



NOTICE TO SURVEYORS T5/2006

MISCELLANEOUS SURVEY AND PLAN ISSUES

As a result of recent discussions between the Department for Planning and Infrastructure (DPI) and the Department of Land Information (DLI) it has been resolved that a number of refinements to existing processes and plan procedures need to be introduced, effective immediately. This notice describes the nature of these changes, and updates the surveying industry on several other matters as listed below.

1. Revised Survey and Plan Practice Manual and Strata Titles Manual
2. Lot Numbers for Vesting Lots and Land Acquisitions
3. New Scale of Fees
4. Updated Survey Lodgement Self Assessment Form
5. Amended Surveyors Report
6. Interest Only Plans – A Guide for Surveyors
7. Three Dimensional Interests
8. Subdivisional Conditions requiring Registration of Interests
9. Application of sections 152, 167 and 168 of the P&D Act 2005
10. Help us, to help you!
11. New e-Plan Kit available
12. Control points in SSAs
13. Final Control Surveys in SSAs

1. Revised Survey and Plan Practice Manual and Strata Titles Manual

The Survey and Plan Practice Manual (SPPM) and the Strata Titles Manual have now been updated in accordance with the *Planning and Development Act 2005* (from Notice to Surveyors T4/2006). They are expected to be available on the DLI web site at <http://www.dli.wa.gov.au/corporate.nsf/web/publications> in late July. The web pages have been improved in response to valuable feedback received from users since the manuals first appeared in this form earlier this year.

The following changes have also been made to the content of the SPPM as part of this review cycle:

- All of the plan examples have been revised to better illustrate specific matters.
- Chapter 14 has been significantly revised and updated, especially with respect to the clarification of practices concerning the interests and notifications table.
- Paragraph 9.380 (see Item 2 herein) has been amended to introduce new practices for allotting numbers to vesting lots and land acquisitions – replacing Notice to Surveyors T4/2004.
- Change of name for the former Western Power and DPI's former Land Asset Management Services.

2. Lot Numbers for Vesting Lots and Land Acquisitions

This is to be inserted into Chapter 9 of the Survey and Plan Practice Manual as Paragraph 9.380

Until March 2004, where a plan involved land that was to vest in the Crown or where land was to dedicate as road following an acquisition under the *Land Administration Act 1997*, surveyors were requested to obtain a Crown allotment number for the relevant lots.

From March 2004 until June 2006, surveyors were asked to number such lots, as well as new Crown lots from a subdivision involving Crown land, using either the 300-399 or 3000-3099 number range; whichever was appropriate for the lot numbers on the plan. Those numbers were to indicate to DLI staff the lots for which Crown Land Titles were expected to be created.

Neither of these requirements is now in place. Surveyors are free to use whichever lot numbers are appropriate for any particular plan, taking special care to avoid duplication of lot numbers (see 9.270)

It has become clear that the notations on the plans and supporting documentation are sufficient for the correct registration actions to occur, and the use of such a range of lot numbers has the risk that some people will assign unintended intelligence to those lot numbers i.e. not all lot 300s are Crown land.

Surveyors are to use only the Freehold lot types (polytypes) in CSD files for all lots on the Plan. The Crown polytypes (i.e. A, E, L, S and T) are not to be used. All other naming conventions in accordance with the CSD User Guide (see SPPM Appendix 5) are to be followed.

The Strata Titles Manual deals with vesting lots at Chapter 10 (10.190) and Plan Example 7.

3. New Scale of Fees

DLI advises that a new scale of fees will apply from the commencement of business on 10 July 2006. The new scale of fees relate to document registration, survey lodgement and searching.

The fee amendments increase the base land transaction document registration fee for freehold and Crown land from \$80.00 to \$82.00, the deposited plan and strata/survey strata plan general fee from \$124 to \$128, and the basic search fee from \$12 to \$13.

No new regulation items are being introduced and the only new fee is a survey project consultancy fee.

For more information please refer to Customer Information Bulletin 164 dated 19 June 2006 (copy enclosed). A ready reckoner for plan fees is also enclosed with this notice.

All surveyors are encouraged to subscribe to the free distribution of Customer Information Bulletins from DLI.

To receive the bulletins by e-mail, send your details to lrc@dlj.wa.gov.au or download and fax the Subscription form (copy enclosed) to 9273 7692.

4. Updated Survey Lodgement Self Assessment Form

The Survey Lodgement Self Assessment Form (copy enclosed) has been updated in accordance with the new fees and will be available on Landgate Survey Channel from 10 July 2006.

5. Amended Surveyors Report

The Surveyor Report (copy enclosed) has also been amended. It includes the name change for State Land Services (formerly LAMS) and adds a line for surveyors to indicate that a plan for an SSA subdivision is being lodged after the final marking has been completed. Such plans do not need a Final Survey Certificate and the inclusion of this line on the Surveyors Report will assist the processing and auditing of the plan.

6. Interest Only Plans – A Guide for Surveyors

The Survey Industry Working Group has recently approved a Guide for Surveyors concerning the preparation of Interest Only plans to support the registration of interests over land. A copy is enclosed with this notice, and a PDF file is available for download from Landgate Survey Channel > Publications > Specifications/Guidelines > Cadastral Survey Practice Guidelines.

Feedback on the content of the guide is invited – please contact Murray Dolling, Manager Survey Inspection, on telephone 9273 7422, fax 9273 7669 or e-mail murray.dolling@dli.wa.gov.au, if you have any suggestions for improvement.

7. Three Dimensional Interests

It is becoming increasingly common for easements and restrictive covenants to have a three dimensional definition. That is, the area of land affected is limited in either height or depth or both.

