2. That the following easement(s) be created under section 31G of the *Strata Titles Act 1985*
  - \*(a) Vehicle Access Easement
  - \*(b) Intrusion Easement

- \*(c) Light and Air Easement
- \*(d) Party Wall Easement
- \*(e) Pedestrian Access Easement,

as depicted on the survey-strata plan.

3.	The *height and/or depth of survey-strata lot(s)
	(insert lot $number(s)$ ) is or are limited to
	(describe limits).

(2) Where an asterisk (\*) appears in subregulation (1) next to a paragraph designation, the contents of that paragraph may be deleted or not inserted, if it is inapplicable.

[Regulation 14N inserted in Gazette 17 Jan 1997 p. 465-6.]

### 140. Matters to be certified by surveyor

- (1) The matters prescribed for the purposes of section 31F(3)(a), as to which a licensed surveyor is to certify under section 31F(2)(e), are
  - (a) the number of car parking bays and rights of vehicular turning and access to a street or parts of the common property;
  - (b) rights to light and air;
  - (c) rights of support, or for an intrusion into another lot which constitutes a permitted boundary deviation before the conversion;
  - (d) in the case of residential developments, rights to private open space for the occupiers of each of the lots;
  - (e) rights of pedestrian access to a street or parts of the common property;
  - (f) rights for access and use of storage areas, service areas, mail boxes and service meters;
  - (g) rights for service access;

### r. 140

having regard to —

- (h) the provisions of the relevant town planning scheme;
- (i) the existing development approval for the strata scheme;
- (j) any implied easements or other provisions contained in the Act; and
- (k) any easements or restrictive covenants granted or to be created on registration of the notice of resolution.
- (2) In the case of a residential development, any expression used in subregulation (1) that is defined in the document titled "Statement of Planning Policy No. 1 Residential Planning Codes" published in the *Gazette* on 30 January 1985 has the same meaning as it has from time to time in that document.
- (3) The certificate is to show, for the purpose of satisfying section 31F(2)(e)(ii), whether or not any easements are required to be created on the survey-strata plan under section 5D, and if so which easements.

[Regulation 140 inserted in Gazette 17 Jan 1997 p. 466-7.]

# Part 3 — Exemptions under section 25(2)

# 15. Exemption — residential strata plan

- (1) Subject to subregulation (2), a proposed strata plan, or a plan of re-subdivision or consolidation for a strata scheme is exempt from the requirement of a certificate of approval given by the Commission for the purposes of section 5B, 8A or 9 where
  - (a) the strata scheme is a residential development of no more than 5 dwelling units situate on a parcel of no more than 2 500 square metres;
  - (b) each lot on the proposed strata plan, or plan of re-subdivision or consolidation for a strata scheme contains one dwelling unit; and
  - (c) the land is
    - (i) within the area of and conforms with a town planning scheme approved under section 7 of the *Town Planning and Development Act 1928* excluding any non-urban zone; or
    - (ii) within an area that has been, or is to be regarded as having been, constituted a townsite, and given a name, under section 10 of the *Land Act 1933* <sup>4</sup>, where there is no town planning scheme referred to in subparagraph (i).
- (2) A plan which has the effect of
  - (a) creating more than 5 lots in a strata scheme; or
  - (b) creating, in a strata scheme, a lot that does not contain a dwelling unit,

is not exempt from approval by the Commission by subregulation (1).

[Regulation 15 amended in Gazette 28 Jun 1996 p. 3060.]

# Part 4 — Registration

# 16. Application to register

- (1) A person who wishes to register a plan or any notice of resolution or other notice, order, consent or, objection or make any application to the Registrar of Titles under the Act must apply in writing to that effect to the Registrar of Titles.
- (2) In the case of an application to register a plan, including a plan of re-subdivision or a plan of consolidation, the application must contain the names and addresses of all local government, water and sewerage authorities to which the Registrar of Titles is required to deliver a copy of the plan under section 60.
- (3) Except where otherwise provided by the Act or prescribed by these regulations, an order, consent, notice or application must be in the form approved by the Registrar of Titles.

[Regulation 16 amended in Gazette 17 Jan 1997 p. 467; 24 Jun 1997 p. 2989.]

# 17. Certificate of title to be produced

Except where otherwise provided by the Act or prescribed by these regulations, a document lodged for registration under the Act must be accompanied by the duplicate certificate of title (if any) for the land or lot that will be affected upon the registration of the document.

[Regulation 17 amended in Gazette 17 Jan 1997 p. 467.]

## 18. Prescribed manner of registration

Except where otherwise prescribed by these regulations, registration of a document under the Act is effected by —

(a) the notation of sufficient information to identify the transaction and the time and date of registration of the document on the relevant plan or relevant form in the plan or the certificate of title, as the case requires; and

(b) the authentication of that notation by the affixing of the seal and the facsimile signature of the Registrar of Titles by the proper officer of the Department of Land Administration.

[Regulation 18 amended in Gazette 17 Jan 1997 p. 468.]

# 19. Amendment of plans, schedule of unit entitlement

- (1) Where a plan of re-subdivision or a plan of consolidation is lodged for registration under the Act, the Registrar of Titles must make a notation to that effect on all sheets of the registered plan, and attach the plan of re-subdivision or plan of consolidation to the registered plan.
- (2) Where a schedule of unit entitlement is amended under the Act, the Registrar of Titles must amend the schedule of unit entitlement to the plan registered under the Act by either
  - (a) if an amended schedule of unit entitlement is lodged, striking through the schedule to the registered plan, making a notation on that schedule referring to the amended schedule and attaching the amended schedule to the registered plan; or
  - (b) if the amended schedule of unit entitlement is included in a document lodged for registration under the Act, striking through the relevant entitlements on the schedule to the registered plan and endorsing the new entitlements.
- (3) Where a lot is converted into common property under section 10, the Registrar of Titles must
  - (a) strike through the lot number on the plan and, in the case of a survey-strata plan, substitute it with the letters "CP" followed by the lot number which is greater by one than the highest number of any lot (including any common property lots) in the scheme; and

#### r. 19

- (b) on the schedule of unit entitlement strike through the lot number and the unit entitlement of the lot and decrease the aggregate unit entitlement by an amount equal to the unit entitlement of the lot.
- (4) Where a scheme is terminated under the Act, the Registrar of Titles must make a notation to that effect on all sheets of the registered plan.
- (5) Where part of a lot in a strata plan is resumed, the Registrar of Titles must make a notation on all sheets of the floor plan and the location plan to the new plan lodged by the resuming authority and attach the new plan to the registered plan.
- (6) The following notations to the floor plan of a strata plan are prescribed to be made by the Registrar of Titles, as the case requires, for the purposes of section 21J and section 21N —

As at ...... (insert applicable date), unless a notice of resolution under section 21H or an objection under section 21O has been recorded on the strata plan —

- the boundaries of the lots or parts of the lots which are buildings shown on the strata plan are the external surfaces of those buildings, as provided by section 3AB of the *Strata Titles Act 1985*;
- the scheme may not be a single tier strata scheme, as defined in section 3(1) of the *Strata Titles Act 1985*;
- the areas of the lots shown on the strata plan may have changed;
- where 2 lots have a common or party wall, or have buildings on them which are joined, the centre plane of that wall or the plane at which they are joined, is the boundary;

• the horizontal boundaries of the lots or parts of the lots which are not buildings shown on the plan (if any) remain as provided on this strata plan.

,,

- (7) Where a notice of resolution is registered under section 21X, the following amendments are prescribed to be made by the Registrar of Titles for the purposes of section 21Z
  - (a) if a sketch plan accompanies the notice of resolution, he or she must
    - (i) make a notation on all sheets of the registered plan to that effect; and
    - (ii) attach the sketch plan to the registered plan; and
  - (b) if the notice of resolution includes a resolution to merge land that is common property into a lot or lots on the strata plan and a sketch plan is not attached to the notice of resolution, he or she must make a notation on the registered plan to the effect of that resolution and the resolution defining the horizontal boundaries of the land in the lots on the strata plan.
- (8) Where a notice of resolution is registered under section 31I, the Registrar of Titles must, for the purposes of section 31K
  - (a) make a notation on all sheets of the registered plan to that effect; and
  - (b) attach the survey-strata plan to the registered plan. [Regulation 19 amended in Gazette 17 Jan 1997 p. 468-9.]

# 20. Abbreviated procedure for conversion of tenancies in common

- (1) The Registrar of Titles may direct that instead of the normal procedure that would but for that direction apply the procedure for the conversion of a tenancy in common to a scheme is to be in accordance with the abbreviated procedure as follows
  - (a) an application for conversion to a scheme must be made to the Registrar of Titles;

- (b) an application referred to in paragraph (a) must be accompanied by
  - (i) the certificates of title issued in respect of the interests held in the land the subject of the application; and
  - (ii) a disposition statement in the form of Form 22 signed by the proprietors of the land comprised in the scheme;
- (c) upon being satisfied that the plan and the relevant instruments are in order for registration the Registrar must direct that
  - (i) the certificates of title issued in respect of the land the subject of the application be cancelled;
  - (ii) certificates of title be issued in respect of each lot on the plan;
  - (iii) each certificate of title so issued be endorsed so that every notation relating to an encumbrance that applies to the land held under the tenancies in common is brought forward and endorsed on the certificates of title issued in respect of the lots on the plan or the strata/survey-strata plan in respect of the common property on the plan, as the case requires, in accordance with the disposition statement that accompanies the application,

and effect must be given to those directions.

- (2) The disposition statement may not effect
  - (a) a change of the registered proprietor of a lot on the strata/survey-strata plan, from any registered proprietor of the land the subject of the application;
  - (b) either
    - (i) the complete release, removal or discharge of an encumbrance or caveat; or

(ii) the release, removal or discharge of an entire interest in an encumbrance;

or

- (c) either
  - (i) the registration of any registered interest (other than as registered proprietor, or the creation of any easement or restrictive covenant which may be created on the strata/survey-strata plan); or
  - (ii) the lodgment of a caveat,

in respect of a lot or the common property if a part of that lot or the common property, which was formerly comprised in the land the subject of the application, was not previously subject to that registered interest or caveat.

[Regulation 20 amended in Gazette 17 Jan 1997 p. 469-70.]

# 21. Abbreviated procedure for plan of re-subdivision

- (1) For the purposes of section 8B(2), the procedure for the registration of a disposition statement in respect of a plan of re-subdivision is as follows
  - (a) an application for registration of the plan of re-subdivision must be made to the Registrar of Titles;
  - (b) an application referred to in paragraph (a) must be accompanied by
    - (i) the certificates of title issued in respect of the lots in the scheme the subject of the application; and
    - (ii) a disposition statement in the form of Form 23 signed under the seal of the strata company and by the proprietors of the lots who will be affected by the proposed subdivision (other than in respect of their share in the common property);

#### r. 21

- (c) upon being satisfied that the plan of re-subdivision and the relevant instruments are in order for registration the Registrar must direct that
  - (i) the certificates of title in respect of the lots the subject of the application be cancelled;
  - (ii) certificates of title be issued in respect of each lot on the plan of re-subdivision;
  - (iii) each certificate so issued or the strata/survey-strata plan be endorsed so that every notation relating to an encumbrance that applied to the lots and common property in the scheme the subject of the application is brought forward and endorsed on the certificates of title issued in respect of the lots on the plan of re-subdivision or the strata/survey-strata plan in respect of the common property on the plan of re-subdivision, as the case requires, in accordance with the disposition statement that accompanies the application,

and effect must be given to those directions.

- (2) The disposition statement may not effect
  - (a) a change of the registered proprietor of a lot on the strata/survey-strata plan, from the registered proprietor of that lot on the plan as previously registered;
  - (b) either
    - (i) the complete release, removal or discharge of an encumbrance or caveat; or
    - (ii) the release, removal or discharge of an entire interest in an encumbrance;
  - (c) either
    - (i) the registration of any registered interest (other than as registered proprietor); or

- (ii) the lodgment of a caveat,
- in respect of a lot or the common property if a part of that lot or the common property was not previously subject to that registered interest or caveat; or
- (d) a change of
  - (i) any person having a registered interest in any encumbrance registered; or
  - (ii) the proprietor of an interest the subject of any caveat lodged,

in respect of a lot or the common property, from the person or proprietor as previously registered or lodged.

[Regulation 21 amended in Gazette 17 Jan 1997 p. 470-1.]

