



Western Australia

## **Strata Titles General Regulations 1996**

Compare between:

[04 Jul 2005, 03-e0-02] and [24 Jan 2006, 03-f0-03]



## 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 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 and forms

*[Heading amended in Gazette 24 Jan 2006 p. 432.]*

### 4. Quality of plans

A plan or form 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 —

- (a) ~~the drawing~~ medium must be of such type and size as may be approved by the Registrar of Titles, unblemished and free of creases;
- (b) a margin of at least 10 mm must be left on all edges of ~~the any~~ drawing ~~medium~~;
- (c) ~~the~~ writing, drawing or typewriting on any drawing must be only on one 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-~~4~~; 24 Jan 2006 p. 432.]*

### 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~~ approved by the Registrar of Titles.
- (1a) All such plans must ~~be drawn showing~~ specify —
  - (a) in the case of a drawing the north point, which must direct upwards;

- (b) [in the case of a drawing](#) the scale to which the plan is drawn, being a scale which will allow all details and notations to be clearly shown;
- (c) in the case of a floor plan —
  - (i) 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 —
  - (i) 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]
  - (v) 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 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~~

~~[(f) deleted]~~

- (g) the name and address of the surveyor or other person who is responsible for ~~the correctness~~certifying the plan under subregulation (1b).

(1b) All such plans must be certified by a licensed surveyor in the form of the Table to regulation 54 of the ~~plan~~Survey Regulations.

- (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 in the form of a drawing must be drawn to one of the following ratios, or multiples of 10 of the ratios —

1:50  
1:75  
1:100  
1:125  
1:200  
1:250  
1:300  
1:400  
1:600  
1:800

and must show a scale bar.

- (5) Additional plan sheets in the a 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 approved by the Registrar of Titles otherwise determines~~ may be used as required.
- (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 those areas 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.~~

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[\[\(8\) repealed\]](#)

- (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; [24 Jan 2006 p. 432-3.](#)]*

**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~~[department principally assisting the Minister in the administration of the Act.](#)
- (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;  
[24 Jan 2006 p. 433.](#)]*

**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~~ a manner approved by 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

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- (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;  
[24 Jan 2006 p. 433.](#)]*

**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

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- (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.

- (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

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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.

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*[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 —

“

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.

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*[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 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.

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*[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

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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.

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*[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, 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.

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

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## **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.

”.

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- (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 [approved by the Registrar](#) of ~~Form 34~~ [Titles](#) and must be drawn showing —

- (a) the matters provided for in regulation 5(~~1a~~)(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(~~1a~~)(c); and
  - (ii) a location plan prepared in the manner provided for in regulation 5(~~1a~~)(d),

as if a reference in regulation 5(~~1a~~)(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(~~1a~~)(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(~~1a~~)(d),

as if a reference in regulation 5(~~1a~~)(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; amended in Gazette 24 Jan 2006 p. 433-4.]*

#### **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;

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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

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\* (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;

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.]*

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## 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~~ [department principally assisting the Minister in the administration of the Act.](#)

*[Regulation 18 amended in Gazette 17 Jan 1997 p. 468;  
[24 Jan 2006 p. 434.](#)]*

**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

- (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);

- (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;~~ [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;
  - (c) either —
    - (i) the registration of any registered interest (other than as registered proprietor); or

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- (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;  
[24 Jan 2006 p. 434.](#)]*

**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 —
- (i) 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

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- (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*.

## **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

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

**25. Period and types of keeping records to be retained under section 35**

(1) The prescribed period under section 35(1)(h) is —

- (a) ~~the~~ in the case of documents kept under section 35(1)(h)(ii) to (vii) — a period of 7 years commencing —;

~~(~~ (b) in the case of documents kept under section 35(1)(h)(i) and (viii) and under subregulation (2)(a) and (b) —

(i) a period of 20 years; or

(ii) a period ending when the document has ceased to have effect,

whichever is the longer; or

- (c) in the case of ~~minutes of~~ documents kept under subregulation (2)(c) —

(i) if the documents comprise material delivered under section 49(3)(a) — the life of the scheme;

(ii) if the documents comprise material delivered under section 49(3)(b) and are of the same type as documents referred to in paragraph (a) of this subregulation — the period referred to in paragraph (a); or

(iii) if the documents comprise material delivered under section 49(3)(b) and are of the same type as documents referred to in paragraph (b) of this subregulation — the period referred to in paragraph (b).

(2) The prescribed documents under section 35(1)(h)(ix) are —

(a) resolutions without dissent;

(b) policies of insurance; and

~~(c) material delivered under section 49(3) by an original proprietor to a strata company on the day the minutes were recorded; and~~

~~(ii) in the case of books of account of a strata company on the day when a statement of those accounts was submitted to an at its first annual general meeting;~~

~~or~~

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

[Regulation 25 inserted in Gazette 24 Jan 2006 p. 434-5.]

