

NOTICE TO SURVEYORS T5/2001

VESTING LOTS

ON

STRATA/SURVEY-STRATA PLANS

The 1996 amendments to the *Town Planning and Development Act 1928* allowed for automatic vesting of land in the Crown under Section 20A of that Act when registering a strata/survey-strata plan. The introduction of digital titles with the SmartRegister project has made it necessary to modify the requirements in Notice to Surveyors T4/99.

Vesting land shown on the strata/survey-strata plan, vests on registration of that strata/survey-strata plan, but never loses its conventional freehold character. The land only comes under *Strata Titles Act 1985* (STA) for purposes of being depicted on a strata/survey-strata plan. The purpose of the deposited plan is then to allocate a lot number on that deposited plan for the vested land and for the balance of the land, which will continue to be under the STA.

The reason for this is that if it is shown as a lot on a strata/survey-strata plan, then this raises complex legal issues that it constitutes a lot in the strata/survey-strata plan with a unit entitlement and associated rights and responsibilities. This was not the intention of the legislation. In relation to the vesting land, the strata/survey-strata plan is merely used for the purposes of depicting the land being vested. Subsequent processing and issuing of an appropriate title requires the deposited plan.

Land to vest in the Crown under section 20A of the *Town Planning and Development Act 1928* SHALL NOT be allocated a lot number on the strata/survey-strata plan. Vesting land is not to be included in the Form 3 "Schedule of Unit Entitlement".

To enable freehold titles to be created for any vesting land on a strata/survey-strata plan a deposited plan (DP) number will also be allocated to the strata/survey-strata plan. Accordingly, where land is vesting in the Crown, it is to be shown on the strata/survey-strata plan with its symbol and purpose followed by the lot on DP reference. For example, "C Reserve for Foreshore Management (Lot 51 on DP 4567)". DP deemed to be approved on registration of the strata/survey-strata plan.

The balance of the parent lot (after removal of any vesting land) is to also be allocated a lot on DP reference. On termination of the strata/survey-strata scheme, unless there are changes to the boundaries of the parcel the ownership would reside in the title for this balance lot.

A strata/survey-strata plan that includes vesting land must include:

- A Deposited Plan number (A **pre-allocated DP number** should be obtained from DOLA to allow that number to be referred to when drafting of the strata/survey-strata plan is carried out);
- DP Edition and Version numbers;
- DP "Type" to be "Freehold";
- DP "Purpose" to be "Subdivision";

- A “Plan of” heading for the DP;
- Lot on DP numbers for the vesting land and the balance of the parent lot;
- A notation that the land is to vest under Section 20A of the T.P.&D. Act;
- A schedule (see below) listing the DP lots and their strata/survey-strata plan reference;
- A Surveyor’s Certificate in accordance with Regulation 54 of *the Licensed Surveyors (Guidance of Surveyors) Regulations 1961*. Where the certifying surveyor is not eligible to verify survey documents the plan must also be countersigned in accordance with the Registrar’s Directions under Regulation 5 of the *Licensed Surveyors (Transfer of land Act 1893) Regulations 1961*;
- An Amendment Schedule.

SCHEDULE

DEPOSITED PLAN		STRATA/SURVEY-STRATA PLAN REFERENCE	
LOT	Office Use Only		
	Vol		Fol
1			Balance Strata/Survey-Strata Plan after removal of vested land.
2			Eg: “A” (or other symbol) or “R.O.W.” or “P.A.W.” or “Reserve for Foreshore Management”

Field books must be lodged at DOLA for surveys of strata/survey-strata subdivisions that involve vesting land.

CSD files are to be prepared in accordance with the requirements set out in the Survey and Plan Practice Manual. Where a strata plan contains vesting land, only one CSD file (for the related DP lots) is required. Where a survey-strata plan contains vesting land two CSD files are required, one for the related DP lots and the other for the survey-strata lots.

The only fees applicable are those related to the *Strata Titles Act 1985*.

The only applications required are those under the *Strata Titles Act 1985*.

The attached plan examples indicate the new requirements.

**IAN HYDE
REGISTRAR OF TITLES**

20 July, 2001
Att.

STRATA / SURVEY -
STRATA PLAN

SHEET 1 OF 3 SHEETS

MANAGEMENT STATEMENT YES NO

REGISTRAR OF TITLES
WESTERN AUSTRALIAN PLANNING COMMISSION

Certificate of Approval of W.A.P.C. under
Section 25B(2) of Strata Titles Act 1985.

