

# NOTICE TO SURVEYORS T4/2001

## NEW PLAN REQUIREMENTS

DOLA is committed to continuously improving its business processes, including plan registration processes. This notice sets out some new requirements that are intended to be refinements to the new deposited plan procedures introduced over the past twelve months.

### Conversion Plans

Notice to Surveyors T2/2001 sets out DOLA's policy on applications for balance titles. That policy states that a "Conversion" deposited plan is to be lodged if a balance title is required urgently.

Example 37 in the current version of the Survey and Plan Practice Manual is an example of a conversion plan prepared within DOLA to allow titles to be captured into SmartRegister. This example was only included in the manual as an example of what surveyors might encounter during a search. It is not intended that surveyors outside of DOLA prepare plans using the format in that example.

Conversion plans prepared outside of DOLA must be drafted on a standard form and certified by a licensed surveyor. The surveyor's "compiled" certificate would normally apply to such plans where no new survey was undertaken.

Where a conversion plan is prepared for the purposes of eliminating a part lot land description the graphic area on the plan is to be annotated as follows;

*"This plan provides a graphic representation of existing lot(s) and allocates whole lot land descriptions for the conversion to a digital register".*

Note that this wording differs slightly from the wording in example 37.

Conversion plans must include any interests and notifications of a spatial nature that are to be brought forward. It is not possible to create new interests on a conversion plan.

CSD files are required for all conversion plans prepared outside of DOLA.

### Plans of Roads for Registration of Easement Crossings

To allow the registration of easements and infrastructure corridors over roads, a new process has been introduced where deposited plans are lodged showing parcel identifiers (lot numbers) allocated to sections of existing road. These plans also include any interests that are being brought forward (usually Crown easements) and any new interests being created using that plan.

The extent of the road lot being created on such plans will vary depending on the circumstances but in most cases a lot should extend for the length of a section of road and include any truncations at "T" intersections.

These deposited plans are to be a "Crown" type with a purpose of "Subdivision" (this allows titles to be created within SmartRegister). Balance lots are not required for any residue portions of road.

CSD files are required for these types of deposited plans.

## Amendments to Schedules of Interests and Notifications

Due to difficulties being encountered inserting additional interests and notifications in the schedules on deposited plans where they have been inadvertently omitted it is recommended that surveyors and drafting staff allow extra room in the table for other entries to be made. Extra room is often required above “the line” for existing interests of a spatial nature that need to be brought forward but are not shown on the plan as lodged.

## Expressed and Implied Easements over Rights of Ways

It is possible for lots appurtenant to a private Right of Way to have both expressed and implied easement benefits over the Right of Way. Where expressed rights exist, the titles are endorsed with the appropriate description.

Implied easements over private Rights of Way are endorsed on SmartRegister titles only. Titles not yet captured for SmartRegister depict the easement by implication on the sketch in the title. Surveyors will need to bring forward onto new deposited plans any implied easements created by Section 167A of the *Transfer of Land Act 1893* that affect the subject of the plan.

Attached is an example of a plan (DP26919) showing expressed and implied easements over a Right of Way.

## Easement Only Plans – Regulation 54 Certificate

Where no fieldbook is lodged to support an “easement only” plan the words “*recorded in the field book lodged*” in the regulation 54 certificate on the plan may be deleted or struck through.

## Leases and Mortgages

Leases and mortgages that have a spatial nature are **not to be brought forward** onto new deposited plans. This applies in all cases even though sketches on original titles may show the extents of such interests over the subject land.

It is possible for deposited plans to be lodged showing a lease or leases. Lease documents can then refer to the deposited plan depicting the spatial extent of the lease(s). In these cases the plan type can be either “**Crown**” or “**Freehold**”, depending on the tenure type. The plan purpose is to be “**Leasehold**”. Such plans do not require a CSD file, they will not be audited and will not be shown on the Survey Index Plans. The regulation 54 certificate is to be signed by a licensed surveyor with the words “*recorded in the field book lodged*” deleted or struck through as and when appropriate.

## Plan Amendments – “Stage Jumping”

Where a plan for a stage in a subdivision is delayed and a plan that was intended to be a subsequent stage is to be dealt on first, subject to Ministry for Planning approval, the deposited plans may be amended to allow the dealings to proceed.

