

Section 70A Notifications

Section 70A is a section of the *Transfer of Land Act 1893* that allows a notification to be placed on a property's Certificate of Title.

Transfer of Land Act 1893

Section 70A of the *Transfer of Land Act 1893* (TLA) relates to factors affecting the use and enjoyment of land.

Under Section 70A, where a local government or other public authority considers that proprietors or prospective proprietors should be made aware of a particular factor affecting the use of land, or part thereof, they may request a notification be placed on the relevant Certificate of Title.

Condition of Approval

The local government or other public authority may place a condition on a development approval or subdivision approval for a Section 70A Notification on Title.

The relevant landowner(s) and/or developer(s) are responsible for the completion, registration and associated costs of placing a Section 70A Notification on the Title.

Factors Affecting Land

Some of the factors affecting land referred to in a Section 70A Notification include bushfire management, bushfire prone areas, noise, contaminated sites, surrounding land uses, hazards, water supply, flooding, etc.

Lodging a Section 70A Notification

Refer to the back pages of this information sheet for the processes required to complete and lodge a Section 70A Notification.

Frequently Asked Questions

Can the Shire prepare the Section 70A document on my behalf?

In some circumstances, the Shire may be able to prepare the document on behalf of the landowner, however this will incur a fee of \$73.

The relevant landowner(s) will still be required to sign the document and have it appropriately witnessed, prior to the Shire authorising the document.

Can someone at the Shire witness the landowner(s) signature?

No, Shire Officer's will not witness a landowner(s) signature for this document.

Does a Section 70A Notification require use of the Shire's Common Seal?

No, not necessarily. The Shire's CEO has authority under Council Policy EXE/CP-2 to sign a Section 70A Notification without the need for a Common Seal.

A full copy of this policy is available on the Shire's website here:

[Council Policy EXE/CP-2](#)

How do I find out more information?

You may contact Landgate on (08) 9273 7373 or visit their website at

<https://www0.landgate.wa.gov.au/>

Alternatively, you may contact the Shire's Planning Services on (08) 9780 4200 or via email at shire@donnybrook.wa.gov.au.



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Preparing and Lodging a Section 70A Notification

The following flow chart provides a broad overview of the processes involved in preparing and lodging a Section 70A Notification on a property Title.

The landowner/developer prepares the relevant documentation on the Landgate website.

(Refer to the end of this information sheet for how to do this).

Print the document double sided.

Ensure all landowners and witnesses have correctly signed the form.

Shire Officers will not witness a landowner(s) signature for this document.

Provide the original signed document to the Shire to complete the Authorising Party Execution.

The Shire will not accept an incomplete or incorrectly completed form.

Document signing by the Shire may take up to 10 days to complete.

Under Council Policy EXE/CP-2, the Shire's CEO, as an Authorised Person, may sign the document:

Signed by the Shire of Donnybrook Balingup pursuant to s.9.49A(4) of the Local Government Act 1995 by its Authorised Person.

NAME

SIGNATURE

Chief Executive Officer (or Authorised Person)

Once completed, the original signed document will be returned to the landowner/developer via the post, or alternatively, may be picked up from the Shire Office with proof of identification.

The landowner/developer is to lodge the document with Landgate and pay all relevant fees.

A copy of the Landgate Lodgement Receipt is to be provided to the Shire.

This will provide evidence that the condition has been complied with.

