

# Part 45 – Community Title Schemes

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## Part 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 established under the specified Acts referred to in s. 326 of the BCCMA. See Part [45-0001] for further clarification.

For ease of reference, the *Body Corporate and Community Management Act 1997* will be shortened to ‘BCCMA’ throughout Part 45. Please note Part 45 does not apply to water allocations or to State land.

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

The BCCMA was substantially amended by the *Body Corporate and Community Management and Other Legislation Amendment Act 2023* which commenced on 1 May 2024, along with corresponding changes to subordinate legislation under the Act. Some of the amendments relevant to land title practice included:

- Provision to allow for termination of community titles schemes for economic reasons (see Part [45-3141]); and
- Removal of the requirement for the body corporate to obtain, keep, or possess a body corporate seal; and
- The body corporate seal (if retained by a body corporate) becoming of no legal effect; and no longer being required for a valid execution of a titles instrument by a body corporate; and
- Introduction of new requirements for the execution of land title instruments by a body corporate (see Parts [45-2060] to [45-2085]).

### Application of this Part and the BCCMA

[45-0001]

Part 45, and the BCCMA applies to all community titles schemes other than those which were established under a specified Act. For further information on specified Acts refer to section 326 of the BCCMA.

The schemes under a specified Act (s 326 BCCMA) mean those established under:

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

# 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 Scheme Arrangements

[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.

### Types of Body Corporate Modules (Regulation Modules)

[45-2030]

There are 5 different types of body corporate modules created by subordinate legislation pursuant to section 21 of the BCCMA. These module types have been listed below. A body corporate can only have one regulation module applying to it (section 21(5) BCCMA).

For ease of reference, the regulation modules are identified throughout Part 45 only by the name of the module type (shown in the left column in the table below), and not by the full name of the Regulation.

| Module Type                       | Corresponding Regulation   |
|-----------------------------------|--|
| Standard Module                   | Body Corporate and Community Management (Standard Module) Regulation 2020                  |
| Accommodation Module              | Body Corporate and Community Management (Accommodation Module) Regulation 2020             |
| Commercial Module                 | Body Corporate and Community Management (Commercial Module) Regulation 2020                |
| Small Schemes Module              | Body Corporate and Community Management (Small Schemes Module) Regulation 2020             |
| Specified Two-Lot Schemes Module* | Body Corporate and Community Management (Specified Two-lot Schemes Module) Regulation 2011 |

\*Referred to as a ‘Two-Lot Module’ for the remainder of this Part

[45-2040] deleted

### Executions by a Body Corporate prior to 1 May 2024

[45-2050]

The amendments to the BCCMA and its subordinate legislation which commenced on 1 May 2024 included transitional provisions which prescribe how body corporate executions made prior to 1 May 2024 must have been completed. These transitional requirements are identical to the requirements that existed prior to the changes that commenced on 1 May 2024 (including the use of the body corporate seal).

The transitional requirements are found in the Regulations for the respective body corporate module types, and have been included in the table below:

| <b>Scheme Regulation Module</b> | <b>Transitional Requirements for: Disposal of an Interest in, Leasing, or Licensing Common Property</b> | <b>Transitional Requirements for: Easements and Surrender of Easements</b> |
|---------------------------------|---|--|
| <b>Standard</b>                 | s 260-261   | s 262-263  |
| <b>Accommodation</b>            | s 249-250   | s 251-252  |
| <b>Commercial</b>               | s 204-205   | s 206-207  |
| <b>Small Schemes</b>            | s 172-173   | s 174-175  |
| <b>Two-Lot Module</b>           | s 86-87   | s 88-89  |

Lodgers should ensure that any instrument lodged which has been executed (on the face of the instrument) by a body corporate prior to 1 May 2024 complies with the transitional provisions contained in the above table (for the relevant regulation module that applies to the scheme).

There is nothing to preclude the body corporate from re-executing a titles instrument in accordance with the new execution requirements contained in Part [45-2060] (for a transaction that was previously consented to). However, this ability to re-execute an instrument does not circumvent other time restrictions that may apply to a lodgement (e.g. the requirement that a New CMS must be lodged within three months of being consented to by the body corporate, refer to Part [45-2220] for further information).

For clarity, where a body corporate has authorised a transaction prior to 1 May 2024, but it has not yet executed an instrument to give effect to that transaction; the execution by the body corporate must be completed in accordance with the current execution requirements contained in Part [45-2060].

## Executions by a Body Corporate

[45-2060]

### Application

This section applies to all instruments executed by a body corporate on or after 1 May 2024. For information on executions prior to 1 May 2024, refer to the transitional provisions contained in Part [45-2050].

### Introduction and Overview

Because of the breadth and complexity of the requirements around body corporate executions this topic has been divided into several smaller parts to assist lodgers in understanding the requirements and ensuring their compliance with them. Parts [45-2060] - [45-2085] inclusive are instructive on this topic.

### Practical Form Guidance (for executions)

A Form 20 – BCCM Execution must be used for the execution of all titles instruments by a body corporate, other than a Form 14. For guidance on the method of execution required for an instrument refer to Parts [45-2061] and [45-2062]. For more information on the completion and execution of the Form 20 – BCCM Execution refer to Part [45-2080], and for more information on the execution of a Form 14 by a body corporate refer to Part [45-2085].

## Process for Ensuring a Valid Execution by a Body Corporate

[45-2061]

The four steps for selecting a valid method of execution by a body corporate are as follows:

- 1. Identify the Execution Type (for the instrument type being executed):** The body corporate should review the table in Part [45-2062] and confirm which execution type is required for the relevant instrument.

2. **Select a Valid Method of Execution:** The body corporate should identify the part of the manual that corresponds to the regulation module applicable to the scheme, and to the execution type that is required for the relevant instrument (e.g. Standard Module – Formal Execution) as shown in the below table:

| Regulation Module           | Part of the Manual |
|-----------------------------|--------------------|
| <b>Standard Module</b>      | <b>[45-2064]</b>   |
| Regulation Execution        | [45-2064-1]        |
| Formal Execution            | [45-2064-2]        |
| Minor Execution             | [45-2064-3]        |
| <b>Accommodation Module</b> | <b>[45-2064]</b>   |
| Regulation Execution        | [45-2064-1]        |
| Formal Execution            | [45-2064-2]        |
| Minor Execution             | [45-2064-3]        |
| <b>Small Schemes Module</b> | <b>[45-2065]</b>   |
| Regulation Execution        | [45-2065-1]        |
| Formal Execution            | [45-2065-2]        |
| Minor Execution             | [45-2065-3]        |
| <b>Commercial Module</b>    | <b>[45-2066]</b>   |
| Regulation Execution        | [45-2066-1]        |
| Formal Execution            | [45-2066-2]        |
| Minor Execution             | [45-2066-3]        |
| <b>Two-Lot Module</b>       | <b>[45-2067]</b>   |
| Regulation Execution        | [45-2067-1]        |
| Formal Execution            | [45-2067-2]        |
| Minor Execution             | [45-2067-3]        |

The body corporate should then select an appropriate method of execution (the **method of execution**) from the corresponding part as shown in the table.

3. **Review any Miscellaneous Requirements that may apply to the Execution:** There may be additional requirements for executions by a body corporate, these are contained in Part [45-2070].
4. **Prepare and execute the Form using the Method of Execution:** The execution by a body corporate of all titles instruments other than a Form 14, must be on a Form 20 – BCCM Execution. For guidance and examples to assist with completing:
- **Form 14**, refer to Part [45-2085].
  - **Form 20 – BCCM Execution**, refer to Part [45-2080] and [45-2081].

## Execution Types (By Instrument)

[45-2062]

There are three distinct execution types that apply to instruments executed by a body corporate which are: Regulation, Formal, and Minor. Refer to Part [45-2063] for further explanation.

The requirements for a valid execution by the body corporate will vary depending on the instrument type and the applicable regulation module. The table below shows which execution type is required for each instrument type:

| Instrument Type                                     | Execution Type |
|---|----------------|
| Form 1 – Transfer (as Transferor)                   | Regulation     |
| Form 1 – Transfer (as Transferee)                   | Formal         |
| Form 7 – Lease (as Lessor or Lessee)                | Regulation     |
| Form 8 – Surrender of a Lease (as Lessor or Lessee) | Regulation     |
| Form 9 – Easement                                   | Regulation     |



|  |            |
|--|------------|
| Form 10 – Surrender of Easement                              | Regulation |
| Form 13 – Amendment of Building Management Statement         | Formal     |
| Form 14 – Change of Address of Body Corporate                | Minor      |
| Form 14 – Request to record new CMS                          | Minor      |
| Form New CMS   | Formal     |
| Form 14 – Administrative Advice                              | Minor      |
| Form 14 – Amalgamation of Schemes                            | Minor      |
| Form 18 – General Consent                                    | Regulation |
| Form 18A – Registered Owners/Lessee’s Consent to Survey Plan | Regulation |
| Form 32 – Building Management Statement                      | Formal     |
| Form 34 – Extinguishment of Building Management Statement    | Formal     |

## Execution Types (Summary of the Different Types and Methods)

[45-2063]

### Regulation Execution

[45-2063-1]

Regulation execution refers to the methods of execution by a body corporate that are prescribed by Regulation. Specifically, it refers to the requirements contained in the various regulation modules for the BCCMA pursuant to sections 21, 154, and 155. For more information on the types of body corporate regulation modules, refer to Part [45-2030].

The BCCMA prescribes that these execution requirements (for a regulation execution) apply any time there is a disposal of an interest in, leasing, or licensing of common property; or, alternatively where an easement is to be registered over scheme land; or, where an easement over body corporate land is to be surrendered. These requirements apply in respect to an easement or a surrender of an easement, regardless of whether the body corporate is executing as grantor or as grantee.