## 21A. Abbreviated procedures for notices of resolution

- (1) For the purposes of section 21V(2) and 31H(2), the procedure for the registration of a disposition statement to give effect to a notice of resolution lodged for registration under sections 21S(1) and 31D(1) respectively, is as follows
  - (a) the notice of resolution and any accompanying sketch plan or survey-strata plan, as the case requires, must be lodged for registration;
  - (b) the notice of resolution must be accompanied by a disposition statement in the form of Form 39 signed
    - (i) under the seal of the strata company and the proprietors of the lots who will be affected by the notice of resolution (other than in respect of their share in the common property);
    - (ii) by all of the proprietors, where there are not more than 5 lots in the scheme; or
    - (iii) by one proprietor, where a notice of resolution lodged for registration under section 21S(1) is accompanied by a copy of any relevant order made under section 103C or 103M;

- (c) if the Registrar of Titles is satisfied that the notice of resolution and the relevant instruments are in order for registration he or she must direct that
  - the certificates of title in respect of the lots the subject of the notice of resolution be amended to give effect to the resolution and accompanying documents; and
  - (ii) each certificate of title or the strata/survey-strata plan be endorsed so that every notation relating to an encumbrance that applied to the lots and common property in the scheme the subject of the notice of resolution is brought forward and endorsed on the certificates of title in respect of the lots
    - (I) on the strata plan, as amended by the notice of resolution; or
    - (II) on the survey-strata plan, as converted by the notice of resolution,

or the strata/survey-strata plan in respect of the common property, as amended by the notice of resolution, as the case requires, in accordance with the disposition statement that accompanies the notice of resolution.

and effect must be given to those directions.

- (2) The disposition statement may not effect
  - (a) a change of the registered proprietor of a lot on the strata/survey-strata plan, from the registered proprietor of that lot on the plan as previously registered;
  - (b) either
    - (i) the complete release, removal or discharge of an encumbrance or caveat; or
    - (ii) the release, removal or discharge of an entire interest in an encumbrance;

- (c) any of the following
  - (i) the registration of any registered interest (other than as registered proprietor or the creation of any easement or restrictive covenant which may be created on the lodgment of a sketch plan referred to in section 21T(1)(b) or survey-strata plan referred to in section 31E(1)(a)); or
  - (ii) the lodgment of a caveat,

in respect of a lot or the common property, if a part of that lot or the common property was not previously subject to that registered interest or caveat; or

- (d) a change of
  - (i) any person having a registered interest in any encumbrance registered; or
  - (ii) the proprietor of an interest the subject of any caveat lodged in respect of a lot or the common property, from the person or proprietor as previously registered or lodged.

[Regulation 21A inserted in Gazette 17 Jan 1997 p. 471-3; amended in Gazette 30 Dec 2004 p. 6945.]

# 22. Quality of documents

Except as otherwise prescribed by these regulations a document lodged for registration under the Act must conform as to its quality and size to the requirements prescribed for the quality and size of documents registered under the *Transfer of Land Act 1893*.

r. 23

# Part 5 — Strata companies

# 23. First meeting of strata company

The following provisions apply to and with respect to the meeting to be held pursuant to section 49(1) —

- (a) not less than 14 days notice must be given of the time, day and meeting place of the strata company;
- (b) the notice referred to in paragraph (a) must be in writing and must be
  - (i) delivered to each proprietor personally or sent by prepaid mail to the proprietor's last known address, or if the proprietor's address is not known, leaving it in a conspicuous place in the proprietor's lot or unit; and
  - (ii) delivered or sent by prepaid mail to each registered first mortgagee who has notified its interest to the strata company to the address notified by the mortgagee;
- (c) the notice referred to in paragraph (a) must specify the business to be conducted at the meeting;
- (d) the original proprietor or the agent of the original proprietor must preside at the meeting;
- (e) the meeting must be conducted in accordance with such of the provisions of Schedule 1 to the Act as apply to and with respect to the conduct of meetings of a strata company.

# 24. Period of retention of certain records

The prescribed period for the purposes of clause 16 of Schedule 3 to the Act is —

(a) 14 years commencing on 30 June 1985 i.e. the day on which the Act came into operation; or

if the strata company is wound up before that period, (b) until the winding up of the strata company.

#### 25. Period of keeping records under section 35

The prescribed period under section 35 is —

- the period of 7 years commencing (a)
  - in the case of minutes of a strata company on the day the minutes were recorded; and
  - in the case of books of account of a strata (ii) company on the day when a statement of those accounts was submitted to an annual general meeting;

or

if the strata company is wound up before that period (b) until the winding up of the strata company.

#### **26. Interest on unpaid contributions**

The prescribed rate of interest under section 36(4)(b) is 15%.

#### Provision excluded for 3, 4 or 5 lot schemes 27.

Without affecting section 49, by-law 11(1) of Schedule 1 is prescribed for the purposes of section 36B(1)(b).

#### 28. Maximum amount of penalty in by-law

The prescribed amount for the purposes of section 42A(1) is \$400.

#### 29. Prescribed amount under section 47(1)

The prescribed amount for the purposes of section 47(1) is \$50.

# Part 6 — Approval of erection, alteration or extension of structure

## 30. Statement in notice of meeting

The following statement is prescribed for the purposes of section 7(4)(a) —

"

As proprietor, you may vote —

- against a resolution to approve the application; or
- in support of a resolution to refuse approval of the application,

on any of the following grounds, but not on any other ground —

- 1. The carrying out of the proposal will breach the plot ratio restrictions or open space requirements for the lot, ascertained in accordance with section 7A(3) of the *Strata Titles Act 1985* ("the Act").
- 2. If the lot is not a vacant lot, the carrying out of the proposal:
  - (i) will result in a structure that is visible from outside the lot and that is not in keeping with the rest of the development;
  - (ii) may affect the structural soundness of a building; or
  - (iii) may interfere with any easement created by section 11 or 12 of the Act.
- 3. The carrying out of the proposal will contravene a specified by-law or specified by-laws of the strata company.

A vote of the kind mentioned above is of no effect unless when voting you disclose as a ground for your vote one or more of the grounds listed above, including in the case of the third ground, the by-law(s) which will be contravened.

NOTE: A **vacant lot** is one that is wholly unimproved apart from having merged improvements, as defined in the *Valuation of Land Act 1978*.

# 31. Prescribed grounds of refusal for purposes of section 7(5)(c)

The fact that the carrying out of a proposal will contravene a specified by-law or specified by-laws of the strata company, is prescribed as a ground for the purposes of section 7(5)(c).

# 32. Improvements prescribed for purposes of section 7(6)

The improvements prescribed for the purposes of the definition of "structure" in section 7(6) are any dwelling, shop, factory, commercial premises, garage, carport or other building or improvement —

- (a) the construction or erection of which is required to be approved by the local government or any other authority; or
- (b) the area of which is to be taken into account for the purposes of determining the plot ratio restrictions or open space requirements for the lot under section 7A,

whether free standing or annexed to or incorporated with any existing building on the lot.

[Regulation 32 inserted in Gazette 17 Jan 1997 p. 473.]

# 33. Improvements prescribed for purposes of section 7A(4)

The improvements prescribed for the purposes of the definition of "structure" in section 7A(4) include any dwelling, shop,

factory, commercial premises, garage, carport, shed or any other building or improvement, whether free standing or annexed to or incorporated with any existing building on the lot, the area of which is to be taken into account for the purposes of determining the plot ratio restrictions or open space requirements for the lot under section 7A.

# 34. Prescribed information to accompany application under section 7B(1)

- (1) The prescribed information for the purposes of section 7B(1) are plans and specifications for the construction of the improvements and the prescribed information specified in subregulation (2), (4), (5) and (6) as applicable.
- (2) In the case of a strata plan the following information is prescribed, subject to subregulation (3)
  - (a) the plot ratio restrictions and open space requirements in relation to the parcel;
  - (b) the pro rata entitlements of or requirements for the lot ascertained in accordance with section 7A(3);
  - (c) if the application is approved, the area of the structure, including the area of all existing and proposed structures to be taken into account for the purposes of calculating the restrictions and requirements;
  - (d) whether or not the carrying out of the proposal will breach the plot ratio restrictions or open space requirements for the lot ascertained in accordance with section 7A(3) and if it does the percentage and area by which such pro rata entitlement or requirement is exceeded;
  - (e) the location and dimensions of the proposed structure upon its completion in relation to any existing structure on the lot or to the boundaries of the lot; and
  - (f) any contravention of the by-laws of the strata company, whether of a permanent or temporary nature, which is

likely to occur during or as a result of the erection, alteration or extension of the structure, and any proposed manner of dealing with that contravention.

- (3) Paragraphs (a) to (d) of subregulation (2) do not apply if the applicant supplies the statement described in subregulation (4) and the strata company or the other proprietor, as the case requires, does not request in writing that the applicant supply the information referred to in those paragraphs.
- (4) If the area of the structure, upon its erection, alteration or extension, would not be required to be taken into account for the purposes of calculating the plot ratio restrictions and open space requirements in relation to the parcel, the prescribed information includes a statement to that effect and the reason why it would not be required to be taken into account.
- (5) In the case of a lot on a strata plan that is not a vacant lot, as is defined in section 7(6), the following additional information is prescribed
  - (a) full details of the materials to be used in the structure or the alteration or extension of a structure;
  - (b) the colours of those parts of the structure that will be visible from outside the lot;
  - (c) the method of construction to be used in and an estimated work plan for the erection, alteration or extension of the structure; and
  - (d) any likely interruption to or interference with any easement created by section 11 or 12, whether of a permanent or temporary nature, and any proposed manner of dealing with that interruption or interference.
- (6) In the case of a survey strata plan the following information is prescribed
  - (a) the calculation of the plot ratio restrictions and open space requirements in relation to the parcel;

#### r. 35

- (b) the pro rata entitlements of or requirements for the lot ascertained in accordance with section 7A(3);
- (c) if the application is approved, the area of the structure, including the area of all existing and proposed structures to be taken into account for the purposes of calculating the restrictions and requirements;
- (d) the percentage and area by which such pro rata entitlement or requirement is exceeded; and
- (e) the dimensions of the proposed structure upon its completion.

# 35. Definitions of "open space" and "plot ratio"

- (1) For the purpose of the definition of "open space" in section 3(1), open space is to be calculated in relation to a parcel in the same manner as it is required to be calculated by the local government in relation to that parcel.
- (2) For the purposes of the definition of "plot ratio" in section 3(1), plot ratio is to be calculated in relation to a parcel in the same manner as it is required to be calculated by the local government in relation to that parcel.

# Part 7 — Management statement

# 36. Sufficient compliance by plan with by-laws

- (1) For the purposes of section 8A(a)(ii)(II), a plan sufficiently complies with any by-laws of the kind described in item 8 in Schedule 2A if
  - (a) it is the same as the plan contained in the management statement lodged under section 5C; or
  - (b) it only contains minor variations from the plan contained in the management statement lodged under section 5C.
- (2) The Registrar of Titles is to determine whether subregulation (1) applies to a plan.
- (3) For the purposes of such a determination any variation between what is shown on the plan contained in the management statement and on the plan of re-subdivision lodged under section 8A in respect of any of the following matters cannot be treated as a minor variation
  - (a) the number of lots, including in the case of a survey-strata plan the common property lots;
  - (b) the area of any one lot, and in the case of a strata plan the area of common property or in the case of a survey-strata plan the area of any common property lot, if the variation exceeds 10%;
  - (c) the general configuration of the lots, and in the case of a strata plan the common property or in the case of a survey-strata plan the common property lots;
  - (d) the unit entitlement of each of the lots;
  - (e) any easement or other encumbrance registered or area shown as vested or dedicated on the plan, which variation will materially adversely affect any lot or common property shown on the registered plan or the plan of re-subdivision; or

#### r. 37

(f) in the case of a strata plan, the location of any building or other improvement shown on the floor plan or location plan contained in the management statement but not shown on the floor plan or location plan respectively of the registered strata plan, in relation to the boundary of the parcel.

# 37. Prescribed requirements for clause 8(a) of Schedule 2A

- (1) The prescribed requirements for the purposes of clause 8(a) of Schedule 2A are
  - (a) the statement required to be provided under clause 8(b) of Schedule 2A must be accompanied by a certificate of a licensed valuer in the form of Form 27;
  - (b) the provisions must state any proposed new by-law or amendment to or repeal of any of the by-laws of the strata company that relate to or will take effect on the re-subdivision:
  - (ba) the provisions must contain the following statement —

#### **WARNING**

The proposed re-subdivision in by-law . . . . . . is not binding on the Western Australian Planning Commission, local government or any other public or statutory authority. Any of these authorities may not approve, or may require changes before approving, the proposed re-subdivision.

and

(c) in respect of a strata scheme, the provisions must include plans and specifications, whether by architectural drawings or otherwise, of any building or other improvements shown on the proposed floor plan or the

- (2) Plans referred to in subregulation (1)(c) must include drawings (to a scale not less than 1:100 or to such other scale as the Registrar of Titles permits) showing
  - (a) a plan of every storey or, if every storey is the same, a plan of one storey with a note that every other storey is the same;
  - (b) at least 2 elevations of external fronts;
  - (c) one or more sections, transverse or longitudinal;
  - (d) the heights of each storey;
  - (e) levels of ground; and
  - (f) approximate relative levels of the lot on which the building or other improvement is to be constructed with respect to any adjoining street, way or lot.
- (3) Specifications referred to in subregulation (1)(c) must include a description of the materials to be used in the construction of the walls, floors and roofs.

