

# 1, 2Part 45 – Community Title Schemes

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## 1, 2Part 45 –Community Title Schemes

### General Law

[45-0000]

The *Body Corporate and Community Management Act 1997* (the ‘BCCMA’) impacts on a significant proportion of the State’s population. The Act fully replaced the *Building Units and Group Titles Act 1980* at the end of the transitional period except for those developments registered under the specified Acts referred to in s. 326 of the BCCMA.

Provisions set out in the *South Bank Corporation Act 1989* apply to bodies corporate created under that Act.

The BCCMA was the subject of an extensive review and was amended by the *Body Corporate and Community Management Act and Other Legislation Amendment Act 2003* which commenced on 4 March 2003. The amendments to the BCCMA provided for but was not limited to:

- the transfer of the ‘titling’ provisions of the BCCM Act to the *Land Title Act 1994*
- greater efficiency in processes involving progressive development of schemes
- allowing a body corporate to own a lot in the scheme for the purpose of allowing a letting agent to reside in the scheme
- providing more guidance in the establishment and adjustment of lot entitlements
- resolving matters associated with the compulsory acquisition of part of a scheme
- enhancing the creation of a layered scheme from a number of existing schemes
- increased obligations on the original owner (developer) of the scheme
- enhanced consumer protection in the buying and selling of lots in a community titles scheme.

### Legislation

[45-1000]

#### Reference to the registrar of titles in the *Land Title Act 1994*

Refer to [0-8100].

### Practice

#### Community Titles Schemes in the Land Registry

##### Basic Attributes of a Community Titles Scheme

[45-2000]

The *Body Corporate and Community Management Act 1997* (‘BCCMA’) provides for the establishment of community titles schemes over freehold land. A community titles scheme consists of at least two lots and common property.

The following instruments must be lodged (in the following order) to create a community titles scheme:

- a first community management statement (CMS) and
- a plan of survey, in the appropriate format.

The First CMS identifies the scheme land (scheme land comprises all lots and the common property for the scheme) and may also include land other than the land in the accompanying plan of subdivision. All of the lots designated on the plan need not be included in the scheme.

On registration of the plan and the First CMS the following are created:

- a body corporate for the scheme; and
- indefeasible titles for each lot and the common property in the scheme.

Generally, all lots in a community titles scheme should be registered in one name. However, lots owned by different registered owners may be combined in a community titles scheme provided there is no impact on ownership of the lots created by the scheme to prevent creation of indefeasible titles for every lot. If there is an impact on the lots which are created by virtue of the differing ownership, then the registry will require implementing documents to resolve the ownership (see [21-2330]).

The following is provided as an example where there are no land titling ownership issues to resolve:

The subdivision of two lots, each owned by a different person, to create a community titles scheme of five lots and common property where the subdivision is undertaken so that three of the scheme lots come entirely from one of the original lots and the remaining two scheme lots come entirely from the other original lot.

Land cannot be common property for more than one community titles scheme.

## Types of Schemes

[45-2020]

The BCCMA allows for the creation of basic schemes and layered arrangements. Both basic schemes and layered arrangements may be developed in stages.

A basic scheme is one where land is subdivided into lots and common property to create a scheme with a single body corporate.

A layered arrangement is a grouping of community titles schemes under a principal scheme (s. 18 of the BCCMA). Samples of diagrams included in this part are based on diagrams of examples of layered arrangements shown in Schedule 1 of the BCCMA.

Staged subdivisions occur when an original lot(s) is subdivided into scheme lots and common property and one or more of the scheme lots is then further subdivided. There is a range of permitted methods of dealing with staged subdivisions (see [45-2680]).

A CMS may provide for the scheme to be a 'lease-back scheme' pursuant to s. 17 of the BCCMA.

## Seal of Body Corporate

[45-2040]

The seal of a body corporate must include the full name for the body corporate, for example:

'Body corporate for Seaview community titles scheme 1234.'

The words ‘community titles scheme’ on the seal may be abbreviated to ‘CTS’, for example:

‘Body corporate for Seaview CTS 1234.’

### **Executions Under Body Corporate Seal**

[45-2060]

Whenever a body corporate authorises the recording of an instrument or document in the Registry, it must be signed under the seal of the body corporate.

#### **By a Body Corporate of a Scheme Where the Standard Module, Small Schemes Module, Accommodation Module or Commercial Module Regulations Apply**

If an instrument or document is not signed under seal by at least two committee members, one being the chairperson or secretary (or the secretary or treasurer with another for small schemes), the Registrar of Titles, will require evidence of the authority for the execution. Suitable evidence would be a copy of the ordinary resolution, signed under the body corporate seal by a committee member. For more information about the deposit of supporting documentation, see [60-1030].

Where positions on the body corporate have not been filled because the first annual general meeting of the body corporate has not been held, a New CMS may be signed by the original owner under the body corporate seal provided a statutory declaration by the original owner stating that the first annual general meeting has not been held is deposited.

In situations where all scheme lots are owned by the same registered owner and no resolution has been passed regarding the affixing of the seal, it is to be affixed in one of the following ways:

(a) where the registered owner is a natural person and –

(i) is also the sole owner –

‘AB chairperson/secretary, the sole registered owner for and on behalf of the Body Corporate for [scheme name] community titles scheme [number].’

See CMS Example 5.

(ii) is a joint tenant or a tenant in common –

‘AB chairperson/secretary, the nominee of DEF and GHI the sole registered owners for and on behalf of the Body Corporate for [scheme name] community titles scheme [number].’

(b) where the registered owner is a corporation –

‘AB chairperson/secretary, the nominee of XYZ Pty Ltd the sole registered owner for and on behalf of the Body Corporate for [scheme name] community titles scheme [number].’

Where a body corporate manager has been engaged by a body corporate and is executing an instrument or document on their behalf, a copy of the resolution which authorises the body corporate manager to affix the body corporate seal must be deposited with the instrument or document when lodged. The resolution must be made in accordance with the regulation module that applies to the scheme and be certified by the body corporate under the body corporate seal. If the body corporate manager is a company, the body corporate seal must be affixed together

with an execution by the company in a manner permitted by law (e.g. under the seal of the company with the designations of the signatories shown).

See CMS Example 6.

#### **By a Body Corporate of a Specified Two-lot scheme**

A specified two-lot scheme body corporate may execute a document as follows:

- (a) the body corporate seal is attached to the document in the presence of—
- the owner of each lot or each owner’s representative; or
  - if one person owns both lots, by the owner of the lots or the representative of the owner.

The designation of each signatory must be shown adjacent to their signature, for example ‘Lot Owner’ or ‘Lot Owner Representative’.

If there are two or more co-owners of a lot, the signature of only one co-owner is required;

or

- (b) the manner in which a lot owner agreement directs or authorises (for example by a body corporate manager). A certified copy of the lot owner agreement authorising the engagement of the manager or the other manner of execution, must be deposited with the document (see 60-1030).

## **Reserving a Name for a Scheme**

[45-2080]

See part 14, esp. [14-2500]

[45-2100] to [45-2120] deleted

## **Community Management Statement – Principal Document and Basic Requirements**

### **Purpose of a Community Management Statement**

[45-2140]

A CMS is a document that identifies scheme land and provides particulars of the scheme in keeping with s. 66 of the BCCMA. The particulars include:

- the name of the community titles scheme;
- the name of the body corporate;
- the name and address of the original owner for a First CMS;
- the applicable regulation module;
- a schedule of lot entitlements (contributions and interests);
- the service location diagrams as required by s. 66(1)(d) as they relate to the scheme;
- the by-laws (including identification and allocation to lots of any exclusive use areas);

- a future development concept drawing etc. if applicable; and
- anything else relating to the regulation module.

### Requirements to Record a CMS

[45-2160]

A CMS is not an instrument under the *Land Title Act 1994* and must be presented with a Form 14 – General Request to be recorded (see part 14, esp. [14-2600]). A CMS may only include those things that the BCCMA and the adopted regulation module provide it must or may include.

An existing CMS for a community titles scheme cannot be amended. However, a New CMS for the scheme may be recorded to replace an existing statement.

### Execution of a CMS

[45-2180]

#### First CMS

A First CMS must be executed by the original owner of the scheme land. For further information see example 1.1 First CMS – Basic Scheme.

#### New CMS

A New CMS must be executed by the body corporate in the manner set out in the regulation module applicable to the scheme. A New CMS must be lodged in the Titles Registry within three (3) months of the date of execution/consent.

For further information see [45-2060] and example 1.2 New CMS – Basic Scheme.

### Requirements for a First CMS

[45-2200]

A First CMS must be lodged in the Titles Registry with the plan of survey that creates the lots and common property for the scheme. It cannot be recorded unless it is signed by the person(s) who, on establishment of the scheme, is/are the original owner(s). The following requirements of s. 66 of the BCCMA must also be completed in the CMS:

- (a) the name of the scheme;
- (b) the regulation module applicable to the scheme;
- (c) the name of the body corporate;
- (d) the description of all scheme land (including common property);
- (e) the full name and address of the original owner;
- (f) the number of the plan deposited with the CMS; and
- (g) completed Schedules A, B, C, D and E.

### Planning body First CMS notation

A properly completed Form 18C – Planning Body Community Management Statement Notation (Form 18C) signed by an authorised officer/delegate of the planning body must be deposited with the Form 14 – General Request to record the First CMS (along with the deposited First CMS). The officer's/delegate's full name and designation must be shown.

Refer to [18-4200] to [18-4220] for the guide to completion for the Form 18C.

## Requirements for a New CMS

[45-2220]

A New CMS that is to be recorded in the Titles Registry must be lodged within three months of being consented to by the body corporate. The following requirements of the BCCMA must also be met:

- (a) the name of the scheme, including the community titles scheme number;
- (b) the regulation module to be adopted for the scheme;
- (c) the description of all scheme lots (including common property) and if applicable, any additional lot(s) being added to the scheme;
- (d) the full name and address of the original owner applicable to any new lots added to the scheme;
- (e) the number of the plan deposited with the CMS if applicable; and
- (f) completed Schedules A, B, C, D and E.

### Planning body New CMS notation or exemption

If an exemption under s. 60(6) of the *Body Corporate and Community Management Act 1997* applies:

- Item 7 – New CMS exemption to planning body community management statement notation must be completed by inserting the words ‘Not applicable pursuant to s. 60(6) of the *Body Corporate and Community Management Act 1997*’; and
- there is no requirement for a Form 18C – Planning Body Community Management Statement Notation (Form 18C) to be deposited with the Form 14 – General Request to record the New CMS.

Section 60(6) exempts the requirement for a planning body notation if there is no difference between the existing CMS and the New CMS for any issue that the planning body could have regard to.

Where the planning body community management statement notation is required (i.e. where there is no exemption) – a properly completed Form 18C signed by an authorised officer/delegate of the planning body must be deposited with the Form 14 – General Request to record the New CMS (along with the deposited New CMS). The officer’s/delegate’s full name and designation must be shown.

Refer to [18-4200] to [18-4220] for the guide to completion for the Form 18C.

## Services Location Diagrams and Statutory Easements for a Community Titles Scheme

[45-2230]

The First CMS and any subsequent New CMS for a scheme where the development approval by the local authority was given on or after 4 March 2003 must include a services location diagram (SLD) for scheme land that is in standard format lots. For a building format plan or volumetric format plan a SLD is required over the common property, where the common property is in standard format, up to the ‘footprint of the building’. It is accepted that a private yard is not common property, however, having regard to the fact that a private yard is ‘standard format’ in



principle (unlimited in height and depth) and outside of the building footprint, a SLD should be prepared if service easements are extant on the private yard.

Where a staged development existed prior to 4 March 2003, a SLD is required for subsequent stages creating lots and common property.

The body corporate must also lodge a request to record a New CMS including a SLD in the following circumstances:

- (a) because of a change in the service easements for the standard format lots included in a community titles scheme, a SLD (the '**original diagram**') included in the community management statement no longer reflects the location of the current service easements; or
- (b) a SLD is not included in the community management statement and, after the commencement of s. 70, a service easement ('**new easement**') is established for a standard format lot included in the scheme.

The New CMS is to be lodged within one year of when either (a) or (b) above apply.

Item 6 of the Form 14 Request to record New CMS (or First CMS) is to reflect the amendment or inclusion of a SLD.

Schedule D of the CMS form is to include a statement referencing the inclusion of a SLD and annexing the diagrams by way of alpha identifier to this Schedule. The type of statutory easement must be identified in schedule D preferably in the form of a matrix. An example matrix relevant to a building format plan is reproduced for reference:

<b>Lots on Plan or Common Property</b>	<b>Statutory Easement</b>	<b>Service Location Diagrams</b>
Common Property	Support, shelter and services	C and D
Lot 1 on SP12347	Support, shelter and services	
Lot 2 on SP12347	Support, shelter and services	
Lot 3 on SP12347	Support, shelter and services	
Lot 4 on SP12347	Support, shelter and services	

Persons other than a licensed surveyor may prepare a SLD and certification is not required.

## **Practice Requirements for Recording CMS and Changing a Scheme** [45-2240]

Each CMS lodged, will be allocated a CMS number (a unique identification number) and will be subjected to examination at the discretion of the Registrar of Titles.

The CMS number will be allocated at the time the CMS is lodged in the Titles Registry. The CMS number is generated automatically by the Automated Titles System and is printed on the adhesive label that will be attached to the CMS. A second adhesive label is printed and attached to the Form 14 – General Request. The second label will show the dealing number and identify the CMS as either a First CMS or New CMS.

The CMS number allocated to the First CMS that established a community titles scheme will be retained as the permanent reference and will be used for any New CMS lodged during the life of the scheme. The CMS number appears on every indefeasible title created for lots comprised in the scheme, including the common property.

## Recording a First CMS Lodged with the Plan Establishing a Community Titles Scheme

[45-2260]

A Form 14 – General Request to record a First CMS and a CMS must be lodged with every plan of subdivision that establishes a community titles scheme. The request and the plan are registered on the existing indefeasible title(s) and the CMS number is brought forward to the indefeasible title created for the scheme common property. The titles created for the lots in the scheme are noted with a reference to the CMS e.g. ‘community management statement 1234’ following the description in the ‘estate and land’ details on the title. No separate notation as to a First CMS or New CMS is made on the indefeasible titles for the lots in the scheme.

## Changing a Scheme by a New CMS

[45-2280]

A community titles scheme may be changed by, or in conjunction with, the recording of a New CMS. The scheme is changed when the New CMS is recorded in the Titles Registry.

To amend any or all of the provisions contained in a CMS, a complete New CMS must be recorded. A Form 14 – General Request must be used in the same manner as for the First CMS and contain a request to the effect that the First CMS be superseded by the CMS included in that request. To facilitate examination, the Request also identifies any schedule(s) which have been changed. On registration, the latest CMS becomes the CMS for the scheme but retains the original CMS number. For example, where land is to be added to a community titles scheme, Item 4 of a New CMS must include reference to the additional parcel as well as the existing scheme lots to identify all of the scheme land. The Request to record a New CMS is registered on the title for the additional parcel and the title for common property for the scheme.

## Recording a New CMS

[45-2300]

A New CMS is recorded by the registration of a Form 14 – General Request to record the New CMS. This occurs only on the indefeasible titles for the scheme common property and any lot(s) being added to or removed from the scheme.

A New CMS may be lodged with or without a plan. However, a New CMS must be lodged with every plan that subdivides scheme land.

## Changing the Name of a Scheme

[45-2320]

An essential prerequisite to changing the name of a scheme by the body corporate is to check that the proposed new name is available for use. To ensure that the name remains available it is advisable that the proposed name be reserved. A reservation of name for this purpose is recorded for the proposed scheme on registration of a Form 14 – General Request. See part 14, esp. [14-2500].

A change of name for a scheme is made by recording a New CMS to record the change of name only or may be included with other changes when recording a New CMS.

Where a change of name of a community titles scheme is to be recorded, Items 1 and 5 of the Form 14 – General Request must show the new name, Item 2 must describe the common property in the former name and Item 3 must also show the former name. Item 6 should state that the New CMS is changing the name of the scheme and any other amendments, if applicable, and may be worded as follows:

‘I hereby request that: the new community management statement deposited herewith which amends the scheme name (and Schedules A and C and Item 2 regulation module, if applicable) be recorded as the community management statement for [scheme name] community titles scheme [scheme number].’

If the Form 14 is executed by the body corporate the seal of the new name must be affixed.

The CMS must show the new name in Items 1 and 3, Item 4 must describe the common property in the new name and should be signed under the seal of the new name.

## Searching Community Title Schemes

[45-2340]

To search a community titles scheme, the searcher must provide either the name of the community titles scheme (e.g. Seaview), the community titles scheme number (e.g. 1234) or the plan number of a lot in the scheme (e.g. SP902468).

The following searches relevant to schemes are available and each provides particular information.

A Community Titles Scheme Search Statement attracts a prescribed fee and reveals:

- the name of the community titles scheme;
- the name of the body corporate and its latest recorded address;
- the community management statement number; and
- the lots and title references for the lots in the scheme, including the common property title reference.

A search of the title for the common property attracts a prescribed fee and reveals:

- the name of the community titles scheme;
- the name of the body corporate and its latest recorded address;
- all registered interests over the common property land;
- the dealing number of the current CMS; and
- where applicable, the dealing number(s) of any by-laws which were recorded before the commencement of the *Body Corporate and Community Management Act 1997*.

As from 13 July 1997, every instrument (e.g. lease or easement) that relates to the common property for a community titles scheme is registered only on the title for the common property (i.e. not on the plan as was the practice prior to that date).

A copy of the registered plan for the scheme may be obtained on request and payment of the prescribed fee.

