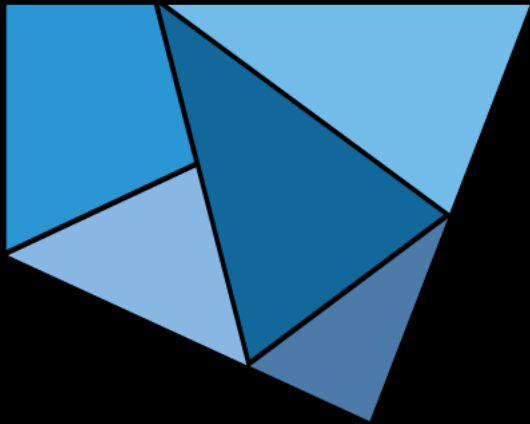


ISNSW Cadastral Workshop 2019

# Strata Plans

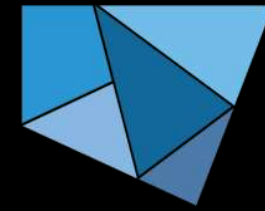


Adrian Barden

Accredited Certifier

LAND DEVELOPMENT CERTIFICATES

[www.LDC.com.au](http://www.LDC.com.au)



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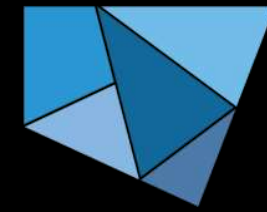
# Outline

- Concept of Shared Ownership
- Components of Strata Plan
- Legislation
- Part Strata
- Staged Strata
- Tips and Tricks

# BOSSI Examination

Suggested strategy for Viva Voca

- 27 dot points in exam guidelines
- Prepare a one paragraph summary of each dot point
- Refer to:
  - registrar general guidelines
  - Fast Facts review all examples
  - Notes included with this PowerPoint
- Strata Plan with external areas (stratum statements)
- Field Work, Field Notes, Photos, DA and CC



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# Strata Plan Requirements

- Base Plan requirements (coordinated plan)
- Subdivision of Buildings
- Location Plan
- Floor Plan
- Common Infrastructure (formerly Structural Cubic Space)
- By Laws
- Stratum Statements



# Owners Corporation

- **Owners corporation** is created upon issue of the common property title. The CP title is on the initial plan.
- **Strata Committee** takes care of the day to day.
- **General Meeting** is the annual meeting.
- **Extraordinary meeting** is any other meeting called by the Strata Committee.
- Voting is covered by the Management Act. 50%, 75%, 100%



# Shared Ownership

CP = common property

UE = voting, costs

CP/SP123

1

1/SP123

3

3/SP123

4

4/SP123

2

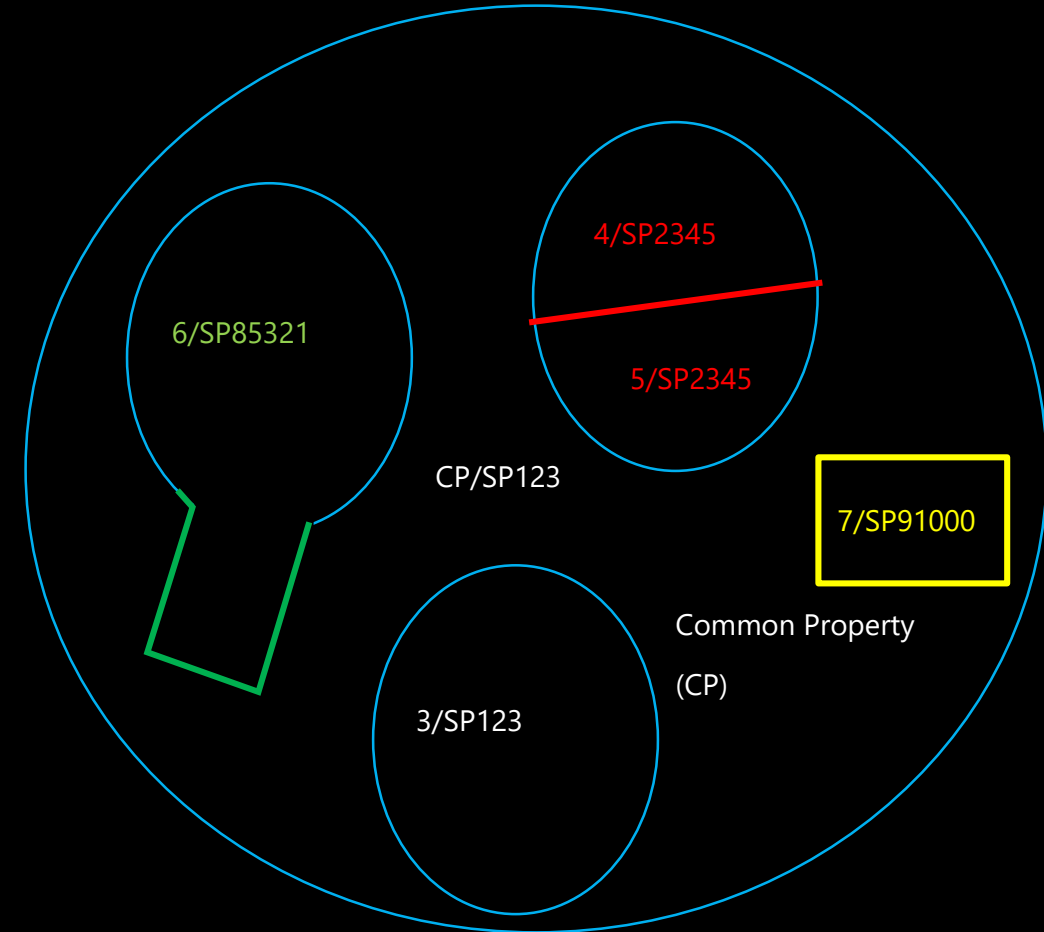
2/SP123



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# Strata Plan of Subdivision

- Strata Plan of Subdivision:
- Lot or Lots only
  - Lot 2 has been subdivided to make lot 4 & 5
- Subdivision of Lots and Common Property
  - Lot 1 and common property have been subdivided to make lot 6
- Subdivision of the Common Property to form lot or lots
  - The common property has been subdivided to make lot 7
- Each subdivision is a new strata plan number within the original strata plan



LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: CP/SP12345

SEARCH DATE	TIME	EDITION NO	DATE
5/5/2017	1:45 PM	8	30/5/2013

LAND

THE COMMON PROPERTY IN THE STRATA SCHEME BASED ON STRATA PLAN 12345  
WITHIN THE PARCEL SHOWN IN THE TITLE DIAGRAM  
AT PARRAMATTA  
LOCAL GOVERNMENT AREA CITY OF PARRAMATTA  
PARISH OF ST JOHN COUNTY OF CUMBERLAND  
TITLE DIAGRAM SP12345

The address for the service of notices has been amended to that of the strata management company

FIRST SCHEDULE

THE OWNERS - STRATA PLAN NO. 12345  
ADDRESS FOR SERVICE OF DOCUMENTS:  
STRATA MANAGEMENT COMPANY PTY LIMITED  
PO BOX 123  
AUSTRALIA SQUARE  
SYDNEY NSW 1215

This scheme has developer by-laws

SECOND SCHEDULE (7 NOTIFICATIONS)

1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)  
2 ATTENTION IS DIRECTED TO THE STRATA SCHEME BY-LAWS FILED WITH THE STRATA PLAN  
3 1234567 LEASE TO INTEGRAL ENERGY AUSTRALIA OF SUBSTATION PREMISES 5432 SHOWN IN PLAN WITH P12345. EXPIRES: 26/8/2024.  
4 AD123456 CHANGE OF BY-LAWS  
5 AD123457 CHANGE OF BY-LAWS  
6 AE123458 CHANGE OF BY-LAWS  
7 AG765432 CHANGE OF BY-LAWS

Easements, Leases and changes to the by-laws are recorded in the Second Schedule

SCHEDULE OF UNIT ENTITLEMENT (AGGREGATE: 2000)

STRATA PLAN 12345			
LOT ENT	LOT ENT	LOT ENT	LOT ENT
STRATA PLAN 12345			
LOT ENT	LOT ENT	LOT ENT	LOT ENT
1 - 95	2 - 181	3 - 186	4 - 100
5 - 181	6 - 187	7 - 100	8 - 181
9 - 187	10 - 100	<b>11 - SP34567</b>	
STRATA PLAN 34567			
LOT ENT	LOT ENT		
<b>12 - 302</b>	<b>13 - 200</b>		

In this example, the original strata lot 11 in SP12345 was subdivided by SP34567. Lot 11 ceased to exist, and lot 12 and 13 took the sum of the unit entitlement. The Common Property title creates the owners corporation. Any future subdivision keeps the original plan number for the common property.

NOTATIONS

UNREGISTERED DEALINGS: NIL  
\*\*\* END OF SEARCH \*\*\*



# Administration Sheet Strata Plan

- a) Schedule of Unit Entitlements (SP Form 3.07)
- b) Address for service of notices
- c) Strata Certificate**
- d) Surveyor's Certificate
- e) Valuer's Certificate (dated within 2 months prior to lodgement for Strata Certificate)
- f) Any information prescribed by the regulations

# Strata Plan

Sheet 1 of 1 sheet(s)	
Office Use Only	
Reg	There is only one legislation and only one surveyors certificate. What sort of strata are you doing.?
PL	Register leases for the common property and each of the lots with the strata plan
	Parish: County:
This is a <b>*FREEHOLD/*LEASEHOLD</b> Strata Scheme	
Address for Service of Documents	The by-laws adopted for the scheme are:



# By-Laws

## Pets

Option A 14 days to write to Owners Corp

Option B Owners Corp to give written approval

## Smoking

Option A No smoking on CP

Option B Designated area or written approval

County.

