

NOTICE TO SURVEYORS T8/2001

STRATA PLAN ISSUES

This notice outlines some significant issues concerning strata and survey-strata plans that are resulting in delays in the processing of these plans.

Regulation 14 Easements and Plans of Re-subdivision

The use of Regulation 14 easements on re-subdivisions of Survey-Strata Plans is not allowed. Such easements can only have effect on registration of the Plan. See Section 5D of the Strata Titles Act 1985.

Intrusion Easements

In the preparation of Survey-Strata Plans, the practice of using sole reference to a stated surface when preparing Intrusion Easements under Regulation 14H is to cease. Easements of this nature cannot be unlimited in height and AHD must be applied to a stated surface on a cross sectional drawing to define the area of intrusion.

Forms

Strata/Survey-Strata Plan forms must comply with the forms prescribed in the *Strata Titles General Regulations 1996*.

Reference to Section 25(1) in the Western Australian Planning Commission panel on Forms 1 and 2 is to be deleted. Form 26 applies to Section 25(1) and must be used for strata plans, re-subdivision and consolidations. Please ensure Form 26 is used and correctly endorsed.

Reference to Section 25B(2) is for Survey-Strata Plans only. The Western Australian Planning Commission panel on Forms 1 and 2 can only be signed for such plans.

It is the responsibility of the lodging party to ensure that the correct certificates are included on the plans. If it is found that the Western Australian Planning Commission has endorsed an incorrect certificate on a plan the lodging party will be required to have that plan re-certified by the Commission.

Surveyors Forms 5 and 6 must also comply with the regulations regardless of their source. Reference to *Strata Titles Act 1985*, Sections of the Act and Licensed Surveyor must appear on these forms as prescribed in the Regulations.

Surveyors preparing their own forms are advised to amend their templates in accordance with the above instructions.

Describing Cubic Space

The use of Section 3(2)(b) of the *Strata Titles Act 1985* when describing cubic space must refer to a **wall, floor, ceiling or structural cubic space** within the building to which the plan relates and cannot refer to “external surface of building” or “roof”.

Where the underside of a roof forms part of the ceiling and it is intended that the roof form part of the cubic space, the upper boundary of a lot could be described by specifying a distance above the ceiling so that the roof fits within that measurement. However this definition will not enable inclusion of any part of the roof that extends beyond the line of the inner surface of the walls.

IAN HYDE
REGISTRAR OF TITLES

20 July, 2001