FOR CHAIRMAN _____ DATE _____

PLAN OF
LOT 2 OF SUSSEX LOCATION 200
ON DIAGRAM 17358
UPON LAND VESTING IN THE CROWN
UNDER SECTION 20A OF THE TP&D ACT,
THE LAND REMAINING SUBJECT TO THE
STRATA TITLES ACT IS ALSO DESCRIBED
AS LOT 50 ON DP 4567

CERT. OF TITLE
VOLUME: 1977 FOLIO: 730

LOCAL GOVERNMENT
SHIRE OF BUSSELTON

INDEX PLAN
BG 35 (2) 21.35

FIELD BOOK NUMBER
64535

SCALE 1 : 400 & 1 : 2000

NAME OF SCHEME
BUSSELTON
BUNGALOWS

ADDRESS OF PARCEL
549 BUSSELL HIGHWAY,
BROADWATER, W.A., 6280.



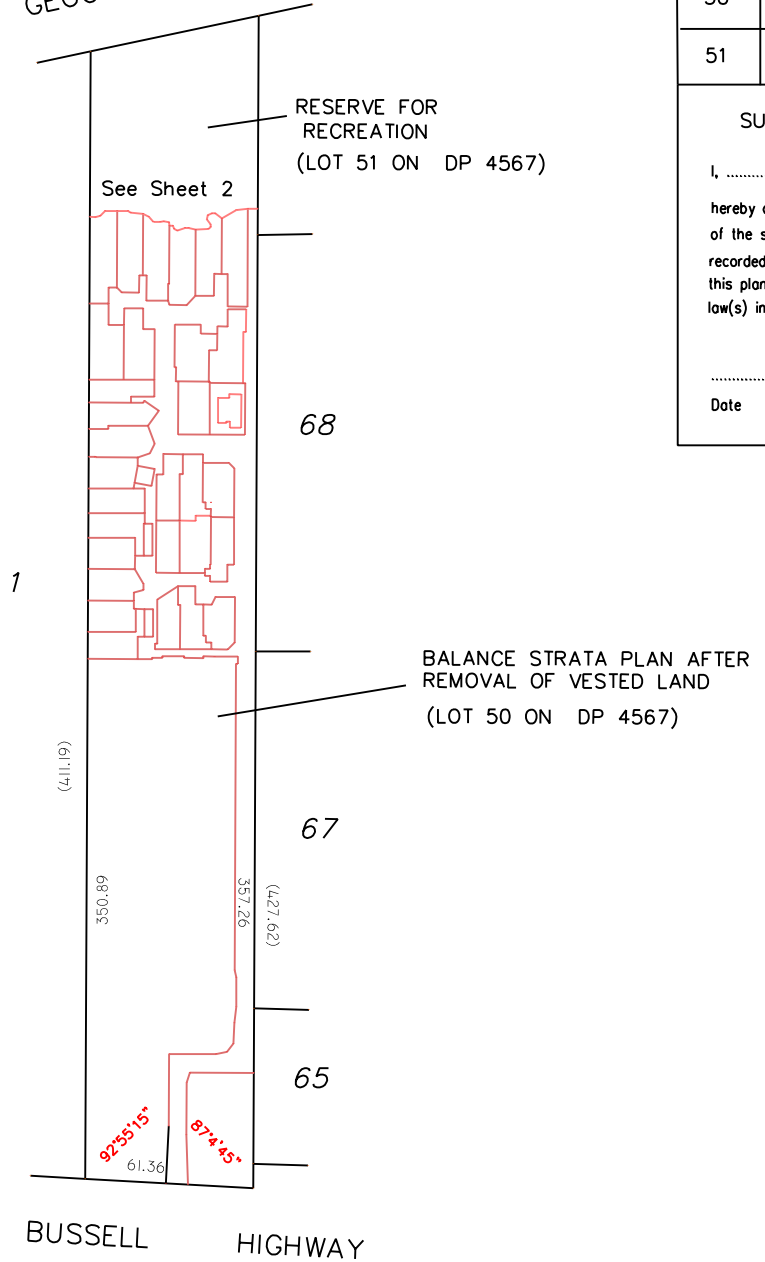
DEPOSITED PLAN
4567

SHEET 1 OF 2 SHEETS
EDITION 1 VERSION 1

TYPE: FREEHOLD
PURPOSE: SUBDIVISION
PLAN OF
LOTS 50 AND 51



GEOGRAPHE BAY ROAD



DEPOSITED PLAN 4567			
LOT	OFFICE USE ONLY		STRATA PLAN REFERENCE
	Vol	Fol	
50			Balance Strata Plan after removal of vested land
51			Reserve for Foreshore Management

SURVEYOR'S CERTIFICATE - Reg 54

I,

hereby certify that this plan is a correct representation of the survey and/or calculations from measurements recorded in the field book lodged for the purposes of this plan and that it complies with the relevant written law(s) in relation to which it is lodged

.....