A search of a First CMS or New CMS attracts a prescribed fee and comprises a copy of the Form 14 – Request to record CMS and the CMS.

A search of a standard CMS attracts a prescribed fee and comprises:

- a copy of the standard CMS; and
- copies of all by-laws recorded in the Titles Registry.

The copies of the registered by-laws are made available owing to the legislative requirements which authorise a standard CMS. Those requirements relate to bodies

corporate in existence prior to the commencement of the Body Corporate and Community Management Act, and will apply where a New CMS has not been recorded.

A standard CMS is a CMS created under s. 339(5)(a) of the Body Corporate and Community Management Act. The re-numbered transitional provision (which was formerly s. 285(5)(a) of the Body Corporate and Community Management Act) provides that a scheme in existence prior to 13 July 1997 retains its existing by-laws. Accordingly, all registered by-laws as part of a search of a standard CMS.

Copies of other instruments recorded on the registered plan will be provided on payment of the prescribed fee.

### **Accessing the CMS**

[45-2360]

A copy of a First CMS or New CMS may be obtained by reference to the dealing number. That reference may be obtained from either a search of the indefeasible title for the common property for the scheme or a Community Title Scheme Search Statement. Only the latest CMS for a scheme will be provided if a request for a copy of the CMS number is received.

### **Title for Common Property**

[45-2380]

When a community titles scheme is established, the Registrar must create an indefeasible title for the common property for the scheme. The indefeasible title for common property can be searched on payment of the prescribed fee.

The common property for a community titles scheme is owned by the registered owners of the lots included in the scheme. They hold the common property as tenants in common in shares proportionate to the scheme's interests schedule (i.e. the lot entitlements for the respective lots). However, the body corporate is taken to be the registered owner of the common property for dealings with the fee simple. See s. 41C(3) of the Land Title Act.

The fee simple title for common property cannot be mortgaged. The common property may not be sold or transferred other than in accordance with s. 41C(3) of the Land Title Act.

In a search of an indefeasible title for common property, the body corporate will be displayed as the registered owner and the address for service of notices as recorded will also be revealed (required by s. 315 of the BCCMA), for example:

**REGISTERED OWNER**

BODY CORPORATE FOR SEAVIEW COMMUNITY TITLES SCHEME 1234

**SERVICE ADDRESS**

GPO Box 10000

BRISBANE QLD 4001

If a body corporate manager has been recorded for a scheme, this will be displayed in the 'Service Address' field of the search, for example:

**REGISTERED OWNER**

BODY CORPORATE FOR SEAVIEW COMMUNITY TITLES SCHEME 1234

**SERVICE ADDRESS**

A BODY CORPORATE MANAGEMENT PTY LTD  
GPO Box 10000  
BRISBANE QLD 4001

The 'Estate and Land' field of the search will show, for example:

COMMON PROPERTY OF SEAVIEW COMMUNITY TITLES SCHEME 1234

## Change of Address of a Body Corporate

[45-2400]

The address for service of notices on the body corporate for a community titles scheme is the address recorded on the indefeasible title for the common property. The address is a requisite of the Form 14 – General Request with the First CMS for a scheme.

To change the address of a body corporate, a Form 14 – General Request by the body corporate requesting that a new address for service be recorded must be lodged. Alternatively, a change of service address may be incorporated as a component being amended in a New CMS provided the prescribed lodgement fee for each transaction is paid (see also part 14, esp. [14-2700]).

## Body Corporate Dealing with Scheme Land

### Body Corporate Acquisition of and Dealing with a Lot Included in its own Scheme

[45-2420]

Chapter 2 Part 5 Division 3 of the BCCMA provides for a body corporate of a community titles scheme to acquire and/or deal with a lot included in its own scheme.

For a body corporate the interest in a lot included in its own scheme is restricted to:

- 1 registering an easement for one or more basic utility services (s. 44 of the BCCMA); or
- 2 acquiring a lot to create additional common property (s. 37 of the BCCMA); or
- 3 acquiring a lot after the original owner control period has ended and converting the lot to common property and subsequently registering a lease for a residence for a letting agent and/or service contractor (s. 40 of the BCCMA).

### Body Corporate May Deal with Land as Common Property

[45-2440]

A body corporate may acquire additional land to be included in the common property for the community titles scheme. If additional land is acquired for common property, it becomes part of the scheme land for the community titles scheme and the transfer and a New CMS must be recorded (see [45-2540]).

When additional common property is acquired for a scheme, all mortgages must be discharged before it can be transferred to the body corporate. This requirement is mandatory as the fee simple interest in common property cannot be subject to mortgage (s. 41C(3) of the *Land Title Act 1994*).

A body corporate may also dispose of part of the common property. A plan of subdivision, a transfer of the part of the common property being sold and a New CMS are required (see [45-2580]).

However, when dealing with land as common property a body corporate must not carry on a business (s. 96 of the BCCMA) (see also [45-2520]).

## Acquiring a Lot for Conversion to Common Property for a Residence for a Letting Agent or Service Contractor

[45-2445]

The following steps/instruments are required:

1. Interests currently registered over the lot must be dealt with (e.g. any mortgages must be released or leases surrendered).
2. Transfer of the lot to the body corporate.
3. Plan of survey converting the lot to common property.
4. New CMS.
5. Lease to the letting agent and/or service contractor.

When dealings of this nature are lodged the Registrar is assuming that the original owner control period has ended (s. 40(1) of the BCCMA). Requisitions will only issue where it is obvious that the application is within the control period. All the dealings must be registered simultaneously.

The requirements of the instruments lodged are as follows:

### Survey Plan

- The survey plan must only be for the purpose of creating the additional common property. This precludes any other actions/surveys being dealt with on the same plan.
- The plan is to be signed by the body corporate.
- The approval of the planning body is not required (s. 50(h)(iii) of the *Land Title Act 1994*).

### New CMS

- Item 6 of the Form 14 – Request for New CMS must clearly indicate that the conversion of the lot to CP is pursuant to s. 40 of the BCCMA. This will identify that the intent of the New CMS is to lease the new common property to a letting agent or service contractor.
- Other schedules are not precluded from being amended, provided they satisfy all other requirements.
- If the conversion is in a layered arrangement, then a New CMS for the principal scheme must also be lodged.

### Lease

- A Certificate under the Regulation Module is to be deposited with the Lease.
- There is no requirement to ensure lease term and any amendments comply with relevant regulation module.
- If the term of the lease with options for renewal is more than 10 years the approval of the local authority is **not** required to be deposited.
- The leased area may be described as part of the common property being ‘formerly Lot 4 on SP [number]’ or a new plan of survey or explanatory plan may be lodged.

## Reconversion requirements

[45-2450]

The following instruments are required to be lodged:

1. Surrender, cancellation or determination of the lease to the letting agent and/or service contractor.
2. Plan of survey converting the common property to a lot.
3. New CMS.
4. Transfer of the lot from the body corporate to the new owner.

All the dealings must be registered simultaneously. The requirements of the instruments are as follows:

### Surrender of Lease

The usual Titles Registry requirements for surrender of lease apply.

### Survey Plan

- The survey plan must only be for the purpose of converting the common property to a lot in the scheme.
- The plan is to be signed by the Body Corporate.
- The approval of the planning body is not required (s. 50(h)(iii) of the *Land Title Act 1994*).

### New CMS

- Item 4 of the Form 14 – Request to record New CMS is amended by including the new lot in the scheme land.
- Item 6 of the Form 14 – Request to record New CMS is to include wording similar to ‘for converting part of the common property to a lot pursuant to s. 40 of the BCCMA.
- Schedule A of the CMS is amended by including the new lot in the scheme.
- The Form 14 – Request and the New CMS are signed by the body corporate.

### Transfer of Lot from the Body Corporate to purchaser

- The Form 1 – Transfer is signed by the body corporate.
- A certificate under the Regulation Module must be deposited.

[45-2460] deleted

## Adding or Excluding a Lot to/from a Community Titles Scheme

### Adding a Lot to a Community Titles Scheme

[45-2480]

A lot may be added to an existing community titles scheme, provided s. 115H(4) of the *Land Title Act 1994* is satisfied in that the lot to be added must form a continuous area of land with part of existing scheme land. To add a lot to an existing scheme, a New CMS that specifies the

lot(s) to be added must be lodged and registered. However, a lot within another existing community titles scheme may not be added to a community titles scheme.

The Form 14 – Request to record the New CMS must be completed as follows:

- Item 2 - include both the description and title reference for the common property and the lot to be added;
- Item 3 and Item 5 - show the name of the registered owner of the lot to be added and the name of the body corporate;
- Item 6 - the lot being added to the scheme must be identified, and state that Item 4 and Schedule A of the CMS are being amended; and
- be signed by either a solicitor or both the registered owner of the lot to be added and the body corporate.

The CMS must be signed by the registered owner of the lot to be added and the body corporate for the scheme.

On registration of the CMS the community titles scheme number will be noted on the indefeasible title for the additional lot(s).

### **Excluding a Lot from Scheme Land in a Community Titles Scheme**

[45-2500]

A lot may be excluded from a community titles scheme by lodging and registering a request to record a New CMS that identifies the lots remaining in the scheme. However, a lot may only be excluded if:

- the excluded lot is capable of being held as a separate lot in either a standard or volumetric format plan; and
- at least two lots will remain in the scheme.

If the lot to be excluded is a lot identified on a group title plan the lot must be first converted, by a plan of survey, to a standard format lot on a survey plan.

The Form 14 – General Request to record the New CMS must be completed as follows:

- Item 2 - include both the description and title reference for the common property and the lot to be excluded;
- Item 3 and Item 5 - show the name of the registered owner of the lot to be excluded and the name of the body corporate;
- Item 6 - the lot(s) being excluded from the scheme must be identified, and state that Item 4 and Schedule A of the CMS are being amended; and
- be signed by either a solicitor or the body corporate.

On recording the New CMS, the community titles scheme number will be removed from the indefeasible title for the excluded lot(s).



## Subdividing Common Property to Create a New Lot within the Scheme

[45-2520]

Additional lot(s) may be created from the common property in a community titles scheme. In these instances, the following documents must be lodged in the order shown:

1. a survey plan that is signed by the body corporate that defines the additional lot(s) (a certificate authorising the transaction in accordance with the relevant regulation module, and a statement that s. 96 of the BCCMA is not contravened, signed under the seal of the body corporate must be deposited with the survey plan); and
2. a transfer from the body corporate to the intended owner of each new lot; and
3. a New CMS that reflects the changes to Item 4 and Schedule A.

All of the documents are recorded on the indefeasible title for the common property in the scheme.

## Lot to be Added to Common Property

[45-2540]

If all or part of a lot outside a community titles scheme is to be added to the common property for the scheme, the new lot must adjoin the scheme (unless permitted otherwise) to ensure the scheme remains a single, continuous area of land (s. 115H of the *Land Title Act 1994*).

A lot or part of a lot within a scheme may also be added to the common property for the scheme.

A lot or part of a lot in a subsidiary scheme may be added to the common property of the principal scheme.

The current recorded CMS for both the principal scheme and the subsidiary scheme must clearly identify the intention to create the additional principal common property in both schedule B and the concept diagram.

### Section 49DA of the *Land Title Act 1994* Applies

Where a lot or part of a lot, within a community titles scheme is to be converted into additional common property, and Schedule B or the concept plan in the current recorded CMS for a scheme indicates this, the common property will be created on registration of a plan that spatially identifies the area of additional common property without additional documentation being required (s. 49DA of the *Land Title Act*). [See 45-2680].

### Section 49DA of the *Land Title Act 1994* Does Not Apply

Where s. 49DA of the *Land Title Act* does not apply (that is, Schedule B or the concept plan in the current recorded CMS for a scheme does not indicate that the lot is intended to be converted into additional common property) and only part of a lot is being added, it must first be subdivided by either a standard, building or volumetric format plan (as appropriate) to designate the area that is being transferred to the body corporate as a separate lot, if applicable. In these instances, the following documents must be lodged in the order shown:

1. a plan of subdivision (if required);
2. a transfer to the body corporate of the lot that is to become common property;
3. a New CMS to bring the lot into the scheme (if required);

4. a compiled plan, signed by the body corporate, converting the acquired lot to common property. The description on this plan must be ‘common property subdividing (the lot/plan description of the lot acquired)’; and
5. a New CMS that incorporates the additional common property.

The plan (1), transfer (2) and plan (4) will be recorded on the indefeasible title for the lot(s) being converted to common property. The Request to record the New CMS will be recorded on the indefeasible title for scheme’s common property. On the indefeasible title for scheme’s common property it will also be noted that additional common property has been added to the scheme by virtue of the plan and transfer.

Where s. 49DA of the Land Title Act does not apply and the whole of a lot is to be added, steps 2 to 5 above must be followed.

It is not necessary for the new common property to be amalgamated with the existing common property by a plan of amalgamation.

## Lot to be Added to a Community Title Lot

[45-2560]

This option is generally not available in a community titles scheme that comprises lots created by a building format plan. However, if the scheme comprises only part of a building, another lot within that building may be added to the scheme.

All or part of a lot that is outside a community titles scheme may be added to a lot in a community titles scheme if the lot or part of the lot to be added to the scheme adjoins the scheme land. If only part of a lot is to be added, the lot must first be subdivided by either a standard or volumetric format plan to create a separate lot to add to the scheme lot. The following documents are required to be lodged in the order shown:

1. plan of subdivision (if required);
2. transfer, over the lot to be transferred, in favour of the registered owner of the community title lot;
3. a New CMS to bring the lot into the scheme;
4. compiled plan in the appropriate format amalgamating the community titles lot and the lot being added;
5. a New CMS which amends Item 4 and Schedule A.

The Form 14 – General Request to record the New CMS (3) must state in Item 2 the land description and title reference for the common property for the scheme and the lot on plan description and title reference for the lot(s) to be included. Item 6 should refer to the lot(s) to be included in the community titles scheme and the schedule(s) to be amended.

Items 3 and 5 of the Form 14 should also include the owner of the lot. Both the body corporate and the registered owner of the lot added to the scheme must execute in Item 8 of the CMS.

The transfer (2) and plan (4) are recorded over their relative indefeasible titles simultaneously. The Request to record the New CMS (5) is recorded on the indefeasible title for common property for the scheme and the indefeasible title for the lot.

## Part of Common Property to be Excised from a Community Titles Scheme

[45-2580]

Before part of the common property in a community titles scheme can be excised from the common property for the scheme, the part must first be designated as a separate lot by a standard or volumetric format plan.

### Part of Common Property on a Standard or Volumetric Format Plan being Excised

[45-2600]

If the part of the common property that is being excised is a standard or volumetric format lot, the following documents are required to be lodged in the order shown:

1. a standard or volumetric format plan that shows the part of the common property to be excised as a standard or volumetric lot. The plan is to be approved by the relevant planning body and be prepared in accordance with directions 8 or 10 and 12 of the Registrar of Titles Directions for the Preparation of Plans;
2. a transfer of the standard or volumetric lot being excised; executed by the body corporate as transferor. The transfer is to be accompanied by the certificate/s required under the relevant regulation module that authorise the transaction (e.g. s. 184(5) of the Body Corporate and Community Management (Standard Module) Regulation 2020) and a statement under seal by the body corporate stating s. 96 of the *Body Corporate and Community Management Act 1997* has not been contravened;
3. a New CMS that identifies the extent of the scheme land by reference to the scheme land at item 4 and to the plan at item 6 of the CMS; and
4. The Form 14 – General Request that accompanies the New CMS must state in Item 2 the land description and title reference for the common property for the scheme and the lot on plan description, and title reference for the lot(s) to be excised. Item 6 should refer to the lot(s) to be excised from the community titles scheme and, if applicable, the schedule(s) to be amended.

The plan, transfer and request to record New CMS will be recorded on the indefeasible title for common property for the scheme. The request to record New CMS will also be recorded on the indefeasible title for the lot to be excised.

### Part of Common Property on a Building Format Plan Outside a Building or Structure Being Excised

[45-2620]

If the part of the common property that is being excised is on a building format plan and outside a building or structure, the following documents are required to be lodged in the order shown:

1. a standard or volumetric format plan that shows the part of the common property to be excised as a standard or volumetric lot. The plan is to be approved by the relevant planning body and be prepared in accordance with directions 8 or 10 and 12 of the Registrar of Titles Directions for the Preparation of Plans;
2. a transfer of the standard or volumetric lot(s) being excised; executed by the body corporate as transferor. The transfer is to be accompanied by the certificate/s required under the relevant regulation module that authorise the transaction (e.g. s. 184(5) of the Body Corporate and Community Management (Standard Module) Regulation 2020) and a statement under seal by the body corporate stating s. 96 of the *Body Corporate and Community Management Act 1997* has not been contravened;
3. a New CMS that identifies the extent of the scheme land by reference to the scheme land at item 4 and to the plan at item 6 of the CMS; and

4. The Form 14 – General Request that accompanies the New CMS must state in Item 2 the land description and title reference for the common property for the scheme and the lot on plan description, and title reference for the lot(s) to be excised. Item 6 should refer to the lot(s) to be excised from the community titles scheme and, if applicable, the schedule(s) to be amended.