### ASEHOLD Strata Scheme

The by-laws adopted for the scheme are:

\* Model by-laws for residential strata schemes together with:

Keeping of animals: Option \*A/\*B

Smoke penetration: Option \*A/\*B

(see Schedule 3 *Strata Schemes Management Regulation 2016*)

\* The strata by-laws lodged with the plan.

**Strata Certificate (Accredited Certifier)**

# Common Property Rights By Law (Exclusive Use)

- Exclusive use is now called **common property rights by-law**
- The consent still remains in force even after it has been completed. Make sure that the common property rights by-law does not contravene the consent or planning laws.

**Surveyor's Certificate**

I .....  
of .....  
being a land surveyor registered under the *Surveying and Spatial Information Act 2002*, certify that the information shown in the accompanying plan is accurate and each applicable requirement of Schedule 1 of the *Strata Schemes Development Act 2015* has been met

\*The building encroaches on:

~~\*(a) a public place~~

~~\*(b) land other than a public place and an appropriate easement to permit the encroachment has been created by ^ .....~~

**Strata Certificate (Accredited Certifier)**

I .....being an Accredited Certifier, accreditation number ....., certify that in regards to the proposed strata plan with this certificate, I have made the required inspections and I am satisfied the plan complies with clause 17 *Strata Schemes Development Regulation 2016* and the relevant parts of Section 58 *Strata Schemes Development Act 2015*.

\*(a) This plan is part of a development scheme.

\*(b) The building encroaches on a public place and in accordance with section 62(3) *Strata Schemes Development Act 2015* the local council has granted a relevant planning approval that is in force for the building with the encroachment or for the subdivision specifying the existence of the encroachment.

An identification survey or detail survey included in the original DA submission.

Awning on architectural plan. Show the dimension of the awning overhang.

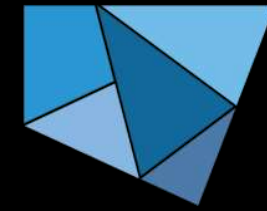
Encroachment on a public place.

Heritage item that

Encroachment on land other than a public place. Encroaches was obviously there beforehand. But don't add to the

encroachment!

\* Strike through if inapplicable



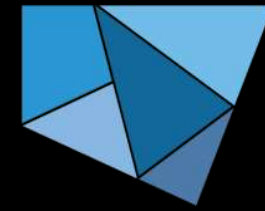
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# Encroachments Onto Adjoining Property



# Encroachments Onto Adjoining Property

- Ideally, convince the client to lodge the redefinition at the **start of the project.**
- **MUST** create easements for encroachments of a building
- Use professional judgement for encroachments of fences
- Consider the **Dividing Fences Act** when making your decision
- Get involved early in the creation of easements for encroachments. Negotiations take a lot of time.



# Strata Certificate

- Issued by Council or by a D1 Private Certifier.
- B1 private certifier can issue Complying Development Certificates for Strata Subdivision provided:
  - Consent is **less than 5 years old**
  - **Not a dual occupancy**
  - Not Heritage, critical habitat, endangered species, wilderness area, designated development, environmentally sensitive area
- Transitional arrangements for plans signed prior to 30 November 2016. Strata Certificate becomes the last page of administration sheets





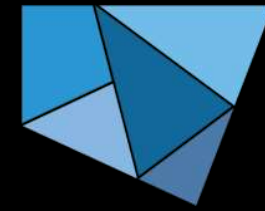
# Common Property (CP)

- That part of a strata scheme not allocated as a lot on the floor plan
- Common Property Memorandum from NSW Fair Trading (in strata notes)
- Refer to definitions section 4 Development Act
  - ***common property***, in relation to a strata scheme or a proposed strata scheme, means any part of a parcel that is **not comprised in a lot** (including any common infrastructure that is not part of a lot).

# Common Infrastructure (Structural Cubic Space)

## Common Infrastructure:

- a) Vertical structural elements other than a wall
- b) Pipes, wires, cables or ducts that are not for the exclusive benefit of one lot
- c) Structures enclosing b)



## 5.4 Initial Period



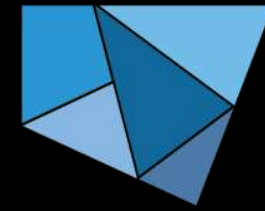
Protects those who are first buying into a scheme from the original owner.

During the initial period the owners corporation cannot:

- Change the CP
- Change by-laws
- Incur a debt above the capital works fund
- Appoint a strata manager or building manager beyond the first meeting
- Borrow money or give securities.

# Strata Plan of Subdivision

- Initial period expired, owner of all lots or S27 order
- Subdivision of lots including swapping car spaces
- Subdivision of lots including common property
- Value's certificate for the original **valuation day** or where the scheme existed prior to the commencement of the new legislation the date of the original registration.



# Consolidation of Lot (Form 3.05)

## Surveyor's Certificate

I, ..... of  
.....,  
being a land surveyor registered under *the Surveying and Spatial Information Act 2002*, certify that the information shown in the accompanying plan is accurate and each applicable requirement of Schedule 1 of the *Strata Schemes Development Act 2015* has been met.

\*The building encroaches on:

The certificate below must be completed if it is intended that upon registration of the plan part of the common property will become part of the new lot(s) and be vested in the owner(s) of the new lot(s).

## Certificate of Owners Corporation

The owners corporation certifies that on ^ ....., it passed a special resolution, pursuant to section 15 *Strata Schemes Development Act 2015*, agreeing to the plan of consolidation with this certificate and the vesting in the owner(s) of the consolidated lot of the part of the common property, that is a boundary between the lots to be consolidated as depicted on the plan.

Special Resolution that any common wall, floor or ceiling vests in the owner of the consolidated lot

- No strata certificate.

# Staged Strata Strata Development Contract

The strata development contract to be signed by the **planning authority**.

A Subdivision Certifier (B1) can sign a development contract when they issue the complying development certificate for staged Strata subdivision.

The building development consent should approve a staged construction.



# Unit Entitlements

**Qualified Valuer** has membership (other than a student or provisional membership):

- Australian Valuers Institute
- Australian Property Institute
- RICS as a Chartered Valuer
- As prescribed by the regulations

**For Staged Strata, the owners corporation may lodge a revised schedule of unit entitlement within 2 years after the conclusion of the development scheme. Approved Form 18 requires a valuer's certificate.**



# Unit Entitlements

Consider the example of a Staged Strata with 30 lots all of equal value in three stages.

Lot	Unit Entitlement
1	Aggregate 333
2	
...	
9	
10	
11	333
12	334
Total	1000

Break up the Sum of the Non Development Lots by Land Value

Break up the unit entitlements for the development lots on the basis of Land Value



Lot	Unit Entitlement
1	34
2	33
3	33
4	34
5	33
6	33
7	33
8	33
9	34
10	33
11	333
12	334
Total	1000



Break up the Sum of the Non Development Lots by Market Value

# Strata Plan

- Location Plan & Floor Plan
- Optional but highly recommended Form 7 – By Laws
- Administration Sheet 3.01 or 3.02 – Surveyor and Strata Certificate
- Administration Sheet 3.07 – Valuer’s Certificate less than 2months old by the time it is lodged with Council or Certifier
- **Top of Admin Sheet 3.08** – Street Address Surveyor General’s Direction No 7

Lot Number	Sub-Address Number	Address Number	Road Name	Road Type	Locality Name
CP		22A	Linda	Street	Bathurst
1	101	22A	Linda	Street	Bathurst