**26. Interest on unpaid contributions**

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

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

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~~500.

[Regulation 28 amended in Gazette 24 Jan 2006 p. 435.]

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

The prescribed amount for the purposes of section 47(1) is ~~\$50~~65.

[Regulation 29 amended in Gazette 24 Jan 2006 p. 435.]

## **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,

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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;

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- (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

- (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

proposed location plan but not shown on the floor plan or the location plan of the registered strata plan.

- (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.]*

r. 37A

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## **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.]*

### **37AA. Manner of describing boundaries for purposes of section 3(2)(b)**

For the purposes of section 3(2)(b), the boundaries of any cubic space referred to in paragraph (a) of the definition of “floor plan” in section 3(1) must be described —

- (a) if the cubic space is within a building that is not part of a single tier scheme —
  - (i) in the case of a vertical boundary, where the base of any wall corresponds substantially with any line referred to in paragraph (a) of that definition — by reference to the inner surface of that wall; and
  - (ii) in the case of a horizontal boundary, where any floor or ceiling joins a vertical boundary of that cubic space — by reference to the upper surface of that floor and the under surface of that ceiling;

and

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(b) in any other case — in a manner that unambiguously defines the cubic space and its location in relation to the relevant building.

[Regulation 37AA inserted in Gazette 24 Jan 2006 p. 435-6.]

**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;

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- (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~~500.

*[Regulation 44 amended in Gazette 24 Jan 2006 p. 436.]*

**45. Fees**

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

**Schedule 1**

[Regulation 45]

**Fees**

1. The fees payable to the Registrar of Titles are —

	\$
(a) on lodgment of any plan — general fee, including provision of copies of the plan to relevant rating authorities —	
(i) if deposition of the plan with the Commission is required (fee includes delivery of plan to, and collection of plan from, the Commission) .....	178.00
(ii) if deposition of the plan with the Commission is not required .....	124.00
plus, for each lot shown on the plan, other than a lot that is proposed to be vested in the Crown under the <i>Town Planning and Development Act 1928</i> section 20A(1) or, in the case of a survey-strata plan, a proposed common property lot .....	48.00
(b) on lodgment of a replacement plan for a plan in respect of which a requisition has been raised .....	124.00
(c) on the issuing, by the Registrar of Titles, of a requisition in respect of a lodged plan .....	83.00
(d) on lodgment of any application for the registration of a plan.....	80.00
plus, for each lot shown on the plan, other than a lot that is proposed to be vested in the Crown under the <i>Town Planning and Development Act 1928</i> section 20A(1) or, in the case of a survey-strata plan, a proposed common property lot .....	6.00
(e) on lodgment of any other application ....	80.00

- (f) on lodgment of any notification ..... 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 —

**Scale**

Number of allotments	Fee (\$)
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**Schedule 1**

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

Number of allotments	Fee (\$)
Over 300	3 520

4. The fees payable to the strata company are —

	\$
(a) for an application made under section 43(1)(a) .....	<del>5</del> 10.00
(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 .....	<del>20</del> 40.00
(c) for a certificate under section 43(1)(c) and (d) .....	<del>50</del> 100.00
(d) for copies provided under section 43(1a) .....	\$ <del>20</del> 40.00 for the first 5 pages and \$ <del>0.50</del> 1.00 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 —

“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; 24 Jan 2006 p. 436.]*

## Schedule 2

[Regulation 46]

### Table of prescribed forms

Section or regulation	Number and Description of Form
<del>Section 5(1)(a), (b), (d), (e), 5A(1)(a), (b), (c), (e), (f), 5B(1)(c), 8A(g), 25B(2), 31E(1)(a)</del>	<del>Form 1, 2 — Strata/Survey strata Plan, Certificate of Commission.</del>
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.
<del>Regulation 5(5)</del>	<del>Form 4 — Annexure Sheet.</del>
Section 5B(1)(a), 8A(d), 8A(e), 22(1)	Form 5 — Certificate of Licensed Surveyor.
Section <del>5B(1)(a), 8A(d),</del> 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 — <del>Schedule — Annexure of Dealings on Strata/Survey strata</del> <u>Strata Plan No. and Schedule of Encumbrances on Common Property.</u>
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.

<b>Section or regulation</b>	<b>Number and Description of Form</b>
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.

