

(Reprint No. 1)

SOUTH AUSTRALIA

STRATA TITLES REGULATIONS, 1988

These regulations are reprinted pursuant to the Subordinate Legislation Act 1978 and incorporate all amendments in force as at 8 February 1995.

It should be noted that the regulations were not revised (for obsolete references, etc.) prior to the publication of this reprint.

SUMMARY OF PROVISIONS

1. Citation
2. Commencement
3. Interpretation
4. Unit entitlement
5. Application for deposit of strata plan
6. Amendment of deposited strata plan
- 8a. Procedure where the whereabouts of certain persons is unknown
9. Variation of articles
10. Insurance
11. Record keeping
12. Provision of information

FIRST SCHEDULE

Certificate of Licensed Surveyor

SECOND SCHEDULE

Certificate of Licensed Surveyor Relating to the Amendment of a Deposited Strata Plan

NINTH SCHEDULE

Certificate Relating to the Amendment of the Articles of a Strata Corporation

TENTH SCHEDULE

Notice of Intention to Apply to Registrar-General to Deposit Strata Plan or Amend Deposited Strata Plan

APPENDIX

LEGISLATIVE HISTORY

REGULATIONS UNDER THE STRATA TITLES ACT, 1988

STRATA TITLES REGULATIONS, 1988

being

No. 138 of 1988: *Gaz.* 21 July 1988, p. 460¹

as varied by

No. 155 of 1990: *Gaz.* 26 July 1990, p. 436²

No. 82 of 1991: *Gaz.* 20 June 1991, p. 1971³

No. 247 of 1993: *Gaz.* 27 October 1993, p. 2099⁴

¹ Came into operation 1 September 1988: reg. 2.

² Came into operation 2 August 1990: reg. 2.

³ Came into operation 1 July 1991: reg. 2.

⁴ Came into operation 15 January 1994: reg. 2.

NOTE:

- *Asterisks indicate repeal or deletion of text.*
- *For the legislative history of the regulations see Appendix. Entries appearing in the Appendix in bold type indicate the amendments incorporated since the last reprint.*

Citation

1. These regulations may be cited as the *Strata Titles Regulations, 1988*.

Commencement

2. These regulations will come into operation on 1 September, 1988.

Interpretation

3. In these regulations—

"the Act" means the *Strata Titles Act, 1988*.

Unit entitlement

4. For the purposes of section 6(3) of the Act, the aggregate unit entitlements of all units defined on a strata plan must be 10 000.

Application for deposit of strata plan

5. (1) The certificate of a licensed surveyor that must accompany an application for the deposit of a strata plan under section 7 of the Act must be in the form set out in the first schedule.

- (2) A strata plan must be prepared to one of the following scales:

1:100 1:125 1:150 1:200 1:250 1:300
1:400 1:500 1:750 1:800 1:1000, or
multiples of 10 thereof,

and the plan must have a bar scale of at least 100 millimetres.

- (3) For the purposes of section 7(6)(b)(ii) of the Act—

- (a) any part of—

- (i) a structure that sits on footings protruding beyond the boundaries of the site;

- (ii) a roof wholly or partly supported by such a structure;

or

- (iii) an attachment to such a structure or roof,

is an associated structure of a prescribed nature;

- (b) the prescribed distance is 0.20 metres, or such other distance as the Registrar-General may determine in a particular case.

Amendment of deposited strata plan

6. (1) The certificate of a licensed surveyor relating to the amendment of a deposited strata plan must be in the form set out in the second schedule.

- (2) For the purposes of section 12(3a)(d)(ii) of the Act—

- (a) any part of—

- (i) a structure that sits on footings protruding beyond the boundaries of the site;

- (ii) a roof wholly or partly supported by such a structure;

or

(iii) an attachment to such a structure or roof,

is an associated structure of a prescribed nature;

(b) the prescribed distance is 0.20 metres, or such other distance as the Registrar-General may determine in a particular case.

* * * * *

Procedure where the whereabouts of certain persons is unknown

8a. For the purposes of section 17a(2)(a) of the Act, the information that must be contained in a notice under that section is the information in the form set out in the tenth schedule.

Variation of articles

9. The copy of a resolution of a strata corporation under section 19(2) of the Act that is lodged with the Registrar-General under section 19(3) of the Act must be certified by an officer of the strata corporation in the manner set out in the ninth schedule.

Insurance

10. For the purposes of section 31(2) of the Act, the amount of \$5 000 000 is prescribed.

Record keeping

11. For the purposes of section 40 of the Act, the following periods are prescribed—

- (a) in relation to minute books—30 years;
- (b) in relation to accounting records—7 years;
- (c) in relation to any statements of account—7 years;
- (d) in relation to notices or orders served on the strata corporation—7 years;
- (e) in relation to correspondence—7 years;
- (f) in relation to notices of meetings—7 years;
- (g) in relation to the duplicate certificate of title for the common property of the strata corporation—the life of the strata corporation, subject to any requirements of the Registrar-General under the *Real Property Act 1886*;
- (h) in relation to documentary material received by the strata corporation under section 38(3)(b) or (c) of the Act—30 years.