Since SmartPlan can handle three-dimensional spaces in only a limited way, it has become apparent that not all of the information that can be shown on the plan is relevant to the CSD file.

This particularly applies to the depiction of separate areas that have differing vertical restrictions. Surveyors are advised to draft the plan using cross sections/side elevations for clarity, as in the enclosed example A.

The CSD file, and consequently the SCDB, should only show the horizontal extent of the relevant interest polygons. Referring to the enclosed Example A, the CSD file will include the spatial extent of the combined areas labelled A to F as a single polygon that will be identified in the SCDB as a restrictive covenant by document.

8. Subdivisional Conditions requiring Registration of Interests

Many surveyors will have encountered subdivisional conditions requiring the registration of certain interests, eg conservation covenants, over part of the subject land. Common examples are memorials under the Soil and Land Conservation Act 1945 (prepared by the Office of the Commissioner for Soil and Land Conservation, Department of Agriculture), and restrictive covenants under 129BA of the TLA prepared by the Covenant Coordinator, Department of Environment and Conservation (formerly CALM). Some restrictive covenants are prepared by, and to the benefit of, local governments.

In the past, DPI planning officers have sometimes insisted on the interests being registered over the parent certificates of title before they would clear the conditions. Surveyors are now advised that this practice must not occur.

Section 146 (1) (c) of the *Planning and Development Act 2005* (PDA) was specifically introduced to accommodate this situation. DPI planning officers will note that the relevant interests are listed in the Interests and Notifications table, and may ask to see a draft of the documents to satisfy themselves about clearing the conditions.

9. Application of sections 152, 167 and 168 of the P&D Act 2005

Surveyors are advised to note the circumstances in which certain automatic provisions can occur.

Section 152 concerning land to vest in the Crown can only be applied to plans relating to a subdivision approved by the Western Australian Planning Commission (WAPC).

Section 167 concerning easements and **Section 168** concerning dedication of roads can be applied to all plans (including strata plans) of a subdivision (including an amalgamation) lodged at DLI ("TLA department" in the PDA), not limited only to those subject to WAPC approval.

10. Help us, to help you!

The Department of Land Information's (DLI) geodetic network is the foundation of all spatial data in Western Australia. Industry needs access to accurate geodetic mark information. DLI needs help from industry to keep its geodetic network up to date.

To help you to help us, DLI is giving away \$600 from June to November.

Everyone who provides feedback on geodetic marks could win a \$100 Coles Myer Gift Card.

Feedback forms are available online from www.landgate.com.au (Survey Channel) or www.dli.wa.gov.au

A winner will be drawn at the end of each month.

Coles Myer Gift Cards can be used at these stores:

Myer / Target / K-Mart / Coles / Target Country

Liquorland / Vintage Cellars / Officeworks

To find out more visit

www.giftcards.com.au/colesmyer

11. New e-Plan Kit available

e-Plan Kit v4.0 is now available on Landgate Survey Channel.

The following amendments and additions have been made:

- 1) New Strata Plan CAD files incorporating an Amendments Schedule as outlined in Notice to Surveyors T3/2005. Also, minor amendments to the plan layout have divided the Certified Correct panel from the In Order for Dealings panel. A section for the Registrar of Titles official seal has also been allocated.
- 2) New Survey Lodgement Self Assessment Form incorporates new fees applicable from 10th July 2006 - (Survey_Lodgement_Form_v6.00_valid 10JUL2006.pdf)
- 3) New Surveyors Report – (Surveyors Report v2.10.pdf)

12. Control Points in SSAs

There have been several situations recently where surveyors have not been putting enough boundary connections on survey sheets. The SSA guidelines state that “Each PSM or PCM must have at least one direct boundary connection ...” This applies to each plan on which that control point is depicted, regardless of whether it has connections shown on other plans.

Surveyors are also advised to avoid putting replacement control points in approximately the same position as previous marks. It is difficult to differentiate in Landgate and SmartPlan between two points close together, especially at a small scale. If a PSM or PCM is found to be completely destroyed it is recommended that the replacement mark be put in at least one metre away from the original position to avoid potential problems with others making mistakes in identifying the correct marks. It is also recommended that the survey sheet contains a notation drawing attention to the situation. Eg “PCM 9507 (nail in kerb) replaces PCM 9503 (spike in bitumen) which has been destroyed in road works.”

Replacement control points must be given a new point name.

Points still in place but not in the original position also need to be renamed to ensure that the SCDB remains accurate. The new point name will consist of a new eFB reference and it is suggested to add a suffix to original point number.

For example if the original point was a PCM named eFB90000/1001 and a subsequent survey found that it had been knocked but still usable, it would be labelled on the new survey sheet (or FB if a survey-strata) as eFB92450/1001A if eFB92450 was the CSD file that contained the control survey for the new plan.

13. Final Control Surveys in SSAs

Surveyors are reminded that details of the observations made for the final control survey in an SSA are to be included in a CSD file lodged as an electronic field book (eFB).

The dimensions in the CSD file are to include all ***observed*** angles and distances that are used to adjust the staged control network within your own software. The CSD file should not be considered as just a replication of the dimensions shown on the survey sheet.

It is expected that new control points established would include redundant observations in the CSD file that will allow a least squares adjustment within DLI of the final control network.

Please refer to the example in Appendix C of the SSA guidelines for the records and information to be included in the CSD file.

CSD files (eFBs) are to be lodged only by email and only to **lodge.fb@dlr.wa.gov.au** together with a survey lodgement form completed in accordance with Appendix D of the SSA guidelines.

