

3AB. Alternative boundaries for lots in single tier strata schemes

- (1) Where this section applies the boundaries of any cubic space referred to in paragraph (a) of the definition of “**floor plan**” in section 3 (1) are, regardless of the exact location of the lines referred to in that paragraph —
 - (a) the external surfaces of the building occupying the area represented on that floor plan —
 - (i) including any thing that —
 - (I) is attached to and projects from the building; and
 - (II) is prescribed by the regulations to be included as part of a lot;
 - but
 - (ii) excluding any thing that is prescribed by the regulations not to be included as part of a lot; or
 - (b) despite paragraph (a), where 2 lots —
 - (i) have a common or party wall, the centre plane of that wall; or
 - (ii) have buildings on them that are joined, the plane or planes at which they are joined.
- (2) If under subsection (1) —
 - (a) the boundary of a lot is a part of a building that constitutes a permitted boundary deviation; and
 - (b) the part is destroyed and is not reinstated within one year, or a longer period allowed by a referee under section 103N, after the destruction, the boundary referred to in paragraph (a) ceases to apply on the expiry of that period and the boundary in question becomes a vertical plane from the base line shown on the strata plan.
- (3) Nothing in this section applies to a boundary of a lot or a part of a lot that is external to a building.
- (4) Where this section applies it —
 - (a) displaces the operation of subsection (2) (a) of section 3; but
 - (b) does not affect the operation of subsection (2) (b) of that section.

[Section 3AB inserted by No. 61 of 1996 s.6.]