

REGISTRATION SERVICES

Customer Information Bulletin

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CONTENTS:

1. GETTING TO KNOW EASIFORMS	1
2. SMARTPLAN CHANGES	2
3. CREATING EASEMENTS ON STRATA / SURVEY-STRATA PLANS OF RE-SUBDIVISION AND CONSOLIDATION.....	2
4. REQUEST FOR THE ISSUE OF A NON-ISSUED DUPLICATE TITLE.....	2
5. DLI's NEW TELEPHONE SYSTEM.....	3
6. TERMINATION OF SURVEY – STRATA SCHEMES	3

1. GETTING TO KNOW EASIFORMS

The new easiforms are now being used by conveyancers to complete property settlements and you will see more easiform documents in circulation.

These are official DLI documents, recognisable by the easiforms logo on the bottom right hand corner of each page (demonstrated below).

The only difference between a manual document and an easiform is the order of the pages.

The layout of easiforms is similar to the manual documents you are familiar with. However, because information is entered electronically, the information text boxes will expand or contract according to the amount of information entered.

Page breaks are also automatically inserted by the computer and so easiforms may look different, although the layout is the same.

Where the page breaks result in the creation of a blank page, it will carry the message *'this page has been left blank intentionally'*.

If you see an easiforms document as described above, you can be assured that it is an official DLI document and you may process it with confidence.

easiforms

Template 7 (10/09/2003)
Easiform 35003931 Version 1
Page 1 of 2



Department of Land Information
Government of Western Australia

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2. SMARTPLAN CHANGES

In anticipation of introducing a standard plan process, DLI has made changes to SmartPlan that will allow strata and survey-strata plans to be lodged (entered) into SmartPlan without needing to enter the unit entitlement information which under the proposed new process will be entered later when new titles are created. The change also alters the plan status for strata and survey-strata plans to make them the same as deposited plans by changing the status of "Examined or Examined – Subject to Requisitions" to "In Order For Dealing". Introduction of the standard plan process is expected in the near future once final agreement is reached with the Department for Planning and Infrastructure.

3. CREATING EASEMENTS ON STRATA / SURVEY-STRATA PLANS OF RE-SUBDIVISION AND CONSOLIDATION

Easements can be created and depicted on strata/survey-strata plans of re-subdivision or consolidation.

It is possible to create easements automatically under section 27A of the *Town Planning and Development Act 1928* on strata/survey-strata plans of re-subdivision or consolidation provided the Western Australian Planning Commission approve the plan.

It is currently **not possible** to create easements automatically under section 5D of the *Strata Titles Act 1985* or section 136C of the *Transfer of Land Act 1893* on plans of re-subdivision or consolidation.

The location of easements proposed to be created by a transfer document after a plan is registered may be depicted on a strata/survey-strata plan of re-subdivision or consolidation provided it is clear on the plan that the area delineated relates to some future or intended registration action. This will avoid the need for the lodgment of a separate 'easement only' plan. Areas depicted in this manner must conform to the drafting requirements set out in the *Strata Titles General Regulations 1996*, in particular regulation 4(d). Note that it is not possible to create an easement at the time the plan is registered, as there have to be different owners of the benefited and burdened lots before an easement can be created by a transfer document.

4. REQUEST FOR THE ISSUE OF A NON-ISSUED DUPLICATE TITLE

Where a duplicate title has not been created and issued, the registered proprietor(s) may in an approved form, request the issue of the duplicate title.

If a request for the issue of a duplicate certificate of title is made, a duplicate will be issued upon the lodgment of all subsequent documents unless the current registered proprietor(s) request the non-issue of the duplicate certificate of title (in an approved form).

Only the registered proprietor(s) can make a request to issue the duplicate title. A registered proprietor of an undivided share in land may, request a separate duplicate title to issue for their undivided share in the land (in an approved form).

Requests for issue of a duplicate title may be made in ONE of the following ways:

- The Mortgagor/ Transferee may request the issue of the duplicate title in forms M1, M2, T2, T4, T5 and T7.
- Where a duplicate certificate of title has not previously issued, the registered proprietor(s) may make application on a form A7, without payment of a registration fee, for a duplicate title to issue.

The duplicate certificate of title (if any) must be produced to the Registrar of Titles when any dealing or application concerning the land is lodged for registration. However, the Registrar of Titles at the direction of the Commissioner of Titles may dispense with the production of the duplicate certificate of title (Section 74 of the TLA).

If a request for the non-issue of a duplicate certificate of title is made, no duplicate will be issued upon the lodgement of subsequent documents unless the current registered proprietor(s) request, in an approved form that a duplicate certificate of title is to issue.