**BARRY CRIBB
MANAGER LAND BOUNDARY SERVICES
INSPECTOR OF PLANS AND SURVEYS
ASSISTANT REGISTRAR OF TITLES
7 JULY 2006**

REGISTRATION SERVICES

Customer Information Bulletin

Bulletin No 164
19 June 2006

PROPOSED NEW SCALE OF FEES AS OF 10 JULY 2006

Subject to the Governor's approval in Executive Council, DLI advises that a new scale of fees will apply from the commencement of business on 10 July 2006. The new scale of fees relate to document registration, survey lodgement and searching.

The proposed fee amendments will increase the base land transaction document registration fee for freehold and Crown land from \$80.00 to \$82.00, the deposited plan and strata/survey strata plan general fee from \$124 to \$128, and the basic search fee from \$12 to \$13.

No new regulation items or fees are being introduced except for a survey project consultancy fee.

Other fee amendments include the following;

- The production fee for duplicate titles is increased to \$41.00 for the first Certificate of Title. The fee for producing subsequent duplicate Certificates of Title, for the same document, remains at \$6.00 for each additional duplicate Certificate of Title.
- The fee for the withdrawal of a document from registration increases to \$41.00.
- An application to send 21 days notice (Section 138 TLA) increases by \$4.00 to \$164.00
- The deposited plan general fee (if deposition with WAPC not required) increases by \$4.00 to \$128.00 plus the fee for each lot, other than a lot vesting in the Crown under section 152 of the Planning and Development Act 2005, increases by \$2.00 to \$50.00.
- The strata/survey strata plan general fee (if deposition with WAPC not required) increases by \$4.00 to \$128.00, plus the fee for each lot shown on the plan including a proposed common property lot increases by \$2 to \$50. A lot to be vested in the Crown under the Planning and Development Act 2005 section 152 is exempt from fees.

In summary the new standard fee charges include:

Transfer of land under \$85,000.00	\$ 82.00
Mortgage	\$ 82.00
Withdrawal of Caveat (per caveat)	\$ 82.00

Application to remove a Caveat (Section 138B)	\$164.00
Stopped Document Requisition fee	\$ 62.00
Withdrawn Document	\$ 41.00
Production of the first duplicate Certificate of Title	\$ 41.00
Additional duplicate productions (same document)	\$ 6.00
Search of a Certificate of Title	\$ 13.00
Check Search, Name Search	\$ 6.50
Search of a Document	\$ 13.00
Facsimile search of a Certificate of Title	\$ 15.20
Facsimile search of a digital title historical listing	\$ 8.70

Attached is a schedule of the fees payable on the most commonly lodged documents.

**MAX VAN WEERT
ASSISTANT REGISTRAR OF TITLES
A/MANAGER
REGISTRATION SERVICES**

19 June, 2006

REGISTRATION AND SEARCH FEES PAYABLE FROM MONDAY 10 JULY 2006

SEARCHES

	Personal/ Online	Fax Back (n/a for CRS)
C/T Known	\$ 13.00	\$ 15.20
Search Fee - Name	\$ 6.50	\$ 8.70
Search Fees (LEN via Landgate) as follows		
search of survey/strata lot file	\$ 1.00	
search of the names index file	\$ 1.00	
search of Title number	\$ 1.30	
check search	\$ 6.50	
Check Search	\$ 6.50	\$ 8.70
Result of Check Search	\$ 6.50	\$ 8.70
Document	\$ 13.00	\$ 15.20
Deposited Plan, Diagram, Strata	\$ 13.00	\$ 15.20
Memorial (Deeds Office)	\$ 13.00	\$ 15.20
Dealing Search (per document copied)	\$ 13.00	\$ 15.20
Historical Search (per hour)	\$ 65.00	
History List (digital titles)	\$ 6.50	\$ 8.70

TRANSFERS

Registration fees for Transfers are based on the consideration or the value assessed under the Stamp Act, 1921

CONSIDERATION

Up	to	\$ 85,000	\$ 82
\$ 85,001	to	\$ 120,000	\$ 92
\$ 120,001	to	\$ 200,000	\$ 112
\$ 200,001	to	\$ 300,000	\$ 132
\$ 300,001	to	\$ 400,000	\$ 152
\$ 400,001	to	\$ 500,000	\$ 172
\$ 500,001	to	\$ 600,000	\$ 192
\$ 600,001	to	\$ 700,000	\$ 212
\$ 700,001	to	\$ 800,000	\$ 232
\$ 800,001	to	\$ 900,000	\$ 252
\$ 900,001	to	\$ 1,000,000	\$ 272
\$ 1,000,001	to	\$ 1,100,000	\$ 292
\$ 1,100,001	to	\$ 1,200,000	\$ 312
\$ 1,200,001	to	\$ 1,300,000	\$ 332
\$ 1,300,001	to	\$ 1,400,000	\$ 352
\$ 1,400,001	to	\$ 1,500,000	\$ 372
\$ 1,500,001	to	\$ 1,600,000	\$ 392
\$ 1,600,001	to	\$ 1,700,000	\$ 412
\$ 1,700,001	to	\$ 1,800,000	\$ 432
\$ 1,800,001	to	\$ 1,900,000	\$ 452
\$ 1,900,001	to	\$ 2,000,000	\$ 472

Over \$2,000,000 - \$472 plus \$20 for every \$100,000 or part thereof.