# Strata Plan Matrix

## Check List - for Strata Scheme Plans

### Strata Schemes (Freehold Development) Act 1973 & Strata Schemes (Leasehold Development) Act 1986

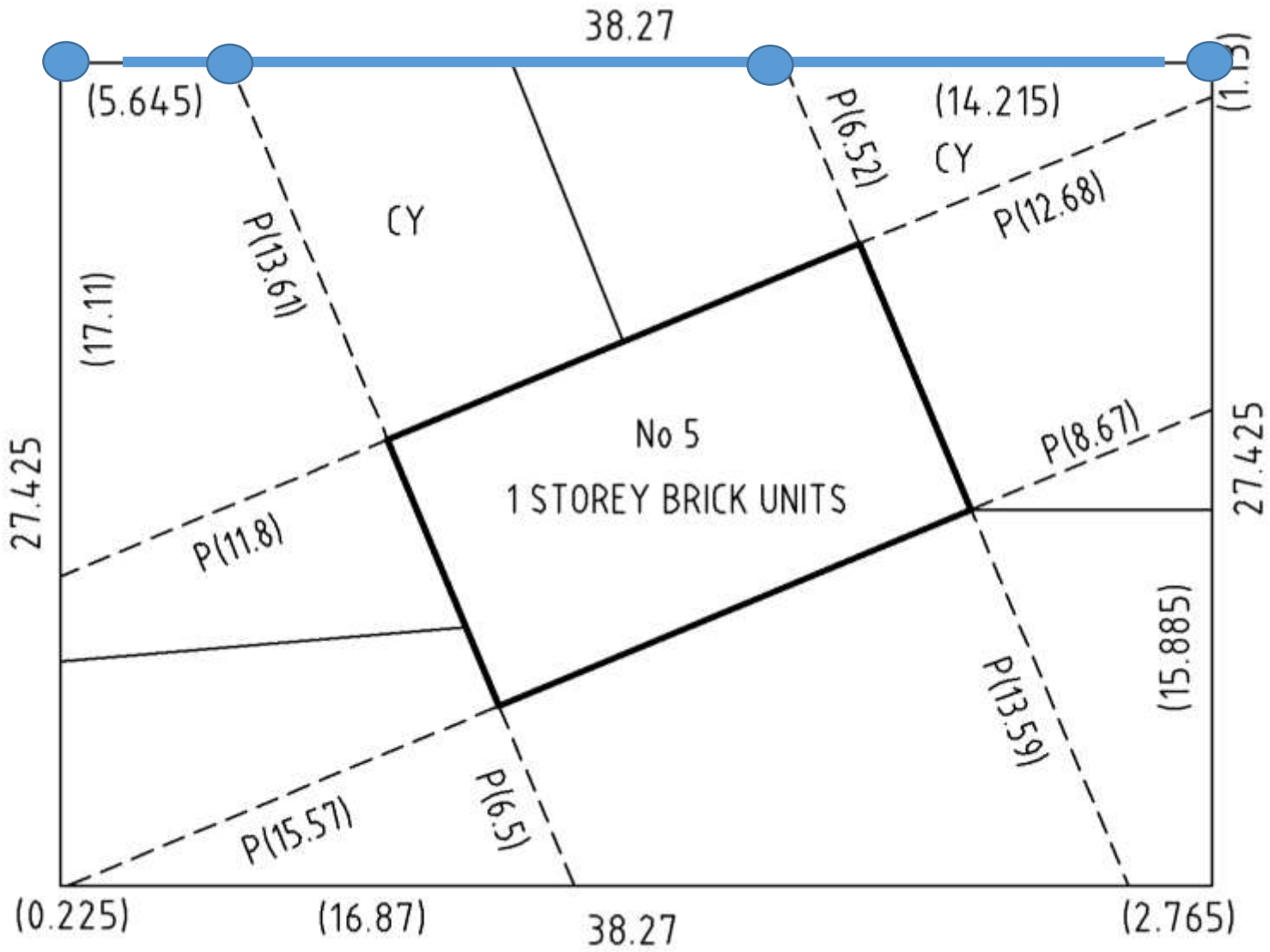
ALL FORMS MUST BE ON APPROVED ADMINISTRATION SHEETS SO THAT THEY CAN BE REGISTERED WITH PANJ.

Requirements	Strata Plan	Develop. S.P.	Develop S.P. Subdivision	S.P. Subd'n of Lots only	S.P. Subd'n of Lots & C.P.	S.P. Consolidation	Building Alteration	Notice of Conversion
Strata Certificate	Yes - AF 5 s. 37(1) < 12 mths s. 37(3) > 12 mths	Yes - AF 5 s. 37(1A)	Yes - AF 5 s. 37(1A)	Yes - AF 5 s. 37(3) s. 9 (3)(b)	Yes - AF 5 s. 37(4) s. 9 (3)(b)	No	No	Yes - AF 6 s. 13(2)(a)
Development Contract	No	Yes - AF 15 s. 8(5) & s. 28A	No	No	No	No	No	No
Consent of Owners Corporation <i>AF12</i>	No	No	No	No <i>AF12</i> <i>Yes for certificates</i> <i>s. 37(4)(b)</i>	Yes <i>AF12</i> s. 37(4) Pre-Requisite for Council's approval	No	No	Yes - AF 7 s. 13(1)
Expiry of Initial Period	No	No	No	Yes - AF 10 s. 9 (3)(d)	Yes - AF 10 s. 9(3)(d)	No	Yes s. 66(1)(B)	Yes - AF 10 s. 13(2)(b)
Consent to Unit Entitlement	No	No	No	No	Yes - AF 11 s.11(b)	No	No	No
Common Property C.T.	No	No	Yes s.15(1) & (2)	Yes s.15 (1) & (2)	Yes s. 15 (1) & (2)	Yes s. 15 (1) & (2)	Yes s. 15(1) & (2)	Yes s. 15(1) & (2)
Surveyor's Certificate	Yes -AF 3 s. 8(2)(c)	Yes - AF 3 s. 8(2)(c)	Yes - AF 3 s. 8A(2)(e)	Yes - AF 3 s. 9(3)(c)	Yes - AF 3 s. 9(3)(c)	No	Yes - AF 4) s. 14(1)(d)	No
Location Plan	Yes s. 8(1)(a)	Yes s. 8(1)(a)	Yes s. 8A(2)(a)(i)	No	No (unless subdividing C.P. outside bldg.) s. 9 (3)(a)	No	No	No
Floor Plan	Yes s. 8 (1)(b)	Yes s. 8(1)(b)	Yes s. 8A(2)(a)(ii)	Yes s. 9(3)(a)	Yes s. 9(3)(a)	Yes s. 12	Yes s. 14(1)(c)	No
Schedule of Unit Entitlement	Yes s. 8 (1)(c) & s. 8 (4)	Yes s. 8(1)(c) & s. 8(4)	Yes s. 8A(2)(c) Show U.E. for stage; must equal U.E. for dev. lot	Yes s.10 - show whole scheme	Yes s.11 - show whole scheme	Yes only show new lot; U.E. must equal sum of old lots	No	No
Exclusive use of By-Laws	Yes s. 58(7B)	Yes s. 58(7B)	No	No	No	No	No	No
Easements (s. 88B Conv Act.)	Yes s. 7(3)	Yes s. 7(3)	Yes s. 8A(2A)(b)	Yes s. 7(3)	Yes s. 7(3)	No	No	No
Utility Lots	Yes s. 39	Yes s. 39	Yes s. 39	Yes s. 39	Yes s. 39	No	No	No

# Location Plan

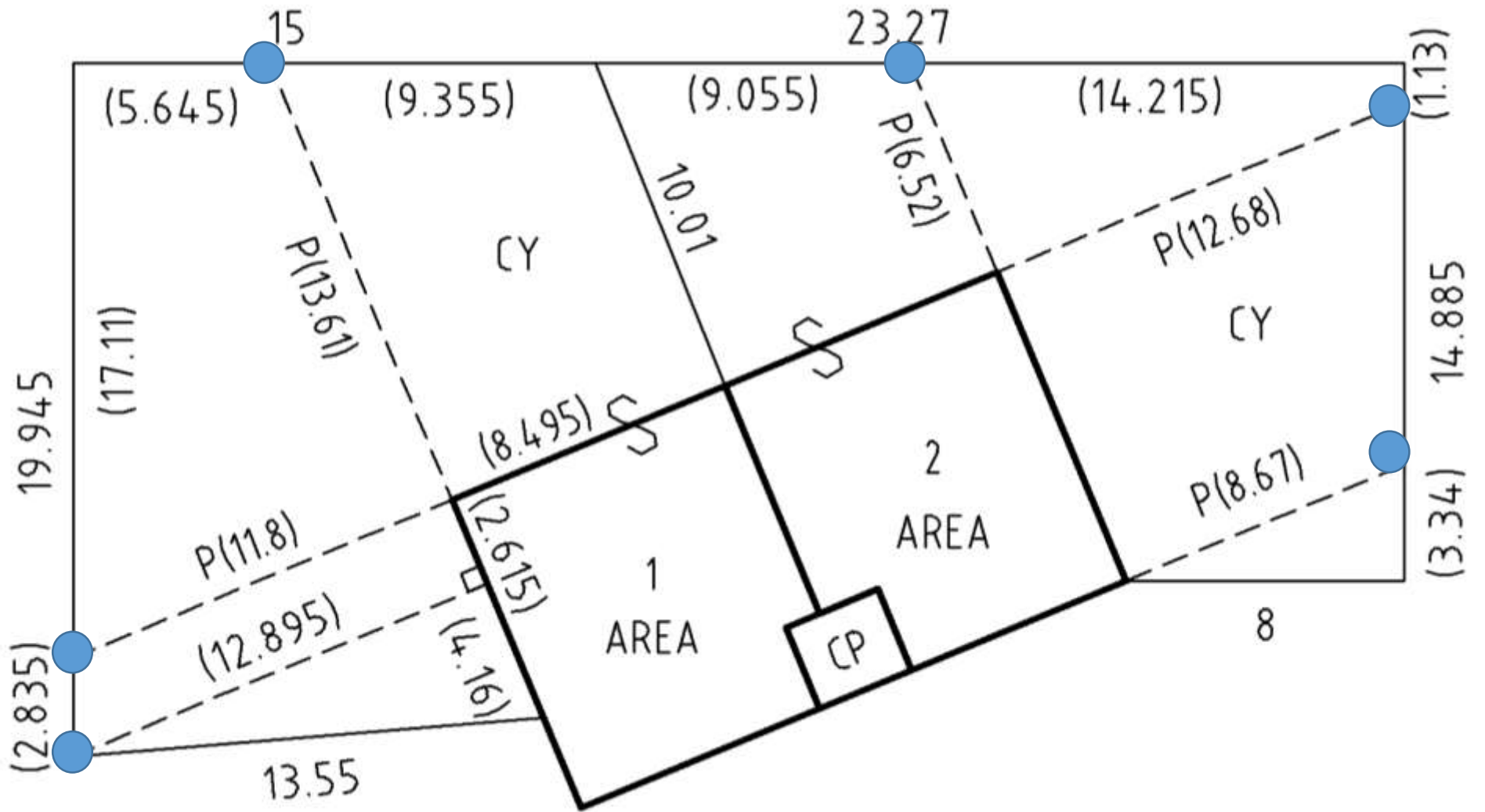
- Plan form 1 (DP & SP)
- Description of the building, number of floors, materials, street number
- Dimension of the parcel match the dimensions of base plan
- No survey information
- Prolongations
- Right Lines
- Building within 2m of boundary or where there are external lots in that part of the land.