The actual requirements themselves (the methods of execution) are found in the Regulations for the respective module types. Refer to the table below for the relevant sections in the Regulations:

| Scheme Regulation Module | Requirements for: Disposal of an Interest in, Leasing, or Licensing Common Property | Requirements for: Easements and Surrender of Easements |
|--------------------------|---|--|
| Standard                 | s. 184  | s. 185   |
| Accommodation            | s. 174  | s. 175   |
| Commercial               | s. 131  | s. 132   |
| Small Schemes            | s. 103  | s. 104   |
| Two-Lot Module           | s. 33   | s. 34  |

The methods of execution available in the regulation sections listed above are detailed under the ‘Regulation Execution’ sub-headings, located in the respective module headings (e.g. Commercial Module) in Parts [45-2064] to [45-2067]. For an explanation of the process of selecting an appropriate method of execution, refer Part [45-2061].

For information on which execution type applies to which instrument, refer to Part [45-2062].

### Formal Execution

[45-2063-2]

Formal execution refers to the method of execution in circumstances where the requirements are not prescribed by the BCCMA Regulations, however the instrument is capable of effecting substantive change to scheme land. In these instances, the body corporate will need to execute the instrument in accordance with the requirements for a formal execution.

An example of an instrument requiring formal execution would be a Form 1 – Transfer executed

by the body corporate where the body corporate is the transferee. This is because although there is no disposal of an interest occurring (and as such the execution requirements are not prescribed by the Regulations), the body corporate is becoming the owner of new scheme land upon registration, and therefore a substantive change to scheme land is being effected by the registration instrument (thus warranting the requirement for a formal execution type).

The methods of execution available where a formal execution type is required are detailed under the 'Formal Execution' sub-headings, located inside the respective module heading Parts (e.g. Commercial Module) in Parts [45-2064] to [45-2067]. For more information on the process of selecting an appropriate method of execution, refer to Part [45-2061].

For information on which execution type applies to which titles instrument, refer to Part [45-2062].

### **Minor Execution**

[45-2063-3]

Minor execution refers to the method of execution used for instruments that cannot effect any substantive change to body corporate land, and as a result these execution requirements are not as stringent as the formal or regulation execution types.

All executions of a Form 14 by a body corporate will require a minor execution.

An example of where a minor execution would be required would be a Form 14 – General Request lodged to request the change of address for the service of notices for the body corporate, refer to Part [45-2400].

Although there are some instruments lodged on a Form 14 that can effect a substantive change to scheme land (e.g. a request to amalgamate schemes, refer to Part [45-3180]), these instruments cannot be lodged in isolation. Accompanying instruments and supporting evidence are required as part of the lodgement, and thus only minor execution requirements apply to any Form 14 executed by a body corporate.

The methods of execution available where a minor execution type is required, are detailed under the 'Minor Execution' sub-headings, located under the respective module headings (e.g. Commercial Module) in Parts [45-2064] to [45-2067]. For more information on the process of selecting an appropriate method of execution, refer to Part [45-2061].

### **Where there is more than one Instrument Type in a Form or in a Lodgement**

[45-2063-4]

There are some instrument types which are made up of more than one instrument (e.g. a New CMS comprises both a Form 14 – Request to record a new CMS and Form New CMS). In these instances, the execution requirements for each individual instrument apply, refer to Part [45-2062].

### **Standard and Accommodation Module Execution Requirements**

[45-2064]

This section contains the available methods of execution for a body corporate in either a Standard or an Accommodation module to execute an instrument. Each method of execution is detailed under its respective execution type (e.g. Formal Execution). Lodgers should be aware that some additional execution requirements may apply to an execution, refer to Part [45-2070]. For information on the process of selecting an appropriate method of execution, refer to Part [45-2061].

## Regulation Execution

[45-2064-1]

When a regulation execution is required, it must be completed on a Form 20 – BCCM Execution and not on the instrument itself, refer Part [45-2081]. For guidance on the completion and execution of a Form 20 – BCCM Execution, refer to Part [45-2080].

The available methods of execution for a regulation execution are detailed in the below table:

| <b>Execution By:<br/>(Method of Execution)</b>  | <b>Notes</b>  |
|---|---|
| <p><b>If the body corporate resolution authorising the transaction specifies a person who must sign the certificate (the Form 20 – BCCM Execution), that person.</b></p>                                | <p>Completion of the Form 20 - BCCM Execution must include the full name of the person signing and their authority to sign (e.g. ‘Person Specified as Signatory in the Body Corporate Resolution Authorising the Transaction’).</p> <p>A copy of the body corporate resolution does not need to be deposited as proof of the signer’s authority (although the resolution may be required to be deposited to satisfy other titling requirements). By executing in this way, the signer confirms and declares that they are authorised by the resolution to execute the instrument on behalf of the body corporate.</p>   |
| <p><b>Two members of the body corporate committee, one of whom must be the Chairperson or the Secretary of the committee.</b></p>   | <p>Completion of the ‘Form 20 - BCCM Execution’ must include the full names of the persons signing and their authority to sign (e.g. ‘Member of the Body Corporate Committee’).</p> <p>Note: there must be two signatures, and one signatory <u>must</u> be either the Chairperson or the Secretary of the body corporate committee; the other signatory only needs to be a member of the committee (including any office holder.)</p>  |
| <p><b>If all of the lots in the community title scheme are in identical ownership, that owner.</b></p>  | <p>The registered owner must include their full name (as recorded on title), and their signer authority (e.g. ‘Registered Owner - Individual - All lots in identical ownership’).</p> <p>Where there is more than one registered owner on title, refer to Part [45-2070-2]. If the owner is a corporation, refer to Part [45-2070-4].</p>   |
| <p><b>Where a body corporate manager under Chapter 3, Part 5 has been appointed by the Scheme, the body corporate manager and one other person who is an owner of a lot included in the scheme.</b></p> | <p>The body corporate manager must include their full name and their signer authority (e.g. ‘Body Corporate Manager under Chapter 3, Part 5’). If the body corporate manager is a corporation, there are additional requirements that apply, refer to Part [45-2070-4]. The signature of the owner of the lot included in the scheme should include their full name as it appears on title and their signer authority (e.g. ‘Registered Owner – Individual’). If there is more than one registered owner of a lot (e.g. in a joint tenancy), or if the owner is a corporation, refer to Part [45-2070-2].</p> <p>The term ‘body corporate manager’ has multiple meanings under the BCCMA, for clarification on its meaning refer to Part [45-2070-5].</p> |

## Formal Execution

[45-2064-2]

A formal execution type must be completed on a Form 20 – BCCM Execution and not on the instrument itself, refer Part [45-2081]. For guidance on the completion and execution of a Form 20 – BCCM Execution, refer to Part [45-2080].

The available methods of execution for a formal execution are detailed in the below table:

| <b>Execution By:<br/>(Method of Execution)</b>                                   | <b>Notes</b>   |
|--|--|
| <b>Any method of execution listed in the Regulation Execution section above.</b> | The body corporate may execute the Form 20 – BCCM Execution using any method of execution detailed in the ‘Regulation Execution’ section in Part [45-2064-1].  |
| <b>A legal practitioner acting for the body corporate.</b>                       | <p>An execution clause must be completed which includes the full name of the legal practitioner and their signer authority, refer to Parts [45-2085-3] and [61-3060].</p> <p>By signing on behalf of the body corporate, the legal practitioner confirms they hold instructions to execute the instrument on behalf of the body corporate.</p> |

## Minor Execution

[45-2064-3]

A minor execution type is only applicable to executions of a Form 14 – General Request.

The Form 14 is the only instrument that can be executed by a body corporate on the instrument itself. The methods of execution contained in this section will require the signer to complete an execution clause under their signature, refer to Part [45-2085].

The available methods of execution for a minor execution are detailed in the below table:

| <b>Execution By:<br/>(Method of Execution)</b>                 | <b>Notes</b>   |
|--|--|
| <b>Any member of the body corporate committee.</b>             | <p>An execution clause must be completed which includes the full name of the person signing, their position, and the full name of the scheme they are signing for, refer to Part [45-2085-1].</p> <p>Any current member of the body corporate committee may execute a Form 14, including an office holder.</p>   |
| <b>The body corporate manager.</b>                             | <p>An execution clause must be completed which includes the full name of the person signing, their position, and the name of the organisation they represent, refer to Part [45-2085-2].</p> <p>Note: ‘body corporate manager’ refers to the broad definition of the term (which includes a manager engaged to assist with the administration of the body corporate), refer to Part [45-2070-5].</p> |
| <b>Where all the lots in the community title scheme are in</b> | The registered owner needs to include their full name (as recorded on title), and their signer authority, refer to Parts [45-2070-3] and [45-2085-5].  |

|  |   |
|--|---|
| <b>identical ownership, that owner.</b>                    |   |
| <b>A legal practitioner acting for the body corporate.</b> | <p>An execution clause must be completed which includes the full name of the legal practitioner and their signer authority, refer to Part [45-2085-3].</p> <p>By signing on behalf of the body corporate, the legal practitioner confirms they hold instructions to execute the instrument on behalf of the body corporate.</p> |

## Small Schemes Module Execution Requirements

[45-2065]

This section contains the available methods of execution for a body corporate in a Small Schemes Module. Each method of execution is detailed under its respective execution type (e.g. Formal Execution). Lodgers should be aware that some additional execution requirements may apply to an execution, refer to Part [45-2070]. For information on the process of selecting an appropriate method of execution refer to Part [45-2061].

### Regulation Execution

[45-2065-1]

A regulation execution must be completed on a Form 20 – BCCM Execution and not on the instrument itself, refer to Part [45-2081]. For guidance on the completion and execution of a Form 20 – BCCM Execution, refer to Part [45-2080].