DOCUMENTS

Application	\$ 82
Mortgage	\$ 82
Discharge (per Mortgage)	\$ 82
Extension (per Mortgage)	\$ 82
Lease	\$ 82
Notification under section 70	\$ 82
Surrender	\$ 82
Easement	\$ 82
Restrictive Covenant	\$ 82
Warrant, Fi-Fa	\$ 82
Caveat	\$ 82
Withdrawal (per Caveat)	\$ 82
Power of Attorney	\$ 82
Revocation	\$ 82
Deed of Trust	\$ 82
Memorial	\$ 82
Transfer of Mortgage	\$ 82
(Additional Mortgages)	\$ 13
14 Days Notice (per Caveat)	\$ 82
21 Days Notice (Application)	\$ 164
Production Fee	\$ 41
(Extra Production)	\$ 6
Application Lost C/T	\$ 82
Advertising	\$ 82
Application for Deposited Plan	\$ 82
for each lot other than a vesting lot	\$ 6
Strata/Survey Strata Application	\$ 82
for each lot other than vesting lot	\$ 6
Excess of 10 Titles in a document (per title)	\$ 6
FAST TRACK (Priority Processing) Fee	\$ 30

STOPPED DOCUMENTS

Requisition Fee	\$62
Timely requisition fee	\$41
Withdrawal from Registration	\$41
Rejection Fee = 75% of the lodging fee paid rounded down to the nearest multiple of \$1.	

SURVEY LODGEMENTS

Deposited Plan & Strata/Survey-Strata Plan (WAPC approval not required):	
General fee	\$ 128
For each lot	\$ 50
Deposited Plan & Strata/Survey-Strata Plan (WAPC approval required):	
General fee	\$ 184
For each lot	\$ 50
Preparation of WAPC copies	\$ 56

DISCLAIMER;

This fee schedule is only a guide refer to the official printed version of the regulations when available.



SURVEY LODGEMENT FEES

As from 10 July 2006

Lodgement Fee \$128 WAPC Processing \$56

Each Lot on a DP (including inset Lots) \$50

Each Lot on a Strata (including CP Lots) \$50

Except Vested Lots which have a nil fee

No. of Lots	WAPC Approval Required	WAPC Approval Not Required	No. of Lots	WAPC Approval Required	WAPC Approval Not Required	No. of Lots	WAPC Approval Required	WAPC Approval Not Required
1	234	178	26	1484	1428	51	2734	2678
2	284	228	27	1534	1478	52	2784	2728
3	334	278	28	1584	1528	53	2834	2778
4	384	328	29	1634	1578	54	2884	2828
5	434	378	30	1684	1628	55	2934	2878
6	484	428	31	1734	1678	56	2984	2928
7	534	478	32	1784	1728	57	3034	2978
8	584	528	33	1834	1778	58	3084	3028
9	634	578	34	1884	1828	59	3134	3078
10	684	628	35	1934	1878	60	3184	3128
11	734	678	36	1984	1928	61	3234	3178
12	784	728	37	2034	1978	62	3284	3228
13	834	778	38	2084	2028	63	3334	3278
14	884	828	39	2134	2078	64	3384	3328
15	934	878	40	2184	2128	65	3434	3378
16	984	928	41	2234	2178	66	3484	3428
17	1034	978	42	2284	2228	67	3534	3478
18	1084	1028	43	2334	2278	68	3584	3528
19	1134	1078	44	2384	2328	69	3634	3578
20	1184	1128	45	2434	2378	70	3684	3628
21	1234	1178	46	2484	2428	71	3734	3678
22	1284	1228	47	2534	2478	72	3784	3728
23	1334	1278	48	2584	2528	73	3834	3778
24	1384	1328	49	2634	2578	74	3884	3828
25	1434	1378	50	2684	2628	75	3934	3878

**Note: Additional fees may also be payable to WAPC
Please refer to WAPC website.**



Department of Land Information
Government of Western Australia
ABN 86 574 793 858

OFFICE USE ONLY
DLI Sales Order No

CHECKED

Valid from 10th July, 2006

LODGING PARTY

**REFERENCE
NUMBER &
DESCRIPTION**

NUMBER OF LOTS

MEMORIAL FEE

TOTAL FEE PAYABLE

SURVEYORS REPORT

[Select plan type and enter plan number]

SURVEY		Y	N/A
1.1	Deferred final marking survey with conditional approval. (copy of approval attached)	I I	I I
1.2	Survey includes a geodetic connection pursuant to general regulation 22A	I I	I I
1.3	Special Survey (eg limited marking) with conditional approval. (copy of approval attached)	I I	I I
1.4	SSA subdivision fully marked before plan lodgement. (No FSC required)	I I	I I
1.5	Advice on matters relating to boundary alignments has been received from DLI officer _____ (insert name of the person that provided advice) on _____ (insert date)	I I	I I
INTENTION OF PLAN			
2.1	Plan conforms with the intended conveyancing outcome	I I	
2.2	The "Schedule of Interests and Notifications" has been checked and is complete and correct.	I I	I I
2.3	The following easements, covenants or other interests are to be merged, modified, varied, surrendered, released, discharged or modified:	I I	I I
2.4	The following registration actions will occur for this "Interest Only" plan:	I I	I I
2.5	_____ is to be "Cancelled" and superseded by this new plan. (Note that consents may be required in some situations)	I I	I I
2.6	The subject land includes a strata/survey-strata scheme which is to be 1. modified I I 2. terminated I I (select 1 or 2 as required)	I I	I I
2.7	Advice on matters relating to this plan has been received from a DLI officer. The advice was related to: _____ (insert nature of advice) Advice provided by _____ on _____ (insert date) (insert name of the person that provided advice and the date the advice was given)	I I	I I
TIMING AND OTHER ISSUES TO NOTE			
3.1	Release Letter, ISC or FSC will be lodged at DLI in _____ days (Note that plans released to WAPC for endorsement will not be accepted until a Form 1C with all clearances is lodged with DPI. In the case of disputed clearances, applicants are advised to submit a letter to WAPC requesting clearance of conditions)		
3.2	This freehold plan involves Crown (State) Land or Crown conveyancing actions (eg. Taking Order) Was this contract issued by Survey Coordination, State Land Services, DPI?	I I	I I
3.3	This deposited plan is a DPI plan for Acquisition Purposes (no deposition fee applies)	I I	I I
3.4	Forms lodged with strata/survey-strata plan: Form 3 Form 7	I I	I I
3.5	Other matters to note include (Attach separate sheet where necessary):		

