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STRATA TITLES ACT 1985

**STRATA TITLES GENERAL
(AMENDMENT)
REGULATIONS 1997**

STRATA TITLES ACT 1985

STRATA TITLES GENERAL (AMENDMENT) REGULATIONS 1997

Made by His Excellency the Governor in Executive Council.

Citation

1. These regulations may be cited as the *Strata Titles General (Amendment) Regulations 1997*.

Commencement

2. These regulations come into operation on the day on which the *Strata Titles Amendment Act 1996* comes into operation.

Principal regulations

3. In these regulations the *Strata Titles General Regulations 1996** are referred to as the principal regulations.

[* *Published in Gazette 14 March 1996, pp. 917-78.*
For amendments to 7 January 1997 see Gazette 28 June 1996,
pp. 3059-61.]

Regulation 4 amended

4. Regulation 4 of the principal regulations is amended by inserting after "under the Act" the following —

“
 , including a sketch plan referred to in section 21T (1) (b) and a survey-strata plan referred to in section 31E (1) (a),
”.

Regulation 5 amended

5. (1) Regulation 5 (1) of the principal regulations is amended —

(a) by deleting “must be accompanied by an annexure sheet in the form of Form 8 and must be drawn showing —” and substituting the following —

“
 , including a survey-strata plan referred to in section 31E (1) (a), must be in the form of Form 1 or 2 and must be accompanied by an annexure sheet in the form of Form 8.

- (1a) All such plans must be drawn showing — ”;
 - (b) in paragraph (e), by deleting subparagraph (iv);
 - (c) by deleting the “and” after paragraph (e);
 - (d) in paragraph (f), by deleting the full stop and substituting the following —
“ ; and ”; and
 - (e) by inserting after paragraph (f) the following paragraph —
“
 - (g) the name and address of the surveyor or other person who is responsible for the correctness of the plan.”.
- (2) Regulation 5 (4) of the principal regulations is amended by inserting below “1:800”, starting from the left hand margin, the following —
“ and must show a scale bar. ”.
- (3) After regulation 5 (7) of the principal regulations the following subregulations are inserted —
“
 - (8) All sheets of a plan lodged for registration under the Act must be initialled by the person who prepared the plan.
 - (9) Subregulations (2) to (8) also apply to —
 - (a) a sketch plan referred to in section 21T (1) (b); and
 - (b) a survey-strata plan referred to in section 31E (1) (a).”.

Regulation 5A inserted

6. After regulation 5 of the principal regulations the following regulation is inserted —

“

Statements required on plans for section 5 (1) (aa)

5A. The prescribed form of the statement to be contained on a strata plan for the purposes of section 5 (1) (aa) is —

- (a) where section 3 (2) (a) applies —

“

The boundaries of the lots or parts of the lots which are buildings shown on the strata plan are the inner surfaces of the walls, the upper surface of the floor and

the under surface of the ceiling, as provided by section 3 (2) (a) of the *Strata Titles Act 1985*.

and

- (b) where section 3AB applies —

“

The boundaries of the lots or parts of the lots which are buildings shown on the strata plan are the external surfaces of those buildings, as provided by section 3AB of the *Strata Titles Act 1985*.

”

and, if applicable —

“

Where 2 lots have a common or party wall or have buildings on them which are joined, the centre plane of that wall, or the plane at which they are joined, is the boundary.

”

”.

Regulation 6 amended

7. After regulation 6 (5) of the principal regulations the following subregulation is inserted —

“

(5a) In —

- (a) a sketch plan referred to in section 21T (1) (b); or
- (b) a survey-strata plan referred to in section 31E (1) (a),

each lot (not including any common property lot) must have the same number as that lot has in the existing scheme.

”.

Regulation 8 amended

8. Regulation 8 of the principal regulations is amended —

- (a) by deleting “defined” in both places where it appears in subregulations (1) and (2) and substituting the following —

“ described ”;

- (b) in subregulation (1), by deleting “or a plan of consolidation” and substituting the following —

“

, a plan of consolidation or a plan referred to in section 31E (1) (a)

”;

- (c) in subregulation (2) by deleting “, if any,”; and
- (d) by inserting after subregulation (2) the following subregulation —
 - “
 - (3) In a survey-strata plan referred to in section 31E (1)
 - (a) the parcel must be described by reference to the lots and common property in the scheme.
 - ”.

Regulation 10 amended

9. Regulation 10 (1) of the principal regulations is amended by deleting “12 months” and substituting the following —

“ 2 years ”.

Regulation 11 amended

10. Regulation 11 of the principal regulations is amended —

- (a) by deleting the “and” after paragraph (b);
- (b) in paragraph (c) by deleting the comma and substituting a semicolon;
- (c) by inserting after paragraph (c) the following paragraphs —
 - “
 - (d) section 21T (1) (e); and
 - (e) section 31E (1) (e),
 - ”; and
- (d) by inserting after “accompany the plan” the following —
 - “ , notice of resolution ”.

Regulation 13 amended

11. Regulation 13 (4) of the principal regulations is repealed and the following subregulation is substituted —

- “
- (4) Where on any plan, form, certificate, schedule of unit entitlement, direction or consent lodged under the Act or required to be lodged with or accompany a plan lodged under the Act —
 - (a) the words “strata/survey-strata” appear, the word “strata” or “survey-strata” must be struck through as appropriate or the appropriate word substituted for the words “strata/survey-strata”; and
- ”.

- (b) any expression or passage is inapplicable, it —
 - (i) may be printed on the form and struck through; or
 - (ii) need not be printed.

”.

Parts 2A, 2B and 2C inserted

12. After Part 2 of the principal regulations the following Parts are inserted —

“

PART 2A — EASEMENTS ON SURVEY-STRATA PLANS

Prescribed easements

14A. The following easements are prescribed for the purposes of section 5H —

- (a) an easement relating to vehicle access, parking or turning;
- (b) an easement for access or use of light and air;
- (c) an easement for party wall rights;
- (d) an easement for the right of a structure to intrude into another lot where that intrusion would constitute a permitted boundary deviation if the scheme were a single tier strata scheme;
- (e) an easement for pedestrian access.

Notation of easements on survey-strata plan

14B. (1) For the purposes of section 5D (4), notations under section 5D (3) (a) and (b) are to be in the following manner or in such other manner as may be approved by the Registrar of Titles —

- (a) the location of the easement is to be marked on the survey-strata plan by dotted lines showing —
 - (i) in the case of an easement of the kind mentioned in regulation 14A (a), (b) and (e) — two dimensions, being the length and width of the easement area;
 - (ii) in the case of an easement of the kind mentioned in regulation 14A (d) — three dimensions, being the height, length and width of the easement area; and
 - (iii) in the case of an easement of the kind mentioned in regulation 14A (c) — two dimensions, being the length and height of the easement area;

and

- (b) the dominant and servient lots are to be shown in tabular form, by reference to the prescribed short form description of the easement.

(2) Unless stated otherwise on the survey-strata plan, the height and depth of any easement of a kind mentioned in regulation 14A is to be the height and depth limits of the lot (if any).

Provision for terms of easement on plan etc.

14C. For the purposes of section 5E (1), any term, condition or provision of or in relation to an easement under section 5D may be made —

- (a) by notation on a survey-strata plan, in respect of the apportionment of liability for the costs of upkeep of an area over which the easement is created by inclusion in the table referred to in regulation 14B (1) (b) of a specified percentage for each of the dominant and the servient lots; or
- (b) by memorial or other instrument lodged with a survey-strata plan, in respect of any matter relating to the easement.

Provisions applicable to regulations 14E to 14I

14D. (1) The terms, conditions and provisions of and relating to easements that may be created under section 5D, and the short form description of each such easement are prescribed, for the purposes of section 5H (1), in regulations 14E to 14I.

(2) In the terms, conditions and provisions of and relating to the easements in regulations 14E to 14I —

- (a) **“dominant lot”** and **“servient lot”** have the same meanings as those terms have in section 5D (2) (b) and as are marked on the survey-strata plan;
- (b) **“easement area”** means the area of the servient lot marked on the survey-strata as being subject to the relevant easement; and
- (c) where an easement is expressed to be granted in favour of the grantee, that grant is to be taken to be in favour of the grantee as a person entitled to an estate or interest in possession in the dominant lot or any part of the dominant lot which is capable of enjoyment of the rights granted by the relevant easement.

