



WESTERN AUSTRALIAN INSTITUTION OF SURVEYORS

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23 March 2017

Strata Titles Act Reform Team
Landgate
PO Box 2222
MIDLAND
WA 6936

Dear Strata Titles Act Reform Team,

Re: Consultation Draft Strata Titles Amendment Bill 2017

Thank you for the opportunity to review the Draft Strata Titles Amendment Bill 2017. WAIS representatives have held a preliminary meeting and will provide a formal response by 29 March 2017.

In summary, on initial review, the following has been identified and discussed at a meeting held at Landgate on the 14 November 2016 between Alison Fleming and Paul Asphar, with Alan Marsh and Richard Browne representing WAIS:

- WAIS's believes practitioners felt that having the graphical component of a strata definition within the register is in conflict with Landgate's strategic direction to replace aging systems to meet customer expectations of authoritative real time online visualization of their rights, restrictions and responsibilities of land and real property interests.
- Landgate is now requiring land surveyors to develop practices and procedures to directly lodge digital data representing the spatial extent of their client's rights, restrictions and responsibilities in land and real property.
- 'Vertical Living' is an increasingly popular and necessary form of human habitation that presents distinct challenges for cadastral systems.
- WAIS believes that the entrepreneurial development driver that initiated the reform project not as imperative as it once was. However, as the Bill has not been presented to Parliament, there is now an opportunity to assess the objectives of the reform project in the context of Landgate's 'Significant' issues and trends' as identified in the 2015/16 Annual Report.
- WAIS believes that the spatial extent of rights, restrictions and responsibilities in land and real property is most effectively presented by an authorised survey shown on a 'deposited plan' providing a 'lot on plan' descriptor for titling and conveyancing purposes. It is our opinion that the 'deposited plan' process is essential to Landgate's stated digital and e-conveyancing strategies.
- Since inception in 1966 the definition of the spatial extent of a strata lot / unit has 'morphed' from a narrative sketch description of a building through a narrative / graphical

depiction of a building and its appurtenant lots to a virtually fully dimensioned graphic combining some monuments (buildings and survey marks) and vectors.

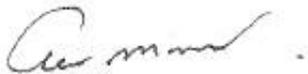
- In 2014 the Commissioner of Titles directed that as surveys for strata purposes were 'authorised surveys', they were required to be approved by the Inspector of Plans and Surveys. During 2014, the Registrar advised practitioners that lodged deposited plans would no longer be certified 'correct' but would be noted as 'examined' liability for any unfound (or unfindable) errors and / or omissions would remain with the authoring licensed surveyor.

We would be interested in Landgate's risk assessment on accepting an authorised survey in the register with minimal desk top only examination given the introduction of the 'verification' of identity' practice to overcome fraudulent registrations.

- The 1966 version of the Act only required the licensed surveyor to certify that the structure was within the cadastral parcel. Now that there are dimensioned part lots and parapet walls on boundaries shown on plans that are part of the register, we would query the public expectation of a guarantee within the register (where strata plans as authorised surveys now are) extending to dimensions and areas when Landgate is clear that dimensions on deposited plans (outside the register) carry no guarantee.
- Strata living is a mutual scheme virtually forming the '4th' level of government and the effective management of these schemes will increasingly require straightforward access to authoritative real time spatial data linked to parcel and lot boundaries depicting easements, ducts, pipes, rights, restrictions and responsibilities. This will be a fundamental data set and its effective storage, integration and visualization should logically form part of Landgate's future; sooner rather than later.
- The pause in legislative action in the strata titles area provides an opportunity to maximise the synergy of the act reform agenda and Landgate's objectives of e-conveyancing, land registry commercialisation, plan lodgment reform and Smartplan renewal.

A formal response will be sent by Wednesday, 29 March however in the meantime, please do not hesitate to contact Alan Marsh, WAIS Vice President on mobile: 0438 582 441 or email: admin@surveyorswa.org.au

Yours faithfully,



Alan Marsh
Vice President, WAIS