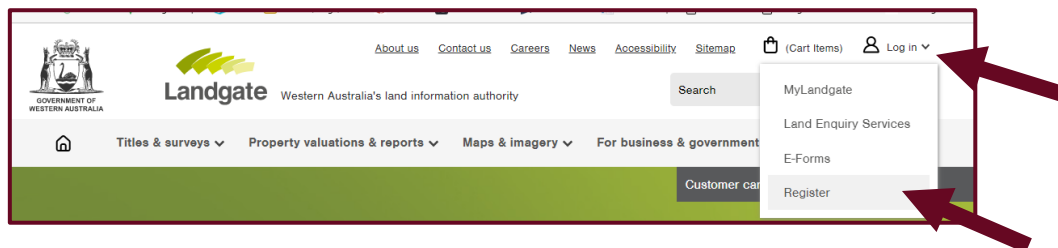


Planning Services Information Sheet

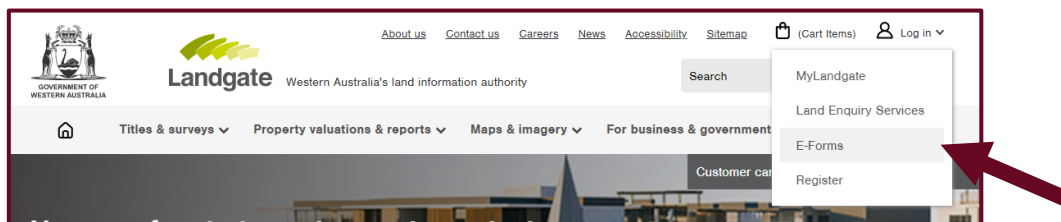
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How to prepare a Section 70A Notification

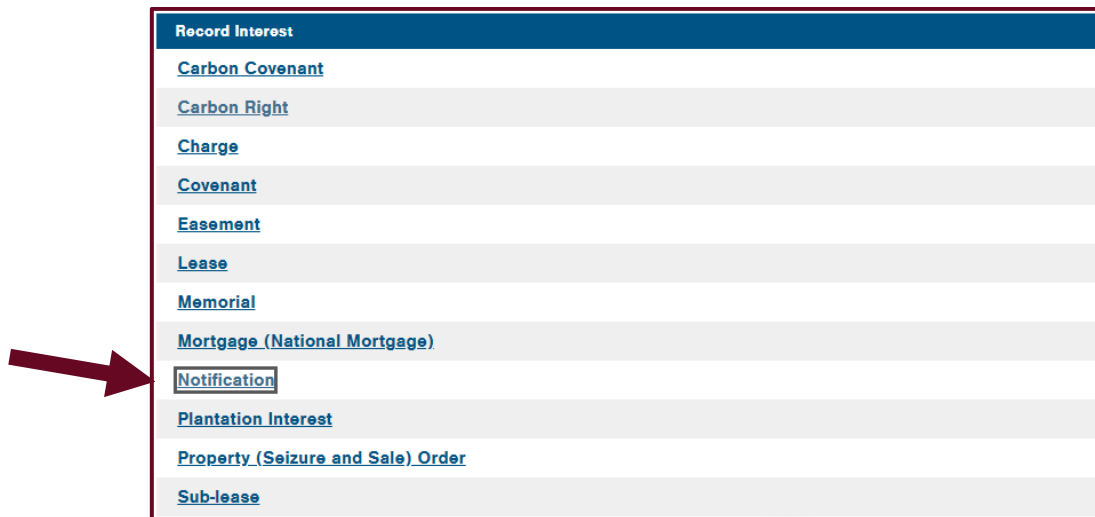
1. Go to the Landgate website at <https://www0.landgate.wa.gov.au/>
2. If you are a new user, you will need to 'Register'



3. Once you have registered, you will need to login, and select 'E-Forms'



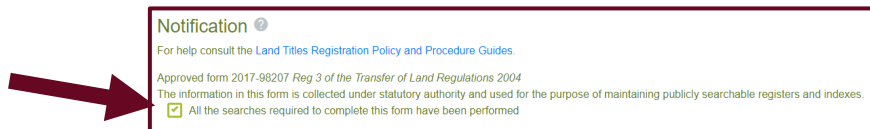
4. Scroll down to 'Record Interest' and select 'Notification'




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5. In 'Notification', check the box



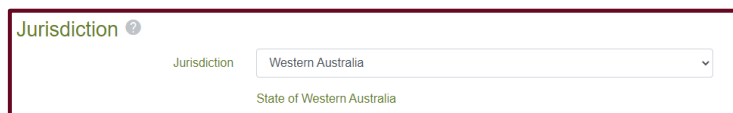
Notification 


For help consult the [Land Titles Registration Policy and Procedure Guides](#).

