

NOTICE TO SURVEYORS T2/2004

DEPICTION OF INTERESTS AND NOTIFICATIONS ON PLANS

This notice is intended to provide surveyors with direction on how certain interests and notifications are to be depicted on deposited, strata and survey-strata plans. The topics covered below are matters where clarification seems necessary or, in some cases, where new requirements have been introduced.

1. Terminology for Amending Easements
2. Content and Structure of the Interests and Notifications Schedule
3. Un-dimensioned Memorials and Notifications
4. Multiple 27A Easements
5. Burdened and Benefited Land within Strata/Survey-Strata Schemes
6. Mineral Reservations on Strata/Survey-Strata Plans
7. Private Rights of Way and Implied Rights
8. Bringing Forward Unregistered Easements

1. Terminology for Amending Easements

The following terminology applies to the modification or removal of easements. This terminology should be reflected on plans where applicable and within any supporting “Letters of Intent”.

- **Easements created under section 27A of the *Town Planning and Development Act 1928*** – require an application to “Extinguish” or “Vary” under section 27A(4).
- **Easements created under section 136C of the *Transfer of Land Act 1893*** – require an application to “Discharge” or “Modify” under section 136J.
- **Easements created by document** – require an application to “Surrender” or “Partially Surrender”.

2. Content and Structure of the Interests and Notifications Schedule

To provide better clarity and assist in the processing of plans, surveyors are to structure the schedule for interests and notifications in the following manner.

Existing Interests being brought forward (ie. Shown above “the line”)

It is only necessary to bring forward Section 167A interests and interests that have a spatial nature over part of a new lot and it is preferred that these be listed in chronological (ie. registration) order as set out in items 14.10 and 14.20 of the *Survey and Plan Practice Manual 2003 (version 3.1)* and item 10.150 of the *Strata Titles Manual 2001 (edition 2.0)*. The interests currently excluded from this requirement are mortgages, leases, licenses, profits a prendre and caveats.

Existing interests that affect whole parcels should not be shown within the schedule as these are automatically carried forward within SmartRegister.

Memorials and notifications must not be shown above the line unless there is a spatial component that needs to be depicted.

Mineral reservations must not be shown above the line on deposited plans unless there is a spatial component that needs to be depicted. Refer to item 6 herein for the strata/survey-strata plan requirements.

New Interests and Notifications being depicted (ie. Shown below “the line”)

These should be listed using the following order of priority:

1. Easements created on the plan under Section 27A of the *Town Planning and Development Act 1928*,
2. Easements created on the plan under Part IVA of the *Transfer of Land Act 1893* and/or Section 5D of the *Strata Titles Act 1985*,
3. Covenants created on the plan under Part IVA of the *Transfer of Land Act 1893*,
4. New Easements to be created by document as part of the subdivision where the plan depicts the spatial extent of the easements,
5. Other new Covenants to be created by document as part of the subdivision where the plan depicts the spatial extent of the covenants,
6. Other interests (excluding automatic memorials) to be created by document as part of the subdivision. Mortgages, leases, licenses, profits a prendre and caveats are not to be included in the schedule,

(Insert a dotted line here to separate the new interests from the new vestings and notifications)

7. Lots to be vested in the Crown under Section 20A of the *Town Planning and Development Act 1928*,
8. Notifications under Section 70A of the *Transfer of Land Act 1893*,
9. Notifications under Section 12A of the *Town Planning and Development Act 1928*,
10. Automatic Memorials under Section 67B of the *Water Agencies (Powers) Act 1984* or Section 62D of the *Water Boards Act 1904*,

On a plan where there are a large number of interests and notifications to be listed and it is necessary to use more than one schedule, headings should be added to the schedules to clarify whether the items listed are existing or new. The accompanying sheet from plan (DP 36344) is an example of this situation.

3. Un-dimensioned Memorials and Notifications

Where possible, surveyors should attempt to avoid situations where memorials and notifications of a spatial nature are depicted on plans without dimensions. In situations where it is not possible to provide dimensions for memorials and notifications that affect a portion of a lot (eg. conservation areas) the document needs to contain a sketch of the likely affected area. The memorial or notification needs to be listed in the “Interest and Notification Schedule” on the plan with the notation “As to Portion Only – Refer document” placed in the “Comments” field of the schedule. The accompanying plan (DP26402) is an example of this situation.