Licensed Surveyor

Date

Insert Contact Details:

GUIDE FOR SURVEYORS

REGISTERING INTERESTS OVER LAND

Background

The introduction of SmartRegister removed sketches of the land, and sketches of any interests and notifications affecting the land, from the certificates of title. Reliance is now on the deposited, strata and survey-strata plans to depict spatially the parcels and any new or old spatial interests such as easements, covenants and notifications.

It has been common practice for many years, when an interest does not extend over the whole of the land in a title or the whole of a lot, for sketches that show the spatial extent of interests (eg easements and covenants) to be included within the registered documents that create those interests.

Procedures are now in place for the depiction of the spatial interests in the land into a deposited plan (DP) certified by a licensed surveyor.

Spatial interests are defined here as interests that affect only part of a lot. When all of the land in a certificate of title, or when all of a lot, is being affected by a registrable interest the description of the land will be in words (eg lot 1 on DP12345). When part of the land in a title, being part of a lot, is being affected by a registrable interest the spatial extent of that interest is to be defined in a DP.

The State government is committed to a register of interests within a Shared Land Information Platform (SLIP). For this initiative to be effective the spatial extent of such interests can't reside as sketches within paper documents. Since all DPs are accompanied by a digital record of the spatial definitions shown on the plan, this process enables automatic updates to the spatial database known as SmartPlan and hence available to SLIP.

In 1997 the Registration Services Branch of the Department of Land Information (DLI) commenced on a strategic direction of converting the paper land title register into a digital title database now known as SmartRegister. The reasons for this approach were to:

1. position DLI to take advantage of digital technology;
2. increase DLI's capacity to deal with higher levels of business;
3. ensure that spatial interests are accurately and reliably identified in DPs;
4. position DLI for electronic lodgement of documents and plans and ultimately electronic conveyancing.

Additionally, the move to a digital title and a text based database has also required the removal of the sketch of the land from the title, making the DP the primary source of information about those spatial interests in land.

These initiatives have meant that the previous process of depicting spatial interests in land as sketches in instruments or documents is not supported in the new digital environment.

Another important reason for moving to the digital approach for both titles and plans is that many sketches contained in documents have proved to be of "variable" quality to the point where it is very difficult for the Registrar of Titles to accurately reflect the spatial interests registered against the title. This in turn, in some cases, leads to uncertainty about the extent of the spatial interest. DPs undergo a validation process that ensures the spatial definition of land parcels and spatial interests is reliable.

The requirement for a licensed surveyor to certify the DPs is considered essential to a process that produces an error free representation of the interests in the Register without conflict between interpretations. The Licensed Surveyor is responsible for the spatial extent of the interests on the DP, and for determining the land titles affected.

In most cases, current practices as decided by the client for the capture of the spatial extent of these interests can continue, recognising that the cost of that work should relate to the value of the asset being protected and any risk associated with possible minor ground variations.

Techniques currently used include:

- Scaling and/or digitising from topographic maps, ortho photos, aerial photography or satellite imagery (eg tree plantations);
- GPS surveys with hand held or vehicle mounted equipment (eg CALM estate).
- Limited/fully marked surveys by a licensed surveyor (eg major infrastructure corridors for gas pipelines and electrical transmission lines).

The role of the licensed surveyor will be to ensure that the data captured can be represented accurately on the plan and confirm all relevant land titling aspects. It will include advice to the client on the likely ground accuracies to be expected from the different capture methods.

It is recognised that the new requirements may increase the costs of registering spatial interests. It is possible that surveyors may charge more for preparing a DP than a "sketch", and there is a lodgement fee for an interest only DP. For agencies that previously prepared their own sketches, engaging a licensed surveyor will be an additional cost. DLI urges surveyors to ensure that there is an efficient process in place to minimise the consulting fee that at the same time satisfies the requirements of spatial and legal integrity.

DPs to support the registration of spatial interests have been used by Western Power and Water Corporation since the concept of “easement only” plans was introduced in 2001. The Forest Products Commission has been using DPs to support the registration of interests under the Forest Products Act 2000 since March 2005. CALM officers have been involved in both the data capture of the spatial extents and the drafting of the plans. DPs have also been used for the registration of interests under the Tree Plantation Agreements Act 2003 and the Carbon Rights Act 2003.

A major outcome of the move towards the digital title and the representation of spatial interests in land on DPs and in DLI databases is to enable the faster and more accurate distribution of land title information to customers by electronic means, including online enquiry and delivery systems.

It is considered that the considerable benefits as outlined above more than compensate for the extra costs that may be associated in some cases concerning the registration of spatial interests in land. This is part of a whole of government approach to improving the quality and accessibility of land information and contributes significantly to each of DLI’s strategic goals.

Elements of the policy

1. No sketches in documents

The principle is that documents containing sketches defining the spatial extent of interests that are to be registered will not be accepted.

The following types of interests are the only exceptions (that is, sketches in documents can be used for these interests):

- Caveats (including absolute caveats),
- Freehold leases,
- Management body leases and non-LAA leases over Crown land, and
- Simple ‘bore’ easements between neighbours are exempt from requiring a DP to define the position of the bore.

However, DPs for the spatial definition of these types of interests will generally be accepted if the parties to the interest wish to lodge them.