Date SIGNED

LOCATION PLAN
(Scale 1 : 2000)

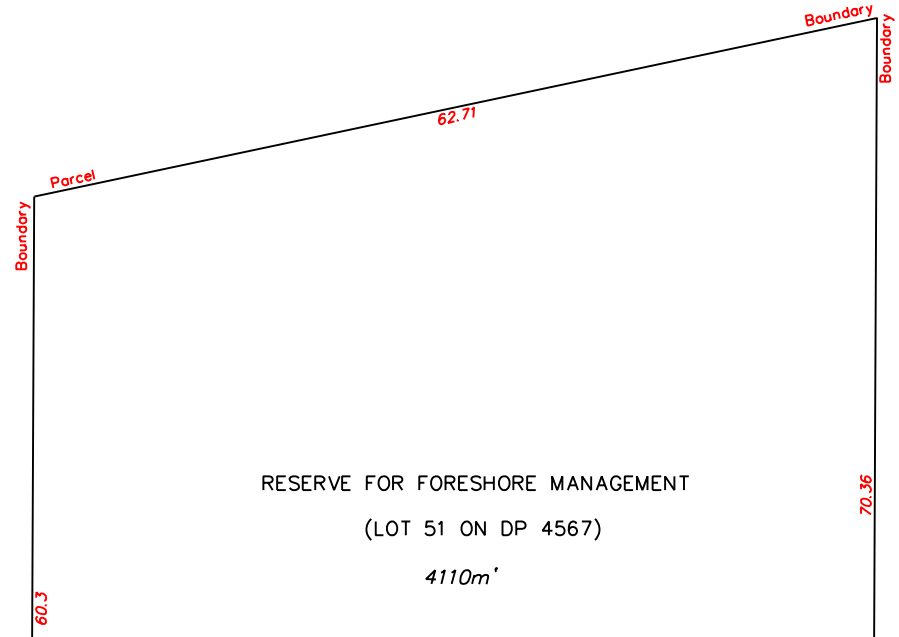
STRATA / SURVEY -
STRATA PLAN

DEPOSITED PLAN
4567

SHEET 2A OF 3 SHEETS

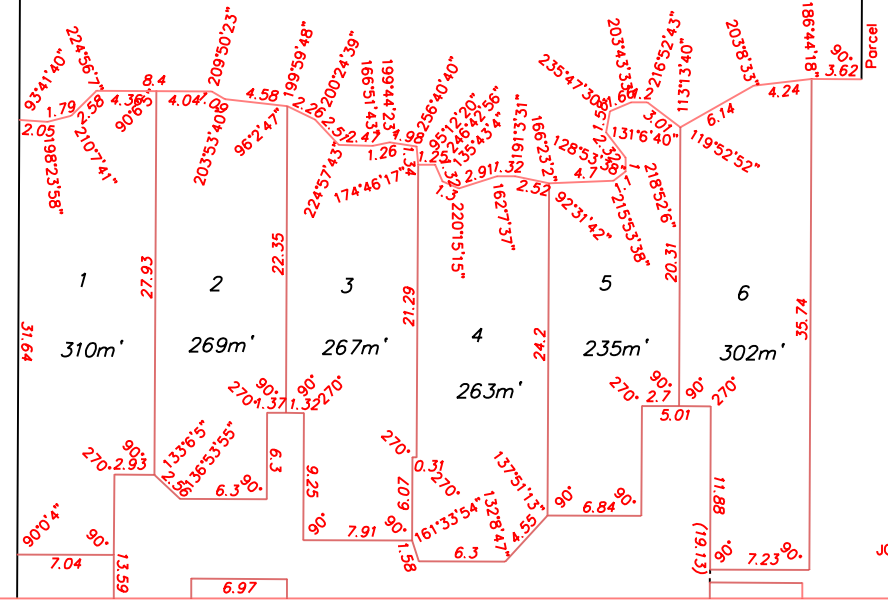
SHEET 2 OF 2 SHEETS

ED/VER	AMENDMENT	BY	SIGNATURE	DATE



TO BE VESTED IN THE CROWN UNDER
SECTION 20A OF THE T.P. & D. ACT 1928.

