

# THE STRATA COLLECTIVE



THE STRATA COLLECTIVE PRESENTATION ON

## Overview of Today

- Key Legislations involving Strata Schemes
- Lot vs Common Property
- Understanding key terms on a Strata Plan
- Some Case Studies
- Any Questions?

## Key Legislations

### **Strata Scheme**

- Constituted under the Strata Schemes Development Act 2015
- Name: 'The Owners—Strata Plan No. X'
- Up to SP 103300
- Key Management Document = By-Laws

## Key Legislations

### **Staged Strata Scheme**

- Constituted under the Strata Schemes Development Act 2015
- Name: 'The Owners—Strata Plan No. X'
- Key Management Document = Strata Development Contract

## Key Legislations

### **Stratum Sub-Divisions (BMC)**

- Constituted under the Strata Schemes Development Act 2015
- Name: 'Each individual member'
- Members can be subdivided by Strata Plan of Subdivision
- Key Management Document = Strata Management Statement

## Lot vs Common Property

**Section 4(1) of the Development Act advises:**

**Common Property** in relation to a strata scheme or a proposed strata scheme means: Any part of a parcel that is not comprised in a lot (including any common infrastructure that is not part of a lot).

Common property is usually formed by:

- Upper surface of the floor (excluding carpet)
- The under surface of the ceiling (excluding paint)
- All external or boundary walls (including doors and windows)

## Lot vs Common Property

**Section 4(1) of the Development Act advises:**

**Lot** in relation to a strata scheme, means:

One or more cubic spaces shown as a lot on a floor plan relating to the scheme, but does not include any common infrastructure, unless the common infrastructure is described on the plan, in the way prescribed by the regulations, as a part of the lot.

# The Strata Plan

## Sheet 1 – Administrative Information



0057 / Doc: SP 069486 P / Rev: 21-Jan-2003 / Sts: SC, OK / Prt: 28-Jun-2005 12:37 / Pgs: ALL / Seq: 1 of 7

**Strata Certificate**

*Attestation of Council/Approved Officer: THE SYDNEY OLYMPIC PARK AUTHORITY*  
 being satisfied that the requirements of the Strata Schemes (Freshhold Development) Act 1973 or Strata Schemes (Residential Development) Act 1988 have been complied with, approve of the proposed:

Strata plan/strata plan of subdivision.

Illustrated in the annexure to this certificate.

The accredited certifier is satisfied that the plan is consistent with relevant development consent in force, and that all conditions of the development consent that by its terms are required to be complied with before a strata certificate may be issued, have been complied with.

The strata plan/strata plan of subdivision is part of a development scheme. The "accredited certifier" is satisfied that the plan is consistent with any applicable conditions of any development consent and that the plan gives effect to the stage of the strata development contract to which it relates.

The Council does not object to the encroachment of the building beyond the alignment of:

The Accredited Certifier is satisfied that the building complies with a relevant development consent in force that allows encroachment.

This approval is given on the conditions that the use of (a) being utility tanks designed to be used primarily for the storage of accommodation of boats, motor vehicles or goods and not for human occupation as a residence, office, shop or the like is restricted to the proprietor or occupier by lot or proposed lot (not being such a utility tank) the subject of the strata scheme concerned, as referred to in section 28 of the Strata Schemes (Freshhold Development) Act 1973 or section 28 of the Strata Schemes (Residential Development) Act 1988.

Date: 23 DECEMBER 2002  
 Subdivision No: 1/02  
 Accreditation No: N/A  
 Relevant Development Consent No: 53813/97  
 issued by: P.L.A. NSW 1973/88  
*Reese*  
 Authorised Person  
 Sydney Olympic Park Authority

\* Complete or delete if applicable

**Surveyors Certificate**

**PETER WILLIAM VANDERGRAAF**  
 of **WHELAN'S DX 268 SYDNEY**

a surveyor registered under the Surveyors Act 1992, hereby certify that:

(1) each applicable requirement of:

\* Schedule 1A to the Strata Schemes (Freshhold Development) Act 1973  
 \* Schedule 1A to the Strata Schemes (Residential Development) Act 1988  
 has been met:

(2) (a) the building encroaches on a public space,  
 \* (b) the building encroaches on land other than a public space, in respect of which encroachment an appropriate easement:

\* has been created by registered:  
 \* has been created under Section 99B of the Surveyors Act 1992:

(3) the survey information recorded in the accompanying location plan is accurate

Signature: *P. Vandergraaf*  
 Date: 18 DEC 2002

\* Delete if inapplicable  
 \* State whether docket or plan and quote register number

This is sheet 1 in my Plan in ...Z.... sheets.

\*Insert type being adopted: Model by laws adopted for this scheme: keeping of animals - Option AAGG  
 \* Schedule of by-laws in sheets filed with plan (13 SHEETS)  
 \* No-by-laws apply

\*Write out whichever is applicable

**PLAN OF SUBDIVISION OF LOT 220 DP 270188**

L.G.A.: **AUBURN** Suburb/Locality: **NEWINGTON**  
 Parish: **ST JOHN** County: **CUMBERLAND**

Reduction Ratio 1: - Lengths are in metres.

**STRATA PLAN 69486**

Registered:  20.1.2003  
 Title System: **TORRENS**  
 Purpose: **STRATA PLAN**  
 Ref. Map: **U0052-82 #**  
 Last Plan: **DP270188**

Name of, and address for service of notices on, the owners corporation  
**THE OWNERS - STRATA PLAN No. 69486**  
**9 BLAXLAND AVENUE**  
**NEWINGTON NSW 2127**  
 (Address required on original strata plan only)

**FOR LOCATION PLAN SEE SHEET 2**

Signatures, seals and statements of intention to create easements, restrictions on the use of the land or positive covenants.

*Reese*



**SCHEDULE OF UNIT ENTITLEMENT**

LOT No	UNIT ENTITLEMENT
1	26
2	26
3	26
4	26
5	26
6	26
7	26
8	26
9	26
10	26
11	33
12	26
13	26
14	26
15	26
16	26
17	33
18	26

LOT No	UNIT ENTITLEMENT
19	26
20	26
21	26
22	26
23	26
24	26
25	26
26	31
27	26
28	32
29	34
30	32
31	32
32	27
33	32
34	27
35	35
36	28
AGGREGATE	1000