Vehicle Access Easement

14E. The short form description for an easement relating to vehicle access, parking or turning is “Vehicle Access Easement”, and the terms, conditions and provisions of and relating to the easement are as follows —

“

1. The registered proprietor of the servient lot (“grantor”) grants to the registered proprietor and every occupier of the

dominant lot or lots from time to time (“grantee”) the rights for the grantee and his or her independent contractors, employees, agents and visitors, at any time —

- (a) to park vehicles in such car parking areas (if any) as may be marked on the survey-strata plan or as may be set aside or marked out for that purpose at the date of creation of this easement; and
 - (b) to turn and drive vehicles over such areas as may be marked on the survey-strata plan or as may be set aside, at the date of creation of this easement, for the purpose of gaining access to and egress from the dominant lot to any street or any part of the parcel.
2. The grantor and the grantee are liable for the cost of repairing, maintaining, replacing, cleaning (including the removal of any solid or liquid dropped or leaking from any vehicle) or upkeeping the easement area in proportion to the unit entitlements of their respective lots shown on the survey-strata plan from time to time.
 3. The grantee agrees to indemnify and keep indemnified the grantor against all actions, liabilities, proceedings, claims, costs and expenses which the grantor may suffer, incur or sustain in connection with, or arising in any way out of the loss of or damage to any property or the death or injury of any person resulting from the use of the easement area by the grantee or his or her independent contractors, employees, agents and visitors.

”.

Light and Air Easement

14F. The short form description for an easement for access or use of light and air is “Light and Air Easement”, and the terms, conditions and provisions of and relating to the easement are as follows —

“

1. The registered proprietor of the servient lot (“grantor”) grants to the registered proprietor and every occupier of the dominant lot from time to time (“grantee”) the right to full and unimpeded access to light and air to, through and for the windows or openings in any building or buildings on the dominant lot at the date of creation of this easement for the use and enjoyment of the dominant lot, without any obstruction or interruption caused by or consequent upon the erection of any building, structure or thing (other than the existing building or buildings on the servient lot or any future building erected on the same foundations and of the same or lesser dimensions) except as is reasonably incidental to the use by the grantor of the servient lot.
2. The grantee may enter on the servient lot at any reasonable time with or without independent contractors, employees or

agents and necessary materials, equipment and vehicles for the purpose of taking all reasonable steps to prevent or remove any buildings, structures, trees or vegetation obstructing or interrupting the unimpeded access to light and air. The grantee, in exercising such right must cause as little inconvenience as is reasonably possible and must make good all damage caused in exercising the right of entry.

3. If the whole or the part of the building or buildings on the dominant lot in respect of which this easement is used or enjoyed is destroyed, it must be reinstated within one year, or a longer period allowed by a referee under section 1030 of the Act, after the destruction, and if it is not so reinstated this easement is terminated in respect of the whole or part which is destroyed.

”

Party Wall Easement

14G. The short form description for an easement for party wall rights is “Party Wall Easement”, and the terms, conditions and provisions of and relating to the easement are as follows —

“

1. The registered proprietor of the servient lot (“grantor”) grants to the registered proprietor and every occupier of the dominant lot from time to time (“grantee”) the right to use a party wall within or on the boundary of the servient lot for the support of the walls, floors, footings, ceilings, roofs or other parts of any building built or placed on the dominant lot.
2. The grantee may enter on the servient lot at any reasonable time with or without independent contractors, employees or agents and necessary materials, equipment and vehicles for the purpose of repairing, maintaining, renewing or otherwise remedying any failure to maintain the above right to use a party wall including the right to erect scaffolding or equipment as is reasonably necessary for upholding and maintaining the party wall. The grantee, in exercising such right must cause as little inconvenience as reasonably possible and must make good all damage caused in exercising the right of entry.
3. If the whole or the part of the building or buildings on the dominant lot which are supported by the party wall is destroyed, it must be reinstated within one year, or a longer period allowed by a referee under section 1030 of the Act, after the destruction, and if it is not so reinstated this easement is terminated in respect of the whole or part which is destroyed.

”

Intrusion Easement

14H. The short form description for the right of a structure to intrude into another lot where that intrusion would constitute a permitted boundary deviation if the scheme were a single tier strata scheme is “Intrusion Easement”, and the terms, conditions and provisions of and relating to the easement are as follows —

“

1. The registered proprietor of the servient lot (“grantor”) grants to the registered proprietor and every occupier of the dominant lot or lots from time to time (“grantee”) the right for the grantee and his or her independent contractors, employees, agents and visitors, at any time to retain, construct, inspect, alter, maintain, repair, replace and use roofs, floors, walls, footings, eaves, gutters, downpipes, pipes, and all parts of any building or any thing attached to or which projects from a building on the dominant lot, which intrude into the servient lot in the easement area at the date of creation of this easement.
2. The grantee may enter on the servient lot at any reasonable time with or without independent contractors, employees or agents and necessary materials, equipment and vehicles for the purpose of exercising the rights granted in this easement. The grantee, in exercising such rights must cause as little inconvenience as is reasonably possible and must make good all damage caused in exercising the right of entry.
3. The grantee agrees to indemnify and keep indemnified the grantor against all actions, liabilities, proceedings, claims, costs and expenses which the grantor may suffer, incur or sustain in connection with, or arising in any way out of the loss of or damage to any property or the death or injury of any person resulting from the exercise of the rights granted in this easement, including the right of entry.
4. If the whole or the part of the building or buildings which intrude into the servient lot in the easement area is destroyed, it must be reinstated within one year, or a longer period allowed by a referee under section 103O of the Act, after the destruction, and if it is not so reinstated this easement is terminated in respect of the whole or part which is destroyed.

”.

Pedestrian Access Easement

14I. The short form description for an easement for pedestrian access is “Pedestrian Access Easement”, and the terms, conditions and provisions of and relating to the easement are as follows —

“

1. The registered proprietor of the servient lot (“grantor”) grants to the registered proprietor and every occupier of the

dominant lot or lots from time to time (“grantee”) the right for the grantee and his or her independent contractors, employees, agents and visitors, at any time to pass and repass on foot for any purpose over the easement area.

2. The grantor and the grantee are liable for the cost of repairing, maintaining, replacing, cleaning or upkeeping the easement area in proportion to the unit entitlements of their respective lots shown on the survey-strata plan from time to time.
3. The grantee agrees to indemnify and keep indemnified the grantor against all actions, liabilities, proceedings, claims, costs and expenses which the grantor may suffer, incur or sustain in connection with, or arising in any way out of the loss of or damage to any property or the death or injury of any person resulting from the use of the servient lot by the grantee or his or her independent contractors, employees, agents and visitors.

”.

PART 2B — MERGER OF COMMON PROPERTY IN STRATA SCHEME

Form of resolution — merger of buildings

14J. The prescribed form of a resolution for the purposes of section 21F (1) is —

“

That in relation to the lots or parts of the lots which are buildings shown on the strata plan, the boundaries are to be fixed by reference to the external surfaces of those buildings, as provided for by section 3AB of the *Strata Titles Act 1985*.

”.

and, if applicable —

“

Where 2 lots have a common or party wall, or have buildings on them which are joined, the centre plane of that wall or the plane at which they are joined, is the boundary.

”.

Form of resolution — merger of land

14K. (1) The prescribed form of a resolution for the purposes of section 21Q (1), is —

“

1. That the strata plan be amended as follows —

*(a) to show an extension or alteration to an existing building shown on the strata plan, as depicted on the sketch plan tabled for the purposes of this resolution;

- * (b) to include a building on the strata plan, as depicted on the sketch plan tabled for the purposes of this resolution;
- * (c) to merge land that is common property into a lot or lots on the strata plan —
 - (i) as depicted on the sketch plan tabled for the purposes of this resolution; or
 - (ii) by (*describe merger*). ”

and, if applicable —

- “
- 2. That the horizontal boundaries of the land in the lots on the strata plan are —
 - * (a) the existing horizontal boundaries shown on the strata plan; or
 - * (b) metres above and metres below (*describe boundaries*).
 - 3. That an easement or easements relating to motor vehicle access, parking or turning (in terms of section 21W of the *Strata Titles Act 1985*) be created, as depicted on the sketch plan tabled for the purposes of this resolution.
 - 4. That it consents to the schedule of unit entitlement for the scheme as set out in the schedule tabled for the purposes of this resolution. ”

(2) Where an asterisk (*) appears in subregulation (1) next to a paragraph designation, the contents of that paragraph may be deleted or not inserted, if it is inapplicable.

