



# NOTICE TO SURVEYORS T1/2007

Items 1 to 10 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 SURVEY AND PLAN ISSUES

1. **Compiled “re-subdivisions”**
2. **Applications for Deferred Final Marking / Deferred Referencing**
3. **Versions on deposited and strata plans**
4. **Easements between strata lots**
5. **Manual amendments – Connection across Roads, Digital data**
6. **Certificates of title on Form 3 – strata re-subdivisions**
7. **Policy concerning requisitions on plans and surveys**
8. **Landgate logos on plans**
9. **Party Wall Lots**
10. **Easement purposes shown on deposited plans**
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## 1. Compiled "re-subdivisions"

Compiled plans cannot be used to re-instate boundaries that have been extinguished by an amalgamation or re-subdivision. "Boundary lines" that were surveyed in the past but which have not been used to define land boundaries for a period of time must be re-surveyed for them to become boundaries again – see Figure 1 for an example of such a situation. The Survey and Plan Practice Manual is currently being reviewed to clarify the requirements for compiled plans and a revised paragraph 9.35 will be available in Edition 5.1 that includes the information here.

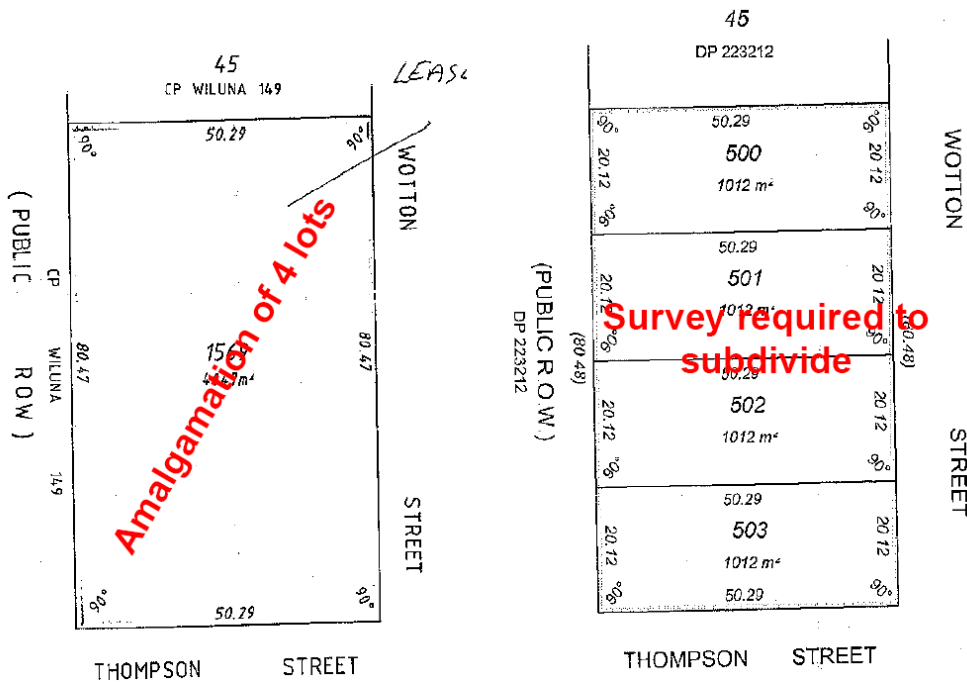


Figure 1 – Amalgamation and subsequent re-subdivision

## 2. Applications for Deferred Final Marking / Deferred Referencing

The following guidelines are currently in place and will be included in the Survey and Plan Practice Manual Edition 5.1 Item 4.22.

Landgate has an approval system in place (under Regulation 26A of the *Licensed Surveyors (Guidance Surveyors) Regulations 1961*) that enables surveyors to defer the final marking/referencing of bonded subdivisions until after the works have been completed. It can be applicable to normal and SSA subdivisions, including survey stratas. The plan can be placed in order for dealings and allow the Registrar of Titles to issue certificates of title for lots on that plan after the surveyor has certified that the corners of all the lots on that plan have been marked, to retain the principle that land should be able to be identified on the ground before titles are issued, and that the final marking will be completed within 14 days after practical completion of the bonded works.

