

Super Strata Paper – Australia Day Seminar 24 January 2020

Land Development Certificates – Adrian Barden Reading time: 25 minutes.

Preface

With busy survey practices and increased pressures on speed of delivery and cost of products, there are also increasing pressures on maintaining the quality and correctness of survey plans. Training of new staff means your systems also need to be capable of educating and guiding your staff. This presentation looks at the information available for developing up a checking system that caters to new employees, gives mid-range staff the ability to make changes and improvements and gives managers access to quality data to review the checking taking place on projects.

Introduction



This iconic photograph is called “earth rise” and was taken from Apollo 8 as it mapped the surface of the moon investigating future landing sites. In part, this photo inspired the environmentalist movement.

John F Kennedy and his administration set the vision to go to the moon back on 1961. That vision was realised in 1969. Just eight years later. To achieve such a task, NASA revamped their project

management systems. At the time they not only took us to the moon, they took project management tools to a whole new level. They not only looked at duration, but the longest possible duration, and the shortest duration. They analysed their critical paths with statistics.

Today we have more computing power in our phones than the space program had in its entirety. I am reading a book by James Clear. And it opens with a great quote:

“You do not rise to the level of your goals. You fall to the level of your systems.”

As we pursue excellence in the preparation of our plans, we need to be driven by systems. Usable systems. Transactional systems. What do I mean by transactional systems? A transactional system is one that employees use to achieve each component in the assembly of their products, their plans.

Developing and Maintaining a Plan Checking System

The NSW LRS have released several documents to aid the surveyor in assembling and checking the correctness of their plans including: -

- The Registrar General Guidelines website. This guide is easily exported out to a word format and can then be stored as a PDF. When storing information offline, be sure to check the “change log” regularly for updates. The last change to the guidelines was 30 November 2016 (introduction of new act)
- Lodgement Rules – these are best summarised and converted into a checklist for each of the plans and documents.
- The Strata Plan Preparation Guide – formerly the strata plan fast facts. There are great notes in here that can be added to plans to achieve different scenarios.
- The Strata Plan Reference Guide – the tables in this document can be copied out and converted to topical checklists eg. Staged Strata checklist, Part Strata Checklist etc.
- The original strata plan checklist

- Guides to the new electronic forms – the new forms help guide users to the required forms for different strata plans.
- The strata plan matrix – the matrix is always good to review before undertaking a strata plan to make sure all the required documentation is being sourced.

Systems need to be at your fingertips. A system of checklists is not going to accompany your project through its entire lifecycle if it is stuck in a filing cabinet drawer. Even static checklists on a server need to be printed off and put in a paper file. With flexible work arrangements now starting to be the norm, your staff may have access to your plan data to work from home, but do they have the paper file with them? If you have multiple staff working on a project, how do they know what stage the project or the checking is up to?

A system needs to be able to be customised by an employee (to a certain degree) to be able to highlight the specific requirements of a project. Staff can take your business systems to the next level if you let them have input. The engagement of your staff in the processes they use every day helps maintain your business and boost staff morale.

A system needs to be portable. Guidance should go wherever the project goes. It should accompany staff while they measure, calculate, draft, check or signed off. Wherever the project is at, employees need to be able to access the progress and checklist information for that project and review, add, check off and offer comment. To do all these things a system needs to be online and on the cloud.

If you are the NSW LRS you could implement a paperless workplace. For those with more moderate budgets you could implement an off the shelf free solution like Trello (trello.com) by Atlassian. There are many such free or low cost collaboration workspaces. For companies with an Office 365 subscription that includes teams, you may already be utilising such collaborative spaces. Online systems are multi platform because we are in the age where the smart phone is with us everywhere. There are a plethora of companies including monday.com, asana, smartsheet and miro.

The days of the paper based checklist are gone. As testament to this the NSW LRS strata checklist is electronic, and you also may have notice, very short. The LRS know that quite a number of surveyors were just filling out the checklist at the very end of the project, rather than using it as a tool to drive the project.