GROUND FLOOR
(Scale 1 : 400)



JOINS SHEET 2B OF 3 SHEETS

SURVEY-STRATA PLAN	
SHEET 1 OF 2 SHEETS	
MANAGEMENT STATEMENT	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
Lodged.....	
Examined.....	
Registered.....	

DEPOSITED PLAN	
5678	
SHEET 1 OF 2 SHEETS	
EDITION 1 VERSION 1	
TYPE:	FREEHOLD
PURPOSE:	SUBDIVISION
PLAN OF	LOTS 10-13

REGISTRAR OF TITLES
 WESTERN AUSTRALIAN PLANNING COMMISSION
 W.A.P.C. REF = 244 - 00
 Certificate of Approval of W.A.P.C. under
 Section 25B(2) of Strata Titles Act 1985.

FOR CHAIRMAN DATE

PLAN OF
 PORTION OF SWAN LOCATION 701
 BEING LOT 800 ON DIA 98572

NOTE: UPON LAND VESTING IN THE
 CROWN UNDER SECTION 20A OF THE
 TP&D ACT, THE LAND REMAINING
 SUBJECT TO THE STRATA TITLES ACT
 IS ALSO DEPICTED AS LOT 10 ON DP 5678

CERT. OF TITLE
 VOLUME: 2176 FOLIO: 912

LOCAL GOVERNMENT
 TOWN OF CLAREMONT

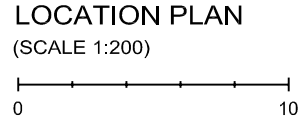
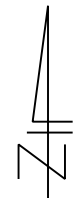
INDEX PLAN
 BG34(1) 16:42