An approval for deferred final marking/referencing (DFM) requires that a network of 'permanent' marks connected to the State Geodetic Network controls the survey. Initial pegging of all of the lots on the Plan will enable Landgate to endorse the Plan In Order for Dealings once final approval from WAPC has been obtained. When the site works have been completed, permanent referencing and/or permanent survey and control marks in accordance with the regulations and the SSA guidelines (as applicable) can then take place.

Deferred final marking provides benefits for the developer and for the purchasers of lots within the subdivision. The developer can gain a cash flow which facilitates completion of the development works which in turn benefits the purchasers by improving the timeframes for occupation of the land. Each purchaser also benefits by being able to settle at the original fixed price of the land, and by being able to commence the building process by engaging a builder and making application for a building licence.

By virtue of the approval for DFM, the surveyor takes on a responsibility to the Registrar of Titles to take reasonable steps to ensure that prospective purchasers are advised that access to the land may not be possible at the time of settlement. That is, the surveyor now has a duty to the State and to the public in addition to the duties to the surveyor's client (the developer) and which will remain until the final marking has been completed.

The use of this procedure requires approval from the Inspector of Plans and Surveys (or delegate).

The following information must be provided for an application for deferred final marking/deferred referencing to be considered:

1. A copy of the plan, or draft of the plan, or other graphic that shows the position, size and nature of the subdivision;
2. The date the DP is expected to be lodged, or date of lodgement if already lodged;
3. If fully bonded, the nature of the works being bonded and the bodies with which the bonds have been arranged;
4. If not fully bonded, the nature of the remaining works being bonded and the bodies with which the bonds have been arranged;
5. The date the bonds were in place, or are expected to be in place;
6. The date clearances are expected to be available;
7. The date dealings (eg application for new titles) are expected to be lodged;
8. The timeframe for practical completion; and
9. The timeframe for final marking.

This information is used in considering the merits of the application, whether any special conditions are appropriate, and for follow up if necessary.

The standard conditions for this procedure are as follows:

- The development has adequate connections to the State Geodetic Network in accordance with 'Survey Practice Guidelines for Subdivisions within Special Survey Areas' (the guidelines);
- The corners of all the lots are marked prior to the plan being In Order for Dealings. Notification to Landgate will be by an 'Initial Survey Certificate', similar to the form of the ISC in the guidelines stating that the marks are in place and referencing/final marking will be carried out when the subdivision has been completed;
- Sufficient control points are placed in safe and protected positions to survive the development work;
- Placement of referencing/final marking to be completed not more than 14 days after practical completion of the engineering and construction works;
- A field book recording the referencing and renovation survey (for normal subdivisions), survey sheets (for SSA subdivisions) and a 'Final Survey Certificate' similar to the form of the FSC in the guidelines to be lodged within 14 days of completion of fieldwork;

- The plan and field book(s) to be annotated 'Reg. 26A – referencing/final marking deferred (<Approval ID>, <Landgate file>)' and the notation 'Reg. 26A' to be shown in the "Approved" box of the plan title block; and
- The surveyor must take reasonable steps to ensure that it is disclosed to purchasers of lots on the plan that access to the land may not be possible at the date of settlement, and to ensure that any changes to the timeframe for practical completion is advised to those purchasers.

Enquiries about using the deferred referencing or deferred final marking procedures should be directed in the first instance to the Manager Survey Inspection on 9273 7422.

Applications can be e-mailed (preferred), faxed, or posted to the addresses below.

E-mail            murray.dolling@landgate.wa.gov.au

Fax                (08) 9273 7669

Mail                Inspector of Plans and Surveys

Landgate

PO Box 2222 MIDLAND WA 6936

### 3. Versions on deposited and strata plans

Landgate are introducing a change to the document control procedures of deposited and strata plans to avoid the confusion that has often arisen under the current processes. The following paragraphs replace the corresponding sections of Survey and Plan Practice Manual Edition 5.0, and will take affect immediately.

#### 10.22 Plan Amendments

Deposited Plans and Strata/Survey-Strata Plans are controlled documents. Therefore a comprehensive amendment schedule needs to be placed on all Plans (refer Table 10-2).