**Schedule 2**

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<b>Section or regulation</b>	<b>Number and Description of Form</b>
Sections 21G, 21S	Form 33 — Notice of Resolution of Merger of Buildings and Land.
<del>Section 21T(1)(b), Regulation 14L</del>	<del>Form 34 — Sketch Plan.</del>
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 <i>Strata Titles Amendment Act 1996</i>	Form 41 — Notice of Termination of Insurance Order.

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*[Schedule 2 amended in Gazette 28 Jun 1996 p. 3061; 17 Jan 1997 p. 476-8; 30 Dec 2004 p. 6945; [24 Jan 2006 p. 436-7.](#)]*

Schedule 3

[Regulation 46]

Form 1

STRATA/SURVEY-STRATA PLAN	
SHEET OF	SHEETS
MANAGEMENT STATEMENT	<input type="checkbox"/> YES <input type="checkbox"/> NO
Lodged	.....
Examined	.....
Registered	.....
REGISTRAR OF TITLES	
WESTERN AUSTRALIAN PLANNING COMMISSION	
Certificate of Approval of WAPC under Section 28B (2) of <i>Strata Titles Act 1985</i> .	
FOR CHAIRMAN	DATE
PLAN OF	
CERT. OF TITLE	
LOCAL GOVERNMENT	
INDEX PLAN	
FIELD BOOK NUMBER	
SCALE	
NAME OF SCHEME	
ADDRESS OF PARCEL	
	

WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

Schedule 3

**Form 2**

STRATA/SURVEY-STRATA PLAN SHEET OF SHEETS			
MANAGEMENT STATEMENT <input type="checkbox"/> YES <input type="checkbox"/> NO			
Lodged..... Examined..... Registered.....		PLAN OF CERT. OF TITLE LOCAL GOVERNMENT INDEX PLAN FIELD BOOK NUMBER SCALE	
WESTERN AUSTRALIAN PLANNING COMMISSION Certificate of Approval of WAPC under Section 25B (2) of Strata Titles Act 1986.		ADDRESS OF PARCEL	
REGISTER OF TITLES		FOR CHAIRMAN DATE	

WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

*[Forms 1 and 2 deleted in Gazette 24 Jan 2006 p. 437.]*



Schedule 3

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**Form 4**

STRATA/SURVEY-STRATA PLAN	
SHEET	OF SHEETS

WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION



**Schedule 3**

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**Form 5**

*Strata Titles Act 1985*

Sections 5B(1), 8A, 22(1)

**STRATA PLAN No.**

**DESCRIPTION OF PARCEL & BUILDING  
CERTIFICATE OF LICENSED SURVEYOR**

I, . . . . ., being a licensed surveyor registered under the *Licensed Surveyors Act 1909* certify that in respect of the strata plan which relates to the parcel and building described above (in this certificate called “the plan”): —

- (a) each lot that is not wholly within a building shown on the plan is within the external surface boundaries of the parcel; and either
- (b) each building shown on the plan is within the external surface boundaries of the parcel; or
- (c) in a case where a part of a wall or building, or material attached to a wall or building, encroaches beyond the external surface boundaries of the parcel —
  - (i) all lots shown on the plan are within the external surface boundaries of the parcel;
  - (ii) the plan clearly indicates the existence of the encroachment and its nature and extent; and
  - (iii) where the encroachment is not on to a public road, street or way, that an appropriate easement has been granted and will be lodged with the Registrar of Titles to enable it to be registered as an appurtenance of the parcel;and
- \*(d) if the plan is a plan of re-subdivision, it complies with Schedule 1 by-law(s) no(s) . . . . . on 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 *Strata Titles General Regulations 1996*.

.....  
Date

.....  
Licensed Surveyor

\*Delete if inapplicable

Form 6

Strata Titles Act 1985

Sections ~~5B(1)~~, 8A, ~~(e)~~, 22(2)

SURVEY-STRATA PLAN No. .....

DESCRIPTION OF PARCEL

CERTIFICATE OF LICENSED SURVEYOR

I..... being a licensed surveyor registered under the *Licensed Surveyors Act 1909*, certify that ~~in respect of~~ the survey-strata plan which relates to the parcel described above (~~in this certificate called "the plan"~~):     

~~— (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 *Licensed Surveyors (Guidance of Surveyors) Regulations 1961* and in particular regulations 23 and 34 of those regulations;~~

~~— (c) — this survey and plan are in strict accordance with the requirements of the *Licensed Surveyors (Guidance of Surveyors) 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      (a)      is a plan of re-subdivision; and~~

     (b)      complies with Schedule 1 by-law(s) ~~no~~No(s)..... on Survey-strata Plan ~~no~~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 *Strata Titles General Regulations 1996*.

