

Chapter 3

THE STRATA PLAN

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CHAPTER 3 THE STRATA PLAN

301 THE STRATA PLAN

The strata plan is deposited in the Lands Titles Registration Office and provides a diagrammatic record of the boundaries of all units and common property structures in a strata scheme. The plan provides the diagram for the certificate of title issued for each unit and common property. Unlike land division, it is not the policy of the Lands Titles Registration Office to give a separate diagram on a certificate of title for a strata unit or common property.

302 COMPONENTS OF A STRATA PLAN

The Strata Titles Act, 1988 determines that a strata plan must contain the following components:

1. Units (of which there must be at least two); ← SEE S.5 (1)(a)
2. Common Property is any part of the site that is not delineated on the plan as being part of a unit and includes, eg., open space, corporation artefacts such as tool sheds, swimming pool, etc. ← SEE S.5 (1)(b)

and may delineate, where required as part of the planning approval:

3. Land vesting in the council of the area as public road, street or thoroughfare, ← SEE S.11
4. Land similarly vesting as a reserve or other similar open space ← SEE S.11
5. All existing easements that are to subsist,
6. Easements to be extinguished or varied in position, ← SEE S. 8(5)
7. Easements to be created either within, through or appurtenant to the scheme. ← SEE S.17b

STRATA FACTS

303 THE PLAN FORMAT

← ALL PLAN FORMAT SHEETS ARE AVAILABLE FROM THE RETAIL OUTLETS OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES. THE APPROPRIATE "DOL" SUFFIX MUST BE QUOTED. SEE "MANUAL OF SURVEY PRACTICE, VOL 1" FOR DETAILS.

Figure 4 STRATA SITE PLAN BLANK, DOL-D.1 [INFO' PANEL COMPLETED]

304 PLAN FORMAT SIZES

Strata Plans are drawn on plastic drafting film of either International paper size B2 or B3. Preparation of these plans lies in the province of a Licensed Surveyor.

← SEE "MANUAL OF SURVEY PRACTICE, VOL 1"

305 SHEETS OF A STRATA PLAN

A Strata Plan must comprise at least three sheets. These sheets are divided into three different categories, viz, the **Site Plan**, the **Floor Plan(s)** and the **Schedule of Unit Entitlement**. In a 3 sheet plan, the sheets will be labelled Sheet 1 of 3 Sheets, Sheet 2 of 3 Sheets and Sheet 3 of 3 Sheets.

306 THE SCHEDULE OF UNIT ENTITLEMENT

The Schedule of Unit Entitlements is computer generated by the Lands Titles Registration Office on paper and filed in a special packet in which all relevant documentation (including the original plans if drawn in the B3 size) other than the application for the deposit of the plan. The schedule is microfilmed and available for public searching with the plan in the Land Service Group's public search area on the Ground Floor of Colonel Light Centre. It is always the last sheet of the plan. Paragraphs 307 and 308 list the characteristics of a strata plan.

← SEE PARA 309

307 THE SITE PLAN

Figure 5 shows a representation of land in a certificate of title (subject to easements over the pieces marked X and Y) used in Figures 6 and 7 to illustrate the characteristics of a strata plan.

