



Minister for Transport; Planning; Lands

Our ref: 72-11119

Your ref: Petition No 47 (A686136)

Hon Matthew Swinbourn MLC
Chair Standing Committee on Environment and Public Affairs
Parliament House
4 Harvest Terrace
WEST PERTH WA 6005

Dear Mr Swinbourn

PETITION NO 47 – TORRENS TITLE SYSTEM

Thank you for your letter dated 10 May 2018 requesting comment on behalf of the Legislative Council Standing Committee on Environment and Public Affairs, Petition No 47 – Torrens Title System.

The Commissioner of Titles at Landgate, a lawyer and expert in real property law, has assessed Petition No 47 and associated information. My reply is provided with her assistance. The issues raised in this petition can be summarised as:

- 1) What interests appear on the Western Australian Land Register?
- 2) How Government controls affect the use of land.
- 3) The rights of landowners and other parties with an interest in land.

Each of these issues is addressed below.

1) Interests Recorded on the Western Australian Land Register

Introduction of the *Transfer of Land Act 1893* (TLA) saw the creation of the Western Australian Land Titles Register (the Register), primarily to record property interests on a central, publicly accessible register. The Register's core function is to identify land ownership and interests in land by registration of those interests on the land title. The Register was never intended to exist in isolation to the rest of real property law. It is part of a broad legal and legislative framework of rights and responsibilities to land. People should be made aware that an interest recorded on the Register is only one way by which the rights and interests of owners of land can be lawfully affected.

Interests in land recorded on the Register are guaranteed by the State of Western Australia. Interests that are not recorded, and anything else that is not recorded, are not guaranteed. Other compensation regimes, such as taking interests in land for public works purposes or injurious affection for planning controls, also apply. There is no intention to expand the scope of the Register to include all items that may affect the use of land. The

Government is not willing or able to guarantee such a large category of other interests, as there are concerns around data accuracy which would make it imprudent to generate those interests under the guarantee provisions of the TLA.

Since enactment of the TLA in 1893, Parliament has created in legislation many other interests in land held by government agencies that are not required in legislation to be registered on the relevant certificate of title. Landgate has identified in its legislative review that there are approximately 86 of these types of other interests that can affect the use and enjoyment of land contained in the certificate of title. Landgate has long recognised that these interests, not recorded on titles, threaten the effectiveness of the land title system.

There have always been limited exceptions to absolute property rights. People who assert absolute property rights do not correctly understand the legal and legislative framework that actually exists. Petition No 47 correctly refers to one of these exceptions known as implied easements and prescriptive easements that are an interest in land and may not appear on a certificate of title contained in the Register. The Petition refers to the need to have the interests affecting land registered on the title.

This approach was considered but found to be not appropriate given concerns by some government agencies about the accuracy of their data which they were not prepared to guarantee. Another significant reason for not recording the interests on the affected titles was that a cost-effective solution could not be identified for the titling systems used in 2007. It was decided that the better approach was to create the Shared Land Information Platform (SLIP) and the Property Interests Report (PIR) as a way of hosting other agencies data and providing the public and agencies access to it via the internet. Amendments were made to the TLA to enable information about the land contained in a certificate of title to be linked to the certificate of title rather than physically registered upon it. See section 48A(1a) of the TLA.

In 2005, Landgate commenced a project across government which involved the identification of those interests and the different agency databases that support them. Landgate developed the Shared Land Information Platform (SLIP) which enabled the agencies which held statutory interests in land to place those datasets on the platform, with the ability for those agencies to maintain control of those datasets. SLIP is an award winning public platform and enables the sharing of land information and is available to the public to use.

The creation of SLIP also enabled Landgate to create its Property Interest Report (PIR). The PIR draws on all the data held in SLIP. This includes the interests that affect the use and enjoyment of land and applies it to the relevant land parcel that a person seeks to enquire about. Together with the certificate of title, the PIR acts as a central point of information about land. The PIR currently provides information about 76 interests affecting land that are not registered on the certificate of title. Landgate continues to work with government agencies to capture the remaining interests that affect the use and enjoyment of land.

It is important to understand that the PIR operates as a warning system to advise people obtaining the PIR of potential interests that affect the land. This allows a person to make further enquiries of those agencies which hold those interests to get further details. A list of interests is available on the Landgate website,

<https://www0.landgate.wa.gov.au/property-reports/single-address-report/property-interest-reports>. A sample of a PIR is attached.

Another important function of a PIR is to advise recipients of the report of interests that do not affect the land which they are enquiring about. That is, the report has the capability to exclude interests if they are known not to affect the relevant land parcel.

It is important to understand it is not mandatory for a person who is either interested in acquiring a property or owns a property to obtain a PIR report of that property.

In that sense, there is no mandatory vendor disclosure requirement for a person selling their property to disclose all of the interests that impact that property to a potential purchaser. In that regard, the rule of caveat emptor or “buyer beware” applies to property purchases. The current legal obligation is on the purchaser to seek all relevant information about the property before entering into a contract to purchase it. There is one exception to this mandatory disclosure which relates to the purchase of strata title properties which has a limited mandatory disclosure regime around information relevant to the management of the strata property and the common facilities that an owner or potential buyer would have access to.