.....  
.....  
     Date      Licensed Surveyor  
~~.....  
.....  
     Date      Licensed Surveyor~~

**Schedule 3**

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~~\*Delete if inapplicable~~

*[Form 6 inserted in Gazette 24 Jan 2006 p. 437.]*

Form 7

Strata Titles Act 1985

Sections 5B(2), 8A(f), 23(1)

STRATA PLAN No.

DESCRIPTION OF PARCEL AND BUILDING

CERTIFICATE OF LOCAL GOVERNMENT

....., the local government hereby certifies that in respect of the strata plan which relates to the parcel and building described above (in this certificate called "the plan") —

- (1) \*(a) 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
  - \*(b) the building has been inspected and the modification is consistent with the approved building plans and specifications relating to the modification;
- (2) the building, in the opinion of the local government, is of sufficient standard to be brought under the *Strata Titles Act 1985*;
- (3) where a part of a wall or building, or material attached to a wall or building, encroaches beyond the external surface boundaries of the parcel on to a public road, street or way the local government is of the opinion that retention of the encroachment in its existing state will not endanger public safety or unreasonably interfere with the amenity of the neighbourhood and the local government does not object to the encroachment; and
- (4) \*(a) any conditions imposed by the Western Australian Planning Commission have been complied with; or
  - \*(b) the within strata scheme is exempt from the requirement of approval by the Western Australian Planning Commission.

.....  
Date

.....  
Chief Executive Officer

\*Delete if inapplicable.



**Form 9**

**CERTIFICATE OF LOCAL GOVERNMENT**

*Strata Titles Act 1985*

Section 10

The City/Town/Shire of ..... consents to the conversion to  
common property of Lot(s) ..... in Strata/Survey-strata Plan No .....

.....

Date

.....

Chief Executive Officer.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Form 10**

**CERTIFICATE OF THE STRATA COMPANY**

*Strata Titles Act 1985*

Section 10

The Owners of (name of scheme) Strata/Survey-strata Plan No. .... hereby  
certifies that it has by \*resolution without dissent/unanimous resolution (in the  
case of a two-lot scheme) consented to the conversion into common property of  
lot(s) ..... in Strata/Survey-strata Plan No .....

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.

\*Delete whichever is inapplicable.

**Schedule 3**

---

**Form 11**

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

*Strata Titles Act 1985*

Section 15

The Owners of (name of scheme) Strata/Survey-strata Plan No . . . . . hereby certifies that it has, by \*resolution without dissent/unanimous resolution (in the case of a two-lot scheme) consented to the registration of the amended schedule of unit entitlement shown in the schedule.

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

\*Delete whichever is inapplicable

**Form 12**

**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 . . . . . was hereunto affixed on . . . . . in the presence of —

.....

.....

Members of the Council.

\_\_\_\_\_ [Form 12 amended in Gazette 30 Dec 2004 p. 6945.]

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Form 13**

**CERTIFICATE OF THE STRATA COMPANY**

*Strata Titles Act 1985*

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) . . . . . by . . . . . was a \*resolution without dissent/unanimous resolution (in the case of a two-lot scheme).

The Common Seal of the Owners of (name of scheme) Strata/Survey-strata Plan No . . . . . was hereunto affixed on . . . . . in the presence of —

.....

.....

**Schedule 3**

---

Members of the Council

\*Delete whichever is inapplicable

**Form 14**

**CERTIFICATE OF STRATA COMPANY**

*Strata Titles Act 1985*

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 . . . . . to . . . . . of . . . . . (brief description of land affected.)

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.

\*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 —

.....

**Schedule 3**

---

.....  
Members of the Council.

**Form 16**

**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 Plan No . . . . . was hereunto affixed on . . . . . in the presence of —

.....

.....

Members of the Council.

**Schedule 3**

---

**Form 17**

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

*Strata Titles Act 1985*

Sections 40 & 41

The Owners of (name of scheme) Strata/Survey-strata Plan No .....  
hereby —

\* 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 —

.....  
.....

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.

\*Delete whichever is inapplicable.

**Form 18**

**CERTIFICATE OF LOCAL GOVERNMENT**

*Strata Titles Act 1985*

Section 9

The City/Town/Shire of ..... certifies that: —

- (1) it consents to the consolidation of Lots ..... on Strata Plan No .....
- (2) \* the consolidation of the lots referred to above is exempt from the requirement of approval by the Western Australian Planning Commission; or  
 \* all conditions imposed by the Western Australian Planning Commission in respect of the consolidation of the above lots have been complied with.

.....  
Date

.....  
Chief Executive Officer

\*Delete whichever is inapplicable.

**Schedule 3**

---

**Form 19**

**CERTIFICATE OF THE STRATA COMPANY**

*Strata Titles Act 1985*

**Section 6**

The Owners of (name of scheme) Strata/Survey-strata Plan No . . . . . hereby certifies that 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).

in the following manner —

Previous Restrictions . . . . .