VER.	AMENDMENT	AUTHORISED BY	DATE
2	Lot 51 added - Replacement Plan	A SURVEYOR	8.6.2007
3	Survey sheets added OR Survey Sheets (being sheets ...) now lodged	A SURVEYOR	4.7.2007
4	Amendment approved (SMITH STREET changed to BROWN ROAD)	<signature> Inspector of Plans and Surveys	23.8.2007

**Table 10-2 - Example of 'Amendment Schedule'**

All Plans are to include an amendment schedule. The schedule must be placed in the top left corner of Sheet 1 and there must be sufficient space for further notations to be added.

Plan version numbers are to be incremented whenever there is a change to the substance of the Plan; including the lodging of a replacement plan (i.e. changes in administrative status do not cause the version number to change).

#### **10.22.1 Replacement Plans**

A replacement Plan will not include in the 'Amendment Schedule' a list of any amendments made to earlier versions. As all items listed in the schedule need to be signed by the persons making the changes obtaining a repeat of those signatures on replacement plans is not desirable. The 'Amendment Schedule' on a replacement Plan must indicate the new version number, what has been changed, and include a notation that it is in fact a 'Replacement Plan'. (see Table 10-2).

The lodgement of a replacement Plan must first be approved by the Inspector of Plans and Surveys, an Authorised Land Officer or a delegated officer within Landgate.

A delegated officer would normally be the Supervisor in charge of the Plan audit. The Supervisor would have discretion in almost all situations. If a Plan has not been audited, then a Replacement Plan (and CSD file) will usually be accepted without question. Where a Plan has been audited the Supervisor would assess whether a Replacement Plan would necessitate a complete re-audit of the Plan. The circumstances may vary in individual situations.

Replacement of hardcopy plans is not to occur for minor amendments to Plans already lodged with Landgate. A new CSD file must be lodged with any replacement Plans.

### **4. Easements between strata lots**

Easements between strata lots created by a document lodged after the registration of the strata plan are not endorsed or depicted on the strata plan; they are only endorsed on the strata titles.

Such easements are not to be brought forward as spatial interests on deposited plans eg plans for Crown land amalgamation

### **5. Manual amendments - Connections across Roads, Digital data**

The following revised directions are now in place, and amend the stated sections of the Survey and Plan Practice Manual. Please update your hardcopies of the manual. These amendments will be included in Edition 5.1

## Revised section 9.18 in Chapter 9 General Drafting Practices

### 9.18 Connections across Roads

Connections across roads, consisting of an angle from an alignment and the distance across the road, must be recorded on the plan at each angle point; at a suitable scale, using enlargements and additional sheets as necessary for clarity. It is acceptable to omit the half angles in the case of parallel road alignments. Connections between the angle points of a series of shorter boundaries that comprise the sides of a parallel road in a town or suburban subdivision may be omitted such that there is no more than 50 metres between connections, and providing that there is a connection across the road at the end of each straight section longer than 50 metres. These distances may be extended to 100 metres for rural and rural-residential subdivisions.

## Revised section 16.2 in Chapter 16 Digital Data Requirements

### 16.2 Business Rules

Landgate has a number of key data requirements in relation to how a file is to be created for digital lodgement of survey data as follows:

- The accuracy and completeness of the data is to be the surveyor's responsibility
- The detail contained in the digital file, except eFBs, must match up with the graphical information on the plan, except that half angles omitted from the plan must be included in the digital file
- All polygons on the Plan including the surrounds and spatial interests burdening and benefiting land within the plan are to be included in the file. Only the Freehold lots and any spatial interests (the 'outcome') are to be included in the CSD files for Plans prepared for Crown Land Amalgamations
- All files will contain a 'surround' polygon or multiple 'surrounds' for those Plans with split subjects of survey
- All surveyed points on each boundary to be included for each polygon
- The file is to contain all available ties to the geodetic framework or if none, ties to the existing cadastre to allow accurate positioning of the survey
- One file is to be lodged for each Plan. The digital file name may be drafted on the plan in an appropriate place
- Field book numbers are to be included in the file if known prior to lodgement of the Plan

Landgate will undertake an electronic validation of the digital data file during the legal audit of the plan.