[Regulation 37 amended in Gazette 17 Jan 1997 p. 473-4.]

# Part 8 — Miscellaneous

#### 37A. Permitted boundary deviations

- (1) For the purposes of the definition of "permitted boundary deviation" in section 3(1), a part of a lot may be above or below another lot in the following circumstances
  - (a) where no part of a floor of a lot or part of a lot in a building forms or joins the ceiling of another lot or part of a lot in a building; or
  - (b) where the part of a lot extends horizontally above or below another lot by not more than 3 metres.
- (2) In subregulation (1), a reference to a building includes any building whether shown on the strata plan or not.

[Regulation 37A inserted in Gazette 17 Jan 1997 p. 474.]

# 37B. Attachments included for purposes of section 3AB(1)(a)(i)

The following things are prescribed for the purposes of section 3AB(1)(a)(i) to be included as part of a lot —

- (a) hot water systems including solar hot water panels;
- (b) refrigeration, airconditioning, cooling or heating plant or equipment;
- (c) antennae or aerials for telecommunication;
- (d) skylights;
- (e) chimneys;
- (f) roof ornaments;
- (g) pipes, wires and cables;
- (h) awnings, blinds, shutters and window grilles;
- (i) light fittings;
- (j) meter boxes;
- (k) signs; and

(l) any thing of a kind similar to any of the things referred to in the preceding paragraphs.

[Regulation 37B inserted in Gazette 17 Jan 1997 p. 475.]

# 37C. Attachments excluded for purposes of section 3AB(1)(a)(ii)

The following things are prescribed for the purposes of section 3AB(1)(a)(ii) as not being included as part of a lot if they are not shown on the floor plan in respect of that lot —

- (a) patios;
- (b) carports and pergolas;
- (c) enclosed rooms;
- (d) storage rooms; and
- (e) any structure of a kind similar to any of the structures referred to in the preceding paragraphs.

[Regulation 37C inserted in Gazette 17 Jan 1997 p. 475.]

# 38. Prescribed period under section 19(10)

The prescribed period for the purposes of section 19(10) is 10 years, except —

- (a) where section 20(1)(d) of the *Town Planning and*Development Act 1928 applies, the prescribed period is 21 years; and
- (b) where section 20(1a) of the *Town Planning and*Development Act 1928 applies, the prescribed period is the period stipulated as a condition by the Commission under that section, but in a case where no period is so stipulated there is no prescribed period under section 19(10) for that case.

# 39. Considerations prescribed under sections 23(2a) and 24(2a)

(1) The prescribed considerations for the purposes of section 23(2a) to which a local government is to have regard for the purposes

of determining whether the building is of sufficient standard to be brought under the Act are —

- (a) in the case of an existing building
  - (i) that at the time the building was constructed it complied with relevant written laws then in force; and
  - (ii) that it complies with such of the requirements of relevant written laws as the local government considers should reasonably apply to the building having regard to
    - (I) the age and condition of the building and the obligations of the strata company under section 35(1)(c) in relation to the building if the plan is registered;
    - (II) the use to which the building is put; and
    - (III) the amenity of the neighbourhood;

or

- (b) in the case of a new building, that the building, when constructed, will comply with the relevant written laws.
- (2) The prescribed consideration for the purposes of section 24(2a) to which a local government is to have regard for the purposes of determining whether the building is of sufficient standard to be brought under the Act is that the building, when constructed, will comply with relevant written laws.
- (3) In this regulation
  - "relevant written laws" means written laws administered by the local government relating to the control of building works and buildings.

[Regulation 39 amended in Gazette 28 Jun 1996 p. 3060.]

## 40. Period prescribed for section 25A(3)

The prescribed period under section 25A(3) for the purposes of section 27(3)(c) is 90 days or any longer period that has been agreed between the Commission and the applicant under section 24(4) of the *Town Planning and Development Act 1928*.

# 41. Requirements of plan on partial resumption of strata lot

For the purposes of section 29B(2) the plan must —

- (a) define the boundaries of the balance of the lot that remains in the scheme after the resumption and do so by reference to a location plan; and
- (b) in relation to the balance of any lot that remains in the scheme after the resumption, designate each such lot as a whole lot and assign it the same lot number as it had before being partially resumed.

#### 42. Disclosure statement by vendor

Form 28 is prescribed for the purposes of section 69(3).

# 43. Notifiable information prescribed under section 69A(f)

The information prescribed for the purposes of section 69A(f) is that contained in Form 29.

# 44. Maximum amount of penalty by order of referee

The prescribed amount for the purposes of section 103I(4) is \$400.

### 45. Fees

(1) Subject to subregulation (2), the fees specified in Schedule 1 are payable in respect of the matters specified in that Schedule.

#### r. 46

- (2) No fees are payable to the Registrar of Titles on the lodgment of any notice of resolution or other notice, objection, memorial, transfer, disposition statement or instrument under
  - (a) Division 2A of Part II, Division 3 of Part III, section 123A(4) or section 123C(4) of the Act; or
  - (b) section 30(4) of the Strata Titles Amendment Act 1996.

[Regulation 45 amended in Gazette 17 Jan 1997 p. 475-6.]

#### 46. Forms

- (1) A form referred to in the second column of Schedule 2 opposite to a reference to a provision of the Act or these regulations in the first column is prescribed for the purposes of that provision.
- (2) The forms so prescribed are set out in Schedule 3.
- [47. Omitted under the Reprints Act 1984 s. 7(4)(f).]

# 48. Transitional provisions

- (1) Subject to subregulations (2) and (3) any plan, certificate, schedule of unit entitlement, consent, instrument, document, order or direction which is in a form which complied with the Act as in force before the commencement of the *Strata Titles Amendment Act 1995*<sup>1</sup>, or with the *Strata Titles Regulations 1985* may be lodged for registration or recording under the Act or may accompany any plan lodged for registration under the Act after the commencement of these regulations until 31 December 1996.
- (2) Any plan, certificate, schedule of unit entitlement, consent, instrument, document, order or direction to which subregulation (1) applies must have endorsed on it or be accompanied by such additional information in the manner approved by the Registrar of Titles as is required to comply with the Act as in force after the commencement of the *Strata Titles Amendment Act 1995* or these regulations, including but without

limitation, in the case of a strata plan being lodged for registration under the Act —

- (a) whether or not a management statement is being lodged with the plan under section 5C;
- (b) the name of the scheme; and
- (c) the address of the parcel.
- (3) After 31 December 1996 the Registrar of Titles may reject or refuse to accept any plan, certificate, schedule of unit entitlement, consent, instrument, document, order or direction to which subregulation (1) applies which was not registered or recorded under the Act before that day.

[Regul	lation	45]
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#### Fees

	Fees	
1.	The fees payable to the Registrar of Titles are —	\$
	<ul> <li>(a) on lodgment of any plan — general fee, including provision of copies of the plan to relevant rating authorities —</li> <li>(i) if deposition of the plan with the Commission is required (fee includes delivery of plan to, and collection of plan from, the</li> </ul>	
	Commission)(ii) if deposition of the plan with the	178.00
	Commission is not required	124.00
	property lot	48.00
	has been raised	124.00
	lodged plan(d) on lodgment of any application for the	83.00
	registration of a plan	80.00
	common property lot	6.00
	<ul><li>(e) on lodgment of any other application</li><li>(f) on lodgment of any notification</li></ul>	80.00 80.00

(g) for entering any notice or order ............ 80.00

- (h) for a procedure or function required or permitted to be done under the Act which is not specified in this item but which is specified in the *Transfer of Land Regulations 2004* the fee prescribed by those regulations
- (i) for any procedure or function required or permitted to be done under this Act and not specified in this item or in the *Transfer of Land Regulations 2004* the fee, if any, assessed by the Registrar but which is not to exceed the cost of providing the service
- 2. The fees payable to a local government are
  - (a) for a certificate under section 5B(2) ...

20 cents per square metre of the floor space of the building or \$100.00 which ever is greater

(b) for a certificate under section 8A(f) or 9(3) .....

20 cents per square metre of floor space being subdivided or consolidated or \$100.00 which ever is greater

3. The fees payable to the Commission on an application under section 25(3) for a certificate of approval under section 25 are to be in accordance with the following scale —

Scal	le
<b>Number of allotments</b>	Fee (\$)
1	160

Number of allotments	Fee (\$)
2	195
3	215
4	255
5	295
6-10	350
11-15	400
16-20	465
21-25	530
26-30	610
31-35	685
36-40	765
41-45	840
46-50	920
51-55	985
56-60	1 075
61-65	1 155
66-70	1 230
71-75	1 300
76-80	1 390
81-85	1 455
86-90	1 545
91-95	1 610
96-100	1 705
101-125	1 785
126-150	1 895
151-175	1 980
176-200	2 075
201-225	2 235
226-250	2 515
251-300	2 995
Over 300	3 520

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		\$
(a)	for an application made under	
	section 43(1)(a)	5.00
(b)	for the inspection of records under	
	section 43(1)(b) —	
	(i) by any proprietor or mortgagee	
	who has notified an interest to	
	the strata company	Nil
	(ii) by any other person	20.00
(c)	for a certificate under section 43(1)(c)	
	and (d)	50.00
(d)	for copies provided under	
` ′	section 43(1a)	\$20.00 for the
	` ,	first 5 pages and
		\$0.50 for each
		subsequent page

- 5. A fee payable under item 4 to the strata company is increased by 10%, if the company is required to remit GST for the provision of the service for which the fee is payable.
- 6. In item 5 —

4.

"GST" has the meaning given in section 195-1 of the *A New Tax System (Goods and Services Tax) Act 1999* of the Commonwealth.

[Schedule 1 inserted in Gazette 2 Sep 2004 p. 3825-7; amended in Gazette 24 Jun 2005 p. 2759-60.]

[Regulation 46]

# **Table of prescribed forms**

Section or regulation	Number and Description of Form
Section 5(1)(a), (b), (d), (e), 5A(1)(a), (b), (c), (e), (f), 5B(1)(c), 8A(g), 25B(2), 31E(1)(a)	Form 1, 2 — Strata/Survey-strata Plan, Certificate of Commission.
Section 5(1)(c), 5A(1)(d), 5B(1)(b), 8A(h), 14(2), 21T(1)(d), 31E(1)(d)	Form 3 — Schedule of Unit Entitlement and Certificate of Licensed Valuer.
Regulation 5(5)	Form 4 — Annexure Sheet.
Section 5B(1)(a), 8A(d), 8A(e), 22(1)	Form 5 — Certificate of Licensed Surveyor.
Section 5B(1)(a), 8A(d), 8A(e), 22(2)	Form 6 — Certificate of Licensed Surveyor.
Section 5B(2), 8A(f), 23(1)	Form 7 — Certificate of Local Government.
Section 5(1)(f), 5A(g), Regulation 5(1a)	Form 8 — Schedule of Dealings on Strata/Survey-strata Plan and Encumbrances on Common Property.
Section 10(2)(a)	Form 9 — Certificate of Local Government Consenting to Conversion of Common Property.
Section 10(2)(b)	Form 10 — Certificate of Strata Company Consenting to Conversion of Common Property.
Section 15(2)(a)	Form 11 — Certificate of Consent by Strata Company to Amended Schedule of Unit Entitlement.
Section 16(2)(a)	Form 12 — Certificate of Strata Company Authorising Application to State Administrative Tribunal.
Section 18(2)(b)	Form 13 — Certificate of Strata Company Authorising Acceptance of Transfer or Lease.
Section 19(6), 20(5)	Form 14 — Certificate of Resolution and Consents to Transfer or Lease, Easement or Restrictive Covenant.