STRATA FACTS

307

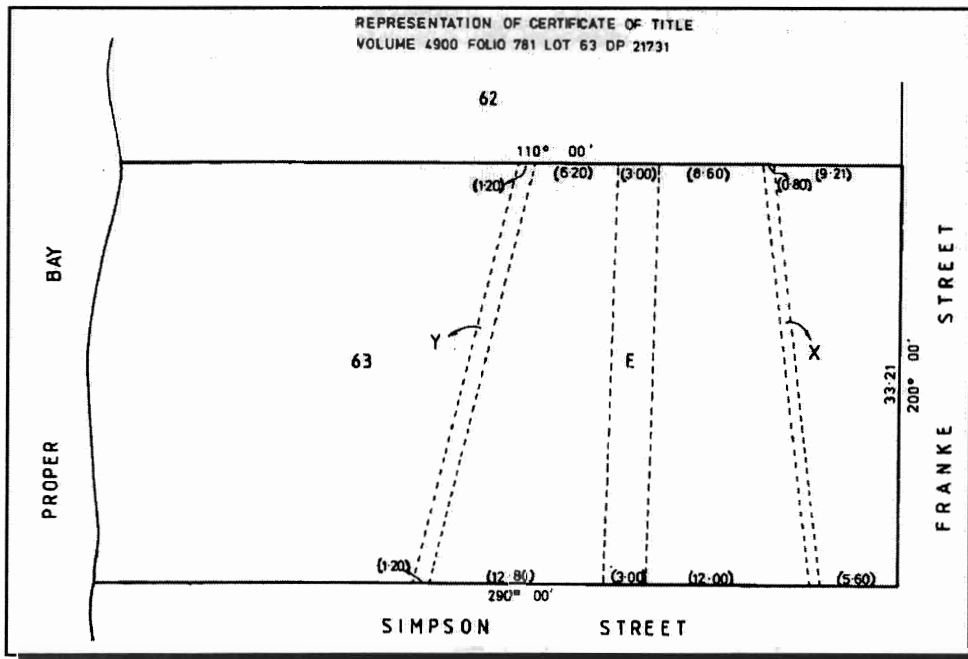


Figure 5 REPRESENTATION OF A TITLE DIAGRAM.

The Site Plan (see Figure 6) is always the first sheet(s) of a series and delineates the following:

← SEE S.5 AND "MANUAL OF SURVEY PRACTICE", VOL.1

1. **Outer boundaries** of the land in the plan,
2. An outline only of **all buildings and other structures**, fixed cursorily to the boundaries of the land,
3. **All existing easements**, either dominant or servient, that affect the site and **that will subsist** after deposit of the strata plan,
4. **All existing easements**, either dominant or servient, **that are to be extinguished or varied in position** through common property or a unit (or portion thereof) upon deposit of the strata plan,
5. **All roads and reserves that will vest** in fee simple in the council on deposit of the strata plan.
6. **All easements** to be created on deposit of the plan, whether between Units, Units/Common Property or to which the land will be either the dominant or servient tenement.

← SEE S.8 (5)

← SEE S.11

← SEE S.17b

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- 307 7. All structures of the corporation must be shown. E.g., substantial barbecues, swimming pool, letter box structures (if substantial), garden sheds, etc.
8. Label, Sheet 1 of X Sheets etc.

← SEE S.5 (3) AND
PARA 1002

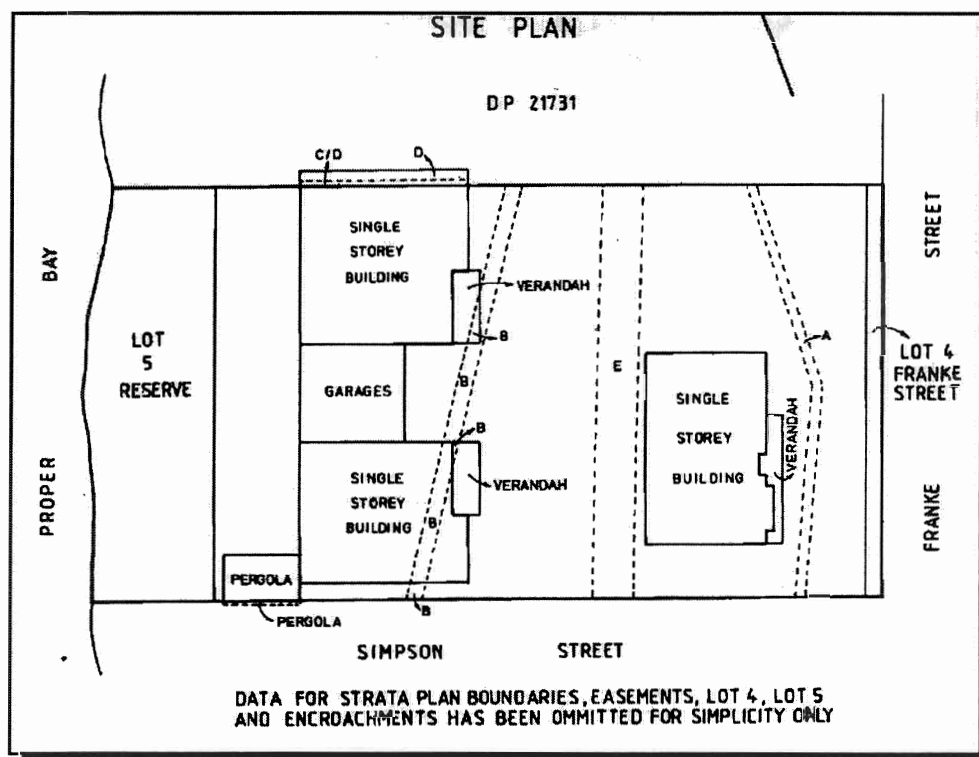


Figure 6 A TYPICAL SITE PLAN (EXCLUDING PANEL)

