

A large, bold, black letter 'G' is the central element of the logo. To its left, a white map of Western Australia is set against a background of horizontal black lines.

WESTERN
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STRATA TITLES ACT 1985

**STRATA TITLES GENERAL
REGULATIONS 1996**

WESTERN AUSTRALIA

**STRATA TITLES GENERAL
REGULATIONS 1996**

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STRATA TITLES ACT 1985
STRATA TITLES GENERAL REGULATIONS 1996

Made by His Excellency the Governor in Executive Council.

PART 1 — PRELIMINARY

Short title

1. These regulations may be cited as the *Strata Titles General Regulations 1996*.

Commencement

2. These regulations come into operation on the day on which the *Strata Titles Amendment Act 1995* comes into operation.

Interpretation

3. 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*.

PART 2 — STRATA/SURVEY-STRATA PLANS

Quality of plans

4. A plan lodged for registration under the Act 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 drawing medium;
- (c) the writing, drawing or typewriting 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.

Plan specifications

5. (1) All plans lodged for registration under the Act must be accompanied by an annexure sheet in the form of Form 8 and must be drawn showing —

- (a) the north point, which must direct upwards;
- (b) 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 regulations 8 of the Licensed Surveyors Regulations and 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) the name and address of the surveyor; and
 - (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 regulations 8 of the Licensed Surveyors Regulations and 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;
- and
- (f) all linear measurements to 2 decimal places of a metre.

(2) All linear connections shown on a strata plan must be referred to a stated surface of a floor, wall, ceiling, or permanent structural feature shown on the plan.

(3) Except as provided in section 3 (2a), no reference may be made in a floor plan to the relationship of boundaries of lots to boundaries of the parcel.

(4) Subject to subregulation (7), every plan must be drawn to one of the following ratios, or multiples of 10 of the ratios —

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

(5) Additional plan sheets in the form of Form 4 may be used as required, and if used must comply with these regulations, must be numbered consecutively 'sheet 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.

(6) A plan lodged for registration under the Act may include a cross-sectional diagram to illustrate the horizontal boundaries of cubic space of the lots on the plan. A cross-sectional diagram must be drawn —

- (a) to a suitable scale approved by the Registrar of Titles;
- (b) so as to identify, by suitable notation, those areas that are a part of a lot and that are common property; and
- (c) in the case of a strata plan, in compliance with regulation 5 (2).

(7) A plan lodged for registration under the Act may, with the approval of the Registrar of Titles, include an enlargement of part of the plan.

Numbering of lots on plans

6. (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.

(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*.

Plan of survey

7. (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.

Description of parcel, etc.

8. (1) The parcel must be defined in a plan other than a plan of re-subdivision or a plan of consolidation by reference —

- (a) to the certificate of title or Crown grant; and
- (b) to a lot, allotment or portion illustrated on the relevant plan on public record in the Department of Land Administration.

(2) In a plan of re-subdivision or a plan of consolidation lodged for registration under the Act the parcel must be defined by reference to the lots and common property, if any, in the scheme.

Schedule of unit entitlement

9. (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.

Licensed Valuer's certificate

10. (1) Subject to the Act, a certificate given by a licensed valuer for the purposes of the Act is valid for a period of 12 months.

(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.

Consents of registered persons

11. The consents required under —

- (a) section 8A (i) and (j);
- (b) section 9 (3) (c); and
- (c) section 15 (2) (b),

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

Alteration

12. (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 authority in any other case; or
 - (ii) affects the proportional unit entitlement of any lot in the scheme, by the licensed valuer.

Arrangement and presentation of plans etc.

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

(2) Subject to regulation 5 (5), any strata plan lodged for registration under the Act may incorporate on one sheet a floor plan and a location plan.

(3) Any certificate, schedule of unit entitlement, direction or consent required to be lodged with or accompany a plan lodged under the Act may be contained on a separate sheet or may be endorsed on the plan if each plan, certificate, schedule, direction or consent is identified as such and is sufficiently separated from each other so as, in the opinion of the Registrar of Titles, not to be confusing or misleading.

(4) Where on any plan, form, certificate, schedule of unit entitlement, direction or consent lodged under the Act or required to be lodged with or accompany a plan lodged under the Act 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".

Numbering of strata/survey-strata plans

14. 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 3 — EXEMPTIONS UNDER SECTION 25 (2)

Exemption — residential strata plan

15. (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 a townsite as defined under section 6 of the *Local Government Act 1960*, 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).

