

BULLETIN NO. 244 | 25 March 2014

2014 DISCONTINUANCES AND MEMORIALS

DISCONTINUANCE OF MERGERS BY OWNERS (DIY MERGERS)

The option to merge land that is common property into strata lots in 'single tier strata schemes' became available to owners of those schemes registered before 1 January 1998. This included the ability for owners, in some cases, to achieve this without employing the services of a Licensed Surveyor, colloquially known as 'Do It Yourself' (DIY) mergers.

Landgate notes various issues with DIY mergers, based on case history, including:

- Boundaries on DIY mergers generally do not coincide with the actual fence boundaries or areas of occupation.
- The lot areas may not be equal as a result of the merger.
- Buildings may not be in the position as drawn on the original strata plan.
- Further re-subdivision or conversion to Survey-Strata becomes complicated for the Surveyor and may not deliver the required outcome for the clients.
- No lot areas or distances are shown on the resulting merger sketch plan.
- Conveyancers and prospective purchasers cannot determine areas without engaging a Licensed Surveyor.
- The resulting merger sketch plan is not supported by a Field Book.

These repeated issues strongly indicate that the information provided by the owner in a DIY merger is insufficient.

Therefore, as of **1 April 2014**, the Registrar of Titles will no longer accept DIY mergers lodged for registration. Customers will need to employ the services of a Licensed Surveyor to merge land that is common property into strata lots in 'single tier strata schemes'.

DISCONTINUANCE OF 'EASEMENTS FOR SKETCH PURPOSES ONLY' ON STRATA AND SURVEY-STRATA PLANS OF RE-SUBDIVISION

There have been several cases where easements proposed to be created by transfer, or easement documentation after the plan of re-subdivision is registered, have been depicted on the plan but the relevant documentation never lodged at Landgate. This causes confusion as people believe the easements shown on the plan exist, when they are not registered.

The Registrar of Titles, as from **1 April 2014**, will no longer accept easements graphically depicted on strata plans of re-subdivision and survey strata plans of re subdivision for sketch purposes only. Easements will need to be supported by an Interest Only Deposited Plan, prepared and lodged by a Licensed Surveyor lodged at Landgate.

WATER CORPORATION MEMORIALS FOR THE DEFERRAL OF HEADWORKS

Section 67B of the Water Agencies (Powers) Act 1984 (WAPA), which required a memorial to be created on plans of subdivision, has been replaced by section 128(2) of the Water Services Act 2012 (WSA), which requires a memorial document to be registered on the Certificate of Title of the land being subdivided.

The new memorial should be lodged at Landgate on the approved form (available at www.landgate.wa.gov.au) with the prescribed fee, prior to the lodgement of the application for new Certificates of Title for the lots on the plan of subdivision.

Until the memorial is withdrawn, written consent from Water Corporation will be required for all instruments affecting the land that are lodged for registration after the memorial is lodged.

A handwritten signature in black ink, appearing to read 'Jean Villani', with a long horizontal flourish extending to the right.

Jean Villani
REGISTRAR of TITLES