### **Part of Common Property on a Building Format Plan within a Building or Structure Being Excised**

[45-2640]

If the part of the common property that is being excised is on a building format plan and within a building or structure, the following documents may be required to be lodged in the order shown:

1. a volumetric format plan that shows the part of the common property to be excised as a volumetric lot. The plan is to be approved by the relevant planning body and prepared in accordance with directions 10 and 12 of the Registrar of Titles Directions for the Preparation of Plans;
2. a transfer of the volumetric lot being excised; executed by the body corporate as transferor. The transfer is to be accompanied by the certificate/s required under the relevant regulation module that authorise the transaction (e.g. s. 184(5) of the Body Corporate and Community Management (Standard Module) Regulation 2020) and a statement under seal by the body corporate stating s. 96 of the *Body Corporate and Community Management Act 1997* has not been contravened;
3. a New CMS that identifies the extent of scheme land by reference to the scheme land at item 4 and the plan at item 6 of the CMS; and
4. The Form 14 – General Request that accompanies to record the New CMS must state in Item 2 the land description and title reference for the common property for the scheme and the lot on plan description and title reference for the lot(s) to be excised. Item 6 should refer to the lot(s) to be excised from the community titles scheme and ,if applicable, the schedule(s) to be amended.

Depending on the individual circumstances and situation, one of the following may be required:

5. A further plan that amalgamates the volumetric lot being excised from the common property with an adjoining volumetric lot; OR
6. A Form 31 – Covenant, pursuant to s. 97A(3)(c) of the *Land Title Act 1994* which links the volumetric lot being excised with another lot

### **A Lot or Part of a Lot Excised from a Community Titles Scheme**

[45-2660]

When either a standard or volumetric area is to be excised from a community titles scheme, the following requirements apply:

1. if the **whole** of a standard or volumetric lot is to be excised, the following documents are required to be lodged in the order shown –
  - (i) a transfer of the lot from the registered owner to the purchaser, (if required); and
  - (ii) a New CMS for the remainder of the scheme.

2. if only **part** of a standard or volumetric lot is to be excised, the following documents are required to be lodged in the order shown –
  - (i) a standard or volumetric format plan that subdivides the lot affected;
  - (ii) a transfer of the lot to be excised from the registered owner to the purchaser (if required); and
  - (iii) a New CMS for the remainder of the scheme.

The Form 14 – General Request to record the New CMS must state in Item 2 the land description and title reference for the common property for the scheme and the lot on plan description and title reference for the lot(s) to be excised. Item 6 should refer to the lot(s) to be excised from the community titles scheme and the schedule(s) to be amended.

The plan (if required) and transfer will be recorded on the indefeasible title for the lot being excised. The New CMS will be registered simultaneously on the indefeasible title for common property for the scheme and the indefeasible title for the lot to be excised from the scheme.

### **Resumptions over scheme land in a Community Titles Scheme**

[45-2670]

Where part of a community titles scheme is to be resumed by a constructing authority in accordance with the *Acquisition of Land Act 1967* the following instruments must be lodged for registration:

1. Plan of subdivision in the appropriate format; and
2. Request to record New CMS; and
3. Resumption instrument.

The requirements for the instruments lodged are as follows:

#### **1. Plan of subdivision**

The plan may only deal with the resumption action and must be signed by the constructing authority.

#### **2. Request to record New CMS**

Only changes from the previous contribution schedule lot entitlements the subject of the resumption can be altered in Schedule A of the CMS. Differences in the contribution schedule lot entitlements must be explained.

If the resumption affects an exclusive use area or services location diagrams, Schedule E and any relative diagram must also be amended. No other alterations or amendments in the CMS are permitted.

The consent of the planning body is not required (s. 60(6)(b)(ii) of the BCCMA) so a Form 18C – Planning Body Community Management Statement Notation is not required. Insert ‘N/A’ or ‘Not applicable pursuant to s. 60(6)(b)(ii) of the *Body Corporate and Community Management Act 1997*’ in Item 7 of the CMS.

The Form 14 may be signed by the body corporate or a solicitor for the applicant. The CMS at Item 8 is to be signed by the body corporate.

Alternatively, if the body corporate has not signed the Form 14 and the New CMS, the constructing authority may sign the Form 14 and New CMS on behalf of the body corporate (ss. 51(7) to (9) of BCCMA).

### 3. Resumption instrument

The current requirements for a resumption instrument apply (see part 14 – General Request, esp. [14-2320]).

## Staged Subdivisions

[45-2680]

A staged subdivision exists when the First CMS for a scheme indicates that the scheme is to be developed progressively. An explanation of the staged development for the scheme is required in Schedule B of the First CMS and the explanation of the remaining development outlined in the CMS lodged with each subsequent stage until the development has been completed. Concept drawings that show how the scheme is to be progressively developed must be deposited with the CMS.

Staged subdivision is distinctly different from a decision made by one or more lot owners to re-subdivide their lot(s) and/or common property to change the shape or number of lots or add to or reduce the size of the common property. In such instances a decision to re-subdivide will not be anticipated in the First CMS or included in a development master plan.

A range of options are available for implementing the staged development of what will ultimately become a community titles scheme. Some typical methods are explained in the following paragraphs. Regardless of the option that best accommodates the needs of the scheme, all land that will be comprised in either a current or future stage of the scheme must be revealed in the First CMS so that:

- all indefeasible title(s) are noted with the CMS number;
- all lots are identified as scheme land; and
- a composite ‘Schedule of Lot Entitlements’ is revealed.

Where a further stage of a scheme is being created by the registration of a plan of subdivision, the additional common property created in the further stage becomes common property for the scheme on registration of the plan only if Schedule B or the concept plan contained in the current recorded CMS for the scheme indicates that additional common property may be created (s. 49DA of the *Land Title Act 1994*). If s. 49DA of the Land Title Act does not apply to the creation of additional common property, the procedure outlined in [45-2540] should be followed.

A New CMS must be lodged with each subsequent plan that creates a further stage of the scheme. If a progressive subdivision is by a building format plan, common property must be created on that plan unless the plan is subdividing or amalgamating lots on a registered building format plan (s. 49C(2) of the Land Title Act).

As the fee simple interest in common property cannot be subject to mortgage (s. 41C(3) of the Land Title Act) and because every mortgagee must consent to the plan, no release of the mortgage as far as it relates to new common property is necessary.

**Method 1****[45-2700]**

In a situation where the base parcel for a community titles scheme consists of one or more lots, these lots may be subdivided into lots on either a standard or a volumetric format plan. The lots created are referred to in this Part as the ‘original lots’.

One or more of those original lots may then be further subdivided into lots and common property by either a standard, volumetric or building format plan.

The CMS that is lodged with the first plan that creates common property for the scheme will reveal that the original lots, the subdivided lots and the common property are all part of the community titles scheme. It will also reveal the proposed development in stages for the lots.

**Method 2****[45-2720]**

The base parcel for a community titles scheme may be subdivided into lots and all or part of the proposed common property by either a standard or volumetric format plan.

The CMS that is lodged with that plan will reveal the proposed development in stages for the lots.

**Method 3****[45-2740]**

The base parcel for a community titles scheme may be subdivided into lots and all or part of the proposed common property by either a standard or volumetric format plan.

A lot may then be subdivided out of the common property and transferred to a third party for development as part of the original scheme.

The New CMS lodged with the plan that subdivides the common property will reveal that the lot is intended to remain part of the scheme and is for future subdivision.

**Method 4****[45-2760]**

The base parcel for a community titles scheme that is made up of standard format lots only may be subdivided by a building format plan. That plan may create building format lots and all or part of the proposed common property and leave a parcel remaining that is not common property. The remaining parcel is still a standard format lot.

The CMS that is lodged with that plan will reveal the proposed staged development of the remaining standard format lot if it is to be included in the scheme.

**Layered arrangements****[45-2780]**

A layered arrangement occurs when the CMS for a principal scheme indicates that one or more of the scheme lots will be further subdivided to create a separate scheme that will be a subsidiary of the principal scheme. Diagrams A and B illustrate the potential structures of layered arrangements.

Each subsidiary scheme created retains the lot entitlements allocated to the lot of the principal scheme on registration of the plan that created the principal scheme. The CMS for the principal scheme describes in Schedule A each subsidiary scheme as ‘Community Titles Scheme [name] [number (if known)]’ instead of a lot on plan.

On registration of each plan that creates a further layer or subdivides any lot within a subsidiary scheme, a New CMS must be lodged for both the principal scheme and the subsidiary scheme.

However, if scheme land for the principal scheme only is subdivided, a New CMS for the principal scheme only is required.

On creation of a subsidiary scheme, a new body corporate is established and that body corporate represents the subsidiary scheme on the body corporate for the principal scheme.

When establishing a layered arrangement, Schedule B of the CMS for the principal scheme should clearly set out details of the proposed layered development structure. If this information is disclosed in Schedule B of the CMS for the principal scheme, details of lot entitlements or plan numbers for subsidiary scheme(s) need not be shown. Each layer only requires approval by ordinary resolution of the body corporate for the scheme to which the lot being subdivided belongs, provided the CMS for the subsidiary scheme is in accordance with Schedule B of the CMS for the principal scheme. Any development that differs from Schedule B of the CMS for the principal scheme requires consent of the body corporate of the principal scheme by a resolution without dissent.

The CMS lodged with each plan that creates a subsidiary scheme must be a First CMS and must be signed by the owner of the lot(s) being subdivided to create the scheme.

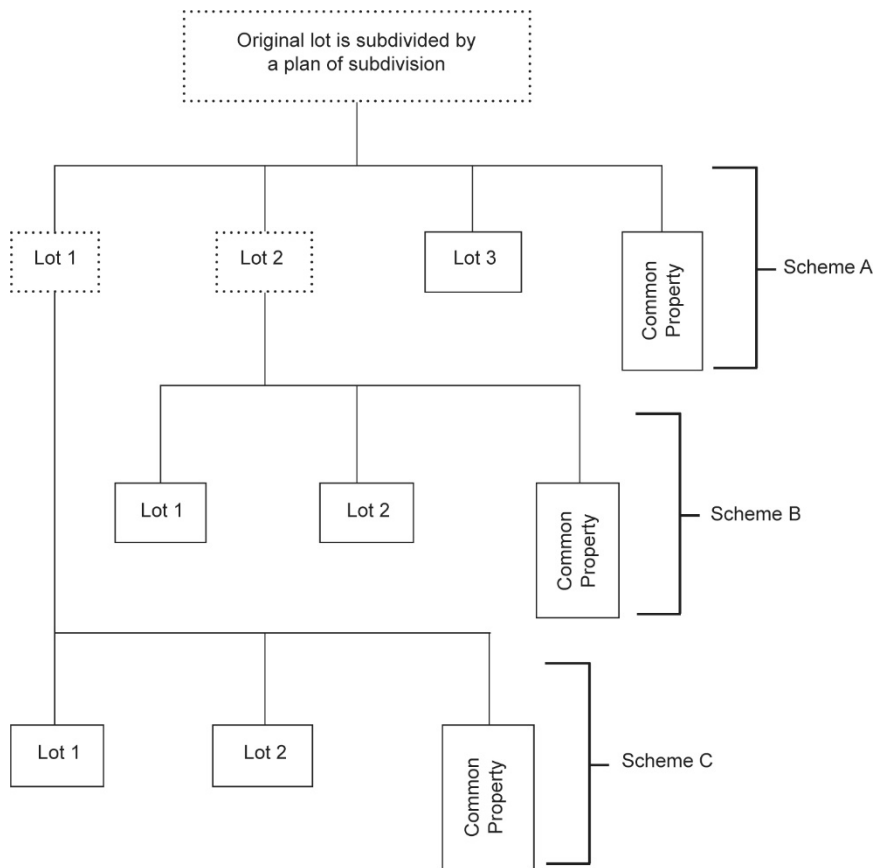
The indefeasible titles created for the lots and common property for a subsidiary scheme will show the references to their own CMS number and the CMS for the principal scheme. If a scheme is a subsidiary of another subsidiary scheme, the indefeasible titles created will refer to the CMS numbers of all higher schemes as well as its own.

If the First CMS and if that First CMS has been replaced the current CMS, for a scheme indicates that additional common property for the principal scheme will be created on registration of a subsidiary scheme, the additional common property for the principal scheme is created on registration of the plan and CMS for the subsidiary scheme.

As the fee simple interest in common property cannot be subjected to mortgage (s. 41C(3) of the *Land Title Act 1994*) and because every mortgagee must consent to the plan, no release of the mortgage, as far as it relates to the new common property, is necessary.



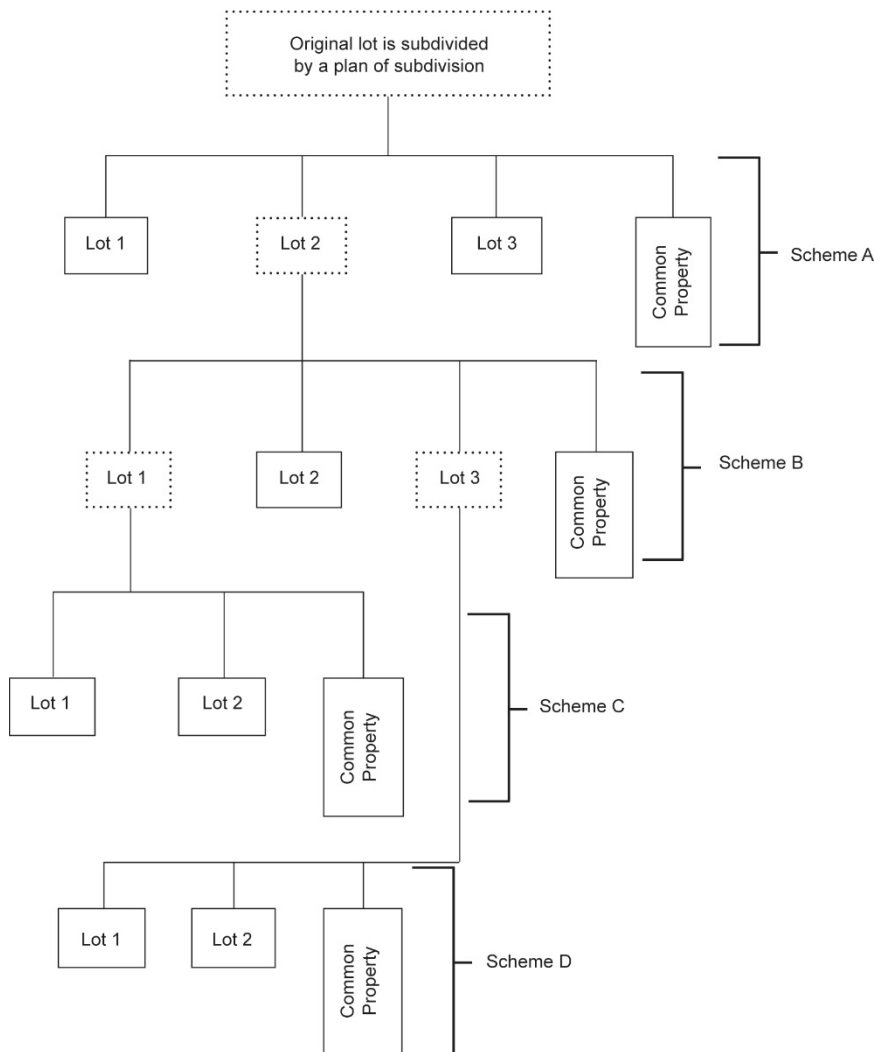
### Diagram A – Illustration of a Simple Layered Arrangement of Schemes



Lots 1 and 2 in Scheme A are subdivided by further plans of subdivision to create basic Schemes B and C.

Accordingly, Lots 1 and 2 in Scheme A are themselves community titles schemes.

## Diagram B – Illustration of a More Complex Layered Arrangement of Schemes



For the more complex **layered arrangement of community titles schemes** illustrated:

- Scheme A is the principal scheme because it is not a lot included in another community titles scheme.
- Scheme B is both a **subsidiary scheme** for Scheme A and a lot included in Scheme A, and includes three lots, two of which are community title schemes (Schemes C and D).
- Schemes C and D are both **basic schemes** because none of the lots included in either scheme is another community titles scheme.
- Schemes C and D are also **subsidiary schemes** for both Schemes A and B. However, neither Scheme C nor Scheme D is a lot included in Scheme A, but each scheme is a lot included in Scheme B.
- **Scheme land** for Scheme D consists of Lot 1, Lot 2, and the common property for Scheme D.
- **Scheme land** for Scheme C consists of Lot 1, Lot 2, and the common property for Scheme C.
- **Scheme land** for Scheme B consists of Lot 2, the common property for Scheme B, the scheme land for Scheme C and the scheme land for Scheme D.

- **Scheme land** for Scheme A consists of Lot 1, Lot 3, the common property for Scheme A, and the scheme land for Scheme B.

## Definitions for Transitional Provisions

[45-2840]

‘Existing 1980 Act plan’ means:

- (a) a former building units plan or group titles plan within the meaning of s. 5(1) of the 1980 Act; or
- (b) a building units plan or group titles plan registered under the 1980 Act; to which, immediately before the commencement, the 1980 Act applied, other than as a plan brought into existence for a ‘specified Act’.

‘Future 1980 Act plan’ means a building units plan or group titles plan registered under the 1980 Act after the commencement, other than a building units plan or group titles plan brought into existence for a ‘specified Act’.

‘New scheme’ means the community titles scheme established under Chapter 8 Part 1 of the BCCMA), for a 1980 Act plan.

‘1980 Act’ means the *Building Units and Group Titles Act 1980*.

‘1980 Act plan’ means an existing 1980 Act plan or a future 1980 Act plan.

‘Specified Act’ means:

- (a) *Integrated Resort Development Act 1987*; or
- (b) *Mixed Use Development Act 1993*; or
- (c) *Registration of Plans (H.S.P. (Nominees) Pty Limited) Enabling Act 1980*; or
- (d) *Registration of Plans (Stage 2) (H.S.P. (Nominees) Pty Limited) Enabling Act 1984*; or
- (e) *Sanctuary Cove Resort Act 1985*.

