



NOTICE TO SURVEYORS T3/2013

All items hereunder are to be considered as 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 date of this notice unless specifically stated otherwise.

MISCELLANEOUS PLAN MATTERS

1. **Deposited Plans that have the status of 'Expired'**
2. **New provisions of the *Licensed Surveyors (General Surveying Practice) Regulations 1961* affecting subdivisions**
3. **Building Act Forms for Strata Plans**
4. **Fee for 'Lapsed' Strata/Survey-Strata Plans**
5. **Citation of Index Plans on Deposited Plans and Strata/Survey-Strata Plans**

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.

To effect this procedural change, Item 1 in T2/2008 is now superseded by the following:

1. **If no changes to DP are necessary for the subdivision to proceed**

Application instigated by the owner(s) or Surveyor:

- Form 1A Application is made together with a copy of the previously approved DP (WAPC will apply standard Form 1A fees);
- WAPC conditional approval is granted (new WAPC reference number);
- No new conditions imposed by WAPC;
- Surveyor submits a replacement DP showing the new WAPC Reference number. A version number increment is also made to the DP and the statement "WAPC REFERENCE NUMBER AMENDED PURSUANT TO SEC 146 OF THE P&D ACT" is recorded on the Amendment table of the DP;

- Landgate applies a replacement plan fee;
- On request by the Surveyor, Landgate sends the replacement DP to WAPC for endorsement;
- WAPC applies standard Form 1C fees;
- On return from WAPC, Landgate endorses the DP 'In Order for Dealings'.

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.

Regulation 8(2C) of the amended regulations states: "The field record for an authorised survey that establishes one or more boundaries must be lodged with the plan of the authorised survey."

This means that field records are required to be lodged at Landgate for:

- new Strata Plans (SPs);
- re-subdivisions and consolidations of SPs;
- mergers of SPs; and
- modifications of existing SPs as a result of acquisition/taking/disposal action.

The survey detail required in these field records has been outlined in a Notice to Surveyors (dated 30 June 2013) sent out to all practising Surveyors by the LSLB. When any SP is lodged with the parent DP, Landgate will accept the field records for the SP to be included in the field book for the parent DP.

Also, note that the following certificates will change:

- Regulation 17 Certificate (field record).
- Regulation 25A Certificates relating to re-establishment surveys.
- Regulation 54 Certificate on deposited plans and strata/survey-strata plans.
- Regulation 55E Final survey certificate (FSC).

All of the above changes are detailed in Government Gazette 26 July 2013 and came in to effect 1 October 2013.

Landgate acknowledges that certain surveys were performed and plans prepared before this date. Landgate will accept field records for built stratas and both forms of certificates until 31 December 2013. Landgate will not enforce the new field record requirements or new certificate requirements until 1 January 2014.

NOTE: This direction will be included in Chapters 8 and 13.2 in the next edition of the Strata Titles Practice Manual (STPM), and will be updated in relevant sections of the next edition of the SPPM.

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; and
- 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.

Any queries regarding BA forms should be directed to Cary Spann, Survey and Plan Consultant, on 08 9273 7317 or cary.spann@landgate.wa.gov.au.

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.

5. Citation of Index Plans on Deposited Plans and Strata/Survey-Strata Plans

Surveyors are advised that citations of Index Plan Primary Rectangle References and Numbers (eg. BG34 (2) 20.20) on the 'ON INDEX' panels of Strata/Survey-Strata Plans and Deposited Plans are no longer necessary.

Effective from the date of this notice, Surveyors are only required to place the notation "SEE SMARTPLAN" on the 'ON INDEX' panel of the appropriate plan.

Landgate will accept any un-lodged plans already showing an Index Plan reference.

NOTE: This direction will be updated in Chapter 10.21 in the next edition of the STPM, and Chapter 10.8 in the next edition of the SPPM.



**MURRAY DOLLING
DELEGATED REGISTRAR OF TITLES**

2 October 2013