The available methods of execution for a regulation execution are detailed in the below table:

| <b>Execution By<br/>(Method of Execution):</b>  | <b>Notes</b>  |
|---|---|
| <b>If the body corporate resolution authorising the transaction specifies a person who must sign the certificate (the Form 20 – BCCM Execution), that person.</b> | <p>Completion of the ‘Form 20 - BCCM Execution’ must include the full name of the person signing and their authority to sign (e.g. ‘Person Specified as Signatory in the Body Corporate Resolution Authorising the Transaction’).</p> <p>A copy of the body corporate resolution does not need to be deposited as proof of the signer’s authority (although the resolution may be required to be deposited to satisfy other titling requirements). By executing in this way, the signer confirms and declares that they are authorised by the resolution to execute the instrument on behalf of the body corporate.</p> |
| <b>The Secretary and the Treasurer of the body corporate committee.</b>   | <p>Completion of the ‘Form 20 - BCCM Execution’ must include the full names of the persons signing and their authority to sign (e.g. ‘Treasurer of the Body Corporate Committee’).</p> <p>There must be two signatures, one signature must be that of the Treasurer, and the other signature must be that of the Secretary.</p>   |
| <b>Where one person holds both the offices of Secretary and Treasurer, that person, and a registered owner of a lot included in the scheme.</b>                   | <p>The committee member must include their full name and their signer authority (e.g. ‘Secretary and Treasurer of the Body Corporate Committee’). A registered owner of a lot included in the scheme must also sign, and include their full name and their authority to sign (e.g. ‘Registered Owner – Individual’).</p>  |

|   |  |
|---|--|
| <p><b>If all of the lots in the community title scheme are in identical ownership, that owner.</b></p>  | <p>The registered owner needs to include their full name (as recorded on title), and their signer authority (e.g. ‘Registered Owner - Individual - All lots in identical ownership’).</p> <p>Where there is more than one registered owner on title, refer to Part [45-2070-2]. If the owner is a company, refer to Part [45-2070-4].</p>  |
| <p><b>Where a body corporate manager under Chapter 3, Part 5 has been appointed by the Scheme, the body corporate manager and 1 other person who is an owner of a lot included in the scheme.</b></p> | <p>The body corporate manager must include their full name and their signer authority (e.g. ‘Body Corporate Manager under Chapter 3, Part 5’). If the body corporate manager is a corporation there are additional requirements that apply, refer to Part [45-2070-4].</p> <p>The signature of the owner of the lot included in the scheme should include their full name as it appears on title, and their signer authority (e.g. ‘Registered Owner – Individual’). If there is more than one registered owner of a lot (e.g. in a joint tenancy), or if the owner is a corporation, refer to Part [45-2070-2].</p> <p>The term ‘body corporate manager’ has multiple meanings under the BCCMA, for clarification on its meaning refer to Part [45-2070-5].</p> |

## Formal Execution

[45-2065-2]

A formal execution type must be completed on a Form 20 – BCCM Execution and not on the instrument itself, refer Part [45-2081]. For guidance on the completion and execution of a Form 20 – BCCM Execution, refer to Part [45-2080].

The available methods of execution for a formal execution are detailed in the below table:

| <b>Execution By:<br/>(Method of Execution):</b>   | <b>Notes</b>   |
|---|--|
| <p><b>Any method of execution listed in the Regulation Execution section above.</b></p> | <p>The body corporate may execute the Form 20 – BCCM Execution using any method of execution detailed in the ‘Regulation Execution’ section in Part [45-2065-1].</p>   |
| <p><b>A legal practitioner acting for the body corporate.</b></p>                       | <p>An execution clause must be completed which includes the full name of the legal practitioner and their signer authority, refer to Parts [45-2085-3] and [61-3060].</p> <p>By signing on behalf of the body corporate, the legal practitioner confirms they hold instructions to execute the instrument on behalf of the body corporate.</p> |

## Minor Execution

[45-2065-3]

A minor execution type is only applicable to executions of a Form 14 – General Request.

The Form 14 is the only instrument that can be executed by a body corporate on the instrument itself. The methods of execution contained in this section will require the signer to complete an execution clause under their signature, refer to Part [45-2085].

The available methods of execution for a minor execution are detailed in the below table:

| <b>Execution By:<br/>(Method of Execution)</b>  | <b>Notes</b>   |
|---|--|
| <b>Any member of the body corporate committee.</b>  | <p>An execution clause must be completed which includes the full name of the person signing, their position, and the full name of the scheme they are signing for, refer to Part [45-2085-1].</p> <p>Any current member of the body corporate committee may execute a Form 14, including an office holder.</p>   |
| <b>The body corporate manager.</b>  | <p>An execution clause must be completed which includes the full name of the person signing, their position, and the name of the organisation they represent, refer to Part [45-2085-2].</p> <p>Note: ‘body corporate manager’ refers to the broad definition of the term (which includes a manager engaged to assist with the administration of the body corporate), refer to Part [45-2070-5].</p> |
| <b>Where all the lots in the community title scheme are in identical ownership, that owner.</b> | <p>An execution clause must be completed which includes the full name of the registered owner and their signer authority, refer to Parts [45-2070-3] and [45-2085-5].</p>  |
| <b>A legal practitioner acting for the body corporate.</b>                                      | <p>An execution clause must be completed which includes the full name of the legal practitioner and their signer authority refer to Parts [45-2085-3] and [61-3060].</p> <p>By signing on behalf of the body corporate, the legal practitioner confirms they hold instructions to execute the instrument on behalf of the body corporate.</p>  |

## Commercial Module Execution Requirements

[45-2066]

This section contains the available methods of execution for a body corporate in a Commercial Module to execute an instrument. Each method of execution is detailed under its respective execution type (e.g. Formal Execution). Lodgers should be aware that some additional execution requirements may apply to an execution, refer to Part [45-2070]. For information on the process of selecting an appropriate method of execution, refer to Part [45-2061].

## Regulation Execution

[45-2066-1]

A regulation execution must be completed on a Form 20 – BCCM Execution and not on the instrument itself, refer to Part [45-2081]. For guidance on the completion and execution of a Form 20 – BCCM Execution, refer to Part [45-2080].

The available methods of execution for a regulation execution are detailed in the below table:

| <b>Execution By:<br/>(Method of Execution)</b>  | <b>Notes</b>   |
|---|--|
| <b>If the body corporate resolution authorising the transaction specifies a person who must sign the certificate (the Form 20 –</b> | <p>Completion of the ‘Form 20 - BCCM Execution’ must include the full name of the person signing and their authority to sign (e.g. ‘Person Specified as Signatory in the Body Corporate Resolution Authorising the Transaction’).</p> <p>A copy of the body corporate resolution does not need to be</p> |

|  |   |
|--|---|
| <b>BCCM Execution), that person.</b>   | deposited as proof of the signer’s authority (although a copy may be required to satisfy other requirements). By executing in this way, the signer confirms and declares that they are authorised by the resolution to execute the instrument on behalf of the body corporate.  |
| <b>Two members of the body corporate committee, one of whom must be the Chairperson or the Secretary of the committee.</b> | Completion of the ‘Form 20 - BCCM Execution’ must include the full names of the persons signing and their authority to sign (e.g. ‘Member of the Body Corporate Committee’).<br><br>Note: there must be two signatures, and one signatory <u>must</u> be either the Chairperson or the Secretary of the body corporate committee; the other signatory only needs to be a member of the committee (including any office holder.) |
| <b>If all of the lots in the community title scheme are in identical ownership, that owner.</b>                            | The registered owner needs to include their full name (as recorded on title), and their signer authority (e.g. ‘Registered Owner - Individual - All lots in identical ownership’).<br>Where there is more than one registered owner on title, refer to Part [45-2070-2] for guidance. If the owner is a company, refer to Part [45-2070-4].   |

### Formal Execution

[45-2066-2]

A formal execution type must be completed on a Form 20 – BCCM Execution and not on the instrument itself, refer to Part [45-2081]. For guidance on the completion and execution of the Form 20 – BCCM Execution, refer to Part [45-2080].

The available methods of execution for a formal execution are detailed in the below table:

| <b>Execution By:<br/>(Method of Execution)</b>                                   | <b>Notes</b>  |
|--|---|
| <b>Any method of execution listed in the Regulation Execution section above.</b> | The body corporate may execute the Form 20 – BCCM Execution using any method of execution detailed in the ‘Regulation Execution’ section in Part [45-2066-1].   |
| <b>A legal practitioner acting for the body corporate.</b>                       | An execution clause must be completed which includes the full name of the legal practitioner and their signer authority, refer to Parts [45-2085-3] and [61-3060].<br><br>By signing on behalf of the body corporate, the legal practitioner confirms they hold instructions to execute the instrument on behalf of the body corporate. |

### Minor Execution

[45-2066-3]

A minor execution type is only applicable to executions of a Form 14 – General Request.

The Form 14 is the only instrument that can be executed by a body corporate on the instrument itself. Accordingly, the methods of execution contained in this section will require the signer to complete an execution clause under their signature. For guidance on the execution of a Form 14 by a body corporate, refer to Part [45-2085].

The available methods of execution for a minor execution are detailed in the below table:



| <b>Execution By:<br/>(Method of Execution)</b>  | <b>Notes</b>  |
|---|---|
| <b>Any member of the body corporate committee.</b>  | An execution clause must be completed which includes the full name of the person signing, their position, refer to Part [45-2085-1].<br><br>Any current member of the body corporate committee may execute a Form 14, including an office holder.   |
| <b>The body corporate manager.</b>  | An execution clause must be completed which includes the full name of the person signing, their position, and the name of the organisation they represent, refer to Part [45-2085-2].<br><br>Note: ‘body corporate manager’ refers to the broad definition of the term (which includes a manager engaged to assist with the administration of the body corporate), refer to Part [45-2070-5]. |
| <b>Where all the lots in the community title scheme are in identical ownership, that owner.</b> | The registered owner needs to include their full name (as recorded on title), and their signer authority, refer to Parts [45-2070-3] and [45-2085-5].   |
| <b>A legal practitioner acting for the body corporate.</b>                                      | An execution clause must be completed which includes the full name of the legal practitioner and their signer authority, refer to Part [45-2085-3].<br><br>By signing on behalf of the body corporate, the legal practitioner confirms they hold instructions to execute the instrument on behalf of the body corporate.  |

## Two-Lot Module Execution Requirements

[45-2067]

This section contains the available methods of execution for a body corporate in a Two-Lot Module to execute an instrument. Each method of execution is detailed under its respective execution type (e.g. Formal Execution). Lodgers should be aware that some additional execution requirements may apply to an execution, refer to Part [45-2070]. For information on the process of selecting an appropriate method of execution refer to Part [45-2061].