PART 4 — REGISTRATION

Application to register

16. (1) A person who wishes to register a plan or any order, consent or notice 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 prescribed by these regulations, a notice, consent or application must be in the form approved by the Registrar of Titles.

Certificate of title to be produced

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

Prescribed manner of registration

18. 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 of the Office of Titles and the facsimile signature of the Registrar of Titles by the proper officer of the Department of Land Administration.

Amendment of plans, schedule of unit entitlement

19. (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.

Abbreviated procedure for conversion of tenancies in common

20. 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;
- (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.

Abbreviated procedure for plan of re-subdivision

21. 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;
- (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.

Quality of documents

22. 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

First meeting of strata company

23. 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.

Period of retention of certain records

24. 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
- (b) if the strata company is wound up before that period, until the winding up of the strata company.

Period of keeping records under section 35

25. The prescribed period under section 35 is —

- (a) the period of 7 years commencing —
 - (i) in the case of minutes of 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 annual general meeting; or
- (b) if the strata company is wound up before that period until the winding up of the strata company.

Interest on unpaid contributions

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

Provision excluded for 3, 4 or 5 lot schemes

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

Maximum amount of penalty in by-law

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

Prescribed amount under section 47 (1)

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

**PART 6 — APPROVAL OF ERECTION, ALTERATION OR
EXTENSION OF STRUCTURE**

Statement in notice of meeting

30. 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*.

”

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

31. 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).

Improvements prescribed for purposes of section 7 (6)

32. The improvements prescribed for the purposes of the definition of “structure” in section 7 (6) are any dwelling, shop, factory, commercial premises, garage, carport, patio, pergola, gazebo, shed, balcony, verandah, awning, shutter, swimming pool, spa, pond, wall or fence, paving or any other building, whether free standing or annexed to or incorporated with any existing building on the lot.

Improvements prescribed for purposes of section 7A (4)

33. The improvements prescribed for the purposes of the definition of “structure” in section 7A (4) include any dwelling, shop, factory, commercial premises, garage, carport, shed or any other building or improvement, whether free standing or annexed to or incorporated with any existing building on the lot, the area of which is to be taken into account for the purposes of determining the plot ratio restrictions or open space requirements for the lot under section 7A.

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

34. (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;
- (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.

Definitions of “open space” and “plot ratio”

35. (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

Sufficient compliance by plan with by-laws

36. (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.

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

37. (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; 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) showing —

- (a) a plan of every storey;
- (b) at least two 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.

PART 8 — MISCELLANEOUS

Prescribed period under section 19 (10)

38. 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.

Considerations prescribed under sections 23 (2a) and 24 (2a)

39. (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 authority 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.

Period prescribed for section 25A (3)

40. 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*.

Requirements of plan on partial resumption of strata lot

41. 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.

Disclosure statement by vendor

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

Notifiable information prescribed under section 69A (f)

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

Maximum amount of penalty by order of referee

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

Fees

45. The fees specified in Schedule 1 are payable in respect of the matters specified in that Schedule.

Forms

46. (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.

Repeal

47. The *Strata Titles General Regulations 1985* are repealed.

Transitional provisions

48. (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*, 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]

FEEES

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 | 105.00 |
| for each lot shown | 30.00 |
| (b) on lodgment of any application | 62.00 |
| (c) on lodgment of any notification | 62.00 |
| (d) for entering any notice or order | 62.00 |
| (e) 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 <i>Transfer of Land Regulations 1972</i> — the fee prescribed by those regulations. | |
| (f) for any procedure or function required or permitted to be done under this Act and not specified in this item or in the <i>Transfer of Land Regulations 1972</i> — 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 for a certificate of approval to a strata plan are to be in accordance with the following scale —

| Number of allotments | Application fee |
|----------------------|-----------------|
| | \$ |
| 1 | 80 |
| 2 | 95 |
| 3 | 105 |
| 4 | 125 |
| 5 | 145 |
| 6-10 | 170 |
| 11-15 | 195 |
| 16-20 | 225 |
| 21-25 | 255 |
| 26-30 | 295 |
| 31-35 | 330 |
| 36-40 | 370 |
| 41-45 | 405 |
| 46-50 | 445 |
| 51-55 | 480 |
| 56-60 | 520 |
| 61-65 | 555 |
| 66-70 | 595 |
| 71-75 | 630 |
| 76-80 | 670 |
| 81-85 | 705 |
| 86-90 | 745 |
| 91-95 | 780 |
| 96-100 | 825 |
| 101-125 | 860 |

| | \$ |
|----------------|------|
| 126-150 | 915 |
| 151-175 | 955 |
| 176-200 | 1000 |
| 201-225 | 1080 |
| 226-250 | 1215 |
| 251-300 | 1445 |
| Over 300 | 1695 |

