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**LAND ADMINISTRATION**

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LA301\*

Transfer of Land Act 1893

**Transfer of Land (Surveys) Amendment  
Regulations 2001**

Made under section 181(2) by the Registrar of Titles with the approval of the Governor in Executive Council and after consultation with the Land Surveyors Licensing Board.

**1. Citation**

These regulations may be cited as the *Transfer of Land (Surveys) Amendment Regulations 2001*.

**2. The regulations amended**

The amendments in these regulations are to the *Transfer of Land (Surveys) Regulations 1995*\*.

[\* Published in Gazette 14 July 1995, pp. 2971-2.]

**3. Regulation 2 replaced**

Regulation 2 is repealed and the following regulation is inserted instead —

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**2. Definitions**

In these regulations unless the contrary intention appears —

“**authorised survey**” has the meaning that it has in the *Licensed Surveyors Act 1909*;

“**covenant**” means —

- (a) a restrictive covenant registered under the Act that is capable of being shown spatially on a plan; or
- (b) a covenant referred to in section 15 of the *Land Administration Act 1997* that is capable of being shown spatially on a plan;

“**Inspector of Plans and Surveys**” means a surveyor on the staff of the Department appointed by the Governor to approve plans of authorised surveys;

“**interest**” means —

- (a) an easement, memorial or notification that is capable of being shown spatially on a plan; or
- (b) a covenant;

“**monument**” means a building, permanent structure or permanent survey mark;

“**plan**” means a plan to be presented for lodgment with the Department;

“**surveyor**” means a surveyor who is licensed under the *Licensed Surveyors Act 1909* and who holds a practising certificate under that Act;

“**terminals**” means the ends or extents of an easement.

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**4. Regulation 3 amended**

Regulation 3(2)(a) is amended by deleting “, 55D”.

**5. Regulations 5 to 11 inserted**

After regulation 4 the following regulations are inserted —

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**5. Residue land**

- (1) If a proposed acquisition of land for a public purpose does not comprise the whole of the land described in a certificate of title, the plan for the acquisition is to show the residue land to scale.

- (2) If a proposed subdivision of land does not comprise the whole of the land described in a certificate of title, the plan for the subdivision is to show the residue land to scale.
- (3) If a proposed amalgamation of land does not comprise the whole of the land described in a certificate of title, the plan for the amalgamation is to show the residue land to scale.
- (4) Any residue land is to be shown as a whole lot or lots and numbered as a new lot or lots.
- (5) If the boundaries of the residue land are extensive, the Registrar, the Inspector of Plans and Surveys or an authorised land officer may allow the part of the plan showing the residue to be compiled without the distances or angles of, or bearings for, the boundaries, easements or covenants.
- (6) The Registrar or an authorised land officer may direct that any one or more of subregulations (1) to (5) do not apply to a particular plan of Crown land and such direction has effect according to its tenor.

**6. Identification of parcels of land in plans**

- (1) Each parcel of land, including a parcel intended for a public reserve, pedestrian accessway, right of way or drainage reserve, is to be identified in a plan with a number of no more than 5 numerals.
- (2) This regulation does not apply to roads that do not require the creation of a certificate of Crown land title.

**7. Plans for easement purposes only**

- (1) This regulation applies in relation to a plan that is prepared by a surveyor for the sole purpose of defining an easement.
- (2) The surveyor is to connect the position of the easement by measurement to relevant monuments.
- (3) The surveyor is to —
  - (a) determine by survey or calculation the position of the existing parcel boundary in relation to —
    - (i) the terminals of the easement; and
    - (ii) the intersection of the easement with the boundary;
  - and
  - (b) show on the plan the connections from the easement to the nearest corner of the parcel.
- (4) Subject to subregulation (5), the surveyor is to show on the plan the position and extent of the easement.

- (5) If an easement is to be created over existing pipes or conduits that are underground or within a building and the precise location of those pipes or conduits cannot reasonably be determined, the surveyor is to show on the plan the approximate positions of the pipes or conduits together with appropriate notations.

**8. Existing interests, proposed modifications to existing interests and proposed interests in land to be depicted in plans**

The Registrar may determine which of the following matters are to be set out in a plan in relation to land and the manner in which the matters are to be set out in the plan —

- (a) the nature, position and extent of each existing interest affecting the land;
- (b) reference to the instrument, document or plan by which each existing interest affecting the land was created;
- (c) details and the extent of any proposed modification of an existing interest affecting the land;
- (d) the nature, position and extent of each proposed new interest to affect the land;
- (e) any burden by an existing easement or covenant affecting land that is a subject of the plan;
- (f) any benefit by an existing easement or covenant affecting land that is a subject of the plan if the benefit is able to be depicted spatially on the plan;
- (g) any existing easement in gross or covenant in gross affecting the land that is a subject of the plan and the details of each person who has the benefit of that easement or covenant;
- (h) any burden or benefit that would result from a proposed modification to an existing easement or covenant affecting land that is a subject of the plan if the burden or benefit is able to be depicted spatially on the plan;
- (i) any burden or benefit by a proposed new easement or covenant to affect the land, whether or not the land proposed to be benefited is a subject of the plan;
- (j) any proposed new easement in gross or covenant in gross to affect the land that is a subject of the plan and the details of each person who is proposed to have the benefit of that easement or covenant.

**9. Registrar may require a new plan if certain existing interests to be modified**

If the position or extent of any existing easement or covenant is to be modified the Registrar may direct that a new plan is to be lodged showing the details, position and extent of the easement or covenant as modified.

**10. Formatting and other contents of plans**

- (1) The following matters are to be as specified or approved by the Registrar —
  - (a) the manner in which the dimensions (including area) of each parcel are shown in a plan;
  - (b) the manner in which the arrangement and format of a plan are prepared and presented;
  - (c) the medium on or in which a plan is to be prepared.
- (2) A plan may only comprise more than 4 sheets if the Inspector of Plans and Surveys or an authorised land officer approves the number of sheets before the plan is lodged.
- (3) Each sheet of a plan is to —
  - (a) be consecutively numbered as part of a series;
  - (b) contain the plan number; and
  - (c) be signed and dated by the surveyor who prepared the plan in a manner approved by the Registrar.
- (4) A plan is to —
  - (a) refer to the purpose of the authorised survey, if relevant, and plan;
  - (b) show whether Crown land or freehold land or a combination of these types of tenure is a subject of the plan; and
  - (c) refer to each certificate of title and certificate of Crown Land Title for the land concerned.

**11. Requirements before plan can be approved**

The Inspector of Plans and Surveys or an authorised land officer may only approve a plan when all the necessary instruments, applications or dealings transferring or disposing of the land are registered.

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By the Registrar of Titles with the approval of the Governor in Executive Council and after consultation with the Land Surveyors Licensing Board,

M. C. WAUCHOPE, Clerk of the Executive Council.