It is fairly easy to convert the reference guides to a digital format, even an excel spreadsheet, and from there to paste the information into Trello or any other online collaboration tool. Get your young staff to undertake this process. They will more than likely have it all converted in an hour.

Online tools track who ticked off an item? When? This is important information for managers who may want to evaluate if the checklists are being used, and are they being done properly, or in the time it takes to tick off all the boxes. It also allows for traceability. When an error is found in a plan, and the checklist item should have picked this up, there is an opportunity for guidance and additional training for that staff member. At its simplest you could make a word document up with an initial for who checked off the item and add the date but this is cumbersome. If you use OneNote, the date and the username are already stored in any text that is added. In Trello there is an activity summary at the bottom of each item or card.

I only have experience of the Trello platform and love the flexibility it offers. The Trello platform doesn't need the internet, so it is great for survey teams in remote fieldwork. Any changes you make are populated into the online version next time you have phone signal. Items on the checklist

can be added when the supervising surveyor is on site and then referred to by field staff before they leave site. For example, a list of the marks and occupations that need to be radiated in and/or dug for.

Electronic checklists are highly customisable and adaptable. As such the ongoing maintenance of these systems develops with your projects and staff. And the best bit, everyone in the team can contribute their knowledge to the systems you develop together.

If you have a quality system, and there are certain aspects of the system that must remain unmodified, give those items a code, letters or a numbers so that staff know that these elements must always be present.

Lost



¹Frederick McCubbin is one of the most well know Australian Landscape painters. His bush scenes bring to life the human interaction with the landscape.

This painting is called “Lost”. We get a sense of the ominousness of being lost in the bush by the way in which the light in the background is captured. It is the little things in Frederick McCubbins impressionist works that lift them up to the next level.

Strata Schemes can be successful or dismal in the way they interact with their occupants. Sometimes this is a function of litigious neighbours who would never have gotten on even in the most perfect environments. Yet many problems in strata are a product of poor by-laws and/or poor definition of what is and what is not common property.

Developers don’t know what they don’t know. They look to their team of consultants to provide them with holistic solutions. The best time for an all inclusive chat about any project is at the beginning when the concepts are first being put together. Implementing change in a project only increases in cost as a project progresses.

Surveyors are not an island. The most successful strata schemes are put together by teams of experts that can offer different facets to the delivery of the Strata Titling. Developers look to surveyors to help drive the titling. At a minimum, there should be an initial meeting with the developer, surveyor, architect and a strata lawyer to capture all the unique elements of the development and bring them out in the titling of the development. A surveyor may be able to produce the most perfect plan with no requisitions. If is surveyor just hands it to the developer without explanation, then has he really provided titling for that development. Worse still, if a surveyor doesn’t even suggest collaboration with a property lawyer, then that developer could go to registration with a very generic scheme.

Worse still, if a surveyor offers no guidance about the registration process, could a developer be at risk of costly delays from unforeseen circumstances. Surveyors like to pride themselves on being professional, yet there are a number of operators that just see the provision of the plans as an off the shelf product. Even the developer ends up seeing it as an off the shelf product.

Has anyone experienced a phone call that goes something like “have you finished the strata plan yet?”. And the reply is “I haven’t done the field work yet”. Early conversations about the process

¹ Used with permission National Gallery of Victoria.

help builders and developer understand better the process that is involved in the preparation of the strata plan. Get the developer to understand that the site needs to be measured, calculated and drafted. And that these tasks don't all just happen in one day.

We see projects submitted to Land Development Certificates ready for the release of the strata certificate without the by-law panel filled in. When our staff make enquiries with the developer, often they have no idea about what the by-laws are, or of their importance. At that point a hasty decision is often made in a quick discussion with the surveyor.

At worst, there is apathy from some surveyors who feel they are not being paid to manage the developers project, and so a one size fits all approach is given to the developer. Model by-laws are sent to developers at the very end of the project with pressure to make a choice about the by-laws because you are holding up finishing the plans. A short conversation like "Most people are choosing option A and option A". Where is the independent legal advice? Where is the discussion about the benefits of creating developers by-laws tailored specifically to the project?