Varied or Amended Restrictions . . . . .

Additional Restrictions . . . . .

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.

**Form 20**

**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 .....  
Address .....  
Facsimile No. ....

Sewerage Authority

Name .....  
Address .....  
Facsimile No. ....

**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.

Form 21

NOTIFICATION OF CHANGE OF BY-LAWS

Strata Titles Act 1985

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. . . . . was hereunto affixed on . . . . . in the presence of —

.....

.....

Members of the Council

**Schedule 3**

---

**Form 22**

**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 LOT IS TO VEST	ENCUMBRANCES (Document & Number)
(Additional panels as required)		

(B) COMMON PROPERTY	
CP LOT NO. (if applicable)	ENCUMBRANCES (Document and Number)
(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 given		
By whom	To whom	Consideration
(Additional panels as required)		

CONSENT BY PERSONS HAVING REGISTERED INTERESTS AND  
CAVEATORS (IF ANY)

ENCUMBRANCE Document & No.

SIGNATURE  
in the presence of

Witness

Name

Address

Occupation

(ADDITIONAL CONFIRMATIONS AS REQUIRED)

---

DATED THIS                      DAY OF                      20

SIGNATURE OF  
PROPRIETOR .....

in the presence of

Witness

Name

Address

Occupation

(TO BE SIGNED BY EACH PROPRIETOR)

**Schedule 3**

---

**Form 23**

**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 PROPERTY	
CP LOT NO. (if applicable)	ENCUMBRANCES (Document and Number)
(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.

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

CONSENT BY PERSONS HAVING REGISTERED INTERESTS AND CAVEATORS (IF ANY)

ENCUMBRANCE Document & No.

SIGNATURE  
in the presence of

Witness

Name

Address

Occupation

(ADDITIONAL CONSENTS AS REQUIRED)

DATED THIS DAY OF 20

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

SIGNATURE OF PROPRIETOR .....  
in the presence of

Witness

Name

Address

Occupation

(TO BE SIGNED BY THE STRATA COMPANY AND PROPRIETOR(S) OF EACH AFFECTED LOT)

**Schedule 3**

---

**Form 24**

*Strata Titles Act 1985*

Section 25(3)

**Application to Western Australian Planning Commission for  
Certificate of Approval for a strata plan, plan of re-  
subdivision or consolidation**

LODGE AT:

**Department for Planning and Infrastructure  
Albert Facey House  
469-489 Wellington Street  
PERTH 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")  
.....
5. Address for correspondence .....  
Telephone .....

6. Indicate which of the following this application refers to:

strata plan Yes/No\*

plan of re-subdivision for a strata scheme Yes/No\*

plan of consolidation for a strata scheme Yes/No\*

(referred to in this form as “the plan”)

7. Locality of property the subject of the plan (street, nearest street junction, suburb etc) .....

.....

8. Title particulars: \*whole/part lot(s)

.....

Location(s)..... Deposited plan(s).....

Certificate(s) of Title Vol..... Folio ..... Vol..... Folio .....

Vol..... Folio.....

9. State the number of lots and specify the lot number(s) on the plan that have, or are proposed to have, the following purposes—

Purpose or proposed purpose	Number of lots	Lot Number(s)
Residential		
Rural		
Industrial		
Commercial		
Retirement Village		
Other (please specify)		

10. State details of any restrictions to be placed on any lots on the plan.....

.....

**Schedule 3**

---

11. (a) Are there any existing buildings which form part of the strata scheme or proposed strata scheme the subject of the plan ? If so, please specify  
.....  
.....
- (b) Are there any proposed buildings approved for construction by the local government which will form a part of the proposed strata scheme the subject of the plan ? If so, please specify  
.....  
.....
12. Is it proposed to create a vacant strata lot by registration of the plan ?  
Yes/No..... If yes, how many ? .....

Signature(s) of owner(s)

..... Date .....

..... Date .....

(If signing on behalf of a company)

..... Date .....

Director/Secretary\*

..... Date .....

Director/Secretary\*

\* Delete whichever does not apply

**Notes**

1. The following documents are to be attached to this application —
- (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.]*

**Schedule 3**

---

**Form 25**

*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 *Strata Titles Act 1985* 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 . . . . . 20 . . . .

SIGNATURE OF APPLICANT

in the presence of

Witness

Name

Address

Occupation

(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)

---

Schedule 3

Form 26

WAPC Ref.

STRATA PLAN NO. ....