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

Schedule 2

[Regulation 46]


TABLE OF PRESCRIBED FORMS

| <i>Section or regulation</i> | <i>Number and Description of Form</i> |
|---|---|
| Section 5 (1) (a), (b), (d), (e), 5A (1) (a), (b), (c), (e), (f), 5B (1) (c), 8A (g), 25 (4), 25B (2) | Form 1, 2 - Strata/Survey-strata Plan, Certificate of Commission. |
| Section 5 (1) (c), 5A (1) (d), 5B (1) (b), 8A (h), 14 (2) | Form 3 — Schedule of Unit Entitlement and Certificate of Licensed Valuer. |
| Regulation 5 (5) | Form 4 — Annexure Sheet. |

| <i>Section or regulation</i> | <i>Number and Description of Form</i> |
|---|--|
| Section 5B (1) (a), 8A (d), 8A (e), 22 (1) | Form 5 — Certificate of Licensed Surveyor. |
| Section 5B (1) (a), 8A (d), 8A (e), 22 (2) | Form 6 — Certificate of Licensed Surveyor. |
| Section 5B (2), 8A (f), 23 (1) | Form 7 — Certificate of Local Government Authority. |
| Section 5 (1) (f), 5A (g), Regulation 5 (1) | Form 8 — Schedule of Dealings on Strata/Survey-strata Plan and Encumbrances on Common Property. |
| Section 10 (2) (a) | Form 9 — Certificate of Local Government Authority 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 Authorizing Application to Land Valuation Tribunal. |
| Section 18 (2) (b) | Form 13 — Certificate of Strata Company Authorizing Acceptance of Transfer or Lease. |
| Section 19 (6), 20 (5) | Form 14 — Certificate of Resolution and Consents to Transfer or Lease, Easement or Restrictive Covenant. |
| Section 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 41 (2) (b) | Form 17 — Notice of Change of Name of Scheme. |
| Section 9 (3) (b) | Form 18 — Certificate of Local Government Authority Consenting to Strata Plan of Consolidation. |
| Section 6 (4) | Form 19 — Notice of Resolution to Vary, Remove or Add a Restriction. |
| Section 8A (a) | Form 20 — Application for Re-subdivision by Strata Company. |

| <i>Section or regulation</i> | <i>Number and Description of Form</i> |
|---|--|
| Section 42 (4) (a) | Form 21 — Notice of Amendment, Repeal or Addition of By-law. |
| Section 130 (f), Regulation 20 (b) (ii) | Form 22 — Disposition Statement on Subdivision. |
| Section 8B (2), Regulation 21 (b) (ii) | Form 23 — Disposition Statement 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. |
| Clause 13B (1) Schedule 3 | Form 26 — Notice to Proprietor. |
| 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. |