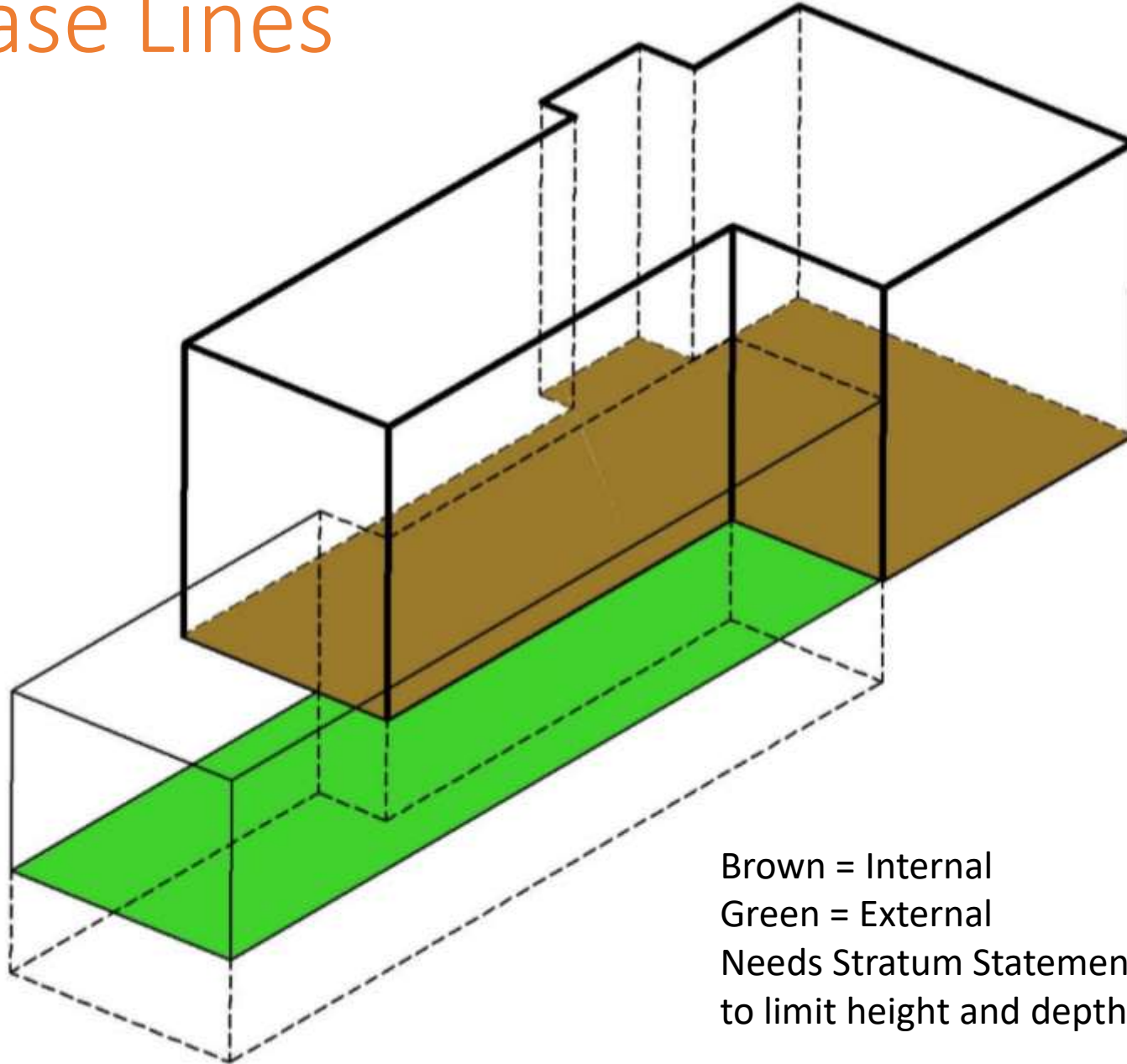
# Floor Plan

- Show the lots internal and external
- Structures within 1m of lot boundaries whether common property or part of lot
- Common property elements that will need to be managed in the scheme. Store rooms, bicycle parking, visitor parking, shared facilities like laundry.
- Lifts, fire stairs, substantial services ducts



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# Base Lines

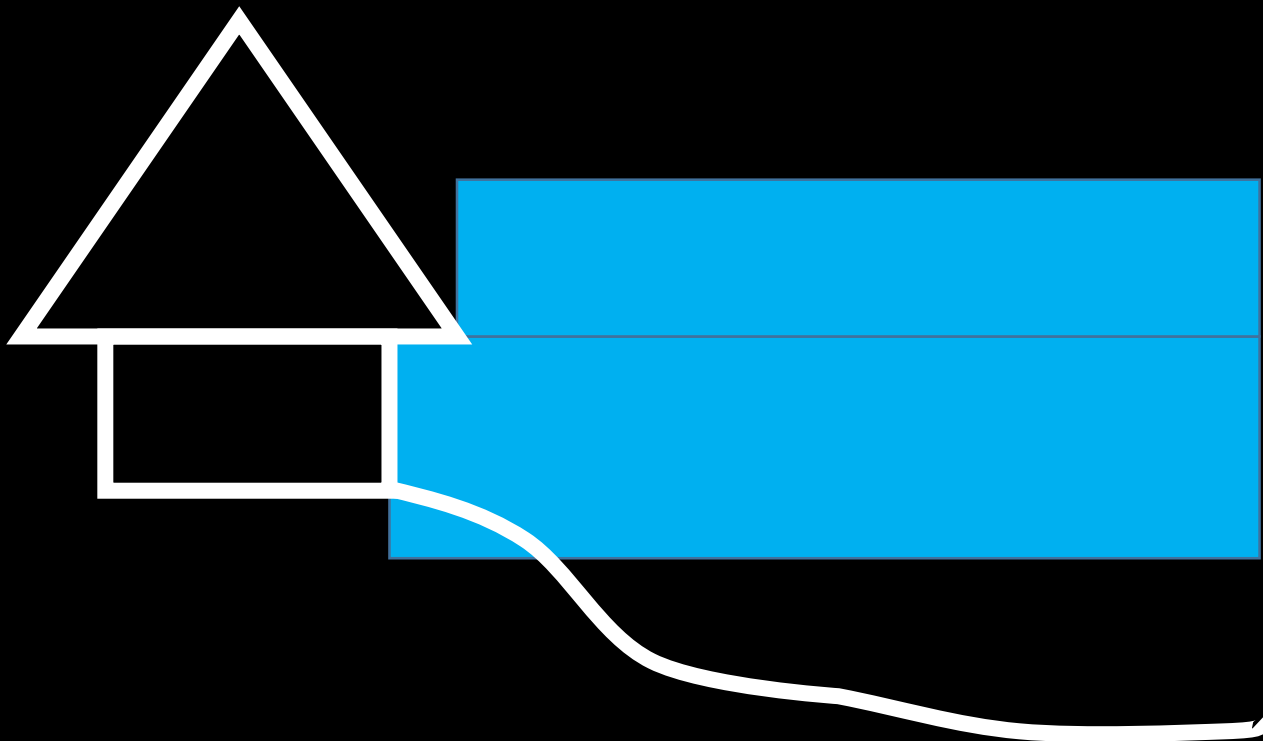


Brown = Internal  
Green = External  
Needs Stratum Statement  
to limit height and depth



