

Section 70A Notifications

Under Section 70A of the *Transfer of Land Act 1893*, where the Town considers it necessary to do so, it may require a notification be lodged on a property's Certificate of Title (CT) to make proprietors or prospective purchasers aware of a factor or condition affecting the use or enjoyment of the land. The notification will normally be a restriction on the use or development of the land or building.

The Town will require a notification be lodged on a property's CT as a condition of development and/or subdivision approval where a restriction may not be evident to a prospective purchaser. The following are examples where a notification may be required to be lodged on a property's Title:

- a) Bushfire prone area – To notify that the property falls within a bushfire prone area and any future development on it is subject to the requirements stipulated under a bushfire management plan.
- b) Detailed Area Plan – To notify that restrictions exist under a detailed area plan with regard to building design and/or subdivision layout.

The procedure to satisfying this requirement is as follows:

- a) The applicant obtains the applicable form from Landgate and arranges for the notification form to be prepared.
- b) The completed notification form is forwarded by the applicant or their solicitor to the Town's solicitors.
- c) The notification form is provided to the Town by its solicitors prior to or upon lodgement of the building permit application.
- d) The form is signed and sealed by the Town's Mayor and CEO, and then returned to the Town's solicitors.
- e) The Town's solicitor lodges the notification form at Landgate.

All costs of and incidental to fulfilment of this requirement must be paid by the landowner including, without limitation, the Town's legal costs and all registration fees and stamp duty (if any).

Please note that the following solicitors currently act on behalf of the Town:

McLeods Barristers and Solicitors
222 Stirling Highway
CLAREMONT WA
Tel: 9383 3133

If you have any queries, please contact the Town's Statutory Planning section on 9347 6000.