

# Application for the Amendment of a Strata Plan

*These Guidance Notes are of a general nature and are not intended to, and cannot, replace the advice of a Legal Practitioner or Registered Conveyancer.*

## GENERAL INFORMATION

Form A7 is to be used to amend a deposited strata plan

- pursuant to a unanimous resolution of the Corporation under Section 12(1) of the Strata Titles Act 1991 (STA), or
- in pursuance of an Order of Court under Section 13 of the STA

Where the application is made pursuant to an Order of Court, a copy of the sealed court order must accompany the application.

NOTE: As documentation requirements for an amendment pursuant to an order of court are to be determined by viewing the order, the following notes relate to Section 12(1) applications.

- \* The amendment may affect the boundaries of the units, unit subsidiaries or common property, buildings and structures shown on the plan. This form is also to be used where the amendment involves the addition of the whole of an allotment within the strata site.

Note: Where the amendment involves:

- a. the addition of portion of an allotment within the strata site or removal of land from the strata site, Form AP6 **must** be used.
  - b. only changes to unit entitlements, Form AP2SP **must** be used.
- \* At the time of the application being lodged in the Lands Titles Office (LTO) the Development Assessment Commission certificate must be current.
  - \* The A7 must be assessed for stamp duty prior to being lodged in the LTO.
  - \* The amended strata plan, containing a certificate from a licensed surveyor must be lodged with the A7.
  - \* A land valuer's certificate, certifying that the schedule of unit entitlements is correct must be lodged with the A7. The land valuer is to insert the strata plan number on the unit entitlement sheet. The unit entitlement sheet is available on LTO Forms.
  - \* If there is no change to the unit entitlements a certification to that affect is required from a land valuer and is to be attached to the A7. See Notice to Lodging Parties No 158 for form of certification.
  - \* Where the unit entitlements for a strata plan have changed a copy of the unanimous resolution, being a copy of the minutes, certified by an officer of the Strata Corporation is to be attached to the A7. The form of certification is:
  - \* This is a copy of the resolution of the corporation referred to in the attached application.

.....

[Signature of officer of the Strata Corporation]

- \* If the name of a consenting party or the registered proprietor of a unit affected by amendment has altered an application amending their name should precede the A7, if applicable. Whereas a planning condition for the amendment, an easement is to be:
  - \* Created, a grant of easement must be lodged in series with and after this document.
  - \* Varied or extinguished pursuant to section 90B of the Real Property Act 1886, the Registrar-General will accept this document, with some modifications, as the approved form for the variation or extinguishment.
  - \* Persons required to consent to the amendment must complete the form approved for that purpose, the A7 consent form. Any completed consent forms are to be attached to the A7 form with the page(s) numbered so as to be part of the A7 form.
  - \* Each page must be numbered consecutively, e.g. 1 of 10, 2 of 10.
  - \* All handwriting must be in permanent, dense, rapid drying black or blue ink.

## EXPLANATION OF FORM

### Heading

If the application is not being lodged pursuant to an Order of Court cross through Section 13.

### Land Description

Include reference to all titles (e.g. Whole of the land in CT Volume ... Folio....) affected by the amendment including for those outside of the strata plan affected by any extinguishment or variation of an existing easement or by any additional encroachment.

### Application to Registrar-General

- \* Insert the number of the Strata Corporation and the corporation's postal address.

**Note:** Any change of address for the strata site must be authorised by the local government authority either by inclusion in the accompanying land division certificate or by letter attached to the application signed by an authorised office of the authority.

- \* Insert the required information in (1) and strike through the inapplicable.
- \* Strike through (2) where there is no change to the unit entitlements.
- \* If the Community Corporation is making the application under section 12 of the STA strike through (4).
- \* If the amendment is pursuant to an Order of Court strike through (3) and insert the relevant information in (4).

### Schedule of Mode of Issue

Insert the relevant details for all of the new titles being issued as a consequence of the amendment.

### Parcel Identifier/CT reference

Insert the land description for all new titles being issued e.g. 2 SP, Common Property, CT 5678/23.

### Full name, address and mode of holding

Show the full name, address and mode of holding (if required) of the proprietor(s) for the titles to be issued



## Execution by Strata Corporation

To be dated.

Strata Corporation to affix their common seal (e.g. Strata Corporation No. 1234).

## Consent to the Amendment of a Deposited Strata Plan

Persons who must consent include:

- a. Registered interests in the units or common property affected by the amendment or changes to unit entitlements.
- b. Registered proprietor and registered interests of any title affected by the variation/extinguishment of an easement.
- c. Registered proprietor of any title affected by an encroachment other than that over land under the care and control of the local council.

### Consenting party

Show consenting party's full name, including if a company their ACN or ABN, and their address.

