

BUILDING STRATA

WHAT IS IT?

- A Building Strata (commonly referred to as just “Strata”) relies on having all buildings completed – NO VACANT LOTS ARE ALLOWED. There are exceptions to this, but they are rare.
- All buildings are shown on the Strata Plan.
- Once the new titles issue, any change to the buildings (external appearance, extensions, new buildings, demolition & rebuilding, etc.) needs the PRIOR consent of all Strata lot owners, as per the Strata Titles Act.

ADVANTAGES

- Easiest way to subdivide.
- Cheapest way to subdivide (in terms of Surveying fees).
- Each Strata lot owner has more control over what the other lot owner(s) can do with their buildings.
- Whatever the Local Council approves in its Development Application, be it outside the R-Codes or whatever, DOES mean you can Strata title as long everything is built in accordance with the Local Council approvals.
- The WA Planning Commission (WAPC) is not involved.

DISADVANTAGES

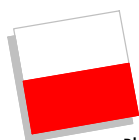
- Must have the finance to build before obtaining the new titles.
- You cannot obtain new titles until the ENTIRE development is totally finished, including fences / walls, landscaping, paving, crossovers, letterboxes, etc.
- Each Strata lot owner has less freedom in what they can do with their buildings.
- Once the new titles issue, any change to the buildings (extensions, new buildings, demolition & rebuilding) results in the Strata Plan at the Titles Office being inaccurate. Thus the Strata Plan may need to be updated = an extra expense to the owners each time.

PROCEDURE

- Put simply: design to satisfy Local Council; obtain Building License; build; then contact Cottage at “Roof on” stage to commence the Strata process.
- See Flowchart attached.

COSTS

- All costs involved in building all buildings and or other required structures or retrofitting existing buildings to council requirements plus fencing, paving and landscaping.
- Cost of Survey work for creating and lodging strata plan with Landgate.
- Cost of application for new title. (Check with settlement agent or lawyer)



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HANDY TIPS

Lot Sizes

- Averages and / or minimums can be smaller than the minimums required in the R-Codes, as long as Local Council allows it.
- More and more Local Councils are assessing Strata developments exactly as per the R-Codes.

Driveways & Pedestrian Access Legs

- You can get away with less than the minimum required width in the R-Codes, as long as Local Council allows it.
- Common Property does not need to cover the whole driveway / access leg – it can be as small as Local Council will allow.

Intrusions

- Intrusions and wall attachments (house, garage, store, etc.) are allowed to encroach into another Strata lot owner's property.
- Intrusions and wall attachments encroaching into driveways & pedestrian access legs do NOT mean you have to make that area common property.

Services

- All mains services can be shared between the Strata lots: sewer junctions, underground power domes, etc.
- If a service line runs through a Strata lot to reach another, the lot using that service has the right to enter the other lot to repair, maintain or replace the line in the original position, as per the Strata Titles Act.

Easements

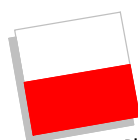
- When designing buildings ALWAYS CHECK THE TITLE AND THE PARENT PLAN for Easements such as Water Corporation, Western Power, Local Council Drainage, etc. Construction within these Easements is allowed, but will result in extra fees and paperwork during the Strata process.

Restrictive Covenants

- At the start of any Building Strata development ALWAYS CHECK THE TITLE FOR RESTRICTIVE COVENANTS - get a copy of any Covenant document and find out what the restrictions are. Some Covenants only allow one dwelling on the lot, thus by building two (or a second house) you are breaching the Covenant and new titles will not be issued.
- If in doubt, the Client should seek legal advice – do not try to interpret the Covenant.

Redevelopment on an Existing Building Strata Scheme

- Any change to the buildings (external appearance, extensions, new buildings, demolition & rebuilding, etc.) needs the PRIOR consent of all Strata lot owners, as per the Strata Titles Act.
- Advise the Client that if this is not done, problems can occur when updating the Strata Plan at the Titles Office. The Client should seek advice from a Strata Title Consultant – leave this up to them (you are just advising them as a duty of care).



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