Statement to be contained in or accompany notice of proposed resolution in connection with an application to the strata company for approval of structural alteration of a lot in a strata scheme consisting of 3 or more lots[[1]](#footnote-2)

*Strata Titles Act 1985*

Section 87(4)(a)

Scheme Number[[2]](#footnote-3): \_\_\_\_\_\_\_\_\_\_\_\_

Lot Number[[3]](#footnote-4): \_\_\_\_\_\_

If casting the vote for your lot:

1. against a resolution to approve the application; or
2. in support of a resolution to refuse approval of the application,

you can only do so on one or more of the grounds set out in *Strata Titles Act 1985* (STA) section 87(5) and you disclose the ground or grounds.

If you cast the vote for your lot in the manner in (a) or (b) above, but don’t disclose a ground set out in STA section 87(5), your vote will be of no effect.

The grounds on which an application for structural alteration of a lot in a strata scheme may be refused under STA section 87(5) are:

1. that the carrying out of the proposal will breach the plot ratio restrictions or open space requirements for the lot; or
2. in the case of a lot that is not a vacant lot[[4]](#footnote-5), that the carrying out of the proposal –
   1. will result in a structure that is visible from outside the lot and that is not in keeping with the rest of the development; or
   2. may affect the structural soundness of a building; or
   3. may interfere with a statutory easement; or
3. that the carrying out of the proposal –
4. will contravene a specified by-law or specified by-laws of the strata company; or
5. may interfere with a short form easement or restrictive covenant or any other easement or covenant affecting the parcel that is shown on the scheme plan or registered against the parcel.

1. This statement must be contained in or accompany the notice of the proposed resolution without dissent on an application to the strata company for approval of structural alteration of a lot in a strata scheme. The “notice” is not an approved form by Landgate. [↑](#footnote-ref-2)
2. Insert the number of the scheme affected by the structural alteration of the lot. [↑](#footnote-ref-3)
3. Insert the number of the lot the subject of the structural alteration. [↑](#footnote-ref-4)
4. A vacant lot is defined in STA section 3(1) to mean a lot that is wholly unimproved apart from having merged improvements within the meaning given in the *Valuation of Land Act 1978* section 4(1). [↑](#footnote-ref-5)