## Existing 1980 Act Plans

[45-2860]

The following applies to each existing 1980 Act plan:

- on commencement of the BCCMA, a community titles scheme was established for each existing plan;
- the community titles scheme established is a basic scheme;
- each lot on the existing plan becomes a lot in the community titles scheme that was established;
- the scheme land for the new community titles scheme is all of the land that is included in the parcel for the existing plan;
- each item of additional common property under the 1980 Act (Part 2, Division 2) for the existing plan (other than a parcel of additional common property acquired as freehold land and incorporated into the common property for the existing plan) became a body corporate asset for the community titles scheme that was established; and

- any exclusive use by-law that applied to an item of common property and has continuing effect under Chapter 8 Part 1, applies to that body corporate asset;
- the community titles scheme that was established is deemed to include by-laws identical to the by-laws in force before commencement of the BCCMA;
- the body corporate established under the 1980 Act for the existing plan was taken to be, without change to its corporate identity, the body corporate for the new scheme;
- a person who immediately before commencement of the BCCMA held the office of chairperson, secretary, treasurer or member of the committee of the body corporate for the existing plan continued in the corresponding office under the BCCMA as if elected or appointed to that office under the BCCMA; and
- the original proprietor for the existing plan becomes the original owner for the community titles scheme that was established.

### **Application of 1980 Act to Plans Not for a ‘Specified Act’**

[45-2880]

A 1980 Act plan **lodged before** the commencement of the BCCMA may be registered under the 1980 Act.

An instrument (transfer, easement, etc. of a lot(s) on the plan) executed for the purpose of the plan before the commencement, may be registered under the 1980 Act.

### **Application of 1980 Act to Plan for a ‘Specified Act’**

[45-2900]

For every building units plan or group titles plan that was **registered before** commencement of the BCCMA, the 1980 Act continues to apply to the plan after commencement, subject to the specified Act.

Every building units plan or group titles plan that was **lodged** for registration under the 1980 Act **before** commencement of the BCCMA may be registered after the commencement and the 1980 Act applies on and from commencement, subject to the specified Act.

Every building units plan or group titles plan that was **lodged** for registration under the 1980 Act within six months **after** commencement of the BCCMA was registered under the 1980 Act. The 1980 Act applies to the plan on and from its registration, subject to the specified Act.

However, every plan that is lodged for registration under a specified Act on or after 13 July 1997 must comply with all provisions of the specified Act.

An instrument (transfer, easement, etc.) affecting a lot on the plan that was executed for the purposes of the plan may be registered regardless of whether it was executed before or after commencement of the BCCMA.

### **Classification of Existing Plan**

[45-2920]

The following applied immediately upon establishment of a community titles scheme for an existing plan:

- a building units plan is taken to be a ‘building format plan’ under the *Land Title Act 1994*.
- a group titles plan –
  - (a) is taken to be a ‘standard format plan’ under the Land Title Act; and

- (b) all easements that applied under s. 15 (Support) and s. 17 (Services) of the 1980 Act apply to the community titles scheme that was established on commencement of the BCCMA.

## Future 1980 Act Plans

[45-2940]

The following applies to each future 1980 Act plan:

- immediately, upon registration of a future 1980 Act plan under the 1980 Act, a community titles scheme (the ‘new scheme’) is established for the future plan;
- the new scheme is a basic scheme;
- each lot on the future plan becomes a lot in the new scheme;
- the scheme land for the new scheme is all land included in the parcel for the future plan;
- the body corporate formed under the 1980 Act for the future plan is taken to be, without change to its corporate identity, the body corporate for the new scheme; and
- the original proprietor of the future plan is the original owner of the new scheme.

[45-2950] to [45-3120] deleted

## Termination of a Community Titles Scheme

[45-3140]

A community titles scheme may be terminated by lodging a plan that amalgamates all land comprised in the scheme. The plan must be prepared in keeping with the ‘Registrar of Titles Directions for the Preparation of Plans’. The plan may be compiled from the plan to be extinguished, subject to the normal requirements for compiled plans.

A Form 18A Registered Owners/Lessee’s Consent to Survey Plan must be completed by either the body corporate or by the person on whose application a court ordered the termination of the scheme. It becomes the instrument of application for termination as required by s. 79 of the BCCMA.

Evidence of the termination, as required by Part 6A Division 7 of the *Land Title Act 1994*, must be deposited with the plan when it is lodged. Evidence of the termination may be:

- (a) a certified copy of the body corporate resolution (signed under the body corporate seal) to terminate the scheme and any agreements entered into by the parties about termination issues; or
- (b) an order of the court to terminate the scheme.

The resolution and any agreements may be certified by the secretary or any other appointed person.

On lodgement of a plan for termination of a scheme the Registrar will search the Register to determine if there is any land held as an asset that should be dealt with as part of the termination process.

On registration of the plan:

- the particulars about the scheme and its CMS will be cancelled;

- one or more indefeasible titles will be created for the new lot(s) that comprises all of the land that, immediately before the cancellation, was scheme land;
- the indefeasible title(s) will show the registered owners of all of the lots previously included in the scheme as tenants in common with shares proportionate to the lot entitlements shown in the schedule of interest in the cancelled CMS;
- the indefeasible title(s) will also show the share of each registered owner as being subject to any mortgage(s), lease(s) or other interest(s) previously registered on the cancelled title to their lot in the terminated community titles scheme.

A basic scheme is defined as a community titles scheme that has one level of management. Consequently, if terminating a layered arrangement of schemes, all subsidiary schemes must be terminated first. When all subsidiary schemes have been terminated, the principal scheme may be terminated.

## Amalgamation of Existing Schemes

[45-3160]

The BCCMA provides for amalgamation of two or more community titles schemes.

Two or more schemes may be amalgamated if none of them are subsidiary schemes.

Two or more subsidiary schemes may be amalgamated if each is a lot comprised in one principal scheme and provided they are not the only lots in the principal scheme.

Schemes may only be amalgamated if the bodies corporate for each scheme agree by resolutions without dissent to the amalgamation and to the First CMS for the amalgamated scheme. If the schemes to be amalgamated are subsidiary schemes, the body corporate for the principal scheme must also consent to the amalgamation by an ordinary resolution. Alternatively, a District Court may order that two or more schemes be amalgamated.

If a District Court makes an order that two or more schemes are to be amalgamated, the court may also make orders about:

- (a) the contents of the CMS for the amalgamated scheme; and
- (b) the disposition of assets and/or liabilities of the schemes prior to the amalgamation.

When two or more schemes are amalgamated, their existence as separate schemes ends and a new scheme is created. The lots and common property of each of the amalgamated schemes become the lots and common property for the amalgamated scheme. However, schemes may not be amalgamated if the proposed scheme would not conform to the requirements of the BCCMA.

## Documentation for Amalgamating Schemes

[45-3180]

The documentation required to **voluntarily** amalgamate two or more existing community titles schemes comprises:

- a Form 14 – General Request to amalgamate (no lodgement fee is applicable) with:
  - a certified copy of each resolution is required to evidence that the schemes may be amalgamated (ss. 115W and 115X of the *Land Title Act 1994*); and
- a Form 14 – General Request to record First CMS with:

- a First CMS for the amalgamated scheme (the CMS must reflect the provisions agreed to by the previous bodies corporate for the separate schemes by resolutions without dissent); and
- a properly completed Form 18C – Planning Body Community Management Statement Notation signed by the planning body.

The documentation required to amalgamate two or more existing community titles schemes to comply with a District Court order comprises:

- a Form 14 – General Request to amalgamate (no lodgement fee is applicable) with:
  - a certified copy of the District Court order; and
- a Form 14 – General Request to record First CMS with:
  - a First CMS for the amalgamated scheme; and
  - a properly completed Form 18C – Planning Body Community Management Statement Notation signed by the planning body.

Item 6 of the Form 14 – General Request to record First CMS must include the name and address for service of the body corporate for the amalgamated scheme.

The name of the amalgamated scheme may be:

- a new name that has not already been registered or reserved for another scheme; or
- the name of one of the schemes being amalgamated (upon registration of the Request, the names of the schemes being amalgamated cease to exist and are available for use for the new scheme and if not used, for any other scheme).

If the schemes to be amalgamated are subsidiary schemes a New CMS for the principal scheme is also required (ss. 115W and 115X of the Land Title Act).

On registration of the Form 14 – General Request to amalgamate the following will take place:

- the CMS numbers for the schemes being amalgamated will be cancelled; and
- a new CMS number will be generated for the First CMS for the new scheme; and
- the indefeasible titles for common property in the schemes being amalgamated will be cancelled; and
- an indefeasible title for the common property for the new scheme will be created.

If any reciprocal easements have been registered on the cancelled indefeasible titles for the common property for the previous schemes they will be surrendered as part of the amalgamation process. Note: Section 87(b) of the Land Title Act will be relied upon to surrender any reciprocal easements. The existing indefeasible titles for the lots in the scheme will not be cancelled, however, the CMS reference for each relevant original scheme will be updated as the CMS number created for the amalgamated scheme.

# Forms

## General Guide to Completion of CMS Form

[45-4000]

- There must be margins free from printing and writing of not less than 10mm on all sides of the form.
- The form must be clearly printed on one side of the sheet only and be produced in a way that is permanent and allows reproduction by photographic means to the satisfaction of the Registrar in a print size no smaller than 1.8mm (10 point).
- The whole of the form, whether printed or processed, must appear on one side of one sheet only. No panel may be removed (i.e. the item must be shown in full even if not used).
- Forms must not be folded.
- All numbered items are to be completed or if not applicable to be either ruled through diagonally or marked N/A.
- If there is insufficient space in any item insert only the words ‘see Annexure’ or ‘see Enlarged Panel’ and attach a Form 20. Enlarged panels must be used to accommodate data that cannot be contained on the form. An enlarged panel may be used for any number of items. Schedules A to E in the CMS cannot have annexures.
- All information relating to the schedules must appear in the relevant schedule and the schedules must appear in order. Annexures or Enlarged Panels to Schedules A to E are not acceptable.
- The annexure or enlarged panel should be identified either by title reference (at least one) or the scheme name, numbered consecutively and should show the item name and number, e.g. Item 8 Execution by original owner/consent of body corporate.
- Annexures including enlarged panels and schedules must be consecutively numbered commencing with the form which is page 1, e.g. page 1 of 5. The page number must appear in the top right hand corner of each page including any sketch plans.
- Page numbering starts with the CMS as page 1, although the Form 14 – General Request forms part of the lodgement.
- Alterations to information entered on the form should be crossed out (not erased or obliterated by painting over) and initialled by the parties. Initialling is not necessary when deleting optional items or panels ruled through.
- An Australian company name must in all circumstances be followed by its Australian Company Number or Australian Registered Body Number.
- A form and its supporting documents should be bound with one staple at the top left hand corner.



## Example 1.1 – First CMS – Basic Scheme

THIS STATEMENT MUST BE LODGED TOGETHER WITH A FORM 14 GENERAL REQUEST AND IN THE CASE OF A NEW STATEMENT MUST BE LODGED WITHIN THREE (3) MONTHS OF THE DATE OF CONSENT BY THE BODY CORPORATE

*Office use only*  
CMS LABEL NUMBER

**This statement incorporates and must include the following:**

*Schedule A - Schedule of lot entitlements*  
*Schedule B - Explanation of development of scheme land*  
*Schedule C - By-laws*  
*Schedule D - Any other details*  
*Schedule E - Allocation of exclusive use areas*

---

**1. Name of community titles scheme**

BRIGHTON VILLA COMMUNITY TITLES SCHEME

---

**2. Regulation module**

SMALL SCHEMES MODULE

---

**3. Name of body corporate**

BODY CORPORATE FOR BRIGHTON VILLA COMMUNITY TITLES SCHEME

---

**4. Scheme land**

Lot on Plan Description

COMMON PROPERTY OF  
BRIGHTON VILLA COMMUNITY  
TITLES SCHEME

LOTS 1 TO 4 ON SP12347

Title Reference

50046170

---

**5. #Name and address of original owner**

BRIGHTON PTY LTD ACN 007 768 903  
PO BOX 727  
BRISBANE QLD 4001

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**6. Reference to plan lodged with this statement**

SP12347

# first community management statement only

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**7. New CMS exemption to planning body community management statement notation (if applicable\*)**

Insert exemption clause (if no exemption – insert 'N/A' or 'not applicable')

N/A

\*If there is no exemption or for a first community management statement (CMS), a Form 18C must be deposited with the Request to record the CMS.

---

**8. Execution by original owner/Consent of body corporate**

(seal)  
or full name of  
company to be shown

*C Johns*, Director  
CHARLES JOHNS  
*K Brown*, Director/Secretary  
KENNETH BROWN

20/11/2021  
**Execution Date**

.....  
**\*Execution**

\*Original owner to execute for a first community management statement  
\*Body corporate to execute for a new community management statement

### Privacy Statement

Collection of information from this form is authorised by legislation and is used to maintain publicly searchable records. For more information see the Department's website.

**SCHEDULE A SCHEDULE OF LOT ENTITLEMENTS**

Lot on Plan	Contribution	Interest
Lot 1 on SP12347	1	1
Lot 2 on SP12347	1	1
Lot 3 on SP12347	1	1
Lot 4 on SP12347	1	1
<b>TOTALS</b>	4	4

**N.B.** – Any First CMS lodged after 14 April 2011 must address in Schedule A the requirements of ss. 46(9) and 66(1)(db) and (dc) of the *Body Corporate and Community Management Act 1997* for all the lots in the scheme. See [45-4120].

**SCHEDULE B EXPLANATION OF THE DEVELOPMENT OF SCHEME LAND**

Not applicable (or an indication that it is not applicable e.g. N/A).

**SCHEDULE C BY-LAWS**

(EITHER)

By-laws in Schedule 4 of the *Body Corporate and Community Management Act 1997* apply to this scheme.

(OR)

**N.B.** If Schedule 4 of the *Body Corporate and Community Management Act 1997* does not apply or is modified, either by addition or deletion, the full text of the by-laws, shall be clearly set out. If any exclusive use areas are included in the by-laws, a reference to their allocation in Schedule E should also be included.

**SCHEDULE D OTHER DETAILS REQUIRED/PERMITTED TO BE INCLUDED**

(EITHER)

Not applicable (or an indication that it is not applicable e.g. N/A).

(OR)

Insert a full explanation of any other details required or permitted that are to be included in the scheme.

**N.B.** – If the development approval date is on or after 4 March 2003, one (1) or more services location diagrams (SLD) must be annexed by way of alpha identifier to this schedule and may be identified in either of the following methods:

1. a statement referencing the inclusion of the SLD identifying the lots to be affected, or proposed to be affected, by statutory easements and state the type of statutory easement; or
2. include the type of statutory easement in a matrix form if desired. An example matrix relevant to a building format plan is reproduced for reference.

<b>Lots on Plan or Common Property</b>	<b>Statutory Easement</b>	<b>Service Location Diagrams</b>
Common Property	Support, shelter and services	C and D
Lot 1 on SP12347	Support, shelter and services	
Lot 2 on SP12347	Support, shelter and services	
Lot 3 on SP12347	Support, shelter and services	
Lot 4 on SP12347	Support, shelter and services	

**SCHEDULE E DESCRIPTION OF LOTS ALLOCATED EXCLUSIVE USE AREAS OF COMMON PROPERTY**

*(EITHER)*

Not applicable (or an indication that it is not applicable e.g. N/A).

*(OR)*

The description of the relative lot(s) and a description of the exclusive use area(s) allocated to the lot(s) should be included in the appropriate format (see Example 2 for the format). A sketch plan of the exclusive use area(s) in accordance with the Registrar of Titles Directions for the Preparation of Plans must also be attached.

**Example 1.2 – New CMS Basic Scheme**

THIS STATEMENT MUST BE LODGED TOGETHER WITH A FORM 14 GENERAL REQUEST AND IN THE CASE OF A NEW STATEMENT MUST BE LODGED WITHIN THREE (3) MONTHS OF THE DATE OF CONSENT BY THE BODY CORPORATE

*Office use only*  
CMS LABEL NUMBER

**This statement incorporates and must include the following:**

*Schedule A - Schedule of lot entitlements*  
*Schedule B - Explanation of development of scheme land*  
*Schedule C - By-laws*  
*Schedule D - Any other details*  
*Schedule E - Allocation of exclusive use areas*

**1. Name of community titles scheme**

BRIGHTON VILLA COMMUNITY  
TITLES SCHEME 1010

**2. Regulation module**

SMALL SCHEMES MODULE

**3. Name of body corporate**

BODY CORPORATE FOR BRIGHTON VILLA COMMUNITY TITLES SCHEME 1010

**4. Scheme land**

Lot on Plan Description

Title Reference

COMMON PROPERTY OF  
BRIGHTON VILLA COMMUNITY  
TITLES SCHEME

56000010

LOT 1 ON SP12347

56000011

LOT 2 ON SP12347

56000012

LOT 3 ON SP12347

56000013

LOT 4 ON SP12347

56000014

**5. #Name and address of original owner**

N/A

**6. Reference to plan lodged with this statement**

N/A

# first community management statement only

**7. New CMS exemption to planning body community management statement notation (if applicable\*)**

Insert exemption clause (if no exemption – insert 'N/A' or 'not applicable')

Not applicable pursuant to s. 60(6) of the *Body Corporate and Community Management Act 1997*

\*If there is no exemption or for a first community management statement (CMS), a Form 18C must be deposited with the Request to record the CMS.

