



NOTICE TO SURVEYORS T1/2006

BOUNDARIES IN MULTI-TIER STRATA SCHEMES

The following is an extract from item 8.50 of the Strata Titles Manual 2001 (Edition 2):

“If it is intended to keep the structure as common property or if it is a high rise building the following wording must be used:

“The boundaries of the lots or parts of the lots which are buildings shown on the strata plan are the inner surfaces of the walls, the upper surface of the floor and the under surface of the ceiling as provided by section 3 (2) of the *Strata Titles Act 1985*”¹,

and for part lots that are external to the building a wording similar to the following should be used:

“the stratum of the part lots external to the buildings extends between 5 metres below and 10 metres above the upper surface level of the lowest ground floor of the building located on each respective lot”.

Because of the many variations in strata schemes a surveyor may find it necessary to vary the stratum wordings to accommodate the client’s requirements. The above descriptions may not be appropriate so section 3(2)(b) of the STA may need to be used. Surveyors should use their professional judgment and where appropriate obtain legal advice to select the appropriate wording so there is no confusion as to the boundaries.”

In recent years there has been a trend for some surveyors to place the boundaries in multi-tier strata schemes on the outside of the building walls using section 3(2)(b) of the *Strata Titles Act 1985*. Concerns have been expressed by the former Strata Titles Referee, members of the public and the strata management industry about this practice. This practice creates several unacceptable maintenance problems for future owners. The exterior wall will have multiple owners, including common property between floors. Each owner is responsible for the maintenance of that section of the wall that is part of their lot instead of being part of the collective maintenance obligations of the strata company. Many purchasers will not be aware of this additional responsibility and it is likely to lead to conflict. There is a possibility that varying maintenance regimes will lead to the structural soundness of the building being compromised. Also there can be conflicts about where one boundary ends and another (or common property) starts. This could complicate insurance requirements.

Following consultations between the Community Titles Advisory Committee (CTAC), the Department for Planning and Infrastructure (DPI) and the Department of Land Information (DLI) it was resolved to address the situation by:

1. The Western Australian Planning Commission (WAPC) introducing a standard planning condition on the approvals of multi-tiered strata schemes that requires the boundaries to conform with section 3(2)(a) of the STA.
2. DLI amending the STA.

DPI has now advised DLI that the WAPC have approved the introduction the above standard planning condition. Note also that DLI is in the process of introducing a new regulation that requires the boundaries of any cubic space within a building in a strata scheme that is not a

single tier strata scheme to be consistent with section 3(2)(a) of the STA. This new regulation will apply to all multi-tier strata schemes, including schemes of 5 lots or less that would not necessarily require WAPC approval. It is expected that this regulation will be gazetted in the near future.

The Strata Plan Auditors at DLI will now check that every multi-tiered strata scheme conforms to the above requirements. Where surveyors already have plans prepared that do not conform, surveyors need to advise DLI by providing an explanation of the situation within the Surveyors Report and where appropriate attaching a copy of the planning conditions for the subdivision or development approval.

BRUCE ROBERTS
REGISTRAR OF TITLES
12 January 2006

1. Wording amended to conform with Regulation 5A(a).