

# NOTICE TO SURVEYORS T1/2002

## RESIDUE LAND SOLUTIONS

There are some situations where the depiction and/or definition of residue land in a subdivision is causing difficulties for surveyors. The following should assist surveyors in dealing with most of the difficult situations that are likely to occur.

### Multiple Lot Titles

The SmartRegister digital titling system is unable to process multiple lot titles (ie. multiple land parcels held in a single title) at this time. Surveyors and landowners/developers should note that the following options are currently available when undertaking subdivisions or acquisitions of land held in multiple lot titles;

1. In the case of a subdivision the landowner/developer may elect to have the residue land shown on the plan as a new single balance lot. If this option is used and the plan dealt on the owner loses the ability to transfer the former individual lots. This option is not currently available for a proposed acquisition for public purposes.
2. Alternatively, the landowner/developer proposing to subdivide a multiple lot title may opt to apply for separate titles for the residue land. The residue lots must be depicted on the new deposited plan; dimensions being obtained by re-survey or by compilation from the original surveys. New SmartRegister digital titles will be issued for the residue lots. This option is not currently available for a proposed acquisition for public purposes.
3. It is possible for an owner/developer to separate a multi-lot title into its individual lots prior to the proposed development. New SmartRegister digital titles will be issued for the individual lots.
4. A plan may be lodged where the former tenure includes a whole individual lot (or lots) within a multi-lot title (ie. does not cover all lots contained in the title). In this case the plan will be put in order for dealings "subject to an application for a separate title" for the relevant lot or lots the subject of the plan. A separate application for titles is necessary for any new lots created by the plan. Any remaining original lots will continue to exist on the original paper title.

For acquisitions/takings under the *Land Administration Act 1997* this may be achieved by a sundry document. The former tenure table on the deposited plan must clearly show that only a "part" of the multi-lot title is included in the plan. A further sundry document may be required following registration of the taking to re-instate the multi-lot (paper) title.

5. In some situations involving acquisitions/takings under the *Land Administration Act 1997* it may be more practical for DOLA to maintain

(partially cancel) the paper title and the relevant graphic. In these situations Regulation 5(6) of the *Transfer of Land (Surveys) Regulations 1995* will apply and no residue land is to be depicted on the acquisition plan.

## **Roads and Road Widening from Extensive Freehold Parcels**

Where a road or road widening is proposed to be acquired from an extensive freehold parcel such as a golf course an application in writing may be made to the Registrar to utilise Regulation 5(6) of the *Transfer of Land (Surveys) Regulations 1995* and, if the application is approved, no residue land needs to be depicted on the acquisition plan.

The plan is to be annotated "*Lot \_\_\_\_\_ to be acquired under Part 9 of the LAA is Crown land for the purposes of Transfer of Land (Surveys) Reg 5(6)*".

Refer to DP 29614 attached as an example.

## **Excisions From Corridors**

Where a new development requires an excision from a road, railway, drain or similar infrastructure corridor, for which **no title exists**, it is not necessary to show the residue of land in the corridor on the new deposited plan depicting that development.

If an excision occurs from an extensive road, railway, private Right of Way, drain or similar corridor, that is **held in a paper certificate of title**, early contact with the Manager Plan Registration at DOLA must be made to allow an assessment on whether a balance lot for the residue land is required.

Some of the options available in such situations include;

1. DOLA resolving the situation by amending the original plan by allocating a "lot on plan" identifier to a manageable portion of the corridor (usually a portion within a street section). Refer plan 55555 attached where lots 123-128 have been added by DOLA;
2. DOLA preparing a new graphic to allow digital titles to capture the corridor, or part of the corridor, in manageable portions;
3. In some cases it may be more practical for DOLA to maintain the paper title and the relevant graphic. In these situations Regulation 5(5) of the *Transfer of Land (Surveys) Regulations 1995* will apply and the new deposited plan is to contain an annotation stating that the residue land in the title for the corridor is not fully depicted on the plan.

IAN HYDE  
REGISTRAR OF TITLES  
1 February 2002

# JANDAKOT. A. A. LOTS. 102, 105, 106, 107, 109, 110 & 114.

F.Bs. 8461, 8601, 8558  
L & S. Cor. 753-25.