Section or regulation	Number and Description of Form
Section 30, 30A	Form 15 — Notification of Resolution of Termination of Scheme.
Section 40(2)(b)	Form 16 — Notice of Change of Address for Service of Notices.
Section 40(2)(b), 41(2)(b)	Form 17 — Notice of Change of Name of Scheme and change of Address for Service of Notices.
Section 9(3)(b)	Form 18 — Certificate of Local Government Consenting to Strata Plan of Consolidation.
Section 6(4)	Form 19 — Notice of Resolution to Vary, Remove or Add a Restriction.
Section 8A(a), 18, 19	Form 20 — Application for Re-subdivision by Strata Company.
Section 42(4)(a)	Form 21 — Notice of Amendment, Repeal or Addition of By-law.
Section 130(f), Regulation 20(1)(b)(ii)	Form 22 — Disposition on Subdivision.
Section 8B(2), Regulation 21(1)(b)(ii)	Form 23 — Disposition on Re-subdivision.
Section 25(3)	Form 24 — Application to Western Australian Planning Commission for Approval to Strata Plan.
Section 5C(1)(a)	Form 25 — Management Statement.
Section 25(1), 25(4)	Form 26 — Certificate of Grant of Approval by Western Australian Planning Commission to a Strata Plan.
Regulation 37	Form 27 — Certificate of a Licensed Valuer.
Section 69(3)	Form 28 — Disclosure Statement.
Section 69A(f)	Form 29 — Buying and Selling a Strata Titled Lot.
Section 21G	Form 30 — Notice of Resolution of Merger of Buildings.
Section 21O	Form 31 — Notice of Objection to Automatic Merger of Buildings.
Section 21S	Form 32 — Notice of Resolution of Merger of Land.

Section or regulation	Number and Description of Form
Sections 21G, 21S	Form 33 — Notice of Resolution of Merger of Buildings and Land.
Section 21T(1)(b), Regulation 14L	Form 34 — Sketch Plan.
Sections 21T(1)(c), 21U	Form 35 — Certificate of Licensed Surveyor — Merger in Strata Scheme.
Section 21T	Form 36 — Certificate of Licensed Valuer — Merger in Strata Scheme.
Section 31D	Form 37 — Notice of Resolution of Conversion to a Survey-Strata Scheme.
Sections 31E(1)(b), 31F	Form 38 — Certificate of Licensed Surveyor — Conversion to a Survey-Strata Scheme.
Sections 21V, 31H, Regulation 21A(1)(b)	Form 39 — Disposition on Merger of Land or Conversion to a Survey-Strata Scheme.
Sections 123A, 123C	Form 40 — Notice of Objection to Change of Fencing Provisions.
Section 30 Strata Titles Amendment Act 1996	Form 41 — Notice of Termination of Insurance Order.

[Schedule 2 amended in Gazette 28 Jun 1996 p. 3061; 17 Jan 1997 p. 476-8; 30 Dec 2004 p. 6945.]

[Regulation 46]

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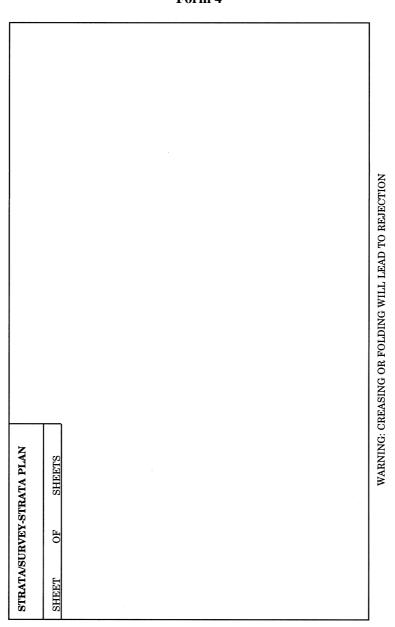
TRATA/SURVEY-STRATA PLAN	STRATA PI	W	
SHEET	OF	SHEETS	TS
MANAGEMENT STATEMENT	ATEMENT	□ YES	ON []
odged Sxamined			
legistered		REGIS	REGISTRAR OF TITLES
WESTERN AUSTRALIAN PLANNING COMMISSION Settingte of Approval of WAPC under Section 25B (2) of Strata 1485.	USTRALIAN	WESTERN AUSTRALIAN PLANNING COMMISSION feate of Approval of WAPC under Section 25B (2) of Strata Act 1986.	OMMISSION 5B (2) of Strata
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COAL GOVERNMENT	TNE		~~~
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TELD BOOK NUMBER SCALE	BER		
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•	DOLA	<u> </u>	20
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		WARNIN	WARNING CREASING OR FOLDING WILL LEAD TO REJECTION

page 65

Form 2

STRATA/SURVEY-STRATA PLAN				
SHEET OF SHEETS				
MANAGEMENT STATEMENT (2) YES (2) NO	WESTERN AUSTRALIAN PLANNING COMMISSION	PLAN OF	NAME OF SCHEME	
	Certificate of Approval of		-	<b>*</b>
Lodged.	WAPC under Section 25B (2) of Strata Titles	CERT. OF TITLE	ADDRESS OF	4 DOLA
Examined	Act 1985.	LOCAL GOVERNMENT	PARCEL	Department of LAND ADMINISTRATION
Registered.		INDEX PLAN		
REGISTRAR OF TITLES	FOR CHAIRMAN DATE	PTELD BOOK NUMBER SCALE		
	WARNING	WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION	TO REJECTION	

Form 4



Strata Titles Act 1985
Sections 5B(1), 8A, 22(1)

STRATA PLAN No.

# DESCRIPTION OF PARCEL & BUILDING CERTIFICATE OF LICENSED SURVEYOR

Surveyors A	ct 190	., being a licensed sur 09 certify that in respect g described above (in t	of the strata plan	which relates to the
(a)		lot that is not wholly wn the external surface b		
(b)		building shown on the daries of the parcel; or	plan is within the e	external surface
(c)	a wa	case where a part of a w ll or building, encroach daries of the parcel —	•	
	(i)	all lots shown on the boundaries of the pare		external surface
	(ii)	the plan clearly indica and its nature and ext		of the encroachment
	(iii)	where the encroachme way, that an appropria be lodged with the Re registered as an appur	ate easement has be gistrar of Titles to	een granted and will enable it to be
	and			
*(d)	by-la regist with	e plan is a plan of re-sub w(s) no(s) tered in respect of (nam that/those by-law(s) in the Strata Titles General	on Strage of scheme) or sugar way that is allow	nta Plan no
			Linn	mood Crawyovon
	ate		Lice	nsed Surveyor
*Delete if inap	pplicabl	e		

Strata Titles Act 1985
Sections 5B(1), 8A, 22(2)

#### SURVEY-STRATA PLAN No.

# DESCRIPTION OF PARCEL CERTIFICATE OF LICENSED SURVEYOR

	es to the parcel described above (in this certificate called "the
(a)	the plan is a correct and accurate representation of the survey carried out *by me personally/or under my own personal supervision, inspection and field check, and recorded in Field Books kept, and if required lodged, for the purposes of this plan;
(b)	the measurements are in strict accordance with the <i>Licensed Surveyors (Guidance of Surveyors) Regulations 1961</i> and in particular regulations 23 and 34 of those regulations;
(c)	this survey and plan are in strict accordance with the requirements of the <i>Licensed Surveyors (Guidance of Surveyors)</i> Regulations 1961 and the relevant law in relation to which it is lodged; and
*(d)	if the plan is a plan of re-subdivision, it complies with Schedule 1 by-law(s) no(s) on Survey-strata Plan no registered in respect of (name of scheme) or sufficiently complies with that/those by-law(s) in a way that is allowed by regulation 36 of the <i>Strata Titles General Regulations 1996</i> .
Da	ate Licensed Surveyor
<sup>k</sup> Delete if inap	pplicable

Strata Titles Act 1985 Sections 5B(2), 8A(f), 23(1)

STRATA PLAN No.

# DESCRIPTION OF PARCEL AND BUILDING CERTIFICATE OF LOCAL COVERNMENT

	LEKTIFICATE OF LOCAL GOVERNMENT
in respect of th	, the local government hereby certifies that strata plan which relates to the parcel and building described extificate called "the plan")—
(1) *(	the building and the parcel shown on the plan have been inspected and that it is consistent with the approved building plans and specifications in respect of the building; or
*(	the building has been inspected and the modification is consistent with the approved building plans and specifications relating to the modification;
	building, in the opinion of the local government, is of sufficient ndard to be brought under the <i>Strata Titles Act 1985</i> ;
bu pa th w ar	ere a part of a wall or building, or material attached to a wall or lding, encroaches beyond the external surface boundaries of the cel on to a public road, street or way the local government is of opinion that retention of the encroachment in its existing state I not endanger public safety or unreasonably interfere with the enity of the neighbourhood and the local government does not ect to the encroachment; and
(4) *(	any conditions imposed by the Western Australian Planning Commission have been complied with; or
*(	the within strata scheme is exempt from the requirement of approval by the Western Australian Planning Commission.
Date	Chief Executive Officer
*Delete if inapplie	ble.

Form 8

							_	F	or	m 8							
REGISTRAR OF TITLES		Signature of Registrar of Titles															
REGISTR/			Time								uo						
NNEXURE OF STRATA/SURVEY-STRATA PLAN No  Schedule of Dealings on Strata/Survey-strata Plan		Instrument	Registered							SCHEDULE OF ENCUMBRANCES ETC.	Cancellation						
	an	Instr	Number														
	Schedule of Dealings on Strata/Survey-strata Pla		Nature														
		Schedule of Dealings on Strata/Survey-strata Plan									Signature of	Registrar of 1 itles					
										SCHEDU	Regist'd						
'A/SURVEY-STR											Particulars						
OF STRAT		stered or recorded o									Instrument	Number					
NNEXURE		ealings regi		l	l	l	l				Instr	Nature					

Note: Entries may be affected by subsequent endorsements.

# CERTIFICATE OF LOCAL GOVERNMENT

Strata Titles Act 1985 Section 10

	consents to the conversion to in Strata/Survey-strata Plan No
Date	Chief Executive Officer.
-	rm 10
CERTIFICATE OF T	HE STRATA COMPANY
Strata Ti	tles Act 1985
Sec	tion 10
certifies that it has by *resolution with	ta/Survey-strata Plan No hereby out dissent/unanimous resolution (in the the conversion into common property of ey-strata Plan No
The Common Seal of the Owners of (r No was hereunto affixed of	name of scheme) Strata/Survey-strata Planon in the presence of
Members of the Council.	
*Delete whichever is inapplicable.	

# CERTIFICATE THAT STRATA COMPANY AGREES TO AMENDED SCHEDULE OF UNIT ENTITLEMENT

\*Delete whichever is inapplicable

CERTIFICATE OF THE STRATA COMPANY
Strata Titles Act 1985
Section 16
The Owners of (name of scheme) Strata/Survey-strata Plan No hereby certifies that it has by special resolution authorised an application to the State Administrative Tribunal for an order that the schedule of unit entitlement be amended.
The Common Seal of the Owners of (name of scheme) Strata/Survey-strata Plan No in the presence of —
Members of the Council.
[Form 12 amended in Gazette 30 Dec 2004 p. 6945.]
<del></del>
Form 13
CERTIFICATE OF THE STRATA COMPANY
Strata Titles Act 1985
Strata Titles Act 1985 Section 18
Section 18  The Owners of (name of scheme) Strata/Survey-strata Plan No hereby certifies that the resolution authorising the acceptance of the transfer/lease of (description of land) was a *resolution without
Section 18  The Owners of (name of scheme) Strata/Survey-strata Plan No hereby certifies that the resolution authorising the acceptance of the transfer/lease of (description of land)
Section 18  The Owners of (name of scheme) Strata/Survey-strata Plan No hereby certifies that the resolution authorising the acceptance of the transfer/lease of (description of land)

# Strata Titles General Regulations 1996

Schedule 3		
*Delete whichever is inapplicable		
•		

# CERTIFICATE OF STRATA COMPANY

Strata Titles Act 1985
Sections 19 & 20

Sections 19 & 20
The Owners of (name of scheme) Strata/Survey-strata Plan No hereby certifies with relation to the undermentioned instrument that a *resolution without dissent/unanimous resolution (in the case of a two-lot scheme) was duly passed and that all necessary consents were given.
Instrument: *Transfer (or as the case may be) dated
The Common Seal of the Owners of (name of scheme) Strata/Survey-strata Plan No
Members of the Council.
*Delete whichever is inapplicable
Form 15
NOTIFICATION OF TERMINATION OF A SCHEME
Strata Titles Act 1985
Sections 30 & 30A
The Owners of (name of scheme) Strata/Survey-strata Plan No hereby certifies that it has by unanimous resolution resolved that the Scheme the subject of Strata/Survey-strata Plan No be terminated.
The Common Seal of the Owners of (name of scheme) Strata/Survey-strata Plan No was hereunto affixed on in the presence of —
Members of the Council.

# NOTICE OF CHANGE OF ADDRESS FOR SERVICE OF NOTICES

Strata Titles Act 1985 Section 40

The Owners of (name of scheme) Strata/Survey-strata Plan No hereby gives notice that the address for service of notices on the Company has now been changed to —	
The Common Seal of the Owners of (name of scheme) Strata/Survey-strata Pla No was hereunto affixed on in the presence of —	n
Members of the Council.	

