



NOTICE TO SURVEYORS T5/2005

MISCELLANEOUS PLAN ISSUES

As a result of recent discussions between the Department for Planning and Infrastructure (DPI) and the Department of Land Information (DLI) it has been resolved that a number of refinements to existing processes and plan procedures need to be introduced, effective immediately. Changes now apply to the following:

1. Balance Lots
2. Include Form 26 in Strata Plans
3. Form 7 and Form 3 Lodgements
4. Release Letters, Surveyors Reports and Clearances
5. Variations between Plans and Initial Approval
6. Restrictive Covenants
7. DPI Acquisition Plans
8. Plans Exempt from WAPC Approval
9. Plans Involving Crown Actions
10. Amendment Schedules
11. Priority Requests

1. Balance Lots

To avoid planning and valuation problems, surveyors **must** now identify any balance lots, that are not to receive servicing facilities, by using a lot number in the 9000 number range. Any “super lots” that are the subject of future stages in the subdivision **must** be identified using the 9500 number series.

2. Include Form 26 in Strata Plans

DPI has requested that surveyors include the Form 26 certificate in any strata plan forms that require the approval of the Western Australian Planning Commission (WAPC). As the Form 26 contains information that is already included in the plan forms, and to avoid duplication of that information, it is acceptable to include in the plan form a reduced certificate that excludes paragraph (ii) of the certificate, the “Property Description” and other duplicated information. Where the “Property Description” is not included in the certificate, please change the word “below” in paragraph (i) to “herein”. Where possible, the “reduced” Form 26 certificate should be placed in the space allocated to the section 25B(2) certificate for survey-stratas.

Note that DPI will amend the Form 1C accordingly when the forms are reprinted. In the meantime, if the Form 26 has been included in the plan form, it is acceptable to delete/cross-out on the Form 1C the references to Form 26.

3. Form 7 and Form 3 Lodgements

Please note that DPI will issue in the near future a Planning Bulletin that clarifies their lodgement requirements relating to the Form 7 for strata plans.

As outlined in the Appendix to previous notice T3/2005, DLI requires the Form 7 to be lodged with the application to register the plan. However, if the Form 7 is available at the time the plan is to be lodged at DLI, it is acceptable for the form to be lodged with the plan.

If an e-Strata is being lodged and the signed Form 7 is available, the Form 7 can be scanned in the same manner as a pFB and lodged via e-mail with the e-Strata plan. In this case, surveyors must retain the original certificate with their records for that plan.

Similarly, Form 3's can only be lodged either with the plan or with the application to register the plan.

These forms **must not** be lodged, by mail or otherwise, as individual items.

4. Release Letters, Surveyors Reports and Clearances

To avoid plans being forwarded to DPI before clearances have been obtained, DPI has requested that the content of a 'Release Letter' be revised to ensure that a surveyor advises DLI that the clearances of the conditions have been met. Surveyors **must** now use the Release Letter template attached to this notice (in all cases) for requests that plans be forwarded to DPI for WAPC approvals. Final Survey Certificates and/or Surveyors Reports can no longer be used to have plans sent to DPI.

Note that, with input from DPI, the 'Surveyors Report' form has been revised (as attached). This new form **must** now be used when lodging plans at DLI.

DPI has advised that they have been holding a large number of deposited plans for more than 6 months that are still awaiting clearances. This is causing logistical problems, especially where these plans need to be returned to DLI for amendments. Note that DPI will now return to DLI all plans that have not received clearances within 6 months of those plans being forwarded to DPI. If surveyors have any plans that fall into this category they **must lodge a new Release Letter with DLI** once the clearances become available.

5. Variations between Plans and the Initial Approval

Where plans vary in any way from the initial subdivision application approved by DPI, **surveyors must now advise DPI** of these variations and provide explanations of why any variation exists. Delays in the approval of these plans will occur if this procedure is not followed.

6. Restrictive Covenants

Where plans include restrictive covenants under Section 136D of the *Transfer of Land Act 1893*, surveyors **must** lodge a copy of the covenant document with the Form 1C at DPI. Note that DPI has advised that if a covenant document includes a provision that in any way limits any future subdivision of a lot then the plan will not be approved by the WAPC.