308 THE FLOOR PLAN(S)

The Floor Plan is always the second sheet (or series of sheets) in the plan and delineates the following:

1. The **Units** (including **Unit Subsidiaries**, if any),
2. **Common Property**, including all corporation owned structures.
3. **Streets and reserves** vesting in fee simple in the council on deposit of the area,
4. All **pre-existing easements** that will subsist or be either varied in position or extinguished, either wholly or in part, through Common Property or a Unit, as indicated by annotation in the panel of the plan.
5. All **easements to be created** between Units, Common Property or other land delineated on the plan and approved by the planning system. Note that a pre-existing easement that is appurtenant to the strata parcel should only be shown as an annotation in the panel and not shown diagrammatically on the diagram.

← SEE PARA'S 310(11),
311(5) AND 315

A representation of a typical floor plan is shown in Figure 7.

308

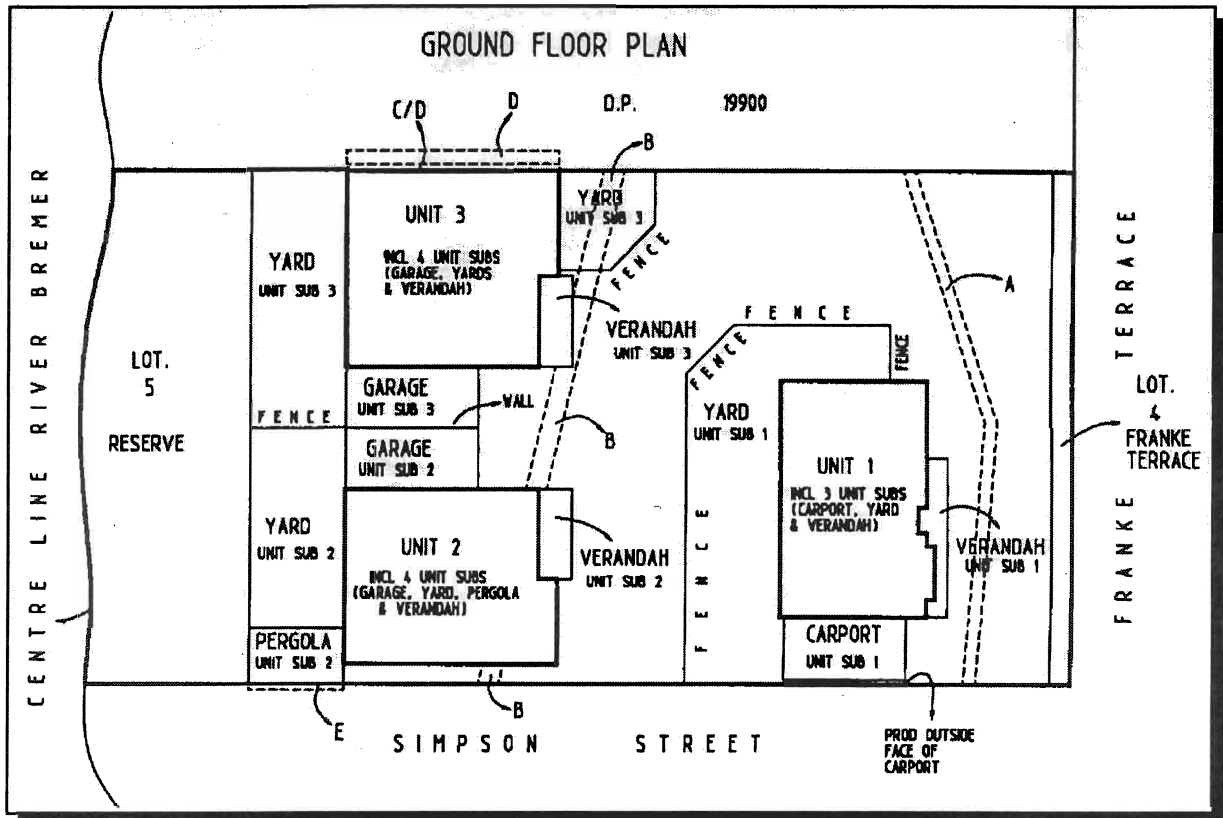


Figure 7 A TYPICAL FLOOR PLAN

309 SCHEDULE OF UNIT ENTITLEMENTS

The Schedule of Unit Entitlements is always the last sheet in the plan series, and is prepared by the Lands Titles Registration Office from information contained in the application for deposit of the plan.