Strata Titles Act 1985

Sections 25(1), 25(4)

CERTIFICATE OF GRANT OF APPROVAL BY WESTERN AUSTRALIAN PLANNING COMMISSION TO STRATA PLAN

It is hereby certified that the approval of the Western Australian Planning Commission has been granted pursuant to section 25(1) of the Strata Titles Act 1985 to —

- \*(i) the \*Strata Plan/plan of re-subdivision/plan of consolidation submitted on ... and relating to the property described below;
\*(ii) the sketch submitted on ... of the proposed \*subdivision of the property described below into lots on a Strata Plan/re-subdivision/consolidation of the lots on the Strata Plan specified below, subject to the following conditions —

Property Description: Lot (or Strata Plan) No. ....
Location ....
Locality ....
Local Government .....

Lodged by: .....
Date: .....

For Chairman, Western Australian Planning Commission
Date

(\*To be deleted as appropriate.)

**Form 27**

*Strata Titles Act 1985*

Regulation 37(1)(a)

**STRATA/SURVEY-STRATA PLAN No.**

**CERTIFICATE OF LICENSED VALUER**

I ..... being a Licensed Valuer under the *Land Valuers Licensing Act 1978* certify that if a re-subdivision were effected in accordance with a by-law of the strata/survey-strata scheme made under clause 8 of Schedule 2A of the Act, on the basis of information provided in the by-law pursuant to clause 8(a) of Schedule 2A, a licensed valuer would be able to provide a certificate required under section 14(2) in respect of the proposed unit entitlement.

.....  
Date

.....  
Licensed Valuer

Form 28

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 strata plan or a survey-strata plan.
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 every 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

1. 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.
4. Your right to terminate the contract is restricted if this statement or notification of any changes was given at any time before settlement.
5. 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) . . . . . Telephone. . . . .

(\* Delete whichever is inapplicable)

**Information in relation to Lot, Strata/Survey-strata scheme**

The following documents must be attached 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 —
  - included in the attached copy of the registered or proposed strata/survey-strata plan — see Attachment No. 2; or
  - a separate statement — see Attachment No. 3.
4. A copy of all non-standard strata company by-laws —
  - 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
  - in the case of a proposed scheme, that are proposed to apply to the scheme, including, where applicable, a Schedule 2A Management Statement.

See Attachment No. . . . .

Schedule 3

**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**

**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?

YES [ ]            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. Pecuniary interest in agreements**

Does the original proprietor have any direct or indirect pecuniary interest, other than as a proprietor 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. ....

**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
- 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.

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 *Strata Titles Act 1985*, 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 *Strata Titles Act 1985*, 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

**Schedule 3**

---

If yes —

- give details of each lease, licence, right of exclusive use or special privilege, or proposed lease, licence, right of exclusive use or special privilege.

.....  
.....

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 *Strata Titles Act 1985*, 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, .....(name of agent),  
 of ..... (name of firm),  
 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 .....

**Form 29**

*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 strata plan, 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 survey-strata plan, 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.

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.

**Schedule 3**

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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.

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)

**Schedule 3**

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**Form 30**

**NOTICE OF RESOLUTION OF MERGER OF BUILDINGS**

*Strata Titles Act 1985*

Section 21G

The Owners of (name of scheme) .....

.....  
Strata Plan No. .... hereby certify that on the .....  
..... the following resolution was passed as a \*resolution  
without dissent/unanimous resolution (in the case of a two-lot scheme) —

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*.

\*\* 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 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 \*\*\***

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

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

\* Delete whichever is inapplicable.

\*\* Delete if inapplicable.

\*\*\* 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 30 amended in Gazette 30 Dec 2004 p. 6945.]*

**Schedule 3**

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**Form 31**

**NOTICE OF OBJECTION TO AUTOMATIC MERGER OF BUILDINGS**

*Strata Titles Act 1985*

Section 21O

I/we, (name of proprietor/s) .....

.....

being the proprietor/s of lot/s ..... Strata Plan No. ....

hereby object to the application of section 21M of the *Strata Titles Act 1985* to the scheme known as The Owners of (name of scheme).\*

.....

.....

Dated .....

\*\*Full name of proprietor

.....

\*\*Full name of proprietor

.....

Signed .....

Signed .....

\* The effect of the application of section 21M to a scheme is that the boundaries of lots or parts of lots which are buildings are fixed by reference to the external surfaces of those buildings.

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

Form 32

NOTICE OF RESOLUTION OF MERGER OF LAND

Strata Titles Act 1985

Section 21S

The Owners of (name of scheme) . . . . .

Strata Plan No. . . . . hereby certify that on the . . . . . the following resolution was passed as a \*resolution without dissent/unanimous resolution (in the case of a two-lot scheme) —

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; or
- \*\* (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) . . . . .

\*\*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 . . . . .

**Schedule 3**

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- \*\*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 .....

