

Consent Statement - Type 1 & type 2 interest holders of land leased as temporary common property, and amendment of scheme plan to create or discharge an easement or restrictive covenant

Version 1 – 30/06/2021

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Name of Form: Consent statement – Type 1 and type 2 interest holders of land leased as temporary common property, and amendment of scheme plan to create/discharge an easement or restrictive covenant

Type of Form: Evidence

When it's used: In support of an application to amend a community titles scheme by amendment of the scheme plan by a lease that creates temporary common property, or creates or discharges an easement or restrictive covenant. It evidences the consents obtained from type 1 and type 2 interest holders for the relevant amendment.

Details of entries:

- Scheme number: Enter the number shown on the scheme plan for the community titles scheme, so if the scheme plan says scheme plan 12345 then the scheme number is 12345.
- Description of lease creating temporary common property, easement or restrictive covenant: Enter the details of the lease creating temporary common property for the community titles scheme, easement or restrictive covenant (date of execution, description of affected land, names of parties involved) and whether it is being accepted/created/discharged, for example:

Discharge of easement N123456 between A (as grantee) and B (as grantor) dated 1/7/2021, with the burden affecting Lot 1 on SP123456 and the benefit affecting Lot 2 on SP123456.

- Notice date: 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 the Affected land;
 - 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
 - Type of consent obtained: Insert the type of consent provided for each interest listed (i.e. written consent, deemed consent, order of the State Administrative Tribunal). 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.

- Execution: Insert the date of execution. It is to be executed by the community corporation.

Other requirements:

- Ensure original written consents accompany this Consent Statement or are affixed to accompanying “[Notice to lot owners and others for amendment of scheme plan](#)”.
- Insert date of execution.
- The community corporation must execute the document.