The sheet will be described as, for example, "SHEET 3 OF 3 SHEETS".

The Schedule contains the following information:

1. **Unit numbers** and corresponding **Unit Entitlements**.
2. **Allotment number(s) of land vesting in the council in fee simple as Public Road(s).**
3. **Allotment number(s) of land vesting in the council in fee simple as Reserve(s).**

← SEE S.5 (3)(c) AND PARA 312

← SEE S.11 AND PARA 312

Unit Entitlements and their purpose are explained more fully in this Chapter 5.

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309 Figure 8 shows a representation of a Schedule of Unit Entitlements in its completed form.

The Application number referred to in the Panel is the application for Deposit of the Strata Plan.

Application No. 9000000		STRATA PLAN NUMBER SP 45000			
		DEPOSITED 12/09/1988			
		PRO REGISTRAR-GENERAL			
		THIS IS SHEET 3 OF 3 SHEETS			
SCHEDULE OF UNIT ENTITLEMENTS					
UNIT NO.	UNIT ENTITLEMENT	UNIT NO.	UNIT ENTITLEMENT	UNIT NO.	UNIT ENTITLEMENT
1 2 3	3400 3400 3200				
				AGGREGATE	
				ROAD OR RESERVE ALLOTMENTS	
				4 and 5	
AGGREGATE	10000	AGGREGATE			

Figure 8 SCHEDULE OF UNIT ENTITLEMENTS

STRATA FACTS

310 THE SITE PLAN PANEL

Figure 9 shows the panel of *Sheet 1, the Site Plan*.

An explanation of the panel components, which are numbered here for convenience only, is as follows:

1. Shows the *Plan deposit number*. Eg, SP15000.
2. Shows the *Number of Sheets* in the plan.
3. Gives *Date of Deposit*, which is the time of creation of the scheme and Strata Corporation.
4. This refers to the *Standard Map* on which the land is located and is of importance to the Surveying profession only. A Standard Map is a series of maps produced by the Surveyor-General delineating the cadastral (parcel) boundaries of the State.
5. *Certificate of title* reference(s) of the land.
6. This is a cross reference to the *outer boundary survey*
7. Shows the *Area* of the land in hectares (ha) or square metres (m²).
8. Shows the *Hundred and Township/Area* names and the *Council* in which the land is situated.
9. Shows the *Land Identifier(s)* at the time of deposit.
10. *Scale* of the plan.
11. *Annotations* panel shows all notes relative to,
 - *Easements* existing, proposed or to be extinguished or varied in position affecting Common Property or adjacent land.
 - *Encroachment* notes, whether over public or privately owned land.
 - *Unit boundaries* that are capable of being varied from those set out in the Act.
12. The *Surveyor's Certificate*.
13. Surveyor's *Reference to Field Notes*.