# The Strata Plan

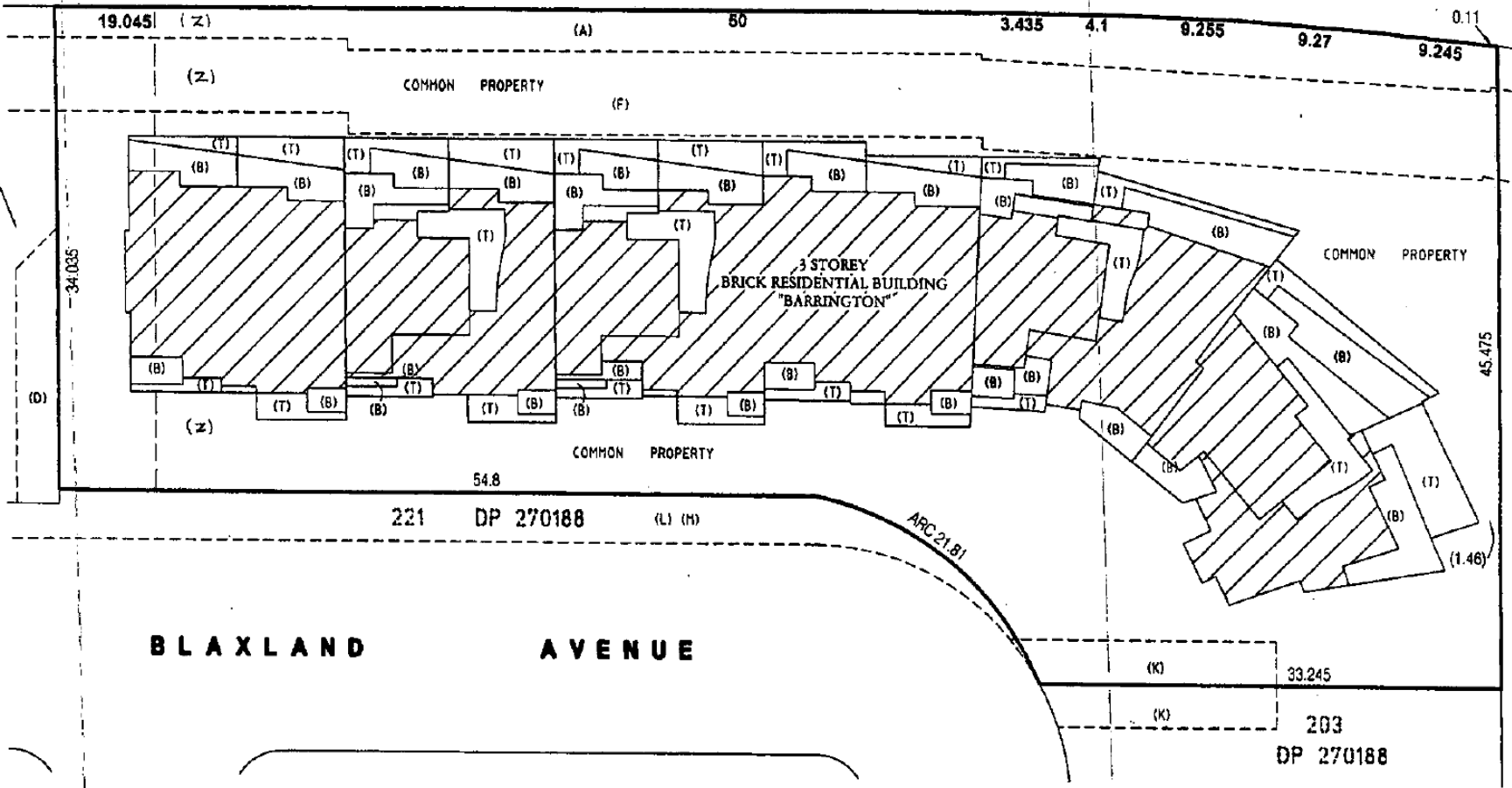
## Sheet 2 – The Location Plan

### LOCATION PLAN

9 BLAXLAND AVENUE

SP69486

## HOLKER STREET



## BLAXLAND AVENUE

OFFICE USE ONLY

Ref: R740057 / Doc: SP 0669486 P / Rev: 21-Jan-2003 / Sts: SC, OK / Prit: 28-Jun-2005 12:37 / Pgs: ALL / Sq: 2 of 7  
Ref: Garnet / Src: E02 - 15:55:17 Z:\OLYMPICS\AB14\AB14-002F.dwg

(Z) BENEFITED BY RIGHT OF ACCESS  
VARIABLE WIDTH - DP270188

- (A) EASEMENT FOR SUPPORT (DP 878356)
- (D) RIGHT OF ACCESS 3 WIDE (DP 270188)
- (F) RESTRICTION ON THE USE OF LAND (DP 878356)
- (K) RIGHT OF ACCESS VARIABLE WIDTH (DP 270188)
- (L) RIGHT OF ACCESS VARIABLE WIDTH (DP 270188)
- (M) EASEMENT FOR SERVICES VARIABLE WIDTH (DP 270188)
- (B) DENOTES BALCONY
- (T) DENOTES TERRACE

NOTE:  
AREAS ARE APPROXIMATE ONLY AND ARE SHOWN FOR THE PURPOSES OF  
THE STRATA SCHEMES (FREEHOLD DEVELOPMENT) ACT 1973, ONLY.

Reduction Ratio 1: 300

Lengths are in metres.

*P. Vandenberg*  
Registered Surveyor

*Beeson*  
Authorized Person - Sydney Olympic Park Authority

SURVEYOR'S REFERENCE: AB14-002F.dwg

# 11

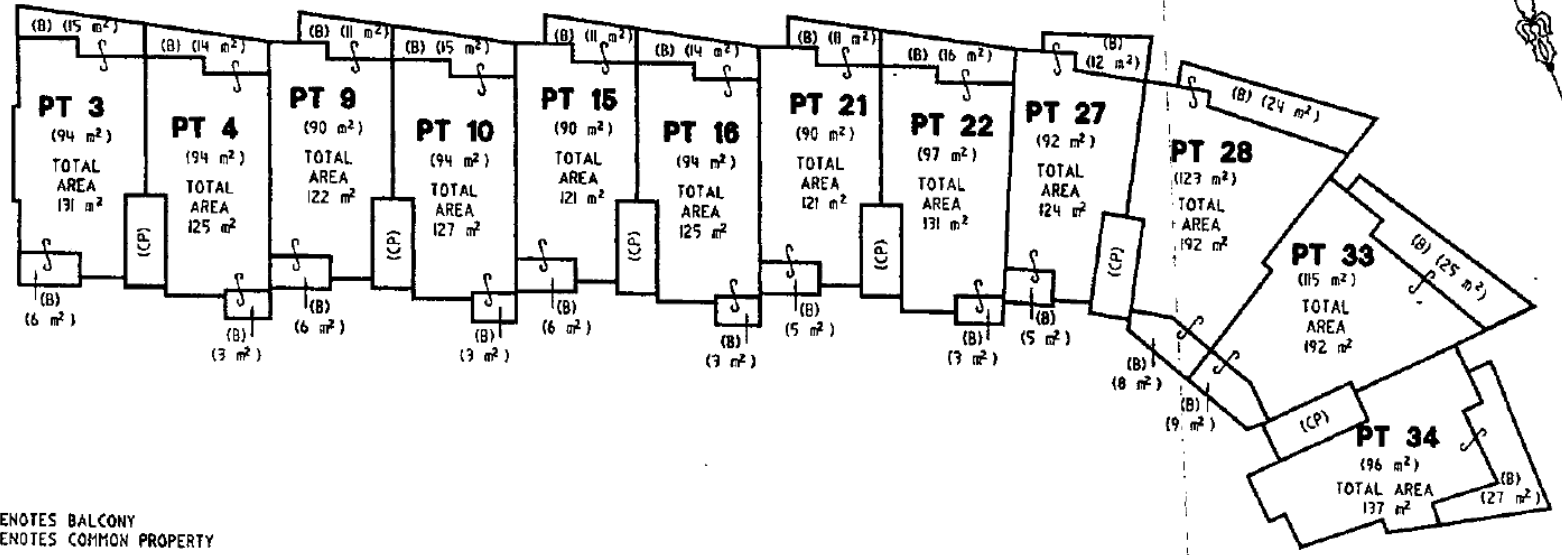
# The Strata Plan

## Sheet 3 – The Floor Plan

**LEVEL 1**

SP69486

OFFICE USE ONLY



(B) DENOTES BALCONY  
 (CP) DENOTES COMMON PROPERTY

BALCONIES WHERE UNCOVERED ARE LIMITED IN HEIGHT TO 2.7 METRES ABOVE THE UPPER SURFACE OF THEIR RESPECTIVE CONCRETE FLOORS

NOTE:  
 AREAS ARE APPROXIMATE ONLY AND ARE SHOWN FOR THE PURPOSES OF THE STRATA SCHEMES (FREEHOLD DEVELOPMENT) ACT 1973, ONLY.

Reduction Ratio 1: 300

Lengths are in metres.