Approved form 2017-98207 Reg 3 of the Transfer of Land Regulations 2004
The information in this form is collected under statutory authority and used for the purpose of maintaining publicly searchable registers and indexes.

All the searches required to complete this form have been performed

6. The 'Jurisdiction' is Western Australia

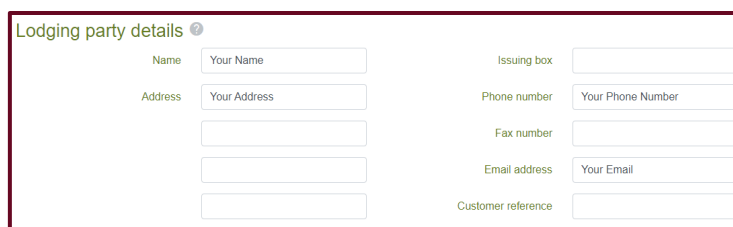



Jurisdiction 

Jurisdiction

State of Western Australia

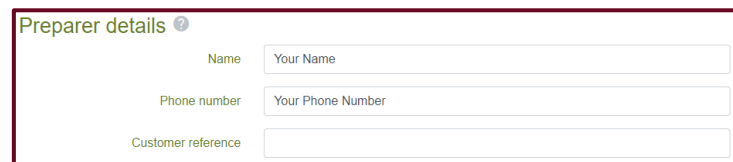
7. 'Lodging party details' are the details of the person(s) lodging the document with Landgate




Lodging party details 

Name	<input type="text" value="Your Name"/>	Issuing box	<input type="text"/>
Address	<input type="text" value="Your Address"/>	Phone number	<input type="text" value="Your Phone Number"/>
	<input type="text"/>	Fax number	<input type="text"/>
	<input type="text"/>	Email address	<input type="text" value="Your Email"/>
	<input type="text"/>	Customer reference	<input type="text"/>

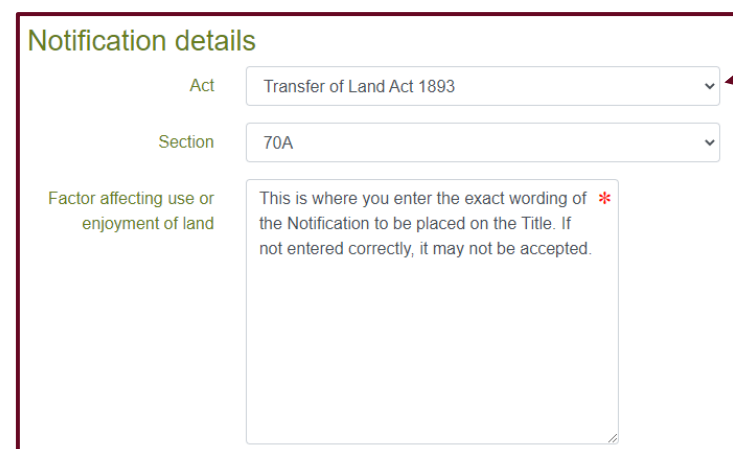
8. The 'Preparer details' are the details of the person who prepared the document



Preparer details 

Name	<input type="text" value="Your Name"/>
Phone number	<input type="text" value="Your Phone Number"/>
Customer reference	<input type="text"/>

9. For the 'Notification details', you will need to change the 'Act' to the Transfer of Land Act 1893 which should automatically enter the section as 70A. The wording of the notification is to be entered word for word from the condition of development approval / subdivision



Notification details

Act	<input type="text" value="Transfer of Land Act 1893"/>
Section	<input type="text" value="70A"/>