It is preferred that freehold leases of three-dimensional space within buildings are not spatially defined on DPs but described by words and/or sketches in documents.

It is acceptable for “drawings” to be included within the documents, as long as they don’t purport to define the area of land affected by the interest. A drawing can be any type of graphic deemed necessary to be included in the documents by the parties to the interest.

Sketches that have been approved by the Survey Advice Officer and endorsed by the parties to the interest prior to 4 July 2005 will continue to be accepted indefinitely.

2. Documents to refer to DP

The principle is that the documents are only to refer to the DP number, with no reference to editions/versions.

It is essential that the DP is In Order for Dealings (IOFD) before the documents are lodged. This allows the registered proprietor to sign off on an 'IOFD' version and keep a copy of that plan. DLI will ensure that any changes to the plan after it is lodged have a proper audit trail. DLI business processes will ensure that any changes of a 'material' nature and that involve 'dimensional' and/or 'positional' aspects have appropriate authorisation.

Simultaneous lodgements, documents with plans, are unacceptable because:

- this is inconsistent with the accepted approach for subdivisions,
- any problems with the DP are likely to affect the priority of the documents, and
- the parties to the easement can't see a validated DP before lodging the documents.

3. Lodgement fees for Interest Only plans.

Interest Only plans will incur the normal fee for lodging a DP to recover the costs of processing the DPs.

4. New interest - existing DP

The principle is that a new interest can be accepted that refers to an existing DP that defines a suitable area of interest.

The land description in the documents must be clear and unambiguous to be acceptable to the Registrar of Titles. A DP will be required if there is any doubt in the spatial definition of the Area of Interest (AOI) by description.

An example of an acceptable land description is as follows:

“as to the portion of land labelled ... on DP ... “

If the conveyancer or surveyor is in any doubt about how to describe the spatial extent of the interest then a DP should be lodged.

5. New interest - existing DP; retired interest

The principle is that a new interest can be accepted that refers to an existing DP where the relevant area of interest defined on that DP has been retired in SmartPlan.

The land description in the documents must be clear and unambiguous to be acceptable to the Registrar of Titles. It must refer to the subject land on an existing DP.

6. New interest - existing SmartPlan (SMP)

The principle is that a new interest can be accepted that refers to a severance polygon existing in SMP defined by a compilation of surveys.

This situation most commonly occurs in rural areas where a road was surveyed through a large parcel, but occurs in any case where some land was excised in the past from a parcel and for which a balance lot was not shown on a plan. There is no single plan that defines the severances, but the compilation of boundaries is achieved in SmartPlan. The situation can also occur in more modern surveys where parts of a lot can be “severed” by the lines from easements etc. Interests can potentially be registered over these “severances”.

The land description in the documents must be clear and unambiguous to be acceptable to the Registrar of Titles. A DP will be required if there is any doubt in the spatial definition of the AOI by description.

If the conveyancer or surveyor is in any doubt about how to describe the spatial extent of the interest then a DP should be lodged.

The following is an example of an acceptable description:

“as to the portion of land within Certificate of Title Volume ... Folio ... bounded by ...”.

7. Initial Interests Table.

Interest Only plans are to include an “Initial Interests Table” to list all the interests, whether one or many, which are expected to be registered initially over the areas of interest depicted in the interest only plan. Any other interests existing on the subject land parcel would NOT be brought forward on this plan. The document number will be entered by DLI against each listed interest at the time of registration. All subsequent actions concerning interests and the areas of interest, such as surrenders, new interests using the DP, etc will be listed in the amendment schedule. Any changes to the DP, other than of administrative status, will cause an increment in the version number.

Requirements for deposited plans

Deposited plans are to be prepared generally in accordance with the Survey and Plan Practice Manual. A list of the relevant plan examples in the manual is at the Appendix.

The current edition of the Survey and Plan Practice Manual is available on the DLI web site at:

<http://www.dli.wa.gov.au/corporate.nsf/web/Survey%20and%20Plan%20Practice%20Manual>.

It is also linked from Landgate Survey Channel (look in Publications/Manuals).

Template files of the DP forms in several common computer aided drafting (CAD) and exchange formats are available as a free download from Landgate Survey Channel (look in Publications/Specifications/Guidelines/Plan Forms).

DPs shall be of Type “Freehold” or “Crown” depending upon the tenure of the subject land. The Purpose shall be “Interest”. The “Plan of” section shall be in the form of “Easement/Notification/etc and/or other interests over Lot ... on DP...”. The current certificate of title volume and folio numbers should appear on the plan either in the heading or within the graphics. The graphic area shall contain the notation “For Interest Purposes Only”.

It will often be sufficient for the position of the area of interest to be defined by coordinates. The coordinates must be expressed in terms of a standard map grid maintained by DLI (eg MGA94, PCG94). The coordinates can be derived by any means appropriate to the nature and value of the land and the interest. For example, the extent of many conservation reserves will be determined by measurements from aerial photography, and the extent of most tree plantations are determined by DGPS. The plan should show the date of the aerial photography used, and the date on which the GPS survey was carried out. When SCDB coordinates are shown on the plan, the date of the SCDB extract must be stated.

It is the responsibility of the licensed surveyor who certifies the DP to ensure that the coordinates of the interest polygon and the coordinates used for plotting the boundaries are compatible. Compatible coordinates are those where the accuracy of each set of coordinates is similar and compatible with the relative positions of the relevant entities. If they are not compatible, it is recommended that the surveyor provide proof that the interest polygon is completely within the subject land. This can be achieved at the discretion of the surveyor – some examples are as follows:

1. by making a geodetic connection to a nearby, verified boundary point, or
2. by re-establishment of nearby boundaries and connection to the interest polygon.