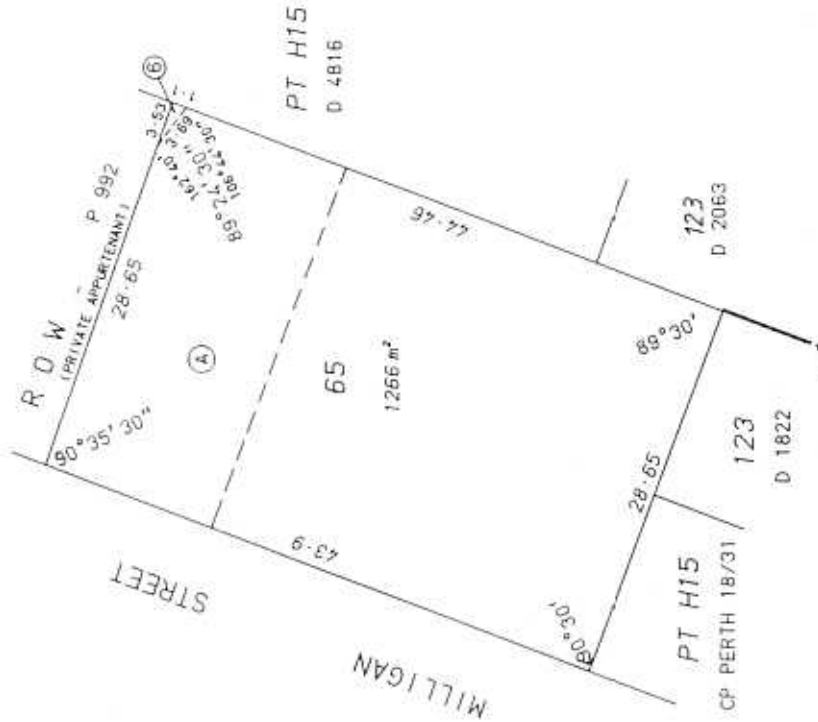
Amendments would usually involve changing the plan heading, the balance lot details and the former tenure information. New CSD files for the plans are also required.

The statutory fees for plan amendments apply.

**IAN HYDE**  
**REGISTRAR OF TITLES**

12 June, 2001  
Att.

TOTAL AREA ...1266 m<sup>2</sup>...



COMPILED FROM P 992, D 140, D 1822, D 4816 & CP PERTH 18/31

**SCANLAN SURVEYS PTY LTD**  
 LICENSED SURVEYORS  
 P O BOX 429 MIDLAND 6936  
 TEL: 08 9250 2261 FAX: 08 9274 6206  
 4096/00/2

INTERESTS AND NOTIFICATIONS

SUBJECT	PURPOSE	STATUTORY REFERENCE	ORIGIN	LAND BURDENED	BENEFIT TO	COMMENTS
(A)	IMPLIED EASEMENT EXPRESSED EASEMENT	SEC 167A OF THE T.L.A.	P 992 TRANSFER 1775/1994	ROW ROW	PT LOT 65 (FORMER LOT 2 DN P 992)	
(B)	EASEMENT (SEWERAGE)	REG 6, SEC 27A TP & D ACT	THIS PLAN	LOT 65	WATER CORPORATION	

LOT	FORMER TENURE	DN PLAN/DIAGRAM	TITLE
65	LOT 2	P 992	1531/294
	PT LOT H15	CP PERTH 18/31	1291/656

TYPE..... FREEHOLD	DISTRICT..... SWAN	DOLA FILE.....	EARLY ISSUE - NO.....
PURPOSE..... SUBDIVISION	TOWNSITE.....	DOLA FILE.....	
PLAN OF.....	LOCAL AUTHORITY..... CITY OF PERTH	LOCAL AUTHORITY..... CITY OF PERTH	
LOT 65 AND EASEMENT	LOCALITY..... PERTH	LOCALITY..... PERTH	
	FORMER TENURE.....	INDEX..... BG3410-51049-097	FIELD BOOK.....
	SEE TABLE.....	PUBLIC BG34 (2)13-25	COMPILED.....
SCALE: ALL DISTANCE ARE IN METRES 1:400	SURVEYOR'S CERTIFICATE - Reg 54	SURVEYOR'S CERTIFICATE - Reg 54	
	0m 5m 10m 20m 30m		
hereby certify that this plan is a correct and accurate representation of the survey(s) of the subject land; and that it complies with the relevant law in relation to which it is lodged.	hereby certify that this compiled plan (a) is a correct and accurate representation of the survey(s) of the subject land; and (b) is accurate with the relevant law in relation to which it is lodged.	W. M. SCANLAN Licensed Surveyor Date 24/4/2001	SCANLAN SURVEYS APPROVED BY WESTERN AUSTRALIAN PLANNING COMMISSION FILE 115456 FOR CHAIRMAN
LOGGED DATE 09.05.2001	TYPE OF VALIDATION FULL ADPT	DATE 31.12.2001	
FEE PAID \$ 208	LEGAL COMMENTARY [ ANGELEIDES ]		
ASSES NO. 107517	DP 36673		
	CERTIFIED CORRECT 16.05.2001		
	F.Z.C.		
IN ORDER FOR DEALINGS			
SUBJECT TO			
SEC. 27 A OF THE T.P. & D. ACT			
APPROVED BY 1.6.2001 FOR INSPECTOR OF PLANS & SURVEYS AUTHORISED LAND OFFICER			
DEPOSITED PLAN 26919			
Department of LAND ADMINISTRATION			
SHEET 1 OF 1			
EDITION 1 VERSION 1			