2) Government Controls That Affect the Use of Land

I confirm there is a range of government controls prescribed by legislation that can affect land use in Western Australia. Some of these controls, such as a retirement village memorial, can be registered on the Register. Other controls such as zoning requirements for planning do not amount to an interest in land and cannot be registered on the Register.

3) Scope of Rights of Land Owners

I am advised that our system of real property law is based on the State of Western Australia owning all land at the outset. The Crown then grants an interest in land, with freehold title being the type of grant that is closest to absolute ownership. Even with a grant of freehold, some rights are reserved to the State of Western Australia and the Commonwealth of Australia, most obviously the rights to minerals. In addition, the State of Western Australia and the Commonwealth can compulsorily acquire land for public works purposes or legislate in a way that affects rights to land. Land ownership rights in Western Australia are, and have always been, subject to restrictions that the government may determine are appropriate.

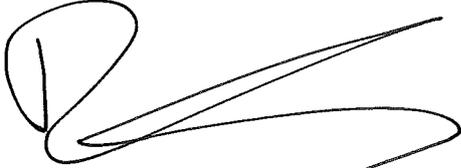
I note that Mr Terrence John Ealing, the person responsible for Petition No 47, has concerns with a statutory easement over his land that benefits Western Power. This easement does not appear on his certificate of title and is not registered on the Register. Without investigating whether this easement is effective at law, I am informed the legal basis of this statutory easement is independent of the TLA, and there is no requirement to place it on the Register for it to be effective.

The statutory easement over Mr Ealing’s land is part of a considered government strategy for providing essential services to the community. Queries concerning this easement and the powerline should be directed to Western Power.

The above is only preliminary comment, as requested in your letter. The Commissioner of Titles at Landgate, Ms Susan Dukes, can assist with further queries about land that the

Standing Committee on Environment and Public Affairs may have. Susan can be contacted on email at susan.dukes@landgate.wa.gov.au or by phone on 9273 7783.

Yours sincerely

A handwritten signature in black ink, consisting of a large, stylized 'R' followed by a long, sweeping horizontal stroke that loops back under the 'R'.

**HON RITA SAFFIOTI MLA
MINISTER FOR LANDS**

22 JUN 2018

Att



Property Interest Report

17 Fallow Way, Alkimos 6038

- 1. Property information**
This section includes an aerial photograph and details of this property.
- 3. Summary of interests that DO NOT AFFECT this property**
This section helps you to see at a glance interests that do not affect this property.

- 2. Summary of interests that AFFECT this property**
This section helps you to see at a glance interests pertaining to this property.
- 4. Details of interests that AFFECT this property**
This section provides details of how an interest specifically relates to this property.

What is a property interest?

A property interest gives rights to a land owner but also, could imply restrictions or impose responsibilities which may impact on their use or enjoyment of the land. Most interests are created by government legislation, policies and guidelines.

Where does property interest information come from?

This service gathers interest information from multiple government bodies and private organisations in Western Australia and consolidates that information into the Property Interest Report. This report will show interests that do and do not affect the property.

Does this report include all interests?

This Property Interest Report only serves as a guide to interests that relate to this property not recorded on the Certificate of Title. Landgate does not have access to all interest information that affects property in Western Australia. There may be other interests that relate to the property, where that information is currently not available to Landgate. For information on other known interests not in this report, see www0.landgate.wa.gov.au/interestdictionary.

Are interests on the Certificate of Title in this report?

No, this report does not include interest information registered on the Certificate of Title. Limitations, Interests, Encumbrances and Notifications may be registered on the Certificate of Title under Second Schedule Endorsements.

It is recommended that a copy of the Certificate of Title is obtained to identify any registered interests and/or information. Visit landgate.wa.gov.au to order a copy of the Certificate of Title.

How do I find out more information?

For further information about interests including information, contact details and relevant legislation on any interests in this report, see www0.landgate.wa.gov.au/interestdictionary.

If you have any queries or concerns, please contact the responsible agency of the interest in question, contact details can be found in this report or the interest dictionary.

Notice

This Property Interest Report has been produced by Landgate on behalf of the State of Western Australia. This report has direct access to property interest information held by multiple government bodies and private organisations in Western Australia.

This report is accurate and current at the date and time it was generated. However, circumstances and interests may change and can differ from the contents of this report.

Please note: Where risk has been identified to a property within this report and construction has occurred on the land, contact your relevant Local Government Authority for management remediation plans relevant to your property, or for properties being purchased off the plan, contact your developer.

2. Summary of interests that **AFFECT** this property

Interests below specifically affect this property but do not appear on the Certificate of Title. For information and details on how the below interests may impact your property, please see section four of this report.

