



NOTICE TO SURVEYORS T1/2009

Items 1 to 7 in this notice are to be considered as special directions concerning plans and surveys pursuant to Regulation 5 of the *Licensed Surveyors (Transfer of Land Act 1893) Regulations 1961*.

MISCELLANEOUS PLAN AND SURVEY ISSUES

- 1. Lodgement of Field Books**
- 2. Lodgement of Release Letters**
- 3. SSA Plans**
- 4. Expiry of WAPC Planning Approval**
- 5. Plan Abuttals**
- 6. Depiction of Original Unsurveyed Boundaries**
- 7. Notification – Water Services Licensing Act 1995**
- 8. Vesting Lots on Built Strata Schemes**
- 9. Company Logos on Plans**
- 10. Update of Practice Manuals**

1. Lodgement of Field Books

Surveyors are advised that Deposited Plans and Strata/Survey-Strata Plans lodged with Landgate which require a field book will not be audited until that field book has also been lodged. Plans without the necessary fieldbook(s) will lose priority and be given a status of “Stopped” on SmartPlan.

This paragraph will be included into Chapter 17.4 of the Survey and Plan Practice Manual (S&PPM).

Although field books are not always audited in detail, some elements are always cross matched with the plan.

It should be noted that a Level 2 requisition currently applies to any eFB (CSD file of control network) not lodged within 7 days of the survey sheet. (SSA’s only)

2. Lodgement of Release Letters

Surveyors are requested not to forward Release Letters to Landgate until the Deposited Plan or Strata/Survey-Strata Plan has been lodged at the “plan.reg” email address. The Release Letter can be included as an attachment in the lodgement email if all clearances are at hand. With the increase in emails, tracking subsequent correspondence has become a difficult task for Landgate staff to handle, especially if the plan is not yet in the system.

An additional sentence will be included into Chapter 19.2 of the S&PPM

3. SSA Plans

(i) Surveyors are reminded that for SSA plans, the survey information is to be on a separate sheet to that of the subdivisional lots. Subsequent errors identified on the survey information component requires a “Replacement Sheet” and this option is not available if the subdivision and survey information is on the same sheet of the plan that has already been endorsed by the Western Australian Planning Commission (WAPC). Refer to SSA Guidelines Section 8.1 and 8.2.

(ii) Surveyors are reminded that for SSA compiled plans, a survey sheet is not required and the only reference to the SSA Guidelines is in the Approved panel where “APPROVED – Reg 26A(4)” is shown.

An additional sentence will be included into Chapter 10.18 of the S&PPM

(iii) Surveyors are reminded that GPS baselines are to be reduced to pseudo-observed mid-azimuth with either spheroidal or ground distances (or both) shown. Refer to SSA Guidelines Section 3.2.

4. Expiry of WAPC Planning Approval

Surveyors are reminded that DPI requires the certified correct plan be forwarded to the WAPC **prior** to the expiry date of the preliminary planning approval. Surveyors can inform Landgate of the imminent expiry date of the WAPC approval using Item 3.6 on the Surveyors Report Form. A detailed letter of explanation as to the circumstances should be attached. Subject to Landgate accepting that explanation, a higher priority for audit will be given, but plans will not be forwarded to the WAPC without a Release Letter stating that all clearances are at the Commission.

5. Plan Abuttals

As a result of recent discussions with industry representatives, it has been decided that the current legal abuttal must be shown. The following statement will be included in the July release of the Survey and Plan Practice Manual.

“A Plan must show as abuttals the numbers of any abutting lots for which certificates of title have issued at the time of lodgement of that plan. Lots on plans that have been lodged but not yet approved (Shown on “lodged layer” of SCDB) must not be shown as abuttals unless sound knowledge is demonstrated by the surveyor that lodgement of dealings for those lodged plans is imminent”.