*P. Nindorwood*  
 Registered Surveyor

*Reegan*  
 Authorised Person - Sydney Olympic Park Authority

# Lot vs Common Property

## Common Property Memorandum

Full Memorandum online – google  
“common property memorandum”

### Common property memorandum

Owners corporation responsibilities for maintenance, repair or replacement

<b>1. Balcony and courtyards</b>	<ul style="list-style-type: none"><li>(a) columns and railings</li><li>(b) doors, windows and walls (unless the plan was registered before 1 July 1974 – refer to the registered strata plan)</li><li>(c) balcony ceilings (including painting)</li><li>(d) security doors, other than those installed by an owner after registration of the strata plan</li><li>(e) original tiles and associated waterproofing, affixed at the time of registration of the strata plan</li><li>(f) common wall fencing, shown as a thick line on the strata plan</li><li>(g) dividing fences on a boundary of the strata parcel that adjoin neighbouring land</li><li>(h) awnings within common property outside the cubic space of a balcony or courtyard</li><li>(i) walls of planter boxes shown by a thick line on the strata plan</li><li>(j) that part of a tree which exists within common property</li></ul>
<b>2. Ceiling/Roof</b>	<ul style="list-style-type: none"><li>(a) false ceilings installed at the time of registration of the strata plan (other than painting, which shall be the lot owner’s responsibility)</li><li>(b) plastered ceilings and vermiculite ceilings (other than painting, which shall be the lot owner’s responsibility)</li><li>(c) guttering</li><li>(d) membranes</li></ul>



**BANNERMANS**  
LAWYERS



## LOT PROPERTY

1. Solar panels installed by lot owner with approval
2. Internal walls (not shown on strata plan)
3. Split system air conditioning internal unit and external unit, with approval
4. Carpet
5. Kitchen cupboards and appliances
6. Curtains, blinds
7. Tiles and waterproof membranes on internal walls (not shown on strata plan)
8. Bath, basin, toilet and plumbing above upper surface of the floor
9. Light fittings, light switches, powerpoints
10. Internal doors (not shown on strata plan)
11. Lot car parking spaces, above surface

## COMMON PROPERTY

12. Common property solar panels
13. Roof tiling
14. Voids enclosing shared plumbing and wires
15. Ceiling
16. External doors
17. Balcony doors
18. Upper and lower boundary of balconies, as shown on strata plan
19. External windows
20. External balustrades
21. Slab
22. Wiring outside premises or shared wiring with other lots
23. Visitor car parking spaces
24. Original common storage cages, if shown on solid thick linespaces
25. Original waterproofing below floor tiles
26. Tiles and waterproof membrane on the boundary walls
27. Fire alarms
28. Plumbing outside premises or shared plumbing with other lots
29. Penetrations for ventilation
30. Original floor tiles, including floor tiles in shower

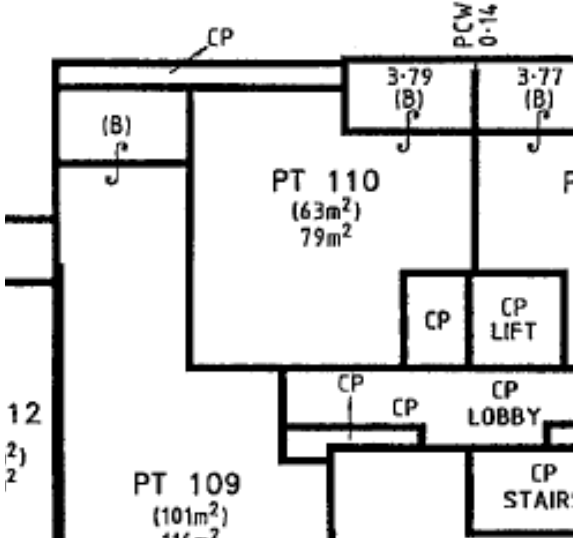
### PLEASE NOTE:

- This diagram is provided as a guide for strata schemes registered after 1 July 1974.
- To a limited extent, notations on the strata plan can modify the general position, as can any by-laws, alterations, additions or removal of common property put in place after the registration of the plan.

Liability limited by a scheme approved under Professional Standards Legislation.

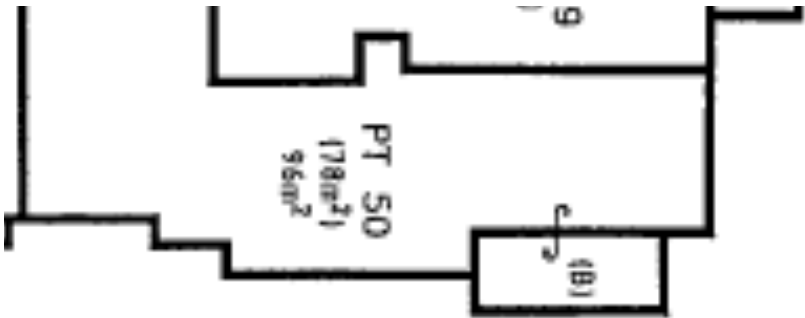
# Lot vs Common Property

## Thick Line – Structural Boundaries





# Lot vs Common Property

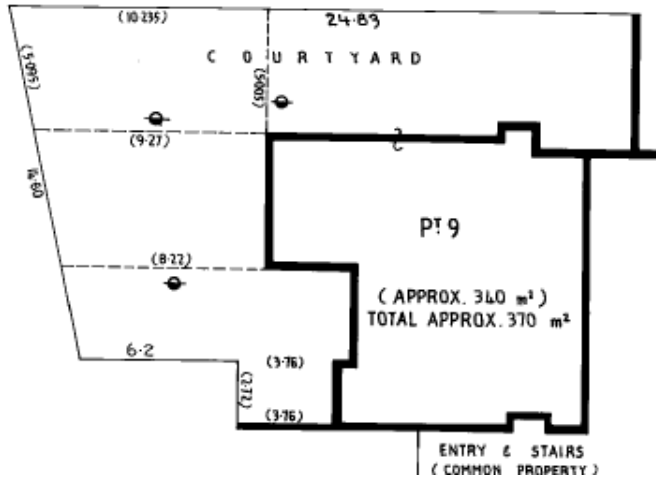


**Vinculum** is a symbol that looks like a reversed "S". It is used to adjoin two parcels of land as part of the one lot.

# Lot vs Common Property

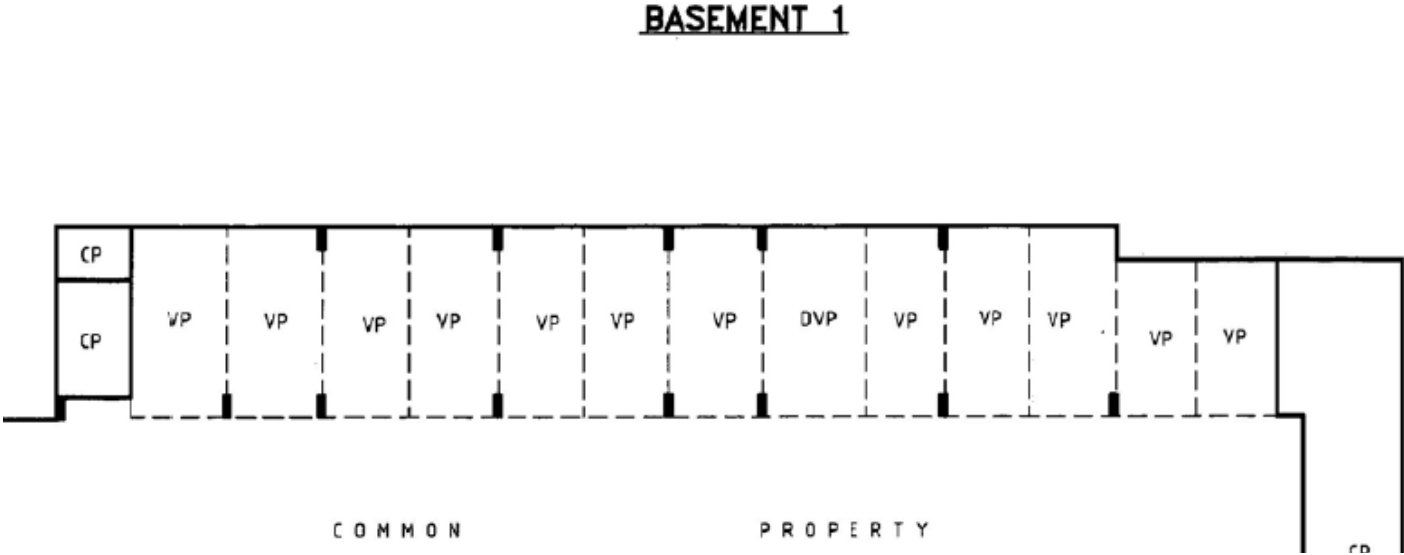
**Thin Line – Line Boundaries (not defined by a structure)**