**8. Execution by original owner/Consent of body corporate**

(seal of body corporate)

*C Johns*, Committee Member  
CHARLES JOHNS  
*K Brown*, Secretary  
KENNETH BROWN

20/12/2021  
**Execution Date**

.....  
**\*Execution**

\*Original owner to execute for a first community management statement  
\*Body corporate to execute for a new community management statement

**Privacy Statement**

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**SCHEDULE A SCHEDULE OF LOT ENTITLEMENTS**

Lot on Plan	Contribution	Interest
Lot 1 on SP12347	1	1
Lot 2 on SP12347	1	1
Lot 3 on SP12347	1	1
Lot 4 on SP12347	1	1
<b>TOTALS</b>	<b>4</b>	<b>4</b>

**N.B.** – See [45-4120].

**SCHEDULE B EXPLANATION OF THE DEVELOPMENT OF SCHEME LAND**

Not applicable (or an indication that it is not applicable e.g. N/A).

**SCHEDULE C BY-LAWS**

(EITHER)

By-laws in Schedule 4 of the *Body Corporate and Community Management Act 1997* apply to this scheme.

(OR)

**N.B.** If Schedule 4 of the *Body Corporate and Community Management Act 1997* does not apply or is modified, either by addition or deletion, the full text of the by-laws, shall be clearly set out. If any exclusive use areas are included in the by-laws, a reference to their allocation in Schedule E should also be included.

**SCHEDULE D OTHER DETAILS REQUIRED/PERMITTED TO BE INCLUDED**

(EITHER)

Not applicable (or an indication that it is not applicable e.g. N/A).

(OR)

Insert a full explanation of any other details required or permitted that are to be included in the scheme.

**N.B.** – If the development approval date of the plan is on or after 4 March 2003, one (1) or more services location diagrams (SLD) must be annexed by way of alpha identifier to this schedule and may be identified in either of the following methods:

1. a statement referencing the inclusion of the SLD identifying the lots to be affected, or proposed to be affected, by statutory easements and state the type of statutory easement; or
2. include the type of statutory easement in a matrix form if desired. An example matrix relevant to a building format plan is reproduced for reference.

Lots on Plan or Common Property	Statutory Easement	Service Location Diagrams
Common Property	Support, shelter and services	C and D
Lot 1 on SP12347	Support, shelter and services	
Lot 2 on SP12347	Support, shelter and services	
Lot 3 on SP12347	Support, shelter and services	
Lot 4 on SP12347	Support, shelter and services	

<b>SCHEDULE E</b>	<b>DESCRIPTION OF LOTS ALLOCATED EXCLUSIVE USE AREAS OF COMMON PROPERTY</b>
-------------------	---

(EITHER)

Not applicable (or an indication that it is not applicable e.g. N/A).

(OR)

The description of the relative lot(s) and a description of the exclusive use area(s) allocated to the lot(s) should be included in the appropriate format (see Example 2 for the format). A sketch plan of the exclusive use area(s) in accordance with the Registrar of Titles Directions for the Preparation of Plans must also be attached.

**Example 2.1 – First CMS - Staged Subdivision, First Stage (All Stages Not Included in the First CMS and No Additional Common Property to be Created)**

QUEENSLAND TITLES REGISTRY  
Body Corporate and Community Management Act 1997

**FIRST/NEW COMMUNITY MANAGEMENT STATEMENT**

CMS Version 4  
Page 1 of 3

THIS STATEMENT MUST BE LODGED TOGETHER WITH A FORM 14 GENERAL REQUEST AND IN THE CASE OF A NEW STATEMENT MUST BE LODGED WITHIN THREE (3) MONTHS OF THE DATE OF CONSENT BY THE BODY CORPORATE

**This statement incorporates and must include the following:**

*Office use only*  
CMS LABEL NUMBER

*Schedule A - Schedule of lot entitlements*  
*Schedule B - Explanation of development of scheme land*  
*Schedule C - By-laws*  
*Schedule D - Any other details*  
*Schedule E - Allocation of exclusive use areas*

**1. Name of community titles scheme**

GRANDVIEW HEIGHTS COMMUNITY TITLES SCHEME

**2. Regulation module**

STANDARD MODULE

**3. Name of body corporate**

BODY CORPORATE FOR GRANDVIEW HEIGHTS COMMUNITY TITLES SCHEME

**4. Scheme land**

Lot on Plan Description

Title Reference

COMMON PROPERTY OF  
GRANDVIEW HEIGHTS  
COMMUNITY TITLES SCHEME

50131185

LOTS 1 TO 12 AND 99 ON  
SP12348

**5. #Name and address of original owner**

GRAND VIEWS PTY LTD ACN 333 306 001  
PO BOX 222  
BRISBANE QLD 4001

**6. Reference to plan lodged with this statement**

SP12348

# first community management statement only

**7. New CMS exemption to planning body community management statement notation (if applicable\*)**

Insert exemption clause (if no exemption – insert 'N/A' or 'not applicable')

N/A

\*If there is no exemption or for a first community management statement (CMS), a Form 18C must be deposited with the Request to record the CMS.

**8. Execution by original owner/Consent of body corporate**

(seal)  
or full name of  
company to be shown

*B May*, Director  
BRIAN MAY  
*S Doust*, Director/Secretary  
STEPHEN DOUST

20/11/2021  
**Execution Date**

.....  
**\*Execution**

\*Original owner to execute for a first community management statement  
\*Body corporate to execute for a new community management statement

**Privacy Statement**

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**SCHEDULE A SCHEDULE OF LOT ENTITLEMENTS**

Lot on Plan	Contribution	Interest
Lot 1 on SP12348	1	1
Lot 2 on SP12348	1	1
Lot 3 on SP12348	1	1
Lot 4 on SP12348	1	1
Lot 5 on SP12348	1	1
Lot 6 on SP12348	1	1
Lot 7 on SP12348	1	1
Lot 8 on SP12348	1	1
Lot 9 on SP12348	1	1
Lot 10 on SP12348	1	1
Lot 11 on SP12348	1	1
Lot 12 on SP12348	1	1
Lot 99 on SP12348	1	1
<b>TOTALS</b>	13	13

**N.B.** – Any First CMS lodged after 14 April 2011 must address in Schedule A the requirements of ss. 46(9) and 66(1)(db) and (dc) of the *Body Corporate and Community Management Act 1997* for all the lots in the scheme. See [45-4120].

**SCHEDULE B EXPLANATION OF THE DEVELOPMENT OF SCHEME LAND**

Lot 99 on SP12348 is to be further subdivided by a standard format plan into 8 lots under the standard module for residential purposes.

- N.B.** – 1. Concept drawings in accordance with section 66(1)(f)(i) of the *Body Corporate and Community Management Act 1997* must also be included.
2. The purpose of any future allocations for the scheme and the stages in which the future allocations are to be made should also be included.

**(Where concept drawings are annexed they should be on international sheet size A4 or A3 and comply with imaging quality requirements.)**

**SCHEDULE C BY-LAWS**

(EITHER)

By-laws in Schedule 4 of the *Body Corporate and Community Management Act 1997* apply to this scheme.

(OR)

**N.B.** If Schedule 4 of the *Body Corporate and Community Management Act 1997* does not apply or is modified, either by addition or deletion, **the full text of the by-laws shall be clearly set out.** If any exclusive use areas are included in the by-laws, a reference to their allocation in Schedule E should also be included.

**Exclusive Use**

12. The proprietors of lots identified in Schedule E are entitled to exclusive use of the areas allocated therein and as identified on sketch plans marked "A" and "B" attached hereto.



**SCHEDULE D OTHER DETAILS REQUIRED/PERMITTED TO BE INCLUDED**

Not applicable (or an indication that it is not applicable e.g. N/A).

(OR)

Insert a full explanation of any other details required or permitted that are to be included in the scheme.

**N.B.** – If the development approval date is on or after 4 March 2003, one (1) or more services location diagrams (SLD) must be annexed by way of alpha identifier to this schedule and may be identified in either of the following methods:

1. a statement referencing the inclusion of the SLD identifying the lots to be affected, or proposed to be affected, by statutory easements and state the type of statutory easement; or
2. include the type of statutory easement in a matrix form if desired. An example matrix relevant to a building format plan is reproduced for reference.

<b>Lots on Plan or Common Property</b>	<b>Statutory Easement</b>	<b>Service Location Diagrams</b>
Common Property	Support, shelter and services	C and D
All lots	Support, shelter and services	

**SCHEDULE E DESCRIPTION OF LOTS ALLOCATED EXCLUSIVE USE AREAS OF COMMON PROPERTY**

(EITHER)

Not applicable (or an indication that it is not applicable e.g. N/A).

(OR)

The description of the relative lot(s) and a description of the exclusive use area(s) allocated to the lot(s) should be included in the appropriate format (see Example 2 for the format). A sketch plan of the exclusive use area(s) in accordance with the Registrar of Titles Directions for the Preparation of Plans must also be attached.

<b>Lot on Plan</b>	<b>Exclusive use area</b>
Lot 2 on SP12348	Area "1" on sketch marked "A"
Lot 4 on SP12348	Area "2" on sketch marked "A"

Or, if lots have more than one exclusive use area the purpose may be included by the addition of an extra box to the above:

<b>Lot on Plan</b>	<b>Exclusive use area</b>	<b>Purpose</b>
Lot 2 on SP12348	Area "1" on sketch marked "A"	Carpark
	Area "1" on sketch marked "B"	Storage
Lot 4 on SP12348	Area "2" on sketch marked "A"	Carpark
	Area "2" on sketch marked "B"	Storage

**Example 2.2 New CMS – Staged Subdivision, Last Stage**

THIS STATEMENT MUST BE LODGED TOGETHER WITH A FORM 14 GENERAL REQUEST AND IN THE CASE OF A NEW STATEMENT MUST BE LODGED WITHIN THREE (3) MONTHS OF THE DATE OF CONSENT BY THE BODY CORPORATE

*Office use only*  
CMS LABEL NUMBER

**This statement incorporates and must include the following:**

- Schedule A - Schedule of lot entitlements
- Schedule B - Explanation of development of scheme land
- Schedule C - By-laws
- Schedule D - Any other details
- Schedule E - Allocation of exclusive use areas

---

**1. Name of community titles scheme**

GRANDVIEW HEIGHTS COMMUNITY TITLES SCHEME 1357

---

**2. Regulation module**

STANDARD MODULE

---

**3. Name of body corporate**

BODY CORPORATE FOR GRANDVIEW HEIGHTS COMMUNITY TITLES SCHEME 1357

---

**4. Scheme land**

Lot on Plan Description  
SEE ENLARGED PANEL

Title Reference

---

**5. #Name and address of original owner**

NOT APPLICABLE

---

**6. Reference to plan lodged with this statement**

SP123459

# first community management statement only

---

**7. New CMS exemption to planning body community management statement notation (if applicable\*)**

Insert exemption clause (if no exemption – insert 'N/A' or 'not applicable')

N/A

\*If there is no exemption or for a first community management statement (CMS), a Form 18C must be deposited with the Request to record the CMS.

---

**8. Execution by original owner/Consent of body corporate**

(seal of body corporate)

C Dore, Chairperson/Secretary  
CARLTON DORE  
G Senior, Committee Member  
GEORGE SENIOR

20/12/2021  
**Execution Date**

.....  
**\*Execution**

\*Original owner to execute for a first community management statement  
\*Body corporate to execute for a new community management statement

**Privacy Statement**

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EITHER Title Reference [56000000] OR GRANDVIEW HEIGHTS COMMUNITY TITLES SCHEME 1357

4. Scheme Land

Description of Lot	Parish	Title Reference
Common Property of Grandview Heights community titles scheme 1357		56000000
Lot 1 on SP12348		56000001
Lot 2 on SP12348		56000002
Lot 3 on SP12348		56000003
Lot 4 on SP12348		56000004
Lot 5 on SP12348		56000005
Lot 6 on SP12348		56000006
Lot 7 on SP12348		56000007
Lot 8 on SP12348		56000008
Lot 9 on SP12348		56000009
Lot 10 on SP12348		56000010
Lot 11 on SP12348		56000011
Lot 12 on SP12348		56000012
Lot 13 on SP123459		
Lot 14 on SP123459		
Lot 15 on SP123459		
Lot 16 on SP123459		
Lot 17 on SP123459		
Lot 18 on SP123459		
Lot 19 on SP123459		
Lot 20 on SP123459		

OR

4. Scheme Land

Description of Lot	Title Reference
Common Property of Grandview Heights Community Titles Scheme 1357	56000000
Lots 1 to 12 on SP12348	56000001 to 56000012
Lots 13 to 20 on SP123459	

**SCHEDULE A SCHEDULE OF LOT ENTITLEMENTS**

Lot on Plan	Contribution	Interest
Lot 1 on SP12348	1	1
Lot 2 on SP12348	1	1
Lot 3 on SP12348	1	1
Lot 4 on SP12348	1	1
Lot 5 on SP12348	1	1
Lot 6 on SP12348	1	1
Lot 7 on SP12348	1	1
Lot 8 on SP12348	1	1
Lot 9 on SP12348	1	1
Lot 10 on SP12348	1	1
Lot 11 on SP12348	1	1
Lot 12 on SP12348	1	1
Lot 13 on SP123459	1	1
Lot 14 on SP123459	1	1
Lot 15 on SP123459	1	1
Lot 16 on SP123459	1	1
Lot 17 on SP123459	1	1
Lot 18 on SP123459	1	1
Lot 19 on SP123459	1	1
Lot 20 on SP123459	1	1
<b>TOTALS</b>	20	20

**N.B.** – See [45-4120].

**SCHEDULE B EXPLANATION OF THE DEVELOPMENT OF SCHEME LAND**

Not applicable (or an indication that it is not applicable e.g. N/A).

**SCHEDULE C BY-LAWS**

(EITHER)

By-laws in Schedule 4 of the *Body Corporate and Community Management Act 1997* apply to this scheme.

(OR)

**N.B.** If Schedule 4 of the *Body Corporate and Community Management Act 1997* does not apply or is modified, either by addition or deletion, **the full text of the by-laws applicable to this statement shall be clearly set out.** If any exclusive use areas are included in the by-laws, a reference to their allocation in Schedule E should also be included.

Where an exclusive use by-law is to be included the following wording may be used as the basis:

**Exclusive Use**

12. The proprietors of lots identified in Schedule E are entitled to exclusive use of the areas allocated therein and as identified on the sketch plans marked "A" and "B" attached hereto.

**SCHEDULE D OTHER DETAILS REQUIRED/PERMITTED TO BE INCLUDED**

(EITHER)

Not applicable (or an indication that it is not applicable e.g. N/A).

(OR)

Insert a full explanation of any other details required or permitted that are to be included in the scheme.

**N.B.** – If the development approval date is on or after 4 March 2003, one (1) or more services location diagrams (SLD) must be annexed by way of alpha identifier to this schedule and may be identified in either of the following methods:

1. a statement referencing the inclusion of the SLD identifying the lots to be affected, or proposed to be affected, by statutory easements and state the type of statutory easement; or
2. include the type of statutory easement in a matrix form if desired. An example matrix relevant to a building format plan is reproduced for reference.

Lots on Plan or Common Property	Statutory Easement	Service Location Diagrams
Common Property	Support, shelter and services	C and D
All lots	Support, shelter and services	

**SCHEDULE E DESCRIPTION OF LOTS ALLOCATED EXCLUSIVE USE AREAS OF COMMON PROPERTY**

(EITHER)

Not applicable (or an indication that it is not applicable e.g. N/A).

(OR)

The description of the relative lot(s) and a description of the exclusive use area(s) allocated to the lot(s) should be included in the format below. A sketch plan of the exclusive use area(s) in accordance with the Registrar of Titles Directions for the Preparation of Plans must also be attached.

Example of allocation of exclusive use areas:

Lot on Plan	Exclusive Use Area
Lot 2 on SP12348	Area "1" on sketch marked "A"
Lot 4 on SP12348	Area "2" on sketch marked "A"
Lot 5 on SP12348	Area "14" on sketch marked "B"
Lot 6 on SP12348	Area "15" on sketch marked "B"

Or, if lots have more than one exclusive use area the purpose may be included by the addition of an extra box to the above:

Lot on Plan	Exclusive Use Area	Purpose
Lot 2 on SP12348	Area "1" on sketch marked "A"	Carpark
	Area "1" on sketch marked "B"	Storage
Lot 4 on SP12348	Area "2" on sketch marked "A"	Carpark
	Area "2" on sketch marked "B"	Storage

### Example 3.1 – First CMS – Layered Arrangement – Principal Scheme

THIS STATEMENT MUST BE LODGED TOGETHER WITH A FORM 14 GENERAL REQUEST AND IN THE CASE OF A NEW STATEMENT MUST BE LODGED WITHIN THREE (3) MONTHS OF THE DATE OF CONSENT BY THE BODY CORPORATE

**This statement incorporates and must include the following:**

*Schedule A - Schedule of lot entitlements*  
*Schedule B - Explanation of development of scheme land*  
*Schedule C - By-laws*  
*Schedule D - Any other details*  
*Schedule E - Allocation of exclusive use areas*

*Office use only*  
**CMS LABEL NUMBER**

---

**1. Name of community titles scheme**

NORTHGATE HEIGHTS NO. 1 COMMUNITY TITLES SCHEME

---

**2. Regulation module**

STANDARD MODULE

---

**3. Name of body corporate**

BODY CORPORATE FOR NORTHGATE HEIGHTS NO. 1 COMMUNITY TITLES SCHEME

---

**4. Scheme land**

Lot on Plan Description

COMMON PROPERTY OF  
NORTHGATE HEIGHTS NO. 1  
COMMUNITY TITLES SCHEME

LOTS 1 TO 6 ON SP12346

Title Reference

14872009

---

**5. #Name and address of original owner**

NORTHGATE PTY LTD ACN 007 090 232  
PO BOX 3  
BRISBANE QLD 4001

---

**6. Reference to plan lodged with this statement**

SP12346

# first community management statement only

---

**7. New CMS exemption to planning body community management statement notation (if applicable\*)**

Insert exemption clause (if no exemption – insert 'N/A' or 'not applicable')

N/A

\*If there is no exemption or for a first community management statement (CMS), a Form 18C must be deposited with the Request to record the CMS.