Are developers even shown the common property memorandum? This joint initiative of the surveying, legal, strata management communities and of fair trading is helping cut down on disagreements as to the division of common property ownership and individual ownership. Incorporating the common property memorandum should be the very least that a surveyor suggests to a developer.

Even large projects with teams of project managers still require the input from surveyors to help guide their processes and to ensure that the works program is as efficient as it can possibly be.

Surveyors need to encourage developers at the start of the project to have a meeting with a team of property professionals. All the information needs to be laid out in plain English so that an informed decision can be made.

Educate your clients at the start of the project. Explain the pros and cons of different approaches. Seek their instructions on who is going to own the tiles on balconies. And in seeking their instruction give them examples from NCAT where this has gone badly in both approaches. Take the developers on the titling journey with a team of like minded professionals.

The start of the project is the most cost effective time to make decisions. Have a meeting or a discussion in the cool headed moments at the start of a project, not in the last minute dash to plan registration. Know why you do what you do and be transparent with you clients as to what decision need to be made. **Don't make decisions for your developers.** Take the time to educate them on the advantages and disadvantages of different approaches. Don't leave your clients lost.

Off the Plan Sales

Off the plan sales will be covered in more depth in an upcoming seminar by the Association of Consulting Surveyors. For surveyors the key change is that the draft plan must now be produced by a registered surveyor. Traditionally these plans were being produced by architects, but this approach often left an inflated area for an apartment.

Architectural floor area calculations are taken to the outside face of external walls and to the centreline of walls common with other apartments.

Areas

The areas of a strata plan are to the inner surface of the wall. Section 6 of the Strata Schemes Development Act 2015 gives us this definition (underline added for emphasis):

6 Boundaries of lot

(1) For the purposes of this Act, the boundaries of a lot shown on a floor plan are:

(a) except as provided by paragraph (b):

(i) for a vertical boundary in which the base of a wall corresponds substantially with a base line—the inner surface of the wall, and

(ii) for a horizontal boundary in which a floor or ceiling joins a vertical boundary of the lot—the upper surface of the floor and the under surface of the ceiling, or

(b) the boundaries described on the floor plan relating to the lot, in the way prescribed by the regulations, by reference to a wall, floor or ceiling in a building to which the plan relates or to common infrastructure within the building.

(2) In this section:

base line—see paragraph (a) of the definition of floor plan in section 4 (1).

Nothing in the regulations makes any modification to the definition of common infrastructure. Putting a statement on the floor plan does not change the requirement to exclude common infrastructure columns and services (pipes, wires cables or ducts or their enclosures) unless it was a statement that all services are owned by the lot in which they occur and are not common property. Such a scheme could not be registered as it would be unequitable. Consider a 6-storey building. Those lots on the ground level have services running through them that are used by all the floors above.

For completeness the definition of baseline and of common infrastructure are reproduced from section 4 definitions.

floor plan means a plan that:

(a) defines by lines (each a **base line**) the base of the vertical boundaries of each cubic space forming the whole of a proposed lot, or the whole of a part of a proposed lot, to which the plan relates, and

(b) shows:

(i) the floor area of each proposed lot, and

(ii) if a proposed lot has more than one part—the floor area of each part together with the aggregate of the floor areas of the parts, and

(c) if a proposed lot or part of a proposed lot is superimposed on another proposed lot or part—shows the separate base lines of the proposed lots or parts, by reference to floors or levels, in the order in which the superimposition occurs.

common infrastructure means:

(a) the cubic space occupied by a vertical structural member of a building, other than a wall, or

(b) the pipes, wires, cables or ducts that are not for the exclusive benefit of one lot and are:

(i) in a building in relation to which a plan for registration as a strata plan was lodged with the Registrar-General before 1 March 1986, or

(ii) otherwise—in a building or in a part of a parcel that is not a building, or

(c) the cubic space enclosed by a structure enclosing pipes, wires, cables or ducts referred to in paragraph (b).

