



## NOTICE TO SURVEYORS T3/2009

Items 1 to 4 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. **Strata Plan Standardised Requisition Criteria**
2. **Western Australian Planning Commission Delegation of Built Strata Applications to Local Governments**
3. **WA Gas Networks Pty Ltd (formerly AlintaGas Networks Pty Ltd)**
4. **Translation Stamp on Deposited Plans and Strata Plans for Regulation 33 Planning and Development Act 2005**

#### 1. Strata Plan Standardised Requisition Criteria

Surveyors are advised that approval has been obtained from the Survey Industry Working Group (SIWG) regarding the Strata Plan Breaches List. These “breaches” are now titled ‘**Strata Plan Standardised Requisition Criteria**’ (see appendix) and can be accessed through Landgate’s Survey Channel.

The main points to note are:

- Incorrect or omitted abutments and Index Plan reference attract a Severity Level of 0
- Omitted encroachments attract a maximum Severity Level of 3.5
- Errors on Forms 3, 7, 26 & 36 will be referred to the lodging party without requisition
- 2 new breach types titled ‘Forms’ (Forms 5, 35, 38 and Reg. 54 certificate) and ‘Strata Definition’ (building and stratum definitions) have been added to the SmartPlan requisition database and will be included onto the Audit Report. All other requisition criteria fall into existing categories.
- These Requisition Criteria are for Strata Plans only. Survey-Strata Plans will continue to be audited under the Survey & Plan Breaches Table.

## 2. Western Australian Planning Commission Delegation of Built Strata Applications to Local Governments

### Extract from Planning Bulletin 52/2009

On 26 May 2009, the WAPC resolved to delegate its power to issue a certificate of approval under section 25 of the Strata Titles Act 1985 to all local governments, except for those applications that:

- propose the creation of a vacant lot;
- propose vacant air strata lots in multi-tiered strata scheme developments;
- where, in the opinion of the WAPC as notified to the relevant local government in writing, or in the opinion of the relevant local government as notified to the WAPC in writing, relate to
  - (a) a type of development and/or
  - (b) land within an area, which is of state or regional significance, or in respect of which the WAPC has determined is otherwise in the public interest for the WAPC to determine the application.

An instrument of delegation regarding these arrangements was made under section 16(3)(e) of the *Planning and Development Act 2005* and gazetted on 9 June 2009.

**Note: Delegation under Section 16 of the *Planning and Development Act 2005* does not exempt Strata Plans from the requirement of a STGR Form 26.**

### Effect on Lodgement of Strata Plans

Existing Strata Plans with WAPC approval will continue to be dealt with by current procedures.

Surveyors have the following two options for those Strata Plans that have had WAPC approval delegated to the Local Government and are ready to lodge at Landgate.

#### Option 1

Wait for the signed Form 26 (along with the signed Form 7) to return from the Local Government and lodge these forms as an original or as a scanned pdf. with the other forms of the Strata Plan.

#### Option 2

Lodge the Strata Plan at Landgate and at the same time send the Form 26 (with the Form 7) to the Local Government.

If option 2 is adopted, the Strata Plan Audit team will conduct a full audit of the Strata Plan and sign the Strata Plan "In Order for Dealings" subject to "Lodgement of Forms 3, 7 & 26" (assuming that the Form 3 was not already lodged with the Strata Plan).

Effectively, this removes the Strata Plan from the Standard Plan process as outlined in Notice to Surveyors T3/2005. From a Surveyor's accountability perspective it is still Landgate's preference that final Strata Plan approval by either the Western Australian Planning Commission or the Local Government be based on a Landgate audited Certified Correct copy of the plan.

In both cases, the Form 26 signed by a Delegated Officer from the Local Government should have endorsed underneath the signature "Delegated Under Section 16(3)(e) Planning & Development Act 2005". Also, including the Form 26 on the Strata Plan as outlined in Notice to Surveyors T5/2005 may not suit Strata Plans that have been delegated to the Local Government. Surveyors should strike through or delete the Form 26 from the Location Plan.

