

Strata Plan Tips and Reminders

To assist in the preparation of strata plans, we are providing some helpful tips and reminders on various strata plan scenarios and components in which NSW LRS are seeing an increase in inquiries and lodgments.

Adding and removing land from a strata scheme

Adding land to a Strata Scheme

The land must be contiguous to the Strata Scheme.

The land must be Torrens and free of any mortgage, charge, covenant charge or writ.

The land must be defined in a current Deposited Plan:

- A Deposited Plan will be required to Consolidate the current common property and the land being added to the scheme. The lot being created will form the new parcel boundaries of the Strata Scheme, OR
- A Deposited Plan of Subdivision of common property and adjoining lot if only part of an external lot is being added to the Strata Scheme. Two lots will be created one being the new parcel boundaries of the Strata Scheme the other being the residue of the land not forming part of the Strata Scheme.

The land being added to the Strata Scheme will form common property.

The administration sheet of the Deposited Plan must be consented to by the owners corporation as in Approved Form 23. Approved Form 10 Certificate re Initial Period from the owners corporation is also required unless it has previously been recorded and the 2nd Schedule of the common property certificate of title indicates that the initial period has expired.

A Transfer to the owners corporation is required and accompanied by Approved Form 13 indicating that a special resolution was passed.

If land being added to common property is then required to form a lot in the Strata Scheme a Strata Plan of Subdivision will need to be lodged with the appropriate consents, Approved Forms and a Transfer from owners corporation to the Lot owner.

Removing land from a Strata Scheme

Common property only may be removed from a Strata Scheme.

If an owners corporation wish to dispose of a whole lot in a Strata Scheme it must firstly be converted to common property by lodging a Notice of Conversion of Strata lot to common property dealing 15CD.

If an owners corporation wish to dispose of part of a lot in a Strata Scheme that part must firstly be converted to common property in a Strata Plan of Subdivision. The requirements for a Strata Plan of

Subdivision must be met including the appropriate consents and Approved Forms from the owners corporation.

The land being disposed of must be defined as a lot in a Deposited Plan:

- The Deposited Plan of Subdivision of Common Property SP..... will create 2 lots one being the land to be removed from the Strata Scheme the other being the remainder of the Strata Scheme.
- A Deposited Plan of Subdivision of Common Property SP... and an adjoining parcel **if the land being removed is to be consolidated with an adjoining lot**, the plan will create 2 lots one being the land to be removed from the Strata Scheme and consolidated with the adjoining lot the other being the remainder of the Strata Scheme.

The Deposited Plan must meet all the requirements for a subdivision including a subdivision certificate and consented to by all parties involved.

The administration sheet of the Deposited Plan must be consented to by the owners corporation as in Approved Form 23. Approved Form 10 Certificate re Initial Period from the owners corporation is also required unless it has previously been recorded and the 2nd Schedule of the common property certificate of title indicates that the initial period has expired.

The plan must be accompanied by a Transfer from the owners corporation along with Approved Form 13.

NOTE

If the title(s) contain a SMS/BMS, and the lot number(s) are being changed, it is recommended that the SMS/BMS is amendment to reflect the change.

What is a suitable plan?

The base plan must be a reliable plan of survey which has connections to at least two existing Permanent Survey Marks or a compiled plan of consolidation based on a plan of survey that meets the requirements above.

What is a reliable plan of survey?

If the base plan is a survey, it does not automatically make it a reliable plan of survey. It all depends on the adjoining lands and surrounding surveys. For example, if there exists any evidence of doubt among plans on record as to the positions of boundaries within the area, such as absence of original marks, excesses, shortages or angular differences between boundaries, the plan may not be reliable

Strata Plan Preparation Guide

Remember to review the Strata Plan Preparation Guide located on the NSW LRS website.

[Strata Plan Preparation Guide](#)