### Regulation Execution

[45-2067-1]

When a regulation execution is required, it can only be completed on a Form 20 – BCCM Execution and not on the instrument itself, refer Part [45-2081]. For guidance on the completion and execution of the Form 20 – BCCM Execution, refer to Part [45-2080].

The available methods of execution for a regulation execution are detailed in the below table:

| <b>Execution By:<br/>(Method of Execution)</b>              | <b>Notes</b>   |
|---|--|
| <b>The owner of each lot.</b>                               | Both registered owners must sign, and both must include their full name and their signer authority (e.g. Registered Owner – Individual’) when completing the ‘Form 20 - BCCM Execution’. |
| <b>If all of the lots in the community title scheme are</b> | The registered owner must include their full name (as recorded on title), and their signer authority (e.g. ‘Registered Owner -   |

|  |   |
|--|---|
| <b>in identical ownership, that owner.</b> | Individual - All lots in identical ownership’).<br><br>Where there is more than one registered owner on title, refer to Part [45-2070-2]. If the owner is a corporation, refer to Part [45-2070-4]. |
|--|---|

### Formal Execution

[45-2067-2]

A formal execution type can only be completed on a Form 20 – BCCM Execution and not on the instrument itself, refer to Part [45-2081]. For guidance on the completion and execution of the Form 20 – BCCM Execution, refer to Part [45-2080].

The available methods of execution for a formal execution are detailed in the below table:

| <b>Execution By:<br/>(Method of Execution)</b>                                   | <b>Notes</b>  |
|--|---|
| <b>Any method of execution listed in the Regulation Execution section above.</b> | The body corporate may execute the Form 20 – BCCM Execution using any method of execution detailed in the ‘Regulation Execution’ section in Part [45-2067-1].   |
| <b>A legal practitioner acting for the body corporate.</b>                       | An execution clause must be completed which includes the full name of the legal practitioner and their signer authority, refer to Parts [45-2085-3] and [61-3060].<br><br>By signing on behalf of the body corporate, the legal practitioner confirms they hold instructions to execute the instrument on behalf of the body corporate. |

### Minor Execution

[45-2067-3]

A minor execution type is only applicable to executions of a Form 14 – General Request.

The Form 14 is the only instrument that can be executed by a body corporate on the instrument itself. Accordingly, the methods of execution contained in this section will require the signer to complete an execution clause under their signature. For guidance on the execution of a Form 14 by a body corporate, refer to Part [45-2085]

The available methods of execution for a minor execution are detailed in the below table:

| <b>Execution By:<br/>(Method of Execution)</b>   | <b>Notes</b>  |
|--|---|
| <b>The body corporate manager.</b>               | An execution clause must be completed which includes the full name of the person signing, their position, and the name of the organisation they represent, refer to Part [45-2085-2].<br><br>Note: ‘body corporate manager’ refers to the broad definition of the term (which includes a manager engaged to assist with the administration of the body corporate), refer to Part [45-2070-5]. |
| <b>An owner of a lot included in the scheme.</b> | An execution clause must be completed which includes the full name of the registered owner.<br><br>Where the owner is a corporation, refer to Part [45-2070-4].   |

|   |   |
|---|---|
| <p><b>A legal practitioner acting for the body corporate.</b></p> | <p>An execution clause must be completed which includes the full name of the legal practitioner and their signer authority, refer to Part [45-2085-3].</p> <p>By signing on behalf of the body corporate, the legal practitioner confirms they hold instructions to execute the instrument on behalf of the body corporate.</p> |
|---|---|

## Constructing Authority Execution Requirements

[45-2068]

If a constructing authority is executing on behalf of the body corporate pursuant to Section 12A of the *Acquisition of Land Act 1967*; and Section 51 or 51A of the BCCMA, they must include their full name, their position (e.g. Authorised Officer – Constructing Authority) and the name of the Entity in which they hold that position (e.g. Department of Transport and Main Roads).

If a Form 14 is being executed, the above details must be included in the signer’s execution clause. If a Form 20 – BCCM Execution is being executed, these details must be included in the Execution section where indicated (in Item 3 of the Form). All titles instruments being executed by a body corporate (including by a constructing authority) other than a Form 14 must be executed using a Form 20 – BCCM Execution, refer to Part [45-2080] to [45-2081].

## Miscellaneous Guidance and Requirements for Executions by a Body Corporate

[45-2070]

This Part contains additional guidance and requirements that apply to the various methods of execution available to a body corporate.

### Representative of a Registered Owner

[45-2070-1]

Where a person’s name is recorded on the body corporate roll as the representative of an owner of a lot, that person may sign on behalf of the owner in any instance where a registered owner is required to sign for the purpose of a body corporate execution. The representative should include their full name and their signer authority (e.g. ‘Representative of a Registered Owner’).

Where a representative signs in this way, they are not required to provide evidence of their name being recorded on the roll as a representative. However, by signing the person is confirming and declaring that they are recorded in this way on the body corporate roll and that they hold the requisite authority to sign on behalf of the registered owner.

### Where there is more than one Registered Owner on Title

[45-2070-2]

Where there is more than one registered owner on title (e.g. joint tenants) and the chosen method of execution requires the registered owner to sign, only one of the registered owners is required to sign. This rule applies whether the owner of the lot signing is a natural person (an individual), or a corporation.

If the owner is a corporation, further execution requirements apply, refer to Part [45-2070-4].

### Where all Lots included in the scheme are in Identical Ownership

[45-2070-3]

This method of execution can only be used in instances where the name of the registered owner as recorded on title is identical for all lots included in the scheme.

This method can also be used if there is more than one registered owner, provided the names of the registered owners that are recorded on title across all lots, are identical. It is of no

consequence under this Part, if there is a variation in the capacity (e.g. as trustee), the tenancy (e.g. as joint tenants or tenants in common), or the shares held (e.g. ½ share interest) across the different lots by those same registered owners (provided that the names of the registered owners themselves, as recorded on title are identical across all lots).

Where there is more than one registered owner on title, it is sufficient for only one of the registered owners to sign. This applies whether the owner of the lots is a natural person (an individual) or a corporation, refer to Part [45-2070-2]. For guidance on execution by a corporation that is a registered owner, refer to Part [45-2070-4].

### **Execution by a Corporation**

[45-2070-4]

Where a corporation is signing as a registered owner (either of a single lot, or of all lots included in the scheme), the signer must include their full name, their position (e.g. Director / Secretary), and the name and the A.C.N. of the company.

Where a body corporate manager under Chapter 3, Part 5 is required to execute on behalf of a body corporate, and that body corporate manager is also company, the signer must include their full name, their position (e.g. 'Body Corporate Manager under Chapter 3, Part 5'), the office they hold within the company (e.g. Director / Secretary), as well as the name and the A.C.N. of the company.

It is sufficient for the purpose of a body corporate execution for only one company officer (e.g. Director or Secretary) to sign on behalf of the company. However, by signing on behalf of a corporation in this way, the signer (the company officer) is taken to be signing as an agent for the company; and in doing so, they are confirming and declaring that they hold the requisite company authority to authorise the transaction on behalf of the company.

### **Body Corporate Manager**

[45-2070-5]

A broad definition of 'Body Corporate Manager' is contained in s. 14 of the BCCMA. The definition in the Act includes both a manager engaged to provide administrative services for the body corporate, and a manager that has been engaged to carry out all the functions of the body corporate committee on behalf of the body corporate (usually described as a body corporate manager under Chapter 3, Part 5 of the Regulations).

Because this definition does not differentiate between the types of body corporate managers that can be appointed, and because the execution requirements (under the BCCMA regulations) differ depending on the type of body corporate manager that has been engaged; this term can cause confusion.

The term 'body corporate manager' is most commonly used to refer to a manager engaged to assist the committee with the running and administration of the body corporate. Where a body corporate manager has been appointed for this purpose, the manager only has the authority to execute on behalf of the body corporate where a minor execution type is required (for all module types).

A 'body corporate manager under Chapter 3, Part 5' means a body corporate manager that has been formally appointed under Chapter 3, Part 5 of the BCCMA regulations for a scheme in either a Standard, Small, or an Accommodation Module. This formal type of appointment engages a manager to perform all the functions of the body corporate committee on behalf of the body corporate. The appointed body corporate manager under Chapter 3, Part 5 can be a natural person (an individual) or a corporation.

If the body corporate manager under Chapter 3, Part 5 is a corporation, and they are completing a regulation execution, there are additional requirements that apply, refer to Part [45-2070-4].

**Ownership other than in the Registered Owners Personal Capacity (e.g. Trustee)** [45-2070-6]

No additional execution requirements apply under this Part if the registered owner (signing on behalf of the body corporate) holds their interest in a capacity other than their own individual capacity (e.g. as a trustee or personal representative). When completing the form or an execution clause, the capacity of the registered owner should not be included.

Notwithstanding that there are no additional execution requirements for different capacities, where a registered owner signs as a registered owner on behalf of the body corporate, they confirm and declare by signing that they have the requisite authority to sign in the capacity in which their interest is held on title (e.g. as trustee).

**Attorney executing on behalf of a Registered Owner** [45-2070-7]

For the purpose of body corporate executions, if an attorney needs to sign on behalf of a registered owner of a lot included in a scheme, they must first take the required steps to have their name recorded on the body corporate roll as the representative of the owner of that lot. Once the attorney has been recorded on the body corporate roll, the guidance contained in Part [45-2070-1] will apply.