When bringing forward un-dimensioned memorials and notifications that are near or over new boundaries, surveyors should consider the intent of the document and use the best evidence available to ensure that intent is maintained. This may require ground proofing or the use of aerial photography to identify the area and location of the land the subject of the document creating the memorial or notification.

As a general rule, the Department of Land Information will not accept for registration any easement or restrictive covenant affecting part of a lot unless it is accurately defined by dimensions.

4. Multiple 27A Easements

To further clarify item 14 within Notice to Surveyors T7/2002, where two or more existing and/or new Section 27A easements need to refer to the same regulation number an additional capital letter should be added to the label outside the circle surrounding the regulation number. It is intended that this requirement applies in situations where:

- There are new and/or existing easements with the same regulation number that need to be distinguished individually on a new plan. The need to make this distinction would normally only be necessary where the multiple easements affect a single lot.

The accompanying plan (DP37269) is an example of a situation where there was a need for the easements to be labelled separately.

5. Burdened and Benefited Land within Strata/Survey-Strata Schemes

It is now a requirement for surveyors to show within the Interests and Notifications Schedule on strata and survey-strata plans the respective individual lots and/or Common Property within a scheme affected by any interest or notification being brought forward or created. Surveyors must no longer refer to the parent parcel as being the land burdened or benefited. Where the whole of the parcel is subject to a benefit or burden the term “All lots and CP” can be used.

6. Mineral Reservations on Strata/Survey-Strata Plans

SmartRegister titles for strata and survey-strata lots do not make reference to any mineral reservations that may affect such lots. Surveyors are now required to show on strata and survey-strata plans (within the Interests and Notifications Schedule) all the lots affected by a mineral reservation irrespective of whether the mineral reservation affects the whole or only part of the parent parcel. Where a portion of the land in a parent parcel is affected by a mineral reservation the strata/survey-strata plan must depict the subject portion (without dimensions) and the schedule must indicate the lots affected.

7. Private Rights of Way and Implied Rights

Surveyors must only bring forward, within the Interests and Notifications Schedule, those private rights of way that are labelled “ROW” and coloured brown on the original subdivision plan that created them being the subject of Section 167A of the *Transfer of Land Act 1893*.

Where land is coloured brown on the original subdivision plan but **not labelled “ROW”** it must be labelled exactly as it was shown on the original plan together with the comment “coloured brown on plan/dia”. Under no circumstances should any possible implied rights arising from these situations be brought forward and included within the schedule of interests and notifications. Where there is a spatial element arising from the appurtenance of one of these portions of land, a note should be included within the graphic area of the plan describing the appurtenant land. The accompanying plan (DP35177) is an example of this situation.

8. Bringing Forward Unregistered Easements

Except as outlined below, surveyors are required to bring forward onto new plans any unregistered interests that can be identified from “Easement Only” plans lodged with the Department of Land Information. The new plans will be placed “In Order for Dealings” subject to the registration of the particular interest.

This requirement does not apply in situations where there is no intention for the interest on the “Easement Only” plan to be registered. In this case, a request to have the “Easement Only” plan cancelled must be made using a “Letter of Intent”.

BRUCE ROBERTS
REGISTRAR OF TITLES

23 January 2004



INTERESTS AND NOTIFICATIONS - BROUGHT FORWARD

INTERESTS AND NOTIFICATIONS - CREATED ON THIS PLAN

INTERESTS AND NOTIFICATIONS - CREATED ON THIS PLAN cont...