---

**8. Execution by original owner/Consent of body corporate**

(seal)  
or full name of  
company to be shown

*P Stanley*, Director  
PAUL STANLEY  
*J Adams*, Director/Secretary  
JORDAN ADAMS

20/11/2021  
**Execution Date**

.....  
**\*Execution**

\*Original owner to execute for a first community management statement  
\*Body corporate to execute for a new community management statement

**Privacy Statement**

Collection of information from this form is authorised by legislation and is used to maintain publicly searchable records. For more information see the Department's website.

**SCHEDULE A SCHEDULE OF LOT ENTITLEMENTS**

Lot on Plan	Contribution	Interest
Lot 1 on SP12346	1	1
Lot 2 on SP12346	1	1
Lot 3 on SP12346	1	1
Lot 4 on SP12346	1	1
Lot 5 on SP12346	1	1
Lot 6 on SP12346	1	1

<b>TOTALS</b>	6	6
---------------	---	---

**N.B.** – Any First CMS lodged after 14 April 2011 must address in Schedule A the requirements of ss. 46(9) and 66(1)(db) and (dc) of the *Body Corporate and Community Management Act 1997* for all the lots in the scheme. See [45-4120].

**SCHEDULE B EXPLANATION OF THE DEVELOPMENT OF SCHEME LAND**

The scheme is intended to be developed as a layered arrangement in accordance with section 66(1)(g) of the *Body Corporate and Community Management Act 1997*.

Lot 2 on SP12346 is to be further subdivided by a standard format plan into 4 lots and common property being stage 2 forming a subsidiary scheme described as Northgate Heights No. 2 community titles scheme under the Accommodation Module for holiday rental.

Lot 4 in Northgate Heights No. 2 community titles scheme is to be further subdivided by a building format plan into 4 lots and common property being stage 3 forming another subsidiary scheme described as Northgate Heights No. 3 community titles scheme under the Commercial Module for retail shop letting.

**SCHEDULE C BY-LAWS**

(EITHER)

By-laws in Schedule 4 of the *Body Corporate and Community Management Act 1997* apply to this scheme.

(OR)

**N.B.** If Schedule 4 of the *Body Corporate and Community Management Act 1997* does not apply or is modified, either by addition or deletion, the full text of the by-laws applicable to this statement shall be clearly set out. If any exclusive use areas are included in the by-laws, a reference to their allocation in Schedule E should also be included.

**SCHEDULE D OTHER DETAILS REQUIRED/PERMITTED TO BE INCLUDED**

(EITHER)

Not applicable (or an indication that it is not applicable e.g. N/A).

(OR)

Insert a full explanation of any other details required or permitted that are to be included in the scheme.

**N.B.** – If the development approval date is on or after 4 March 2003, one (1) or more services location diagrams (SLD) must be annexed by way of alpha identifier to this schedule and may be identified in either of the following methods:

1. a statement referencing the inclusion of the SLD identifying the lots to be affected, or proposed to be affected, by statutory easements and state the type of statutory easement; or
2. include the type of statutory easement in a matrix form if desired. An example matrix relevant to a building format plan is reproduced for reference.

<b>Lots on Plan or Common Property</b>	<b>Statutory Easement</b>	<b>Service Location Diagrams</b>
Common Property	Support, shelter and services	C and D
Lot 1 on SP12346	Support, shelter and services	
Lot 2 on SP12346	Support, shelter and services	
Lot 3 on SP12346	Support, shelter and services	
Lot 4 on SP12346	Support, shelter and services	

**SCHEDULE E DESCRIPTION OF LOTS ALLOCATED EXCLUSIVE USE AREAS OF COMMON PROPERTY**

(EITHER)

Not applicable (or an indication that it is not applicable e.g. N/A).

(OR)

The description of the relative lot(s) and a description of the exclusive use area(s) allocated to the lot(s) should be included in the appropriate format (see Example 2 for the format). A sketch plan of the exclusive use areas in accordance with the Registrar of Titles Directions for the Preparation of Plans must also be attached.



**Example 3.2 – First CMS – Layered arrangement – First Subsidiary Scheme**

THIS STATEMENT MUST BE LODGED TOGETHER WITH A FORM 14 GENERAL REQUEST AND IN THE CASE OF A NEW STATEMENT MUST BE LODGED WITHIN THREE (3) MONTHS OF THE DATE OF CONSENT BY THE BODY CORPORATE

**This statement incorporates and must include the following:**

*Office use only*  
**CMS LABEL NUMBER**

*Schedule A - Schedule of lot entitlements*  
*Schedule B - Explanation of development of scheme land*  
*Schedule C - By-laws*  
*Schedule D - Any other details*  
*Schedule E - Allocation of exclusive use areas*

**1. Name of community titles scheme**

NORTHGATE HEIGHTS NO. 2 COMMUNITY TITLES SCHEME

**2. Regulation module**

ACCOMMODATION MODULE

**3. Name of body corporate**

BODY CORPORATE FOR NORTHGATE HEIGHTS NO. 2 COMMUNITY TITLES SCHEME

**4. Scheme land**

Lot on Plan Description

COMMON PROPERTY OF NORTHGATE HEIGHTS NO. 2 COMMUNITY TITLES SCHEME

LOTS 1 TO 4 ON SP123462

Title Reference

50011003

**5. #Name and address of original owner**

NORTHGATE PTY LTD ACN 007 090 232  
PO BOX 3  
BRISBANE QLD 4001

**6. Reference to plan lodged with this statement**

SP123462

# first community management statement only

**7. New CMS exemption to planning body community management statement notation (if applicable\*)**

Insert exemption clause (if no exemption – insert 'N/A' or 'not applicable')

N/A

\*If there is no exemption or for a first community management statement (CMS), a Form 18C must be deposited with the Request to record the CMS.

**8. Execution by original owner/Consent of body corporate**

(seal of original owner)  
or full name of  
company to be shown

*P Stanley, Director*  
**PAUL STANLEY**  
*J Adams, Director/Secretary*  
**JORDAN ADAMS**

20/11/2021  
**Execution Date**

.....  
**\*Execution**

\*Original owner to execute for a first community management statement  
\*Body corporate to execute for a new community management statement

**Privacy Statement**

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**SCHEDULE A SCHEDULE OF LOT ENTITLEMENTS**

Lot on Plan	Contribution	Interest
Lot 1 on SP123462	1	1
Lot 2 on SP123462	1	1
Lot 3 on SP123462	1	1
Lot 4 on SP123462	1	1
<b>TOTALS</b>	4	4

**N.B.** – Any First CMS lodged after 14 April 2011 must address in Schedule A the requirements of ss. 46(9) and 66(1)(db) and (dc) of the *Body Corporate and Community Management Act 1997* for all the lots in the scheme. See [45-4120].

**SCHEDULE B EXPLANATION OF THE DEVELOPMENT OF SCHEME LAND**

In accordance with the layered arrangements identified in Northgate Heights No. 1 Community Titles Scheme 2468.

Lot 4 on SP123462 is to be subdivided by a building format plan into 4 lots and common property being stage 3 forming a subsidiary scheme described as Northgate Heights No. 3 community titles scheme under the Commercial Module for retail shop letting.

**SCHEDULE C BY-LAWS**

(EITHER)

By-laws in Schedule 4 of the *Body Corporate and Community Management Act 1997* apply to this scheme.

(OR)

**N.B.** If Schedule 4 of the *Body Corporate and Community Management Act 1997* does not apply or is modified, either by addition or deletion, **the full text of the by-laws applicable to this statement shall be clearly set out.** If any exclusive use areas are included in the by-laws, a reference to their allocation in Schedule E should also be included

**SCHEDULE D OTHER DETAILS REQUIRED/PERMITTED TO BE INCLUDED**

(EITHER)

Not applicable (or an indication that it is not applicable e.g. N/A).

(OR)

Insert a full explanation of any other details required or permitted that are to be included in the scheme.

**N.B.** – If the development approval date is on or after 4 March 2003, one (1) or more services location diagrams (SLD) must be annexed by way of alpha identifier to this schedule and may be identified in either of the following methods:

1. a statement referencing the inclusion of the SLD identifying the lots to be affected, or proposed to be affected, by statutory easements and state the type of statutory easement; or
2. include the type of statutory easement in a matrix form if desired. An example matrix relevant to a building format plan is reproduced for reference.

Lots on Plan or Common Property	Statutory Easement	Service Location Diagrams
Common Property	Support, shelter and services	C and D
Lot 1 on SP123462	Support, shelter and services	
Lot 2 on SP123462	Support, shelter and services	
Lot 3 on SP123462	Support, shelter and services	
Lot 4 on SP123462	Support, shelter and services	

**SCHEDULE E DESCRIPTION OF LOTS ALLOCATED EXCLUSIVE USE AREAS OF COMMON PROPERTY**

(EITHER)

Not applicable (or an indication that it is not applicable e.g. N/A).

(OR)

The description of the relative lot(s) and a description of the exclusive use area(s) allocated to the lot(s) should be included in the appropriate format (see Example 2 for the format). A sketch plan of the exclusive use areas in accordance with the Registrar of Titles Directions for the Preparation of Plans must also be attached.

### Example 3.3 – First CMS – Layered Arrangement – Second Subsidiary Scheme

THIS STATEMENT MUST BE LODGED TOGETHER WITH A FORM 14 GENERAL REQUEST AND IN THE CASE OF A NEW STATEMENT MUST BE LODGED WITHIN THREE (3) MONTHS OF THE DATE OF CONSENT BY THE BODY CORPORATE

**This statement incorporates and must include the following:**

*Office use only*  
CMS LABEL NUMBER

*Schedule A - Schedule of lot entitlements*  
*Schedule B - Explanation of development of scheme land*  
*Schedule C - By-laws*  
*Schedule D - Any other details*  
*Schedule E - Allocation of exclusive use areas*

---

**1. Name of community titles scheme**

NORTHGATE HEIGHTS NO. 3 COMMUNITY TITLES SCHEME

---

**2. Regulation module**

COMMERCIAL MODULE

---

**3. Name of body corporate**

BODY CORPORATE FOR NORTHGATE HEIGHTS NO. 3 COMMUNITY TITLES SCHEME

---

**4. Scheme land**

Lot on Plan Description

COMMON PROPERTY OF  
NORTHGATE HEIGHTS NO.3  
COMMUNITY TITLES SCHEME

LOTS 1 TO 4 ON SP13624

Title Reference

50022001

---

**5. #Name and address of original owner**

NORTHGATE PTY LTD ACN 007 090 232  
PO BOX 3  
BRISBANE QLD 4001

---

**6. Reference to plan lodged with this statement**

SP13624

# first community management statement only

---

**7. New CMS exemption to planning body community management statement notation (if applicable\*)**

Insert exemption clause (if no exemption – insert 'N/A' or 'not applicable')

N/A

\*If there is no exemption or for a first community management statement (CMS), a Form 18C must be deposited with the Request to record the CMS.

---

**8. Execution by original owner/Consent of body corporate**

(seal of original owner)  
or full name of  
company to be shown

*P Stanley, Director*  
PAUL STANLEY  
*J Adams, Committee Member*  
JORDAN ADAMS

20/11/2021  
**Execution Date**

.....  
**\*Execution**

\*Original owner to execute for a first community management statement  
\*Body corporate to execute for a new community management statement

**Privacy Statement**

Collection of information from this form is authorised by legislation and is used to maintain publicly searchable records. For more information see the Department's website.

**SCHEDULE A SCHEDULE OF LOT ENTITLEMENTS**

Lot on Plan	Contribution	Interest
Lot 1 on SP13624	1	1
Lot 2 on SP13624	1	1
Lot 3 on SP13624	1	1
Lot 4 on SP13624	1	1
<b>TOTALS</b>	4	4

**N.B.** – Any First CMS lodged after 14 April 2011 must address in Schedule A the requirements of ss. 46(9) and 66(1)(db) and (dc) of the *Body Corporate and Community Management Act 1997* for all the lots in the scheme. See [45-4120].

**SCHEDULE B EXPLANATION OF THE DEVELOPMENT OF SCHEME LAND**

In accordance with the layered arrangements identified in Northgate Heights No. 1 community titles scheme 2468.

**SCHEDULE C BY-LAWS**

(EITHER)

By-laws in Schedule 4 of the *Body Corporate and Community Management Act 1997* apply to this scheme.

(OR)

**N.B.** If Schedule 4 of the *Body Corporate and Community Management Act 1997* does not apply or is modified, either by addition or deletion, **the full text of the by-laws applicable to this statement shall be clearly set out.** If any exclusive use areas are included in the by-laws, a reference to their allocation in Schedule E should also be included.

**SCHEDULE D OTHER DETAILS REQUIRED/PERMITTED TO BE INCLUDED**

(EITHER)

Not applicable (or an indication that it is not applicable e.g. N/A).

(OR)

Insert a full explanation of any other details required or permitted that are to be included in the scheme.

**N.B.** – If the development approval date is on or after 4 March 2003, one (1) or more services location diagrams (SLD) must be annexed by way of alpha identifier to this schedule and may be identified in either of the following methods:

1. a statement referencing the inclusion of the SLD identifying the lots to be affected, or proposed to be affected, by statutory easements and state the type of statutory easement; or
2. include the type of or statutory easement in a matrix form if desired. An example matrix relevant to a building format plan is reproduced for reference.

Lots on Plan or Common Property	Statutory Easement	Service Location Diagrams
Common Property	Support, shelter and services	C and D
Lot 1 on SP13624	Support, shelter and services	
Lot 2 on SP13624	Support, shelter and services	
Lot 3 on SP13624	Support, shelter and services	
Lot 4 on SP13624	Support, shelter and services	

**SCHEDULE E DESCRIPTION OF LOTS ALLOCATED EXCLUSIVE USE AREAS OF COMMON PROPERTY**

(EITHER)

Not applicable (or an indication that it is not applicable e.g. N/A).

(OR)

The description of the relative lot(s) and a description of the exclusive use area(s) allocated to the lot(s) should be included in the appropriate format (see Example 2 for the format). A sketch plan of the exclusive use areas in accordance with the Registrar of Titles Directions for the Preparation of Plans must also be attached.

**Example 3.4 - New CMS – Layered Arrangement – Principal Scheme with Recording of Final Subsidiary Schemes**

THIS STATEMENT MUST BE LODGED TOGETHER WITH A FORM 14 GENERAL REQUEST AND IN THE CASE OF A NEW STATEMENT MUST BE LODGED WITHIN THREE (3) MONTHS OF THE DATE OF CONSENT BY THE BODY CORPORATE

*Office use only*  
**CMS LABEL NUMBER**

**This statement incorporates and must include the following:**

- Schedule A - Schedule of lot entitlements*
- Schedule B - Explanation of development of scheme land*
- Schedule C - By-laws*
- Schedule D - Any other details*
- Schedule E - Allocation of exclusive use areas*

<b>1. Name of community titles scheme</b> NORTHGATE HEIGHTS NO. 1 COMMUNITY TITLES SCHEME 2468	<b>2. Regulation module</b> STANDARD MODULE
<b>3. Name of body corporate</b> BODY CORPORATE FOR NORTHGATE HEIGHTS NO. 1 COMMUNITY TITLES SCHEME 2468	
<b>4. Scheme land</b> Lot on Plan Description SEE ENLARGED PANEL	Title Reference
<b>5. #Name and address of original owner</b> N/A	<b>6. Reference to plan lodged with this statement</b> N/A
# first community management statement only	
<b>7. New CMS exemption to planning body community management statement notation (if applicable*)</b> Insert exemption clause (if no exemption – insert 'N/A' or 'not applicable') Not applicable pursuant to s. 60(6) of the <i>Body Corporate and Community Management Act 1997</i>	
*If there is no exemption or for a first community management statement (CMS), a Form 18C must be deposited with the Request to record the CMS.	
<b>8. Execution by original owner/Consent of body corporate</b>	
(seal of body corporate)	<i>P Stanley, Chairperson/Secretary</i> PETER STANLEY <i>J Adams, Committee Member</i> JORDAN ADAMS
2/12/2021 <b>Execution Date</b>	..... <b>*Execution</b>
	*Original owner to execute for a <u>first</u> community management statement *Body corporate to execute for a <u>new</u> community management statement

**Privacy Statement**

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EITHER Title Reference [50011001] OR NORTHGATE HEIGHTS NO. 1 COMMUNITY TITLES SCHEME 2468

4. Scheme Land

Description of Lot	Title Reference
Common property of Northgate Heights No. 1 community titles scheme 2468	50011001
Lot 1 on SP12346	50011002
Lot 3 on SP12346	50011004
Lot 4 on SP12346	50011005
Lot 5 on SP12346	50011006
Lot 6 on SP12346	50011007
Common Property of Northgate Heights No. 2 community titles scheme 3579	50021997
Lot 1 on SP13462	50021998
Lot 2 on SP13462	50021999
Lot 3 on SP13462	50022000
Common Property of Northgate Heights No. 3 community titles scheme	
Lot 1 on SP13624	
Lot 2 on SP13624	
Lot 3 on SP13624	
Lot 4 on SP13624	



**SCHEDULE A SCHEDULE OF LOT ENTITLEMENTS**

Lot on Plan	Contribution	Interest
Lot 1 on SP12346	1	1
Lot 3 on SP12346	1	1
Lot 4 on SP12346	1	1
Lot 5 on SP12346	1	1
Lot 6 on SP12346	1	1
Northgate Heights No. 2 community titles scheme 3579	1	1
Northgate Heights No. 3 community titles scheme	1	1
<b>TOTALS</b>	<b>7</b>	<b>7</b>

**N.B.** – See [45-4120].

**SCHEDULE B EXPLANATION OF THE DEVELOPMENT OF SCHEME LAND**

The scheme land is made up of a layered arrangement consisting of the principal scheme being Northgate No. 1 community titles scheme 2468 and the subsidiary scheme being Northgate Heights No. 2 community titles scheme 3579 and Northgate Heights No. 3 community titles scheme.