# NOTICE OF CHANGE OF NAME OF SCHEME AND CHANGE OF ADDRESS FOR SERVICE OF NOTICES

Strata Titles Act 1985
Sections 40 & 41

The C hereb	Owners of (name of scheme) Strata/Survey-strata Plan No
*	certifies that it has by special resolution resolved that the name of the scheme be changed —
from	
to	
*	gives notice that the address for service of notices on the strata company has now been changed to —
	Common Seal of the Owners of (name of scheme) Strata/Survey-strata Plan
No	was hereunto affixed on in the nce of —
	bers of the Council.
*D-1-4	- and the same to the small could

\*Delete whichever is inapplicable.

# CERTIFICATE OF LOCAL GOVERNMENT

Strata Titles Act 1985 Section 9

The City/T	own/Shire of	certifies that: —
(1)	it consents to the consolida Plan No	tion of Lots on Strata
(2)		ots referred to above is exempt from the the Western Australian Planning
		the Western Australian Planning he consolidation of the above lots have
 D	Oate	Chief Executive Officer

<sup>\*</sup>Delete whichever is inapplicable.

# CERTIFICATE OF THE STRATA COMPANY

Strata Titles Act 1985 Section 6

		of (name of scheme) Strata/Survey-strata Plan No hereby it has, by resolution without dissent consented to: —
(:	a)	The removal of the restriction to use set out below from (identify area of the parcel from which restriction is removed, if necessary by reference to a plan).
(	(b)	The variation of or amendment to the restriction to use set out below pertaining to (identify area of the parcel subject to the variation or amendment, if necessary by reference to a plan).
(	(c)	The addition of the restriction to use set out below pertaining to (identify area of parcel subject to the additional restriction, if necessary by reference to a plan).
i	n the	following manner —
F	Previo	ous Restrictions
V	Varie	d or Amended Restrictions
A	Addit	ional Restrictions
		on Seal of the Owners of (name of scheme) Strata/Survey-strata Plan was hereunto affixed on in the presence of —
		the Council.

#### APPLICATION FOR RE-SUBDIVISION BY STRATA COMPANY

Strata Titles Act 1985 Sections 8A, 18 & 19

The Owners of (name of scheme) Strata/Survey-strata Plan No. . . . . . request that the Registrar of Titles register this strata/survey-strata plan of re-subdivision and confirm that —

- \*(a) (i) it has by unanimous resolution consented to
  - (I) the re-subdivision of (brief description of re-subdivision);
  - (II) the proposed aggregate unit entitlement; and
  - (III) the proposed allocation of unit entitlement set out below;

and

(ii) it has by \*resolution without dissent/unanimous resolution (in the case of a two-lot scheme) consented to the acquisition or transfer by the strata company of any common property, as provided for in the plan of re-subdivision.

#### PROPOSED ALLOCATION OF UNIT ENTITLEMENT

Lot No.	Proposed Unit Entitlement	Lot No.	Proposed Unit Entitlement

\*(b) the plan of re-subdivision complies with Schedule 1 by-law(s) no(s) . . . . . . . on Strata/Survey-strata Plan No . . . . . or sufficiently complies with that/those by-law(s) in a way that is allowed by regulation 36 of the *Strata Titles General Regulations* 1996.

Details of the relevant rating authorities to be notified by the Registrar of Titles are as follows.

Local Government

Name	 		 	 		 	 								
Address	 			 											
Facsimile No	 	 	 	 		 	 	 			 	 	 	 	

Schedule 3

Water Authority
Name
Sewerage Authority
Name
CONSENT BY PERSONS HAVING REGISTERED INTERESTS AND CAVEATORS (IF ANY) TO PROPOSED ALLOCATION OF UNIT ENTITLEMENT
ENCUMBRANCE Document & No.
SIGNATURE in the presence of
Witness
Name
Address
Occupation
(ADDITIONAL CONFIRMATIONS AS REQUIRED)
The Common Seal of the Owners of (name of scheme) Strata/Survey-strata Plan No was affixed hereto on in the presence of —
Members of the Council
*Delete whichever is inapplicable.

# NOTIFICATION OF CHANGE OF BY-LAWS

Strata Titles Act 1985
Section 42

Section 42
The Owners of (name of scheme) Strata/Survey-strata Plan No hereby certifies —
• that by resolution without dissent duly passed at a meeting of the strata company on which became unconditional on the by-laws in Schedule 1 to the Act
• that by special resolution duly passed at a meeting of the strata company on which became unconditional on the by-laws in Schedule 2 to the Act
as they applied to the strata company, were added to, amended, or repealed as follows —
(Set out terms of resolution)
The Common Seal of the Owners of (name of scheme) Strata/Survey-strata Plan No in the presence of —

Members of the Council

#### **DISPOSITION ON SUBDIVISION**

Strata Titles Act 1985 Regulation 20(1)(b)(ii)

We, the proprietors, persons having registered interests in and caveators of the land the subject of Strata/Survey-strata Plan No. . . . . hereby confirm and consent to —

- (a) the disposition of the lots created by the above-mentioned strata/survey-strata plan together with the registered interests and caveats (if any) as set out in the table below; and
- (b) the disposition of registered interests and caveats (if any) against the common property (if any) as set out in the table below.

(A) LOTS		
LOT NO.	FULL NAME IN WHICH	ENCUMBRANCES
	LOT IS TO VEST	(Document & Number)
	(Additional panels as required)	

(B) COMMON	PROPERTY
CP	ENCUMBRANCES (Document and Number)
LOT	
NO.	
(if applicable)	
	(Additional panels as required)

We, the proprietors of the land the subject of Strata/Survey-strata Plan No. . . . . hereby agree and confirm that in consideration of our agreeing to the registration of the plan —

- (a) the lots, registered interests and caveats are to be disposed of in the manner set out in the tables above; and
- (b) additional consideration (if any) is to be paid or given or has been paid or given in the manner set out in the table below.

CONSIDERATION	paid or given or to be paid or gi	iven
By whom	To whom	Consideration
(Additional panels as	required)	

## Strata Titles General Regulations 1996

Schedule 3		
CONSENT BY PERSO CAVEATORS (IF AN	ONS HAVING REGISTER Y)	ED INTERESTS AND
ENCUMBRANCE Do	cument & No.	
SIGNATURE in the presence of		
Witness		
Name		
Address		
Occupation		
(ADDITIC	NAL CONFIRMATIONS	AS REQUIRED)
DATED THIS	DAY OF	20
SIGNATURE OF PROPRIETOR		
in the presence of		
Witness		
Name		
Address		
Occupation		
(TO BE SIGNED BY I	EACH PROPRIETOR)	

#### DISPOSITION ON RE-SUBDIVISION

Strata Titles Act 1985

Section 8B(2) and Regulation 21(1)(b)(ii)

We, the proprietors, persons having registered interests in and caveators of the land the subject of the plan of re-subdivision in respect of Strata/Survey-strata Plan No. . . . . . hereby confirm and consent to —

- (a) the disposition of the lots created by the above-mentioned plan of re-subdivision together with the registered interests and caveats (if any) as set out in the table below; and
- (b) the disposition of registered interests and caveats (if any) against the common property (if any) as set out in the table below.

(A) LOTS		
LOT NO.	FULL NAME IN WHICH LOT IS TO VEST	ENCUMBRANCES
		(Document & Number)

(B) COMMON	N PROPERTY
CP	ENCUMBRANCES (Document and Number)
LOT	
NO.	
(if	
applicable)	
	(Additional panels as required)

We, the proprietors of the lots the subject of the plan of re-subdivision in respect of this Strata/Survey-strata Plan hereby agree and confirm that in consideration of our agreeing to the registration of the plan of re-subdivision —

- (a) the lots, registered interests and caveats are to be disposed of in the manner set out in the tables above; and
- (b) additional consideration (if any) is to be paid or has been paid or given in the manner set out in the table below.

# Strata Titles General Regulations 1996

## Schedule 3

	aid or given or to be paid or g	
By whom	To whom	Consideration
		<u> </u>
(Additional panels as	required)	
CONSENT BY PE CAVEATORS (IF		ISTERED INTERESTS AND
ENCUMBRANCE	Document & No.	
SIGNATURE in the presence of		
Witness		
Name		
Address		
Occupation		

# (ADDITIONAL CONSENTS AS REQUIRED)

(A)	DDITIONAL CONSENTS I	AS REQUIRED)
DATED THIS	DAY OF	20
		cheme) Strata/Survey-strata Plan in the presence of —
Members of the Co		
SIGNATURE OF PROPRIETOR in the presence of		
Witness		
Name		
Address		
Occupation		
(TO BE SIGNED I EACH AFFECTEI		NY AND PROPRIETOR(S) OF

#### Strata Titles Act 1985

Section 25(3)

## Application to Western Australian Planning Commission for Certificate of Approval for a strata plan, plan of resubdivision or consolidation

LO	DGE AT:
Alb 469	partment for Planning and Infrastructure ert Facey House -489 Wellington Street RTH WA 6000
1.	*City/Town/Shire of
2.	Name(s) of owner(s):
	Surname/Company Name  Other Names  (Mr/Ms/Mrs/Miss/Dr)
	Surname/Company Name
	Other Names (Mr/Ms/Mrs/Miss/Dr)
	Surname/Company Name
	Other Names (Mr/Ms/Mrs/Miss/Dr)
3.	Address in full
4.	Applicant's name in full (if owner, put "Self")

## Strata Titles General Regulations 1996

Sch	edule 3		
5.	Address for correspondence		
	Telephone		
6.	Indicate which of the follow	ing this appli	cation refers to:
	strata plan Yes/No*		
	plan of re-subdivision for a s	strata scheme	Yes/No*
	plan of consolidation for a st	trata scheme	Yes/No*
	(referred to in this form as "	the plan")	
7.	Locality of property the subj suburb etc)	ect of the pla	n (street, nearest street junction,
8.	Title particulars: *whole/par	t lot(s)	
	Location(s)		Deposited plan(s)
	Certificate(s) of Title Vol	Folio	Vol Folio
	Vol Folio		
9.	State the number of lots and have, or are proposed to hav		
	Purpose or proposed purpose	Number of lots	Lot Number(s)
	Residential		
	Rural		
	Industrial		
	Commercial		
	Retirement Village		
	Other (please specify)		
10.	State details of any restriction plan	_	ed on any lots on the

				Schedule 3
11.	(a)	Are there any existing but or proposed strata scheme specify	•	form part of the strata scheme the plan? If so, please
			•••••	
	(b)		will form a part	ved for construction by the of the proposed strata scheme cify
12.	Is it	proposed to create a vacan	nt strata lot by r	registration of the plan?
	Yes	/No In	f yes, how man	y ?
Sig	natur	e(s) of owner(s)		
				Date
				Date
(If s	signir	ng on behalf of a company)	)	
 Dire		Secretary*		Date
Dire		Secretary*		Date
* D	elete	whichever does not apply		
Not	es			
1.	The	following documents are	to be attached t	o this application —
* D Not	ector/ elete es	'Secretary* whichever does not apply		

#### Schedule 3

- (a) in the case of a plan in respect of a building that is constructed or proposed to be modified or constructed, 2 copies of the plan, showing full particulars of the division of the property into lots or proposed lots;
- (b) in the case of a plan in respect of any vacant strata lot, 6 copies of the plan, showing full particulars of the division of the property into lots or proposed lots;
- (c) a sketch of all buildings that are constructed or proposed to be modified or constructed showing the location of water and sewerage pipes within the property;
- (d) evidence of any approval by the local government to the proposed modification of a building or to the construction of any proposed buildings;
- 2. A person who wishes to apply to the State Administrative Tribunal for a review of a decision of the Western Australian Planning Commission may do so under section 27 of the *Strata Titles Act 1985*.

[Form 24 inserted in Gazette 13 May 2005 p. 2083-5.]