①	STRATA PLAN NUMBER SP 45000	
②	THIS IS SHEET 1 OF 3 SHEETS	
③	DEPOSITED 12 / 5 / 1988 <i>[Signature]</i> FOR REGISTRATION GENERAL	
④	MAP REFERENCE 6028 - 17	
⑤	TITLE REFERENCE CT 4900 / 781	
⑥	D.O./LAST PLAN REF: FP 12345	TOTAL AREA 1770m ² <small>08000K</small>
⑦	HUNDRED LINCOLN	
⑧	TOWNSHIP/AREA PORT LINCOLN	
⑨	COUNCIL CITY OF PORT LINCOLN	
⑩	PLAN OF LOT 63 IN DP 21731 PT SEC. 218	
⑪	SCALE 0 5 10 15 20 METRES	
⑫	<p>ANNOTATIONS</p> <p>THE EASEMENT FOR WATER SUPPLY PURPOSES MARKED X ON CT 4900/781 IS TO BE VARIED TO THE POSITION MARKED A HEREON OVER PORTION OF COMMON PROPERTY AND YARD UNIT SUBSIDIARY 1.</p> <p>THE EASEMENT FOR DRAINAGE PURPOSES MARKED Y ON CT 4900/781 IS TO REMAIN ONLY OVER THOSE PORTIONS OF COMMON PROPERTY AND YARD UNIT SUBSIDIARY 3 MARKED B HEREON.</p> <p>PORTION OF THE COMMON PROPERTY AND YARD UNIT SUBSIDIARY 1 MARKED E HEREON IS SUBJECT TO AN EXISTING EASEMENT TO THE MINISTER OF PUBLIC INFRASTRUCTURE VIDE SED 21731 E</p> <p>THE COMMON PROPERTY IS TO BE TOGETHER WITH AN EASEMENT FOR EAVES AND GUTTERS OVER THE LAND MARKED D HEREON.</p> <p>ENCROACHMENT OF FOOTINGS OCCUR OVER ADJOINING PRIVATE LAND MARKED C HEREON.</p> <p>ENCROACHMENT OF PERGOLA OCCURS OVER SIMPSON STREET.</p>	
⑬	<p>⑬ STEVEN HARPER a licensed surveyor under the Survey Act, 1992, certify:-</p> <p>(a) that this plan correctly delineates the boundaries of the land comprised in the plan and all units, unit subsidiaries, common property and other buildings shown on the plan;</p> <p>(b) that this plan is correct for the purposes of the Strata Titles Act, 1988, and regulations.</p> <p>Dated this 7th day of AUGUST, 1988</p> <p style="text-align: right;"><i>[Signature]</i> Licensed Surveyor</p>	
⑭	STATEWIDE SURVEY SERVICES	

Figure 9 STRATA SITE PLAN PANEL

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311 THE FLOOR PLAN PANEL

The diagram on the right shows the **Panel** on a **Floor Plan**. The floor plan delineates:

1. **Units,**
2. **Unit Subsidiaries,**
3. **Common Property (including all structures owned by the corporation), and**
4. **Allotments** vesting in the Council of the area as a Public Road or Reserve.

The **Annotation Panel** shows all notes relative to:

5. **Easements.** Eg. Existing easements that will subsist or are to be varied in position or extinguished (in whole or part) and those that are to be created upon deposit of the plan (ie., those between units, units and common property or between any part of the scheme and other land).
6. **Boundary definitions** such as height limitations to Unit subsidiaries and Unit/Common Property boundaries that are to differ from the statutory boundaries contained in Section 5 of the Strata Titles Act, 1988, where permitted by that Act.

STRATA PLAN NUMBER	
SP	45000
THIS IS SHEET 2 OF 3 SHEETS	
DEPOSITED	12 / 9 / 19 88
PRO REGISTRAR GENERAL	
MAP REFERENCE	6028-17
COUNCIL	CITY OF PORT LINCOLN
SCALE	METRES
0	5 10 15 20
ANNOTATIONS	
THE LOWER AND UPPER BOUNDARIES OF THE UNIT SUBSIDIARIES SHOWN AS YARDS ARE EXISTING GROUND LEVEL AND 3.00 METRES ABOVE EXISTING GROUND LEVEL RESPECTIVELY UNLESS LIMITED IN HEIGHT TO THE UNDERSIDE OF OVERHANGING STRUCTURES	

Figure 10 STRATA FLOOR PLAN PANEL (STRATA PLAN BLANK DOL-E)

These details are relevant to this sheet only.

Extreme care should be taken when defining boundaries on a new strata plan. Although the Strata Titles Act, 1988 provides for some boundaries to be changed from the statutory definition by a notation on the plan, caution should be exercised to ensure that boundaries suit the application and are of a permanent nature and not easily interfered with.

← SEE S.6 (5), (6) & (7) AND CHAPTER 6, UNIT AND COMMON PROPERTY BOUNDARIES, ESP. PARA'S 607 AND 608

312 DELINEATION OF EASEMENTS TO BE CREATED.

Where it is intended to create an easement upon deposit of a strata plan, the easement, its extent and appurtenance must be indicated on the plan in a manner depending on whether the site is to be a:

- dominant tenement;
- servient tenement,
- or - both.

