

Policy

Strata Titles



Strata Titles

To ensure that the Strata Titling of land occurs in conformity with the provisions of the relevant legislation.

To ensure that new strata lots are of appropriate size and configuration and appropriately serviced.

The creation of Strata Title lots in cases where conventional freehold subdivision could be achieved shall not be approved.

The creation of Strata Title lots when outstanding Planning, Building or Environmental Health conditions or orders have not been complied with shall not be approved.

Adopted:	23/09/1992 #209
Last reviewed:	27/09/2006 #519 28/04/2010 #105 11/07/2012 #163
Legal Authority:	Local Government Act Section 2.7 – The Role of Council Town Planning Scheme No 2 Strata Titles Act 1985

Policy:

1. Conventional Applications

- a) An application for Strata Title will not be approved unless the application and any existing structures on the subject land are in compliance with the following:
- Strata Titles Act (1985) -as amended
 - Building Regulations (1989) -as amended
 - Building Code of Australia (1990) -as amended
 - Local Government Act (1960) -as amended
 - Health Act (1911) -as amended
 - Council's operative Town Planning Scheme-as amended

- Previous Council approvals

2. Creation of Vacant Strata Lots

- a) No vacant strata lot shall be created that, in the opinion of Council, is incapable of development under the operative Town Planning Scheme.
- b) The total number of strata lots and the size of such lots must comply with the density code under the Town Planning Scheme.
- c) Proposed vacant strata lots must be cleared of all structures not complying with the legislation referred to in 2.2 above, prior to issue of approval.
- d) Vehicular access is to be provided to the vacant strata lot. This may be achieved via secondary street, a right-of-way or an access driveway of a minimum width of 3 metres. Where access is to be provided via a right-of-way the applicant is required to demonstrate that the lot has a permanent legal right of access over the right of way.
- e) Provision is required to be made for a services corridor to the street for strata lots not having a street frontage. The purpose of the services corridor is to provide access to street based services, including public utilities, mail delivery and refuse collection. Where strata lots are proposed, having no street frontage, certification of the adequacy of the service corridor to public utility agencies should be provided to Council and Council should be satisfied that the Strata Agreement guarantees legal access to the proprietor of the Strata Lot having not street frontage.
- f) Where the subject land is serviced with sewer it must be connected to any existing dwelling and be available for connection to vacant lot(s) in the strata.
- g) Where sewer does not service the subject land effluent disposal arrangements must:
 - i) comply with the requirements of the Government Sewerage Policy (as amended);
 - ii) be certified as suitable for the effective operation of on-site effluent disposal systems by Council's Manager Health Services;
 - iii) be capable of being contained within the Strata lot of each dwelling. Council may, in exceptional circumstances, approve applications with on-site effluent disposal systems within proposed common property, provided it is satisfied that standards of operation and maintenance can be upheld through the provisions of the relevant Strata scheme.

3. General Provisions

- a) Where, under a freehold subdivision public open space would be required to be ceded, this will also be a requirement if the subdivision is done by strata title. This may be facilitated by either:
 - i) Submitting an application to the Western Australian Planning Commission for the subdivision and vesting of the land required as open space; or

- ii) Setting aside the land required on the strata plan as public open space and reserving it for that purpose by means of restriction under Section 6 of the Strata Titles Act 1985; or
 - iii) Payment of cash-in-lieu of open space.
- b) Prior to the issue of a strata title, fencing to define each strata lot must be in place in cases where a boundary is not defined by a structure, and in addition Council may require upgrading of existing boundary fencing.
- c) Council may, in addition to the above, impose conditions on any of the following matters:
- General and structural maintenance to all buildings which will remain on the land;
 - Provision of separate laundry and bathroom facilities to existing dwelling(s);
 - Provision of separate laundry and bathroom facilities to each dwelling on the lot;
 - Provision of 1 hour fire rated dividing walls between dwellings which are physically attached;
 - Provision of separate public utility connection points for each strata lot;
 - Relocation of under ground services and the removal/upgrading of disused soakwells and septic systems;
 - Provision of retaining walls if required;
 - Demolition of outbuildings, verandahs or sleepouts;
 - Provision of a private courtyard to the existing dwelling;
 - Relocation of windows within an existing dwelling;
 - Land acquisition free of cost by the Local Authority for road reserve;
 - Redevelopment or adjustment of road, access, footpath, drainage adjacent to property;
 - Any other matter it is lawfully entitled to consider.

4. Referral to the Western Australian Planning Commission

- a) Council shall refer applications for strata title approval to the Western Australian Planning Commission for determination when required by the Act. Those applications exempted from the Commission's approval must comply with all of the following:
- it relates to residential developments;
 - it relates to a development containing no more than five dwelling units;
 - each strata lot contains one existing dwelling unit;
 - it relates to a land parcel which does not exceed 2,500m² in area;
 - it relates to land within an urban zone and to development which conforms with an approved Town planning scheme, or where no scheme exists, it relates to land within a gazetted townsite.

5. Clearance of Titles:

- a) A certificate of suitability for strata title subdivision will not be issued until all conditions of approval have been complied with.
- b) Council shall not issue a strata title certificate for existing buildings until all conditions and orders of Council are complied with, including Planning, Building, Environmental Health and Engineering if necessary.

* NOTE: Clause referring to Delegated Authority noted separately under Register of Delegated Authority DA 3.3.2