# Stratum Statements

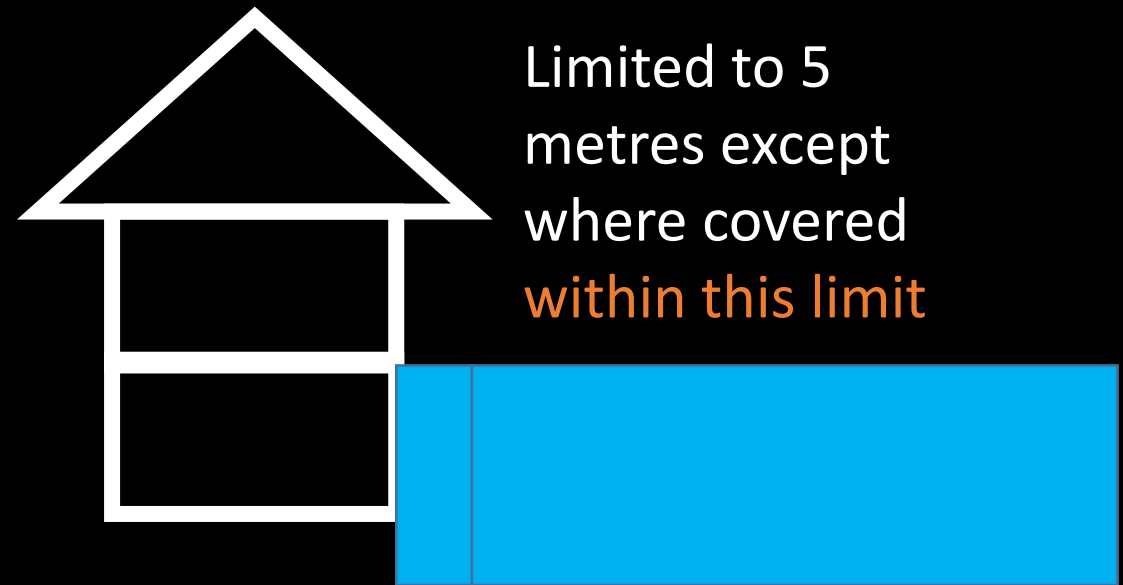
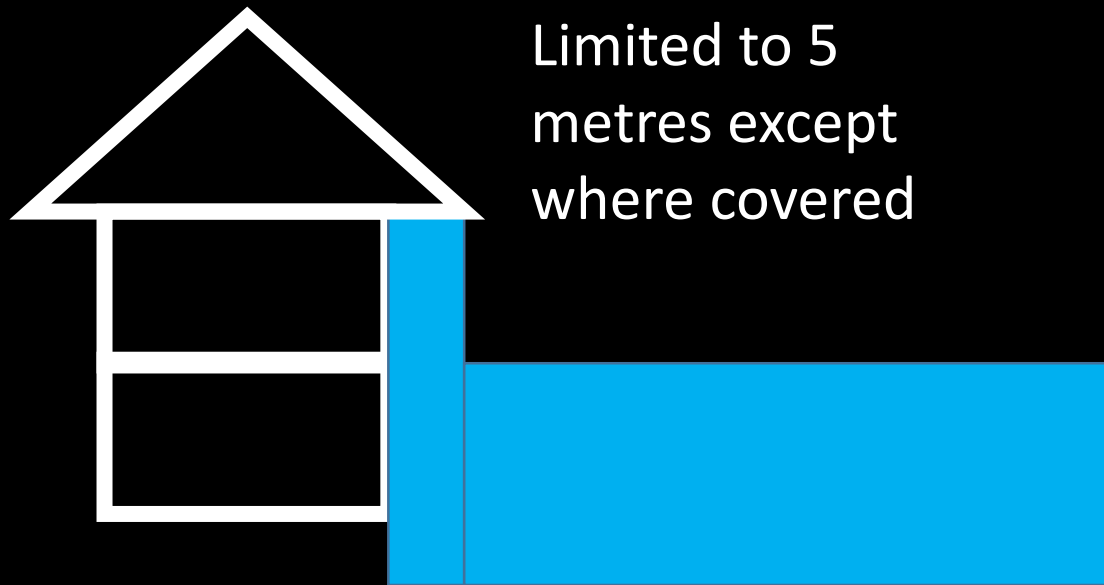
- Specify the depth or the base and specify the height.



The Stratum of the Courtyard is limited in height **to 2 metres below** and 5 metres above the upper surface of the ground floor except where covered within this height

# Stratum Statements

- Read the wording of the stratum statement while on site.



# Legislation

- Two Acts (Management and Development)
- Acts commenced 30 November 2016
- Provisions for Building Defects commenced 1 January 2018



# Strata Schemes Development Act 2015

- Prescribes the elements of a Strata Plan
- Freehold Development
- Leasehold Development
- Common Property
- Types of Strata
- Variation and Termination
- Renewal of particular freehold strata schemes by collective sale or redevelopment



# Types of Strata Plans

- Strata Plan
- Strata Plan of Subdivision
- Consolidation
- Notice of Conversion
- Staged Strata
- Staged Strata Plan of Subdivision
- Building Alteration

# Part Strata

- Stratum Subdivision
- Building Management Statement (BMS)
- Strata Management Statement (SMS)

# Staged Strata

- Strata development contract
- Development lots
- Warranted and authorised proposals

# Staged Strata Encroachments

You can not subdivide common property.

If you become aware of an encroachment of a structure or a courtyard upon the common property you need to amend the strata development contract and the consent to include the subdivision of common property.

The developer will require a **special resolution** of the owners corporation.



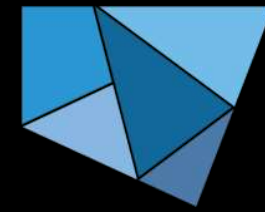


# Utility Lots

- Must not be for occupation, storage only
- Only used by an owner of a lot in the building
- Eg, can't sell a car space to someone outside of the scheme.

# Older Strata Schemes 1961 - 1973

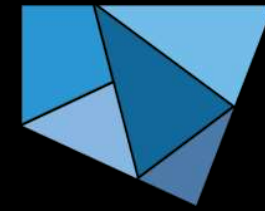
- Schemes created under Conveyancing (Strata Titles) Act 1961 where nothing noted on the plan
- Upper surface of the floor
- Inner surface of the wall
- Under surface of the ceiling



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# Tips and Tricks

This is a work of fiction. Names, characters, businesses, places events and incidents are either the product of the author's imagination or used in a fictitious manner. Any resemblance to actual persons, living or dead, or actual events is purely coincidental.



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# The Strata Bible

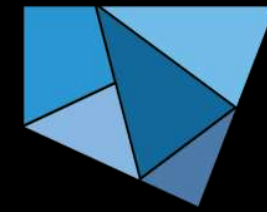


Land & Property  
Information

## Strata Plan Fast Facts

December 2015

ISSN: 2201-4292



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# The Draft Strata Plan

- Like all your survey reports involving reference to drawings **include:**
  - Drawing Number
  - Company Name
  - Date and Amendment

Eg. Prepared from Drawing DA01 by Fred Nerks and Associates  
Amendment No C Dated 9 January 2016

Architects measure to outside face, strata plans measure to inside face.



# Stratum Statements

- Staged Strata, consider the Stratum of the lots for future potential uses, not just the one the client has in mind now.



Eg. Staged Strata. A Client has a staged industrial development. The market for small factories is slow, and a business wanting a big factory gets in touch with your client.

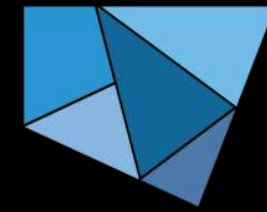
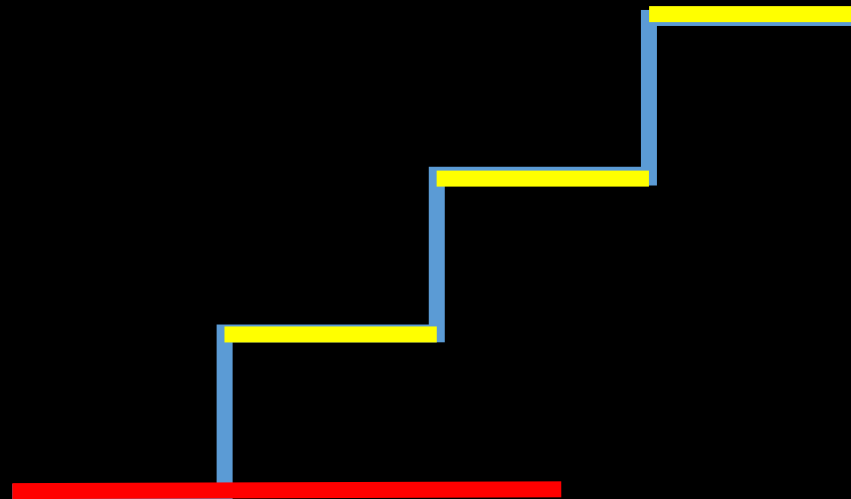
Height limit without permission is 50m.

# Areas

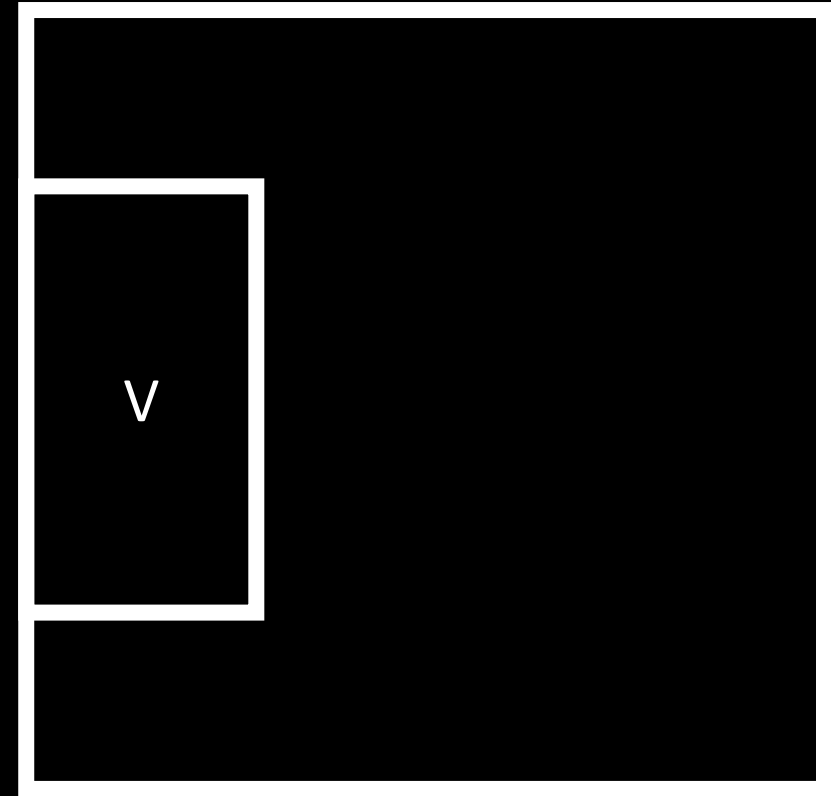
- Strata Plan Consider the statement **Areas Are Approximate**
- Leasehold Strata Consider the statement **Measurements of Floor Area Shown on the Floor Plan are approximate and calculated for the purposes of the strata schemes**  
Development Act 2015

# Stairs

- If you can put a shoe box in it, call it floor area. Have the client consider putting under stair storage.