Often is used for fences and mesh garages



# Lot vs Common Property

**Dashed Line – showing a dimension of a boundary**



# Lot vs Common Property

## Fences

- a) Fences shown with a thick line – common property.
  
- b) Fences between lots shown by a thin line – lot property, joint liability of respective lot owners.
  
- c) Fences between a lot and common property shown with a thin line –owner and the owners corporation jointly liable for repairs.
  
- d) Fences on the boundary of the scheme (either thick or thin line) – owners corporation and adjoining owner liable for repairs. See section 266 SSMA 2015.

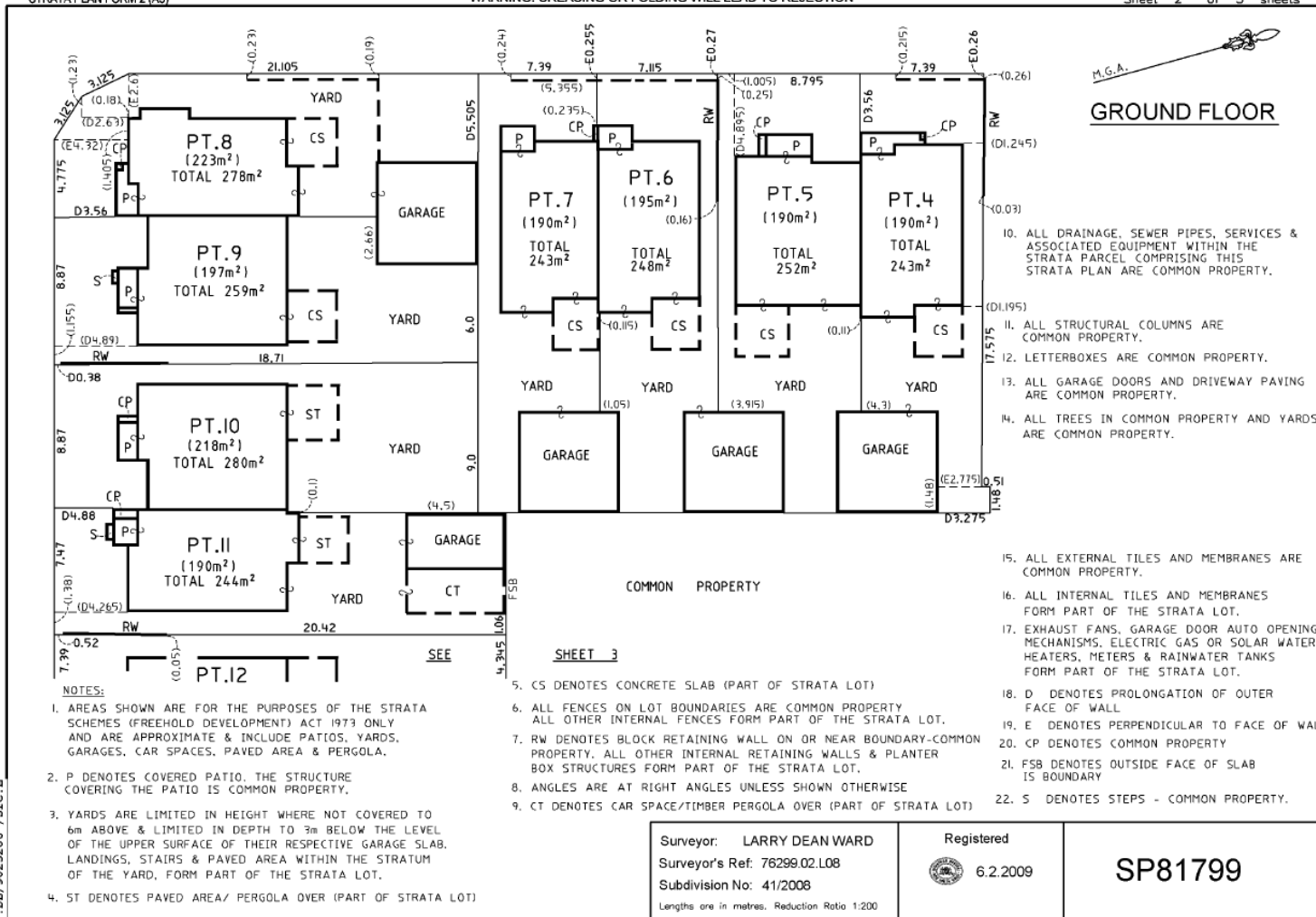
## Case Studies – SP 81799

# Case Studies – SP 81799

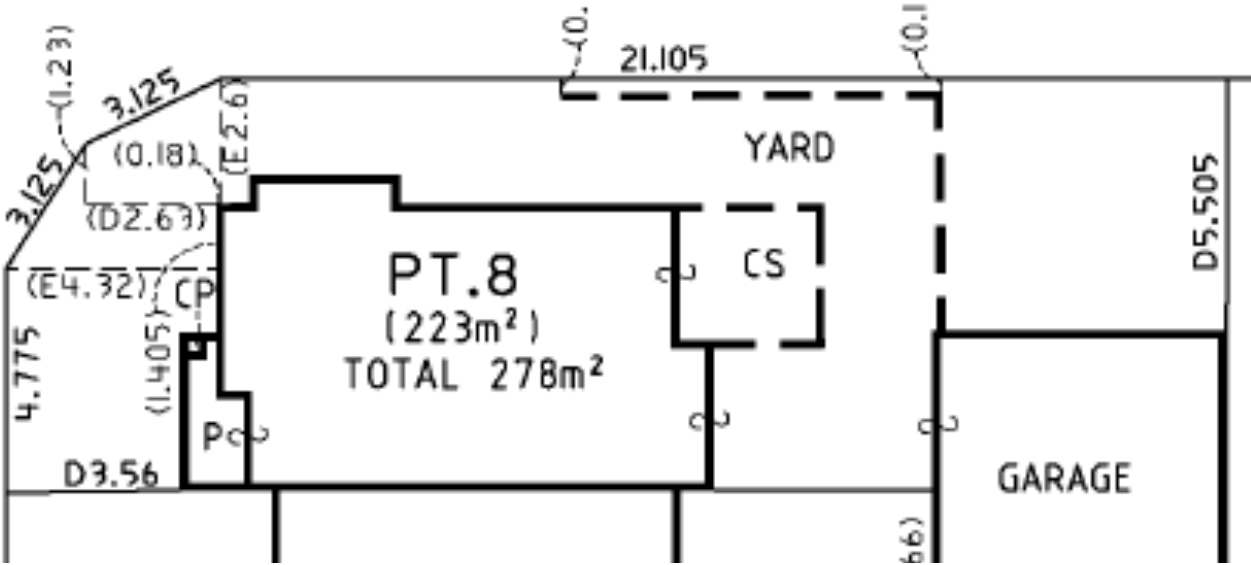
STRATA PLAN FORM 2 (A3)

WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

ePlan Sheet 2 of 5 sheets



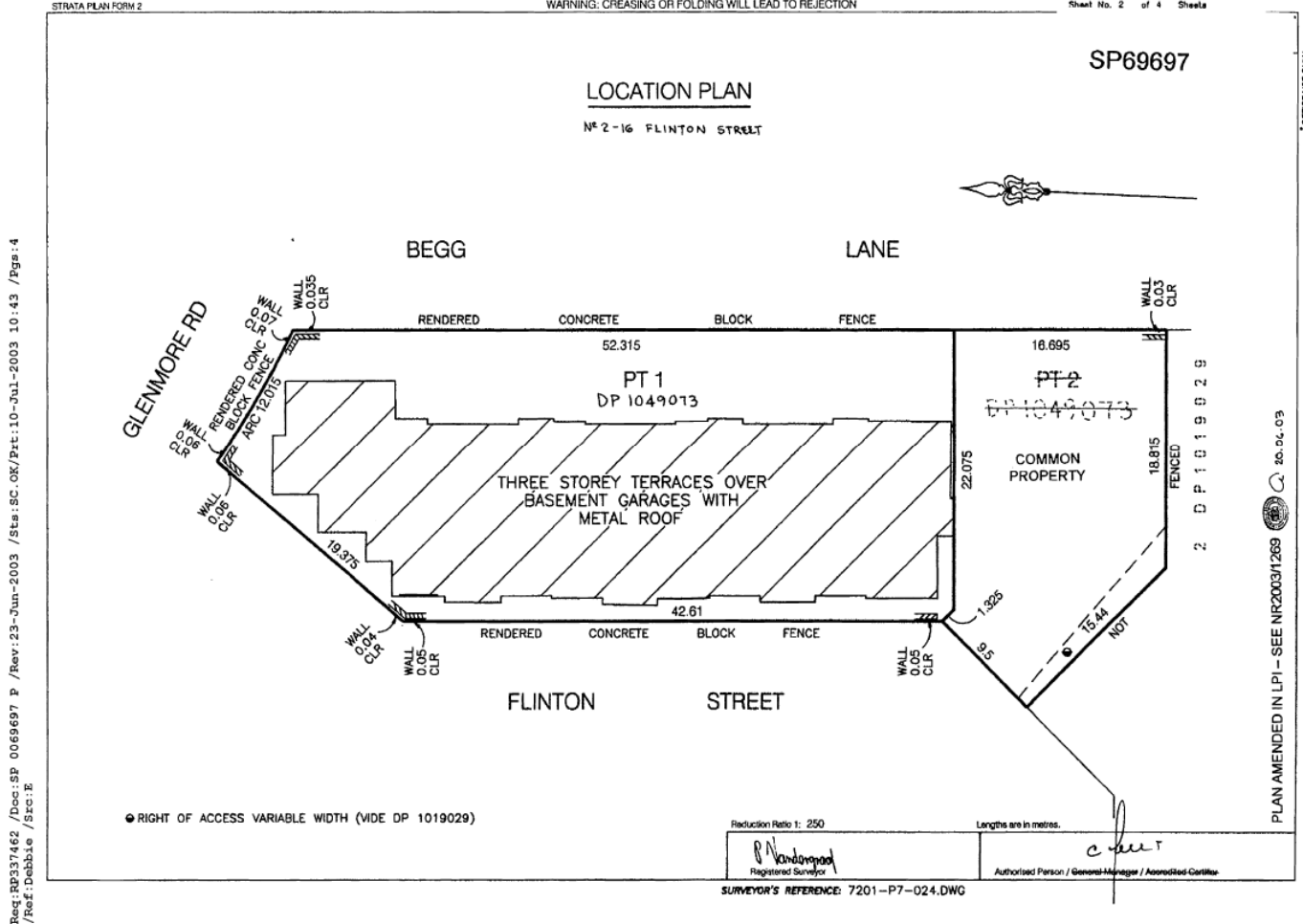
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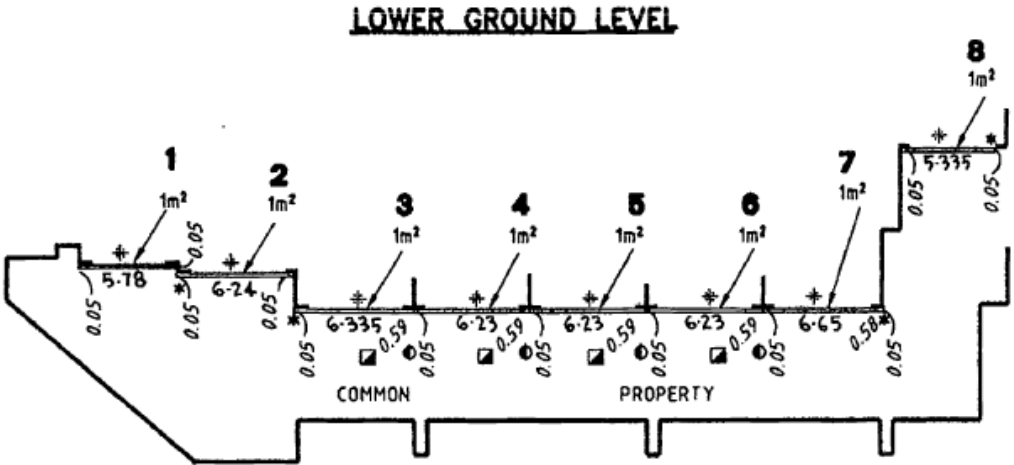
## Case Studies – SP 69697