Surveyors are reminded that the Form 26 can be downloaded from Landgate's e-Plan Kit.

### 3. WA Gas Networks Pty Ltd (formerly AlintaGas Networks Pty Ltd)

On 31 October 2008 AlintaGas Networks Pty Ltd changed its business name to **WA Gas Networks Pty Ltd**.

The Reference Table for Interests and Notifications on Landgate's website will refer to the beneficiary of Section 167 P & D Act Reg. 33d easements as **WA Gas Networks Pty Ltd**.

Surveyors are advised that any Deposited Plan or Strata/Survey-Strata Plan lodged after the date of this Notice must depict this new name.

### 4. Translation Stamp for Section 167 Planning and Development Act Easements

Surveyors are advised that all Deposited Plans & Strata/Survey-Strata Plans creating Section 167 P&D Act Easement Regulations 33(a), 33(b), 33(c) and 33(d) that are 'Approved' or 'Registered' on or after 1 July 2009 must be endorsed with the new Regulations.

For plans lodged at Landgate prior to this date, plan auditors will affix the following translation stamp.

Where Section 167 P&D Act Regulations 5, 6, (7 & 8) and 9 are created on this plan, they now translate to Regulations 33a, 33b, 33c and 33d respectively as of 1 <sup>st</sup> July 2009.
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Plans and CSD files lodged after the date of this Notice must depict the new Regulations.



**BARRY CRABB  
MANAGER NEW SUBDIVISIONS  
INSPECTOR OF PLANS AND SURVEYS  
ASSISTANT REGISTRAR OF TITLES  
LANDGATE**

**6 August 2009**

# APPENDIX

## STRATA PLAN STANDARDISED REQUISITION CRITERIA

indicates maximum severity level

Severity Level					
Nothing	Minor	Signif	Subst	Subst	Gross
0	1	2	3	3.5	4, 5, 6

### Lodgement

- Duplication of Strata number
- CSD file not lodged
- Surveyors Report not lodged
- WAPC Reference Number (Where required)
- Form 5
- Reg 54
- Form 8's


### Heading Block


- Management Statement incorrectly indicated
- Description & Certificate of Title
- Local Authority
- Index Plan
- Field Book ie not lodged or incorrect
- Name of scheme
- Address of Parcel


### Location Plan

- Abuttals
- Interest and Notification Panel
- Version Amendment Table
- CSD audit (Survey-Strata only)
- Orientation
- Building outline
- Offsets
- Encroachments
- Omitted, incorrect or insufficient easement dimensions
- Incorrect, misleading or omitted depth limit
- Incorrect or omitted new road name
- Omission of crown parcel boundaries and numbers (req for DL)
- Special Survey Area notation
- Scale and Bar
- M/C Comparison to Strata Plan


### Floor Plans





- Areas
- Overlap or inconsistency with an existing plan
- Incorrect, omitted or insufficient dimensions
- Illegible figures on plan or figures may not be legible if faxed
- Lots - are the parts in the right spot?
- Building definition
- External Part Lots boundary definition
- Stratum
- Scale and Bar
- M/C Re-establishment of original Lot boundaries


 indicates maximum severity level

Severity Level					
Nothing	Minor	Signif	Subst	Subst	Gross
0	1	2	3	3.5	4, 5, 6



**Form 5**

Act and sections  
 Description  
 Correct paragraphs deleted  
 Signature and date


**Reg 54**

Surveyors name  
 Signature and date



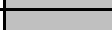

**Form 6  
 (Re-sub by Management Statement)**

By-law(s) No(s) and SP No shown  
 Signature and date

**Form 35/38**

M/C Act and sections  
 M/C Description (Form 35 only)  
 M/C Correct paragraphs deleted  
 M/C Signature and date

Failure to Comply with Requisition

					
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Note 1:  
 M/C indicates Mergers and/or Conversions

Note 2: Errors on Forms 3, 7, 26 & 36 will be referred to lodging party without requisition