- ATCO Gas Australia Infrastructure
- Building and Construction Industry Training Levy
- Building Permit
- Bush Fire Prone Areas
- Dial Before You Dig
- Emergency Services Levy
- Former Military Training Area (Unexploded Ordnance)
- Garden Bore Suitability
- Groundwater Salinity
- Iron Staining Risk
- Land Tax
- Local Government Rates
- Local Planning Schemes
- Metropolitan Region Improvement Tax
- Mosquito-borne Disease Risk
- Native Title and Indigenous Land Use Agreements
- Proclaimed Groundwater Areas
- Sprinkler Restrictions & Bans
- Water Corporation Infrastructure (above and below ground)

3. Summary of interests that **DO NOT AFFECT** this property

Information currently available to Landgate suggests that these interests do not affect this property. For further information and contact details on these interests, please see the interest dictionary www0.landgate.wa.gov.au/interestdictionary.

- 1 in 100 AEP Floodplain Development Control Area
- Aboriginal Heritage Places
- Aboriginal Lands Trust Estate
- Acid Sulfate Soil (ASS) Risk
- APA Group Owned/Operated Gas Transmission Pipeline
- Australian Natural, Indigenous and Historic Heritage
- Basic Raw Material Zones
- Bush Forever Areas
- Clearing Control Catchments
- Commercial Building Disclosure
- Contaminated Sites (Contaminated Sites Database)
- Control of Access on State Roads
- Dampier to Bunbury Natural Gas Pipeline Development Setback Area
- Development Control Area (Swan and Canning Rivers)
- Environmental Protection Policies
- European House Borer
- Future State Roads
- Harvey Water Infrastructure
- Heritage Council - Assessment Program
- Heritage Council - Conservation Orders
- Heritage Council - Heritage Agreement
- Heritage Council - State Register of Heritage Places
- Intensive Agricultural Industries
- Jandakot Airport - Aircraft Noise
- Jandakot Airport - Land Use Planning
- Lands owned or managed by the Department of Parks and Wildlife
- Liquor Restrictions
- Local Government Municipal Inventory
- Marine Harbours Act Areas
- Marine Navigation Aids
- Mining Titles
- National Park, Conservation Park and Nature Reserve
- Native Vegetation
- Navigable Water Regulations
- Notices on Properties under the Biosecurity and Agriculture Management Act 2007
- Notices on Properties under the Soil and Land Conservation Act 1945
- Perth Airport - Aircraft Noise
- Perth Airport - Land Use Planning
- Perth Parking Policy
- Petroleum Tenure
- Possible Road Widening
- Proclaimed Surfacewater Areas
- Protected Areas - Collaborative Australian Protected Area Database
- Public Drinking Water Source Areas
- Ramsar Wetlands
- Region Schemes
- Residual Current Device
- Residue Management Notice
- Shipping and Pilotage Port Areas
- Smoke Alarm
- State Forest and Timber Reserve
- State Underground Power Program
- Threatened Ecological Communities
- Threatened Fauna
- Threatened Flora
- Titanium - Zircon Mineralization Areas
- Water Corporation Infrastructure Buffer Zones
- Water Corporation Non-Standard Services (Private Fire Service)
- Waterways Conservation Act Management Areas
- Western Power Infrastructure
- Wetlands

4. Details of interests that **AFFECT** this property

Interests below in alphabetical order specifically affect this property but do not appear on the Certificate of Title. For further information and Legislation details, see www0.landgate.wa.gov.au/interestdictionary.

ATCO Gas Australia Infrastructure

Responsible agency:
ATCO Gas Australia

Definition of Interest:

ATCO Gas Australia is a private company delivering safe, reliable, cost-effective natural gas to West Australians. As a gas distribution company, ATCO Gas builds, owns and maintains an underground network of pipelines that bring natural gas to more than 700,000 consumers. Along with building and maintaining the network, we also perform the work to connect your homes and businesses to gas and read your meter.

Affect of Interest:

The selected property **is within the vicinity** of ATCO Gas Australia Infrastructure. Land use, building, demolition and access constraints may apply.

Details are available below:

ATCO Gas Australia Infrastructure:

Infrastructure Type - Gas Distribution Network

Depending on the infrastructure type as indicated above, the following advice will apply:

Gas Distribution Network

If the search area is identified as being within the Gas Distribution Network area, a gas connection might exist or be available for the property. See www.atcogas.com.au for more information about the gas connection process or contact ATCO Gas Australia on 13 13 56.

To view ATCO Gas distribution network maps see: www.atcogas.com.au/About-Us/Coverage-Maps.

Note: A gas connection may not always be available for properties within the Gas Distribution Network Area. If the property is not abutting a suitable existing gas distribution main, a pipeline extension may be required. However, buried pipework may still exist on your property. Visit Dial Before You Dig www.1100.com.au to determine the location of gas mains.

High Pressure Gas Pipeline

No work is permitted within 15 metres of a High Pressure pipeline without prior approval from ATCO Gas Australia. Land use, building, demolition and access constraints may apply.