Strata Titles Act 1985 Section 5C(1)

# STRATA/SURVEY-STRATA PLAN No. MANAGEMENT STATEMENT

(Name of original proprietors of land the subject of the plan)
(Description of parcel the subject of the plan)
This management statement lodged or to be lodged with a strata/survey-strata plan in respect of the above land sets out the by-laws of the strata company or amendments to the by-laws contained in Schedule 1 and/or Schedule 2 of the <i>Strata Titles Act 1985</i> that are to have effect upon registration of the strata/survey-strata plan.
1. The Schedule 1 by-laws are amended, repealed, or added to as follows —
(Set out terms of amendment, repeal or addition)
2. The Schedule 2 by-laws are amended, repealed, or added to as follows —
(Set out terms of amendment, repeal or addition)
(Delete as appropriate)
DATED THIS DAY OF
SIGNATURE OF APPLICANT in the presence of
Witness
Name
Address
Occupation

#### Strata Titles General Regulations 1996

# (TO BE SIGNED BY EACH APPLICANT) SIGNED BY PERSONS HAVING REGISTERED INTERESTS AND CAVEATORS (IF ANY) ENCUMBRANCE Document & No SIGNATURE in the presence of Witness Name Address Occupation

(ADDITIONAL SIGNATURES AS REQUIRED)

		Form 26
WAPC Ref		STRATA PLAN NO
		Strata Titles Act 1985
		Sections 25(1), 25(4)
_	_	OF GRANT OF APPROVAL BY WESTERN LANNING COMMISSION TO STRATA PLAN
	n has been g	t the approval of the Western Australian Planning ranted pursuant to section 25(1) of the <i>Strata Titles</i>
*(i)	submitted (	Plan/plan of re-subdivision/plan of consolidation on
*(;;)		submitted on
*(ii)	of the proplets on a St	osed *subdivision of the property described below into rata Plan/re-subdivision/consolidation of the lots on the specified below, subject to the following conditions —
Property De	escription:	Lot (or Strata Plan) No
		Location
		Location
		Locality
		Local Government
Lodged by:		
Date	• • • • • • • • • •	
		For Chairman, Western Australian Planning Commission
		Date

(\*To be deleted as appropriate.)

Strata Titles Act 1985 Regulation 37(1)(a)

# $STRATA/SURVEY\text{-}STRATA\ PLAN\ No.$ CERTIFICATE OF LICENSED VALUER

Licensing Act 1978 certify that with a by-law of the strata/surv Schedule 2A of the Act, on the pursuant to clause 8(a) of Schedule 2A of the Act.	being a Licensed Valuer under the <i>Land Valuers</i> if a re-subdivision were effected in accordance vey-strata scheme made under clause 8 of a basis of information provided in the by-law edule 2A, a licensed valuer would be able to under section 14(2) in respect of the proposed unit
entitlement.	inder section 14(2) in respect of the proposed unit
Date	Licensed Valuer

#### DISCLOSURE STATEMENT

# SALE OF STRATA TITLED LOT OR PROPOSED STRATA TITLED LOT

Section 69 Strata Titles Act 1985

#### FOR SELLER'S INFORMATION

- 1. The information incorporated in this statement
  - must be given to a prospective purchaser of a strata titled lot before the prospective purchaser makes an offer to purchase, accepts an offer to sell or enters into a contract to purchase the strata titled lot: and
  - may be given in the form of this statement or may be incorporated in the contract of sale of the strata titled lot.
- 2. This statement applies to the sale of a lot on a <u>strata plan</u> or a <u>survey-strata plan</u>.
- 3. If certain changes occur in relation to the strata company, the strata/survey-strata plan or the common property (as set out in section 69C(3) of the *Strata Titles Act 1985* and mentioned in Form 29), before settlement, you must give notice in writing of those changes to the prospective purchaser as soon as you become aware of those changes.
- 4. Failure to give this statement or incorporate the information in the contract of sale or failure to notify of any changes may give the prospective purchaser the right to terminate the contract. Exercise of this right by the prospective purchaser is restricted if this statement or notification of any changes was given at any time before settlement.

Parts 1 and 3 must be completed in <u>every</u> sale of a strata titled lot or proposed strata titled lot.

Part 2 must be completed where the strata titled lot or proposed strata titled lot is being sold by the original proprietor, in any of the cases listed in Part 2.

#### FOR PURCHASER'S INFORMATION

- The land to which this statement relates, and any ensuing contract of sale, is part of a strata titled scheme which is governed by the Strata Titles Act 1985.
- 2. You should read the information incorporated in this statement as it
  - identifies the lot which you are proposing to purchase; and
  - sets out what your rights and obligations will be in relation to the lot if you purchase the lot.
- 3. You may have a right to terminate the contract to purchase the lot if
  - before entering into the contract, you were not given this statement or the information in this statement was not incorporated into the contract; or
  - certain changes occur in relation to the strata company, the strata/survey-strata plan or the common property (as set out in section 69C(3) of the Strata Titles Act 1985 and mentioned in Form 29) before settlement and you have not been given notice in writing of those changes.
- Your right to terminate the contract is restricted if this statement or notification of any changes was given at any time before settlement.
- If you are uncertain as to any of these matters you should obtain independent advice from a lawyer or other expert before signing any offer to purchase, accepting an offer to sell or entering into a contract to purchase the lot.

# PART 1 — COMPULSORY DISCLOSURE OF INFORMATION BY EVERY VENDOR

Particulars of purchaser and strata company
Description of lot to be sold: lot on *strata/survey-strata plan no
Street address of lot.
Name of prospective purchaser(s)
Purchaser's address
Name of Scheme (Building)
*Address of strata company / name and address of agent
(for obtaining section 43 certificate or inspection of records of strata company)
Contact person (if known)
Information in relation to Lot, Strata/Survey-strata scheme
The following documents <u>must be attached</u> to this statement:
1. A copy of Form 29 entitled "Buying and Selling a Strata Titled Lot".
The standard by-laws are set out in or attached to Form 29.
See Attachment No. 1.
2. A copy of the registered or proposed strata/survey-strata plan with the lot to be purchased clearly identified and drawing attention to any information on the plan which relates especially to the lot.
See Attachment No. 2.
3. A statement of the unit entitlement or proposed unit entitlement of all lots in the scheme or proposed scheme and the aggregate or proposed aggregate unit entitlement. This statement may be —
<ul> <li>included in the attached copy of the registered or proposed strata/survey-strata plan — see Attachment No. 2; or</li> </ul>
• a separate statement — see Attachment No. 3.
4. A copy of all non-standard strata company by-laws —
<ul> <li>in the case of an existing scheme, that have been recorded on the strata/survey-strata plan or have been passed by the strata company within the previous 3 months and not yet recorded on the strata/survey-strata plan; or</li> </ul>
<ul> <li>in the case of a proposed scheme, that are proposed to apply to the scheme,</li> </ul>
including, where applicable, a Schedule 2A Management Statement.
See Attachment No

# PART 2 — DISCLOSURE BY ORIGINAL PROPRIETOR WHEN STRATA LOT SOLD FOR FIRST TIME

Part 2 must be completed only where the original proprietor is the vendor and —

- the strata titled lot being purchased is on a strata/survey-strata plan that has not been registered; or
- if the first annual general meeting of the strata company has not been held by the original proprietor; or
- if the original proprietor is the owner of 50% or more of the lots in the strata/survey-strata scheme; or
- if the original proprietor has 50% or more of the aggregate unit entitlement in the strata/survey-strata scheme.

#### Additional information in relation to strata/survey-strata scheme

MO E 1

#### 1. Agreements for provision of amenities, management or other services

Have either of the strata company or the original proprietor entered into, or propose to enter into, any management agreement, service or maintenance agreement or other agreement for the provision of any amenity or service to the strata company or to any part of the common property or any lot?

IES	] NO[ ]
If yes –	_
•	give details of the terms and conditions of every such agreement, the consideration for it and the estimated costs to the proprietor of the lot.
OR	
•	attach copies of the agreements — see Attachment No
2. Pe	cuniary interest in agreements
	the original proprietor have any direct or indirect pecuniary interest, other than as a tor of a lot, in any of the agreements referred to in question 1?
YES [	] NO[]
If yes –	_
•	give details of the pecuniary interest(s)
OR	
•	attach details — see Attachment No

## Schedule 3

3. Estimated strata company receipts and expenditure
Attach a copy of the estimated receipts and expenditure of the strata company for the 12 month period from the later of —
• the day of registration of the strata/survey-strata plan; or
<ul> <li>the day of the last Annual General Meeting or, if none has been held during the 15 months preceding the date of the contract, from the settlement date stated in the contract.</li> </ul>
See Attachment No
4. Administrative fund of the strata company
Is there an administrative fund or proposed administrative fund?
YES [ ] NO [ ]
If yes, the contribution or proposed contribution for the Lot, under section 36(1) of the <i>Strata Titles Act 1985</i> , is \$ per annum, which is payable —
[ ] annually
[ ] by half-yearly instalments of \$
[ ] by quarterly instalments of \$
[ ] otherwise (please specify)
5. Reserve fund of the strata company
Is there a reserve fund or a proposed reserve fund?
YES[] NO[]
If yes, the amount of the contribution or proposed contribution for the Lot, under section 36(2) of the <i>Strata Titles Act 1985</i> , is \$ per annum, which is payable —
[ ] annually
[ ] by half-yearly instalments of \$
[ ] by quarterly instalments of \$
[ ] otherwise (please specify)
6. Proposed lease, licence, exclusive use or special privilege
Have either of the strata company or the original proprietor granted or propose to grant any lease, licence, right of exclusive use or special privilege over the common property or any part of it to the purchaser or any other person?
YES[] NO[]

# Strata Titles General Regulations 1996

# Schedule 3

If yes —	
<ul> <li>give details of each lease, licence, right of exclusive use or special privilege, or proposed lease, licence, right of exclusive use or special privilege.</li> </ul>	
OR	
• attach copies of each lease, licence, right of exclusive use or special privilege or proposed lease, licence, right of exclusive use or special privilege — see Attachment No	

# PART 3 — ACKNOWLEDGMENT OF RECEIPT OF NOTIFIABLE INFORMATION

Statement by Vendor(s)		
Name(s)		
Address(es)		
*I/We, the Vendor(s), hereby certify that the notifiable information in relation to the Strata lot as described in Part 1 of this form, as required by section 69 of the <i>Strata Titles Act 1985</i> , has been given to —		
* the prospective purchaser(s); or		
* the listing agent to provide it to the prospective purchaser(s),		
before the offer or contract to purchase this property was signed by the purchaser.		
*I/We authorise the prospective purchaser(s) to inspect the records of the strata company.		
Vendor(s) signature(s)		
Date		
(* Delete whichever is inapplicable)		
Acknowledgment by prospective purchaser(s)		
*I/We, the prospective purchaser(s) described in Part 1 of this form, acknowledge that *I/we have received notifiable information in respect of the lot described in Part 1 of this form and understand that the disclosure given by the vendor(s) or by the selling agent is not an offer or a contract to purchase a strata titled lot, but only provides information to *me/us.		
Prospective purchaser(s) signature(s)		
Date		
(* Delete whichever is inapplicable)		
Statement by selling agent		
I,		
of		
as selling agent, hereby certify that the notifiable information for this property, as provided by the vendor, has been given to the prospective purchaser(s).		
Selling agent's signature		
Date		

# Strata Titles Act 1985 Section 69A(f)

#### BUYING AND SELLING A STRATA TITLED LOT

This information applies to lots in a strata scheme and a survey-strata scheme.

If you are uncertain about any matter mentioned below you should obtain independent advice from a lawyer or other expert **BEFORE** signing an offer to purchase or sell or entering into a contract to purchase a strata titled lot.

If you intend **BUYING A STRATA TITLED LOT**, you should note that as owner of the lot you will be subject to the following obligations and restrictions.

- 1. You will be buying the strata titled lot AND a share in the common property in the strata titled scheme.
  - The lot number on the strata or survey-strata plan may not correspond with the unit/apartment number used for postal purposes.
- 2. The strata titled scheme consists of all of the lots and the common property which are shown on the strata or survey-strata plan.
  - On a <u>strata plan</u>, the common property may comprise parts of a building or buildings (eg. walls, floors, roof) in which the lots may be situated and any land not part of a lot.
  - On a <u>survey-strata plan</u>, the common property is those lots shown as "CP lots" on the plan and will include any building which is situated on a common property lot.
- 3. As an owner of a strata titled lot, you will be a member of the strata company and entitled to participate in its management.
  - A strata company automatically comes into existence on registration of the strata or survey-strata plan.
- 4. Your right to deal with the lot and to use the common property is restricted because it is subject to the *Strata Titles Act 1985*, the by-laws of the strata company, any resolutions which the strata company may have passed, and management by the strata company.

#### Schedule 3

A copy of the standard by-laws for strata companies which is contained in the *Strata Titles Act 1985*, is printed at the end of or is attached to this brochure.

The standard by-laws may be repealed, changed or added to by the strata company.

The standard by-laws may be changed by a Management Statement registered at the same time the strata or survey-strata plan is registered.

Later changes to the by-laws by the strata company will be recorded in its records and must be registered on the strata or survey-strata plan within 3 months.

Restrictions on the use of the lot may also be shown on the strata or survey-strata plan.

The strata company may have passed resolutions which affect the lots and common property, e.g. approving a plan of re-subdivision or a transfer or lease of common property. These resolutions are recorded in the minutes of meetings of the strata company.

5. You will be liable to pay a strata levy to the strata company for administrative expenses, including maintenance, upkeep and repair of buildings forming part of or on the common property, and insurance of the common property, unless you are in a scheme of 2 to 5 lots which may be exempt from these requirements.