5. DLI'S NEW TELEPHONE SYSTEM

DLI is in the process of converting to an entirely new telephone system. This will be done in stages over the next two months. I do not foresee that there will be any noticeable changes in the way you will normally contact us but as with any new system they may be the odd glitch. I would ask you to be patient in the event that we have any problems.

6. TERMINATION OF SURVEY – STRATA SCHEMES

I have attached for your information a copy of Notice to Surveyors T1/2005 on the topic of Termination of Survey Strata Schemes.



**BRUCE ROBERTS
REGISTRAR OF TITLES
A/MANAGER
REGISTRATION SERVICES BRANCH**

15 April 2005



Department of Land Information
Government of Western Australia

NOTICE TO SURVEYORS T1/2005

TERMINATION OF SURVEY-STRATA SCHEMES

Following consultation between the Department for Planning and Infrastructure and the Department of Land Information it has been resolved to further clarify the procedure for the termination of survey-strata schemes as part of a proposed new development. The following procedure now applies and replaces Notice to Surveyors T6/2003.

Section 30A(2)(a) of the STA requires a certificate from the Western Australian Planning Commission (WAPC) consenting to the termination of the scheme.

1. Where it is intended to convert survey-strata lots to freehold lots by terminating a scheme and a Form 15 is registered together with a certificate by the WAPC consenting to the termination of a survey-strata scheme, a Deposited Plan, with the purpose of "Conversion", signed by a Licensed Surveyor who is eligible to lodge plans at DLI must be lodged. If no fieldbook was lodged to support the survey-strata plan for the scheme that is to be terminated, a re-survey will be necessary and a fieldbook for that survey must be lodged. The "Conversion" plan must retain the same lot numbers as depicted on the survey-strata plan with common property lots being amended by removing the "CP" prefix. The following annotation must be made on the "Conversion" plan in lieu of the annotation prescribed in Notice to Surveyors T1/2003;

"CREATED FOR ISSUING OF CERTIFICATES OF TITLE UNDER THE TRANSFER OF LAND ACT 1893 IN LIEU OF UNDER THE TRANSFER OF LAND ACT 1893 AND THE STRATA TITLES ACT 1985 FOLLOWING TERMINATION OF SURVEY-STRATA PLAN BY APPLICATION....."

Certificates of Title under the *Transfer of Land Act 1893*

- a) Will then issue for each former survey-strata lot.
- b) Will not issue for the common property lots, until a transfer under section 30A(4) of the *Strata Titles Act 1985* is registered.

OR,

2. Where it is intended to terminate a survey-strata scheme and proceed with a new development of the site, including an amalgamation of the lots in the scheme back to what was the original parcel, the DLI requirements are:
 - Lodgement of a new deposited plan, with purpose "Subdivision", depicting the proposed re-development;

- A new fieldbook to support the new subdivision. Where it is proposed to amalgamate the survey-strata lots into a previously surveyed freehold parcel, no fieldbook is required and the deposited plan may be “compiled” from original survey information;
- Approval of the deposited plan by the WAPC,
- Simultaneous lodgement of an application for the new title(s) the subject of the new deposited plan together with a Form 15 and a certificate by the WAPC consenting to the termination of a survey-strata scheme,

In order to

- a) Avoid the preparation by a Licensed Surveyor of a “Conversion” deposited plan as well as a “Subdivision” deposited plan; and
- b) Comply with the current requirements of the *Strata Titles Act 1985*,

DLI will create a simplified “Conversion” deposited plan from the (Form 1) survey plan on the survey-strata plan as follows

- i. by allocating a deposited plan number to the survey-strata plan,
- ii. by adding, in brackets, under the Common Property lot numbers on the survey-strata plan the same lot numbers, but without the “CP” prefix,
- iii. by adding the following notation;

“DEPOSITED PLAN CREATED FOR ISSUING OF CERTIFICATES OF TITLE UNDER THE TRANSFER OF LAND ACT 1893 IN LIEU OF UNDER THE TRANSFER OF LAND ACT 1893 AND THE STRATA TITLES ACT 1985 FOLLOWING TERMINATION OF SURVEY-STRATA PLAN BY APPLICATION PRIOR TO ISSUE OF CERTIFICATES OF TITLE THE SUBJECT OF DEPOSITED PLAN BY APPLICATION”

The second application will need to be accompanied by appropriate transfer(s) of the former common property lot(s) under section 30A(4) of the Strata Titles Act 1985 and if the former survey-strata lots are not in a single proprietorship by appropriate transfers to effect the required ownership of the lots on the “Subdivision” deposited plan.



**BRUCE ROBERTS
REGISTRAR OF TITLES**

2 March 2005