Construction, excavation and other activities may be restricted in this zone. No pavements (including crossovers) are to be constructed over the pipeline without prior consent from ATCO Gas Australia. Various pipeline safety tests may apply.

For more information contact our office on 1300 926 755, or email hpenquiries@atcogas.com.au.

PLEASE NOTE:

This report is not an alternative to Dial Before You Dig. Information about underground cable and pipe networks is available by requesting the utility maps through the Dial Before You Dig web site, www.1100.com.au or contact their call centre on 1100 during business hours, to find out about the location of underground infrastructure prior to commencing any excavation works on a property.

Legislation governing the interest:

Energy Coordination Act 1994

Energy Operators (Powers) Act 1979

Gas Standards Act 1972

Gas Standards (Gas Supply and System Safety) Regulations 2000

Gas Standards (Gasfitting and Consumer Gas Installations) Regulations 1999

Building and Construction Industry Training Levy

Responsible agency:

Construction Training Fund Board

Definition of Interest:

The Building and Construction Industry Training Levy is used to support training for people working within the building and construction industry, and is payable prior to the commencement of a project or upon application for a building license.

Affect of Interest:

The levy of 0.2% on the contract price is **applied to all** residential, commercial and civil engineering projects undertaken in Western Australia where the total value of construction is over \$20,000. The project owner pays the levy when an application for a building permit is made to the Local Government Authority.

For more information contact our office on (08) 9244 0100 or see www.bcitf.org.

Legislation governing the interest:

Building and Construction Industry Training Fund and Levy Collection Act 1990

Building and Construction Industry Training Levy Act 1990

Building Permit

Responsible agency:

Department of Mines, Industry Regulation and Safety

Definition of Interest:

All new buildings and incidental structure alterations to existing buildings and incidental structures are to be approved by the grant of a building permit by the relevant Permit Authority, in most instances this will be the Local Government Authority.

Affect of Interest:

All new buildings and alterations to existing buildings **are to be approved** by the issuing of a building permit.

For more information contact our office on 1300 489 099, or email bcinfo@commerce.wa.gov.au, or see www.buildingcommission.wa.gov.au.

Legislation governing the interest:

Building Act 2011

Building Regulations 2012

Bush Fire Prone Areas

Responsible agency:

Office of Bushfire Risk Management

Definition of Interest:

A bush fire prone area is an area that is subject to, or likely to be subject to, a bushfire attack. Additional planning and building requirements may apply to developments within areas designated as bush fire prone by the Fire and Emergency Services Commissioner. A further assessment of bushfire risk may also be required under the Planning and Development (Local Planning Schemes), State Planning Policy 3.7 Planning in Bushfire Prone Areas and the Building Code of Australia.

Affect of Interest:

The selected property **is identified** as being fully or partially within a designated bush fire prone area. Additional planning and building requirements may apply, in accordance with Schedule 2 Part 10A of the Planning and Development (Local Planning Schemes) Regulations 2015, State Planning Policy 3.7 Planning in Bushfire Prone Areas and the Building Code of Australia.

Details are as follows:

Bush Fire Prone Areas:

Designation - Bush Fire Prone Area (additional planning and building requirements may apply to development on this site)

Designation Date - 01/06/17 (since 08/12/15)

Comments - This site has been in a designated bush fire prone area for longer than four months. Additional planning and building requirements may apply to development on this site.

A Bushfire Attack Level (BAL) assessment or BAL Contour Map may be required in certain circumstances under Schedule 2 Part 10A of the Planning and Development (Local Planning Schemes) Regulations 2015 if the site has been located in a bush fire prone area for a period of at least four months. Development approval must be obtained in areas with a BAL rating of BAL-40 or BAL-Flame Zone (FZ) before commencing any development, including instances where development approval would not normally be required. A bushfire management plan may also be required.

Bushfire construction requirements set out in GP5.1 and P2.3.4 of the Building Code of Australia apply to certain residential building work in designated bush fire prone areas if the site has been located in a bush fire prone area for a period of at least four months. A further assessment of bushfire risk, such as a BAL assessment, will assist in determining the appropriate level of bushfire resistant construction that should be incorporated into the building. In general a building permit is required before undertaking most new building work.

Certain exemptions and exclusions may apply. Local governments may also have locally specific building requirements.

For specific requirements contact the planning or building section of your local government.

For further information about the Planning and Development (Local Planning Schemes) Regulations 2015, State Planning Policy 3.7 Planning in Bushfire Prone Areas or the associated Guidelines, contact the Department of Planning, Lands and Heritage Bushfire Policy Officer at bushfire@planning.wa.gov.au or on (08) 6551 9000.

For general information regarding the Building Code of Australia and requirements for bush fire prone areas, contact the Building Commission at bcinfo@commerce.wa.gov.au or on 1300 489 099.

If the property has a notification on title stating that the land is within a designated bush fire prone area and the Map of Bush Fire Prone Areas confirms that the land is

4. Details of interests that **AFFECT** this property

no longer designated as bush fire prone, then the notification on title may be removed through an N2 form 'Removal or modification of notification under section 70A of the Transfer of Lands Act 1893', available from <https://www0.landgate.wa.gov.au/for-individuals/forms-and-fees/land-titling-forms>. Note that the relevant local government authority will be required to sign the form prior to its submission to Landgate. Fees apply.

