



NOTICE TO SURVEYORS T7/2004

CREATING EASEMENTS ON STA PLANS OF RE-SUBDIVISION AND CONSOLIDATION

This notice provides clarification on how easements can be created and depicted on strata/survey-strata plans of re-subdivision or consolidation.

It is possible to create easements automatically under section 27A of the *Town Planning and Development Act 1928* on strata/survey-strata plans of re-subdivision or consolidation provided the Western Australian Planning Commission approve the plan.

It is currently **not possible** to create easements automatically under section 5D of the *Strata Titles Act 1985* or section 136C of the *Transfer of Land Act 1893* on plans of re-subdivision or consolidation.

The location of easements proposed to be created by a transfer document after a plan is registered may be depicted on a strata/survey-strata plan of re-subdivision or consolidation provided it is clear on the plan that the area delineated relates to some future or intended registration action. This will avoid the need for the lodgement of a separate 'easement only' plan. Areas depicted in this manner must conform to the drafting requirements set out in the *Strata Titles General Regulations 1996*, in particular regulation 4(d). Note that it is not possible to create an easement at the time the plan is registered, as there have to be different owners of the benefited and burdened lots before an easement can be created by a transfer document.

MAX VAN WEERT
ASSISTANT REGISTRAR OF TITLES
A/MANAGER LAND BOUNDARY SERVICES

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