7. DPI Acquisition Plans

Surveyors preparing acquisition plans on behalf of DPI must now lodge those plans with DLI prior to them being approved by the WAPC. Note that the normal DLI lodgement fees apply to these plans excluding the \$54 WAPC deposition fee. It will be necessary to amend the standard "Print Fee" on the Self Assessment Form to \$0 for these plans. Note also that the Surveyors Report has been amended to include these types of plans (at item 3.3) within the checklist.

8. Acquisition Plans Exempt From WAPC Approval

The WAPC have now instructed DLI that compulsory acquisition of a portion of land for a public work is exempt from the requirement for subdivisional approval by virtue of Section 32 of the *Town Planning and Development Act 1928*.

For this exemption to apply evidence is required from the lodging surveyor that the Deposited Plan is for acquisition purposes.

The evidence is to be a letter from the acquiring authority that they are taking the subject land for a public work under Part 9 of the *Land Administration Act 1997*.

Note that the WAPC are in the process of issuing a Planning Bulletin on the matter.

9. Plans Involving Crown Actions

Surveyors are reminded that if a freehold subdivisional plan involves any actions that will require dealings on Crown land then they must make enquiries with the relevant Regional Manager within Land Asset Management Services at DPI at the earliest stage possible. It is also recommended that follow-up enquiries be made to ensure that the necessary actions are undertaken within the timeframes expected.

Note also that the Surveyors Report has been amended to include these types of plans (at item 3.2) within the checklist.

10. Amendment Schedules

When placing the Amendment Schedule onto a plan form it is necessary to ensure that adequate space is left within and below the schedule to add any amendments necessary. Plans lodged without sufficient space in the schedule may be rejected.

11. Priority Requests

To request priority for the processing of a plan, the process outlined in Customer Information Bulletin 143, dated December 2004 must be used. The following is an extract from that Bulletin:

“URGENT REQUEST LETTERS AND FAXES

There has been an increasing number of “Urgent” request letters and faxes received by DLI on a variety of documents lodged for registration. Whilst the circumstances surrounding the need for urgent processing contained in each letter are looked at on a case by case basis, a letter simply requesting documents to be done urgently is not sufficient by itself. It will require some supporting evidence or reason for that need to be produced.”

**BARRY CRIBB
MANAGER LAND BOUNDARY SERVICES**

6 September 2005

19.30 RELEASE LETTER

EXAMPLE

Manager
Plan Registration
Land Boundary Services
DLI
PO Box 2222
MIDLAND WA 6936

Dear Sir

RE: PLANS OF SURVEY: 19099, 19100, 19101, 19102 & 19103
WAPC REFERENCE: 87381

Could you please arrange to have the above plans delivered to WAPC for final endorsement.

The clearance documents have now been lodged with WAPC.

Yours faithfully,

SURVEYORS REPORT

	SURVEY	Y	N/A
1.1	Deferred final marking survey with conditional approval (copy of approval attached)		
1.2	Special Survey (eg limited marking) with conditional approval (copy of approval attached)		
1.3	Advice on matters relating to boundary alignments has been received from DLI officer _____ (insert name of the person that provided advice) on _____ (insert date)		
INTENTION OF THE PLAN			
2.1	Plan conforms with the intended conveyancing outcome		
2.2	The "Schedule of Interests and Notifications" has been checked and is complete and correct.		
2.3	The following easements, covenants or other interests are to be merged, modified, varied, surrendered, released, discharged or modified:		
2.4	The following registration actions will occur for this "Interest Only" plan:		
2.5	_____ is to be "Cancelled" and superseded by this new plan. <i>(Note that consents may be required in some situations)</i>		
2.6	The subject land includes a strata/survey-strata scheme which is to be 1. modified 2. terminated <i>(select 1 or 2 as required)</i>		
2.7	Advice on matters relating to this plan has been received from a DLI officer. The advice was related to: _____ <i>(insert nature of advice)</i> Advice provided by _____ on _____ <i>(insert name of the person that provided advice and the date the advice was given)</i>		
TIMING AND OTHER ISSUES TO NOTE			
3.1	Release Letter, ISC or FSC will be lodged at DLI in _____ days		
3.2	This freehold plan involves Crown Land or Crown conveyancing actions		
3.3	This deposited plan is a DPI plan for Acquisition Purposes <i>(no deposition fee applies)</i>		
3.4	Other matters to note include <i>(Attach separate sheet where necessary):</i>		

Licensed Surveyor

Date