Address .....

Facsimile No. ....

Water Authority

Name .....

Address .....

Facsimile No. ....

Sewerage Authority

Name .....

Address .....

Facsimile No. ....

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 \*\*\***

---

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

\* Delete whichever is inapplicable.

\*\* 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.]

**Schedule 3**

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**Form 33**

**NOTICE OF RESOLUTION OF MERGER OF BUILDINGS AND LAND**

*Strata Titles Act 1985*

Sections 21G, 21S

The Owners of (name of scheme) .....

.....

Strata Plan No. .... hereby certify that on the .....,  
the following resolutions were passed as a \*resolution without  
dissent/unanimous resolution (in the case of a two-lot scheme) —

1. \*\*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*.

\*\*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.

2. 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) .....

.....

.....

- \*\*3. 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. . . . .
- \*\*4. 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.
- \*\*5. 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 . . . . .

Address . . . . .

Facsimile No. . . . .

Water Authority

Name . . . . .

Address . . . . .

Facsimile No. . . . .

Sewerage Authority

Name . . . . .

Address . . . . .

Facsimile No. . . . .

The Common Seal of the Owners of (name of scheme) . . . . .

. . . . .

**Schedule 3**

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Strata Plan No ..... was affixed hereto on the .....,  
in the presence of —

.....  
.....  
Members of Council

**OR \*\*\***

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

\* Delete whichever is inapplicable.

\*\* Delete if inapplicable. If a resolution 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 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 33 amended in Gazette 30 Dec 2004 p. 6945.]

[Form 34 deleted in Gazette 24 Jan 2006 p. 437.]

*Strata Titles Act 1985*

<b>STRATA PLAN</b>	
<b>SHEET OF SHEETS</b>	
<b>MERGER BY RESOLUTION</b> PART II DIVISION 2A SUBDIVISION 4	
<b>NOTICE OF RESOLUTION .....</b> <b>REGISTERED .....</b>	
<b>REGISTRAR OF TITLES</b>	

**WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION**

**Schedule 3**

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**Form 35**

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

STRATA PLAN No. . . . .

**CERTIFICATE OF LICENSED SURVEYOR — MERGER IN STRATA  
SCHEME**

I, . . . . . ,  
being a licensed surveyor, certify in respect of the sketch plan under  
section 21T(1)(b) of the Act accompanying the notice of resolution of merger of  
land dated . . . . . relating to the strata plan mentioned above (“the strata  
plan”) —

- \* (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;

- \* (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  
\* Delete if inapplicable.

.....  
Licensed Surveyor

**Schedule 3**

---

**Form 36**

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

*Strata Titles Act 1985*

Section 21T

STRATA PLAN No. ....

I, .....,  
being 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

\*Delete whichever is inapplicable.

Form 37

NOTICE OF RESOLUTION  
OF CONVERSION TO A SURVEY-STRATA SCHEME

Strata Titles Act 1985

Section 31D

The Owners of (name of scheme) .....

.....

Strata Plan No. .... hereby certify that on the .....  
the following resolution was passed as a unanimous resolution —

- 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.

- \*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

(in terms of section 31G of the Act) be created, as depicted on the sketch plan tabled for the purposes of this resolution.

**Schedule 3**

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\*3. The \*height and/or depth of survey-strata lot(s) ..... is or are limited to .....

**The survey-strata 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 .....  
Address .....  
Facsimile No. ....

Water Authority

Name .....  
Address .....  
Facsimile No. ....

Sewerage Authority

Name .....  
Address .....  
Facsimile No. ....

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 \*\***

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

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.

Schedule 3

Form 38

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

STRATA PLAN No. ....

**CERTIFICATE OF LICENSED SURVEYOR — CONVERSION TO A SURVEY-STRATA SCHEME**

I, .....,  
being a licensed surveyor, certify in respect of the survey-strata plan under section 31E(1)(a) of the Act accompanying the 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)~~ (a) 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;
- (eb) 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;
- (fc) where 2 lots have a common or party wall, the centre plane of that wall is on the boundary of the lots;

(gd) 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 14O —

(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

(he) the following easement(s) are required to be created on the survey-strata plan under section 5D of the Act for the purposes of satisfying the certification in paragraph (gd)(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 description].*

.....  
Date  
..... Licensed Surveyor

\*Delete whichever is inapplicable.

[\[Form 38 amended in Gazette 24 Jan 2006 p. 437-8.\]](#)

**Schedule 3**

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**Form 39**

**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
- \*(b) a Notice of Resolution of Conversion to a Survey-Strata Scheme dated . . . . .

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
- (e) the proposed aggregate unit entitlement and the proposed allocation of unit entitlement set out in the certificate of licensed valuer dated . . . . .