Your contribution will be calculated in proportion to the unit entitlement of the lot to the aggregate unit entitlement of all of the lots on the strata or survey-strata plan, unless the strata company has passed a by-law to change the basis on which the contributions are proportioned.

The unit entitlement is found on the strata or survey-strata plan.

You may also be liable to contribute to a reserve fund for contingent expenses, which will be calculated in proportion to the unit entitlement of the lot.

The amount of contributions to a strata levy and reserve fund can be obtained in a certificate from the strata company. The strata company will also be able to advise of any outstanding contributions owing by the vendor and of any contributions which have been approved but are not yet due.

6. Except in certain circumstances, you will not be able to build on the lot or make any alterations to (including removal of) a building on the lot without the approval of the strata company.

**BEFORE ENTERING INTO A CONTRACT** or an offer to purchase or sell a strata titled lot, the vendor must provide to the purchaser a completed and signed Disclosure Statement (Form 28 in the *Strata Titles General Regulations 1996*).

Alternatively, the information required to be included in the Disclosure Statement may be incorporated into the contract.

The Disclosure Statement (or contract) must have attached to it —

- a copy of the registered or proposed strata or survey-strata plan, which clearly identifies the lot being sold and any information which relates specifically to the lot;
- a copy of this document ("Buying and Selling a Strata Titled Lot") (including the standard by-laws);
- a copy of all non standard by-laws of the strata company, including any
  which have been passed by the strata company but not yet registered or
  any by-laws which are proposed to apply to the scheme;
- the unit entitlement of all of the lots in the scheme.

If the vendor is the original proprietor of the lot, then the additional information which is listed in Part 2 of the Disclosure Statement must also be given.

The purchaser may have the **RIGHT TO TERMINATE A CONTRACT** to purchase a strata titled lot if —

- (i) a signed and completed Disclosure Statement was not provided by the vendor before the purchaser entered into the contract or the information required to be included in the Disclosure Statement was not included in the contract; or
- (ii) certain changes occur in relation to the strata company, the strata or survey-strata plan or the common property (as set out in section 69C(3) of the *Strata Titles Act 1985*) before settlement and the vendor has not given notice in writing to the purchaser of those changes.

## Strata Titles General Regulations 1996

### Schedule 3

The purchaser's right to terminate the contract is restricted if the Disclosure Statement or notification of any changes was given after entering into the contract but before settlement.

The **STANDARD BY-LAWS** contained in the *STRATA TITLES ACT 1985* are \*set out below/attached.

(\*Delete whichever is not applicable)

# NOTICE OF RESOLUTION OF MERGER OF BUILDINGS

Strata Titles Act 1985
Section 21G

	Scena	210
The	Owners of (name of scheme)	
Stra		
	on the strata plan, the boundaries	s of the lots which are buildings shown are to be fixed by reference to the angs, as provided for by section 3AB of
**		arty wall, or have buildings on them of that wall or the plane at which they
	·	me of scheme)
		ed hereto on the ,
in th	ne presence of —	
	mbers of Council	
	OR	***
	ull name of proprietor	Full name of proprietor
	igned	Signed

## Strata Titles General Regulations 1996

## Schedule 3

Full name of proprietor	Full name of proprietor
Signed	Signed
Full name of proprietor	Full name of proprietor
Signed	Signed

[Form 30 amended in Gazette 30 Dec 2004 p. 6945.]

<sup>\*</sup> Delete whichever is inapplicable.

<sup>\*\*</sup> Delete if inapplicable.

<sup>\*\*\*</sup> This form may be signed by the strata company, all of the registered proprietors in a 2 to 5 lot scheme or by one proprietor where an order made under section 103C or 103M accompanies this form.

# NOTICE OF OBJECTION TO AUTOMATIC MERGER OF BUILDINGS

Strata Titles Act 1985

	Section	on 21O
[/we	e, (name of proprietor/s)	
beir	ng the proprietor/s of lot/s	Strata Plan No
he	scheme known as The Owners of (na	on 21M of the <i>Strata Titles Act 1985</i> to ame of scheme).*
	eated	**E-11
	*Full name of proprietor	**Full name of proprietor
	igned	Signed
*		1 M to a scheme is that the boundaries of lots or 1 by reference to the external surfaces of those

- This form may be signed by one or more of the registered proprietors in the scheme.

# NOTICE OF RESOLUTION OF MERGER OF LAND

Strata Titles Act 1985
Section 21S

		Section 215	
The Owners	s of (nam	e of scheme)	
the following	ng resolut		
1.	That the	strata plan be amended as follows —	
	**(a)	to show an extension or alteration to an existing shown on the strata plan, as depicted on the sket tabled for the purposes of this resolution;	
	**(b)	to include a building on the strata plan, as depict sketch plan tabled for the purposes of this resolu	
	**(c)	to merge land that is common property into a los on the strata plan —	or lots
		*(i) as depicted on the sketch plan tabled for purposes of this resolution; or	or the
		*(ii) by (describe merger)	
**2.	That the	horizontal boundaries of the land in the lots on th	e strata
	*(a)	the existing horizontal boundaries shown on the plan; or	strata
	*(b)	metres above and metres below	

- \*\*3. That an easement or easements relating to motor vehicle access, parking or turning (in terms of section 21W of the *Strata Titles Act 1985*) be created, as depicted on the sketch plan tabled for the purposes of this resolution.
- \*\*4. That it consents to the schedule of unit entitlement for the scheme as set out in the schedule tabled for the purposes of this resolution.

# The sketch plan tabled for the purposes of these resolutions is to accompany this Notice of Resolution.

Details of the relevant rating authorities to be notified by the Registrar of Titles are as follows —

Local Government
Name
Facsimile No
Water Authority
Name
Address
Sewerage Authority
Name
Address
The Common Seal of the Owners of (name of scheme)
Strata Plan No was affixed hereto on the , in the presence of —
Members of Council

OR \*\*\*

page 111

## Strata Titles General Regulations 1996

## Schedule 3

Full name of proprietor	Full name of proprietor
Signed	Signed
Signed	Signed
Signed	Signed

- \*\* Delete if inapplicable. If a resolution in the terms of 1(c) is included, a resolution in the terms of 2 must be included.
- \*\*\* This form may be signed by the strata company, all of the registered proprietors in a 2 to 5 lot scheme or by one proprietor where an order made under section 103C or 103M accompanies this form.

[Form 32 amended in Gazette 30 Dec 2004 p. 6945.]

<sup>\*</sup> Delete whichever is inapplicable.

# NOTICE OF RESOLUTION OF MERGER OF BUILDINGS AND LAND

Strata Titles Act 1985 Sections 21G, 21S

			Sections 210, 215
The C	Owners of	(name	of scheme)
he fo	llowing r	esoluti	ons were passed as a *resolution without solution (in the case of a two-lot scheme) —
1.	shown or the <b>exter</b>	n the st rnal su	on to the lots or parts of the lots which are buildings trata plan, the boundaries are to be fixed by reference to arfaces of those buildings, as provided for by section 3AB tles Act 1985.
	which ar	e joine	have a common or party wall, or have buildings on them d, the centre plane of that wall or the plane at which they e boundary.
2.	That the	strata j	plan be amended as follows —
	**(a)	on the	ow an extension or alteration to an existing building shown e strata plan, as depicted on the sketch plan tabled for the eses of this resolution;
	**(b)		lude a building on the strata plan, as depicted on the plan tabled for the purposes of this resolution;
	**(c)		rge land that is common property into a lot or lots on the plan —
		*(i)	as depicted on the sketch plan tabled for the purposes of this resolution; or
		*(ii)	by (describe merger)

# Schedule 3

·*3.	That tare —	the horizontal boundaries of the land in the lots on the strata plan
	*(a)	the existing horizontal boundaries shown on the strata plan; or
	*(b)	metres below.
<sup>4</sup> *4.	or tur	an easement or easements relating to motor vehicle access, parking ning (in terms of section 21W of the <i>Strata Titles Act 1985</i> ) be ed, as depicted on the sketch plan tabled for the purposes of this attion.
**5.		t consents to the schedule of unit entitlement for the scheme as set the schedule tabled for the purposes of this resolution.
		plan tabled for the purposes of these resolutions is to this Notice of Resolution.
	s of th follov	ne relevant rating authorities to be notified by the Registrar of Titles ws —
Name Addre	ess	rnment 
Name Addre	ss	ority o.
Name Addre	ess	uthority 
Γhe C	ommo	on Seal of the Owners of (name of scheme)

		Schedule 3
n the p	Plan No was affixed he oresence of —	reto on the ,
	ers of Council	
	OR	***
Full	name of proprietor	Full name of proprietor
Signed		Signed
Full	name of proprietor	Full name of proprietor
	1	·····
Signed		Signed
		Full name of proprietor
		Signed
*	Delete whichever is inapplicable.  Delete if inapplicable. If a resolution	n in the terms of 2(c) is included, a resolution in
	the terms of 3 must also be included.	
** This form may be signed by the strat		a company, all of the registered proprietors in a 2 where an order made under section 103C or

[Form 33 amended in Gazette 30 Dec 2004 p. 6945.]

Form 34
Strata Titles Act 1985

STRATA PLAN	'AN	
SHEET	OF	SHEETS
MER	MERGER BY RESOLUTION	UTION
Д	PART II DIVISION 2A	V 2A
	SUBDIVISION 4	4
NOTICE OF	NOTICE OF RESOLUTION	:
REGISTERE	REGISTERED	:
	REGISTR	REGISTRAR OF TITLES

WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

page 116

Strata Titles Act 1985
Sections 21T(1)(c), 21U

STRATA	DI	$\Lambda NI$	NI				
SINAIA	$\Gamma$ L	AIN.	INO.				

CERTIFICATE OF LICENSED SURVEYOR —	MERGER IN STRATA
SCHEME	

- \*(a) (if the sketch plan shows an extension or alteration of a building shown on the strata plan, or includes a building not shown on the plan) that
  - (i) the extension, alteration or building not shown on the strata plan has been the subject of a building licence under section 374 of the *Local Government (Miscellaneous Provisions) Act 1960*;
  - (ii) the extension, alteration or building not shown on the strata plan has been approved by the strata company or all of the proprietors of the lots in the scheme; and
  - (iii) any building or part of a building not shown on the strata plan, that is shown on the sketch plan as being within a lot, is wholly within the ground surface boundaries of that lot, except for any permitted boundary deviation (as that term is defined in section 3(1) of the Act);
- \*(b) (if any land, or building or part of a building not shown on the strata plan is shown on the sketch plan as common property to be merged into a lot) that
  - (i) the land or building or part of a building is wholly within the external surface boundaries of the parcel; or
  - (ii) the requirements of section 22(1)(c) of the Act are satisfied;

#### Schedule 3

- \*(c) (if the sketch plan shows any land that is common property to be merged into a lot) that the rights and amenities required to be provided for by the relevant town planning scheme in force under the *Town Planning and Development Act 1928*, as prescribed by regulation 14M
  - (i) are provided for in accordance with that scheme at the time when this certificate is given; or
  - (ii) will be provided for when the notice of resolution and documents referred to in section 21V of the Act are registered;
- \*(d) (if the sketch plan shows any land that is common property to be merged into a lot) that an easement \*is/is not required to be created on the sketch plan under section 21W of the Act for the purposes of satisfying the certification in paragraph (c)(ii) above;
- (e) that a reference on the sketch plan to a lot by a designated number is a reference to the lot designated by that number on the strata plan; and
- (f) that there are not more lots on the sketch plan than there are on the strata plan.

Date Licensed Surveyor

\* Delete if inapplicable.

# CERTIFICATE OF LICENSED VALUER **MERGER IN STRATA SCHEME**

Strata Titles Act 1985 Section 21T

	STRATA PLAN No		
	g a licensed valuer certify that the unit entitlement of each lot as stated in —		
*1.	the existing schedule of unit entitlement on the strata plan mentioned above; or		
*2.	the amended schedule of unit entitlement attached to or accompanying this certificate,		
bears in relation to the aggregate unit entitlement of all lots delineated on the strata plan (as merged by the notice of resolution of merger of land dated ) a proportion not greater than 5% more or 5% less than the proportion that the value (as that term is defined in section 14(2a) of the Act) of that lot bears to the aggregate value of the lots delineated on the plan (as merged by the notice of resolution referred to above).			
 Date	Licensed Valuer		
*Dele	te whichever is inapplicable.		