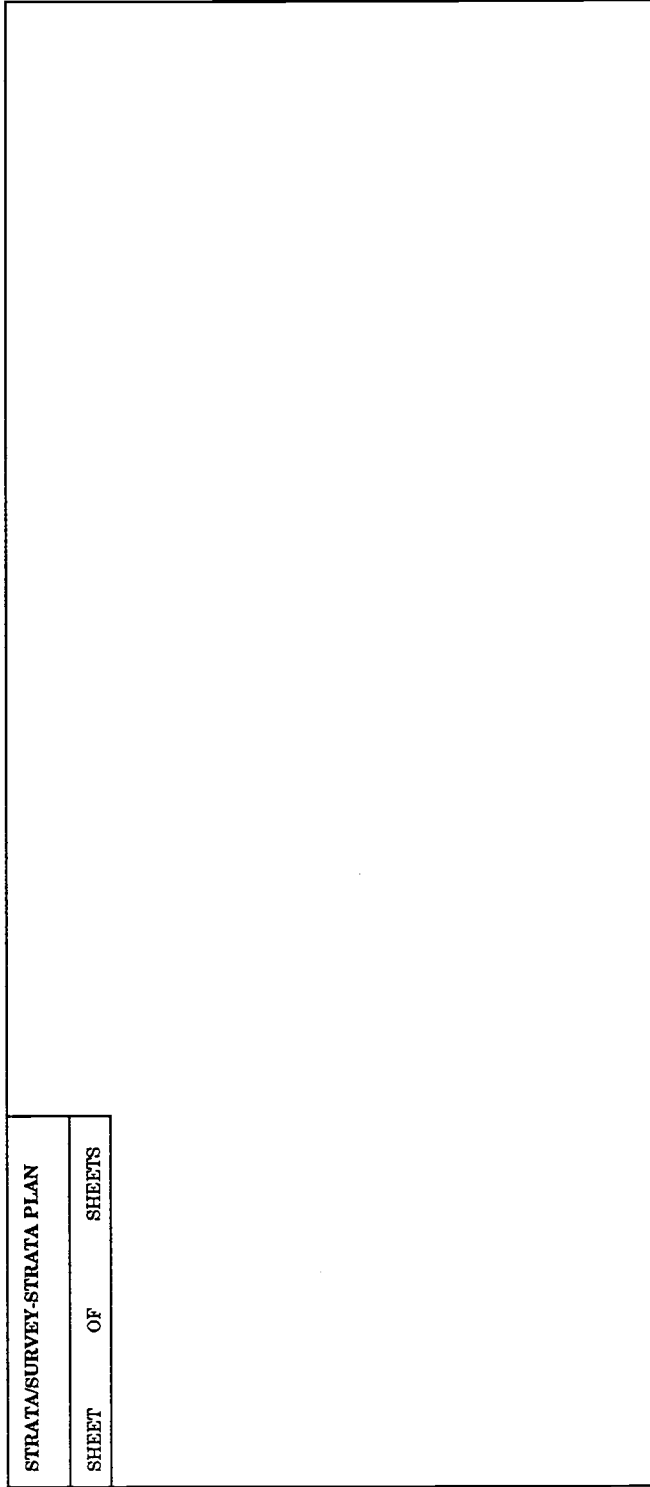
FORM 2

| | | | | | | | |
|---|-----------|--|--|---|--|--|--|
| 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 26 (1) or 26B (2) of <i>Strata Titles Act 1986</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

FORM 4

| | |
|---------------------------|--------|
| STRATA/SURVEY-STRATA PLAN | |
| SHEET OF | SHEETS |



WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

FORM 5

Strata Titles Act 1985

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

STRATA PLAN No.

DESCRIPTION OF PARCEL & BUILDING

CERTIFICATE OF 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, 22 (2)

SURVEY-STRATA PLAN No.

DESCRIPTION OF PARCEL

CERTIFICATE OF 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 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

*Delete if inapplicable

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

.....
Town/Shire Clerk

FORM 8

| | | | | | |
|--|------------|--------|------------|---------------------|----------------------------------|
| ANNEXURE OF STRATA/SURVEY-STRATA PLAN NO. | | | | REGISTRAR OF TITLES | |
| Schedule of Dealings on Strata/Survey-strata Plan | | | | | |
| Dealings registered or recorded on Strata/Survey-strata Plan | Instrument | | | | Signature of Registrar of Titles |
| | Nature | Number | Registered | Time | |
| | | | | | |
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|-------------------------------|--------|-------------|----------|----------------------------------|--------------|--|--|--|--|
| SCHEDULE OF ENCUMBRANCES ETC. | | | | | | | | | |
| Instrument | | Particulars | Regist'd | Signature of Registrar of Titles | Cancellation | | | | |
| Nature | Number | | | | | | | | |
| | | | | | | | | | |
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| | | | | | | | | | |
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Note: Entries may be affected by subsequent endorsements.

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

.....
Town/Shire Clerk.

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 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.

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 hereto.

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 authorized an application to a Land Valuation 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 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 authorizing 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 —

.....

.....
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 —

.....

.....
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.

FORM 17
NOTICE OF CHANGE OF NAME OF SCHEME

Strata Titles Act 1985

Section 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

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 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

.....
Town/Shire Clerk

* Delete whichever is inapplicable.

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

Section 8A

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) it has by resolution without dissent consented to the re-subdivision of (brief description of re-subdivision) and the proposed aggregate unit entitlement and to the proposed allocation of unit entitlement set out below.

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*.