SUBJECT	PURPOSE	STATUTORY REFERENCE	ORIGIN	LAND BURDENED	BENEFIT TO	COMMENTS	SUBJECT	PURPOSE	STATUTORY REFERENCE	ORIGIN	LAND BURDENED	BENEFIT TO	COMMENTS
	NOTIFICATION	SEC 12A T.P. & D. ACT	H 840645	ALL LOTS		(U.X.O.)			SEC 136C T.L.A.	THIS PLAN & DOC159807	LOT 1889	LOT 1390	
	MINERAL RESERVATION		7033/1940	ALL LOTS					SEC 136C T.L.A.	THIS PLAN & DOC159807	LOT 1390	LOT 1386	
									SEC 136C T.L.A.	THIS PLAN & DOC159807	LOT 1390	LOT 1388	
									SEC 136C T.L.A.	THIS PLAN & DOC159807	LOT 1391	LOT 1386	
									SEC 136C T.L.A.	THIS PLAN & DOC159807	LOT 1392	LOT 1385	
									SEC 136C T.L.A.	THIS PLAN & DOC159807	LOT 1393	LOT 1383	
									SEC 136C T.L.A.	THIS PLAN & DOC159807	LOT 1393	LOT 1384	
									SEC 136C T.L.A.	THIS PLAN & DOC159807	LOT 1393	LOT 1392	
									SEC 136C T.L.A.	THIS PLAN & DOC159807	LOT 1394	LOT 1381	
									SEC 136C T.L.A.	THIS PLAN & DOC159807	LOT 1394	LOT 1382	
									SEC 136C T.L.A.	THIS PLAN & DOC159807	LOT 1394	LOT 1383	
									SEC 136C T.L.A.	THIS PLAN & DOC159807	LOT 1395	LOT 1380	
									SEC 136C T.L.A.	THIS PLAN & DOC159807	LOT 1395	LOT 1394	
									SEC 136C T.L.A.	THIS PLAN & DOC159807	LOT 1396	LOT 1377	
									SEC 136C T.L.A.	THIS PLAN & DOC159807	LOT 1396	LOT 1395	
									SEC 136C T.L.A.	THIS PLAN & DOC159807	LOT 1397	LOT 1378	
									SEC 136C T.L.A.	THIS PLAN & DOC159807	LOT 1397	LOT 1396	
									SEC 136C T.L.A.	THIS PLAN & DOC159807	LOT 1398	LOT 1377	
									SEC 136C T.L.A.	THIS PLAN & DOC159807	LOT 1398	LOT 1397	
									SEC 136C T.L.A.	THIS PLAN & DOC159807	LOT 1399	LOT 1376	
									SEC 136C T.L.A.	THIS PLAN & DOC159807	LOT 1399	LOT 1398	
									SEC 136C T.L.A.	THIS PLAN & DOC159807	LOT 1400	LOT 1375	
									SEC 136C T.L.A.	THIS PLAN & DOC159807	LOT 1400	LOT 1399	
									SEC 136C T.L.A.	THIS PLAN & DOC159807	LOT 1401	LOT 1374	
									SEC 136C T.L.A.	THIS PLAN & DOC159807	LOT 1401	LOT 1400	
									SEC 136C T.L.A.	THIS PLAN & DOC159807	LOT 1403	LOT 1402	
									SEC 136C T.L.A.	THIS PLAN & DOC159807	LOT 1403	LOT 1404	
									SEC 136C T.L.A.	THIS PLAN & DOC159807	LOT 1404	LOT 1405	
									SEC 136C T.L.A.	THIS PLAN & DOC159807	LOT 1405	LOT 1406	