The body corporate roll is maintained by the body corporate for the scheme, and any change to the roll must be done through the body corporate itself. More information on changes to the body corporate roll is available at the website of the [Office of the Commissioner for Body Corporate and Community Management](#), or by contacting the body corporate manager or committee for the scheme.

**Relevant Certificate** [45-2070-8]

The Form 20 – BCCM Execution (properly completed and executed) is a ‘relevant certificate’ for the purpose of the requirements under the respective BCCMA Regulations (as identified in Part [45-2063-1]). For this reason, no further guidance around the requirements or the form of a ‘relevant certificate’ is provided.

**Section 96 Compliance** [45-2070-9]

A body corporate must not carry on a business (s. 96(1) BCCMA). By executing the Form 20 – BCCM Execution, the body corporate confirms that they remain in compliance with this requirement.

**Guidance on Completion and Execution of the Form 20 – BCCM Execution** [45-2080]

For general requirements for completion of forms, refer to Part 59 – Forms. For general guidance on the use of a Form 20 refer to Part 20, esp Part [20-2000].

**Item 1**

Insert the name of the Community Titles Scheme (CTS) in the left-hand column and insert the number of the CTS in the right-hand column.

**Item 2**

Insert the Regulation Module Type for the scheme (e.g. Standard Module) in the left-hand column; and insert the type of instrument being executed in the right-hand column (e.g. Form CMS).

### Item 3

Enter the name, the signer authority, and entity (if applicable) where indicated in the fields in the execution panel. There is provision for two signatures, but depending on the method of execution, only one signature may be required. The form should then be executed by the person(s) specified. For more information on establishing the method of execution and clarification on signer authorities, refer to Part [45-2060].

#### Example:

QUEENSLAND TITLES REGISTRY  
Body Corporate and Community  
Management Act 1997, Land Title Act 1994

### BCCM EXECUTION / RELEVANT CERTIFICATE

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|   |  |   |   |
|---|--|---|---|
| <b>1. Community Titles Scheme (CTS) Name</b>                    |  | <b>CTS Number</b>   |   |
| Fawly Towers Community Title Scheme                             |  | 2345  |   |
| <b>2. Module Type of BCCM Scheme</b>                            |  | <b>Instrument being executed (using this certificate)</b> |   |
| Accommodation Module  |  | New CMS   |   |
| <b>3. Execution by the Body Corporate for the above Scheme*</b> |  |   |   |
| Signature   | <u><i>Sybil Fawly</i></u>                          | Signature   | <u><i>Basil Fawly</i></u>                     |
| Signer Name   | <u>Sybil Fawly</u>                                 | Signer Name   | <u>Basil Fawly</u>                            |
| Signer Authority  | <u>Chairperson of the Body Corporate Committee</u> | Signer Authority  | <u>Member of the Body Corporate Committee</u> |
| Entity (if applicable)  | <u></u>  | Entity (if applicable)                                    | <u></u>                                       |
| Execution Date  | <u>29/08/2024</u>                                  | Execution Date  | <u>30/08/2024</u>                             |

\*By executing above the Body Corporate confirms it is in compliance with Section 96 of the Body Corporate and Community Management Act 1997.

### Referring to the Form 20 – BCCM Execution on other Titles Instruments

[45-2081]

As all body corporate executions (other than on a Form 14) are required to be on a Form 20 – BCCM Execution (and not on the face of the instrument itself), the titles instrument being executed by the body corporate using the Form 20 – BCCM Execution must refer to the Form 20 – BCCM Execution on its face. This referral to the Form 20 – BCCM Execution should be done in accordance with the method prescribed below.

#### Method

In the execution section / panel on the face of the titles instrument being executed by the body corporate, the following wording should be inserted:

#### See Form 20 – BCCM Execution

A requisition may issue if the titles instrument does not refer to the Form 20 – BCCM Execution on its face where the body corporate is required to execute it.

### Example on a Titles Instrument

See the below example of the referral to the Form 20 – BCCM Execution for the execution of a Form 7 Lease as Lessor by the Body Corporate. The requirement to refer to the Form 20 – BCCM Execution applies to all titles instruments (other than a Form 14):

---

#### 8. Grant/Execution

The Lessor leases the premises described in item 5 to the Lessee for the term stated in item 6 subject to the covenants and conditions contained in: the attached schedule.

**Witnessing officer must be aware of his/her obligations under section 162 of the Land Title Act 1994**

|   |                       |                                     |
|---|-----------------------|-------------------------------------|
| ..... Signature   |                       |                                     |
| ..... full name   |                       | <b>See Form 20 – BCCM Execution</b> |
| ..... qualification   | / /                   | .....                               |
| <b>Witnessing Officer</b>   | <b>Execution Date</b> | <b>Lessor's Signature</b>           |
| <small>(Witnessing officer must be in accordance with Schedule 1 of the Land Title Act 1994 e.g. Legal Practitioner, JP, C Dec)</small> |                       |                                     |

---

### Execution of the Form 14 – General Request by a Body Corporate [45-2085]

The Form 14 is the only instrument that can be executed by a body corporate on the face of the instrument itself; all other instruments executed by a body corporate must be executed on a Form 20 – BCCM Execution.

All executions of the Form 14 by a body corporate must include an execution clause in the space provided in Item 7 of the form. The guidance and examples in Parts [45-2085-1] to [45-2085-5] should be read in conjunction with those provided for Minor Executions for the respective module types in Parts [45-2060] to [45-2067].

#### Execution by a Member of the Body Corporate Committee [45-2085-1]

Any current member of the body corporate committee may execute a Form 14, including an office holder (e.g. Secretary).

If executing in this way an execution clause must be completed which includes the full name of the person signing, their position, and the full name of the scheme they are signing for. An example is shown below:

Wendy Markle  
Member of the Body Corporate Committee  
Body Corporate for Fawltly Towers CTS 2345

#### Example on a Form 14:

---

#### 7. Execution by applicant

Wendy Markle  
Member of the Body Corporate Committee  
Body Corporate for Fawltly Towers CTS 2345

30 / 08 / 2024  
**Execution Date**

*Wendy Markle*  
.....  
**Applicant's or Solicitor's Signature**

---

**Execution by the Body Corporate Manager****[45-2085-2]**

For a Minor Execution type, any type of body corporate manager formally appointed by the body corporate can execute the form. For clarification on the different types of body corporate managers, refer to Part [45-2070-5]. The type of body corporate manager does not need to be specified in the execution clause.

Where the body corporate manager is a corporation, any representative of that corporation can sign the Form 14.

If executing in this way, an execution clause must be completed which includes the signer's full name, the organisation they represent (if applicable), and their position. An example is shown below:

Jeremy Taylor  
Strata Services  
Body Corporate Manager for Fawltly Towers CTS 2345

**Example on a Form 14:****7. Execution by applicant**

Jeremy Taylor  
Strata Services  
Body Corporate Manager for Fawltly Towers CTS 2345

*Jeremy Taylor*

30 / 08 / 2024

**Execution Date**.....  
**Applicant's or Solicitor's Signature**

Note: A Solicitor is required to print full name if signing on behalf of the Applicant

**Execution by a Legal Practitioner****[45-2085-3]**

If executing in this way, the execution clause must include the full name of the legal practitioner and their signer authority, refer to Part [61-3060]. An example is shown below:

John Francis Smith  
Solicitor

**Example on a Form 14:****7. Execution by applicant**

John Francis Smith  
Solicitor

*John Francis Smith*

30 / 08 / 2024

**Execution Date**.....  
**Applicant's or Solicitor's Signature**



**Execution by an Owner of a Lot in a Two-Lot Module****[45-2085-4]**

In a Two-Lot Module, any owner of a lot included in the scheme can execute a Form 14, refer to Part [45-2067-3].

Where there is more than one registered owner, only one of the registered owners is required to sign, refer to Part [45-2070-2].

**Individual**

If executing in this way, an execution clause should include the full name of the registered owner and identify that they are a registered owner of a lot included in the scheme. An example is shown below:

Van Nguyen  
Registered Owner of a Lot in the Scheme

**Example on a Form 14:****7. Execution by applicant**

Van Nguyen  
Registered Owner of a Lot in the Scheme

30 / 08 / 2024  
**Execution Date**

*Nguyen*

.....  
**Applicant's or Solicitor's Signature**

Note: A Solicitor is required to print full name if signing on behalf of the Applicant

**Corporation**

If the owner of the Lot is a company, only one of the company office holders (e.g. Director / Secretary) needs to sign. The execution clause should include the name of the office holder, their position (e.g. Director). An example is shown below:

Van Nguyen  
Director  
Small Developments Pty Ltd A.C.N. 789 234 123  
Registered Owner of a Lot in the Scheme

**Example on a Form 14****7. Execution by applicant**

Van Nguyen  
Director  
Small Developments Pty Ltd A.C.N. 789 234 123  
Registered Owner of a Lot in the Scheme

30 / 08 / 2024  
**Execution Date**

*Nguyen*

.....  
**Applicant's or Solicitor's Signature**

Note: A Solicitor is required to print full name if signing on behalf of the Applicant

**Execution by the Owner (All lots in Identical Ownership)****[45-2085-5]**

Where all lots are in identical ownership, but there is more than one registered owner, only one of the registered owners needs to sign, refer to Part [45-2070-3].