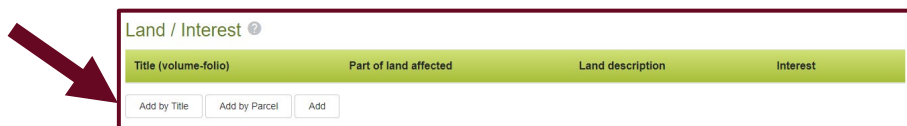
Factor affecting use or enjoyment of land

This is where you enter the exact wording of the Notification to be placed on the Title. If not entered correctly, it may not be accepted. *



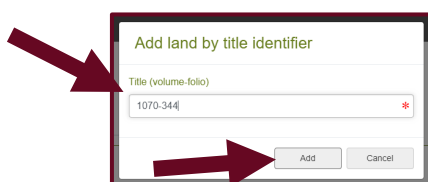
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10. The 'Land / Interest' is the property on which the notification is to be placed. The easiest way to enter it is to add it by the Title. The volume and folio number can be found on the Title.



Land / Interest ?

Title (volume-folio)	Part of land affected	Land description	Interest
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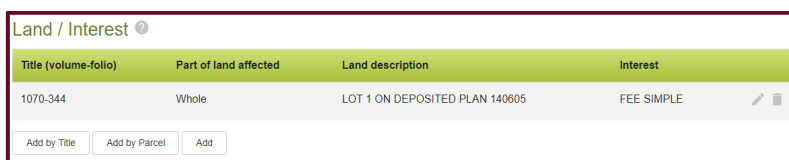


Add land by title identifier

Title (volume-folio)

1070-344 *

It should look similar to this



Land / Interest ?

Title (volume-folio)	Part of land affected	Land description	Interest
1070-344	Whole	LOT 1 ON DEPOSITED PLAN 140605	FEE SIMPLE

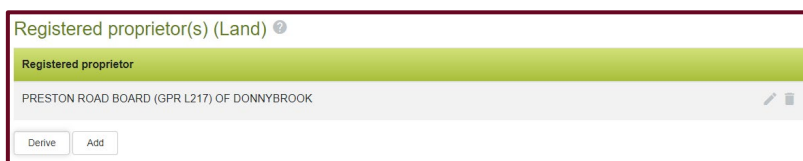
11. If you select 'Derive' the landowners of the selected Title will automatically appear



Registered proprietor(s) (Land) ?

Registered proprietor

It should look similar to this



Registered proprietor(s) (Land) ?

Registered proprietor

PRESTON ROAD BOARD (GPR L217) OF DONNYBROOK

12. The 'Authorising party' is the Shire of Donnybrook Balingup



Authorising party ?

Authorising party



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Select 'Organisation' and enter the Shire details as follows

The screenshot shows a form titled 'Authorising party'. Under the 'Party' section, the 'Organisation' radio button is selected. The 'Legal entity name' field contains 'SHIRE OF DONNYBROOK BALINGUP'. Below this are fields for 'ACN', 'ABN', 'ARBN', 'ACLN', and 'GPR'. The 'Address' section has a dropdown for 'Address type' set to 'Unstructured address'. The 'Address' field contains '1 BENTLEY STREET' and 'DONNYBROOK WA 6239'. There are 'Save' and 'Cancel' buttons at the bottom right. Red arrows point to the 'Organisation' radio button, the 'Legal entity name' field, the 'Address type' dropdown, and the 'Address' field.

It should look similar to this

The screenshot shows a summary view of the 'Authorising party' section. It displays 'SHIRE OF DONNYBROOK BALINGUP OF 1 BENTLEY STREET DONNYBROOK WA 6239' with an 'Add' button below it.

13. Leave the 'Execution date' blank

The screenshot shows the 'Execution date' field with a question mark icon. The field is empty, and the placeholder text 'Date dd/mm/yyyy' is visible.