# Case Studies - SP 69697

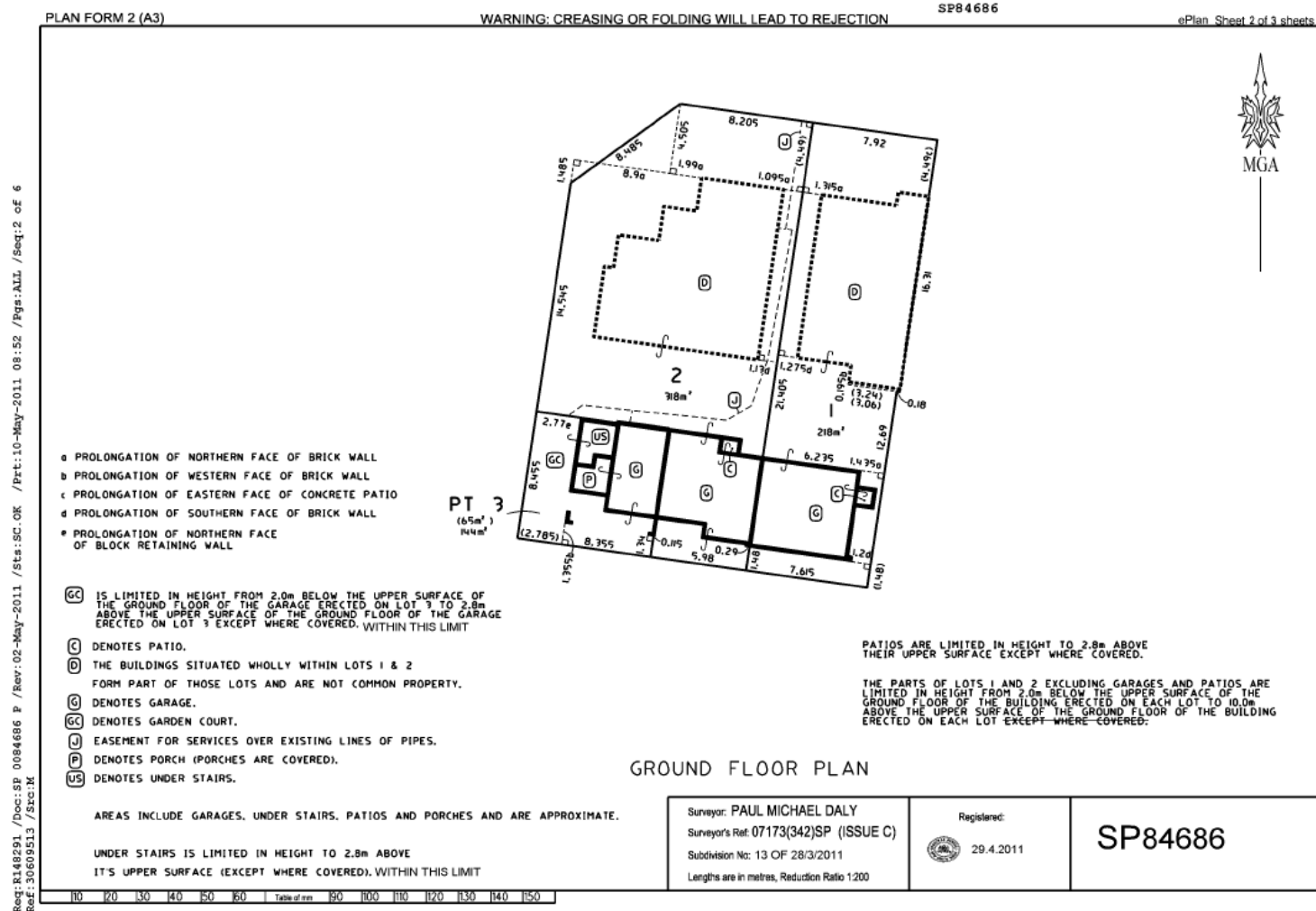


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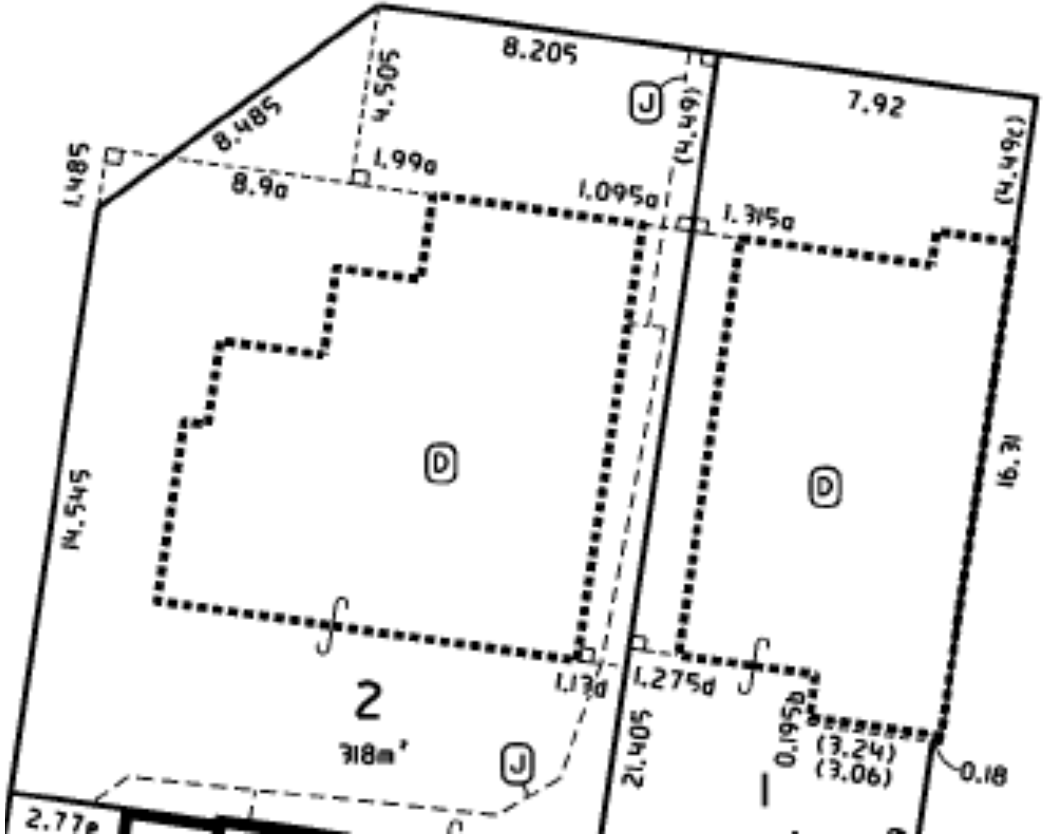


