
LAND ADMINISTRATION

LA301*

Transfer of Land Act 1893

**Transfer of Land Amendment
Regulations 1999**

Made by the Commissioner of Titles with the approval of the
Lieutenant-Governor and Administrator in Executive Council.

1. Citation

These regulations may be cited as the *Transfer of Land
Amendment Regulations 1999*.

2. Commencement

These regulations come into operation on the day on which the
Transfer of Land Amendment Act 1999 comes into operation.

3. The regulations amended

The amendments in these regulations are to the *Transfer of Land
Regulations 1997**.

[* *Published in Gazette 9 January 1997, pp. 67-98.*

*For amendments to 23 March 1999 see 1997 Index to
Legislation of Western Australia, Table 4, p. 270 and
Gazette 27 March and 26 June 1998.]*

4. Regulation 8A inserted

After regulation 8 the following regulation is inserted —

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**8A. Modification, discharge or extinguishment of single
dwelling covenants — determination of prescribed
area**

(1) In this regulation —

“**benefited lot**” means a lot that is benefited by —

- (a) the single dwelling covenant the subject of
the application; or
- (b) any other single dwelling covenant;

“**circle**” means a notional circle that has its centre at
the centre of the lot the subject of the application;

“**lot**” and “**single dwelling covenant**” have the same
meanings as in section 129C of the Act.

- (2) If there are 200 or more benefited lots inside a circle with a radius of 250 m, the prescribed area for the purposes of section 129C(1a)(a)(i) of the Act is the area within that circle.
- (3) If there are —
- (a) less than 200 benefited lots within a circle with a radius of 250 m; and
 - (b) no benefited lots in the area between that circle and a circle with a radius of 230 m,
- the prescribed area for the purposes of section 129C(1a)(a)(i) of the Act is the area within the circle with a radius of 250 m.
- (4) If subregulation (3) does not apply and there are 200 or more benefited lots inside a circle with a radius of 260 m, the prescribed area for the purposes of section 129C(1a)(a)(i) of the Act is the area within that circle.
- (5) If there are —
- (a) less than 200 benefited lots within a circle with a radius of 260 m; and
 - (b) no benefited lots in the area between that circle and a circle with a radius of 240 m,
- the prescribed area for the purposes of section 129C(1a)(a)(i) of the Act is the area within a circle with a radius of 260 m.
- (6) If none of subregulations (2), (3), (4) and (5) apply, the prescribed area for the purposes of section 129C(1a)(a)(i) of the Act is the area within a circle with a radius of 270 m.
- (7) For the purposes of this regulation —
- (a) the position of the centre and boundary of a circle is to be determined by a licensed surveyor (as defined in the *Licensed Surveyors Act 1909*) who holds a current practising certificate under that Act; and
 - (b) a lot is inside a circle if any part of the lot is inside the circle.

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JOHN GLADSTONE, Commissioner of Titles.

Approved by the Lieutenant-Governor and Administrator,

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