Requirements for sketch plan

14L. A sketch plan lodged under section 21T (1) (b) must be in the form of Form 34 and must be drawn showing —

- (a) the matters provided for in regulation 5 (1) (a), (b), (f) and (g);
- (b) if the sketch plan shows any extension or alteration of a building or includes a building not shown on the strata plan —
 - (i) a floor plan of all floors or levels, prepared in the manner provided for in regulation 5 (1) (c); and
 - (ii) a location plan prepared in the manner provided for in regulation 5 (1) (d),

as if a reference in regulation 5 (1) (c) and (d) to a plan were a reference to a sketch plan lodged under section 21T (1) (b);

(c) if the sketch plan merges land that is common property into a lot or defines any area that is subject to an easement under section 21W —

(i) a floor plan of the ground floor or level, and if there is more than one floor or level, a notation on the floor plan of the ground floor or level that the floor plan(s) in respect of upper or lower levels remain as provided on the strata plan, but which is otherwise prepared in the manner provided for in regulation 5 (1) (c) as if the following sub-subparagraph appeared after sub-subparagraph (IV) —

“
 (V) the reference in regulation 34 (b) of the Licensed Surveyors Regulations to “1 in 8 000” were deleted and a reference to “1 in 1 000” were substituted in its place;
 ”;

and

(ii) a location plan prepared in the manner provided for in regulation 5 (1) (d),

as if a reference in regulation 5 (1) (c) and (d) to a plan were a reference to a sketch plan lodged under section 21T (1) (b).

Matters to be certified by surveyor

14M. (1) The matters prescribed for the purposes of section 21U (4) (a), as to which a licensed surveyor is to certify under section 21U (3), are —

- (a) the number of car parking bays and rights of vehicular turning and access to a street or parts of the common property;
- (b) in the case of residential developments, rights to private open space for the occupiers of each of the lots;
- (c) rights of pedestrian access to a street or parts of the common property;
- (d) rights for access and use of storage areas, service areas, mail boxes and service meters;
- (e) rights for service access;

having regard to —

- (f) the provisions of the relevant town planning scheme;

- (g) the existing development approval for the strata scheme;
- (h) any implied easements or other provisions contained in the Act; and
- (i) any easements or restrictive covenants granted or to be created on registration of the notice of resolution.

(2) In the case of a residential development, any expression used in subregulation (1) that is defined in the document titled "Statement of Planning Policy No. 1 — Residential Planning Codes" published in the *Gazette* on 30 January 1985 has the same meaning as it has from time to time in that document.

(3) If the sketch plan shows any land that is common property to be merged into a lot, the certificate is to show whether or not an easement is required to be created on the sketch plan under section 21W for the purposes of satisfying section 21U (3) (b).

PART 2C — CONVERSION TO A SURVEY-STRATA SCHEME

Form of resolution — conversion to survey-strata

14N. (1) The prescribed form of a resolution for the purposes of section 31C (1) is —

“

1. That the strata scheme be converted to a survey-strata scheme, as depicted on the survey-strata plan tabled for the purposes of this resolution.

The owners acknowledge —

- (a) that the unit entitlement for a survey-strata scheme is determined on site value; and
- (b) that they are aware that this is different from the capital value, which is the basis on which the unit entitlement is determined for a strata scheme.

That it consents to the schedule of unit entitlement for the scheme as set out in the schedule tabled for the purposes of this resolution.

”

and, if applicable —

“

2. That the following easement(s) be created under section 31G of the *Strata Titles Act 1985* —

* (a) Vehicle Access Easement

- *(b) Intrusion Easement
 - *(c) Light and Air Easement
 - *(d) Party Wall Easement
 - *(e) Pedestrian Access Easement,
- as depicted on the survey-strata plan.

3. The *height and/or depth of survey-strata lot(s)
 (insert lot number(s)) is or are limited to (describe
 limits). ”.

(2) Where an asterisk (*) appears in subregulation (1) next to a paragraph designation, the contents of that paragraph may be deleted or not inserted, if it is inapplicable.

Matters to be certified by surveyor

140. (1) The matters prescribed for the purposes of section 31F (3) (a), as to which a licensed surveyor is to certify under section 31F (2) (e), are —

- (a) the number of car parking bays and rights of vehicular turning and access to a street or parts of the common property;
- (b) rights to light and air;
- (c) rights of support, or for an intrusion into another lot which constitutes a permitted boundary deviation before the conversion;
- (d) in the case of residential developments, rights to private open space for the occupiers of each of the lots;
- (e) rights of pedestrian access to a street or parts of the common property;
- (f) rights for access and use of storage areas, service areas, mail boxes and service meters;
- (g) rights for service access;

having regard to —

- (h) the provisions of the relevant town planning scheme;
- (i) the existing development approval for the strata scheme;
- (j) any implied easements or other provisions contained in the Act; and

- (k) any easements or restrictive covenants granted or to be created on registration of the notice of resolution.

(2) In the case of a residential development, any expression used in subregulation (1) that is defined in the document titled “Statement of Planning Policy No. 1 — Residential Planning Codes” published in the *Gazette* on 30 January 1985 has the same meaning as it has from time to time in that document.

(3) The certificate is to show, for the purpose of satisfying section 31F (2) (e) (ii), whether or not any easements are required to be created on the survey-strata plan under section 5D, and if so which easements.

”.

Regulation 16 amended

13. Regulation 16 of the principal regulations is amended —

- (a) in subregulation (1) by deleting “order, consent or notice” and substituting the following —

“

notice of resolution or other notice, order, consent or, objection; and

”;

and

- (b) in subregulation (3) —

- (i) by inserting after “otherwise” the following —

“ provided by the Act or ”; and

- (ii) by deleting “a notice, consent” and substituting the following —

“ an order, consent, notice ”.

Regulation 17 amended

14. Regulation 17 of the principal regulations is amended —

- (a) by inserting after “otherwise” the following —

“ provided by the Act or ”; and

- (b) by deleting “certificate of title” and substituting the following —

“ duplicate certificate of title (if any) ”.

Regulation 18 amended

15. Regulation 18 (b) of the principal regulations is amended by deleting “of the Office of Titles”.

Regulation 19 amended

16. After regulation 19 (5) of the principal regulations the following subregulations are inserted —

“

(6) The following notations to the floor plan of a strata plan are prescribed to be made by the Registrar of Titles, as the case requires, for the purposes of section 21J and section 21N —

“

As at (*insert applicable date*), unless a notice of resolution under section 21H or an objection under section 21O has been recorded on the strata plan —

- the boundaries of the lots or parts of the lots which are buildings shown on the strata plan are the external surfaces of those buildings, as provided by section 3AB of the *Strata Titles Act 1985*;
- the scheme may not be a single tier strata scheme, as defined in section 3 (1) of the *Strata Titles Act 1985*;
- the areas of the lots shown on the strata plan may have changed;
- where 2 lots have a common or party wall, or have buildings on them which are joined, the centre plane of that wall or the plane at which they are joined, is the boundary;
- the horizontal boundaries of the lots or parts of the lots which are not buildings shown on the plan (if any) remain as provided on this strata plan.

”.

(7) Where a notice of resolution is registered under section 21X, the following amendments are prescribed to be made by the Registrar of Titles for the purposes of section 21Z —

- (a) if a sketch plan accompanies the notice of resolution, he or she must —
 - (i) make a notation on all sheets of the registered plan to that effect; and
 - (ii) attach the sketch plan to the registered plan;
- and

- (b) if the notice of resolution includes a resolution to merge land that is common property into a lot or lots on the strata plan and a sketch plan is not attached to the notice of resolution, he or she must make a notation on the registered plan to the effect of that resolution and the resolution defining the horizontal boundaries of the land in the lots on the strata plan.
- (8) Where a notice of resolution is registered under section 31I, the Registrar of Titles must, for the purposes of section 31K —
- (a) make a notation on all sheets of the registered plan to that effect; and
 - (b) attach the survey-strata plan to the registered plan.