FIELD BOOK NUMBER
 64442

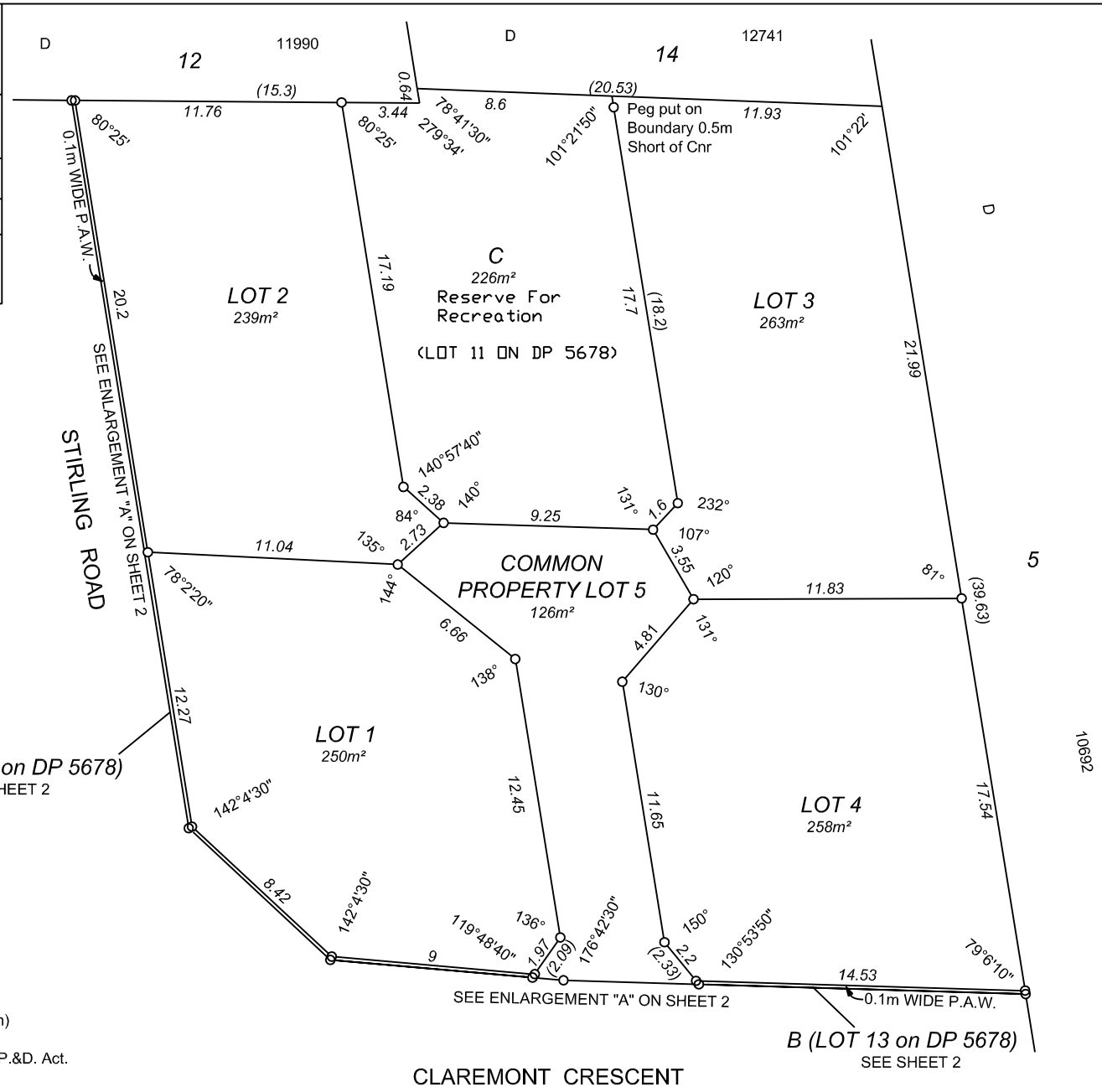
SCALE 1:200

NAME OF SCHEME
 31 CLAREMONT CRESCENT,
 CLAREMONT.

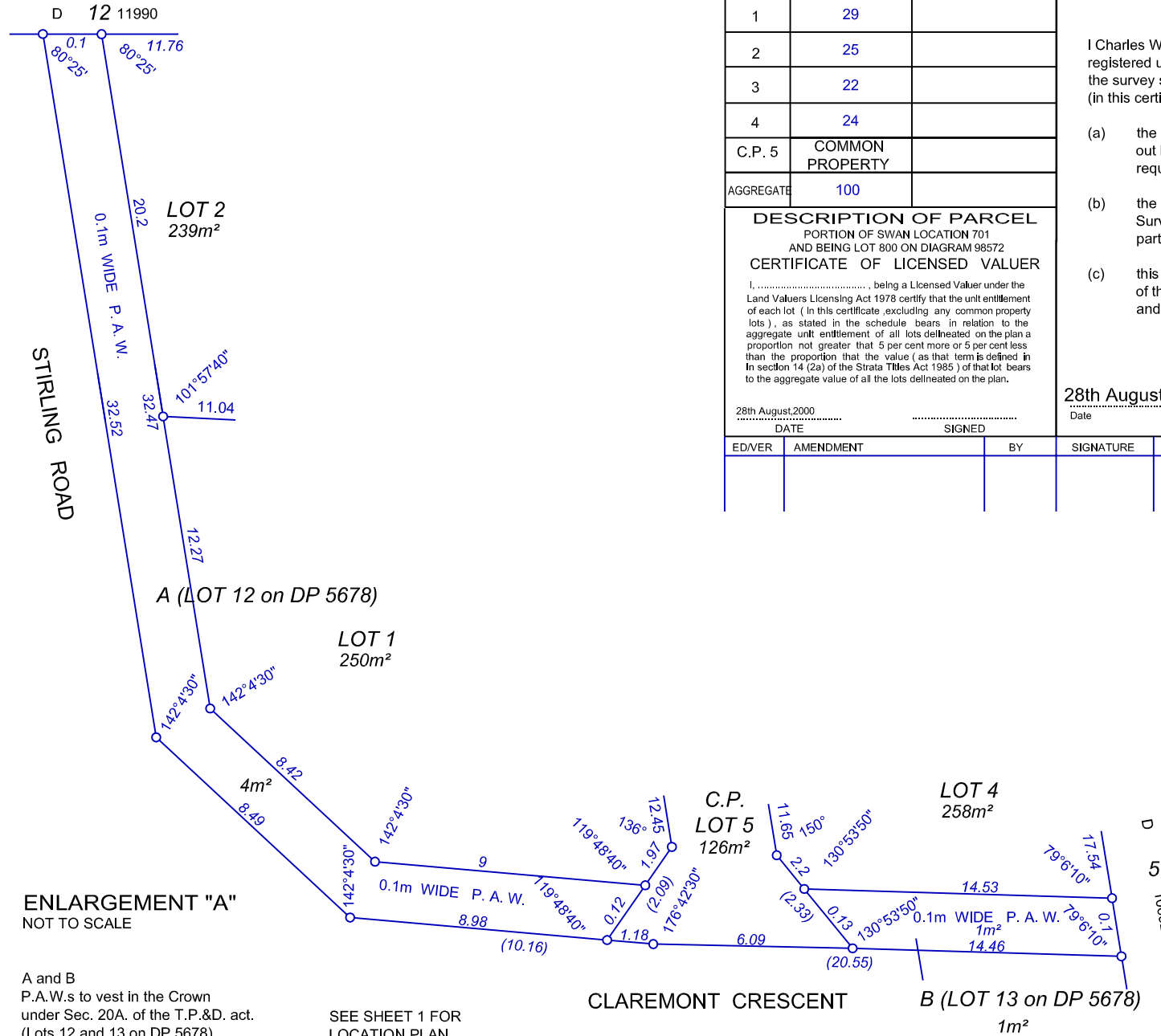
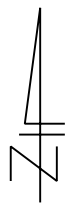
ADDRESS OF PARCEL
 31 CLAREMONT CRESCENT
 CLAREMONT, 6010.



