



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