”.

Regulation 20 amended

17. Regulation 20 of the principal regulations is amended —
- (a) by inserting after the regulation designation “**20.**” the subregulation designation “(1)”;
 - (b) in paragraph (b) (ii), by inserting after “Form 22” the following —
 - “
 - signed by the proprietors of the land comprised in the scheme
- and
- (c) by inserting the following subregulation —
 - “
 - (2) The disposition statement may not effect —
 - (a) a change of the registered proprietor of a lot on the strata/survey-strata plan, from any registered proprietor of the land the subject of the application;
 - (b) either —
 - (i) the complete release, removal or discharge of an encumbrance or caveat; or
 - (ii) the release, removal or discharge of an entire interest in an encumbrance;
- or

”;

- (c) either —
 - (i) the registration of any registered interest (other than as registered proprietor, or the creation of any easement or restrictive covenant which may be created on the strata/survey-strata plan); or
 - (ii) the lodgement of a caveat,
in respect of a lot or the common property if a part of that lot or the common property, which was formerly comprised in the land the subject of the application, was not previously subject to that registered interest or caveat.

Regulation 21 amended

18. Regulation 21 of the principal regulations is amended —

- (a) by inserting after the regulation designation “**21.**” the subregulation designation “(1)”;
 - (b) in paragraph (b) (ii), by inserting after “Form 23” the following —
 - “
signed under the seal of the strata company and by the proprietors of the lots who will be affected by the proposed subdivision (other than in respect of their share in the common property)
”;
- and
- (c) by inserting the following subregulation —

- “
 - (2) The disposition statement may not effect —
 - (a) a change of the registered proprietor of a lot on the strata/survey-strata plan, from the registered proprietor of that lot on the plan as previously registered;
 - (b) either —
 - (i) the complete release, removal or discharge of an encumbrance or caveat; or
 - (ii) the release, removal or discharge of an entire interest in an encumbrance;

- (c) either —
 - (i) the registration of any registered interest (other than as registered proprietor); or
 - (ii) the lodgment of a caveat,

in respect of a lot or the common property if a part of that lot or the common property was not previously subject to that registered interest or caveat; or
- (d) a change of —
 - (i) any person having a registered interest in any encumbrance registered; or
 - (ii) the proprietor of an interest the subject of any caveat lodged,

in respect of a lot or the common property, from the person or proprietor as previously registered or lodged.

”.

Regulation 21A inserted

19. After regulation 21 of the principal regulations the following regulation is inserted —

“

Abbreviated procedures for notices of resolution

21A. (1) For the purposes of section 21V (2) and 31H (2), the procedure for the registration of a disposition statement to give effect to a notice of resolution lodged for registration under sections 21S (1) and 31D (1) respectively, is as follows —

- (a) the notice of resolution and any accompanying sketch plan or survey-strata plan, as the case requires, must be lodged for registration;
- (b) the notice of resolution must be accompanied by a disposition statement in the form of Form 39 signed —
 - (i) under the seal of the strata company and the proprietors of the lots who will be affected by the notice of resolution (other than in respect of their share in the common property);
 - (ii) by all of the proprietors, where there are not more than 5 lots in the scheme; or
 - (iii) by one proprietor, where a notice of resolution lodged for registration under section 21S (1) is accompanied by

a copy of any relevant order of a referee under section 103C or 103M;

- (c) if the Registrar of Titles is satisfied that the notice of resolution and the relevant instruments are in order for registration he or she must direct that —
 - (i) the certificates of title in respect of the lots the subject of the notice of resolution be amended to give effect to the resolution and accompanying documents; and
 - (ii) each certificate of title or the strata/survey-strata plan be endorsed so that every notation relating to an encumbrance that applied to the lots and common property in the scheme the subject of the notice of resolution is brought forward and endorsed on the certificates of title in respect of the lots —
 - (I) on the strata plan, as amended by the notice of resolution; or
 - (II) on the survey-strata plan, as converted by the notice of resolution,
- or the strata/survey-strata plan in respect of the common property, as amended by the notice of resolution, as the case requires, in accordance with the disposition statement that accompanies the notice of resolution,

and effect must be given to those directions.

- (2) The disposition statement may not effect —
 - (a) a change of the registered proprietor of a lot on the strata/survey-strata plan, from the registered proprietor of that lot on the plan as previously registered;
 - (b) either —
 - (i) the complete release, removal or discharge of an encumbrance or caveat; or
 - (ii) the release, removal or discharge of an entire interest in an encumbrance;
 - (c) any of the following —
 - (i) the registration of any registered interest (other than as registered proprietor or the creation of any easement or restrictive covenant which may be created on the lodgement of a sketch plan referred to in section 21T (1) (b) or survey-strata plan referred to in section 31E (1) (a)); or

- (ii) the lodgement of a caveat,
in respect of a lot or the common property, if a part of that lot or the common property was not previously subject to that registered interest or caveat; or
- (d) a change of —
 - (i) any person having a registered interest in any encumbrance registered; or
 - (ii) the proprietor of an interest the subject of any caveat lodged in respect of a lot or the common property, from the person or proprietor as previously registered or lodged.

”.

Regulation 32 repealed and a regulation substituted

20. Regulation 32 of the principal regulations is repealed and the following regulation is substituted —

“

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 or other building or improvement —

- (a) the construction or erection of which is required to be approved by the local government or any other authority; or
- (b) the area of which is to be taken into account for the purposes of determining the plot ratio restrictions or open space requirements for the lot under section 7A,

whether free standing or annexed to or incorporated with any existing building on the lot.

”.

Regulation 37 amended

21. (1) Regulation 37 (1) of the principal regulations is amended —

- (a) by deleting the “and” after paragraph (b); and

- (b) by inserting after paragraph (b) the following paragraph —

“

- (ba) the provisions must contain the following statement —

“

WARNING

The proposed re-subdivision in by-law is not binding on the Western Australian Planning Commission, local government or any other public or statutory authority. Any of these authorities may not approve, or may require changes before approving, the proposed re-subdivision.

”;

and

”.

- (2) Regulation 37 (2) of the principal regulations is amended —

- (a) by inserting after “not less than 1:100” the following —

“ or to such other scale as the Registrar of Titles permits ”; and

- (b) in paragraph (a), by inserting after “storey” the following —

“

or, if every storey is the same, a plan of one storey with a note that every other storey is the same

”.

Regulation 37A, 37B and 37C inserted

22. Immediately before regulation 38 of the principal regulations the following regulations are inserted —

“

Permitted boundary deviations

37A. (1) For the purposes of the definition of “permitted boundary deviation” in section 3 (1), a part of a lot may be above or below another lot in the following circumstances —

- (a) where no part of a floor of a lot or part of a lot in a building forms or joins the ceiling of another lot or part of a lot in a building; or
- (b) where the part of a lot extends horizontally above or below another lot by not more than 3 metres.

(2) In subregulation (1), a reference to a building includes any building whether shown on the strata plan or not.

Attachments included for purposes of section 3AB (1) (a) (i)

37B. The following things are prescribed for the purposes of section 3AB (1) (a) (i) to be included as part of a lot —

- (a) hot water systems including solar hot water panels;
- (b) refrigeration, airconditioning, cooling or heating plant or equipment;
- (c) antennae or aerials for telecommunication;
- (d) skylights;
- (e) chimneys;
- (f) roof ornaments;
- (g) pipes, wires and cables;
- (h) awnings, blinds, shutters and window grilles;
- (i) light fittings;
- (j) meter boxes;
- (k) signs; and
- (l) any thing of a kind similar to any of the things referred to in the preceding paragraphs.

Attachments excluded for purposes of section 3AB (1) (a) (ii)

37C. The following things are prescribed for the purposes of section 3AB (1) (a) (ii) as not being included as part of a lot if they are not shown on the floor plan in respect of that lot —

- (a) patios;
- (b) carports and pergolas;
- (c) enclosed rooms;
- (d) storage rooms; and
- (e) any structure of a kind similar to any of the structures referred to in the preceding paragraphs.