## Case Studies – SP 84686

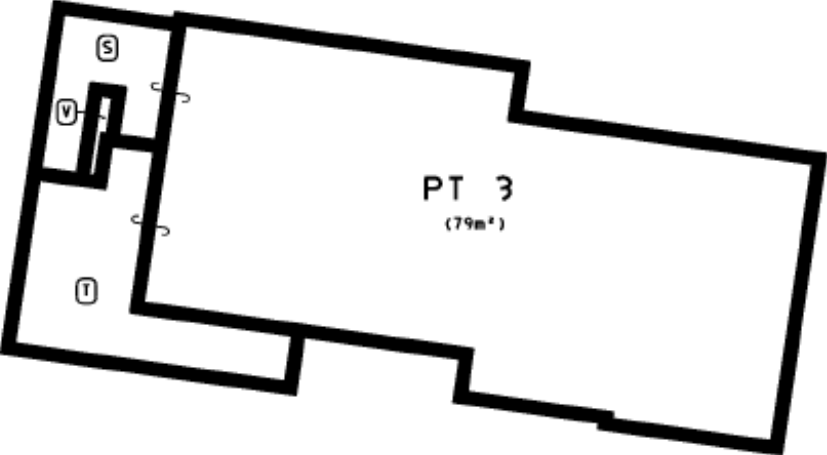
# Case Studies – SP 84686



# Case Studies – SP 84686

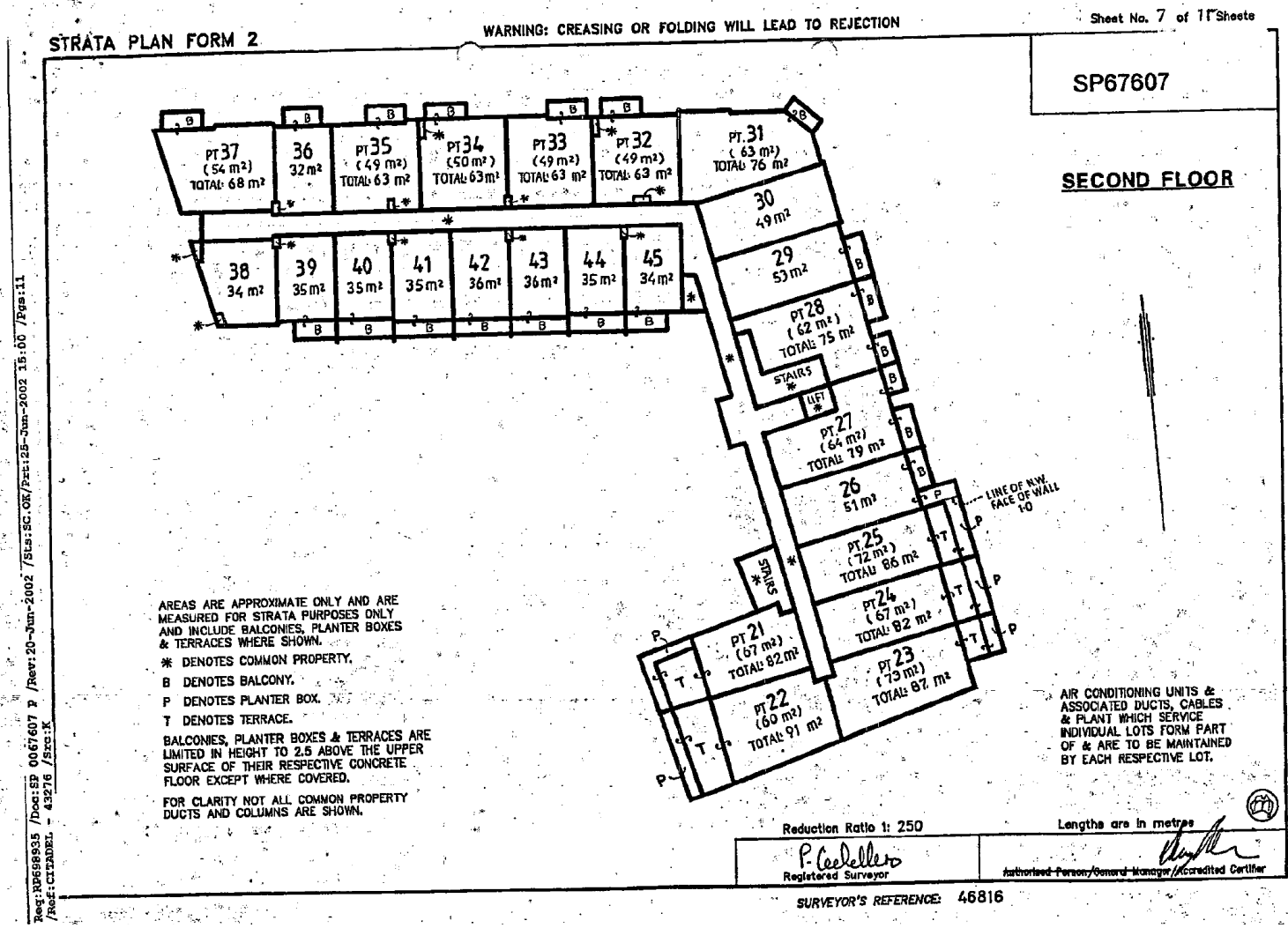


# Case Studies – SP 84686



## Case Studies – SP 67607

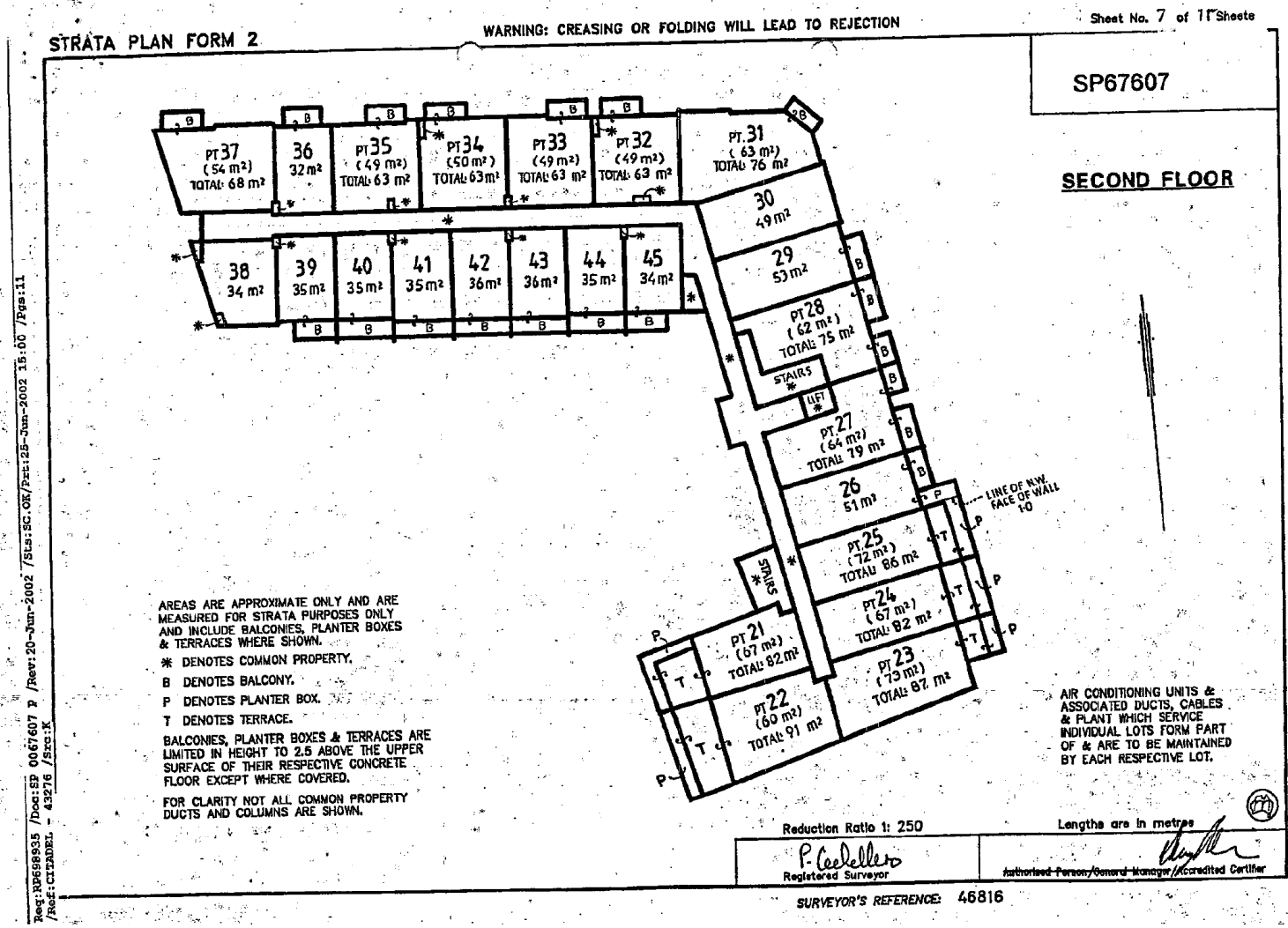
# Case Studies - SP 67607



# 32



# Case Studies - SP 67607



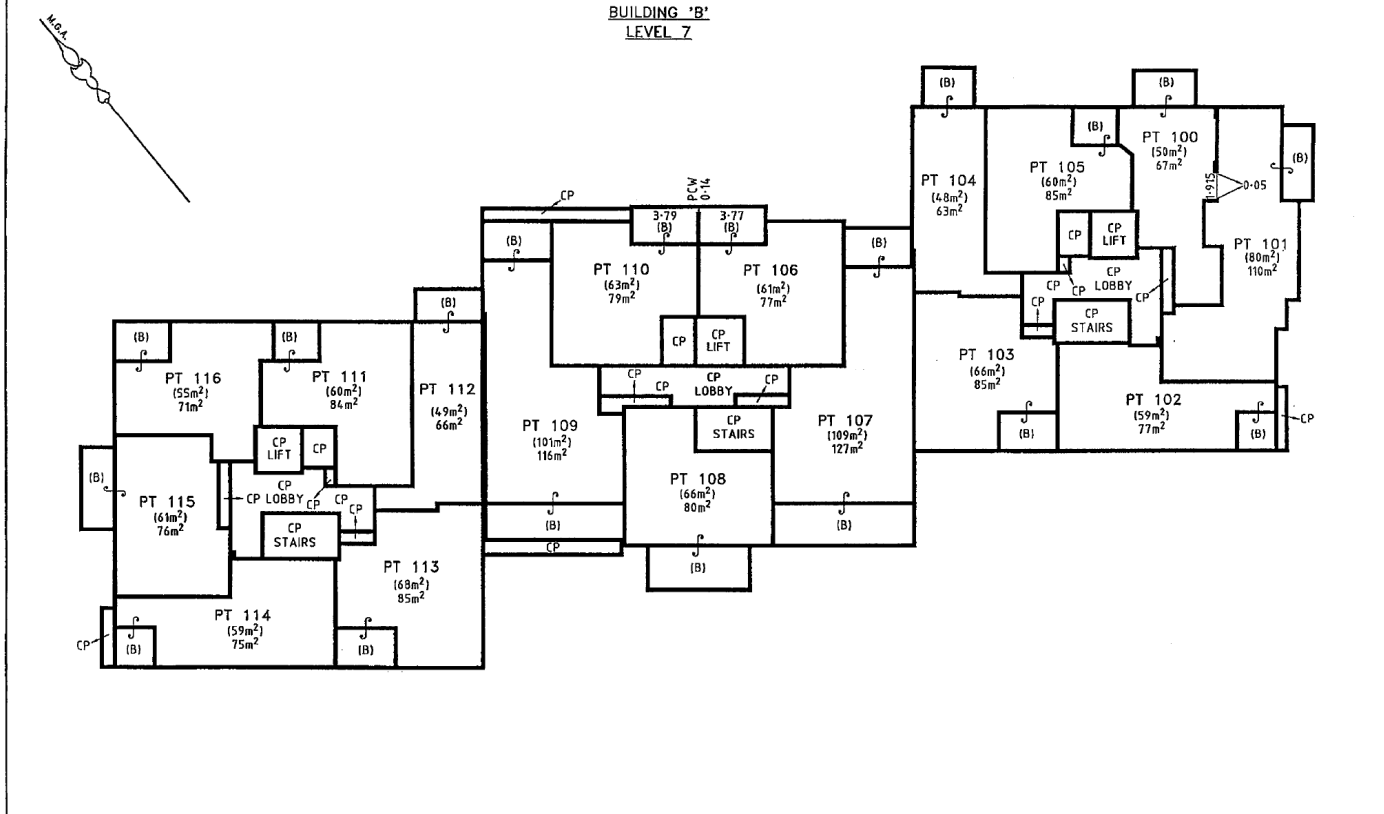
Reg: DP69855 /Doc: SP 0067607 P /Rev: 20-Jun-2002 /SLS: SC, OK /Pac: 25-Jun-2002 15:00 /Pgs: 11  
 /Ref: C:\ADMIN - 43276 /Sec: K

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## Case Studies – SP 89643

# Case Studies - SP 89643

STRATA PLAN FORM 2 (A3) WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION Sheet No. 16 of 23 Sheets



Req: 8648117 / Doc: SP 0089643 P / Rev: 02-Jun-2014 / SLS: SC OK / Pct: 10-Jun-2014 10:41 / Fgs: ALL / Seq: 16 of 27

PCW DENOTES PROLONGATION OF CENTRE OF WALL  
 (B) DENOTES BALCONY (COVERED)  
 CP DENOTES COMMON PROPERTY  
 THE AREAS SHOWN ARE FOR THE PURPOSE OF THE STRATA SCHEMES (FREEHOLD DEVELOPMENT) ACT 1973 AND ARE APPROXIMATE ONLY.

TILING WITHIN THE UNITS AND BALCONIES IS NOT COMMON PROPERTY AND FORMS PART OF THE RESPECTIVE LOT.

Surveyor: Wayne Allen Diver-Tuck  
 Surveyor's Ref: 124744-MACQPK B-C  
 Subdivision No: 315-14  
 Lengths are in metres. Reduction Ratio 1:200

Registered  
 02.06.2014

SP89643

10	20	30	40	50	Table of mm	60	70	80	90	100	110	120	130	140
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\\MacquariePark\Bldgs\BC\Final

# Case Studies – SP 89643



WWW.CORE.ENGINEERING

TILING WITHIN THE UNITS AND BALCONIES IS NOT COMMON PROPERTY AND FORMS PART OF THE RESPECTIVE LOT.



Photograph 4 - Building 1, Unit 306, Balcony Overflow Width (approx. 70mm x 45mm)



Photograph 5 - Building 1, Unit 306, Balcony Overflow External Close-up

### 3.1.2 Recommendation

The following is recommended:

1. Undertake the concrete repairs to the exposed overflow area with adequate safe access, to prevent any further balcony damage and concrete parts falling underneath and hurting residents or visitors
2. Hydraulic engineer to be engaged in order to provide advise on the overflows
3. Waterproofed the overflows in accordance with the standards and manufacture's guidance
  - a. This might involve removal of the existing tiles, screed and waterproofing and installation of new waterproofing, screed and tiles in order for the balconies to be fully warranted by the builder
  - b. Compliant installation of primary and secondary drainage works will be also captured in the remedial works

THE  
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COLLECTIVE

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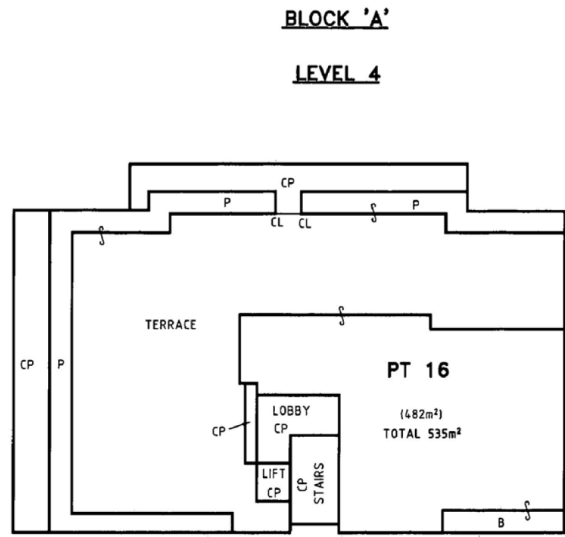
## Case Studies – SP 80611

# Case Studies – SP 80611

STRATA PLAN FORM 2 (A3)

WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

SHEET 9 OF 19 SHEETS



THE SPA BATH AND ITS ASSOCIATED EQUIPMENT AND PERGOLA WITHIN THE TERRACE OF LOT 16 IS PART OF THAT LOT AND IS NOT COMMON PROPERTY


THE STRATUM OF THE BALCONY & TERRACE IS LIMITED IN HEIGHT TO 3 METRES ABOVE THE UPPER SURFACE OF THEIR RESPECTIVE TILED BASE, EXCEPT WHERE COVERED WITHIN THESE LIMITS.

THE STRATUM OF THE PLANTERS IS LIMITED IN HEIGHT TO 3 METRES ABOVE THE UPPER SURFACE OF THEIR RESPECTIVE CONCRETE BASE, EXCEPT WHERE COVERED WITHIN THESE LIMITS.

- B BALCONY
- P PLANTER
- CP COMMON PROPERTY
- CL CENTRELINE OF WALL

AREAS ARE APPROXIMATE ONLY AND ARE SHOWN FOR THE PURPOSES OF THE STRATA SCHEMES (FREEHOLD DEVELOPMENT) ACT 1973, ONLY.

Reg: R380504 / Doc: SP 080611 P / Rev: 22-May-2008 / Sta: SC-OK / Prc: 26-May-2008 10:05 / Pgs: ALL / Seq: 9 of 22  
of Network Strata Services Pty Ltd / Src: P

Surveyor: JOHN FRANCIS BROCK Surveyors Ref: 8168/03 Subdivision No: 06/08 Lengths are in metres. Reduction Ratio 1: 200	Registered:  20.5.2008	SP80611
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