**Individual**

In the case of an individual, the execution clause should include the full name of the registered owner and identify that all lots are in identical ownership. An example is shown below:

Sybil Fawlty  
Registered Owner – All Lots in Identical Ownership

**Example on Form 14:****7. Execution by applicant**

Sybil Fawlty  
Registered Owner – All Lots in Identical Ownership

30 / 08 / 2024  
Execution Date

*S Fawlty*  
.....  
**Applicant's or Solicitor's Signature**

**Corporation**

If the owner is a corporation, only one of the company office holders (e.g. Director / Secretary) needs to sign. The execution clause below the company officer's signature needs to be completed and it must contain the name of the office holder, their position (e.g. Director), and a clause confirming that the company is a registered owner with all lots held in identical ownership. An example is shown below:

Polly Sherman  
Sole Director and Secretary  
Fawlty Developments Pty Ltd A.C.N. 789 234 123  
Registered Owner – All lots in identical ownership

**Example on Form 14:****7. Execution by applicant**

Polly Sherman  
Sole Director and Secretary  
Fawlty Developments Pty Ltd A.C.N. 789 234 123  
Registered Owner – All Lots in Identical Ownership

30 / 08 / 2024  
Execution Date

*P Sherman*  
.....  
**Applicant's or Solicitor's Signature**

**Reserving a Name for a Scheme****[45-2090]**

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 using a Form 20 – BCCM Execution, in accordance with the requirements in Part [45-2060].

Where positions on the body corporate have not been filled because the first annual general meeting of the body corporate has not been held, the New CMS may be signed by the original owner. This should be done using a Form 20-BCCM Execution. In these instances, the New CMS must be accompanied by a statutory declaration by the original owner stating that the first annual general meeting has not been held.

A New CMS must be lodged in the Titles Registry within three (3) months of the date of execution/consent.

For further information see Parts [45-2060] to [45-2080] 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 cadastral 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].’

Any execution by the body corporate, including of a Form 14 and the New CMS, must be completed in accordance with Part [45-2060].

The CMS must show the new name in Items 1 and 3 and Item 4 must describe the common property in 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]

The *Body Corporate and Community Management Act 1997* (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:

- registering an easement for one or more basic utility services (s. 44 of the BCCMA); or
- acquiring a lot to create additional common property (s. 37 of the BCCMA); or
- 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. Form 1 - Transfer of the lot to the body corporate executed by the body corporate as Transferee in accordance with Part [45-2060].
3. Plan of survey converting the lot to common property.
4. Form 18A consenting to the survey plan executed by the body corporate in accordance with Part [45-2060].
5. New CMS executed by the body corporate in accordance with Part [45-2060].
6. Form 7 - Lease to the letting agent and/or service contractor executed by the body corporate as Lessor in accordance with Part [45-2060].

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 survey plan must be accompanied by a Form 18A executed by the body corporate in accordance with Part [45-2060].
- 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.
- The Form 14 Request to record new CMS and the Form CMS (New CMS) must be executed by the body corporate in accordance with Part [45-2060].

#### Lease

- The Lease must be executed by the body corporate as Lessor in accordance with Part [45-2060]. There is no requirement to ensure the lease term and any amendments comply with the relevant regulation module.
- Planning Body approval on a Form 18 – General Consent is required if the lease is for a period of ten years or more. Refer to Part [7-0050].
- 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 or deposited:

1. Surrender, cancellation or determination of the lease to the letting agent and/or service contractor; and
2. Plan of survey converting the common property to a lot; and
3. Form 18A executed by the body corporate in accordance with Part [45-2060]; and
4. New CMS executed by the body corporate in accordance with Part [45-2060]; and

5. 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. Refer to Part 8 for further guidance and information.

#### **Survey Plan**

- The survey plan must only be for the purpose of converting the common property to a lot in the scheme.
- The survey plan must be accompanied by a Form 18A executed by the body corporate in accordance with Part [45-2060].
- 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 to record new CMS and the Form CMS (New CMS) must be executed by the body corporate in accordance with Part [45-2060].

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

- Form 1 - Transfer of the lot from the body corporate executed by the body corporate as Transferor in accordance with Part [45-2060].

[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 executed by the body corporate in accordance with Part [45-2060]

The Form CMS (New CMS) lodged with the Form 14 should be executed by the body corporate in accordance with Part [45-2060], and must also be executed by the registered owner on an additional Form 20 – BCCM Execution that is deposited with the New CMS (note only the registered owner needs to sign this additional Form 20 – BCCM Execution).

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 executed by the body corporate in accordance with Part [45-2060].

The Form CMS (New CMS) lodged with the Form 14 should also be executed by the body corporate in accordance with Part [45-2060].

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 or deposited in the order shown:

1. a Form 21 - Survey Plan that defines the additional lot(s); and
2. Form 18A consent to the survey plan that has been executed by the body corporate in accordance with Part [45-2060]; and

3. a Form 1 – Transfer from the body corporate to the intended owner of each new lot, executed by the body corporate as Transferor in accordance with Part [45-2060]; and
4. a New CMS that reflects the changes to Item 4 and Schedule A executed by the body corporate in accordance with Part [45-2060].

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 and consent (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.

There are specific requirements for the execution of an instrument by a body corporate, refer to Part [45-2060] for further guidance.

## 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;
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.

There are specific requirements for the execution of an instrument by a body corporate, refer to Part [45-2060] for further guidance.

**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; and
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.

There are specific requirements for the execution of an instrument by a body corporate, refer to Part [45-2060] for further guidance.



## 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;
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

There are specific requirements for the execution of an instrument by a body corporate, refer to Part [45-2060] for further guidance.

## 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.

There are specific requirements for the execution of an instrument by a body corporate, refer to Part [45-2060] for further guidance.

### **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 in accordance with Part [45-2068].

#### **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 and the New CMS at Item 8 should be executed in accordance with Part [45-2060].

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). This execution should be completed in accordance with Part [45-2068].

### 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.

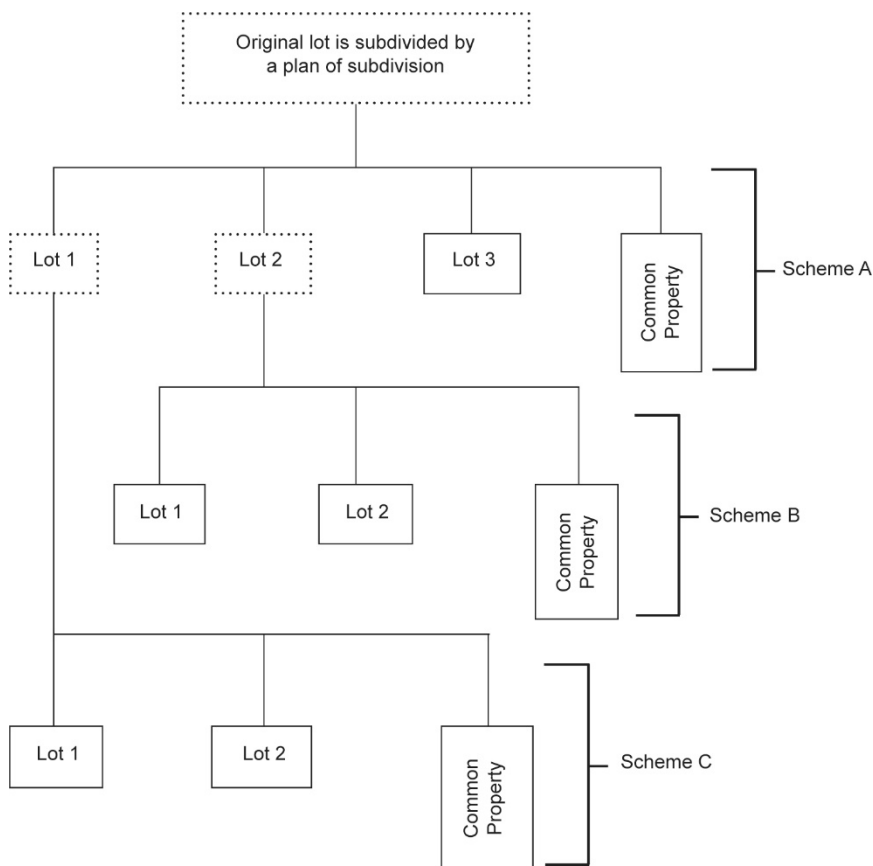
The CMS lodged with each plan that creates a subsidiary scheme must be a First CMS and must be signed by the owner of the lot(s) being subdivided to create the scheme.

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.

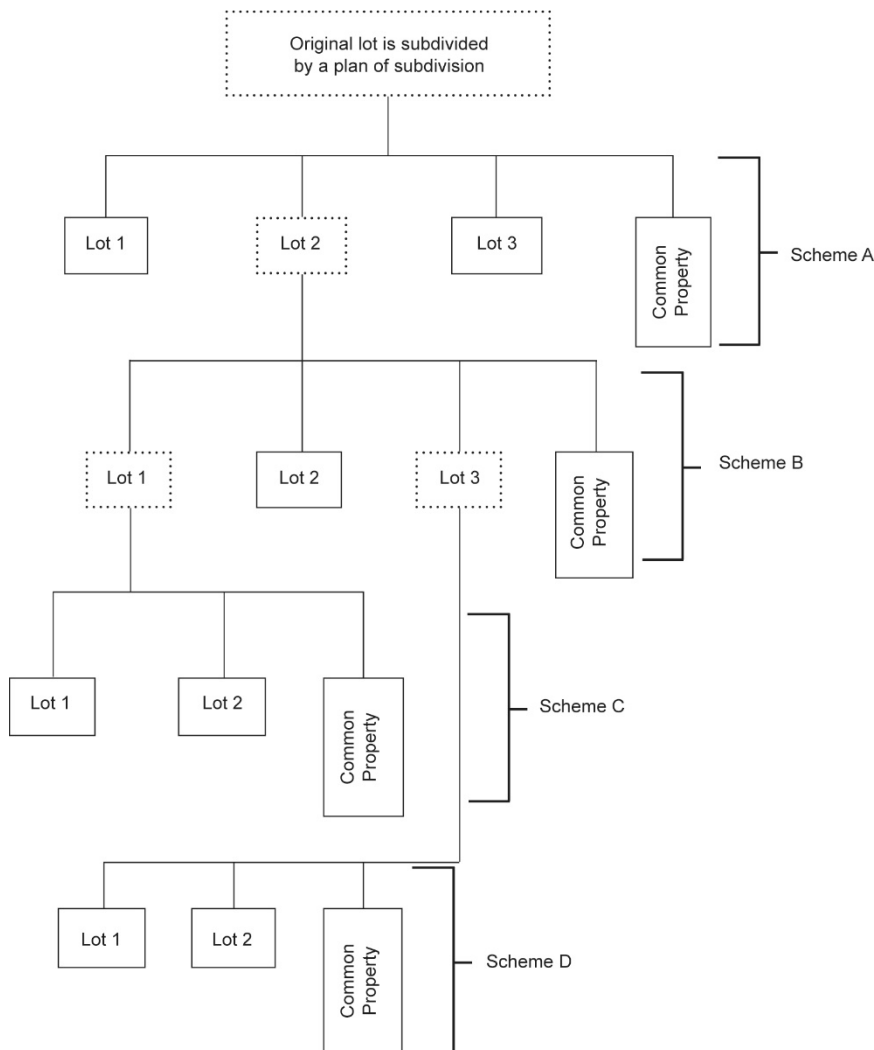
### Diagram A – Illustration of a Simple Layered Arrangement of Schemes



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.