← SEE S.17b AND PARA'S 310.10 AND 311.5

Following paragraphs in this chapter set out the criteria for delineating easements in each of these instances.

STRATA FACTS

313 EASEMENTS - USE OF FIFTH AND SIXTH SCHEDULES OF RPA

The short forms of easement set out in the Fifth and Sixth Schedules of the Real Property Act should be used wherever possible.

← SEE CHAPTER 8
GENERALLY, ESP.
PARA'S 812 AND
815

Where more complex types of easement are to be created, their intended nature must be indicated in the annotation panel as accurately as possible, otherwise a conveyancer may have some difficulty in setting out the precise nature of the easement in the instrument of grant that must accompany the application for deposit of the plan.

314 EASEMENT ANNOTATION IN THE PANEL

An easement note in the annotation panel of a Strata Plan that also appears on the print upon which a Land Division Certificate of DAC is endorsed or accompanies, will be regarded as a condition of approval of the council which must be fulfilled pursuant to Section 17b of the Act before the plan can be deposited.

An easement **not regarded** as a planning condition can only be delineated on a strata plan (subject to Para 316) provided that appropriate documentation, such as a memorandum of grant of easement accompanies the plan. Otherwise the easement may be delineated on another plan and granted at any time.

Note that regardless of whether the easement is a condition of approval of a council or not, or merely added to the plan (where permitted) for convenience, the instrument of **grant must be lodged in series with and ahead of the application** for deposit of the if plan common property is to be a servient or dominant tenement.

315 EASEMENT APPURTENANCE

Where the land in the site is to be a servient tenement. (ie, where the land is to be subject to an easement appurtenant to land in another certificate of title or a Crown Lease), the right being created must be set out precisely in the annotation panel of the plan.

Figure 11 shows portion of a typical Floor Plan delineating an easement (marked A) that might be created through portion of the site. The note in the annotation panel should ideally read:

"Carpark Unit Sub. 4, Airconditioner Unit Sub. 4 and Portion of the Common Property, Unit 4 and Yard Unit Subsidiary 4, marked 'A' hereon are to be subject to an easement for the transmission of electricity by overhead cable to be held appurtenant to the land in Certificate of Title Vol. 4000 Fol. 100 (or lot 10, DP 21000, Unit 21 SP 13000, etc).

← SEE SECTIONS 13
AND 21, OF
"MANUAL OF
SURVEY PRACTICE,
VOL. 1" FOR
STANDARD
PHRASING OF
EASEMENT NOTES.

← NOTE:- THE SIXTH
SCHEDULE OF THE
REAL PROPERTY
ACT IS USED HERE.
SEE PARA 313

If the dominant land is in a Crown Lease, the appurtenance should read, eg, "to be held appurtenant to Section 100 Hundred of Mantung being the whole of the land in CL Vol. 1234 Fol. 56."

The dominant land should not be delineated on the diagram of the plan. If the dominant land needs to be redesignated as regards its identifier, a Filed Plan for this purpose should be lodged with the strata plan, or the Outer Boundary plan amended accordingly to show the intended dominant land.

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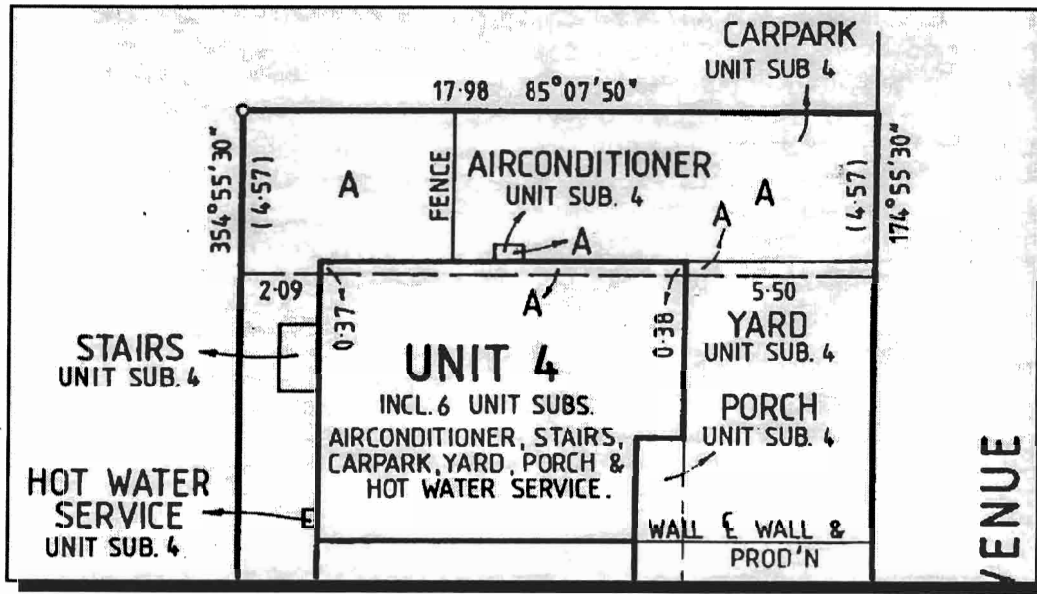