”.

Regulation 45 amended

23. Regulation 45 of the principal regulations is amended —

- (a) by deleting “The fees” and substituting the following —
 - “ (1) Subject to subregulation (2), the fees ”; and

- (b) by inserting the following subregulation —

“

(2) No fees are payable to the Registrar of Titles on the lodgement of any notice of resolution or other notice, objection, memorial, transfer, disposition statement or instrument under —

- (a) Division 2A of Part II, Division 3 of Part III, section 123A (4) or section 123C (4) of the Act; or
- (b) section 30 (4) of the *Strata Titles Amendment Act 1996*.

”.

Schedule 2 amended

- 24.** Schedule 2 to the principal regulations is amended —

- (a) in the first item, in the first column, by deleting “25 (4), 25B (2)” and substituting the following —
- “ 25B (2), 31E (1) (a) ”;
- (b) in the second item, in the first column, by inserting after “14 (2)” the following —
- “ 21T (1) (d), 31E (1) (d) ”;
- (c) in the seventh item, in the first column, by deleting “5 (1)” and substituting the following —
- “ 5 (1a) ”;
- (d) in the sixteenth item —
- (i) in the first column, by inserting after “Section” the following —
- “ 40 (2) (b) ”; and
- (ii) in the second column by inserting after “Scheme” the following —
- “ and change of Address for Service of Notices ”;
- (e) in the nineteenth item, in the first column, by inserting after “8A (a)” the following —
- “ , 18, 19 ”;
- (f) in the twenty-first item —
- (i) in the first column, by deleting “20 (b) (ii)” and substituting the following —
- “ 20 (1) (b) (ii) ”; and

- (ii) in the second column by deleting “Statement”;
- (g) in the twenty-second item —
 - (i) in the first column, by deleting “21 (b) (ii)” and substituting the following —
 - “ 21 (1) (b) (ii) ”; and
 - (ii) in the second column by deleting “Statement”;
- (h) in the twenty-fifth item —
 - (i) in the first column, by deleting “Clause 13B (1) Schedule 3” and substituting the following —
 - “ Section 25 (1), 25 (4) ”; and
 - (ii) in the second column by deleting “Notice to Proprietor” and substituting the following —
 - “
Certificate of Grant of Approval by Western Australian
Planning Commission to a Strata Plan
”;

and

- (i) by inserting at the end of the Schedule the following items —
 - “

Section 21G	Form 30 — Notice of Resolution of Merger of Buildings
Section 21O	Form 31 — Notice of Objection to Automatic Merger of Buildings
Section 21S	Form 32 — Notice of Resolution of Merger of Land
Sections 21G, 21S	Form 33 — Notice of Resolution of Merger of Buildings and Land
Section 21T (1) (b), Regulation 14L	Form 34 — Sketch Plan
Sections 21T (1) (c), 21U	Form 35 — Certificate of Licensed Surveyor — Merger in Strata Scheme
Section 21T	Form 36 — Certificate of Licensed Valuer — Merger in Strata Scheme

Section 31D	Form 37 — Notice of Resolution of Conversion to a Survey-Strata Scheme
Sections 31E (1) (b), 31F	Form 38 — Certificate of Licensed Surveyor — Conversion to a Survey-Strata Scheme
Sections 21V, 31H, Regulation 21A (1) (b)	Form 39 — Disposition on Merger of Land or Conversion to a Survey-Strata Scheme
Sections 123A, 123C	Form 40 — Notice of Objection to Change of Fencing Provisions
Section 30 <i>Strata Titles Amendment Act 1996</i>	Form 41 — Notice of Termination of Insurance Order

”.

Schedule 3 amended

25. (1) Schedule 3 to the principal regulations is amended in accordance with subregulations (2) to (21).

- (2) Form 1 is amended by deleting “25 (1) or”.
- (3) Form 2 is amended by deleting “25 (1) or”.
- (4) Form 3 is deleted and the following form is substituted —

FORM 3

26

STRATA/SURVEY-STRATA PLAN NO.									
Schedule of Unit Entitlement		Office Use Only		Schedule of Unit Entitlement		Office Use Only			
		Current Cs of Title				Current Cs of Title			
Lot No.	Unit Entitlement	Vol.	Fol.	Lot No.	Unit Entitlement	Vol.	Fol.		
				Aggregate					

27

DESCRIPTION OF PARCEL AND BUILDING/PARCEL

**CERTIFICATE OF LICENSED VALUER
STRATA/SURVEY STRATA**

I, , being a Licensed Valuer licensed under the *Land Valuers Licensing Act 1978* certify that the unit entitlement of each lot (in this certificate, excluding any common property lots), as stated in the schedule bears in relation to the aggregate unit entitlement of all lots delineated on the plan a proportion not greater than 5 per cent more or 5 per cent less than the proportion that the value (as that term is defined in section 14 (2a) of the *Strata Titles Act 1985*) of that lot bears to the aggregate value of all the lots delineated on the plan.

.....
Date

.....
Signed

28

(5) Form 5 is amended by inserting after “CERTIFICATE OF” the following —

“ LICENSED ”.

(6) Form 6 is amended by inserting after “CERTIFICATE OF” the following —

“ LICENSED ”.

(7) Form 7 is amended —

(a) in paragraph (1) of the form —

(i) by deleting “(a)” and substituting the following —

“ *(a) ”; and

(ii) by deleting “(b)” and substituting the following —

“ *(b) ”;

and

(b) by deleting from paragraph (4) to the end of the form and substituting the following —

“

(4) *(a) any conditions imposed by the Western Australian Planning Commission have been complied with; or

*(b) the within strata scheme is exempt from the requirement of approval by the Western Australian Planning Commission.

..... Date Chief Executive Officer

*Delete if inapplicable.

”.

(8) Form 9 is amended by deleting “Town/Shire Clerk” and substituting the following —

“ Chief Executive Officer ”.

(9) Form 10 is amended —

(a) by deleting “resolution without dissent” and substituting the following —

“

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

”;

and

(b) by inserting at the end of the form the following —

“ Delete whichever is inapplicable. ”.

(10) Form 17 is deleted and the following form is substituted —

“

FORM 17

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

Strata Titles Act 1985

Sections 40 & 41

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

* certifies that it has by special resolution resolved that the name of
the scheme be changed —

from

to

* gives notice that the address for service of notices on the strata
company has now been changed to —

.
.

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

.

.
Members of the Council.

* Delete whichever is inapplicable.

”.

(11) Form 18 is amended by deleting “Town/Shire Clerk” and substituting
the following —

“ Chief Executive Officer ”.

(12) Form 20 is deleted and the following form is substituted —

“

FORM 20

APPLICATION FOR RE-SUBDIVISION BY STRATA COMPANY

Strata Titles Act 1985

Sections 8A, 18 & 19

The Owners of (name of scheme) Strata/Survey-strata Plan No. request that the Registrar of Titles register this strata/survey-strata plan of re-subdivision and confirm that —

- *(a) (i) it has by unanimous resolution consented to —
 - (I) the re-subdivision of (brief description of re-subdivision);
 - (II) the proposed aggregate unit entitlement; and
 - (III) the proposed allocation of unit entitlement set out below;

and
- (ii) it has by *resolution without dissent/unanimous resolution (in the case of a two-lot scheme) consented to the acquisition or transfer by the strata company of any common property, as provided for in the plan of re-subdivision.

PROPOSED ALLOCATION OF UNIT ENTITLEMENT

Lot No.	Proposed Unit Entitlement

Lot No.	Proposed Unit Entitlement

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

Details of the relevant rating authorities to be notified by the Registrar of Titles are as follows.

Local Government
 Name
 Address
 Facsimile No.

Water Authority

Name
Address
Facsimile No.

Sewerage Authority

Name
Address
Facsimile No.

CONSENT BY PERSONS HAVING REGISTERED INTERESTS AND
CAVEATORS (IF ANY) TO PROPOSED ALLOCATION OF UNIT
ENTITLEMENT

ENCUMBRANCE Document & No.

SIGNATURE
in the presence of

Witness

Name

Address

Occupation

(ADDITIONAL CONFIRMATIONS AS REQUIRED)

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

.....