[45-2840] to [45-2920] deleted

## Transitional Provisions - Building Units and Group Titles Act 1980 [45-2945]

For information regarding transitional provisions under the *Building Units and Group Titles Act 1980* refer to Chapter 8, Part 1 of the BCCMA. For clarification on the application of the BCCMA refer to Parts [45-0000] to [45-0001].

[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/Lessees Consent to Survey Plan should be executed by the body corporate in accordance with Part [45-2060]. Alternatively, it may be executed by the person on whose application a court ordered the termination of the scheme.

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 terminating the scheme and any agreements entered into by the parties about termination issues; or
- (b) an order of the court to terminate the scheme.

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.

## Termination for economic reasons

[45-3141]

The BCCMA provides for a motion to be passed by a body corporate for the termination of a community titles scheme for economic reasons.

A termination resolution for economic reasons can only be passed if the body corporate has complied with the applicable requirements under Chapter 2, Part 9, Division 4 of the BCCMA.

If the resolution is passed, a notice of termination resolution on a '[BCCM Form 30](#)' must be sent to the relevant parties, including the Registrar (section 81L(3) BCCMA) within two (2) weeks.

The notice is recorded as an administrative advice on all titles for the lots and common property within the scheme being terminated. Refer to part [52-0340] for further information and guidance.

Upon registration of a survey plan for termination of a scheme, the administrative advice for the notice of termination resolution will be cancelled over all applicable titles.

## 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 Forms

[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.
- All pages of the lodged document must be numbered consecutively (e.g. page 1 of 15), commencing with the Form 14 as page 1. The relevant CMS Form (First or New) and any annexures including enlarged panels and schedules must be placed in the appropriate order within the complete document and the pages numbered accordingly. The page number must appear in the top right hand corner of each page including any sketch plans.
- 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.

## Example 1.1 – First CMS – Basic Scheme

THIS CMS MUST BE DEPOSITED WITH:

- A FORM 14 GENERAL REQUEST; AND
- A FORM 18C

*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

---

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

SP12347

---

**7. First 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

A Form 18C must be deposited with the Request to record the First CMS.

---

**8. Execution by original owner**

(seal)  
or full name of  
company to be shown

20/09/2024  
**Execution Date**

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

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

\*Original owner to execute for a first 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>    | 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.

| 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 |                           |

**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 CMS MUST BE DEPOSITED WITH:  
-A FORM 14 GENERAL REQUEST; AND  
-A FORM 18C (IF NO EXEMPTION TO THE  
PLANNING BODY CMS NOTATION APPLIES).

A NEW CMS 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 and number 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<br>BRIGHTON VILLA COMMUNITY<br>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 (if applicable)**

N/A

---

**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, a Form 18C must be deposited with the Request to record the CMS.

---

**8. Consent of body corporate**

See Form 20 – BCCM Execution

.....  
**Execution**

**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.

| <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 |                                  |

|                   |   |
|-------------------|---|
| <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)**

THIS CMS MUST BE DEPOSITED WITH:

- A FORM 14 GENERAL REQUEST; AND
- A FORM 18C

*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

---

**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

---

**7. First 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

A Form 18C must be deposited with the Request to record the First CMS.

---

**8. Execution by original owner**

(seal)  
or full name of  
company to be shown

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

20/11/2023  
**Execution Date**

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

\*Original owner to execute for a first 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 CMS MUST BE DEPOSITED WITH:

- A FORM 14 GENERAL REQUEST; AND
- A FORM 18C (IF NO EXEMPTION TO THE PLANNING BODY CMS NOTATION APPLIES).

A NEW CMS 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 (including number) of community titles scheme</b> | <b>2. Regulation module</b> |
| GRANDVIEW HEIGHTS COMMUNITY TITLES SCHEME 1357               | STANDARD MODULE             |

---

**3. Name of body corporate**  
BODY CORPORATE FOR GRANDVIEW HEIGHTS COMMUNITY TITLES SCHEME 1357

---

|                         |                 |
|-------------------------|-----------------|
| <b>4. Scheme land</b>   |                 |
| Lot on Plan Description | Title Reference |
| SEE ENLARGED PANEL      |                 |

---

|  |  |
|--|--|
| <b>5. Name and address of original owner</b> | <b>6. Reference to plan lodged with this statement (if applicable)</b> |
| NOT APPLICABLE                               | SP123459   |

---

**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

---

**8. Consent of body corporate**

\*If there is no exemption a Form 18C must be deposited with the Request to record the CMS.

See Form 20 – BCCM Execution

**Execution**

**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.

| <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 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:

| <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"  |
| 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:

| <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 3.1 – First CMS – Layered Arrangement – Principal Scheme

THIS CMS MUST BE DEPOSITED WITH:

- A FORM 14 GENERAL REQUEST; AND
- A FORM 18C

*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**

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

---

**7. First 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

A Form 18C must be deposited with the Request to record the First CMS.

---

**8. Execution by original owner**

(seal)  
or full name of  
company to be shown

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

20/11/2023  
**Execution Date**

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

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

**Privacy Statement**

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**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 CMS MUST BE DEPOSITED WITH:

- A FORM 14 GENERAL REQUEST; AND
- A FORM 18C

*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**

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

---

**7. First 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

A Form 18C must be deposited with the Request to record the First CMS.

---

**8. Execution by original owner**

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

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

20/11/2023  
**Execution Date**

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

\*Original owner to execute for a first 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.

| <b>Common Property</b> |                               |         |
|------------------------|-------------------------------|---------|
| 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 |         |

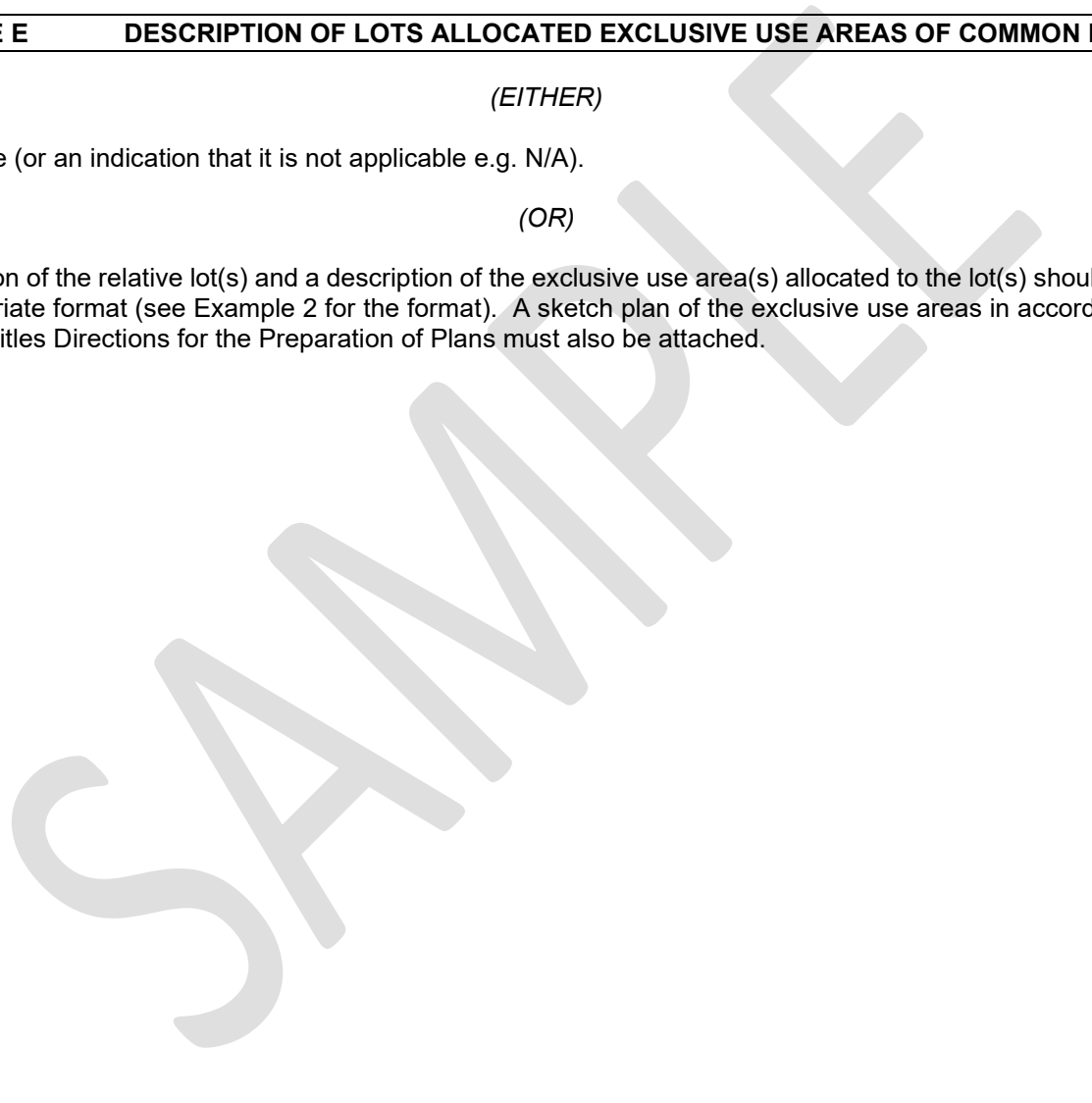
**SCHEDULE E DESCRIPTION OF LOTS ALLOCATED EXCLUSIVE USE AREAS OF COMMON PROPERTY**

(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 CMS MUST BE DEPOSITED WITH:

- A FORM 14 GENERAL REQUEST; AND
- A FORM 18C

*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**

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

---

**7. First 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

A Form 18C must be deposited with the Request to record the First CMS.

