



WESTERN AUSTRALIAN INSTITUTION OF SURVEYORS

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17 August 2017

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

Cc: Dione Bilick, Surveyor General and Paul Asphar, LSLB

Dear Sean,

Re: Regulation Discussion Paper Management, Stage Development and Dispute Resolution

Firstly, thank you for attending the WAIS Conference held at the University Club of Western Australia, 21 July 2017 and delivering a professional presentation on the STAR – Strata Titles Act Reform. Feedback from our members indicated that the presentation was well received however members indicated that it was unfortunate that there wasn't sufficient time for questions. Subsequently, at our CadCon meeting, 1 August 2017 attended by 25 practising surveyors and brief discussion at a recent WAIS Board meeting indicated an overwhelming number of surveyors are opposed to the termination process outlined in your presentation at the Conference and do not accept that SAT is the appropriate court to determine such matters. Licensed surveyors view themselves as the custodians of the land titling system and are therefore in the majority opposed to a process that resolves in a title being less secure. Licensed surveyors are surprised Landgate has reversed its position taken previously (Schemes Within Schemes) when considered.

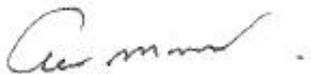
Secondly, WAIS provided positive feedback to Landgate suggesting changes that would bring Landgate systems up to date with current practice. A copy of letters dated 23 March, 28 March and 4 May 2017 are attached. WAIS members are more interested in providing professional advice which would result in a better registration system which provides the public with security of title and plans that provide necessary useful information and a more efficient strata titling registration system. The discussion paper forwarded to WAIS requires opinions on some 60 odd points, most of which are out of scope from a surveying point of view. Therefore, WAIS has decided only to give opinions to points that licensed surveyors have expertise, and strongly suggest that STAR looks at the bigger picture.

- 05 – As constructed plans digitally lodged at Landgate and indexed to the Strata plan.
- 06 – Implied easements for passage of existing and future installation of services e.g. Victoria. To work efficiently requires as constructed plans.
- 07 – Easements should be permitted to be restricted in height to guarantee security of title. This is the current position in Western Australia. This should be at the discretion of the licensed surveyor and client.
- 33 – Form 5 – approved form
Form 6 – approved form
Form 8 – approved form
Form 24 – should be deleted
Form 26 – should be deleted
Form 35 – approved form
Form 38 – approved form
- 34 – should be related to 2% above CPI
- 36 – current list is acceptable
- 37 – 5% should relate to building floor area of built stratas, not part lots outside the building
- 38 – 5% is reasonable
- 39 – the governing factor is the change in the unit entitlement. If the amendment changes the unit entitlement the change is not reasonable.
- 40 – 5% of building area and / or lot area of survey strata plans and common property should remain, by reason that common property can be leased and therefore the area becomes important. Unit entitlement change should be added.
- 41 – surveyors can easily calculate the areas of common property lots
- 43 – leave as per current Act
- 44 – leave as per current Act
- 45 – leave as per current Act
- 46 – leave as per current Act
- 47 – on plan means a deposited plan provided by a licensed surveyor and lodged at Landgate.
- 52 – licensed surveyor is the appropriate professional.

State Administrative Tribunal (SAT) doesn't recognise that licensed surveyors are the appropriate professionals to act as agents, to present cases for review. We respectfully submit that licensed surveyors should be permitted to represent clients before SAT.

Please do not hesitate to contact Alan Marsh, WAIS Vice President on mobile: 0438 582 441 or email: admin@surveyorswa.org.au to discuss these matters further.

Yours faithfully,



Alan Marsh
Vice President, WAIS