Legislation governing the interest:

Fire and Emergency Services Amendment Act 2015

Fire and Emergency Services Act 1998

Planning and Development (Local Planning Schemes) Regulations 2015

Building Act 2011

Building Regulations 2012

Dial Before You Dig

Responsible agency:

Dial Before You Dig

Definition of Interest:

Dial Before You Dig is a referral service for information on locating underground utilities anywhere in Western Australia. Australia's national referral service for information on underground pipes and cables.

Affect of Interest:

This will affect the property when ground disturbance works are planned, for further information or plans on location of underground utilities see www.1100.com.au or contact our office on 1100.

Legislation governing the interest:

Occupational Health, Safety and Welfare Act 1984

Occupational Safety and Health Regulations 1996

Emergency Services Levy

Responsible agency:

Department of Fire and Emergency Services

Definition of Interest:

The Emergency Service Levy (ESL) category classification of a property (declared by the Minister for Emergency Services) determines the ESL assessment rate that will be applied to the Gross Rental Value (GRV) of a property to calculate the ESL charge each year (subject to minimum and maximum ESL charge declarations). ESL category classification boundaries are managed by the DFES based upon cadastral information.

Affect of Interest:

The selected property **currently has** the following Emergency Services Levy category classification:

Emergency Service Levy Boundaries:

ESL Category - 3

ESL Boundary - North Category 3

The ESL category classifications:

Category 1: Availability of a network of career Fire & Rescue Service stations and the State Emergency Service (SES).

Applies in the Perth metropolitan area.

Category 2: Availability of a career Fire & Rescue station and a volunteer Fire & Rescue Service brigade and the SES.

Applies in the city centres of Albany, Bunbury, Greater-Geraldton, Kalgoorlie-Boulder and Mandurah.

Category 3: Availability of a Volunteer Fire & Rescue Service brigade or bush fire brigade with frequent support from the metropolitan network of career Fire & Rescue Service stations and the SES.

Applies in the periphery of the metropolitan area.

Category 4: Availability of a Volunteer Fire & Rescue Service brigade or a Volunteer Emergency Service Unit or a breathing apparatus equipped bush fire brigade and the SES.

Applies in approximately 90 country townships.

Category 5: Availability of a bush fire brigade and the SES.

Applies in all other areas of the State except Indian Ocean Territories.

Please note the following properties are exempt from ESL (by Regulation):

- Vacant land owned by Local Governments;
- Certain Mining Tenements granted for prospecting/exploratory activities only; and
- The Wittenoom town site (a contaminated site);

Use the Emergency Services Levy calculator below to work out how much ESL you are likely to pay on a property, see

www.dfes.wa.gov.au/emergencyserviceslevy/pages/eslcalculator.aspx.

For more information contact our office on (08) 9395 9485, or see

www.dfes.wa.gov.au.

Legislation governing the interest:

Fire and Emergency Services Act 1998

Fire and Emergency Services Regulations 1998

Former Military Training Area (Unexploded Ordnance)

Responsible agency:

Department of Fire and Emergency Services

Definition of Interest:

A Former Military Training Area is an area that may have been used by the Department of Defence, Allied or Foreign Armed Services in a manner where a hazard such as explosive ordnance may exist.

Affect of Interest:

Unexploded ordnance (UXO) **may be found** on or below the soil surface. Of the small percentage of artillery projectiles, mortars and aerial bombs which did not explode on impact, some will have penetrated the soil. In stable soil conditions, most of these are likely to be found within two metres of the natural ground surface with density increasing towards the surface.

Former Military Training Areas:

ID - 0

Page Number - C-107

Location Number -

General Location - 5 km S S E of Yanchep

Site Name - Eglinton Range Area

Contact us to find out further detail in regards to how this land may be affected by UXO, whether the land has been previously searched for UXO or to arrange for a search by an accredited UXO Contractor.

4. Details of interests that **AFFECT** this property

For more information contact our office (08) 9482 1760, or advice@dfes.wa.gov.au, or see www.defence.gov.au/uxo.

Legislation governing the interest:

Commonwealth Policy on the Management of Land Affected by Unexploded Ordnance

Garden Bore Suitability

Responsible agency:

Department of Water and Environmental Regulation

Definition of Interest:

As part of new water efficiency measures, the Department of Water and Environmental Regulation (DWER) has prepared a Perth groundwater area map showing where additional garden bores are suitable/unsuitable based on available hydrogeological information.

Affect of Interest:

The property **is within** an area where additional garden bores are:

Garden Bore Suitability:

Suitability - Suitable

The hydrogeological conditions beneath the property are listed above for the installation of a garden bore.

For more information please contact Water Information at the Department of Water and Environmental Regulation (DWER) on (08) 6364 7600 or waterinfo@water.wa.gov.au, or see www.water.wa.gov.au/urban-water/bores.