**SCHEDULE C BY-LAWS**

(EITHER)

By-laws in Schedule 4 of the *Body Corporate and Community Management Act 1997* apply to this scheme.

(OR)

**N.B.** If Schedule 4 of the *Body Corporate and Community Management Act 1997* does not apply or is modified, either by addition or deletion, **the full text of the by-laws applicable to this statement shall be clearly set out.** If any exclusive use areas are included in the by-laws, a reference to their allocation in Schedule E should also be included.

**SCHEDULE D OTHER DETAILS REQUIRED/PERMITTED TO BE INCLUDED**

(EITHER)

Not applicable (or an indication that it is not applicable e.g. N/A).

(OR)

Insert a full explanation of any other details required or permitted that are to be included in the scheme.

**N.B.** – If the development approval date is on or after 4 March 2003, one (1) or more services location diagrams (SLD) must be annexed by way of alpha identifier to this schedule and may be identified in either of the following methods:

1. a statement referencing the inclusion of the SLD identifying the lots to be affected, or proposed to be affected, by statutory easements and state the type of statutory easement; or
2. include the type of statutory easement in a matrix form if desired. An example matrix relevant to a building format plan is reproduced for reference.

Lots on Plan or Common Property	Statutory Easement	Service Location Diagrams
Common Property	Support, shelter and services	C and D
All lots	Support, shelter and services	

**SCHEDULE E DESCRIPTION OF LOTS ALLOCATED EXCLUSIVE USE AREAS OF COMMON PROPERTY**

*(EITHER)*

Not applicable (or an indication that it is not applicable e.g. N/A).

*(OR)*

The description of the relative lot(s) and a description of the exclusive use area(s) allocated to the lot(s) should be included in the appropriate format (see Example 2 for the format). A sketch plan of the exclusive use areas in accordance with the Registrar of Titles Directions for the Preparation of Plans must also be attached.

SAMPLE

## Example 4 – First CMS – Progressive Subdivision by Stages

THIS STATEMENT MUST BE LODGED TOGETHER WITH A FORM 14 GENERAL REQUEST AND IN THE CASE OF A NEW STATEMENT MUST BE LODGED WITHIN THREE (3) MONTHS OF THE DATE OF CONSENT BY THE BODY CORPORATE

**This statement incorporates and must include the following:**

*Schedule A - Schedule of lot entitlements*  
*Schedule B - Explanation of development of scheme land*  
*Schedule C - By-laws*  
*Schedule D - Any other details*  
*Schedule E - Allocation of exclusive use areas*

*Office use only*  
**CMS LABEL NUMBER**

---

**1. Name of community titles scheme**

CAPE VIEW COMMUNITY TITLES SCHEME

---

**2. Regulation module**

STANDARD MODULE

---

**3. Name of body corporate**

BODY CORPORATE FOR CAPE VIEW COMMUNITY TITLES SCHEME

---

**4. Scheme land**

Lot on Plan Description

Title Reference

COMMON PROPERTY OF  
CAPE VIEW COMMUNITY  
TITLES SCHEME

14872009

LOT 20 ON SP10056

14872009

LOT 21 ON SP10056

14872009

---

**5. #Name and address of original owner**

CAPE DEVELOPMENTS PTY LTD ACN 007 903 768  
LEVEL 8, 123 EAGLE STREET  
BRISBANE QLD 4000

---

**6. Reference to plan lodged with this statement**

SP10056

# first community management statement only

---

**7. New CMS exemption to planning body community management statement notation (if applicable\*)**

Insert exemption clause (if no exemption – insert 'N/A' or 'not applicable')

N/A

\*If there is no exemption or for a first community management statement (CMS), a Form 18C must be deposited with the Request to record the CMS.

---

**8. Execution by original owner/Consent of body corporate**

15/10/2021  
**Execution Date**

*P Stanley*  
Cape Developments Pty Ltd A.C.N. 007 903 768 by its  
duly constituted attorney Paul Andrew Stanley under  
Power of Attorney No. 700115983

.....  
**\*Execution**

\*Original owner to execute for a first community management statement  
\*Body corporate to execute for a new community management statement

**Privacy Statement**

Collection of information from this form is authorised by legislation and is used to maintain publicly searchable records. For more information see the Department's website.

**SCHEDULE A SCHEDULE OF LOT ENTITLEMENTS**

Lot on Plan	Contribution	Interest
Lot 20 on SP10056	1	1
Lot 21 on SP10056	1	1
<b>TOTALS</b>	<b>2</b>	<b>2</b>

**N.B.** – Any First CMS lodged after 14 April 2011 must address in Schedule A the requirements of ss. 46(9) and 66(1)(db) and (dc) of the *Body Corporate and Community Management Act 1997* for all the lots in the scheme. See [45-4120].

**SCHEDULE B EXPLANATION OF THE DEVELOPMENT OF SCHEME LAND**

The scheme land is intended to be further developed progressively in two stages being stage 1 and stage 2.

Stage 1 will be created by the resubdivision of Lot 20 on SP10056 by a building format plan to create Lots 1 to 9 inclusive on SP10057 and some additional common property under the Standard Module for accommodation.

Stage 2 will be created by the resubdivision of Lot 21 on SP10056 by a building format plan to create Lots 10 to 19 inclusive on SP10058 and some additional common property under the Standard Module for accommodation.

It is intended that there will be only one body corporate namely, the body corporate for Cape View community titles scheme.

After the resubdivision of lot 20 on SP10056 by the building format plan for stage 1, the contributions and interests in the schedule of lot entitlements relating to Lots 1 to 9 inclusive on SP10057 and 21 on SP10056 are set out in Annexure “X” attached hereto. (The annexure should be on a Form 20 setting out the table of lot entitlements in a similar format to Schedule A of the CMS).

After the resubdivision of Lot 21 on SP10056 by the building format plan for stage 2, the contributions schedule lot entitlements and interests schedule lot entitlements relating to Lots 1 to 9 inclusive on SP10057 and Lots 10 to 19 inclusive on SP10058 are set out in Annexure “Y: attached hereto. (The annexure should be on a Form 20 setting out the table of lot entitlements in a similar format to Schedule A of the CMS).

The concept drawing annexed to this Schedule B is intended only to represent an indicative development plan for stage 1 and stage 2 when completed. Accordingly, it has been annexed for illustrative purposes only. The concept drawing in any plan contained in this CMS does not accurately fix or specify the location of proposed buildings or the boundaries within or outside proposed buildings or the boundaries of any exclusive use areas, all of the same being subject to final survey being undertaken after the completion of the Utility Infrastructure Works referred to in Schedule D and the completion of all other relevant civil works and landscaping works to be undertaken on the scheme land.

- N.B.** – 1. Concept drawings in accordance with section 66(1)(f) of the *Body Corporate and Community Management Act 1997* must also be included.
2. If the contribution schedule lot entitlements are not equal an explanation as to why, in accordance with sections 46(8) and 66(1)(d) of the *Body Corporate and Community Management Act 1997*, must also be included.

(Where concept drawings are annexed they should be on international sheet size A4 or A3 and comply with imaging quality requirements.)

**SCHEDULE C BY-LAWS**

(EITHER)

By-laws in Schedule 4 of the *Body Corporate and Community Management Act 1997* apply to this scheme.

(OR)

**N.B.** If Schedule 4 of the *Body Corporate and Community Management Act 1997* does not apply or is modified, either by addition or deletion, **the full text of the by-laws applicable to this statement shall be clearly set out.** If any exclusive use areas are included in the by-laws, a reference to their allocation in Schedule E should also be included.

**SCHEDULE D OTHER DETAILS REQUIRED/PERMITTED TO BE INCLUDED**

(EITHER)

Not applicable (or an indication that it is not applicable e.g. N/A).

(OR)

Insert a full explanation of any other details required or permitted that are to be included in the scheme, e.g.:

1. To facilitate the progressive development of the Cape View community titles scheme, as identified in Schedule B, the original owner may, at any time, enter on the scheme land, or any part thereof, the common property and any lot in the Cape View community titles scheme to undertake works of any kind necessary or incidental to establishing utility infrastructure and utility services and connections, thereto, including the following works:
  - (a) excavation and general earthworks;
  - (b) the construction of common property areas, including roads;
  - (c) the construction on the common property of such improvements and facilities as may be considered necessary by the original owner to establish utility services, and connections thereto;
  - (d) the construction of services infrastructure whether public or private including but without limiting the generality thereof, connections for sewerage, gas, electricity, telephone, fibreoptics or any other lawful service available to the public;
 all of which are collectively called the "Utility Infrastructure Works".
2. The original owner may bring upon the scheme land any machinery, tools, equipment, vehicles and workmen to facilitate the carrying out of the Utility Infrastructure Works.

**N.B.** – If the development approval date is on or after 4 March 2003, one (1) or more services location diagrams (SLD) must be annexed by way of alpha identifier to this schedule and may be identified in either of the following methods:

1. a statement referencing the inclusion of the SLD identifying the lots to be affected, or proposed to be affected, by statutory easements and state the type of statutory easement; or
2. include the type of statutory easement in a matrix form if desired. An example matrix relevant to a building format plan is reproduced for reference.

<b>Lots on Plan or Common Property</b>	<b>Statutory Easement</b>	<b>Service Location Diagrams</b>
Common Property	Support, shelter and services	C and D
Lot 20 on SP10056	Support, shelter and services	
Lot 21 on SP10056	Support, shelter and services	

**SCHEDULE E DESCRIPTION OF LOTS ALLOCATED EXCLUSIVE USE AREAS OF COMMON PROPERTY**

(EITHER)

Not applicable (or an indication that it is not applicable e.g. N/A).

(OR)

The description of the relative lot(s) and a description of the exclusive use area(s) allocated to the lot(s) should be included in the appropriate format (see Example 2 for the format). A sketch plan of the exclusive use areas in accordance with the Registrar of Titles Directions for the Preparation of Plans must also be attached.

**Example 5 – New CMS for Existing Scheme – Small Schemes Module (Executed by a Sole Registered Owner – Natural Person)**

QUEENSLAND TITLES REGISTRY  
Body Corporate and Community Management Act 1997

**FIRST/NEW COMMUNITY MANAGEMENT STATEMENT**

CMS Version 4  
Page 1 of 3

THIS STATEMENT MUST BE LODGED TOGETHER WITH A FORM 14 GENERAL REQUEST AND IN THE CASE OF A NEW STATEMENT MUST BE LODGED WITHIN THREE (3) MONTHS OF THE DATE OF CONSENT BY THE BODY CORPORATE

*Office use only*  
CMS LABEL NUMBER

**This statement incorporates and must include the following:**

*Schedule A - Schedule of lot entitlements*  
*Schedule B - Explanation of development of scheme land*  
*Schedule C - By-laws*  
*Schedule D - Any other details*  
*Schedule E - Allocation of exclusive use areas*

**1. Name of community titles scheme**

FAWLTY TOWERS COMMUNITY TITLES SCHEME 2345

**2. Regulation module**

STANDARD MODULE

**3. Name of body corporate**

BODY CORPORATE FOR FAWLTY TOWERS COMMUNITY TITLES SCHEME 2345

**4. Scheme land**

Lot on Plan Description

Title Reference

COMMON PROPERTY OF  
FAWLTY TOWERS COMMUNITY  
TITLES SCHEME 2345

19201331

LOT 1 ON BUP1331

16482001

LOT 2 ON BUP1331

16482002

LOT 3 ON BUP1331

16482003

LOT 4 ON BUP1331

16482004

**5. #Name and address of original owner**

N/A

**6. Reference to plan lodged with this statement**

N/A

# first community management statement only

**7. New CMS exemption to planning body community management statement notation (if applicable\*)**

Insert exemption clause (if no exemption – insert 'N/A' or 'not applicable')

Not applicable pursuant to s. 60(6) of the *Body Corporate and Community Management Act 1997*

\*If there is no exemption or for a first community management statement (CMS), a Form 18C must be deposited with the Request to record the CMS.

**8. Execution by original owner/Consent of body corporate**

(seal of body corporate)

*J Cleese*, Chairperson/Secretary  
JAMES CLEESE  
Sole registered owner

28/12/2021  
Execution Date

.....  
\*Execution

\*Original owner to execute for a first community management statement  
\*Body corporate to execute for a new community management statement

**Privacy Statement**

Collection of information from this form is authorised by legislation and is used to maintain publicly searchable records. For more information see the Department's website.

**SCHEDULE A SCHEDULE OF LOT ENTITLEMENTS**

Lot on Plan	Contribution	Interest
Lot 1 on BUP1331	1	1
Lot 2 on BUP1331	1	1
Lot 3 on BUP1331	1	1
Lot 4 on BUP1331	1	1
<b>TOTALS</b>	4	4

**N.B.** –See [45-4120].

**SCHEDULE B EXPLANATION OF THE DEVELOPMENT OF SCHEME LAND**

Not applicable (or an indication that it is not applicable e.g. N/A).

**SCHEDULE C BY-LAWS**

(EITHER)

By-laws in Schedule 4 of the *Body Corporate and Community Management Act 1997* apply to this scheme.

(OR)

**N.B.** If Schedule 4 of the *Body Corporate and Community Management Act 1997* does not apply or is modified, either by addition or deletion, **the full text of the by-laws applicable to this statement shall be clearly set out.** If any exclusive use areas are included in the by-laws, a reference to their allocation in Schedule E should also be included.

**SCHEDULE D OTHER DETAILS REQUIRED/PERMITTED TO BE INCLUDED**

(EITHER)

Not applicable (or an indication that it is not applicable e.g. N/A).

(OR)

Insert a full explanation of any other details required or permitted that are to be included in the scheme.

**N.B.** – If the development approval date is on or after 4 March 2003, one (1) or more services location diagrams (SLD) must be annexed by way of alpha identifier to this schedule and may be identified in either of the following methods:

1. a statement referencing the inclusion of the SLD identifying the lots to be affected, or proposed to be affected, by statutory easements and state the type of statutory easement; or
2. include the type of statutory easement in a matrix form if desired. An example matrix relevant to a building format plan is reproduced for reference.

Lots on Plan or Common Property	Statutory Easement	Service Location Diagrams
Common Property	Support, shelter and services	C and D
Lot 1 on BUP1331	Support, shelter and services	
Lot 2 on BUP1331	Support, shelter and services	
Lot 3 on BUP1331	Support, shelter and services	
Lot 4 on BUP1331	Support, shelter and services	

<b>SCHEDULE E</b>	<b>DESCRIPTION OF LOTS ALLOCATED EXCLUSIVE USE AREAS OF COMMON PROPERTY</b>
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(EITHER)

Not applicable (or an indication that it is not applicable e.g. N/A).

(OR)

The description of the relative lot(s) and a description of the exclusive use area(s) allocated to the lot(s) should be included in the format below. A sketch plan of the exclusive use area(s) in accordance with the Registrar of Titles Directions for the Preparation of Plans must also be attached.



**Example 6 – New CMS for Existing Scheme where a Plan of Resubdivision has been Recorded – Standard Module (Executed by a Sole Registered Owner – Corporation)**

THIS STATEMENT MUST BE LODGED TOGETHER WITH A FORM 14 GENERAL REQUEST AND IN THE CASE OF A NEW STATEMENT MUST BE LODGED WITHIN THREE (3) MONTHS OF THE DATE OF CONSENT BY THE BODY CORPORATE

*Office use only*  
**CMS LABEL NUMBER**

**This statement incorporates and must include the following:**

- Schedule A - Schedule of lot entitlements*
- Schedule B - Explanation of development of scheme land*
- Schedule C - By-laws*
- Schedule D - Any other details*
- Schedule E - Allocation of exclusive use areas*

- 
- |   |  |
|---|--|
| <b>1. Name of community titles scheme</b><br><br>FAWLTY TOWERS COMMUNITY TITLES SCHEME 2345 | <b>2. Regulation module</b><br><br>STANDARD MODULE |
|---|--|
- 
- 3. Name of body corporate**  
BODY CORPORATE FOR FAWLTY TOWERS COMMUNITY TITLES SCHEME 2345
- 
- |  |                 |
|--|-----------------|
| <b>4. Scheme land</b><br>Lot on Plan Description<br>SEE ENLARGED PANEL | Title Reference |
|--|-----------------|
- 
- |  |  |
|--|--|
| <b>5. #Name and address of original owner</b><br>N/A | <b>6. Reference to plan lodged with this statement</b><br>SP109001 |
|--|--|

# first community management statement only

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**7. New CMS exemption to planning body community management statement notation (if applicable\*)**

Insert exemption clause (if no exemption – insert 'N/A' or 'not applicable')

Not applicable pursuant to s. 60(6) of the *Body Corporate and Community Management Act 1997*

\*If there is no exemption or for a first community management statement (CMS), a Form 18C must be deposited with the Request to record the CMS.

