Notice to lot owners and others for amendment of scheme plan

*Community Titles Act 2018* Section 40

**Date of notice:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Scheme number:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Lot number(s):** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Name of person(s) giving the notice:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Name of person notified[[1]](#footnote-2):** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Select why the person is being notified:

|  |  |  |
| --- | --- | --- |
|  |  |  |
|  | The owner of a lot affected[[2]](#footnote-3) who is not an applicant for registration of the amendment |  |
|  |  |  |
|  | Type 1 interest[[3]](#footnote-4) holder over Lot ; over common property |  |
|  |  |  |
|  | Type 2 interest[[4]](#footnote-5) holder over Lot ; over common property |  |
|  |  |  |
|  | Type 1 interest3 holder over land leased as temporary common property |  |
|  |  |  |
|  | Type 2 interest4 holder over land leased as temporary common property |  |

You are being notified of an amendment of the scheme plan for the scheme numbered above and any associated schedule of unit entitlements.

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| [Insert relevant amendment of scheme plan as described in *Community Titles Act 2018* (Act) sections 40(1)(b), 40(1)(e) or 40(1)(g) and any associated amendment of the schedule of unit entitlements] |

**To the extent that the amendment gives effect to a subdivision of land and affects a lot in the scheme:**

* If you are the owner of a lot affected by the amendment, unless you are the applicant, your written consent is required for the amendment of the scheme plan and any associated amendment of the schedule of unit entitlements.
* If you are the holder of a type 1 interest over a lot affected by the amendment, your written consent is required for the amendment of the scheme plan and any associated amendment of the schedule of unit entitlements.
* If you are the holder of a type 2 interest over a lot affected by the amendment, you have 60 days after being given this notice of amendment of scheme plan and any associated amendment of the schedule of unit entitlements to give written consent or to make a written objection to the amendment setting out the reasons for objection.

If you don’t provide written consent or written objection with reasons no later than the end of 60 days after being given this notice, you will be deemed to have consented to the amendment of scheme plan and any associated amendment of the schedule of unit entitlements.

**To the extent that the amendment of scheme plan describes land as temporary common property in the scheme:**

* If you are the holder of a type 1 interest over land leased as temporary common property, your written consent is required to the lease.
* If you are the holder of a type 2 interest over land leased as temporary common property, you have 60 days after being given this notice of the lease to give written consent or to make a written objection to the lease setting out the reasons for objection.

If you don’t provide written consent or written objection with reasons no later than the end of 60 days after being given this notice, you will be deemed to have consented to the lease.

**To the extent that the amendment of scheme plan creates or discharges an easement or restrictive covenant:**

* If you are the owner of a lot affected by the amendment, your written consent is required for the amendment of the scheme plan.
* If you are the holder of a type 1 interest over common property or a lot affected by the amendment, your written consent is required for the amendment of the scheme plan.
* If you are the holder of a type 2 interest over common property or a lot affected by the amendment, you have 60 days after being given this notice of amendment of scheme plan to give written consent or to make a written objection to the amendment setting out the reasons for objection.

If you don’t provide written consent or written objection with reasons no later than the end of 60 days after being given this notice, you will be deemed to have consented to the amendment of scheme plan.

Written consent or objection with reason(s) is to be sent to the following address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

If you have any queries concerning this Notice, please contact:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

**Execution**[[5]](#footnote-6)

Execution date \_\_\_\_\_\_\_\_\_\_\_\_\_\_

|  |
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|  |

**Consent execution**[[6]](#footnote-7)

I /  We[[7]](#footnote-8) **CONSENT** to the amendment of scheme plan and any associated amendment of the schedule of unit entitlements described on page 1.

Execution date \_\_\_\_\_\_\_\_\_\_\_\_\_\_

|  |
| --- |
|  |

**Objection execution**[[8]](#footnote-9)

[Type 2 interest holder only]

I /  We[[9]](#footnote-10) **OBJECT** to the amendment of scheme plan and any associated amendment of the schedule of unit entitlements described on page 1.  My /  Our reason(s) for objection is set out below.

|  |
| --- |
| \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |

Execution date \_\_\_\_\_\_\_\_\_\_\_\_\_\_

|  |
| --- |
|  |

1. The person applying for registration of the amendment of community titles scheme. [↑](#footnote-ref-2)
2. An amendment of a scheme plan affects a lot in the scheme if it –

   Modifies the definition of the lot; or

   Creates or discharges an easement or restrictive covenant that benefits or burdens the lot.

   Refer to section 3(2) of the Act. [↑](#footnote-ref-3)
3. Refer to section 3(1) of the Act for the meaning of type 1 interest. [↑](#footnote-ref-4)
4. Refer to section 3(1) of the Act for the meaning of type 2 interest. [↑](#footnote-ref-5)
5. To be executed by the person giving the notice stated on page 1 of this form. See Land Titles Policy & Procedure Guide “SIG-01 Signing of Documents” (and associated guides) in relation to execution requirements. [↑](#footnote-ref-6)
6. To be executed by the person giving consent. See Land Titles Policy & Procedure Guide “SIG-01 Signing of Documents” (and associated guides) in relation to execution requirements.

   Execution for consent/objection must either be affixed to this form or be provided in writing. The original consent/objection must be returned to the address stated in the Notice. Photocopies/emails will not be accepted. [↑](#footnote-ref-7)
7. Select whichever is applicable. [↑](#footnote-ref-8)
8. To be executed by the person giving objection. See Land Titles Policy & Procedure Guide “SIG-01 Signing of Documents” (and associated guides) in relation to execution requirements.

   Execution for consent/objection must either be affixed to this Notice or be provided in writing. The original consent/objection must be returned to the address stated in the Notice. Photocopies/emails will not be accepted. [↑](#footnote-ref-9)
9. Select whichever is applicable. [↑](#footnote-ref-10)