

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 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 section 3(2)(a); but
 - (b) does not affect the operation of subsection (2)(b) of that section.

[Section 3AB inserted by No. 61 of 1996 s. 6; amended by No. 55 of 2004 s. 1157.]