7827, 8557 & 8583  
Now C.T. 21-4 A

NW 1521-544 (DRAIN RESERVES) = 1779-473  
1635-331

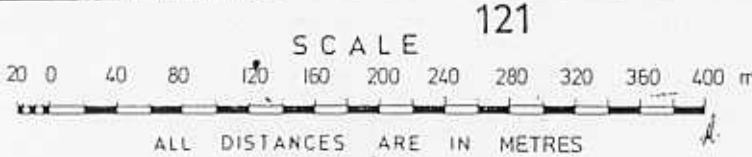
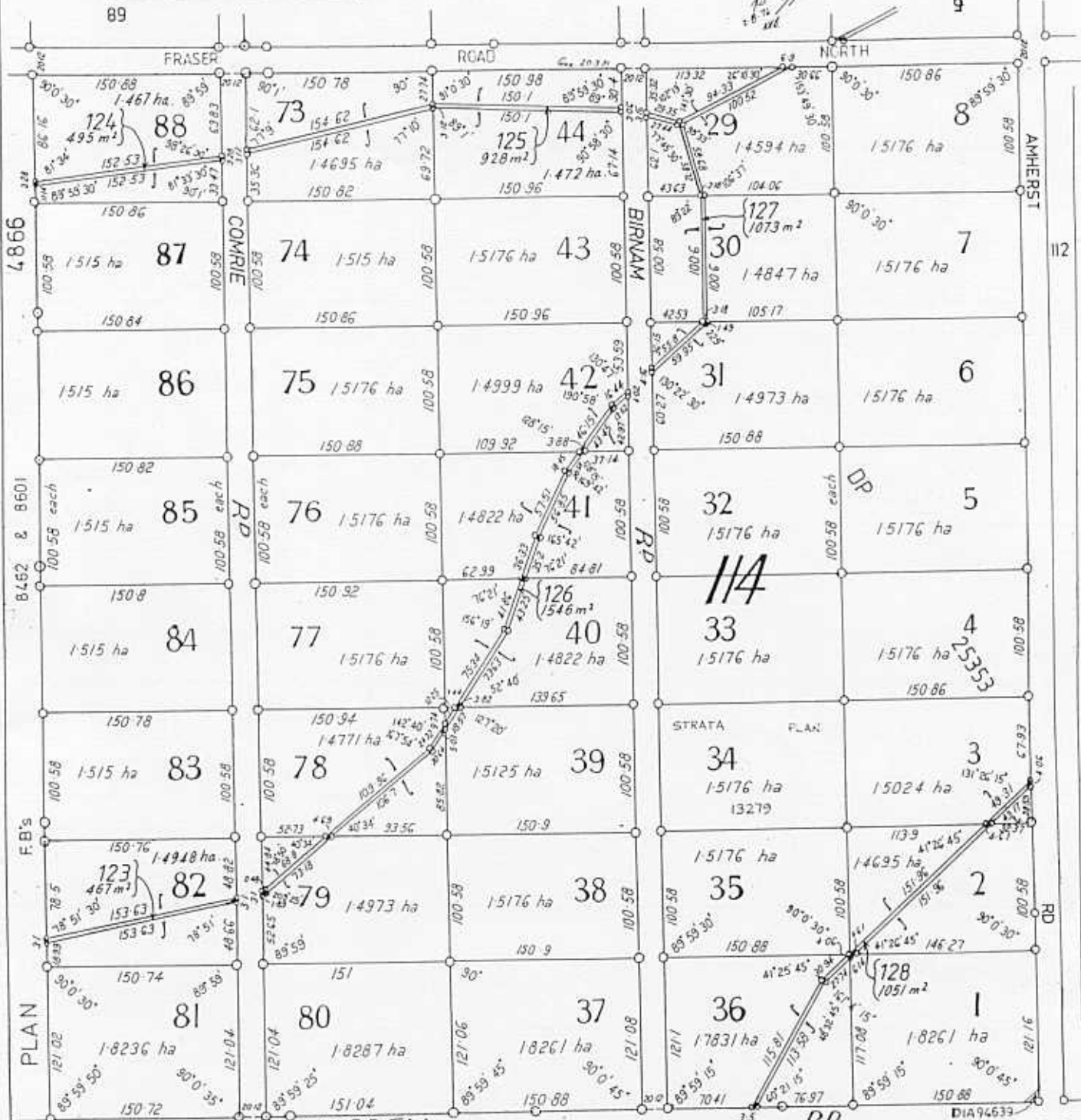
APPROVED  
23 - 8 - 26

INDEX PLANS  
PERTH 2000-17-11  
SCOD 07-04  
2001

Land Parcel identifier amended -  
Regulation 6 of Transfer of Land  
(Surveys) Regulations 1995  
Corr. 1775-2000-01

Date: 15.9.1.02

PLAN 55555



PLAN 55555