MAPS Ref. #248646-197B
DPS1601A-CSD

DOLA
Department of Land Administration

DEPOSITED PLAN
36344

APPROVED BY
PLANNING COMMISSION

FILE 119758

DATE 10-6-2003

SHEET 4 OF 9 SHEETS
VERSION 3

SCALE: NOT TO SCALE
ALL DIMENSIONS ARE IN METERS

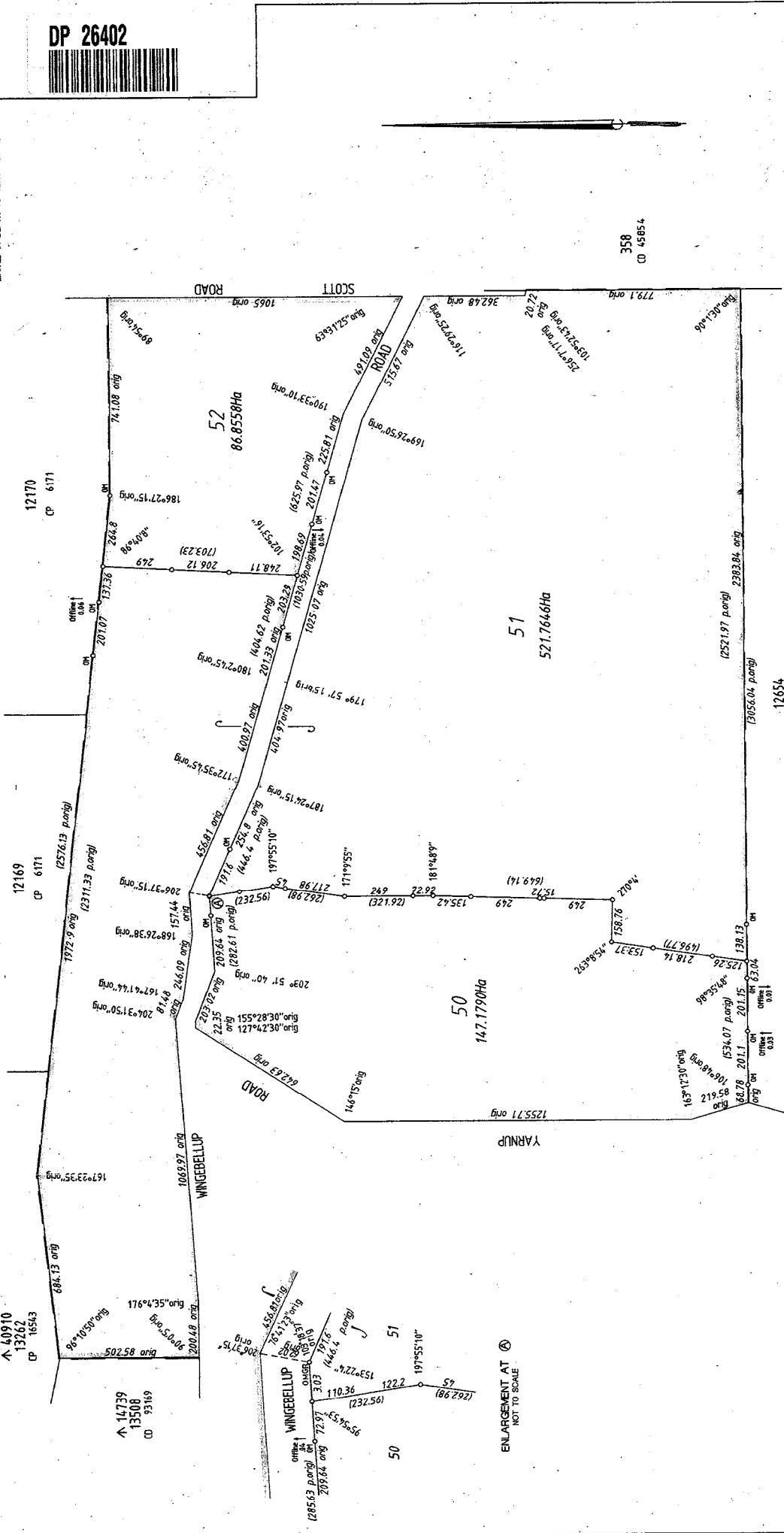
10/1/03

FOR HEADING SEE SHEET 1

DP 26402



LIMITED IN DEPTH TO 12.19 METRES



358
CO 45854

OUR REF. 4693

LOT	FORMER TENURE	ON PLAN/DIAGRAM	TITLE
50	PL. LOC. 12647	CP 8880	19/13/283
51	PL. LOC. 12647	CP 8880	19/13/283
52	PL. LOC. 12768	CP 10814	19/13/282
	PL. LOC. 12768	CP 10814	19/13/282