Figure 11 DELINEATION OF A NEW EASEMENT ON A FLOOR PLAN.
THE EASEMENT SHOULD BE DELINEATED ON THE SITE PLAN ALSO

316 Where Land in the Site is to be the Dominant Tenement.
ie, the land in the site is to be together with an easement right.

PLAN NUMBER			
FP 29001			
THIS IS SHEET		OF SHEETS	
DEPOSITED / /19			
ACCEPTED FOR FILING		PRO REGISTRAR GENERAL	
MAP REF.	DEV. No.		
TITLE SYSTEM			
TITLE REFERENCE			
O.B. / LAST PLAN REF.		TOTAL AREA	
DOCKET No.			
FIELD BOOK No.			
CLOSURE CHECKED	PLAN EXAMINED	PLAN APPROVED	P.M.S APPROVED
IRRIGATION AREA..... DIVISION.....			
HUNDRED.....			
TOWNSHIP/AREA.....			
COUNCIL.....			
PLAN			
SCALE		METRES	
STATEMENTS CONCERNING EASEMENTS ANNOTATIONS AND AMENDMENTS			
<p>The portion of the allotment 3 marked "C" is to be subject to an easement for water supply purposes appurtenant to the common property in a strata plan to be lodged over CT Vol. 4000 Fol.100.</p>			

**Figure 12 FILED PLAN PANEL
SHOWING TYPICAL EASEMENT
NOTE APPURTENANT
TO A STRATA PLAN.**

All dominant easements to be created must be delineated on a separate plan such as a Filed Plan (or a Deposited Plan as the circumstance may require) to be lodged either with or prior to the strata plan.

← SURVEYORS MUST FOLLOW THE REQUIREMENTS SET OUT IN THE MANUAL OF SURVEY PRACTICE, VOL.1

It may be possible to add the easement to the Outer Boundary survey plan by amendment provided there is sufficient space.

A representation of a typical annotation on a Filed Plan is given in Figure 12.

The annotation panel of the Strata Plan should read, eg, "The Common Property (and Units) are to be together with an easement for water supply purposes over the land marked 'C' in FP 29001"

STRATA FACTS

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317 Where Land in the site is to be both the Dominant and Servient Tenement.

Figure 13 shows a typical Floor Plan where portion of a Unit is to be subject to a free and unrestricted right of way appurtenant to another unit.

The annotation panel of the strata plan should read,

eg, "The portion of Unit Subsidiary 2 marked 'A' hereon is to be subject to a free and unrestricted right of way appurtenant to Unit 1".

An internal easement can exist between units or a unit(s) and/or common property.