---

**8. Execution by original owner**

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

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

20/11/2023  
**Execution Date**

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

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

**Privacy Statement**

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**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 CMS MUST BE DEPOSITED WITH:  
- A FORM 14 GENERAL REQUEST; AND  
- A FORM 18C (IF NO EXEMPTION TO THE PLANNING BODY CMS NOTATION APPLIES).  
A NEW CMS 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 and number of community titles scheme**

NORTHGATE HEIGHTS NO. 1 COMMUNITY TITLES SCHEME 2468

---

**2. Regulation module**

STANDARD MODULE

---

**3. Name of body corporate**

BODY CORPORATE FOR NORTHGATE HEIGHTS NO. 1 COMMUNITY TITLES SCHEME 2468

---

**4. Scheme land**

Lot on Plan Description  
SEE ENLARGED PANEL

Title Reference

---

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

N/A

---

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

N/A

---

**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 a Form 18C must be deposited with the Request to record the CMS.

---

**8. Consent of body corporate**

SEE FORM 20 BCCM EXECUTION

**Execution**

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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<br>Northgate Heights No. 1<br>community titles<br>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<br>Northgate Heights No. 2<br>community titles<br>scheme 3579 | 50021997        |
| Lot 1 on SP13462   | 50021998        |
| Lot 2 on SP13462   | 50021999        |
| Lot 3 on SP13462   | 50022000        |
| Common Property of<br>Northgate Heights No. 3<br>community titles<br>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

QUEENSLAND TITLES REGISTRY  
Body Corporate and Community Management Act 1997

## FIRST COMMUNITY MANAGEMENT STATEMENT

FIRSTCMS Version 1  
Page 2 of 4

THIS CMS MUST BE DEPOSITED WITH:

- A FORM 14 GENERAL REQUEST; AND
- A FORM 18C

*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**

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

---

**7. First 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

\*A Form 18C must be deposited with the Request to record the First CMS.

---

**8. Execution by original owner**

*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

15/10/2023  
**Execution Date**

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

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

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**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

**NEW COMMUNITY MANAGEMENT STATEMENT**

**NEW CMS** Version 1  
Page 2 of 4

THIS CMS MUST BE DEPOSITED WITH:

- A FORM 14 GENERAL REQUEST; AND
- A FORM 18C (IF NO EXEMPTION TO THE PLANNING BODY CMS NOTATION APPLIES).

A NEW CMS 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 and number 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 (if applicable)**

N/A

---

**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 a Form 18C must be deposited with the Request to record the CMS.

---

**8. Consent of body corporate**

SEE FORM 20 BCCM EXECUTION

**Execution**

**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> |
|-------------------|---|

(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)**

QUEENSLAND TITLES REGISTRY  
Body Corporate and Community Management Act 1997

**NEW COMMUNITY MANAGEMENT STATEMENT**

**NEW CMS** Version 1  
Page 2 of 5

THIS CMS MUST BE DEPOSITED WITH:

- A FORM 14 GENERAL REQUEST; AND
- A FORM 18C (IF NO EXEMPTION TO THE PLANNING BODY CMS NOTATION APPLIES).

A NEW CMS 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 and number 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  
SEE ENLARGED PANEL

Title Reference

---

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

N/A

**6. Reference to plan lodged with this statement (if applicable)**

SP109001

**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, a Form 18C must be deposited with the Request to record the CMS.

---

**8. Consent of body corporate**

SEE FORM 20 BCCM EXECUTION

**Execution**

**Privacy Statement**

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

4. Scheme Land

| Description of Lot  | Title Reference |
|---|-----------------|
| Common property of<br>Fawly Towers<br>Community Titles<br>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 Property</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.

**Example 7 – Form 20 – BCCM Execution for New CMS**

QUEENSLAND TITLES REGISTRY  
Body Corporate and Community  
Management Act 1997, Land Title Act 1994

**BCCM EXECUTION /  
RELEVANT CERTIFICATE**

**FORM 20** Version 2

Page 3 of 6

|  |   |
|--|---|
| <b>1. Community Titles Scheme (CTS) Name</b> | <b>CTS Number</b>   |
| Brighton Villa Community Titles Scheme       | 1010  |
| <b>2. Module Type of BCCM Scheme</b>         | <b>Instrument being executed (using this certificate)</b> |
| Small Schemes Module                         | New CMS   |

**3. Execution by the Body Corporate for the above Scheme\***

|                        |  |                        |   |
|------------------------|--|------------------------|---|
| Signature              | <u>Andi Grafton</u>                                | Signature              | <u>John Taylor</u>                            |
| Signer Name            | <u>Andi Grafton</u>                                | Signer Name            | <u>John Taylor</u>                            |
| Signer Authority       | <u>Chairperson of the Body Corporate Committee</u> | Signer Authority       | <u>Member of the Body Corporate Committee</u> |
| Entity (if applicable) | <u>Click or tap here to enter text.</u>            | Entity (if applicable) | <u>Click or tap here to enter text.</u>       |
| Execution Date         | <u>9/09/2024</u>                                   | Execution Date         | <u>9/09/2024</u>                              |

\*By executing above the Body Corporate confirms it is in compliance with Section 96 of the *Body Corporate and Community Management Act 1997*.

**When this Form should be used:**

This form should be used for the execution by a Body Corporate of any titles instrument other than a Form 14.

**Guidance**

Please refer to Parts [45-2060] to [45-2081] of the Land Title Practice Manual for guidance on completion and execution of this form and refer to Part 45 generally for further guidance on titles instruments involving Community Titles Schemes. Some brief guidance on the completion of Item 3 has been included below for the quick reference of those who are already familiar with executions of titles instruments by a Body Corporate.

**Signer Authority Guidance:**

**Representative of a Registered Owner** means a natural person (individual) whose name is recorded on the body corporate's roll as the representative of the registered owner of a lot that is included in the scheme – Refer to Part [45-2070-1] of the Land Title Practice Manual.

**Registered Owner – Individual** means a natural person (individual) who is the registered owner of a lot that is included in the scheme. If a lot is owned by 2 or more people, it is acceptable for only one of the registered owners to sign the relevant certificate – Refer to Part [45-2070-2] of the Land Title Practice Manual.

**Registered Owner - Corporation** means the officeholder of the position of 'Director' or 'Secretary' for the corporate entity that is the registered owner of the lot. It is acceptable for only one office holder (Director or Secretary) of a Corporate Entity to execute on behalf of the Corporation in this instance, as by doing so they confirm they are signing as Agent on behalf of the Corporation and hold the requisite authority to do so – Refer to Part [45-2070-4] of the Land Title Practice Manual. The name and A.C.N of the corporation must be included in the 'Entity' field.

**Body Corporate Manager under Chapter 3, Part 5** means a Body Corporate Manager appointed under Chapter 3, Part 5 of the respective Module Regulations to perform the functions of the body corporate committee. This is applicable only to Standard Module, Small Schemes Module and Accommodation Modules. This type of body corporate manager should not be confused with the more common type of body corporate manager that assists with the administration of the body corporate - Refer to Part [45-2070-5] of the Land Title Practice Manual.

**Person specified as Signatory in the Body Corporate resolution authorising the transaction** means the person identified (by name) and specifically authorised in the body corporate resolution, as the person who should execute the instrument. By signing in this way, the person signing confirms that they are one and the same person as is specified in the resolution to sign the instrument and that they have the authority to sign it. A copy of the resolution is not required to be deposited with this form to confirm this authority – Refer to Part [45-2060] of the Land Title Practice Manual.

**Constructing Authority - Authorised Officer** means the officer for the Constructing Authority that is authorised to execute on behalf of the Body Corporate pursuant to Section 12A of the *Acquisition of Land Act 1967* and Section 51 or 51A of the *Body Corporate and Community Management Act 1997*. The name of the Authorised Officer must be completed in the 'Signer Name' field, and the name of the Constructing Authority e.g. 'Department of Transport and Main Roads' must be entered into the 'Entity' section – Refer to Part [45-2068] of the Land Title Practice Manual.

## 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 CMS / New CMS (see part 14 for completion). Note any Form 14 must be executed in accordance with the requirements contained in Part [45-2060].
- 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]

All pages of the lodged document must be numbered consecutively (e.g. page 1 of 15), commencing with the Form 14 as page 1. The relevant CMS Form (First or New) and any annexures including enlarged panels and schedules must be placed in the appropriate order within the complete document and the pages numbered accordingly. The page number must appear in the top right hand corner of each page including any sketch plans.

The document should be 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 executed by the body corporate using a Form 20 – BCCM Execution 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 and example 7 Form 20 – BCCM Execution for New CMS.

**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 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 cadastral 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 cadastral surveyor. In these cases, the plan should be certified in accordance with Direction 11.11.17 of the Registrar of Titles Directions for the Preparation of Plans.

### **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

[45-9050] deleted