

SURVEY STRATA

WHAT IS IT?

- A Survey Strata (sometimes **WRONGLY** called a “Vacant Strata”) was conceived to allow the creation of “vacant” Strata lots.
- Buildings are not shown on the Survey Strata Plan.
- A Survey Strata can be done if the proposed Strata lots are all vacant, OR if each proposed Strata lot has a building on it (old or new), OR a combination of the above.
- A multi-tiered scheme (where one lot sits vertically above another) is NOT allowed – this must be done as a Building Strata.
- Once the new titles issue, any change to the buildings (external appearance, extensions, new buildings, demolition & rebuilding, etc.) does NOT need the prior consent of any Strata lot owners.

ADVANTAGES

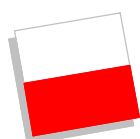
- Allows new titles to be created first without having to build on the Strata lots.
- If the Survey Strata process is started early enough, you can obtain new titles long before a new development is totally finished on site.
- Each Strata lot owner has more freedom in what they can do with their buildings.
- Once the new titles issue, a Survey Strata Plan never needs updating, no matter what the Strata lot owners do with their buildings.

DISADVANTAGES

- Can be more difficult to achieve, especially if doing a Battle-axe scheme.
- Most expensive way to subdivide (in terms of Surveying fees).
- Each Strata lot owner has no control over what the other lot owner(s) do with their buildings.
- The WA Planning Commission (WAPC) must approve all Survey Strata applications. The WAPC is more difficult and less flexible than the Local Council when interpreting the rules to subdivide. They can also impose difficult conditions that would not be imposed by the Local Council.
- What the Local Council approves in its Development Application, be it outside the R-Codes or whatever, DOES NOT guarantee that the WAPC will approve a Survey Strata under the same configuration.
- Any proposed vacant lots must be clear of all buildings and have all services supplied to it (water, sewer, underground power, drainage) BEFORE new titles can be obtained.
- Any proposed lots with an existing building must comply and have car bays, a driveway, a storage shed, and a private courtyard area all completed BEFORE new titles can be obtained.

PROCEDURE

- Put simply: a Survey Strata can be done at any time before, during or after construction.
- See Flowchart attached.



**COTTAGE & ENGINEERING
SURVEYS**

87 - 89 Guthrie Street, Osborne Park, Western Australia 6017
P.O. Box 1611 Osborne Park DC 6916

Ph (08) 9446 7361

Email: perth@cottage.com.au

COSTS

OTHER COSTS AND WORKS

- Water Corporation: see separate section.
- Western Power: see separate section.
- Local Council (depending on the circumstances):
 - Car bays (for existing house only)
 - Storage shed (for existing house only)
 - Demolition, site clearing, grading and drainage of any proposed vacant lots or driveways
 - Removal of any septic tanks
 - Construction of any common property driveways
 - Removal / upgrading / construction of crossovers
 - Modification of any buildings / walls / windows to meet building setback requirements (for existing house only)
 - Stormwater drainage
 - Construction of any unmade Right Of Way abutting the lot
 - Retaining walls (in need)
 - Engineer's reports (in need)
 - Development Application (in need)
 - Local Council Scheme costs (in need)
 - Public Open Space contributions (in need).

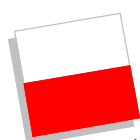
HANDY TIPS

Lot Sizes

- Lot sizes must comply with the minimums required in the R-Codes.
- The WAPC will allow a bonus of up to 5% on undersized lots, but will only approve under special circumstances.
- Corner truncation areas (UP TO A MAXIMUM OF 20m²) can be included when calculating average or minimum lot sizes.
- In some circumstances part of a rear Right Of Way or Public Open Space (UP TO A MAXIMUM WIDTH OF 2m) can be included when calculating average or minimum lot sizes.
- For Battle-axe schemes, having a common property driveway allows you to create a smaller rear lot effective area.
- If there is an existing house to remain, when designing proposed boundaries consider the following requirements:
 - Driveway / Pedestrian Access Leg width / position
 - Building setback distances
 - Site Coverage
 - Outdoor living areas
 - Car bays, vehicle access, reversing
 - Storage shed.

Street Frontage

- For Side-by-side and Corner lot schemes, each proposed lot must achieve the minimum street frontage required in the R-Codes.



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Driveways

- Must be a minimum of 4m wide (if possible).
- Can be a minimum of 3m wide, but only if there is an existing house to remain and the house wall is closer than 4m.
- 3m is the absolute minimum width – the house wall and all of its attachments (eaves, gutters, down-pipes, air conditioners, hot water units, etc.) must be at least 3m clear of the boundary.
- If the house wall OR any of its attachments are closer than 4m, the ENTIRE driveway must be common property.

Pedestrian Access Legs

- Must be a minimum of 1.5m wide (if possible).
- Can be a minimum of 1m wide, but only if there is an existing house to remain and the house wall is closer than 1.5m.
- 1m is the absolute minimum width – the house wall and all of its attachments (eaves, gutters, down-pipes, air conditioners, hot water units, etc.) must be at least 1m clear of the boundary.
- If the house wall OR any of its attachments are closer than 1.5m, the ENTIRE Access Leg must be common property.

Intrusions

- Intrusions and wall attachments (house, garage, store, etc.) are not normally allowed to encroach into another Strata lot owner's property.
- Intrusions and house wall attachments encroaching into driveways & pedestrian access legs MAY mean you have to make that entire area common property (see separate sections above: Driveways; Pedestrian Access Legs).

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.

Restrictive Covenants

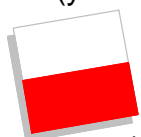
- At the start of any Survey Strata development ALWAYS CHECK THE TITLE FOR RESTRICTIVE COVENANTS - get a copy of any Covenant document and find out what the restrictions are. Some Covenants only allow one dwelling on the lot, thus by doing a Survey Strata you are potentially breaching the Covenant - new titles will issue but future owners will breach the covenant if they build.
- If in doubt, the Client should seek legal advice – do not try to interpret the Covenant.

Redevelopment on an Existing Survey Strata Scheme

- Any change to the buildings (external appearance, extensions, new buildings, demolition & rebuilding, etc.) does NOT need the prior consent of any Strata lot owners.

Subdivision of an Existing Survey Strata Lot

- Any such subdivision needs the PRIOR consent of all Strata lot owners, as per the Strata Titles Act. If this is not done, problems can occur when applying for new titles 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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