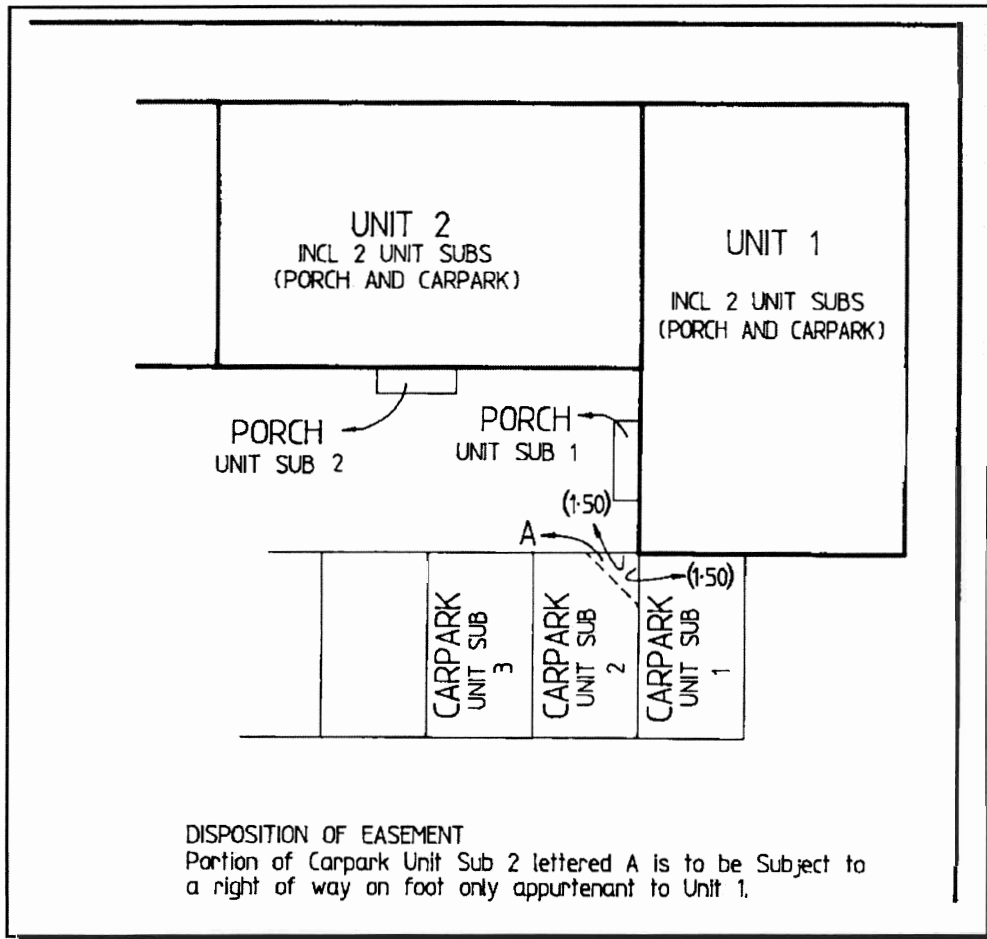


Figure 13

DELINEATION OF A NEW EASEMENT
WITHIN THE SITE

STRATA FACTS

318 STRATA SITE MUST BE AN ALLOTMENT

One final word about the strata plan.

The Strata Titles Act, 1988 requires that a strata plan can only be lodged in respect of the whole of one or more allotments of land.

← SEE S. 5(2)

An allotment here means an allotment within the meaning of Section 2231a (1) of Part XIXAB of the Real Property Act, 1886. This is the parcel of land that is approved by the planning system and can be legally dealt with without requiring further approval.

The Strata Titles Act, 1988 requires the allotment to be the whole of the land in a certificate of title.

← SEE S.3 def. "ALLOTMENT"

This means that where a certificate of title contains more than one allotment and a strata plan is to be lodged in respect of only one of them, a request for separate titles to issue will need to be made prior to lodgement of the plan at the Plans Section Counter.

Extreme care will need to be taken to ensure that the land the subject of a strata plan is indeed an allotment within the meaning of the Real Property Act as there may be in existence a plan of division in the guise of a resubdivision of the land still capable of being operated on. Plans of resubdivision under repealed planning legislation often contain conditions of approval that must be fulfilled before further dealings with the land. Eg., a portion of the land may need to be transferred and consolidated with other land, or an easement may need to be granted. In some cases, the presence of a plan of resubdivision may not be obvious on the current title for the land.

← Eg., PART XIXAB, RPA; PLANNING AND DEVELOPMENT ACT, 1966

Where a plan such as this occurs, further planning approval by means of land division under the current planning system will be necessary to extinguish the condition and to re-create the land as an allotment. Where any reasonable doubt occurs as to whether the land to be strata titled is an allotment, enquires may be made at the Client Advisory Service of the Lands Services Group of the Department of Environment and Natural Resources.

← SEE DEVELOPMENT ACT 1993 AND PART XIXAB, RPA

In any case, an historical search of the title should be made to ensure that such a plan of division does not exist. This search must be made **prior** to seeking advice from the Lands Services Group.