Legislation governing the interest:

Rights in Water and Irrigation Act 1914

Rights in Water and Irrigation Exemption (Section 26C) order 2010

Groundwater Salinity

Responsible agency:

Department of Water and Environmental Regulation

Definition of Interest:

The salinity in groundwater varies greatly in Western Australia. This depends on many factors such as geology, topography, climate and coastal seawater intrusion. The Department of Water and Environmental Regulation (DWER) categorises the groundwater salinity according to the salt content and its application for public drinking, irrigation, stock water etc.

Affect of Interest:

The salinity in groundwater in Western Australia varies considerably. This depends on many factors such as geology, topography, climate and coastal seawater intrusion.

Due to the fluid nature of ground conditions it is only possible to report on a indicative reading for the groundwater salinity that exists at this location.

If the groundwater salinity at this location is important then you should contact the closest regional office for advice on this subject.

Groundwater Salinity:

TDS per milligram per litre - 500-1000

Salinity is the measure of total dissolved solids (TDS) or salts in water and is reported as milligrams per litre (mg/L).

The range of salinity of natural water is:

Category	Salinity range
Fresh	0-500 mg/L TDS (suitable for selected agricultural use)

4. Details of interests that **AFFECT** this property

Marginal 500-1000 mg/L TDS (suitable for selected agricultural use)
Brackish 1000-3000 mg/L TDS (used for parkland irrigation)
Saline 3000-35,000 mg/L TDS (industrial use and stock watering up to 10,000mg/L)
Hypersaline >35,000 mg/L TDS

To verify the groundwater salinity at a particular location contact our office on (08) 6364 7600 or waterinfo@water.wa.gov.au, or see www.water.wa.gov.au/water-topics/groundwater.

Legislation governing the interest:

The Department of Water advises against drilling garden bores in areas underlain by the saltwater interface. There is no legislative basis or implications for this advice.

Iron Staining Risk

Responsible agency:

Department of Water and Environmental Regulation

Definition of Interest:

Groundwater in many areas in Western Australia contains dissolved iron. When the water is exposed to air, the iron is oxidised and forms a rust-coloured coating on walls and paving's.

Affect of Interest:

The property **is in an area** where there is an elevated iron / manganese staining risk according to data available at the time of publication.

Iron Staining Risk:

Risk - Low risk

If you wish to verify whether your proposed garden bore is located in an area of high risk of iron staining, please contact Water Information at the Department of Water and Environmental Regulation (DWER) on (08) 6364 7600 or waterinfo@water.wa.gov.au, or see www.water.wa.gov.au/home.

Legislation governing the interest:

There is no legislation directly related to this Interest.

Land Tax

Responsible agency:

Department of Finance

Definition of Interest:

Land tax is an annual tax based on the ownership and usage of land at midnight on 30 June and is levied in respect of the financial year following that date. Various exemptions or concessions may apply. Until land tax is paid it remains a first charge on the land.

Affect of Interest:

Land tax is an annual tax based on the ownership and usage of land at midnight on 30 June and is levied in respect of the financial year following that date. Various exemptions or concessions may apply; for example, primary residences.

For more information contact our office on (08) 9262 1200 or see www.finance.wa.gov.au/landtax.

Legislation governing the interest:

*Taxation Administration Act 2003
Land Tax Assessment Act 2002
Land Tax Act 2002*

Local Government Rates

Definition of Interest:

4. Details of interests that **AFFECT** this property

Responsible agency:
Department of Local
Government, Sport and
Cultural Industries

A Local Government Authority can levy rates on any rateable land within its district in accordance with the provisions of the *Local Government Act 1995* and its associated regulations.

Affect of Interest:

Local Government Authorities can levy rates on any rateable land within its district in accordance with the provisions of the *Local Government Act 1995* and its associated regulations.

For more information contact your Local Government Authority.

Legislation governing the interest:

Local Government Act 1995
Local Government (Financial Management) Regulations 1996

Local Planning Schemes

Responsible agency:
Department of Planning,
Lands and Heritage

Definition of Interest:

Local Planning Schemes set out the way land is to be used and developed, classify areas for land use and include provisions to coordinate infrastructure and development in a locality.

Affect of Interest:

The selected area of land **has** the following zoning(s) and/or land-use class(es):

Local Government Authority:

Name - WANNEROO, CITY OF

Local Area Zoning:

Zoning - Urban development

Label -

Label Description -

Additional Use -

Restricted Use -

Special Additional Use -

For more information see www.planning.wa.gov.au/Local-planning-schemes.aspx.
Or contact your Local Government Authority for more information.

Legislation governing the interest:

Planning and Development Act 2005
Planning and Development (Consequential and Transitional Provisions) Act 2005
State Planning Policy 3.1 - Residential Design Codes
Model Scheme Text

Metropolitan Region Improvement Tax

Responsible agency:
Department of Finance
and Department of
Planning, Lands and
Heritage

Definition of Interest:

Metropolitan Region Improvement Tax (MRIT) is an annual tax on land in the metropolitan region that is also liable for land tax. Unpaid MRIT remains a first charge on the land.