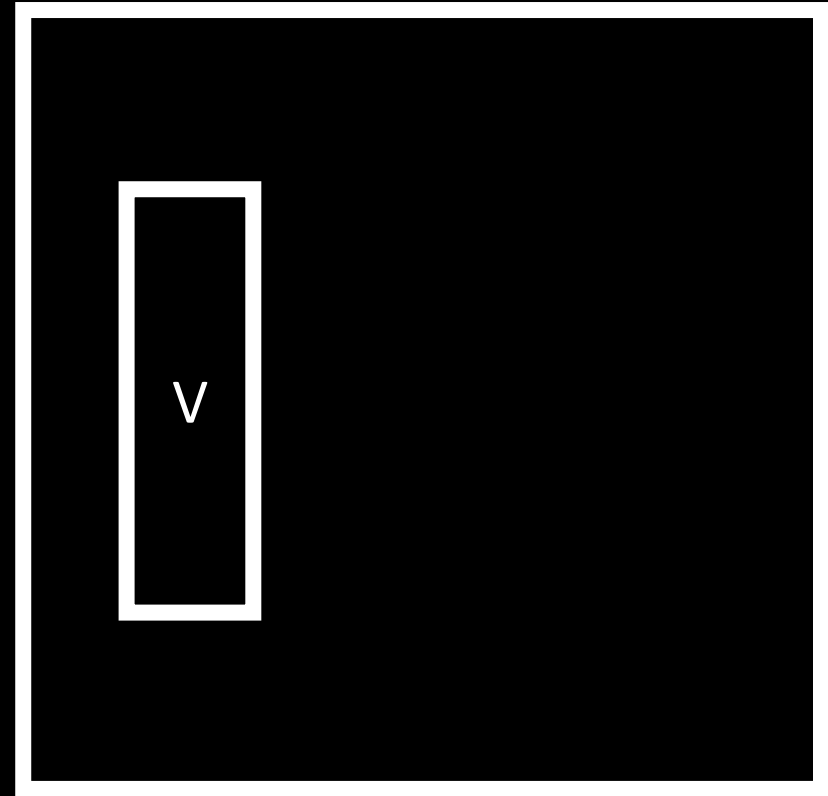




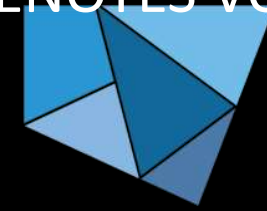
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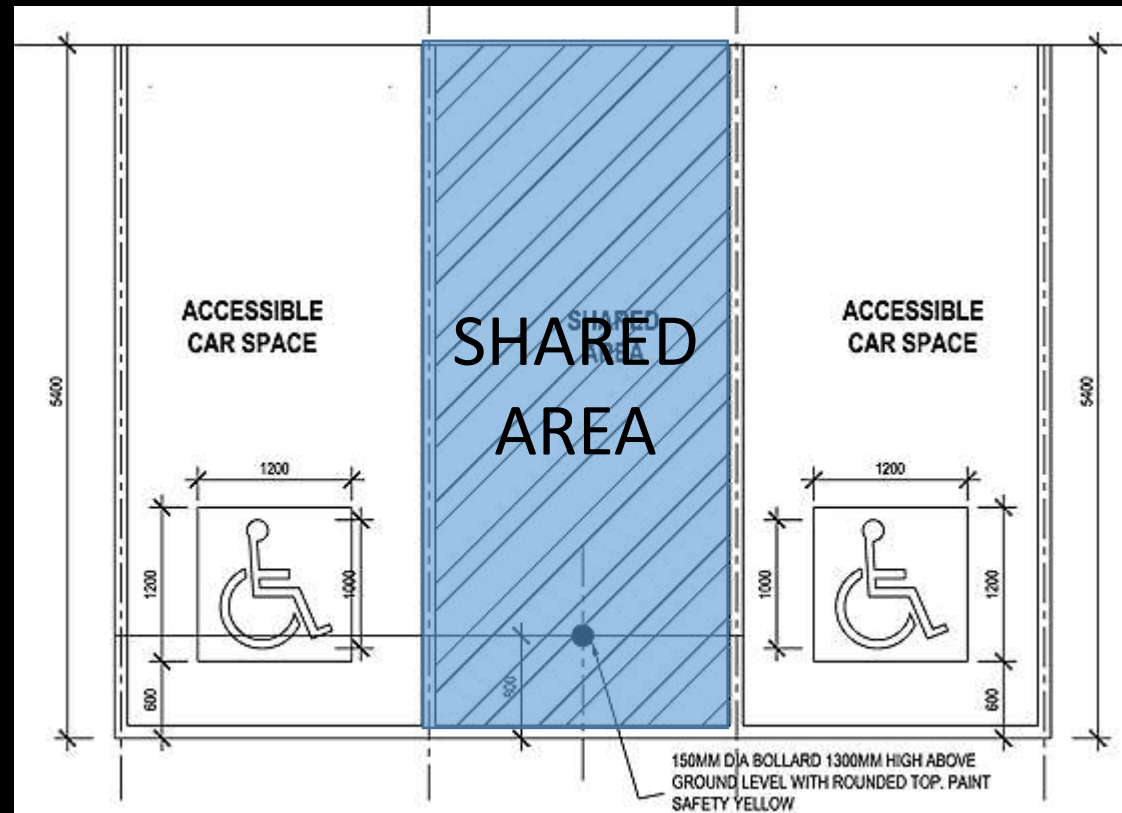
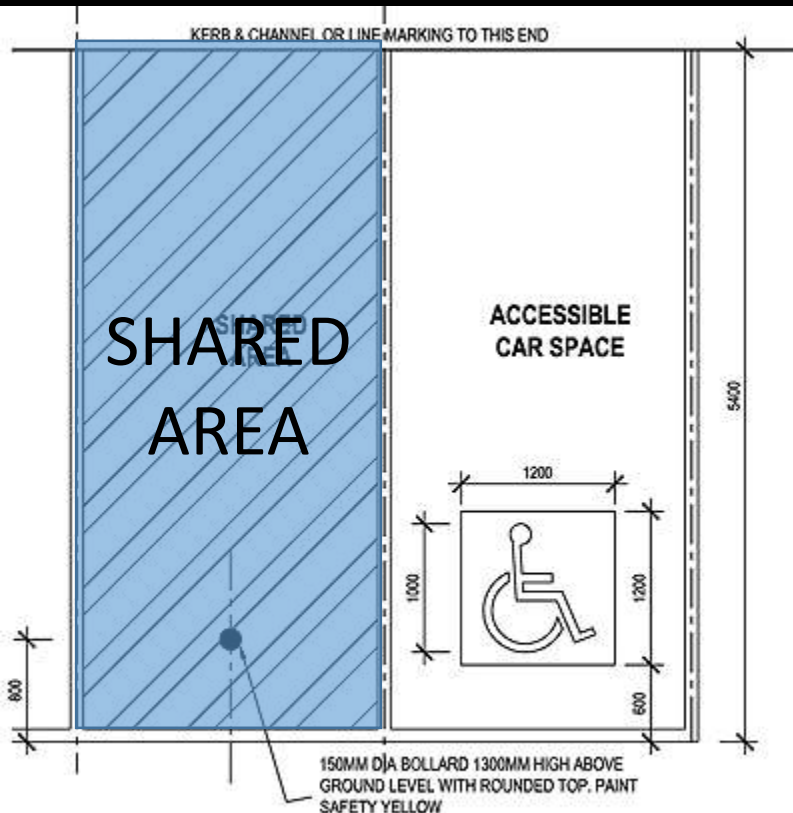
V DENOTES VOID



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# Car Spaces

- As allocated in the development consent.
- Disabled Space can't be a double car space.



# Storage Rooms

EXAMPLE: It was going to be the fan room, but it wasn't required, so the client wanted it shown as a storage room.

