



# NOTICE TO SURVEYORS T3/2011

This notice is to be considered as a special direction concerning plans and surveys pursuant to Regulation 5 of the *Licensed Surveyors (Transfer of Land Act 1893) Regulations 1961*.

## STRATA PLAN ISSUES

The *Strata Titles General Amendment Regulations (No. 2) 2011* were gazetted on 2 September 2011 in Gazette No. 2011/168 at page 3617.

The following amended regulations may be accessed from the State Law Publisher website at <http://www.slp.wa.gov.au/gazette/gazette.nsf>

### 1. Amendment to Strata Titles General Regulation 37A

Regulation 37A describes the circumstances for permitted boundary deviations in “single tier strata schemes”. Since the 1996 amendments to the *Strata Titles Act 1985* (STA) there has been an anomaly in exactly when a boundary deviation is allowed to exist if section 3AB of the STA is applied to a strata scheme.

The link word “**or**” between regulation 37A(1)(a) and 37A(1)(b) has been amended to “**and**” so that (a) and (b) are conjunctive and no longer disjunctive. A permitted boundary deviation applies to such structures as balconies, car bays and similar structures attached to the external surface of building walls as interpreted by Landgate since 1996.

### 2. Amendment to Strata Titles General Regulation 37AA

Regulation 37AA was introduced as part of the *Strata Titles General Amendment Regulations 2006* in January 2006. This provided a manner in describing certain boundaries for the purpose of section 3(2)(b) of the STA.

The significant change to regulation 37AA is the removal of the term “single tier **scheme**” and replacing it with “single tier **building**”. This amendment caters for new schemes consisting of both single tier **buildings** and multi-tier **buildings** so that the ownership of single tier **buildings** within multi-tiered **schemes** can be to the external surfaces of their walls as described under section 3(2)(b) STA.

The existing rules for multi-tier buildings remain unchanged. Multi-tier buildings may be described either by terms provided by section 3(2)(a) STA and regulation 5A of the *Strata Titles General Regulations 1996*, or under section 3(2)(b) STA in the case where there is a combination of building walls and dimensions shown on the plan.

The new amendments also include an interpretation for “**single tier building**” thus allowing the differentiation between a single tier building and a multi-tier building.

This direction will amend the Strata Titles Practice Manual by adding “single tier building” to the Glossary of Terms. Chapters 8.4 – Building Boundaries on Strata Plans and 8.5.1 – Standard Wording for all Strata Plans will be updated in the January 2012 edition.

This direction also supersedes Item 5 in Notice to Surveyors T3/2006.

A handwritten signature in black ink, appearing to read 'J. Villani', with a stylized flourish at the end.

**JEAN VILLANI**  
**DELEGATED REGISTRAR OF TITLES**

15 September 2011