## Revised section 16.3.2 in Chapter 16 Digital Data Requirements

### 16.3.2 Roads

To ensure roads are depicted correctly in Landgate's spatial systems, road polygons must be created in CSD files to the full extent of each road name (including truncations) that appears on the Plan. Roads are to be captured in segments in the digital file; as determined by the connections across the roads shown on the plan. Each segment must have the correct road name and be fully dimensioned with angles and distances.

Road names must not be abbreviated (eg. Use 'John Street' not 'John St'). This also applies to the road names in the street addresses attached to lots in the CSD files.

## **6. Certificates of title on Form 3 - strata re-subdivisions**

Surveyors are requested to include the current certificates of title volume and folio numbers of the subsisting strata lots in the schedule of unit entitlement on the Form 3 when lodging plans of re-subdivision.

## **7. Policy concerning requisitions on plans**

Surveyors are advised that plans subject to either further investigation by Survey Inspection and/or subject to a requisition from a plan auditor requiring further information or documentation, will be given a status of STOPPED in SmartPlan until all issues have been satisfactorily resolved.

Customers enquiring on the progress of a plan with a STOPPED status will be advised that there have been issues identified which are currently being investigated or which have been directed back to the surveyor.

## **8. Landgate logos on plans**

A new e-Plan Kit is now available for download via the Quicklinks in My Landgate Survey Channel. This Kit can be used in conjunction with the release of new Deposited Plan and Strata Plan CAD forms also available for download.

This version of the e-plan kit contains source files for the new Landgate logo that must now be shown on all deposited and strata/survey-strata plans lodged since 1 January 2007.

E-Plans and hardcopy plans drafted using an in-house plan form mask containing the DLI logo will continue to be accepted until further notice.

Hardcopy plans drafted with a pen plotter do not need to show a logo at all if the plotter cannot satisfactorily handle the complex shapes of the Landgate logo. In these cases, the space in the title block normally used for the agency name and logo is to be left blank

Hardcopy plans using the State Law Publisher forms that contain a DLI logo will continue to be accepted indefinitely. Note that these plan forms were withdrawn from sale in November 2006. Hardcopy plans lodged from now on do not need to have a logo.

Landgate staff will put a sticker of the Landgate and government logos on the plan during the lodgement process.

Landgate encourages all surveyors to update the plan form masks as soon as possible, and to lodge their plans containing the Landgate logo from now on.

Hardcopy field books using the DLI logo will continue to be accepted indefinitely.

There is no need for a Landgate logo on p-FBs.

The State Law Publisher now has available field books that contain the Landgate logo.

## **9. Party Wall Lots**

A situation has arisen where a recent subdivision caused the creation of separate titles for party wall lots created in 1980 and the adjacent larger lots on which most of the buildings exist.

The Commissioner of Titles has ruled previously that that no individual title is to be issued for a party wall lot.

For subdivisions where party wall lots are involved on parent titles, the party wall lots must be included into the new subdivisional lot/s with the interests (easements for party wall rights) either being brought forward, removed or modified as applicable.

Commencing from the date of this notice, the Landgate audit process will stop plans where party wall lots are not included in the subdivision, and request the surveyor to amend the plan to include such lots within the subject.

Landgate are also seeking the assistance of DPI and WAPC to detect and refuse such proposed situations at the subdivisional application stage.

**10. Easement purposes shown on deposited plans**

The short form description of the purpose for any Part IVA TLA easements being created on deposited plans is to be shown in brackets under the word EASEMENT in the PURPOSE column of the Interests and Notifications table as follows:

SUBJECT	PURPOSE	STATUTORY REFERENCE	ORIGIN	LAND BURDENED	BENEFIT TO	COMMENTS
©	EASEMENT (PARTY WALL RIGHTS)	SEC 136C OF THE TLA.	THIS PLAN	LOT	LOT	

Any other Part IVA easement with a document is to have a brief interpretation of its purpose shown in the COMMENTS column.

