

BULLETIN NO. 237 | 21 October 2013

Extract: Notice to Surveyors (T3/2013)

On Wednesday 2 October 2013, Delegated Registrar of Titles, Murray Dolling, sent a Notice to Surveyors (T3/2013) detailing special directions in relation to plans and surveys pursuant to Regulation 5 of the *Licensed Surveyors (Transfer of Land Act 1893) Regulations 1961*.

These special directions apply from the 2 October 2013 unless specifically stated otherwise.

1. Deposited Plans that have the status of 'Expired'

This direction supersedes Item 1 in Notice to Surveyors T2/2008: *Planning and Development Act 2005* (P&D Act) Section 146(1).

Registered proprietor(s) wishing to proceed with the subdivision on a Deposited Plan (DP) endorsed by the Western Australian Planning Commission (WAPC) on or after 9 April 2006 that has since expired, will be required to lodge a replacement DP, even if no changes (apart from a new WAPC reference number) are necessary on the DP. This requirement is due to it not being considered acceptable practice for Landgate to amend plans on behalf of owners or Surveyors, as stated in Notice to Surveyors (T2/2008).

For further information about the changes to Item 1 in T2/2008, please refer to Notice to Surveyors (T3/2013) on Landgate's website [here](#).

Please note that it is the responsibility of the Surveyor to ensure that the replacement DP has been prepared from the latest version of the existing DP.

NOTE: This direction is an amendment of Notice to Surveyors (T2/2008) and will be included in Chapter 20.5.2 in the next edition of the *Survey and Plan Practice Manual* (SPPM).

2. New provisions of the *Licensed Surveyors (General Surveying Practice) Regulations 1961* affecting subdivisions

The Land Surveyors Licensing Board (LSLB) notified all practising Surveyors on 30 July 2013 of the amendments to the *Licensed Surveyors (Guidance of Surveyors) Regulations 1961*. The amended regulations are now known as the *Licensed Surveyors (General Surveying Practice) Regulations 1961* and include significant changes to previous practice.

For further clarification of the new provisions, please refer to Notice to Surveyors (T3/2013) on Landgate's website [here](#).

3. Building Act Forms for Strata Plans

The Building Act 2011 (BA) came into operation on 2 April 2012 and introduced significant changes to Landgate processing of built Strata Plans (SPs), including strata re-subdivisions. The immediate impact was the deletion of the Form 7 Local Government Certificate from the *Strata Titles General Regulations 1996* (STGR).

Sections 5B(2) and 8A(f) of the *Strata Titles Act 1985* (STA) require either an 'Occupancy Permit Strata Form BA12' or a 'Building Approval Certificate Strata Form BA16' to accompany the SP at lodgement, depending on the Class of Building.

Landgate receives all BA12 and BA16 Forms electronically as a scanned pdf file, either with the plan or with the application to register the plan. It is the owner's responsibility to provide their Licensed Surveyor or Conveyancer with a legible BA form.

Landgate cannot identify the classes of buildings shown on a SP, so whichever BA form accompanies the SP is currently being accepted. However a review of lodged BA12 and BA16 Forms has identified several inconsistencies which impact the SP, including:

- poor scanning quality rendering it illegible
- missing land description detail
- BA16 certificates being referred to as a permit
- the incorrect WAPC box being ticked, or neither box being ticked
- no strata plan number provided
- the wording 'Owner Copy' stamped across the land description detail.

Under regulation 13 of the STGR, the certificates required by the STA to accompany the SP must be presented, arranged or bound with the plan in a manner approved by the Registrar of Titles. Therefore, as of the date of this notice, the following information key to Landgate's requirements will need to be depicted on all BA forms:

- the correct Strata Plan Number and Lot on Survey details;
- indication of the approval requirement by the WAPC – Yes or No; and
- the name and endorsed signature of the Local Government Issuing Officer along with the date of signing.

Failure to provide this information clearly and legibly will result in the form being rejected and requiring replacement.

As there is a need for consistency for industry groups, Local Governments, Landgate and the Building Commission, the following rules will also apply:

- All the buildings shown on a SP are to be covered by an Occupancy Permit Strata (OP) or a Building Approval Certificate Strata (BAC).
- Landgate will accept both an OP and a BAC for the same SP where different classes of buildings exist in the same scheme.
- Landgate will not accept more than one OP or more than one BAC for the same SP.
- Landgate will not accept forms with stamps such as 'Owners Copy' or 'Builders Copy'.
- Strata lot numbers applying to either an OP or a BAC are to be clearly identified.

- Where the information on the OP or the BAC is unclear, the lodging party will be notified.

Note: This direction will be updated in Chapters 11.6 and 17.5 in the STPM next edition.

4. Fee for 'Lapsed' Strata/Survey-Strata Plans

The valuation certificate for Strata/Survey-Strata Plans is valid for a period of two (2) years from the date the Valuer signs the certificate under regulation 10(1) of the *Strata Titles General Regulations 1996* (STGR). If the Strata/Survey-Strata Plan is not registered within this timeframe, then the valuation certificate lapses, and a new certificate is required before registration can proceed.

This replacement Form 3 is emailed to plan.reg@landgate.wa.gov.au as an interactive pdf file and the current method of processing replacement certificates for 'lapsed' Strata/Survey-Strata Plans involves amending the plan by adding the new certificate, updating SmartPlan and updating the image available for searching. Currently, replacement of this form does not attract a fee.

Surveyors are advised that, as of 1 January 2014, replacement of a valuation certificate for a 'lapsed' Strata/Survey-Strata Plan will attract a fee of \$147, as approved by the Registrar of Titles, under *Schedule 1 Fees 1(i) STGR*. This fee will be charged by invoice to whoever lodges the replacement valuation certificate by email at Landgate.



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