14. The 'Registered proprietor(s)(Land) execution' needs to be completed by the landowner

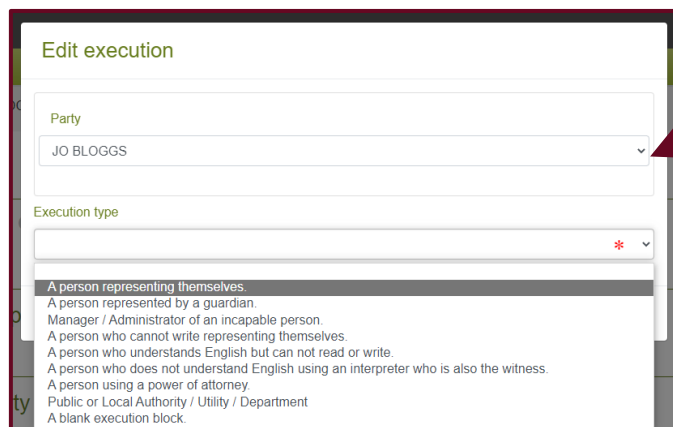
The screenshot shows the 'Registered proprietor(s)(Land) execution' section with a question mark icon. An 'Add' button is highlighted with a red arrow.

Where the landowner is a person, the most common selection is 'A person representing themselves'. Where you are unsure, you may need to speak with Landgate or seek legal advice to confirm this.



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Edit execution

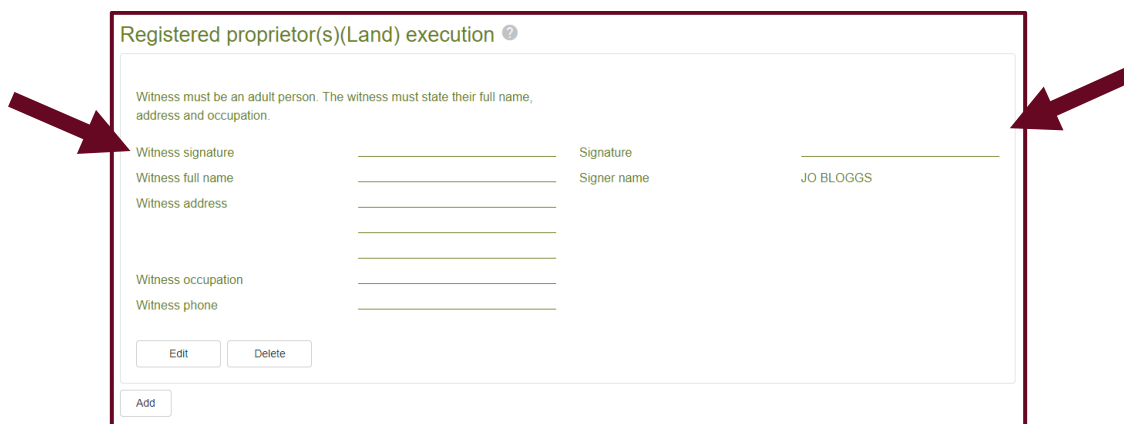
Party
JO BLOGGS

Execution type

- A person representing themselves.
- A person represented by a guardian.
- Manager / Administrator of an incapable person.
- A person who cannot write representing themselves.
- A person who understands English but can not read or write.
- A person who does not understand English using an interpreter who is also the witness.
- A person using a power of attorney.
- Public or Local Authority / Utility / Department
- A blank execution block.

Where there is more than one owner, you will need to repeat this step for each.

It should look similar to this with the landowner on the right, and witness on the left



Registered proprietor(s)(Land) execution

Witness must be an adult person. The witness must state their full name, address and occupation.

