

LA301*

Strata Titles Act 1985

Strata Titles General Amendment Regulations 2006

Made by the Lieutenant-Governor and Administrator in Executive Council.

1. Citation

These regulations are the *Strata Titles General Amendment Regulations 2006*.

2. The regulations amended

The amendments in these regulations are to the *Strata Titles General Regulations 1996**.

[* Reprinted as at 15 November 2002.

For amendments to 22 December 2005 see *Western Australian Legislation Information Tables for 2004, Table 4, p. 393, and Gazette 13 May and 24 June 2005.*]

3. Heading to Part 2 amended

The heading to Part 2 is amended by deleting “plans” and inserting instead —

“ **plans and forms** ”.

4. Regulation 4 amended

Regulation 4 is amended as follows:

- (a) after “A plan” by inserting —
“ or form ”;
- (b) in paragraph (a) by deleting “drawing”;
- (c) in paragraph (b) by deleting “the drawing medium;” and inserting instead —
“ any drawing; ”;
- (d) in paragraph (c) —
 - (i) by deleting “the” at the start of the paragraph;
 - (ii) after “typewriting” by inserting —
“ on any drawing ”;
 - (iii) by deleting “of the drawing medium;” and inserting instead —
“ it; ”.

5. Regulation 5 amended

- (1) Regulation 5(1) is amended by deleting “the form of Form 1 or 2 and must be accompanied by an annexure sheet in the form of Form 8.” and inserting instead —
“ the form approved by the Registrar of Titles. ”.
- (2) Regulation 5(1a) is amended as follows:
 - (a) by deleting “be drawn showing —” and inserting instead —
“ specify — ”.
 - (b) in paragraph (a) by inserting before “the north point” —
“ in the case of a drawing ”;
 - (c) in paragraph (b) by inserting before “the scale” —
“ in the case of a drawing ”;
 - (d) in paragraphs (c)(ii)(IV) and (e)(v)(V) by deleting “54 and”;
 - (e) by deleting paragraph (f);
 - (f) in paragraph (g) by deleting “the correctness of the plan.” and inserting instead —
“ certifying the plan under subregulation (1b). ”.

- (3) After regulation 5(1a) the following subregulation is inserted —

“

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

”.

- (4) Regulation 5(4) is amended as follows:

- (a) after “every plan” by inserting —

“ in the form of a drawing ”;

- (b) in the list of ratios by inserting after “1:100” —

“ 1:125 ”.

- (5) Regulation 5(5) is amended as follows:

- (a) by deleting “the form of Form 4” and inserting instead —

“ a form approved by the Registrar of Titles ”;

- (b) by deleting “, and if used must comply with these regulations, must be numbered consecutively ‘sheet ofsheets’ and all floor plans must be drawn to the same scale and in the same relationship to the borders of the floor plan sheets except where the Registrar of Titles otherwise determines.” and inserting instead a full stop.

- (6) Regulation 5(6)(b) is amended by inserting after “lot and” —

“ those areas ”.

- (7) Regulation 5(8) is repealed.

6. Regulation 8 amended

Regulation 8(1)(b) is amended by deleting “Department of Land Administration.” and inserting instead —

“

department principally assisting the Minister in the administration of the Act.

”.

7. Regulation 13 amended

Regulation 13(3) is amended by deleting “so as, in the opinion of the Registrar of Titles, not to be confusing or misleading.” and inserting instead —

“ in a manner approved by the Registrar of Titles. ”.

8. Regulation 14L amended

Regulation 14L is amended as follows:

- (a) by deleting “the form of Form 34” and inserting instead —

“ a form approved by the Registrar of Titles ”;

- (b) in paragraph (a) by deleting “regulation 5(1)(a), (b), (f) and (g);” and inserting instead —
“ regulation 5(1a)(a), (b) and (g); ”;
- (c) in paragraphs (b) and (c) by deleting “regulation 5(1)” in each of the 6 places where it occurs and inserting instead —
“ regulation 5(1a) ”.

9. Regulation 18 amended

Regulation 18(b) is amended by deleting “Department of Land Administration.” and inserting instead —

“
department principally assisting the Minister in
the administration of the Act.
”.

10. Regulation 21 amended

Regulation 21(2)(a) is amended by deleting “of that lot on the plan as previously registered;” and inserting instead —

“ of the land the subject of the application; ”.

11. Regulation 25 replaced

Regulation 25 is repealed and the following regulation is inserted instead —

“

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

- (1) The prescribed period under section 35(1)(h) is —
 - (a) in the case of documents kept under section 35(1)(h)(ii) to (vii) — a period of 7 years;
 - (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 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 at its first annual general meeting.

”.

12. Regulation 28 amended

Regulation 28 is amended by deleting “\$400.” and inserting instead —

“ \$500. ”.

13. Regulation 29 amended

Regulation 29 is amended by deleting “\$50.” and inserting instead —

“ \$65. ”.

14. Regulation 37AA inserted

After regulation 37A the following regulation is inserted —

“

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

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

”.

15. Regulation 44 amended

Regulation 44 is amended by deleting “\$400.” and inserting
instead —

“ \$500. ”.

16. Schedule 1 amended

Schedule 1 item 4 is deleted and the following item is inserted
instead —

“

4. The fees payable to the strata company are —
- | | |
|--|--|
| | \$ |
| (a) for an application made under
section 43(1)(a) | 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 | 40.00 |
| (c) for a certificate under
section 43(1)(c) and (d) | 100.00 |
| (d) for copies provided under
section 43(1a) | \$40.00 for the
first 5 pages and
\$1.00 for each
subsequent page |

”.

17. Schedule 2 amended

Schedule 2 is amended as follows:

- (a) by deleting the first item;
- (b) in the second item by deleting “5A(1)(d)” and inserting
instead —
“ 5A(d) ”;
- (c) by deleting the third item;
- (d) in the fifth item by deleting “Section 5B(1)(a), 8A(d),
8A(e), 22(2)” and inserting instead —
“ Section 8A(e), 22(2) ”;

- (e) in the seventh item —
- (i) in the column headed “Section or regulation” by deleting “Regulation 5(1a)” and inserting instead —
“ Regulation 5(1) ”;
 - (ii) by deleting everything in the column headed “Number and Description of Form” and inserting instead —
“
Form 8 — Annexure of Strata/Survey Strata Plan No.
and Schedule of Encumbrances
”;
- (f) by deleting the item beginning “Section 21T(1)(b), Regulation 14L”.

18. Schedule 3 amended

- (1) Schedule 3 is amended by deleting Forms 1, 2, 4 and 34.
- (2) Schedule 3 is amended by deleting Form 6 and inserting instead —

“

Form 6

Strata Titles Act 1985

Sections 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 the survey-strata plan which relates to the parcel described above —

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

.....
Date Licensed Surveyor

”.

- (3) Schedule 3 Form 38 is amended as follows:
 - (a) by deleting paragraphs (a) to (c);
 - (b) by renumbering paragraphs (d) to (h) as paragraphs (a) to (e) respectively;

