

Consent Statement - Type 1 and 2 interest holders for amendment of scheme plan and schedule of unit entitlements

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Name of Form: Consent statement - Type 1 and type 2 interest holders for amendment of scheme plan and schedule of unit entitlements

Type of Form: Evidence

When it is used: When applying for registration of an amendment of a community titles scheme including amendment of the scheme plan for the scheme after obtaining written consents from holders of type 1 interests and written or deemed consent from holders of type 2 interests or, in the case of a type 2 interest holder, an order of the State Administrative Tribunal.

Details of entries:

- Scheme number: Enter the number shown on the scheme plan for the community titles scheme plan, so if the plan says scheme plan 12345 then the scheme number is 12345.
- Description of amendment: This could be in the form of a written description of the type of amendment of scheme plan and any associated amendment of the schedule of unit entitlements (including by reference to the relevant paragraph in Community Titles Act 2018 section 40(1)) or by attaching a copy of the amendment of scheme plan and any associated schedule of unit entitlements or both.
- Date of Notice: Enter the “Date of Notice” as shown on the form “[Notice to lot owners and others for amendment of scheme plan](#)”. If relying on deemed consent of any type 2 interest holder the 60 days is from the date notice is given not the date of the notice.
- Table:
 - Affected land: Enter the common property, lot number, tier parcel belonging to the community titles scheme or description of land leased as temporary common property;

- Type 1 interest or type 2 interest: List the type 1 interests and type 2 interests registered against that common property, lot, tier parcel or land leased as temporary common property;
- Holder of type 1 interest or type 2 interest: Insert the name of the holder of the type 1 interest or type 2 interest; and
- Consent type obtained: Insert the type of consent provided for each interest listed. Written consent is required from a type 1 interest holder.

type 1 interest means –

- the interest of a person who holds the remainder or reversionary interest in land comprised of a lot in a community titles scheme in a case where the owner of the lot holds a life estate in the land; or
- a registered mortgage; or
- the interest of a judgment creditor named in a property seizure and sale order registered under section 133 of the Transfer of Land Act 1893; or
- the interest of a person named in a memorial registered under the Transfer of Land Act 1893 as having a statutory right requiring the consent of the person to any dealing with the land; or
- a plantation interest registered under the Transfer of Land Act 1893; or
- a carbon covenant registered under the Transfer of Land Act 1893;
- a carbon right registered under the Transfer of Land Act 1893;
- a profit à prendre registered under the Transfer of Land Act 1893;

type 2 interest means –

- a registered lease; or
- a caveat recorded under the Transfer of Land Act 1893.

Other requirements:

- Ensure that lot owners and type 1 interest holders have either endorsed their written consent on the “Notice to lot owners and others for amendment of scheme plan” or provided separate written consent.
- Ensure that type 2 interest holders have endorsed their written consent/objection on the [“Notice to lot owners and others for amendment of scheme plan”](#), or provided their written consent/objection, or there is an order of the State Administrative Tribunal – if none of these apply then the Consent Statement form should indicate “Deemed consent” in the Table.
- Insert date of execution.
- Can be executed by the community corporation for the community titles scheme or a member of the community corporation for the scheme (i.e. a lot owner or community corporation for a tier parcel that belongs to the scheme).