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 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 on the the by-laws in Schedule 1 to the Act
- that by special resolution duly passed on the 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

FORM 22
DISPOSITION ON SUBDIVISION

Strata Titles Act 1985

Regulation 20 (b) (ii)

We, the proprietors and encumbrancers of, 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 said strata/survey-strata plan together with the encumbrances, registered interests and caveats (if any) as set out hereunder; and
- (b) the disposition of encumbrances, registered interests and caveats (if any) against the common property (if any) as set out hereunder.

| (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) |

**CONSENT BY ENCUMBRANCERS, 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 19

SIGNATURE OF
APPLICANT
in the presence of

Witness

Name

Address

Occupation (TO BE SIGNED BY EACH APPLICANT)

FORM 23

DISPOSITION ON RE-SUBDIVISION

Strata Titles Act 1985

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

We, the proprietors and encumbrancers of, 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 said plan of re-subdivision together with the encumbrances, registered interests and caveats (if any) as set out hereunder; and
- (b) the disposition of encumbrances, registered interests and caveats (if any) against the common property (if any) as set out hereunder.

| (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) | |

CONSENT BY ENCUMBRANCERS, 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 19

SIGNATURE OF
APPLICANT
in the presence of

Witness
Name
Address
Occupation

(TO BE SIGNED BY EACH APPLICANT)

FORM 24

Strata Titles Act 1985

Section 25 (3)

**APPLICATION TO WESTERN AUSTRALIAN PLANNING COMMISSION
FOR CERTIFICATE OF APPROVAL TO A STRATA PLAN**

In the case of an application made before the construction of a building it is to be accompanied by 4 copies of a sketch showing full particulars of the division of a property into lots on a proposed strata plan

**LODGE AT: DEPARTMENT OF PLANNING AND URBAN DEVELOPMENT
ALBERT FACEY HOUSE, 469-489 WELLINGTON STREET
PERTH WA 6000**

- 1. *City/Town/Shire of
- 2. Name(s) of owner(s): Surname. Other Names
(Mr/Mrs/Miss)
Surname. Other Names
(Mr/Mrs/Miss)
Surname. Other Names
(Mr/Mrs/Miss)
- 3. Address in full
- 4. Applicant's name in full (if owner, put "Self")
- 5. Address for correspondence
..... Telephone
- 6. Locality of property the subject of the proposed strata plan (street, nearest street junction, suburb etc)
- 7. Title particulars: *whole/part lot(s)
Location(s) Diagram(s)/plan(s).....
Certificate(s) of Title Vol. Folio. Vol. Folio Vol. Folio ..
- 8. State purpose and proposed use of all of the lots shown on the proposed strata plan
- 9. State details of any restrictions to be placed on any lots on the proposed strata plan
- 10. State whether this application refers to a strata plan, strata plan of re-subdivision or strata plan of consolidation
- 11. (a) Are there any existing buildings on the land which will form part of the strata plan?

- (b) Is it proposed to create a vacant strata lot in this subdivision? Yes/No ..
If yes, how many?
- 12. (a) Are there any proposed buildings approved for construction by the local
government (b) which will form part of the strata plan?

Signature(s) of Date
owner(s)

(If signing on Date
behalf of a
company, please Date
state position)

* Delete whichever does not apply

- (a) All buildings already constructed or proposed to be constructed are to be shown
on the strata sketch together with the location of water and sewerage pipes
within the parcel;
- (b) Evidence of such approval is to be attached to this application.

Note: A person who wishes to appeal against a decision of the Western Australian
Planning Commission may do so under section 27 of the *Strata Titles Act 1985*.

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 19

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)

CERTIFICATE OF WA PLANNING COMMISSION/LOCAL GOVERNMENT

- * If the plan is a strata plan, the Western Australian Planning Commission/City/Town/Shire of each certify that it has no objection to the provisions in this management statement relating to matters described in items 4, 5 and 6 in Schedule 2A to the *Strata Titles Act 1985*.
- * If the plan is a survey-strata plan, the Western Australian Planning Commission certifies that it has no objection to the provisions in this management statement relating to matters described in items 4, 5, 6 and 8 in Schedule 2A to the *Strata Titles Act 1985*.

(*Delete whichever is inapplicable)

FORM 26

Strata Titles Act 1985

Schedule 3, clause 13B (1)

**NOTICE TO PROPRIETOR — UNRECORDED RIGHTS
OR PRIVILEGES**

TO: (Insert name of proprietor)

The Owners of (name of scheme) strata plan No GIVE NOTICE
THAT:

1. If, as proprietor of a strata lot on the above strata plan:
 - you were entitled, immediately before*, to any right of exclusive use or special privilege in respect of any common property,
 - but that right or privilege is not recorded on the strata plan at the Department of Land Administration,

that right or privilege will be extinguished on+ unless a by-law or order providing for it is made and recorded on the strata plan;
2. If you are affected by this provision, you should take action to protect your rights **AS SOON AS PRACTICABLE**.