DOLA
Department of LAND ADMINISTRATION

DEPOSITED PLAN
26402

SHEET 1 OF 1
EDITION 1
VERSION 1

SUBJECT	PURPOSE	STATUTORY REFERENCE	ORIGIN	LAND BURDENED	BENEFIT TO	COMMENTS
MEMORIAL	MEMORIAL	SECTION 124 OF COUNTRY AREAS WATER SUPPLY ACT 1947	DOC (0191707)	LOTS 50, 51 & 52	WATER CORPORATION	AS TO PORTION TO DOCUMENT FOR CONSERVATION
MEMORIAL	MEMORIAL	SOIL & LAND CONSERVATION ACT 1945 SECTION 30(B)	DOC (028900)	LOTS 50, 51 & 52	COMMISSIONER OF CONSERVATION	

INTERESTS & NOTIFICATIONS	LOADED	TYPE OF VALIDATION
DATE: 13-04-2001	1:10000	FULL AMT.
RE: P.M. 4 2:0 B		LEGAL CERTIFICATE
DOCS: 028900, DP 26328		DOCS: 028900, DP 26328
ISSUES: 7:5:21		ISSUES: 7:5:21
APPROVED BY: J. KINNEAR		APPROVED BY: J. KINNEAR
DATE: 21-11-02		DATE: 21-11-02

SEE TABLE ABOVE	SCALE	1:10000	ALL DISTANCES ARE IN METRES
FORMER TENURE	ON		

TYPE: FREEHOLD
SUBDIVISION:
PLAN OF:

APPROVED BY: J. KINNEAR
DATE: 21-11-02

FOR INSPECTOR OF PLANS & SURVEYS/AUTHORIZED LAND OFFICER

APPROVED BY: J. KINNEAR
DATE: 21-11-02

FOR INSPECTOR OF PLANS & SURVEYS/AUTHORIZED LAND OFFICER

APPROVED BY: J. KINNEAR
DATE: 21-11-02

FOR INSPECTOR OF PLANS & SURVEYS/AUTHORIZED LAND OFFICER

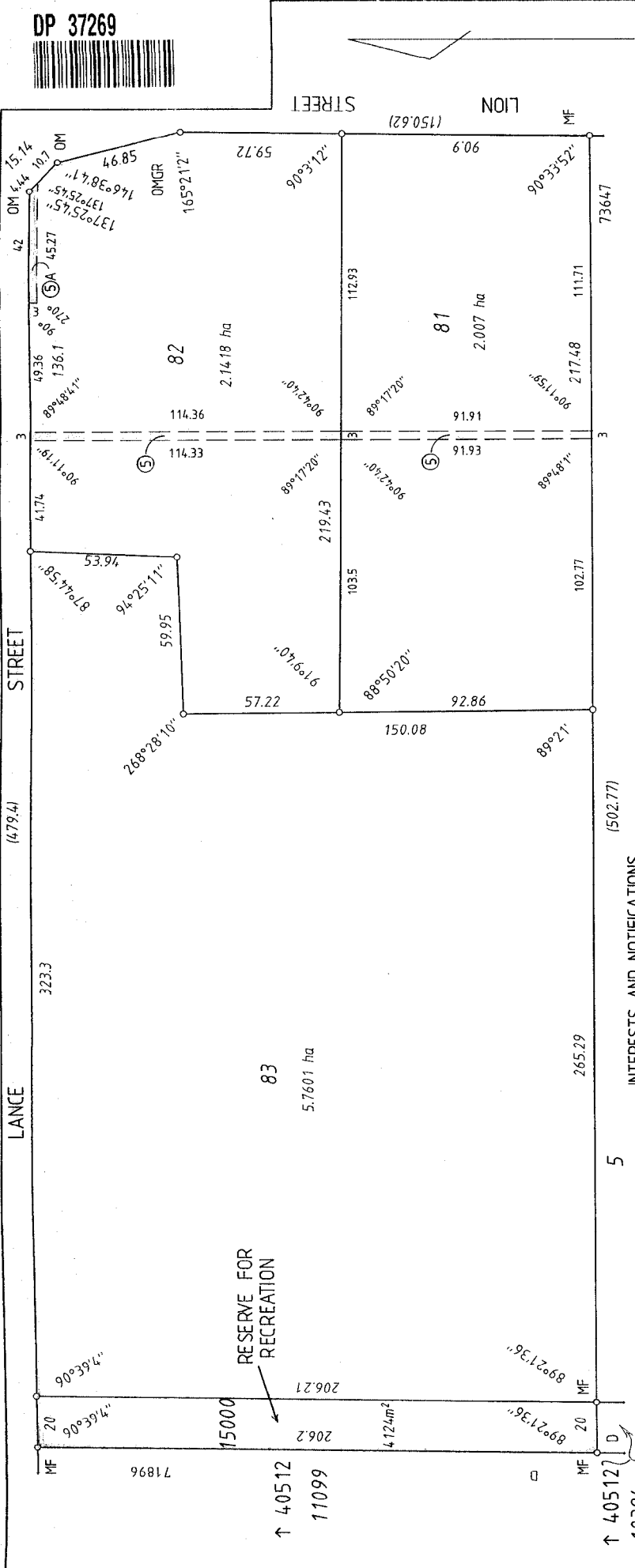
DISTRICT: NELSON
DOLA FILE: FRANKLAND
LOCAL AUTHORITY: SHIRE OF CRANBROOK

PLAN OF: LOT 50, 51 AND 52

FIELD BOOK: 814687

EARLY ISSUE: 888 / 90

JOHN KINNEAR & ASSOCIATES
Consulting Surveyors
150 BOX 1429
ALBERTA ST. SUITE 101
MIRAMBA, WA 6100
PHONE (08) 9453 4411 FAX (08) 9453 1078
AUST. REG. NO. 240 751

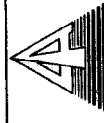


SUBJECT	PURPOSE	STATUTORY REFERENCE	ORIGIN	LAND BURDENED	BENEFIT TO	COMMENTS
5 A	EASEMENT (DRAINAGE)	SEC. 27A OF THE T.P. & D. ACT REG. 5	THIS PLAN	LOT 82	SHIRE OF MUNDARING	
5	EASEMENT (DRAINAGE)	SEC. 27A OF THE T.P. & D. ACT REG. 5	THIS PLAN	LOTS 81 & 82	SHIRE OF MUNDARING	
LOT 15000	RESERVE FOR RECREATION	VEST IN THE CROWN UNDER SEC. 20A OF THE T.P. & D. ACT	THIS PLAN			

INTERESTS AND NOTIFICATIONS
 5 (502.77)

TYPE FREEHOLD
PURPOSE SUBDIVISION
PLAN OF LIMITED IN DEPTH TO 609.6 METRES

APPROVED BY WESTERN AUSTRALIAN PLANNING COMMISSION FILE WAPC 119415 <i>Paul A Stephen</i> FOR CHAIRMAN DATE 14.7.2003		IN ORDER FOR DEALINGS SEC. 20 A AND 27 A OF THE T.P. & D. ACT <i>John Brinson</i> 15.7.2003 FOR INSPECTOR OF PLANS & SURVEYS AUTHORIZED LAND OFFICER	
APPROVED 17.7.2003 INSPECTOR OF PLANS & SURVEYS AUTHORIZED LAND OFFICER		DATE 17.7.2003 SHEET 1 OF 1 EDITION 1 VERSION 1	
DATE 6.6.2003 LOGGED 6.6.2003 DATE 14.7.2003 TYPE OF VALIDATION RAW LEGAL COMPONENT RAW DOCKET 36950 DATE 6/6/2003 ASSESS NO. 384229		DATE 6/6/2003 TYPE OF VALIDATION RAW LEGAL COMPONENT RAW DOCKET 36950 DATE 6/6/2003 ASSESS NO. 384229	
DATE 6/6/2003 TYPE OF VALIDATION RAW LEGAL COMPONENT RAW DOCKET 36950 DATE 6/6/2003 ASSESS NO. 384229		DATE 6/6/2003 TYPE OF VALIDATION RAW LEGAL COMPONENT RAW DOCKET 36950 DATE 6/6/2003 ASSESS NO. 384229	



DOLA
 Department of LAND ADMINISTRATION
DEPOSITED PLAN
37269