.....
Members of the Council

*Delete whichever is inapplicable.

”

(13) Form 21 is amended by deleting “duly passed on the” in
each place where it appears and substituting the following —

“

duly passed at a meeting of the strata company on which
became unconditional on

”

(14) Form 22 is deleted and the following form is substituted —

“

FORM 22

DISPOSITION ON SUBDIVISION

Strata Titles Act 1985

Regulation 20 (1) (b) (ii)

We, the proprietors, persons having registered interests in and caveators of the land the subject of Strata/Survey-strata Plan No. hereby confirm and consent to —

- (a) the disposition of the lots created by the above-mentioned strata/survey-strata plan together with the registered interests and caveats (if any) as set out in the table below; and
- (b) the disposition of registered interests and caveats (if any) against the common property (if any) as set out in the table below.

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

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

We, the proprietors of the land the subject of Strata/Survey-strata Plan No. hereby agree and confirm that in consideration of our agreeing to the registration of the plan —

- (a) the lots, registered interests and caveats are to be disposed of in the manner set out in the tables above; and

(b) additional consideration (if any) is to be paid or given or has been paid or given in the manner set out in the table below.

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

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

ENCUMBRANCE Document & No.

SIGNATURE
in the presence of

Witness

Name

Address

Occupation

_____ (ADDITIONAL CONFIRMATIONS AS REQUIRED)

DATED THIS _____ DAY OF _____ 19____

SIGNATURE OF PROPRIETOR

in the presence of

Witness

Name

Address

Occupation

(TO BE SIGNED BY EACH PROPRIETOR)

”

(15) Form 23 is deleted and the following form is substituted —

“

FORM 23

DISPOSITION ON RE-SUBDIVISION

Strata Titles Act 1985

Section 8B (2) and Regulation 21 (1) (b) (ii)

We, the proprietors, persons having registered interests in and caveators of the land the subject of the plan of re-subdivision in respect of Strata/Survey-strata Plan No. hereby confirm and consent to —

- (a) the disposition of the lots created by the above-mentioned plan of re-subdivision together with the registered interests and caveats (if any) as set out in the table below; and
- (b) the disposition of registered interests and caveats (if any) against the common property (if any) as set out in the table below.

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

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

We, the proprietors of the lots the subject of the plan of re-subdivision in respect of this Strata/Survey-strata Plan hereby agree and confirm that in consideration of our agreeing to the registration of the plan of re-subdivision —

- (a) the lots, registered interests and caveats are to be disposed of in the manner set out in the tables above; and

(b) additional consideration (if any) is to be paid or has been paid or given in the manner set out in the table below.

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

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

ENCUMBRANCE Document & No.

SIGNATURE
in the presence of

Witness

Name

Address

Occupation

_____ (ADDITIONAL CONSENTS AS REQUIRED)

DATED THIS DAY OF 19

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

.....

.....
Members of the Council

SIGNATURE OF
PROPRIETOR
in the presence of

Witness

Name

Address

Occupation

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

”

(16) Form 24 is deleted and the following form is substituted —

“

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 for a proposed strata plan in respect of a constructed or proposed to be constructed building, 2 copies of a sketch are required, showing full particulars of the division of a property into lots on the proposed strata plan.

In the case of an application for a proposed strata plan creating any vacant strata lot, 6 copies of a sketch are required, showing full particulars of the division of a property into lots on the proposed strata plan.

LODGE AT:

**MINISTRY FOR PLANNING
ALBERT FACEY HOUSE
469-489 WELLINGTON STREET
PERTH WA 6000**

1. *City/Town/Shire of
2. Name(s) of owner(s): Surname/Company Name
 Other Names
 (Mr/Mrs/Miss)
 Surname/Company Name
 Other Names
 (Mr/Mrs/Miss)
 Surname/Company Name
 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) Are there any proposed buildings approved for construction by the local government which will form part of the strata plan?

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.

Evidence of any approval by the local government to the construction of any proposed buildings is to be attached to this application.

- 12. Is it proposed to create a vacant strata lot in this subdivision?
 Yes/No
 If yes, how many?

Signature(s) of Date

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

* Delete whichever does not apply.

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*.

(17) Form 25 is amended by deleting the passage from "CERTIFICATE OF WA PLANNING COMMISSION/LOCAL GOVERNMENT" to the end of the form.

(18) Form 26 is deleted and the following form is substituted —

“

FORM 26

WAPC Ref. STRATA PLAN NO.
Strata Titles Act 1985
Sections 25 (1), 25 (4)

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

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

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

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

Lodged by:
Date:

For Chairman, Western Australian Planning Commission

Date

(*To be deleted as appropriate.)

”

(19) Form 28 is amended —

(a) in the column headed “**FOR SELLER’S INFORMATION**”, in paragraph 1, by inserting after “strata titled lot” the following —

“ before ”;

(b) in the column headed “**FOR PURCHASER’S INFORMATION**”, in paragraph 5, by deleting “consult a lawyer” and substituting the following —

“ obtain independent advice from a lawyer or other expert ”;

(c) in Part 1, by deleting the paragraph numbered “1.” and substituting the following —

“

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 contained on:

* the attached copy of the registered or proposed strata/survey-strata plan; or

* Attachment No.

The following documents must be attached to this statement —

”;

(d) in Part 1, by deleting the paragraph numbered “4.” and substituting the following paragraph —

“

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 and not yet recorded on the strata/survey-strata plan; 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.)

”;

- (e) in Part 2 —
 - (i) in the paragraph numbered “4.”, by inserting after “Lot” the following —
 - “ under section 36 (1) of the *Strata Titles Act 1985* ”; and
 - (ii) in the paragraph numbered “5.”, by inserting after “Lot” the following —
 - “ under section 36 (2) of the *Strata Titles Act 1985* ”;
- and
- (f) by deleting Part 3 and substituting the following —

“

ACKNOWLEDGMENT OF RECEIPT OF NOTIFIABLE INFORMATION

Description of lot to be sold: lot on strata/survey-strata plan no.

Street address of lot

I/We (name of vendor(s))

hereby certify that the notifiable information for this property, as required by section 69 of the *Strata Titles Act 1985*, has been given to —

- * the prospective purchaser(s); or
- * the selling agent to provide it to the prospective purchaser(s)

before the offer or contract to purchase this property was signed by the purchaser.

* Delete whichever is inapplicable.

I/We authorize the prospective purchaser(s) to inspect the records of the strata company.

Signature(s) of vendor(s)

Date

I (name of selling agent) as selling agent hereby certify that the notifiable information for this property, as provided by the vendor, has been given to the prospective purchaser(s).

.....
Signature of selling agent

Date

Acknowledgment by Purchaser(s)

I/We (name of purchaser(s))
.....

am/are the prospective purchaser(s) of this property and I/we acknowledge that I/we have received notifiable information in respect of this property and understand that the disclosure given by the vendor(s) or by the selling agent is not an offer or a contract to purchase a strata titled lot, but only provides information to me/us.

.....

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

Date

NOTE: This acknowledgment may be on a separate page. ”.

- (20) Form 29 is amended —
 - (a) by deleting “consult a lawyer” and substituting the following —
“ obtain independent advice from a lawyer or other expert ”;
 - (b) in the paragraph numbered “4.” —
 - (i) by inserting after “strata company” the following —
“
 , any resolutions which the strata company may have passed,
”;
 - and
 - (ii) by inserting at the end the following paragraph —
“
The strata company may have passed resolutions which affect the lots and common property, e.g. approving a plan of re-subdivision or a transfer or lease of common property. These resolutions are recorded in the minutes of meetings of the strata company.
”;

and

- (c) in the paragraph numbered “5.”, by inserting after “insurance of the common property” the following —

“ , unless you are in a scheme of 2 to 5 lots which may be exempt from these requirements ”.

- (21) After Form 29 the following forms are inserted —

“

FORM 30

NOTICE OF RESOLUTION OF MERGER OF BUILDINGS

Strata Titles Act 1985

Section 21G

The Owners of (name of scheme)

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

That in relation to the lots or parts of the lots which are buildings shown on the strata plan, the boundaries are to be fixed by reference to the **external surfaces of those buildings**, as provided for by section 3AB of the *Strata Titles Act 1985*.