A and B (P.A.W.'s) and
 C (Reserve for Recreation)
 to vest in the Crown
 under Sec. 20A. of the T.P.&D. Act.
 (Lots 11-13 on DP 5678)



SURVEY STRATA PLAN



ENLARGEMENT "A"
NOT TO SCALE

A and B
P.A.W.s to vest in the Crown
under Sec. 20A. of the T.P.&D. act.
(Lots 12 and 13 on DP 5678)

SEE SHEET 1 FOR
LOCATION PLAN

SCHEDULE OF UNIT ENTITLEMENT		OFFICE USE ONLY CURRENT Cs. of TITLE	
LOT No.	UNIT ENTITLEMENT	VOL.	FOL.
1	29		
2	25		
3	22		
4	24		
C.P. 5	COMMON PROPERTY		
AGGREGATE	100		

DESCRIPTION OF PARCEL
PORTION OF SWAN LOCATION 701
AND BEING LOT 800 ON DIAGRAM 98572
CERTIFICATE OF LICENSED VALUER

I,, being a Licensed Valuer under the Land Valuers Licensing Act 1978 certify that the unit entitlement of each lot (In this certificate, excluding any common property lots), as stated in the schedule bears in relation to the aggregate unit entitlement of all lots delineated on the plan a proportion not greater than 5 per cent more or 5 per cent less than the proportion that the value (as that term is defined in section 14 (2a) of the Strata Titles Act 1985) of that lot bears to the aggregate value of all the lots delineated on the plan.

28th August, 2000
DATE

.....
SIGNED

ED/VER	AMENDMENT	BY	SIGNATURE	DATE

28th August, 2000.
Date

.....
Licensed Surveyor

FORM 6

SURVEY - STRATA PLAN No.

DESCRIPTION OF PARCEL
PORTION OF SWAN LOCATION 701
AND BEING LOT 800 ON DIAGRAM 98572
CERTIFICATE OF SURVEYOR

I Charles William PARKER, being a licensed surveyor registered under the Licensed Surveyors Act 1909 certify that in respect of the survey strata plan which relates to the parcel described above (in this certificate called "the plan"):-

- the plan is a correct and accurate representation of the survey carried out by me personally and recorded in Field Books kept, and if required lodged, for the purpose of this plan;
- the measurements are in strict accordance with the Licensed Surveyors (Guidance of Surveyors) Regulations 1961 and in particular regulations 23 and 34 of those regulations;
- this survey and plan are in strict accordance with the requirements of the Licensed Surveyors (Guidance of Surveyors) Regulations 1961 and the relevant Law in relation to which it is lodged.

28th August, 2000.
Date

.....
Licensed Surveyor

DEPOSITED PLAN 5678			
LOT	OFFICE USE ONLY		SURVEY-STRATA PLAN REFERENCE
	VOL	FOL	
10			Balance Survey-Strata Plan after removal of vested land
11			C (Reserve for Recreation)
12			A (PAW)
13			B (PAW)

SURVEYOR'S CERTIFICATE - Reg 54

I,, hereby certify that this plan is a correct representation of the survey and/or calculations from measurements recorded in the field book lodged for the purposes of this plan and that it complies with the relevant written law(s) in relation to which it is lodged.

28th August, 2000
DATE

.....
SIGNED