Affect of Interest:

The selected property **may be** subject to Metropolitan Region Improvement Tax (MRIT). MRIT is an annual tax on land in the metropolitan region that is also subject to land tax.

Your property falls within the Local Government Authority (LGA) below:

Local Government Authority - WANNEROO, CITY OF

For more information contact our office on (08) 6551 1000, or see www.finance.wa.gov.au/landtax.

4. Details of interests that **AFFECT** this property

Legislation governing the interest:

Metropolitan Region Improvement Tax Act 1959
Land Tax Assessment Act 2002
Taxation Administration Act 2003
Planning and Development Act 2005

Mosquito-borne Disease Risk

Responsible agency:
Department of Health

Definition of Interest:

Mosquitoes can be a serious nuisance in certain regions of Western Australia and can spread disease-causing viruses such as Ross River, Barmah Forest, Kunjin and Murray Valley encephalitis viruses.

Affect of Interest:

The selected area **is impacted** by the risk of mosquito-borne diseases.

Details are as follows:

Mosquito-borne Disease Risk:

Risk Level - Low or unknown risk

Frequent high risk

The selected area is in a region that frequently experiences problems with nuisance and disease carrying mosquitoes.

Occasional very high risk

The selected area is in a region that experiences severe problems with nuisance and disease carrying mosquitoes in some years, depending on environmental conditions.

Frequent high and occasional very high risk

The selected area is in a region that frequently experiences problems with nuisance and disease carrying mosquitoes, and severe issues are also experienced in some years depending on environmental conditions.

Low or unknown risk

This location has not experienced high rates of mosquito-borne disease in the past. However, the sporadic nature of mosquito-borne disease outbreaks means that this not necessarily a precise indicator of future risk. Furthermore, regions with low or no resident human population may also be classified as low risk even though there may be an undocumented high risk in the area. Finally, significant mosquito nuisance issues may still be experienced, despite a low health risk.

Residents are advised to avoid exposure to mosquitoes and minimise mosquito breeding around the home as appropriate, particularly following extreme weather events such as heavy rainfall, high tides (in coastal areas) or localised flooding that may create abnormally large areas of mosquito breeding habitat.

For information on mosquito control in your local area or to report a mosquito problem please contact your Local Government Environmental Health Officer.

For more information about mosquito management, contact the Environmental Health Directorate on (08) 9388 4999 or email medical.entomology@health.wa.gov.au or see http://ww2.health.wa.gov.au/Articles/J_M/Mosquito-management.

4. Details of interests that **AFFECT** this property

Native Title and Indigenous Land Use Agreements

Responsible agency:
National Native Title
Tribunal

Legislation governing the interest:

Health Act 1911

Definition of Interest:

Native title is the recognition in Australian law that some Indigenous people continue to hold rights to lands and waters. An Indigenous Land Use Agreement (ILUA) is an agreement about native title made between one or more native title groups and other people.

Affect of Interest:

Your area of interest **is within** the geographic extent(s) of the following Native Title Applications, Determinations or Indigenous Land Use Agreements (ILUAs):

**IMPORTANT INFORMATION: PLEASE NOTE
WHILE NATIVE TITLE INTERESTS MAY HAVE BEEN IDENTIFIED OVER THE
AREA OF YOUR SEARCH, IT MUST BE NOTED THAT:**

Native Title cannot generally exist over the following types of tenure:

- residential freehold;
- farms held in freehold or;
- pastoral or agricultural leases that grant exclusive possession;
- residential, commercial or community purpose leases, or
- public works like roads, schools or hospitals.

Native Title can generally only exist over the following types of tenure:

- vacant (unallocated) crown land;
- some state forests, national parks and public reserves depending on the effect of state or territory legislation establishing those parks and reserves;
- oceans, seas, reefs, lakes and inland waters;
- some leases, such as non-exclusive pastoral and agricultural leases, depending on the state or territory legislation they were issued under, or
- some land held by or for Aboriginal people or Torres Strait Islanders.

The status of a Native Title Application will determine the rights and restrictions within the boundary of that Application.

Applications Filed in the Federal Court:

Application Name - SWAN RIVER PEOPLE 2

Federal Court Reference - WAD24/2011

Status - UNREGISTERED

Date Filed (dd/mm/yyyy) - 01/02/2011

NNTT Number - WC2011/002

Application Name - SINGLE NOONGAR CLAIM (AREA 1)

Federal Court Reference - WAD6006/2003

Status - UNREGISTERED

Date Filed (dd/mm/yyyy) - 06/10/2003

NNTT Number - WC2003/006

Applications Registered With NNTT:

Application Name - WHADJUK PEOPLE

Federal Court Reference - WAD242/2011

NNTT Number - WC2011/009

Status - REGISTERED

Date Registered (dd/mm/yyyy) - 11/10/2011

Please refer to the Interest Dictionary

(<https://www0.landgate.wa.gov.au/interestdictionary>) for terms used in this report.