** Where 2 lots have a common or party wall, or have buildings on them which are joined, the centre plane of that wall or the plane at which they are joined, is the boundary.

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

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

.....

 Members of Council

OR ***

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

Signed	Signed
--------------	--------------

Full name of proprietor Full name of proprietor

Signed Signed

Full name of proprietor Full name of proprietor

Signed Signed

- * Delete whichever is inapplicable.
- ** Delete if inapplicable.
- *** This form may be signed by the strata company, all of the registered proprietors in a 2 to 5 lot scheme or by one proprietor where an order of the Strata Titles Referee under section 103C or 103M accompanies this form.

FORM 31
NOTICE OF OBJECTION TO AUTOMATIC MERGER
OF BUILDINGS

Strata Titles Act 1985

Section 21O

I/we, (name of proprietor/s)
being the proprietor/s of lot/s Strata Plan No.

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

Dated

**Full name of proprietor **Full name of proprietor

Signed Signed

- * The effect of the application of section 21M to a scheme is that the boundaries of lots or parts of lots which are buildings are fixed by reference to the external surfaces of those buildings.
- ** This form may be signed by one or more of the registered proprietors in the scheme.

FORM 32

NOTICE OF RESOLUTION OF MERGER OF LAND

Strata Titles Act 1985

Section 21S

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

1. That the strata plan be amended as follows —
 - ** (a) to show an extension or alteration to an existing building shown on the strata plan, as depicted on the sketch plan tabled for the purposes of this resolution;
 - ** (b) to include a building on the strata plan, as depicted on the sketch plan tabled for the purposes of this resolution; or
 - ** (c) to merge land that is common property into a lot or lots on the strata plan —
 - * (i) as depicted on the sketch plan tabled for the purposes of this resolution; or
 - * (ii) by (describe merger)

- **2. That the horizontal boundaries of the land in the lots on the strata plan are —
 - * (a) the existing horizontal boundaries shown on the strata plan; or
 - * (b) metres above and
 metres below

- **3. That an easement or easements relating to motor vehicle access, parking or turning (in terms of section 21W of the *Strata Titles Act 1985*) be created, as depicted on the sketch plan tabled for the purposes of this resolution.

- **4. That it consents to the schedule of unit entitlement for the scheme as set out in the schedule tabled for the purposes of this resolution.

The sketch plan tabled for the purposes of these resolutions is to accompany this Notice of Resolution.

Details of the relevant rating authorities to be notified by the Registrar of Titles are as follows —

Local Government

Name
Address
Facsimile No.

Water Authority

Name
Address
Facsimile No.

Sewerage Authority

Name
Address
Facsimile No.

The Common Seal of the Owners of (name of scheme)
.....
Strata Plan No was affixed hereto on the ,
in the presence of —

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

OR ***

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

Signed Signed

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

Signed Signed

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

Signed Signed

- * Delete whichever is inapplicable.
** Delete if inapplicable. If a resolution in the terms of 1 (c) is included, a resolution in the terms of 2 must be included.
*** This form may be signed by the strata company, all of the registered proprietors in a 2 to 5 lot scheme or by one proprietor where an order of the Strata Titles Referee under section 103C or 103M accompanies this form.

FORM 33
NOTICE OF RESOLUTION OF MERGER OF BUILDINGS AND LAND

Strata Titles Act 1985
Sections 21G, 21S

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

- 1. **That in relation to the lots or parts of the lots which are buildings shown on the strata plan, the boundaries are to be fixed by reference to the external surfaces of those buildings, as provided for by section 3AB of the Strata Titles Act 1985.
**Where 2 lots have a common or party wall, or have buildings on them which are joined, the centre plane of that wall or the plane at which they are joined, is the boundary.
2. That the strata plan be amended as follows —
**(a) to show an extension or alteration to an existing building shown on the strata plan, as depicted on the sketch plan tabled for the purposes of this resolution;
**(b) to include a building on the strata plan, as depicted on the sketch plan tabled for the purposes of this resolution;
**(c) to merge land that is common property into a lot or lots on the strata plan —
*(i) as depicted on the sketch plan tabled for the purposes of this resolution; or
*(ii) by (describe merger)

- **3. That the horizontal boundaries of the land in the lots on the strata plan are —
 - *(a) the existing horizontal boundaries shown on the strata plan; or
 - *(b) metres above and metres below
- **4. That an easement or easements relating to motor vehicle access, parking or turning (in terms of section 21W of the *Strata Titles Act 1985*) be created, as depicted on the sketch plan tabled for the purposes of this resolution.
- **5. That it consents to the schedule of unit entitlement for the scheme as set out in the schedule tabled for the purposes of this resolution.

The sketch plan tabled for the purposes of these resolutions is to accompany this Notice of Resolution.

Details of the relevant rating authorities to be notified by the Registrar of Titles are as follows —

Local Government

Name
Address
Facsimile No.

Water Authority

Name
Address
Facsimile No.

Sewerage Authority

Name
Address
Facsimile No.

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

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

.....
.....

Members of Council

OR ***

Full name of proprietor

Full name of proprietor

.....

Signed Signed

Full name of proprietor Full name of proprietor

Signed Signed

Full name of proprietor Full name of proprietor

Signed Signed

- * Delete whichever is inapplicable.
- ** Delete if inapplicable. If a resolution in the terms of 2 (c) is included, a resolution in the terms of 3 must also be included.
- *** This form may be signed by the strata company, all of the registered proprietors in a 2 to 5 lot scheme or by one proprietor where an order of the Strata Titles Referee under section 103C or 103M accompanies this form.

FORM 34

Strata Titles Act 1985

STRATA PLAN	
SHEET OF SHEETS	
MERGER BY RESOLUTION	
PART II DIVISION 2A	
SUBDIVISION 4	
NOTICE OF RESOLUTION	
REGISTERED	
REGISTRAR OF TITLES	

WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

FORM 35

Strata Titles Act 1985

Sections 21T (1) (c), 21U

STRATA PLAN No.

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

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

- * (a) (if the sketch plan shows an extension or alteration of a building shown on the strata plan, or includes a building not shown on the plan) that —
 - (i) the extension, alteration or building not shown on the strata plan has been the subject of a building licence under section 374 of the *Local Government (Miscellaneous Provisions) Act 1960*;
 - (ii) the extension, alteration or building not shown on the strata plan has been approved by the strata company or all of the proprietors of the lots in the scheme; and
 - (iii) any building or part of a building not shown on the strata plan, that is shown on the sketch plan as being within a lot, is wholly within the ground surface boundaries of that lot, except for any permitted boundary deviation (as that term is defined in section 3 (1) of the Act);
- * (b) (if any land, or building or part of a building not shown on the strata plan is shown on the sketch plan as common property to be merged into a lot) that —
 - (i) the land or building or part of a building is wholly within the external surface boundaries of the parcel; or
 - (ii) the requirements of section 22 (1) (c) of the Act are satisfied;
- * (c) (if the sketch plan shows any land that is common property to be merged into a lot) that the rights and amenities required to be provided for by the relevant town planning scheme in force under the *Town Planning and Development Act 1928*, as prescribed by regulation 14M —
 - (i) are provided for in accordance with that scheme at the time when this certificate is given; or
 - (ii) will be provided for when the notice of resolution and documents referred to in section 21V of the Act are registered;

- * (d) (if the sketch plan shows any land that is common property to be merged into a lot) that an easement **is/is not* required to be created on the sketch plan under section 21W of the Act for the purposes of satisfying the certification in paragraph (c) (ii) above;
- (e) that a reference on the sketch plan to a lot by a designated number is a reference to the lot designated by that number on the strata plan; and
- (f) that there are not more lots on the sketch plan than there are on the strata plan.

.....
Date

.....
Licensed Surveyor

* Delete if inapplicable.

FORM 36

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

Strata Titles Act 1985

Section 21T

STRATA PLAN No.