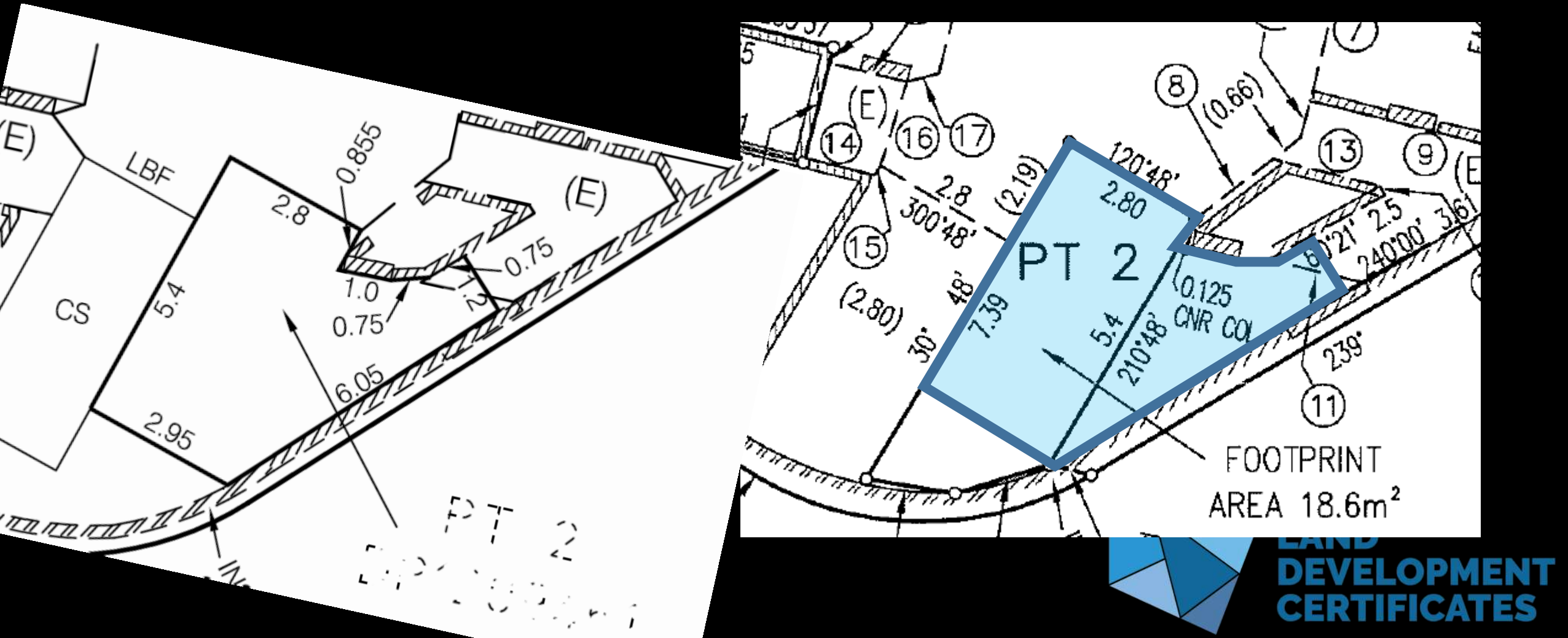
- Get the PCA to write a letter to say that allocating the plant room as storage is **NOT INCONSISTENT** with the development consent
- More storage may be a trigger for upgrading sprinkler systems

# The Bigger Balcony

- Must be consistent with the construction certificate.
- Consideration to privacy
- Planter Boxes
- Floor Space Ratio



# Title Boundaries



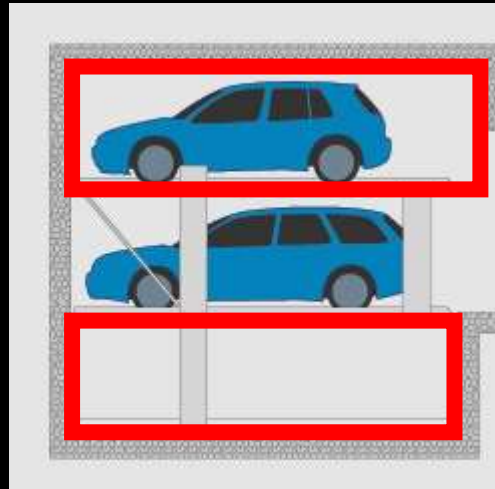
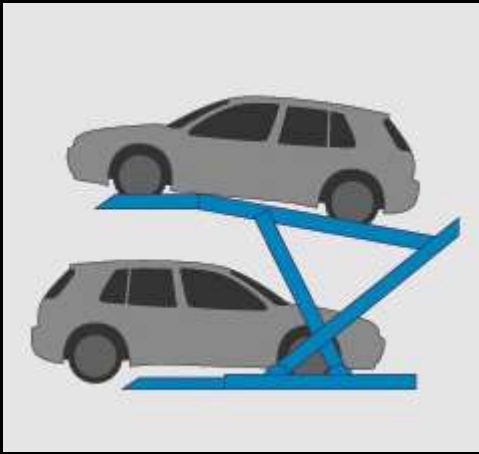
# OSD

- Make a point of writing to the client about the OSD urging completion and certification of tank as early as possible in the project.
- Create using 88E instruments as soon as the OSD is certified.
- **UNLESS you are in Ryde Council**, then use 88B or the Council will insist on being the lodging party for the registration of the dealings. I.e. You will need the signatures of the owners, the endorsement of the mortgagee, you will need to arrange production of the titles.
- **ACS newsletter for full details.**

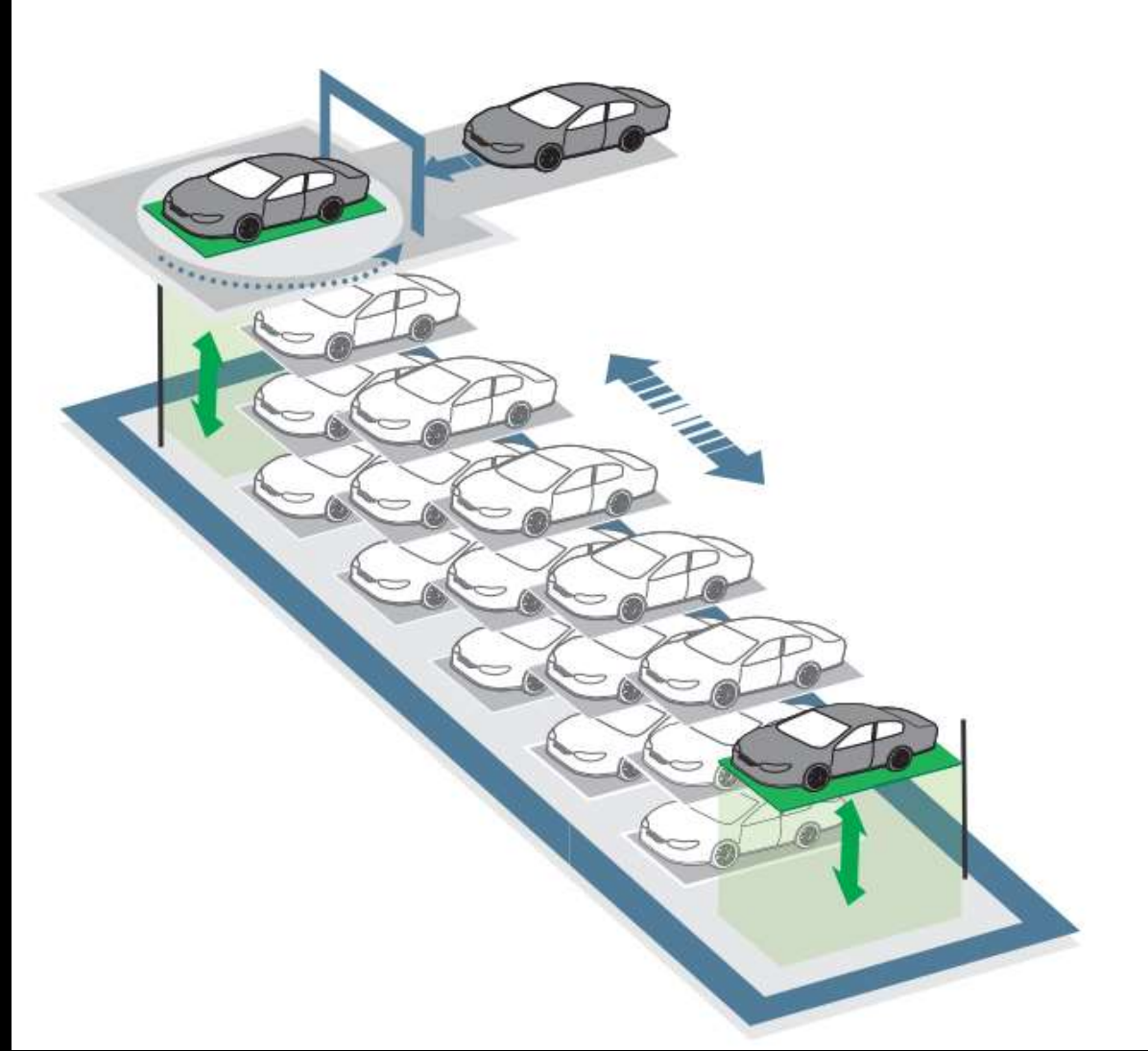


# Car Stackers

- 3 main types of stacker



- one owner for simple lift
- Stratum statements for the top and bottom. Leave CP in middle.
- common property rights by-laws



**LAND  
DEVELOPMENT  
CERTIFICATES**



# What to Study

- Registrar General Guidelines for Strata Plans
- Strata Fast Facts
- Forms (highlight legislation)
- Acts and Regulations
- ISNSW Strata Notes (supplement information in above)
- Prepare definitions and answers for every item listed in BOSSI Guidelines

