

**r. 7**

---

would be inconsistent with the building being part of a single tier strata scheme.

- (2) For the purposes of section 3(2)(b), the boundaries of any cubic space referred to in paragraph (a) of the definition of ***floor plan*** in section 3(1) must be described in accordance with this regulation.
- (3) If the cubic space is within a building that is not a single tier building, the boundaries of the cubic space must be —
  - (a) in the case of a vertical boundary, if the base of any wall corresponds substantially with any line referred to in paragraph (a) of the definition of ***floor plan*** in section 3(1) — the inner surface of that wall; and
  - (b) in the case of a horizontal boundary, if any floor or ceiling joins a vertical boundary of that cubic space — the upper surface of that floor and the under surface of that ceiling.
- (4) If the cubic space is within a building that is a single tier building, the boundaries of the cubic space must be described in a manner that unambiguously defines the cubic space and its location in relation to the relevant building.

**7. Calculation of open space**

- (1) For the purposes of the definition of ***open space*** in section 3(1), to calculate the open space of a lot in a strata titles scheme, the open space of the parcel that is the subject of the strata titles scheme is to be apportioned between lots —
  - (a) in accordance with the scheme by-laws; or
  - (b) if the scheme by-laws do not provide for that apportionment, in accordance with the pro rata entitlements of each lot.

- (2) The open space of the parcel that is the subject of the strata titles scheme is calculated as follows —
- (a) if the parcel is residential development to which the R-Codes apply — in accordance with the R-Codes;
  - (b) if paragraph (a) does not apply — in accordance with the relevant local planning scheme;
  - (c) if neither paragraph (a) nor (b) applies — in the same way as it would be determined by the local government if a development application (within the meaning given in the *Planning and Development Act 2005* section 4(1)) were made for approval of a structural alteration of the lot.
- (3) The pro rata entitlements of a lot are calculated on the proportion that the area of a lot bears to the area of the parcel.

Note for this regulation:

Open space calculations are used in Part 7 Division 2 of the Act.

## **8. Calculation of plot ratio**

- (1) For the purposes of the definition of *plot ratio* in section 3(1), to calculate plot ratio in relation to a parcel, the gross total of the areas of all floors in any building on the parcel is to be calculated as follows —
- (a) if the parcel is residential development to which the R-Codes apply — in the same way as plot ratio area is calculated under the R-Codes;
  - (b) if paragraph (a) does not apply — in the same way as floor area is calculated under the relevant local planning scheme.
- (2) For the purposes of the definition of *plot ratio* in section 3(1), to calculate plot ratio in relation to a lot, the gross total of the areas of all floors in any building on the lot is to be calculated by apportioning the gross total of the areas of all floors in any building on the parcel (calculated as provided by

**r. 9**

---

subregulation (1)) between lots in accordance with the pro rata entitlements of each lot.

- (3) The pro rata entitlements of a lot are calculated on the proportion that the area of a lot bears to the area of the parcel.

Note for this regulation:

Plot ratio calculations are used in Part 7 Division 2 of the Act.

**9. Insurable asset**

- (1) For the purposes of paragraph (a)(iii) of the definition of **insurable asset** in section 3(1), the following are included in that definition —
- (a) carpet and flooring coverings on and within common property that are not temporary;
  - (b) buildings on the parcel of a strata scheme (whether or not shown on the scheme plan).
- (2) For the purposes of paragraph (b)(iv) of the definition of **insurable asset** in section 3(1), temporary wall, floor and ceiling coverings on common property are excluded from that definition.

**10. Key documents**

For the purposes of paragraph (1) of the definition of **key document** in section 3(1), the following are included in that definition —

- (a) any contracts relevant to the design or construction of buildings and improvements on the parcel entered into by the scheme developer, including any variations to those contracts and all plans and specifications relating to those contracts or variations;
- (b) “as constructed” plans and diagrams for buildings, improvements and utility conduits on the parcel;
- (c) any infrastructure contracts or variations to infrastructure contracts;