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

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



**Schedule 3**

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Strata Plan No. . . . . was affixed hereto on the . . . . .  
in the presence of —

. . . . .  
. . . . .

Members of Council

SIGNATURE OF PROPRIETOR  
. . . . .  
in the presence of

SIGNATURE OF PROPRIETOR  
. . . . .  
in the presence of

Witness  
Name  
Address  
Occupation

Witness  
Name  
Address  
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.**

Form 40

NOTICE OF OBJECTION TO CHANGE OF FENCING PROVISIONS

Strata Titles Act 1985

Sections 123A, 123C

I/we (name of proprietor/s) .....

.....

being the proprietor/s of lot/s ..... on Strata/Survey-Strata Plan No. ...., have notified the \*strata company/other proprietor (in the case of a two-lot scheme) that I/we require that on and after 20 July 1997\*\* —

- \*1. section 123(2) of the Act is to continue to apply;
\*2. liability in relation to fencing between lots in the scheme is to be determined as if section 123B of the Act had not been enacted,

in respect of the scheme, known as The Owners of (name of scheme) .....

.....

A copy of the notice/s is/are attached to this Notice of Objection.

\*\*\*Full name of proprietor Signed .....
\*\*\*Full name of proprietor Signed .....

\* Delete as appropriate.
\*\* This date is the day after the expiry of 6 months after the commencement of section 37 of the Strata Titles Amendment Act 1996.
\*\*\* This form may be signed by one or more of the registered proprietors in the scheme.

**Schedule 3**

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**Form 41**

**NOTICE OF TERMINATION OF INSURANCE ORDER**

*Strata Titles Amendment Act 1996*

Section 30(4) and (5)

I/we, (name of proprietor/s) .....

.....

being the proprietor/s of lot/s ..... on Strata Plan No. .... ,  
have served notice on the \*strata company/other proprietor (in the case of a  
two-lot scheme) that I/we require the termination of the order made under  
section 103J of the *Strata Titles Act 1985* exempting the strata company from  
the insurance requirements of sections 54 or 55(1)(c) of that Act in relation to  
the scheme, known as The Owners of (name of scheme)

.....

The order referred to is recorded on the strata plan as Application Number . . . . .  
. . . . . (insert DOLA document number).

**A copy of the notice is attached to this Notice.**

\*\*Full name of proprietor

\*\*Full name of proprietor

.....

.....

Signed .....

Signed .....

\* Delete whichever is inapplicable.

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

           [Form 41 amended in Gazette 30 Dec 2004 p. 6945.]

           [Schedule 3 amended in Gazette 17 Jan 1997 p. 478-510;  
14 Apr 2000 p. 1884-9; 30 Dec 2004 p. 6945; 13 May 2005  
p. 2083-5; [24 Jan 2006 p. 437-8.](#)]

**Notes**

- <sup>1</sup> 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**

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

<b>Citation</b>	<b>Gazettal</b>	<b>Commencement</b>
<i>Strata Titles General Amendment Regulations (No. 2) 2001</i>	25 Sep 2001 p. 5291-2	27 Sep 2001 (see r. 2)
<i>Strata Titles General Amendment Regulations 2002</i>	2 Aug 2002 p. 3804-5	5 Aug 2002 (see r. 2)
<b>Reprint of the Strata Titles General Regulations 1996 as at 15 Nov 2002</b> (includes amendments listed above)		
<i>Strata Titles General Amendment Regulations 2003</i>	30 Jun 2003 p. 2570-1	7 Jul 2003 (see r. 2)
<i>Strata Titles General Amendment Regulations 2004</i>	2 Sep 2004 p. 3824-7	6 Sep 2004 (see r. 2)
<i>Strata Titles General Amendment Regulations (No. 2) 2004</i>	30 Dec 2004 p. 6944-5	1 Jan 2005 (see r. 2 and <i>Gazette</i> 31 Dec 2004 p. 7130)
<i>Strata Titles General (Amendment) Regulations 2005</i>	13 May 2005 p. 2082-5	13 May 2005
<i>Strata Titles General Amendment Regulations (No. 2) 2005</i>	24 Jun 2005 p. 2758-60	4 Jul 2005 (see r. 2)
<a href="#"><u>Strata Titles General Amendment Regulations 2006</u></a>	<a href="#"><u>24 Jan 2006</u></a> <a href="#"><u>p. 431-8</u></a>	<a href="#"><u>24 Jan 2006</u></a>

<sup>2</sup> 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).

<sup>3</sup> Repealed by the *Strata Titles Act 1985*.

<sup>4</sup> 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*.

<sup>5</sup> 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.

<sup>6</sup> 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.

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