SUBJECT	PURPOSE	STATUTORY REFERENCE	ORIGIN	LAND BURDENED	BENEFIT TO	COMMENTS
©	EASEMENT	SEC 136C OF THE TLA.	THIS PLAN & DOC	LOT	LOT	RIGHT OF SUPPORT

Appendix 8 of the Survey and Plan Practice Manual Edition 5.1 will give examples as to how these easements are to be shown in the Interests and Notifications table.



## 11. Missing microfiche

The issue of microfiche for some field books and crown plans and diagrams missing in the Surveyors' search area at Landgate was raised at the SSI-WA Land Surveying Commission CPD seminar that was held on 15 February 2007.

Landgate has investigated this matter and can now advise that we have taken up the suggestion made at the seminar for cards to be placed in the filing cabinets where the microfiche is missing.

The cards will indicate the survey type, number and date of the missing microfiche.

A list of the missing microfiche will be displayed in the Surveyors' search room and posted on My Landgate Survey Channel to avoid delays when searching.

It is possible that copies of these field books and plans may exist in the archives of surveying companies, and so Landgate requests that surveyors review this list and search their archived records for copies of the missing documents. If found, please allow Landgate to duplicate the documents under mutually agreed arrangements with the common aim of improving the completeness of the State's land records.

## 12. Multi-lot and share titles

Landgate has recently completed software changes to allow Multi Lot and Share titles to be able to be converted to digital Titles; however, they will only be captured initially when dealings that affect them are lodged. It is possible that a backcapture project may eventuate in the future.

A Customer Information Bulletin will be released shortly in addition to new pamphlets describing the new digital Multi Lot and Share Titles.

The following images illustrate the appearance of the new digital titles:

## DIGITAL MULTI LOT TITLE EXAMPLE

REGISTER REFERENCE = N/A

Complex Title Banner

Multiple lots in Land Description

Notifications & encumbrances can be limited to less than all lots in the title

## DIGITAL SHARE TITLE

- REGISTER REFERENCE = N/A
- A Warning Banner. no share value shown = less confusion.
- The Land Description shows the share of the Land limited in this Title.
- The Proprietorship shows the fraction representing the percentage of each interest in (100%) of this Title that each proprietor owns.
- Notes to explain the nature of a Share Title where a recalculation has been required.

### 13. Future e-mail delivery of Notices to Surveyors

Landgate undertakes to send a hardcopy of each Notice to Surveyors by mail to all Licensed Surveyors with a Practising Certificate current at the date of the Notice. The primary purpose of these notices is to advise practising Licensed Surveyors about amendments to the Survey and Plan Practice Manual and the Strata Titles Practice Manual.

However, Landgate recognises that practising Licensed Surveyors are not the only people who wish to be kept informed of these amendments, and it has been suggested that e-mail delivery of Notices to Surveyors or notification by e-mail of each new Notice to Surveyors may be convenient to many industry members.

Consequently, Landgate wishes to determine the level of interest in using either an e-mail delivery or notification system.

If you are interested in only obtaining your Notices to Surveyors electronically in the future, please send an e-mail to [murray.dolling@landgate.wa.gov.au](mailto:murray.dolling@landgate.wa.gov.au) containing one of the following options:

#### **Option 1**

I would prefer to receive future Notices to Surveyors by email, and I could then be removed from your hardcopy mailing list. I can download files from the Landgate web site.

#### **Option 2**

I would prefer to receive future Notices to Surveyors by email, and I could then be removed from your hardcopy mailing list. I cannot download files from the Landgate web site.

#### **Option 3**

I would prefer to receive notification by e-mail that a new Notice to Surveyors has been posted on the Landgate web site, which I will then access to obtain my copy of the Notice. I could then be removed your hardcopy mailing list.

Landgate will respond to your feedback by implementing the system that suits most customers.

Customers are reminded that all Notices to Surveyors are posted on the Landgate web site at <http://www.landgate.wa.gov.au/corporate.nsf/web/Notices+to+Surveyors> and that the Survey Channel of My Landgate contains links to that address.

**BARRY CRIBB**  
**MANAGER LAND BOUNDARY SERVICES**  
**INSPECTOR OF PLANS AND SURVEYS**  
**ASSISTANT REGISTRAR OF TITLES**  
**1 June 2007**