No CP

Used where there is a maintenance cost disparity

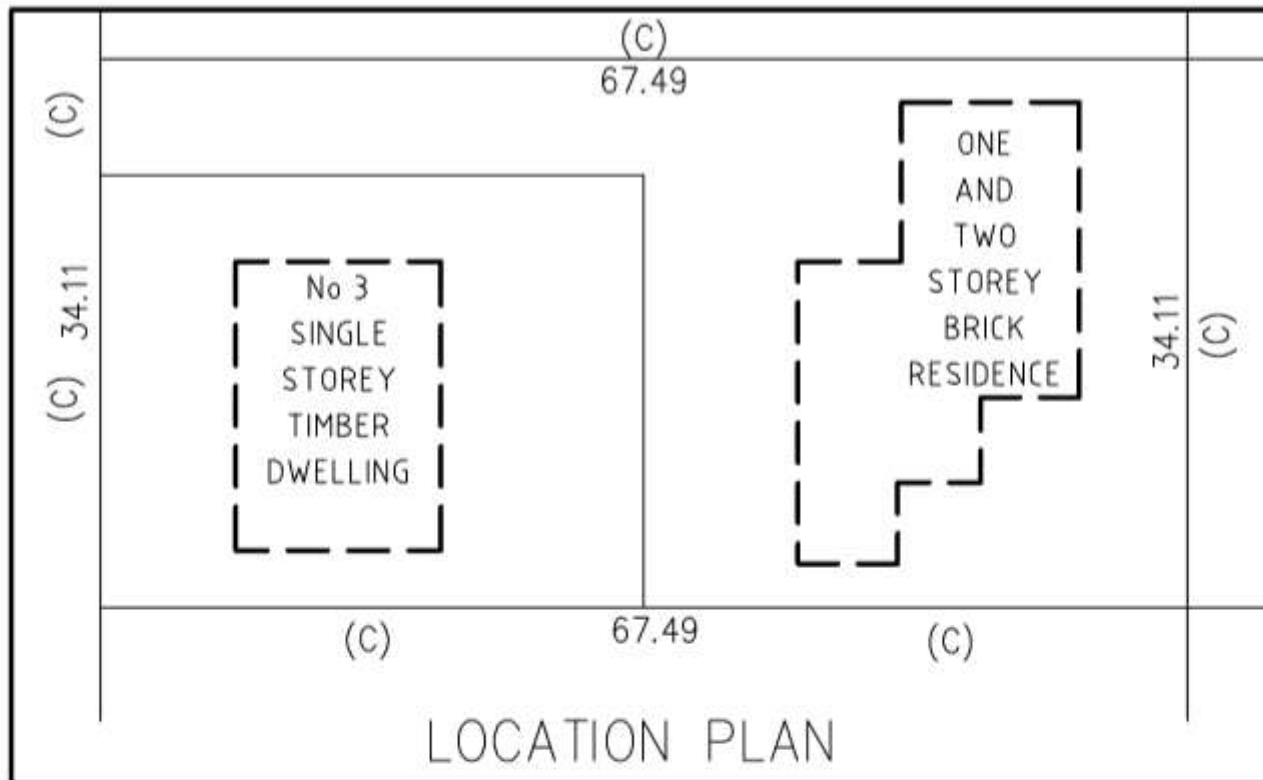
(C) LOT BOUNDARY IS COINCIDENT WITH THE PARCEL BOUNDARY

P DENOTES PROLONGATION OF FACE OF WALL

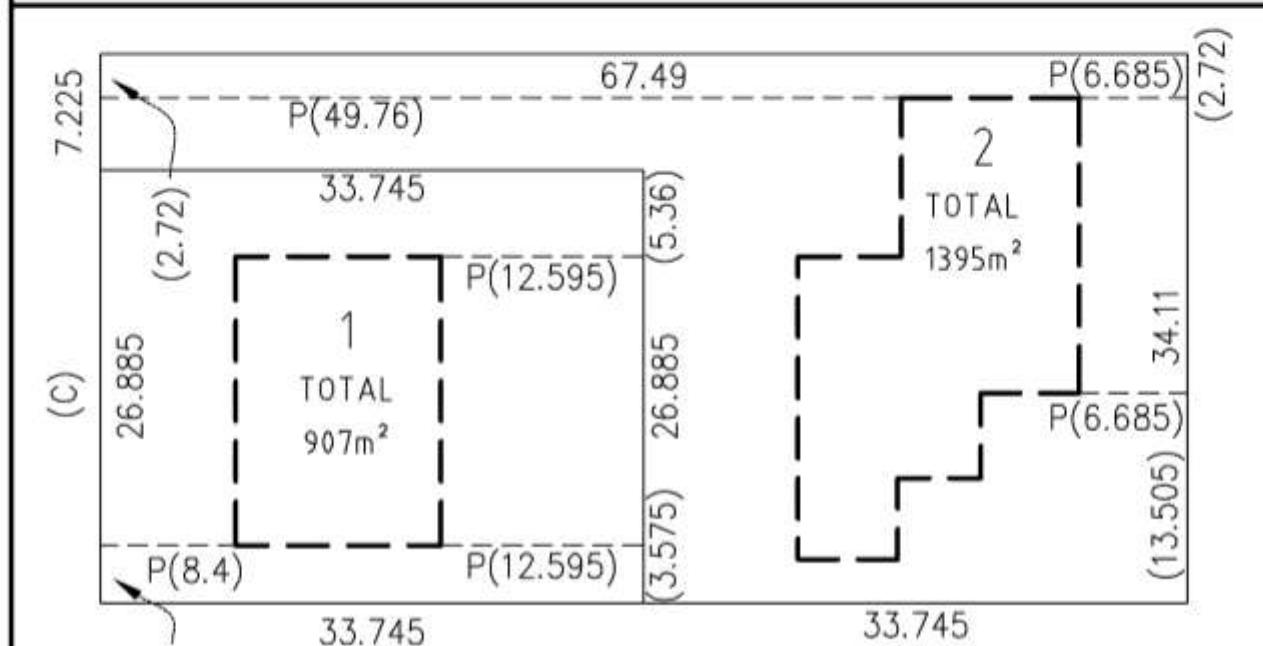
THE STRUCTURE OF THE BUILDING STANDING ON EACH LOT, INCLUDING WALLS, FLOORS, CEILINGS AND ROOFS FORMS PART OF THE LOT AND IS NOT COMMON PROPERTY EXCLUDING ANY COMMON SERVICE LINES

LOTS 1 AND 2 ARE LIMITED FROM 5 BELOW TO 12 ABOVE THE UPPER SURFACE OF THE GROUND FLOOR OF THE RESPECTIVE DWELLING

ANY SERVICE LINE WITHIN ONE LOT SERVICING ANOTHER LOT IS COMMON PROPERTY



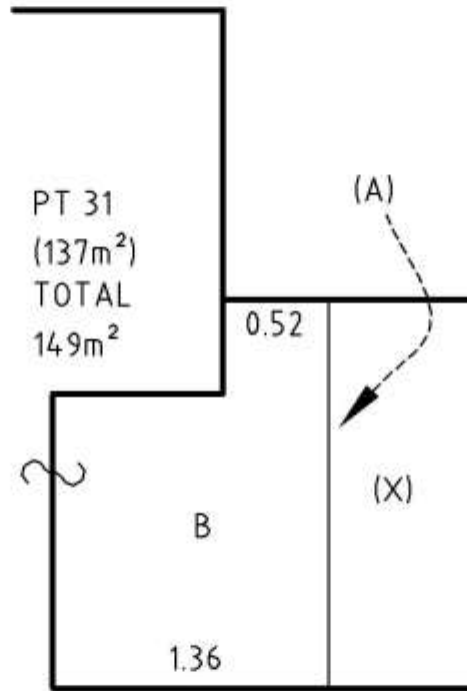
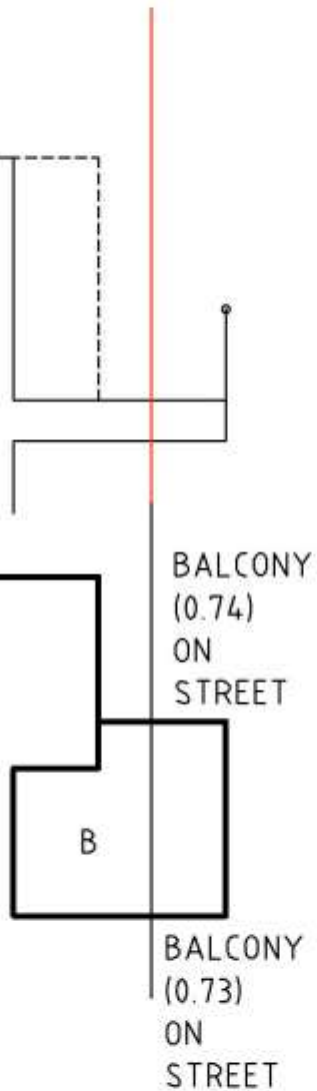
LOCATION PLAN



# SECTION

SHOWN FOR CLARITY OF  
EXAMPLE ONLY

# LOCATION PLAN



# FLOOR PLAN

(A) PARCEL AND LOT BOUNDARY  
B - BALCONY

THE BALCONY IS LIMITED IN HEIGHT TO 2.5 METRES ABOVE THE WATERPROOF MEMBRANE OF ITS RESPECTIVE BASE EXCEPT WHERE COVERED WITHIN THIS LIMIT

THE PART OF THE BALCONY DESIGNATED (X) WHICH ENCROACHES OVER THE PARCEL BOUNDARY IS FOR THE EXCLUSIVE USE BY THE ADJOINING LOT. THE PROVISIONS OF THE ACT APPLY TO THIS AREA OTHER THAN THOSE RELATING TO OWNERSHIP AND CERTIFICATE OF TITLE.

# Questions

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[www.LDC.com.au](http://www.LDC.com.au)

Strata Certificates - Subdivision Certificates

Construction Certificates



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