---

**8. Execution by original owner/Consent of body corporate**

(seal of body corporate)

28/12/2021

**Execution Date**

*J Cleese*, Chairperson/Secretary  
JAMES CLEESE,  
the nominee of XYZ Pty Ltd  
the sole registered owner  
for and on behalf of the body corporate for  
Fawlty Towers Community Titles Scheme 2345

**\*Execution**

\*Original owner to execute for a first community management statement  
\*Body corporate to execute for a new community management statement

**Privacy Statement**

Collection of information from this form is authorised by legislation and is used to maintain publicly searchable records. For more information see the Department's website.

EITHER Title Reference [19201331] OR FAWLTY TOWERS COMMUNITY TITLES SCHEME 2345

4. Scheme Land

Description of Lot	Title Reference
Common property of Fawly Towers Community Titles Scheme 2345	19201331
Lot 1 on BUP1331	16482001
Lot 2 on BUP1331	16482002
Lot 3 on BUP1331	16482003
Lot 4 on BUP1331	16482004
Lot 6 on SP109001	51006010
Lot 7 on SP109001	51006011
Lot 8 on SP109001	51006012
Lot 9 on SP109001	51006013
Lot 10 on SP109001	51006014

**SCHEDULE A SCHEDULE OF LOT ENTITLEMENTS**

Lot on Plan	Contribution	Interest
Lot 1 on BUP1331	1	1
Lot 2 on BUP1331	1	1
Lot 3 on BUP1331	1	1
Lot 4 on BUP1331	1	1
Lot 6 on SP109001	1	1
Lot 7 on SP109001	1	1
Lot 8 on SP109001	1	1
Lot 9 on SP109001	1	1
Lot 10 on SP109001	1	1
<b>TOTALS</b>	<b>9</b>	<b>9</b>

**N.B.** – See [45-4120].

**SCHEDULE B EXPLANATION OF THE DEVELOPMENT OF SCHEME LAND**

Not applicable (or an indication that it is not applicable e.g. N/A).

**SCHEDULE C BY-LAWS**

(EITHER)

By-laws in Schedule 4 of the *Body Corporate and Community Management Act 1997* apply to this scheme.

(OR)

**N.B.** If Schedule 4 of the *Body Corporate and Community Management Act 1997* does not apply or is modified, either by addition or deletion, **the full text of the by-laws applicable to this statement shall be clearly set out.** If any exclusive use areas are included in the by-laws, a reference to their allocation in Schedule E should also be included.

**SCHEDULE D OTHER DETAILS REQUIRED/PERMITTED TO BE INCLUDED**

(EITHER)

Not applicable (or an indication that it is not applicable e.g. N/A).

(OR)

Insert a full explanation of any other details required or permitted that are to be included in the scheme.

**N.B.** – If the development approval date is on or after 4 March 2003, one (1) or more services location diagrams (SLD) must be annexed by way of alpha identifier to this schedule and may be identified in either of the following methods:

1. a statement referencing the inclusion of the SLD identifying the lots to be affected, or proposed to be affected, by statutory easements and state the type of statutory easement; or
2. include the type of statutory easement in a matrix form if desired. An example matrix relevant to a building format plan is reproduced for reference.

<b>Lots on Plan or Common Proprty</b>	<b>Statutory Easement</b>	<b>Service Location Diagrams</b>
Common Property	Support, shelter and services	C and D
Lot 1 on BUP1331	Support, shelter and services	
Lot 2 on BUP1331	Support, shelter and services	
Lot 3 on BUP1331	Support, shelter and services	
Lot 4 on BUP1331	Support, shelter and services	
Lot 6 on SP109001	Support, shelter and services	
Lot 7 on SP109001	Support, shelter and services	
Lot 8 on SP109001	Support, shelter and services	
Lot 9 on SP109001	Support, shelter and services	
Lot 10 on SP109001	Support, shelter and services	

<b>SCHEDULE E</b>	<b>DESCRIPTION OF LOTS ALLOCATED EXCLUSIVE USE AREAS OF COMMON PROPERTY</b>
-------------------	---

(EITHER)

Not applicable (or an indication that it is not applicable e.g. N/A).

(OR)

The description of the relative lot(s) and a description of the exclusive use are(s) allocated to the lot(s) should be included in the format below. A sketch plan of the exclusive use area(s) in accordance with the Registrar of Titles Directions for the Preparation of Plans must also be attached.

## Requirements to Complete a CMS

[45-4010]

The requirements for a CMS are set out in Chapter 2 Part 6 of the BCCMA. To enable a CMS to be recorded in the Titles Registry, it must be:

- deposited with a Form 14 – General Request to record First/New CMS (see part 14 for completion).
- prepared in the format of a CMS with the required Schedules A to E attached.
- if the planning body CMS notation is required (i.e. there is no exemption) – deposited with a Form 18C – Planning Body Community Management Statement Notation signed by the planning body.

### General Comments

[45-4020]

Page numbering of the statement shall commence with the CMS as page 1 of [total number of pages] and have all attached schedules identified by appropriate letters and pages numbered consecutively, securely bound, prepared and presented in the manner approved for Titles Registry forms. Where practicable, more than one schedule may be contained on the same page. However, where it is desired that a sketch plan be an integral part of the CMS, it may be international A3 size instead of international A4 size, provided it is folded to A4 size.

**(Note – The requirements for a First CMS vary to that for a New CMS in items 1 and 3 to 8 below.)**

#### Item 1

[45-4030]

Insert the name of the community titles scheme.

**(FIRST CMS)** e.g. Seaview community titles scheme

**(NEW CMS)** e.g. Seaview community titles scheme 1234

#### Item 2

[45-4040]

Insert a reference to one of the following regulation modules that is relevant to the scheme (e.g. Standard Module, Accommodation Module, Commercial Module, Small Schemes Module or Specified Two-lot Schemes Module).

#### Item 3

[45-4050]

Insert full name of the body corporate:

**(FIRST CMS)** e.g. body corporate for Seaview community titles scheme

**(NEW CMS)** e.g. body corporate for Seaview community titles scheme 1234.

#### Item 4

[45-4060]

Insert the Lot on Plan and Title Reference, if known, to all the land contained in the scheme and if applicable for a **New CMS**, any lot added to the scheme.

#### Item 5

[45-4070]

Insert the full name and address of the original owner of the scheme land (i.e. the name of the registered owner immediately prior to registration of the plan for the scheme land) in respect of the **First CMS** only. For a **New CMS** insert 'not applicable' or 'N/A'.

**Item 6****[45-4080]**

Insert the number of the plan deposited with the **First CMS** or, if applicable, the number of the plan deposited with a **New CMS**. If there is no plan required for a **New CMS** insert ‘not applicable’.

**Item 7****[45-4090]****First CMS**

For a **First CMS** – leave blank or insert ‘N/A’ or ‘not applicable’.

A properly completed Form 18C – Planning Body Community Management Statement Notation (Form 18C) signed by an authorised officer/delegate of the planning body must be deposited with the Form 14 – General Request to record the First CMS (along with the deposited First CMS). The officer’s/delegate’s full name and designation must be shown.

Refer to [18-4200] to [18-4220] for the guide to completion for the Form 18C.

**New CMS**

For a **New CMS** where an exemption under s. 60(6) of the *Body Corporate and Community Management Act 1997* applies:

- insert the words ‘Not applicable pursuant to s. 60(6) of the *Body Corporate and Community Management Act 1997*’; and
- there is no requirement for a Form 18C to be deposited with the Form 14 – General Request to record the New CMS.

Alternatively, for a **New CMS** where the planning body community management statement notation is required – insert ‘N/A’ or ‘not applicable’.

A properly completed Form 18C – Planning Body Community Management Statement Notation (Form 18C) signed by an authorised officer/delegate of the planning body must be deposited with the Form 14 – General Request to record the New CMS (along with the deposited New CMS). The officer’s/delegate’s full name and designation must be shown.

Refer to [18-4200] to [18-4220] for the guide to completion for the Form 18C.

**Item 8****[45-4100]**

Execute as required:

A **First CMS** must be dated and signed by the original registered owners of the scheme land. For further information see example 1.1 First CMS – Basic Scheme.

A **New CMS** must be dated and consented to by the body corporate and must be lodged in the Titles Registry within three (3) months of the date of consent. For further information see [45-2060] and example 1.2. New CMS – Basic Scheme.

**Schedules****[45-4110]**

A community management statement incorporates and must include Schedules A, B, C, D and E which are explained below see [45-4120] to [45-4160]). All information relating to a schedule must appear in that schedule. The words ‘See Enlarged Panel’ or similar are not permitted. Schedules must appear in order in the document.

**Schedule A – Schedule of Lot Entitlements****[45-4120]**

Lot on Plan	Contribution	Interest
<b>TOTALS</b>		

The contribution schedule lot entitlement and the interest schedule lot entitlement for each lot and the aggregate totals of the contributions and interests schedules shall be shown as whole numbers only, in the above format. This format may be expanded adding additional lines and/or pages as required.

See ss. 46 to 47 of the BCCMA which sets out the application of the contribution schedule and interest schedule entitlements.

**First CMS**

A First Community Management Statement lodged after 14 April 2011 must address, in Schedule A, the requirements of ss. 66(1)(db) and (dc) of the BCCMA.

A statement identifying the contribution schedule deciding principle under section 46(7) of the BCCMA on which the contribution schedule lot entitlements have been decided must be inserted.

If the equality principle has been used to decide the contribution schedule lot entitlements, and the contribution schedule lot entitlements are not equal, an explanation as to why, in accordance with s. 66(1)(db)(ii) of the BCCMA, must be inserted.

If the relativity principle has been used to decide the contribution schedule lot entitlements, an explanation as to how the individual contribution schedule lot entitlements for the lots were decided in accordance with s. 66(1)(db)(iii) of the BCCMA must be inserted.

A statement identifying the market value principle under s. 46(8) of the BCCMA on which the interest schedule lot entitlements have been decided must be inserted.

If the interest schedule lot entitlements do not reflect the respective market values of the lots, an explanation as to why the interest schedule lot entitlements do not reflect the respective value of the lots in accordance with s. 66(1)(dc)(ii) of the BCCMA must be included.

**New CMS**

A New CMS lodged after 14 April 2011 that changes the individual contribution schedule lot entitlements or interest schedule lot entitlements for a lot, or adjusts the overall aggregate totals of the contribution schedule or the interest schedule, must address in Schedule A, the requirements of ss. 66(1)(db) and/or (dc) of the BCCMA outlined in the above paragraphs.

**If another section of the BCCMA is being relied upon to decide the schedule of lot entitlements, a statement to reflect this must be inserted at Item 6 of the Form 14 and/or in Schedule A.**

**Schedule B – Explanation of the Development of Scheme Land****[45-4130]**

This schedule should be completed in accordance with s. 66(1)(f) and (g) of the BCCMA.

Each plan or other instrument lodged relating to the scheme land shall be in accordance with the provisions set out in this schedule.

#### **Schedule C – By-Laws**

[45-4140]

If the by-laws contained in Schedule 4 of the BCCMA 1997 apply, this should be stated in this schedule. If they do not apply, or are modified, the full text of the by-laws applicable should be clearly set out.

#### **Schedule D – Any Other Required or Permitted Details (if applicable)**

[45-4150]

Contained in this schedule, for example, will be details that the relevant regulation module says must or may be included in the CMS. If there are no other required or permitted details insert ‘Not applicable’, ‘N/A’ or ‘Nil’.

If the development approval date is on or after 4 March 2003 one (1) or more services location diagrams (SLD) must be annexed by way of alpha identifier to this schedule and may be identified in either of the following methods:

- 1 a statement referencing the inclusion of the SLD identifying the lots to be affected, or proposed to be affected, by statutory easements and state the type of statutory easement; or
- 2 include the type of statutory easement in a matrix form if desired (see [45-2230]).

#### **Schedule E – Allocation of Exclusive Use Areas (If Applicable)**

[45-4160]

This schedule is in addition to the by-laws under which exclusive use is allocated.

If there is a by-law under which exclusive use is allocated in Schedule C then this schedule must identify the lots affected and include the relevant sketch plans required. Sketch plans identifying exclusive use of common property should be prepared in accordance with the Registrar of Titles Directions for the Preparation of Plans. The plans are to be page numbered and are to be referred to in this schedule and marked e.g. ‘sketch plan A’.

If there are no by-laws under which exclusive use is allocated in Schedule C insert ‘Not applicable’, ‘N/A’ or ‘Nil’.

#### **Sketches for New Exclusive Use Areas**

[45-4170]

Sketch plans of new exclusive use areas **must** comply with the requirements of the Registrar of Titles Directions for the Preparation of Plans.

[45-4180] deleted

#### **Guidelines for Updating Sketches of Existing Exclusive Use Areas**

[45-4190]

Any sketch of **new** exclusive use areas prepared on or after 13 July 1997 must fully comply with the Registrar of Titles Directions for the Preparation of Plans.

However, sketch plans currently included with the by-laws for building units and group titles plans that were lodged before 13 July 1997, may be used as part of a New CMS at a lower standard than required by the Registrar of Titles directions for the preparation of plans provided the sketch meets the standard set out below. This relaxation of requirements applies only to schemes with exclusive use areas existing as at 13 July 1997.

While each case will be determined on the standard of the existing sketch, the following points describe the minimum requirements:



- 1 The sketch must be to scale and no greater in size than international A3. Multiple sheet sketches are acceptable (however, see point 8 below);
- 2 It is not necessary for area to be given in square metres;
- 3 Where an exclusive use area is fully defined by structural elements, it will be sufficient to note the sketch accordingly. A sketch may consist of a mixture of areas fully defined by structural elements and some not;
- 4 A structural element must be sufficient to clearly define the whole of the area. The following would be some examples of structural elements that would be acceptable –
  - a fence;
  - a wall, not necessarily full height;
  - posts or columns at corners;
  - corners of paths, or other such permanently fixed features.Painted lines, coloured tiles or timber planks attached to floor or ceiling are **not** acceptable;
- 5 Where an exclusive use area is not fully defined by structural elements, it must be fully dimensioned and located in relation to the buildings or outer lot boundaries, but it will not be necessary for bearings to be shown, unless the area is irregular. An area is considered to be irregular where it is other than rectangular;
- 6 Where an existing sketch would be acceptable except that dimensions are missing, it shall be sufficient to add the distances to the sketch;
- 7 If an existing sketch showing existing exclusive use areas is not acceptable in that it does not comply with the above, it is possible to photocopy the appropriate sheets of the existing plan and locate the exclusive use areas in accordance with the requirements noted above;
- 8 When updating existing sketches, copies may be made from other than the registered plan, but it shall be the responsibility of the body corporate to ensure that the source copy agrees with the registered copy.

It is not necessary for the sketch to be at a regular scale where it has been photocopied from existing records. Where the provisions of this paragraph are utilised –

  - the resulting photocopy must be clear and to a standard acceptable to the Registrar to enable imaging; and
  - the scale (graphic or written) shown on the sketch shall be ruled through;
- 9 Where all exclusive use areas on a sketch are defined by structural elements, or have no irregular boundaries, it is not necessary for the sketch to be prepared or updated by a licensed surveyor;
- 10 Where exclusive use areas are not defined by structural elements, and are irregular, requiring their boundaries to be defined by bearings as well as distances, it is necessary for any new plan to be prepared and certified by a licensed surveyor. In these cases, the following certificate shall be affixed to the plan –

‘I..., Licensed Surveyor, certify that the details shown on this sketch plan are correct.

Licensed Surveyor      Date’.

### **Exclusive Use Areas – General**

[45-4200]

If exclusive use is to be given over a part of common property that other owners could reasonably utilise in the normal course of activity, it is necessary for the area to be defined as required under the Registrar of Titles Directions for the Preparation of Plans. These cases would include car parking areas and the like.

Where an exclusive use area is to be given in a part of common property that other owners would not be able to reasonably utilise in the normal course of activity, the area may be defined by description. These cases would include, for example, signs painted on the wall of a building.

Where an exclusive use area is to be given in part of common property and it is a definitely defined entity, the entity may be defined by description. These cases would include, for example, swimming pools and tennis courts.

[45-6000] deleted

## **Case Law**

[45-7000]

Nil.

## **Fees**

[45-8000]

Fees payable to the Titles Registry are subject to an annual review. Refer to the Titles Fee Calculator available online or see [60-8000].

## **Cross References and Further Reading**

[45-9000]

Part 14 – General Request

Bugden, G, *Community Schemes Law and Practice*, CCH, 1997 (loose-leaf service)

Bugden, G, ‘Development: General Issues’ (August 1997) *CLE/QUT Body Corporate and Community Management Intensive*, Seminar Paper

Bugden, G, ‘Introduction to the *Body Corporate and Community Management Act 1997*’ (August 1997) *CLE/QUT Body Corporate and Community Management Intensive*, Seminar Paper

Christensen, S (et al), ‘*Body Corporate and Community Management Act 1997* (Qld): Problems and Pitfalls in Practice’ (November 1997) *CLE Property Law Intensive*, Seminar Paper

Christensen, S, ‘Disclosure Statements: A Workshop – Questions and Answers’ (August 1997) *CLE/QUT Body Corporate and Community Management Intensive*, Seminar Paper

Derrick, M, ‘Sale of Lots in Community Titles Schemes’ (July, 1997) 11/10 *Australian Property Law Bulletin*, pp 91-94

Gregory, S, '*Body Corporate and Community Management Act 1997 Intensive: General Issues*' (August, 1997) *CLE/QUT Body Corporate and Community Management Intensive*, Seminar Paper

## Notes in text

[45-9050]

Note<sup>1</sup> – This part does not apply to water allocations.

Note<sup>2</sup> – This part does not apply to State land.