I,
being a licensed valuer certify that the unit entitlement of each lot as stated in —

- *1. the existing schedule of unit entitlement on the strata plan mentioned above; or
- *2. the amended schedule of unit entitlement attached to or accompanying this certificate,

bears in relation to the aggregate unit entitlement of all lots delineated on the strata plan (as merged by the notice of resolution of merger of land dated) a proportion not greater than 5 per cent more or 5 per cent less than the proportion that the value (as that term is defined in section 14 (2a) of the Act) of that lot bears to the aggregate value of the lots delineated on the plan (as merged by the notice of resolution referred to above).

.....
Date

.....
Licensed Valuer

* Delete whichever is inapplicable.

FORM 37
NOTICE OF RESOLUTION
OF CONVERSION TO A SURVEY-STRATA SCHEME

Strata Titles Act 1985

Section 31D

The Owners of (name of scheme)
.....
Strata Plan No. hereby certify that on the
the following resolution was passed as a unanimous resolution —

- 1. That the strata scheme be converted to a survey-strata scheme, as depicted on the survey-strata plan tabled for the purposes of this resolution.

The owners acknowledge —

- (a) that the unit entitlement for a survey-strata scheme is determined on site value; and
- (b) that they are aware that this is different from the capital value, which is the basis on which the unit entitlement is determined for a strata scheme.

That it consents to the schedule of unit entitlement for the scheme as set out in the schedule tabled for the purposes of this resolution.

- *2. That an easement or easements relating to —

- *(a) Vehicle Access Easement
- *(b) Intrusion Easement
- *(c) Light and Air Easement
- *(d) Party Wall Easement
- *(e) Pedestrian Access Easement

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

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

The survey-strata plan tabled for the purposes of these resolutions is to accompany this Notice of Resolution.

Details of the relevant rating authorities to be notified by the Registrar of Titles are as follows —

Local Government
Name
Address
Facsimile No.

Water Authority

Name
Address
Facsimile No.

Sewerage Authority

Name
Address
Facsimile No.

The Common Seal of the Owners of (name of scheme)
Strata Plan No. was affixed hereto on the ,
in the presence of —

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

OR **

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

Signed Signed

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

Signed Signed

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

Signed Signed

* Delete whichever is inapplicable.
** This form may be signed by the strata company or all of the registered proprietors in a 2 to 5 lot scheme.

FORM 38

Strata Titles Act 1985

Sections 31E (1) (b), 31F

STRATA PLAN No.

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

I, ,
being a licensed surveyor, certify in respect of the survey-strata plan under
section 31E (1) (a) of the Act accompanying the notice of resolution of conversion
to a survey-strata scheme dated in relation to the strata plan
mentioned above (“the strata plan”) —

- (a) the survey-strata plan is a correct and accurate representation of the survey carried out *by me personally/or under my own personal supervision, inspection and field check, and recorded in Field Books kept, and if required lodged, for the purposes of that plan;
- (b) the measurements on the survey-strata plan are in accordance with the *Licensed Surveyors (Guidance of Surveyors) Regulations 1961* and in particular regulations 23 and 34 of those regulations;
- (c) the survey and the survey-strata plan are in accordance with the *Licensed Surveyors (Guidance of Surveyors) Regulations 1961* and the relevant law [*meaning*] in relation to which it is lodged;
- (d) there are not more lots on the survey-strata plan, disregarding any lot designated as a common property lot, than there are on the strata plan;
- (e) a reference on the survey-strata plan to a lot by a designated number is a reference to the lot designated by that number on the strata plan;
- (f) where 2 lots have a common or party wall, the centre plane of that wall is on the boundary of the lots;
- (g) the rights and amenities required to be provided for by the relevant town planning scheme in force under the *Town Planning and Development Act 1928*, as prescribed by regulation 14O —
 - (i) are provided for in accordance with that scheme at the time when this certificate is given; or
 - (ii) will be provided for when the notice of resolution and documents referred to in section 31H of the Act are registered;

and

- (h) the following easement(s) are required to be created on the survey-strata plan under section 5D of the Act for the purposes of satisfying the certification in paragraph (g) (ii) above —

.....

[Insert "Nil" if no easements are required to be created, or describe the easement(s) required to be created by their short form description].

.....
 Date

.....
 Licensed Surveyor

* Delete whichever is inapplicable.

FORM 39

**DISPOSITION ON MERGER OF LAND OR
 CONVERSION TO A SURVEY-STRATA SCHEME**

Strata Titles Act 1985

Sections 21V, 31H and Regulation 21A (1) (b)

We, the proprietors, persons having registered interests in and caveators of the land the subject of —

- * (a) a Notice of Resolution of Merger of Land dated ; or
- * (b) a Notice of Resolution of Conversion to a Survey-Strata Scheme dated

in respect of Strata Plan No hereby confirm and consent to —

- (c) the disposition of the lots created by the Notice of Resolution together with the registered interests and caveats (if any) as set out in the tables below;
- (d) the disposition of registered interests and caveats (if any) against the common property (if any) as set out in the tables below; and
- (e) the proposed aggregate unit entitlement and the proposed allocation of unit entitlement set out in the certificate of licensed valuer dated

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

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

We, the proprietors of the lots the subject of the Notice of Resolution of *Merger of Land/Conversion to a Survey-Strata Scheme in respect of this Strata Plan hereby certify that —

- *(a) there is no consideration, other than an interest in common property, for the passing of property under this statement or any thing referred to in item 2 (18) or 7 (13) in the Third Schedule to the *Stamp Act 1921*; or
- *(b) in addition to the passing of property under this statement, there is the additional consideration set out in the table below.

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

* Delete whichever is inapplicable.

CONSENT BY PERSONS HAVING REGISTERED INTERESTS AND CAVEATORS (IF ANY) (as required by sections 21T (1) (e) or 31E (1) (e) of the Act)

ENCUMBRANCE Document & No.

SIGNATURE
in the presence of

Witness
Name
Address
Occupation

DATED THIS DAY OF 19

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

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

.....

Members of Council

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

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

Witness
Name
Address
Occupation

Witness
Name
Address
Occupation

**TO BE SIGNED BY:
STRATA COMPANY AND PROPRIETOR OF EACH AFFECTED LOT; OR
ALL PROPRIETORS IN A 2 TO 5 LOT SCHEME.**

WHERE A PROPRIETOR SIGNS, THE SIGNATURE IS TO BE WITNESSED.

**WHERE INSUFFICIENT SPACE IS PROVIDED IN THIS FORM, THE REQUIRED
SIGNATURES, CONSENTS OR PANELS MAY BE COMPLETED ON AN ADDITIONAL PAGE
THAT IDENTIFIES AND IS ATTACHED TO THIS FORM.**

**FORM 40
NOTICE OF OBJECTION
TO CHANGE OF FENCING PROVISIONS**

Strata Titles Act 1985

Sections 123A, 123C

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

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

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

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

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

FORM 41
NOTICE OF TERMINATION OF INSURANCE ORDER

Strata Titles Amendment Act 1996

Section 30 (4) and (5)

I/we, (name of proprietor/s)

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

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

A copy of the notice is attached to this Notice.

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

- * Delete whichever is inapplicable.
- ** This form may be signed by one or more of the registered proprietors in the scheme.

”.

Transitional provisions

26. (1) Subject to this regulation any plan, certificate, schedule of unit entitlement, consent, instrument, document, order or direction which is in a form which complied with —

- (a) the Act as in force before the commencement of the *Strata Titles Amendment Act 1996*;
- (b) the *Strata Titles General Regulations 1985* as in force before their repeal; or
- (c) the principal regulations as in force before the commencement of these regulations,

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 1997.

(2) Form 20 as prescribed immediately before the commencement of these regulations may continue to be lodged at any time in respect of a resolution passed during the relevant period, as that term is defined in section 12 (3) of the *Strata Titles Amendment Act 1996*.

(3) Forms 21, 22, 23 and 24 as prescribed immediately before the commencement of these regulations may continue to be lodged only during the period of 3 months after that commencement.

(4) The use of forms 28 and 29 as prescribed immediately before the commencement of these regulations is sufficient compliance with sections 69 and 69A (f) respectively during the period of 6 months after that commencement.

(5) 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 —

- (a) the Act as in force after the commencement of the *Strata Titles Amendment Act 1996*; or
- (b) the principal regulations as in force after the commencement of these regulations.

(6) After 31 December 1997 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.

By His Excellency's Command,

J. PRITCHARD, Clerk of the Council.



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