### Nature of estate or interest held

State the nature of the estate or interest held (i.e. Registered proprietor of CT, Mortgagee etc)

### Statement of Effect on estates or interests of consenting parties

- \* Insert Interest affected (e.g. CT 5678/23, M 34567812, L 6785892, etc.)
- \* There is no requirement for an encumbrancee<sup>1</sup> to state the effect on their interest as the pre-printed statement "adjusted in accordance with Section 12(5) and (5a) of the Strata Titles Act 1988" operates to adjust those interests automatically. Encumbrances that adjust automatically by operation of the Act include mortgages, encumbrances, leases<sup>2</sup> (only if over whole of a unit), liens and caveats.
- \* Specific adjustment statements must be made in relation to leases over portion, easements and statutory encumbrances. See Notice to Lodging Parties No 158 for adjustment of statutory encumbrances (e.g. Land Management Agreement) as additional certification is required.
- \* Where required the effect on the interest to be shown, e.g. Variation of easement (TG12369872) to the position marked C on SP 12345.
- \* Insert Consideration/Value for Stamp Duty purposes.

### Consent to amendment

In (1):

- \* insert the number of the strata plan being amended in (a).
- \* If there is no change to the schedule of unit entitlements, cross through (b).

Must be dated.

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- \* 1. See Section 3 of the Strata Titles Act 1988
  - \* 2. Where a lease that covers portion of a unit is to be extended the consent from the lessee and lessor is required and the relevant statement shown on the consent forms.

## Execution by consenting party

If the consenting party is a natural person who is signing in his or her own right, he or she must sign his or her usual signature in the place indicated on the form. A different format must be used where a person is not signing in his or her own right (e.g. He or she is signing as attorney for the consenting party.)

Pursuant to Section 267 of the Real Property Act 1886 (RPA), the witness to consenting party's execution must be an adult (aged 18 years or over) who knows the consenting party personally or has satisfied him or herself as to the identity of the consenting party. The witness cannot be a party to the instrument. The witness must sign his or her name and print his or her full print, address and business hours telephone number legibly beneath their signature.

Pursuant to Section 268 of the RPA, a witness is guilty of an offence if he or she does not know the person executing the instrument personally and has no reasonable ground on which to be satisfied as to the person's identity, OR knows or has reasonable grounds for suspecting that the person signing the instrument is not a party to the instrument or does not have the authority to sign on behalf of the party.

- Maximum Penalty - \$5,000 or 1 year imprisonment.

If the consenting party is a body corporate it may execute in any manner permitted by law.

## CERTIFICATION

Any inapplicable certification statement(s) must be deleted.

Certification statements must be made by a prescribed person, being one of the following:

- a. A legal practitioner
- b. A registered conveyancer
- c. If the applicant is not represented by a legal practitioner or registered conveyancer – the applicant (i.e. self-represented party)
- d. If a party to an instrument is not represented by a legal practitioner or registered conveyancer – that party (i.e. self-represented party)

All certifications apply where the Prescribed Person is a registered conveyancer or legal practitioner.

The first listed certification does not apply where the Prescribed Person is a self-represented party. Self-represented parties are only required to make certifications relating to retaining evidence to support the registry instrument or document and ensuring the registry instrument or document is correct and compliant with relevant legislation and any prescribed requirement.

Note: - An attorney or a body corporate cannot make certification statements.

The Registrar-General's [Verification of Identity](#) and [Verification of Authority](#) requirements must always be complied with.

Penalties of up to \$10,000 or 2 years imprisonment apply, where a prescribed person provides a false certification under section 273(1) of the *Real Property Act 1886*

## SUPPORTING DOCUMENTATION LODGED WITH APPLICATION

Insert reference to supporting documentation that is required to be lodged with the application e.g. unit entitlement sheet, copy of unanimous resolution

## ANNEXURE

It will be necessary to use annexure sheet (Form B1) if there is insufficient space for the text or to complete the remaining executions.

An annexure sheet to an instrument must:

- a. be in the format of Form B1 and identified therein as an annexure to the parent instrument;
- b. be referred to in the body of the instrument where there is insufficient space;
- c. be affixed securely and permanently to the top left-hand corner of the instrument. The annexure and instrument must not be bound;
- d. comply with the requirements in Form B1 Guidance Notes.

When an additional or inserted sheet being a *certificate, statutory declaration or writing* of a similar nature is intended to form part of an instrument ensure:

- a. it is affixed securely and permanently to the top left-hand corner of the instrument; and
- b. the printing or handwriting thereon is clear and legible and of a permanent form.

The Registrar-General *may refuse* to accept for registration any instrument, annexure sheet or additional or inserted sheet that does not comply with the provisions of these standards.

FORM A7 (Version 1)



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