

# NOTICE TO SURVEYORS T6/2001

## NEW STRATA PLAN REQUIREMENTS

This notice outlines some new presentation requirements for strata and survey-strata plans .

### Easements and Covenants on Strata and Survey-Strata Plans

Strata and survey-strata plans are to now comply with the requirements detailed in Notice to Surveyors T5/2000. Existing interests of a spatial nature (limited to easements and covenants at this time) are to be brought forward onto strata and survey-strata plans and the information is to be listed in a “schedule of interests and notifications”. Any notifications affecting the scheme are to be included in the schedule as well.

On strata plans the schedule should, wherever possible, be included with the location plan. If this is not practical, then the schedule may be shown on a separate sheet with references to labels and line-work depicting the interests shown on the location plan.

DOLA’s spatial system SmartPlan will continue the practice of depicting the underlying freehold parent lot of a (building/vacant) strata plan. For survey-strata plans, the final implementation of SmartPlan will show the strata lots if spatial links exist and in such cases the freehold parent lot will not be annotated. CSD files are now required for all building/vacant strata plans that include **easements in gross** burdening the parent lot that are either being brought forward or created on the plan. Easements to the benefit of individual lots within a strata plan are not to be included in the CSD file that accompanies a strata plan as these interests would then become visible in SmartPlan whereas the affected strata lots would not be visible. Where a CSD file is lodged, the surround polygon is to be the parent parcel for the strata plan. This CSD file requirement does not extend to covenants that have a spatial nature at this stage. CSD files complying with the normal CSD business rules are still required for all survey-strata plans.

### Resumptions/Takings From Strata Schemes

Where land is acquired from a strata scheme under part 9 of the *Land Administration Act 1997* the following requirements apply:

- ❑ A deposited plan must be lodged depicting the area of land to be acquired together with any residual land in the strata scheme shown as a new lot.
- ❑ If the land being acquired is common property only, DOLA will amend the existing strata/survey-strata plan to reflect the changes, including an amendment of the land description to show the new lot created on the deposited plan.
- ❑ If any of the land being acquired involves land in a strata lot, the “relevant authority” must comply with section 29B of the *Strata Titles Act 1985* and submit a new sheet for the strata/survey-strata plan that depicts the lots and common property remaining in the scheme. The new sheet must show the change in the land description (ie. the new balance lot created on

the deposited plan) for the scheme. Note that the new sheet must use the existing strata lot numbers.

- A new CSD file is required for any survey-strata scheme affected by an acquisition.

## Terminations of Strata Schemes

Where a strata/survey-strata scheme is to be terminated a new deposited plan depicting the parent parcel as a whole lot must be lodged if that parent parcel is not a whole lot or have a unique parcel identifier. The plan must show all subsisting interests with a spatial nature and in such cases a schedule of interests and notifications must be included. A CSD file must be lodged with the plan.

## Multiple Owner Subdivisions Involving Strata Schemes

If a “multiple owner” freehold subdivision involves the transfer of a lot, or part of a lot, in a strata scheme the affected strata lot, or portion, must first be converted into common property before being transferred out of the strata scheme. Similarly, where land is being transferred into a strata scheme by a freehold subdivision the land can only be included as common property.

The “balance lot” requirements for a freehold subdivision involving a strata scheme are:

- If only common property is involved in the land being transferred (in or out) then a new deposited plan showing the new freehold lots is to be lodged as in a normal subdivision. DOLA will amend the existing strata/survey-strata plan to reflect the change.
- Where it is intended that a new subdivision will involve the transfer of part or all of an individual lot or lots within a strata scheme then the scheme must be terminated or a strata/survey-strata plan of re-subdivision must be lodged converting the affected land into common property. A deposited plan can then be lodged for the subdivision, as outlined previously.
- If it is intended that land being transferred into a strata scheme is to be included in a particular strata lot, the land must first be included in the strata scheme as common property by a freehold subdivision plan followed by a strata/survey-strata plan of re-subdivision. This procedure also applies to amalgamations of Crown land with strata schemes

**IAN HYDE**  
**REGISTRAR OF TITLES**

20 July, 2001