

# NOTICE TO SURVEYORS T3/2003

## INTENTION OF THE PLAN

There have been a number of plans lodged over recent times where DOLA auditors have needed to make enquiries to the surveyor about the intended outcome of the plan. These situations have arisen because it has not been clear from the deposited plan what conveyancing actions are expected. Since enquiries such as these necessarily delay processing of the plans within DOLA, it is suggested that a simple notification from surveyors about the intended actions in certain cases would expedite the audit process.

**Surveyors are now required to provide a letter of intent with all deposited plans, strata and survey-strata plans where subsequent conveyancing actions are proposed for the surrender or modification of existing interests or where modifications to a strata/survey-strata scheme are intended.**

A typical case is where a subdivision occurs over land that has been previously burdened or benefited by easements that will no longer be required in the new development. Since the deposited plan does not bring forward these "superseded" easements, the auditor should be advised through a "letter of intent" that this is an intentional procedure (rather than being overlooked). If it is an intentional procedure, then an appropriate notation within the "in order for dealings" box (such as "Pends surrender of Easement F12345") will be made by DOLA.

A similar situation occurs with a deposited plan that includes land in a strata/survey-strata scheme. It is not always clear what conveyancing outcomes are proposed for the strata/survey-strata scheme.

A letter of intent is also applicable to "Easement only" plans where the registration requirements can be advised. This would be of particular benefit where the plan depicts easements over multiple lots with multiple owners.

In most cases the "letter of intent" will consist of a simple statement of the purpose and outcome of the survey (eg. "Amalgamation of lots 901 to 905 on Plan 24051 to create new lot 999. All existing easements for party wall rights are to be surrendered. Existing easements for sewerage and rights of carriageway to be brought forward"). To enable a strata scheme to proceed, some existing easements need to be modified to allow buildings over the land (eg "Part of lots 6, 7 and 8 on this strata plan are over the easement on Diagram 74847. An application to vary this easement by restricting the height has been lodged simultaneously with this plan"). In other cases, it is necessary to specify that an amalgamation of parcels is being done to increase the size of a strata scheme (eg. "Amalgamation of lots 901 to 905 on Plan 24051 to create new lot 999 to enable strata plan scheme to include expanded common property").

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**INSPECTOR OF PLANS AND SURVEYS**

**3 January 2003**