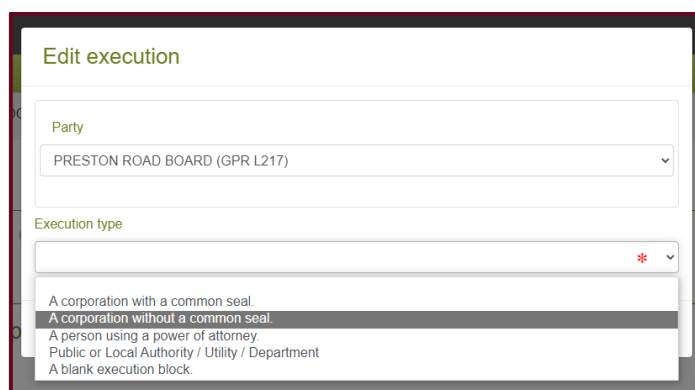
Witness signature	_____	Signature	_____
Witness full name	_____	Signer name	JO BLOGGS
Witness address	_____		

Witness occupation	_____		
Witness phone	_____		

Edit Delete

Add

Where the owner is a company, the most common selection is 'A corporation without a common seal', or 'A corporation with a common seal', however you may need to speak with Landgate or seek legal advice to confirm this.



Edit execution

Party
PRESTON ROAD BOARD (GPR L217)

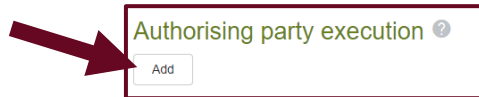
Execution type

- A corporation with a common seal.
- A corporation without a common seal.
- A person using a power of attorney
- Public or Local Authority / Utility / Department
- A blank execution block.

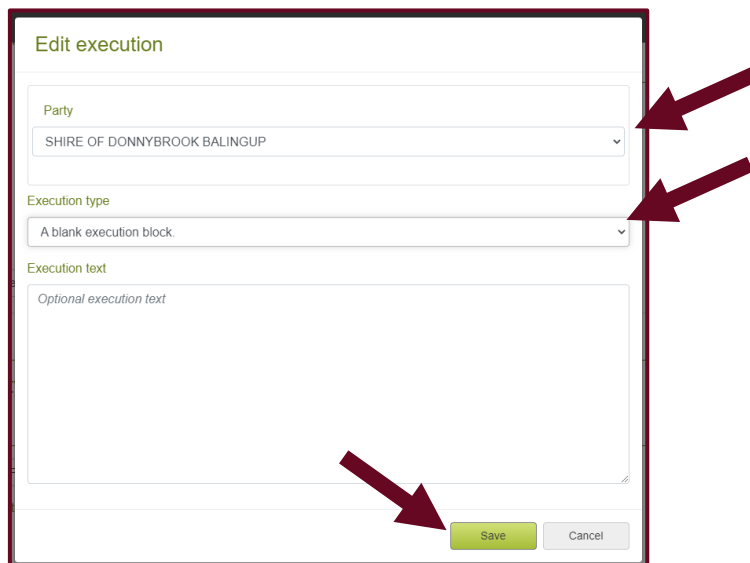


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15. The 'Authorising party execution' is the Shire, so will need to be added. Select 'Add'.



Select the Shire of Donnybrook Balingup and 'A blank execution block'



It should look similar to this



16. Save the form and **print double sided.**



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17. The form is to be signed by the proprietor(s) and witnessed before submitting to the Shire for authorisation.

Please note:

- **Ensure all witnesses include their full name, occupation and address on the form.**
- **Shire Officers will not witness a landowner signature.**

18. Original completed forms can be submitted to the Shire for authorisation via the front counter or via post.

Please note:

- **It is important that you review the completed form in great detail prior to submitting it to the Shire for authorisation as the Shire will not accept an incomplete or incorrectly completed form.**
- **It may take up to 10 days to have the completed form authorised by the Shire.**

19. Once authorised, the Shire will return the original signed document via the post to the landowner/developer or the relevant lodging party. Alternatively, it may be picked up from the Shire with proof of identification.

20. The lodging party will need to lodge the completed Notification with Landgate and pay all relevant fees. A copy of the Lodgement Receipt is to be provided to the Shire for proof of submission.