A statement on a floor plan can change the meaning of what is common property. A typical statement added to a strata plan is that “any service line within one lot servicing another lot is common property”².

In terms of determining the area of a strata lot or part strata lot, the addition of common infrastructure decreases the lot area. A note stating that “for clarity not all structural columns or ducts are shown” does not change the requirement for a surveyor to exclude the common infrastructure from a lot area.

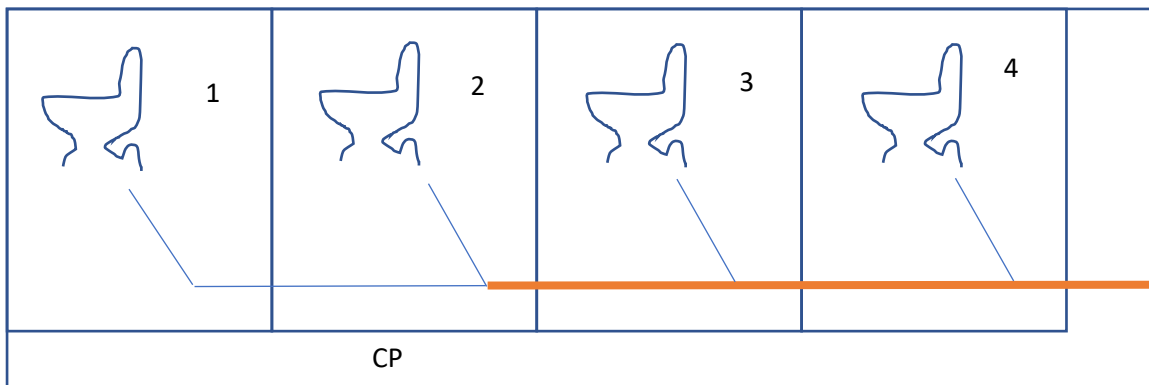


Figure 1 - default definition of common infrastructure relating to a sewer pipe (in orange)

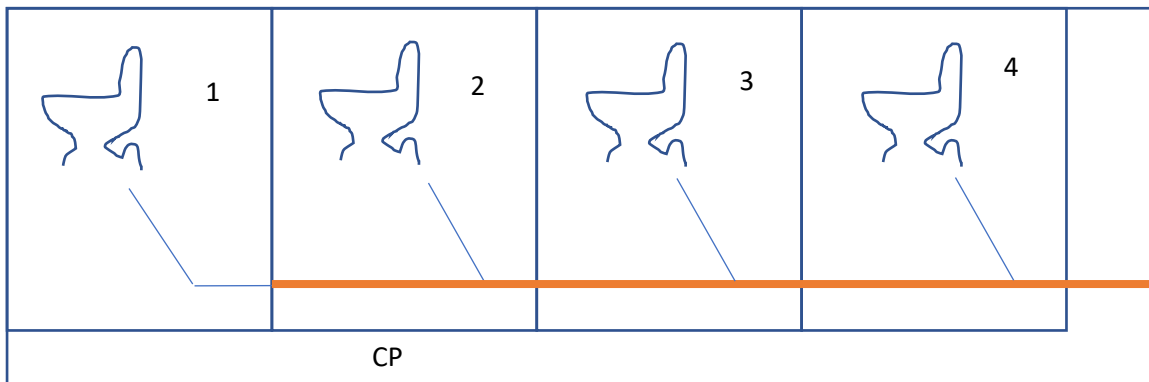


Figure 2 - modification to meaning of common infrastructure service by note on floor plan (in orange)

² Strata Plan Preparation Guide (NSW LRS) p28



Consistent v Not Inconsistent

Andy Warhol cemented his place in the pop-art movement with his Campbell's Soup Cans.

In an interview in 1965 Andy Warhol was quoted as saying he wished he were a machine so that he could produce works more consistently.