The full text of Clause 13A of Schedule 3 is set out below/attached.

(Insert or attach text of clause)

..... Date Secretary

(* Insert date of commencement of s. 90 (3) of the *Strata Titles Amendment Act 1995*.

* Insert the date of the day following the 1st anniversary of the commencement of s. 90 (3).)

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

FOR PURCHASER'S INFORMATION

1. The information incorporated in this statement —
- must be given to a prospective purchaser of a strata titled lot 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.

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.

FOR SELLER'S INFORMATION

FOR PURCHASER'S INFORMATION

- 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) 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 gives 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.

- 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*) 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 consult a lawyer before signing an offer to purchase, accepting an offer to sell or entering into a contract to purchase the lot.

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.

PART 1 — COMPULSORY DISCLOSURE OF INFORMATION BY EVERY VENDOR

Part 1 must be completed by every vendor of a strata titled lot.

Particulars of purchaser, vendor and strata company

Name of vendor(s)

.....

Address of vendor(s)

.....

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
 Address of strata company or agent (for obtaining section 43 certificate or
 inspecting records of strata company)
 Telephone:

(*Delete whichever is inapplicable)

Information in relation to Lot, Strata/Survey-strata Scheme

1. The unit entitlement or proposed unit entitlement of all lots in the scheme or proposed scheme and the aggregate or proposed aggregate unit entitlement are as follows:

| | |
|----------------------------|------------------|
| Lot No | Unit Entitlement |
| Aggregate unit entitlement | |

If insufficient space, the information is attached in Attachment No . . .

The following documents must be attached to this statement:

2. A copy of the registered or the 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 1.
3. A copy of Form 29 i.e. the form entitled "Buying and Selling a Strata Titled Lot".
See Attachment 2.
4. A copy of all non-standard by-laws of the strata company (including Schedule 2A Management Statement):
 - * in the case of an existing scheme, those by-laws that have been recorded on the strata/survey-strata plan or have been passed by the strata company within the previous three months; or
 - * in the case of a proposed scheme, those by-laws that are proposed to apply to the scheme.

If applicable, see Attachment No

(Note: The standard by-laws must be contained in or attached to the brochure "Buying and Selling a Strata Titled Lot").

(* Delete whichever is inapplicable)

PART 2 — ADDITIONAL DISCLOSURE BY ORIGINAL PROPRIETOR

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

**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. Management, service and maintenance agreements:

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:

*copies of the agreements may be attached. If so, 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).

.....
.....
.....

3. Strata company budget

A copy of the strata company's budget or proposed budget is attached in Attachment No

NOTE: The budget is to include estimated receipts and expenditure of the strata company for 12 months 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.

4. Levy contributions to the strata company:

The levy contribution or proposed levy contribution for the Lot is \$_____ per annum, which is payable:

- * annually
- * by half yearly instalments of \$_____
- * by quarterly instalments of \$_____
- * other (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 is \$_____ per annum, which is payable:

- * annually
- * by half yearly instalments of \$_____
- * by quarterly instalments of \$_____
- * other (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

If YES, *give details of each lease, licence, right of exclusive privilege, or proposed lease licence, right of exclusive use or special privilege.

.....
.....
.....

OR:

*copies of each lease, licence, right of exclusive use or special privilege may be attached. If so, see Attachment No(s)

(*Delete whichever is inapplicable)

PART 3 — SIGNATURES

To be completed by the vendor(s)/vendor's agent

*I/We (name of vendor(s))

hereby certify that the compulsory disclosure material above has been given to the prospective purchaser(s). I/We authorize the prospective purchaser(s) to inspect the records of the strata company.

*I/We (name of vendor's agent) as agent for the vendor(s) hereby certify that the compulsory disclosure material above has been given to the prospective purchaser(s).

.....

.....
Signature(s) of vendor(s)/vendor's agent

Date

*Delete whichever is inapplicable

Acknowledgement by Purchaser(s)

I/We (name of purchaser(s))

am/are the prospective purchaser(s) of the above named Lot and I/we acknowledge that I/we have received the above information and understand that this statement given by the vendor(s) or by the vendor's agent is not an offer or a contract to purchase a strata titled lot, but only provides information to me/us.

.....

.....
Signature(s) of prospective purchaser(s)

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 consult a lawyer **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 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.

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.

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

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

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

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

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

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

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

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

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

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

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

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

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)

By His Excellency's Command,

J. PRITCHARD, Clerk of the Council.



1 9 9 6 0 0 3 6 6