Provision of information

12. (1) For the purposes of section 41(1)(c)(iii) of the Act, documentary material received by the strata corporation under section 38(3) of the Act is prescribed.

(2) For the purposes of section 41(2) of the Act, the following fees are prescribed:

(a) where an application is made for all or any of the information referred to in section 41(1)(a)—

- where the applicant is the owner of a unit—no fee;
- in any other case—\$25 per application;

(b) where an application is made for copies of all or any of the documentary material referred to in section 41(1)(b)—

- where the applicant is the owner of a unit—\$5 per application;
- in any other case—\$25 per application, plus an additional \$10 where the application is for, or includes a request for, a copy of current policies of insurance taken out by the strata corporation;

(c) where an application is made to inspect all or any of the documentary material referred to in section 41(1)(c)—

- where the applicant is the owner of a unit—no fee;
- in any other case—\$5 per application.

(3) The strata corporation may, as it thinks fit, reduce or waive any fees under subregulation (2).

Strata Titles Regulations, 1988

FIRST SCHEDULE

Certificate of Licensed Surveyor

I,, a licensed surveyor under the Surveyors Act, 1975, certify—

(a) that this plan correctly delineates the boundaries of the land comprised in the plan and all units, unit subsidiaries, common property and other buildings shown on the plan;

and

(b) that this plan is correct for the purposes of the Strata Titles Act, 1988, and regulations.

Dated this day of, 19

.....
Licensed Surveyor

SECOND SCHEDULE

Certificate of Licensed Surveyor Relating to the Amendment of a Deposited Strata Plan

I,, a licensed surveyor under the Surveyors Act, 1975, certify that this plan correctly delineates the units, common property and buildings on the land comprised in the plan.

Dated this day of, 19

.....
Licensed Surveyor

* * * * *

NINTH SCHEDULE

Certificate Relating to the Amendment of the Articles of a Strata Corporation

Strata Corporation No. Incorporated

I, of, being an officer of the Strata Corporation No. Incorporated, certify that the attached resolution is a true and correct copy of a special resolution amending the articles of the corporation passed at a duly convened meeting of the corporation on the day of, 19

Dated the day of, 19

NOTE: This certificate must be accompanied by any new articles, or variations to existing articles, passed by the corporation pursuant to the special resolution

TENTH SCHEDULE

Strata Titles Act, 1988

Section 17a(2)(a)

Notice of Intention to Apply to Registrar-General to Deposit Strata Plan or Amend Deposited Strata Plan

To of (name of person to whom this notice is given) (address of person to whom this notice is given)

Re: (description of the interest in land described below of the person to whom this notice is given)

* I/We of (name of each person giving this notice) (address of each person giving this notice)

hereby notify you that—

1. *I/We intend to make application to the Registrar-General under Division of the Strata Titles Act, 1988 in respect of the land comprised in Certificate(s) of Title Register Book Volume Folio

2. Your consent to (give particulars of the application or related matter to which consent is required)

is required and hereby sought to enable *deposit/amendment of the Strata Plan for the land described above.

3. If you intend to refuse that consent and you fail to lodge an objection with the Registrar-General within 28 days from the date on which this notice is—

(a) posted to you;

or

(b) published in a newspaper circulating generally throughout the State;

** or

** (c) left on or near the land over which the encroachment has occurred,

whichever occurs last, section 17a of the Strata Titles Act, 1988 empowers the Registrar-General to proceed with the application to *deposit/amend the Strata Plan without your consent and your consent will, by law, be taken to have been given.

Dated this day of, 19

(Signature of person(s) giving notice)

(* strike out whichever is inapplicable)

(** strike out if no encroachment is involved)

Strata Titles Regulations, 1988

APPENDIX

LEGISLATIVE HISTORY

Regulation 5(3):	substituted by 155, 1990, reg. 3
Regulation 6:	redesignated as regulation 6(1) by 155, 1990, reg. 4
Regulation 6(2):	inserted by 155, 1990, reg. 4
Regulations 7 and 8:	revoked by 247, 1993, reg. 3
Regulation 8a:	inserted by 155, 1990, reg. 5
Regulation 11:	varied by 82, 1991, reg. 3
Regulation 12(2):	substituted by 82, 1991, reg. 4
Third, fourth, fifth, sixth, seventh and eighth schedules:	revoked by 247, 1993, reg. 4
Tenth schedule:	inserted by 155, 1990, reg. 6