Part 6 of the Environmental Planning and Assessment Act has changed the test required by Principal Certifying Authorities from “not inconsistent” in the regulations to “consistent”. This may have an impact on the development process and in getting approval for any slight variance from the development consent drawings.

6.32 Validity of certificates under this Part

Without limiting the powers of the Court under section 9.46(1), the Court may by order under that section declare that a certificate under this Part (other than an occupation certificate) is invalid if—

(a) proceedings for the order are brought within 3 months after the issue of the certificate, and

(b) the plans and specifications or standards of building work or subdivision work specified in the certificate are not consistent with the development consent for the building work or subdivision work.

Car Parking

The Australian Standards for car parking are detailed in the following SAI Global publications: AS/NZ

- 2890 Parking facilities
 - 2890.1 Part 1: Off-street car parking (this Standard)
 - 2890.6 Part 6: Off-street parking for people with disabilities*
- AS
 - 2890 Parking facilities
 - 2890.2 Part 2: Off-street commercial vehicle facilities
 - 2890.3 Part 3: Bicycle parking facilities
 - 2890.5 Part 5: On-street parking

The complete set of the 2890 series in PDF electronically is currently \$550.94 or you can get the 2890.1 and 2890.6 individually for a total of \$292.41. There are also hard copy editions available. Go to <https://infostore.saiglobal.com/en-au/Search/All/?searchTerm=2890> for more details.

It is important that surveyors understand their obligations in producing titling that is consistent both with the development consent and with the applicable car parking standards. There is a market value difference for an undersized car parking space compared to a full sized compliant space.

There are two main areas to watch out for in strata of residential car parking with 90 degree spaces and an isle with of minimum 5.8m:

1. A standard residential car space is a minimum 2.4m width between columns
2. Car parking spaces against a wall need to have an additional 300mm for the side that there is a wall. Eg a space with walls both sides needs to be 3m wide minimum.

If the consent requires adaptable car parking, the headroom above the car parking space needs to be minimum 2.5 high. And the full approach height from the public road all the way to the spot has to be 2.2m high minimum. There is also the requirement for a shared zone adjacent the adaptable space.

Valuation Certificates

From 1 January 2020 all strata plan lodgements must use the new valuation certificate. An extract of the new certificate is reproduced below:

VALUER'S CERTIFICATE	
I, * of
being a qualified valuer, as defined in the <i>Strata Schemes Development Act 2015</i> by virtue of having membership with:	
Professional Body:
Class of membership:
Membership number:
certify that the unit entitlements shown in the schedule herewith were apportioned on (being the valuation day) in accordance with Schedule 2 Strata Schemes Development Act 2015	
Signature: Date
* Full name, valuer company name or company address	

Like most of the LRS forms, the certificate is available in PDF and word format.

Summary

Surveyors are great at data collection. With new technology, surveyor staff need to also become good at data mining. Building up a system is about summarising the latest available information into concise, relevant and timely guidance for their clients projects. Information can come from the legislation, regulatory guides, government bodies including fair trading and other sources like advocacy groups and podcasts. Surveyors need to continually engage, collect and process the latest information in order to continue to implement best practise and a culture of continual improvement.

About Land Development Certificates

Established in 1999, Land Development Certificates are private certifiers involved in the issuing of Strata, Subdivision, Construction and Compliance Certificates. The majority of our staff have an extensive background in Local Government and the Environmental Planning and Assessment Act 1979.

Our friendly staff are always happy to discuss your client's projects both big and small. We are dedicated to knowing the latest best-practice across Strata and Subdivision works.

We have an extensive system of checklists and processes we use in the assessment of all of our certificates.

As the name suggests, Land Development Certificates are all about assessing certificates to allow your clients and developers to complete their projects in a timely and cost effective manner.

For more information about our company and our staff visit www.LDC.com.au or phone us on (02) 4722-8278.

³ NSW LRS Strata Approved Form 3.07