If case 1 applies, the upgraded boundary coordinates must be shown on the plan. If case 2 applies, the connection from the boundary to the interest polygon must be shown by dimensions, and the interest polygon must be defined by dimensions.

It will be acceptable to lodge a DP that shows accurate (eg nominal accuracy 1m) coordinates for the interest polygon and inaccurate (eg nominal accuracy 50m) coordinates for the boundaries, providing the coordinates place the interest polygon wholly within the correct lot and the surveyor is convinced by appropriate information that there is no possibility of the interest polygon encroaching into the abutting land parcel.

Interest Only plans are to include an “Initial Interests Table” to list all the interests, whether one or many, which are expected to be registered initially over the areas of interest depicted in the interest only plan. Any other interests existing on the subject land parcel should not be brought forward on this plan, unless it is essential for the purposes of the plan to show overlapping or significantly relevant abutting interests. The document number will be entered by DLI against each listed interest at the time of registration. All subsequent actions concerning interests and the areas of interest, such as surrenders, new interests using the DP, etc will be listed in the amendment schedule. Any changes to the DP, other than of administrative status, will cause an increment in the version number.

Interest Only plans that support documents for the amendment of an existing interest are to depict the outcomes of the changes on sheet 1 as shown on **example 91.1**. The extents of the portions of the original interests that are to be extinguished or surrendered are to be depicted on subsequent sheets of the plan as shown on **example 91.2**.

The DPs will be subject to a legal audit by DLI as part of the plan registration process to ensure that the affected land is correctly, clearly and unambiguously defined. Examination procedures in DLI will ensure that the plan is consistent with the registered instrument.

DPs lodged in support of a registered interest will incur the general fee applicable to plans not requiring deposition with the Western Australian Planning Commission.

Requirements for CSD files

CSD files are to be created generally in accordance with the CSD User Guide in the current Survey and Plan Practice Manual. Please note the following details concerning the creation of polygon records.

Polytype: This is to be entered as “Easement” or “Easement or Interest” or “Interest” depending on the application used and the version of that application.

Polyident1: The text strings are to be used exactly as shown in Table 1 as appropriate. CSD Editor now contains a drop-down list to select the relevant interest. Interests not on the list are to be entered as succinctly as possible while retaining clarity and consistency.

Polyident2: This attribute is to contain the lot number of the affected land.

For interest polygons defined by coordinates that intersect with existing boundaries, the CSD file is to include the end points of the intersected lines to ensure that the intersection points are carried along when an adjustment occurs.

Carbon Covenant - Benefit
Carbon Covenant - Burden
Carbon Right
Caveat
Contaminated Site
Covenant – LAA 15
Easement - doc
Easement - LAA 144
Easement in Gross – LAA 195
Easement Public Access LAA 195/196
Easement STA 5D
Easement TLA 136C
Easement TLA 167A
Easement P&D 167 Reg 5
Easement P&D 167 Reg 6
Easement P&D 167 Reg 7
Easement P&D 167 Reg 8
Easement P&D 167 Reg 9
Lease
Memorial
Notification
Profit a prendre
Restrictive Covenant – Benefit
Restrictive Covenant – Burden
Tree Plantation

Table 1

The Survey Advice Officer at DLI can be contacted (telephone 9273 7317; e-mail peter.joyce@qli.wa.gov.au) for any queries about creating the CSD files.

APPENDIX

PLAN EXAMPLES

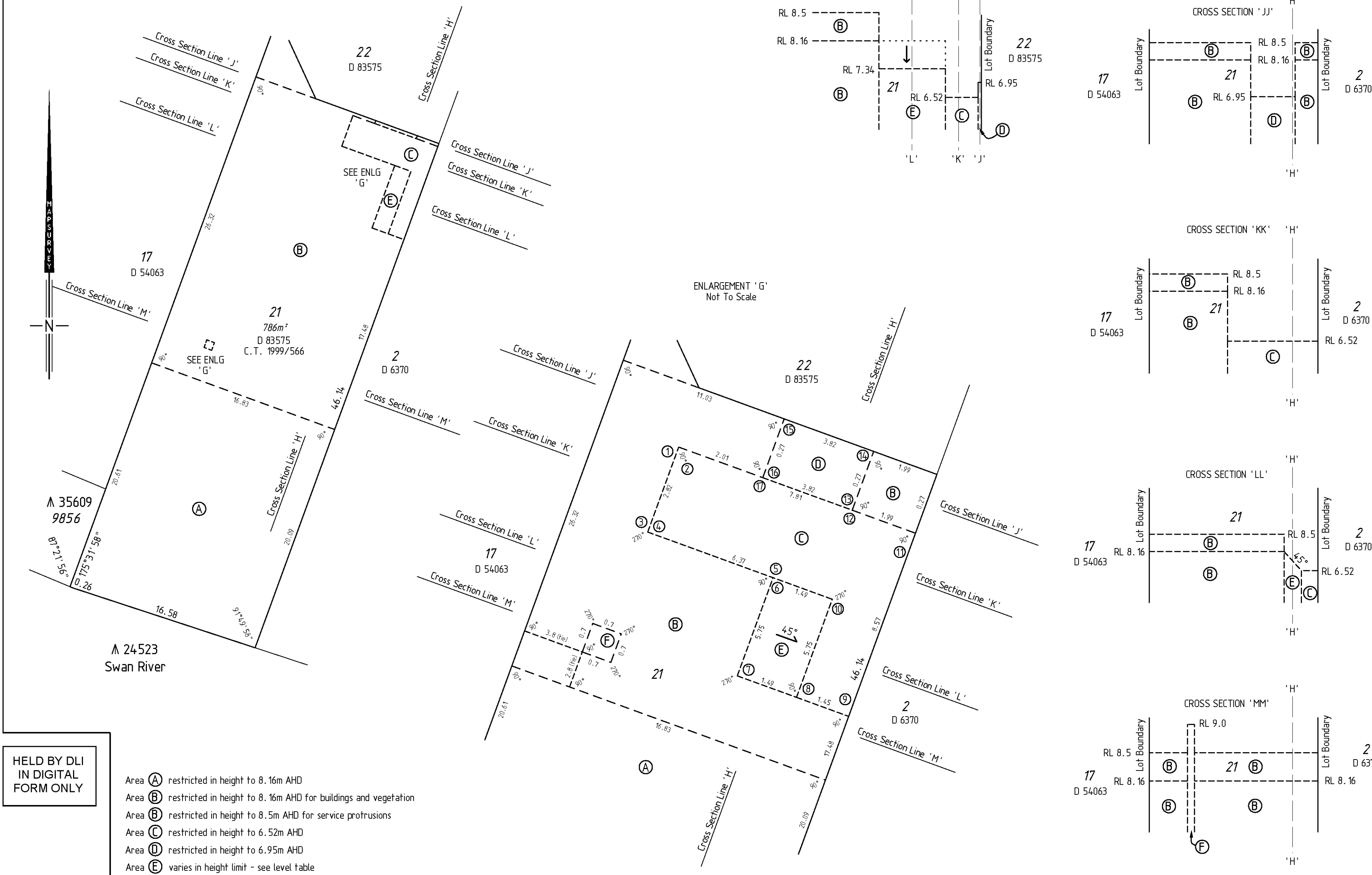
The following plan examples from the Survey and Plan Practice Manual are relevant to interest only plans.