This direction will replace paragraphs 3 to 5 in Chapter 9.29 of the S&PPM

6. Depiction of Original Unsurveyed Boundaries

Surveyors are requested to adopt Chapter 9.47 of the Survey and Plan Practice Manual for any unsurveyed boundary (not only those created by a “Sketch on Transfer”) that is brought forward onto any Deposited Plan lodged at Landgate.

The transfer of portions of an original “surveyed” location were accepted without any further survey in the past, usually by showing the new “calculated” boundaries in red ink on the original plan or diagram that was registered for the original “surveyed” location. New location numbers were then allocated to those “calculated” portions transferred.

Any “unsurveyed” boundary created as above is to be shown as a full line and labelled A-B. Notation on the plan is to include reference to the original plan or diagram that created the “unsurveyed” boundary.

If an “unsurveyed” boundary created as above is required to be surveyed then surveyors are advised to first seek advice from Survey Inspection at Landgate. This section of the notice will be reflected in Chapter 9.47 of the S& PPM.

7. Notification – Water Services Licensing Act 1995

Provisions in the above Act allow the Minister to make a Transfer Order that transfers the assets of a Statutory Asset Owner to a Transferee. “Asset” as defined in section 46A of the Act means any works, or any other thing used or intended to be used for the provision of irrigation or drainage services, that-

- a) is the property of a statutory asset owner; and
- b) is upon, in, over or under land that is not the property of the statutory asset owner.

The Notification will be endorsed in the Interest and Notifications table as follows:

Subject	PURPOSE	STATUTORY REFERENCE	ORIGIN	LAND BURDENED	BENEFIT TO	COMMENTS
	NOTIFICATION	SEC 46 WSL ACT	DOC	LOT/S		ASSETS TRANSFER ORDER

Chapter 14.26 of the S&PPM entitled “Notification of Factors Affecting Use and Enjoyment of Land” will be amended to include a section on the above Act. Appendix 8 “Reference for Interests and Notifications Box as Depicted on Deposited Plans” will also be updated.

8. Vesting Lots on Built Strata Schemes

Surveyors are reminded the provisions of Section 152 of the *Planning and Development Act 2005 (P&D Act)* do not apply for Built Strata Schemes with five (5) lots or less.

Section 152 of the *P&D Act* makes provision for land to vest in the Crown on a Deposited/Strata/Survey Strata Plan endorsed by the WAPC. This means that the WAPC is the only body that can condition and approve land vesting in the Crown under the *P&D Act*.

Strata Schemes with two to five lots are normally exempt from approval by the WAPC under Regulation 15 of the *Strata Titles General Regulations 1996 (STGR)*. Such schemes are approved by local government sometimes with a vesting condition (typically for ROW purposes). Should this be a requirement, then it can only be achieved under s.152 of the *P&D Act* by the full application process to the WAPC, as with other strata types.

A form 26 from the *STGR* (refer to Strata Titles Manual Edition 6.1 Chapter 10.19 and Plan Example 51) will be required for the strata plan. Alternatively the Deposited Plan process can be followed. The vesting lot would be shown with the balance lot becoming the parent for the new strata scheme.

Other commonly used provisions such as easements (s.167 *P&D Act*) and roads (s.168 *P&D Act*) can be approved by local government for these small schemes as the legislation refers to plans that are received at the TLA Department .

Refer to Strata Titles Practice Manual Chapter 10.19.

9. Company Logos on Plans

Surveyors are requested to have an updated fax number and email address on their company logo. This will ensure that any correspondence necessary, including IOFD notifications, are forwarded in a timely manner.

10. Update of Practice Manuals

The updated editions of the Survey and Plan Practice Manual edition 6.0 and the Strata Titles Manual edition 6.1 are now available on Landgate's website. Changes from the previous editions are identified at the front of the manual. The next edition of these Manuals, incorporating the amendments advised in this notice, will be available in July 2009.



A handwritten signature in black ink, appearing to read 'B. Crabb'.

BARRY CRABB
MANAGER NEW SUBDIVISIONS
INSPECTOR OF PLANS AND SURVEYS
ASSISTANT REGISTRAR OF TITLES
LANDGATE
25 February 2009