

STP-04 Strata Title

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1 Strata Title (formerly section 1.2.4 of the Practice Manual)

A strata title is a title for a lot on a Strata/Survey-Strata Plan and includes a share in any common property in the scheme. Anything occurring on or in respect of common property affects every title in the scheme.

A strata title also contains a notation in its second schedule referring to “interests notified on the Strata/Survey-Strata Plan”. This means there could be other interests that are not recorded on the title that may benefit or encumber the common property or lot. Therefore, a strata title must always be searched in conjunction with the Strata/Survey-Strata Plan.

1.1 Characteristics of Strata Titles (formerly section 13.4 of the Practice Manual)

The introduction of digital titles saw all original strata titles from the 1966 and 1985 Acts converted in a back capture program. The wording and lay-out was simplified to display the current digital format. Reference to specific unit entitlement for each lot was amended to read “together with a share in any common property as set out on the Strata Plan” or (Survey-Strata Plan) whichever the case.

Where in the past strata titles made reference to depth limits and mineral reservations, these notations are no longer endorsed on the strata title. The Strata/Survey-Strata Plan should be searched to see if depth limits and mineral reservations apply to the land (see [STP-09 Scheme Plans](#) section 1.16 and 1.17).

When a land transaction takes place on any old format Strata Title, the existing duplicate title will not be re-issued as it will be replaced by a digital title. Any amendments to unit entitlement can be recorded on the Strata/Survey-Strata Plan without the previous necessity to produce the duplicate title.

1.1.1 Areas on Strata Plans

It is important for Strata Lot owners and Surveyors to understand the plane at which Lot areas have been calculated over the course of time.

The 1966 STA provided that all building lot areas were calculated to the centreplane of the external walls. With the introduction of the 1985 STA all existing lot areas were without exception defaulted to the “inner surface of the walls”. However, Surveyors were then permitted to calculate areas to the external surface of the building part lot walls. For the first time the STA also provided for part lots to be created external to the buildings and a variety of notations were placed on the floor plans to indicate how lot areas were calculated.

Amendments to the STA in 1996 introduced section 3AB of the STA where all existing “single tier” schemes of 2 to 5 lots (unless subject to an objection under section 21 O of the STA) automatically had their building part lot areas converted to the external surface of the walls.

It must be noted that there was no provision to re-calculate the areas of existing strata schemes either at 1985 or at 1996. Therefore, when preparing a Merger of Building (see [ST P-13 Merger of Common Property and Lots in Certain Strata Schemes](#)), Surveyors must carefully research the existing Strata Plan to determine exactly at what plane areas were calculated.

1.2 Re-subdivisions of Common Property (formerly section 1.2.6 of the Practice Manual)

Where any common property is re-subdivided, the resulting title will be issued in the name of all of the registered proprietors. This may cause problems, particularly in large schemes, because of the requirement to obtain consents of all mortgagees and the signatures of all proprietors.