

# STP-16 Variation of Schemes

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## 1 Taking (formerly known as Resumption) (formerly section 18.11 of the practice manual)

Land may be taken from a strata/survey-strata scheme under the provisions of Part 9 of the Land Administration Act, 1997 (replacing similar provisions in the Public Works Act 1902, 1902). The parties affected are the strata company and the lot owners.

Where land is taken (Taking Order – see Sections 29, 29A & 29B of the STA where the terminology is “resumption”) from a strata/survey-strata scheme under part 9 of the Land Administration Act 1997 the following requirements apply:

- A deposited plan must be lodged depicting the area of land to be taken together with any residual land in the strata scheme shown as a new lot.
- If the land being taken is common property only, DoL will instruct surveyors that a replacement sheet (new Version with the Version/Amendment table showing the notation “REDEFINITION AFTER DISPOSAL OF COMMON PROPERTY - SEE DOC.....”) depicting the situation after the land has been taken (including the change in the land description) must be prepared and submitted to Landgate by the appropriate authority (see [Plan Example 61](#)).
- If any of the land being taken involves land in a strata lot, the “relevant authority” must comply with section 29B of the STA and submit a replacement sheet for the Strata/Survey-Strata Plan that depicts the lots and common property remaining in the scheme (see Chapter 18.13). The new sheet must show the change in the land description (i.e. the new balance lot created on the deposited plan) for the scheme. Note that the new sheet must use the existing strata lot numbers (see [Plan Example 42](#) and [Plan Example 62](#)).
- A new CSD file is required for any survey-strata scheme affected by a taking.

## 2 Variation of Survey-Strata Scheme on Taking (formerly section 18.12 of the practice manual)

Where part of the land in a survey-strata scheme is taken, the District Court, on an application of the strata company, a proprietor or mortgagee of a lot may make an Order with respect to the variation of the scheme or the substitution for the existing scheme of a new scheme. Refer to section 29A of the STA.

### 3 Taking of Part of a Strata Lot (formerly section 18.13 of the practice manual)

Where a "Taking Order" under section 177 of the Land Administration Act, 1997 affects lots or parts of lots on a Strata Plan the lot owner and the strata company become involved because both the cubic space within the lot and the common property (air space and subsoil) are usually affected.

Replacement sheets (new Version with the Version/Amendment table showing the notation "REDEFINITION AFTER DISPOSAL OF LOT/PORTION OF LOT - SEE DOC.....") depicting the situation after the land has been taken must be prepared and submitted to Landgate by the appropriate authority (see [Plan Example 42](#)). This means a replacement floor plan and location plan sheet is to be submitted for registration.

Surveyors must prepare replacement floor plans in accordance with guidelines pertaining to amendments introduced in 1996 i.e. quote wording in relation to Sections 3AB and 3 (2) (a) STA. Unit entitlement may also vary so the surveyor should recommend to the client that unit entitlement might require adjusting.