4. Details of interests that **AFFECT** this property

For more information contact our office on 1800 640 501 or see www.nntt.gov.au.

Legislation governing the interest:

Native Title Act 1993 (Commonwealth)

**Proclaimed
Groundwater Areas**

Responsible agency:

Department of Water and
Environmental Regulation

Definition of Interest:

Access to groundwater is regulated under the *Rights in Water and Irrigation Act 1914* in order to manage water resources.

Affect of Interest:

The selected area of land **falls within** a groundwater area that is proclaimed under the *Rights in Water and Irrigation Act 1914*.

Details of the proclaimed area(s) are provided below:

Proclaimed Groundwater Areas:

Groundwater Area Name - Perth

Proclaimed Status - Proclaimed

Relevant Act - RIWI Act 1914

Relevant Act Section - Section 26B (1)

Gazetted (Legal) Name - Perth Groundwater Area

Date Published in Gazette (dd/mm/yyyy) - 20/03/1998

Gazetted Type - Variation

Page in Gazette - 1517

Gazetted Plan Number - WRC3824-1-1

Comments -

You may need a licence or permit from the Department of Water and Environmental Regulation (DWER) if you propose to construct a bore or take groundwater from the shallow (superficial) aquifer or deeper aquifers.

There are exemptions from licensing requirements for certain purposes. For example the majority of garden bores may not require a licence if accessing a shallow (superficial) aquifer only.

To confirm whether you need a licence, go to the water licensing website page or contact your local DWER office.

For more information contact our office on (08) 6364 7600, or see www.water.wa.gov.au.

Legislation governing the interest:

Rights in Water and Irrigation Act 1914

Rights in Water and Irrigation Regulations 2000

**Sprinkler Restrictions
& Bans**

Responsible agency:

Department of Water and
Environmental Regulation

Definition of Interest:

Sprinkler restrictions and/or bans apply throughout Western Australia for scheme water users and domestic garden bores.

Affect of Interest:

The selected property **is identified** as being fully or partially within in an area designated to have sprinkler restrictions.

Details are as follows:

4. Details of interests that **AFFECT** this property

Sprinkler Restrictions:

Region - Perth/Mandurah

Winter Restrictions - Stage 6

Summer Restrictions - Stage 4

Sprinkler restrictions and or bans apply to this area. Due to the drying climate, the State Government introduced water efficiency measures, including the introduction of restrictions on domestic sprinklers.

These restrictions include permanent efficiency measures, an annual winter sprinkler ban that applies to domestic sprinkler use and some non-domestic use, and can also include extra efficiency measures and restrictions from time to time such as extensions of the winter sprinkler ban period or other restrictions.

Restriction stages are detailed in the Water Agencies (Water Use) By-laws 2010. www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_11731_homepage.html Additional restrictions may also apply to specific locations. Please refer to your water service provider for more information relating to your area.

For more information please see www.water.wa.gov.au/urban-water/water-restrictions/garden-bores.

For more information contact our office on 13 10 39 or see www.water.wa.gov.au and go to the Domestic Garden Bore website page.

Legislation governing the interest:

Water Agencies (Powers) Act 1984

Water Agencies (Water Use) By-laws 2010

Water Corporation Infrastructure (above and below ground)

Responsible agency:

Water Corporation

Definition of Interest:

The Water Corporation operates vast water, sewerage and drainage pipe networks throughout WA. At any given location there may be various infrastructure in the ground of different sizes, depths, alignments and materials belonging to the Water Corporation.

Affect of Interest:

The selected property **is impacted** by Water Corporation pipes or access chambers. No construction is permitted in the proximity of this infrastructure without the consent of the Water Corporation and it should be noted that 24 hour access may be required for maintenance purposes in certain circumstances.

Sewer Infrastructure:

Infrastructure Type - Sewer Connection Point

Infrastructure Type - Sewer Main

Water and sewer services located outside the property boundaries (road reserves) are not included in this report, as this report only includes interests inside the property boundaries. However they can be viewed here, www.mywater.com.au/css-web-external/pub/propertySearch.

Please be aware that it is a **legislative requirement** to notify the Water Corporation of any proposed construction, alteration or demolition of a building in areas where the Corporation is the licensed provider of water, wastewater or drainage services.

4. Details of interests that **AFFECT** this property

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A person is not permitted to construct, alter or demolish a building without the prior authorisation of the Water Corporation.

For more information contact our office on 13 13 95, or see www.watercorporation.com.au/moving-buying-and-building/buying-or-selling.

PLEASE NOTE:

This report and the Water Corporation online property search tool is not an alternative to Dial Before You Dig.

Information about underground cable and pipe networks is available by requesting the utility maps through the Dial Before You Dig web site, www.1100.com.au or contact their call centre on 1100 during business hours, to find out about the location of underground infrastructure prior to commencing any excavation works on a property.

Legislation governing the interest:

Water Services Act 2012

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