EXAMPLE	TYPE	PURPOSE	DESCRIPTION
75	Freehold	Interest	New easement.
76*	Freehold	Interest	New easements over multiple lots.
77*	Freehold	Interest	Easement for Support.
78	Freehold	Interest	Easement for Building Encroachment.
79*	Freehold	Interest	Public Access Easement.
80*	Freehold	Interest	Pipeline Easement; Regulation 26A - SCDB used to derive dimensions.
81	Freehold	Interest	Variation of section 167 easement.
82*	Freehold	Interest	Variations to multiple section 167 easements – restricted in height.
83	Crown	Interest	Easements over Crown land.
84	Freehold	Interest	Statutory Services plan of 3D (LAA section 44) easement.
88	Freehold	Interest	Profit a prendre – by coordinates; block planting
89	Freehold	Interest	Carbon Right – by dimensions; block planting
90	Freehold	Interest	Tree Plantation – belt planting
91.1 91.2	Freehold	Interest	Variation and partial surrender – multiple easements
92	Freehold	Interest	Contaminated site

AMENDMENTS TABLE

ED/VER	AMENDMENT	BY	SIGNATURE	DATE

FOR INTEREST PURPOSES ONLY



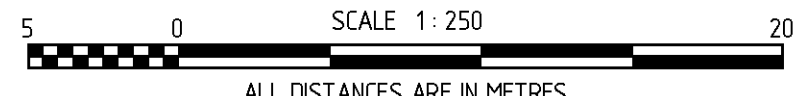
TYPE	FREEHOLD		
PURPOSE	INTEREST		
PLAN OF	RESTRICTIVE COVENANT AND / OR OTHER INTERESTS OVER LOT 21 D 83575		
DISTRICT	SWAN	S.S.A.	S.S.A.
TOWNSITE			NO
DOLA FILE			FORMER TENURE
LOCALITY	CLAREMONT		
LOCAL AUTHORITY	CITY OF STIRLING		
INDEX	BG34 (2) 9.20	ON	FIELD BOOK N/A
SURVEYOR'S CERTIFICATE - Reg 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.			
Licensed Surveyor		Date	
SCALE: 1:250 at A2			
ALL DISTANCES ARE IN METRES			
LOGGED DATE: 16-May-06	FEE PAID: \$124.00	TYPE OF VALIDATION	
ASSESS NO: 888515		FULL AUDIT	CERTIFIED CORRECT
		LEGAL COMPONENT	I.S.C.
		DOCKET PLAN	F.S.C.
APPROVED BY WESTERN AUSTRALIAN PLANNING COMMISSION			
IN ORDER FOR DEALINGS			
SUBJECT TO			
For INSPECTOR OF PLANS & SURVEYS / AUTHORIZED LAND OFFICER			
APPROVED			
INSPECTOR OF PLANS & SURVEYS / AUTHORIZED LAND OFFICER			

HELD BY DLI IN DIGITAL FORM ONLY

- Area (A) restricted in height to 8.16m AHD
- Area (B) restricted in height to 8.16m AHD for buildings and vegetation
- Area (B) restricted in height to 8.5m AHD for service protrusions
- Area (C) restricted in height to 6.52m AHD
- Area (D) restricted in height to 6.95m AHD
- Area (E) varies in height limit - see level table
- Area (F) restricted in height to 9.0m AHD

INTERESTS

SUBJECT	PURPOSE	STATUTORY REFERENCE	ORIGIN	LAND BURDENED	BENEFIT TO	COMMENTS
(A) - (F)	RESTRICTIVE COVENANT		DOC	LOT 21 ON DP 83575	LOT 22 ON DP 83573	(HEIGHT RESTRICTION)



GOVERNMENT OF WESTERN AUSTRALIA

Department of Land Information

DEPOSITED PLAN

EXAMPLE A

SHEET 1 OF 1 SHEETS

EDITION 1 VERSION 1