# NOTICE OF RESOLUTION OF CONVERSION TO A SURVEY-STRATA SCHEME

Strata Titles Act 1985

		Section 31D	
The (		s of (name of scheme)	
	a Plan	No hereby certify that on the	
1. That the strata scheme be converted to a survey-strata scheme, a depicted on the survey-strata plan tabled for the purposes of this resolution.			
	The o	owners acknowledge —	
	(a)	that the unit entitlement for a survey-strata scheme is determined on site value; and	
	(b)	that they are aware that this is different from the capital value, which is the basis on which the unit entitlement is determined for a strata scheme.	
		it consents to the schedule of unit entitlement for the scheme as set in the schedule tabled for the purposes of this resolution.	
*2.	That	an easement or easements relating to —	
	*(a)	Vehicle Access Easement	
	*(b)	Intrusion Easement	
	*(c)	Light and Air Easement	
	*(d)	Party Wall Easement	
	*(e)	Pedestrian Access Easement	
		rms of section 31G of the Act) be created, as depicted on the sketch tabled for the purposes of this resolution.	

0	_	L	_	_	١.	- 1	e	•
. 7	Œ	n	е	u	ш	н	œ	-7

*3.	limited to	ey-strata lot(s) is or are				
	survey-strata plan tabled for the ompany this Notice of Resolution.	purposes of these resolutions is to				
	ails of the relevant rating authorities as follows —	to be notified by the Registrar of Titles				
Nan Add	lress					
Nan Add	lress					
Nan Add	lress					
The		me of scheme)				
		ereto on the				
	Members of Council  OR **					
F	Full name of proprietor Full name of proprietor					
Si	igned	Signed				
Si	igned	Signed				

# Strata Titles General Regulations 1996

Full name of proprietor	Full name of proprietor
Signed	Signed

- Delete whichever is inapplicable. This form may be signed by the strata company or all of the registered proprietors in a 2 to 5 lot scheme.

Strata Titles Act 1985
Sections 31E(1)(b), 31F

	STRATA PLAN No
CERTIFICATE OF LICENSED SURVE SURVEY-STRATA	
I,	
being a licensed surveyor, certify in respect of	of the survey-strata plan under
section 31E(1)(a) of the Act accompanying the	he notice of resolution of
conversion to a survey-strata scheme dated.	in relation to the

strata plan mentioned above ("the strata plan") —

- (a) the survey-strata plan is a correct and accurate representation of the survey carried out \*by me personally/or under my own personal supervision, inspection and field check, and recorded in Field Books kept, and if required lodged, for the purposes of that plan;
- (b) the measurements on the survey-strata plan are in accordance with the *Licensed Surveyors (Guidance of Surveyors) Regulations 1961* and in particular regulations 23 and 34 of those regulations;
- (c) the survey and the survey-strata plan are in accordance with the Licensed Surveyors (Guidance of Surveyors) Regulations 1961 and the relevant law in relation to which it is lodged;
- (d) there are not more lots on the survey-strata plan, disregarding any lot designated as a common property lot, than there are on the strata plan;
- (e) a reference on the survey-strata plan to a lot by a designated number is a reference to the lot designated by that number on the strata plan;
- (f) where 2 lots have a common or party wall, the centre plane of that wall is on the boundary of the lots;

## Schedule 3

(g)	town	ights and amenities required to be provided for by the relevant a planning scheme in force under the <i>Town Planning and elopment Act 1928</i> , as prescribed by regulation 140—
	(i)	are provided for in accordance with that scheme at the time when this certificate is given; or
	(ii)	will be provided for when the notice of resolution and documents referred to in section 31H of the Act are registered;
	and	
(h)	surv	following easement(s) are required to be created on the ey-strata plan under section 5D of the Act for the purposes of fying the certification in paragraph (g)(ii) above —

[Insert "Nil" if no easements are required to be created, or describe the easement(s) required to be created by their short form

Date Licensed Surveyor

description].

<sup>\*</sup>Delete whichever is inapplicable.

# DISPOSITION ON MERGER OF LAND OR CONVERSION TO A SURVEY-STRATA SCHEME

Strata Titles Act 1985

Sections 21V, 31H and Regulation 21A(1)(b)

We, the proprietors, persons having registered interests in and caveators of the land the subject of —

- \*(a) a Notice of Resolution of Merger of Land dated . . . . . . . . . ; or

in respect of Strata Plan No.....hereby confirm and consent to—

- (c) the disposition of the lots created by the Notice of Resolution together with the registered interests and caveats (if any) as set out in the tables below;
- (d) the disposition of registered interests and caveats (if any) against the common property (if any) as set out in the tables below; and

(A) LOTS (Additional panels as required)			
LOT	FULL NAME IN WHICH LOT IS TO	ENCUMBRANCES	
NO.	VEST	(Document & Number)	

(B) COMMON	PROPERTY	(Additional panels as required)
CP LOT	ENCUMBRANCES	
NO. (if	(Document and Number)	
applicable)		

Sc	hο	dı	ы	_	2

We, the proprietors of the lots the subject of the Notice of Resolution of \*Merger of Land/Conversion to a Survey-Strata Scheme in respect of this Strata Plan hereby certify that —

- \*(a) there is no consideration, other than an interest in common property, for the passing of property under this statement or any thing referred to in item 2(18) or 7(13) in the Third Schedule to the *Stamp Act 1921*; or
- \*(b) in addition to the passing of property under this statement, there is the additional consideration set out in the table below.

CONSIDERATION paid or given or to be paid or given						
By whom						
(Additional panels as required)						

<sup>\*</sup>Delete whichever is inapplicable.

CONSENT BY PERSONS HAVING REGISTERED INTERESTS AND CAVEATORS (IF ANY) (as required by sections 21T(1)(e) or 31E(1)(e) of the Act)

ENCUMBRANCE Document & No.

**SIGNATURE** 

in the presence of

Witness

Name

Address

Occupation

DATED THIS	DAY OF	20		
The Common Seal of the Owners of (name of scheme)				

Schedule 3

Strata Plan No was aft in the presence of —	fixed hereto on the
Members of Council	
SIGNATURE OF PROPRIETOR	SIGNATURE OF PROPRIETOR
in the presence of	in the presence of
Witness	Witness
Name	Name
Address	Address
Occupation	Occupation

#### TO BE SIGNED BY:

- STRATA COMPANY AND PROPRIETOR OF EACH AFFECTED LOT; OR
- ALL PROPRIETORS IN A 2 TO 5 LOT SCHEME.

WHERE A PROPRIETOR SIGNS, THE SIGNATURE IS TO BE WITNESSED.

WHERE INSUFFICIENT SPACE IS PROVIDED IN THIS FORM, THE REQUIRED SIGNATURES, CONSENTS OR PANELS MAY BE COMPLETED ON AN ADDITIONAL PAGE THAT IDENTIFIES AND IS ATTACHED TO THIS FORM.

# NOTICE OF OBJECTION TO CHANGE OF FENCING PROVISIONS

Strata Titles Act 1985

Sections	123A, 123C
I/we (name of proprietor/s)	
	on Strata/Survey-Strata strata company/other proprietor (in the uire that on and after 20 July 1997**—
*1. section 123(2) of the Act is to co	ontinue to apply;
*2. liability in relation to fencing be determined as if section 123B of	tween lots in the scheme is to be the Act had not been enacted,
•	e Owners of (name of scheme)
A copy of the notice/s is/are attached	
***Full name of proprietor	***Full name of proprietor
Signed	Signed
* Delete as appropriate.  ** This date is the day after the expiry of 6 the Strata Titles Amendment Act 1996.	6 months after the commencement of section 37 of

This form may be signed by one or more of the registered proprietors in the scheme.

# NOTICE OF TERMINATION OF INSURANCE ORDER

Strata Titles Amendment Act 1996 Section 30(4) and (5)

I/we, (name of proprietor/s)	
have served notice on the *strata comp two-lot scheme) that I/we require the section 103J of the <i>Strata Titles Act 1</i> ; the insurance requirements of sections the scheme, known as The Owners of	985 exempting the strata company from s 54 or 55(1)(c) of that Act in relation to
	ne strata plan as Application Number
A copy of the notice is attached to the	his Notice.
**Full name of proprietor	**Full name of proprietor
Signed	Signed
* Delete whichever is inapplicable. ** This form may be signed by one or mo	ore of the registered proprietors in the scheme.
[Form 41 amended in Gazette 30 Dec	2004 p. 6945.]
[Schedule 3 amended in Gazette 17 Jo	•

p. 1884-9; 30 Dec 2004 p. 6945; 13 May 2005 p. 2083-5.]

# **Notes**

This is a compilation of the *Strata Titles General Regulations 1996* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

# **Compilation table**

Citation	Gazettal	Commencement
Strata Titles General Regulations 1996	14 Mar 1996 p. 917-78	14 Apr 1996 (see r. 2 and <i>Gazette</i> 15 Mar 1996 p. 981)
Strata Titles General Amendment Regulations 1996	28 Jun 1996 p. 3059-61	1 Jul 1996 (see r. 2)
Strata Titles General (Amendment) Regulations 1997	17 Jan 1997 p. 451-512	20 Jan 1997 (see r. 2 and <i>Gazette</i> 17 Jan 1997 p. 405)
Reprint of the <i>Strata Titles General I</i> (includes amendments listed above)	Regulations 1996	as at 11 Feb 1997
Strata Titles General (Amendment) Regulations (No. 2) 1997	24 Jun 1997 p. 2989-91	1 Jul 1997 (see r. 2)
Strata Titles General (Amendment) Regulations 1998	28 Apr 1998 p. 2178	1 Jul 1998 (see r. 2)
Strata Titles General (Amendment) Regulations (No. 2) 1998	26 Jun 1998 p. 3384	1 Jul 1998 (see r. 2)
Strata Titles General (Amendment) Regulations 1999	18 Jun 1999 p. 2630-1	1 Jul 1999 (see r. 2)
Strata Titles General Amendment Regulations (No. 2) 1999	18 Jun 1999 p. 2635-6	1 Jul 1999 (see r. 2)
Strata Titles General Amendment Regulations 2000 <sup>6</sup>	14 Apr 2000 p. 1884-90	14 Apr 2000
Strata Titles General Amendment Regulations (No. 3) 2000	16 Jun 2000 p. 2945-6	1 Jul 2000 (see r. 2)
Strata Titles General (Amendment) Regulations (No. 2) 2000	30 Jun 2000 p. 3420-1	1 Jul 2000 (see r. 2)
Reprint of the <i>Strata Titles General I</i> (includes amendments listed above)	Regulations 1996	as at 21 Jul 2000
Strata Titles General Amendment Regulations (No. 4) 2000	29 Sep 2000 p. 5537	30 Sep 2000 (see r. 2)
Strata Titles General Amendment Regulations 2001	13 Jul 2001 p. 3510	13 Jul 2001 (see r. 2)

		<del></del>
Citation	Gazettal	Commencement
Strata Titles General Amendment Regulations (No. 2) 2001	25 Sep 2001 p. 5291-2	27 Sep 2001 (see r. 2)
Strata Titles General Amendment Regulations 2002	2 Aug 2002 p. 3804-5	5 Aug 2002 (see r. 2)
Reprint of the <i>Strata Titles General</i> is (includes amendments listed above)	Regulations 1996	as at 15 Nov 2002
Strata Titles General Amendment Regulations 2003	30 Jun 2003 p. 2570-1	7 Jul 2003 (see r. 2)
Strata Titles General Amendment Regulations 2004	2 Sep 2004 p. 3824-7	6 Sep 2004 (see r. 2)
Strata Titles General Amendment Regulations (No. 2) 2004	30 Dec 2004 p. 6944-5	1 Jan 2005 (see r. 2 and <i>Gazette</i> 31 Dec 2004 p. 7130)
Strata Titles General (Amendment) Regulations 2005	13 May 2005 p. 2082-5	13 May 2005
Strata Titles General Amendment Regulations (No. 2) 2005	24 Jun 2005	4 Jul 2005 (see r. 2)

- Formerly referred to the *Licensed Surveyors (Transfer of Land Act 1893)*Regulations the citation of which was changed to the *Licensed Surveyors*(Transfer of Land Act 1893) Regulations 1961 by the *Licensed Surveyors*Amendment Regulations 1997 r. 30. The reference was changed under the Reprints Act 1984 s. 7(3)(gb).
- Repealed by the *Strata Titles Act 1985*.
- Under the *Land Administration Act 1997* s. 281(3) a reference in a written law to the *Land Act 1933* is, unless the contrary intention appears, to be construed as if that reference were a reference to the *Land Administration Act 1997*.
- Under the *Alteration of Statutory Designations Order (No. 3) 2001* a reference in any law to the Ministry of Planning is read and construed as a reference to the Department for Planning and Infrastructure.
- The Strata Titles General Amendment Regulations 2000 r. 2(2) (published in Gazette 14 April 2000 p. 1884-90) reads as follows:
  - (2) Despite subregulation (1) the Form 28 deleted by that subregulation is taken to continue to be prescribed for the purposes of section 69 of the Act until the day 3 months after these regulations commence.

page 132		

Strata Titles General Regulations 1996