

NOTICE TO SURVEYORS T7/2002

MISCELLANEOUS ISSUES

This notice covers some miscellaneous issues that should help clarify these matters for surveyors. The matters covered include:

1. Depiction of Part Lots in Former Tenure and as Abuttals
2. Dual Numbering of Crown Plans and Diagrams
3. Land Descriptions and Land Districts
4. Depiction of Subdivided Crown Allotments
5. Easement and Covenant Documents
6. Subdivisions of Private Roads and Drains using Regulation 26A
7. Fieldbooks lodged for Subdivisions that do not Proceed
8. Depiction of Original Unsurveyed Boundaries
9. Possessory Applications Claiming Part of a Multiple Lot Title
10. Curved Boundaries
11. Restrictive Covenant Plans
12. Under-width Roads
13. Bringing Forward Section 27A Easements
14. Labelling Multiple Section 27A Easements
15. Gas Pipelines and New Subdivisions

1. Depiction of Part Lots in Former Tenure and as Abuttals

To allow most of the existing lots described as part lots (as a result of road excisions etc.) to be captured as digital titles in SmartRegister it was necessary for them to be captured as whole lot titles endorsed with an exclusion notation (eg. “excludes road shown on CP1234”). These same lots were also converted *en masse* in the spatial database to be shown as whole lots.

New deposited plans should show these lots (ie. former “part lots” that have been captured in SmartRegister as whole lots) as whole lots in the former tenure box/table and where they exist as abuttals.

Those part lots that have not been, or could not be, captured in SmartRegister should be shown as “Pt” lots in the former tenure box/table and where they exist as abuttals. Surveyors should note that where these part lots exist, DOLA’s Graphics Anomaly Resolution Team (GART) could be preparing a Conversion Plan that allocates new whole lot numbers to those part lot parcels to allow the titles to be captured, and this action (by DOLA) could affect the tenure and/or abuttals required on the plans being prepared by the surveyors. Where a surveyor encounters this type of part lot, a search of the tenure should be made prior to lodging the plan to ensure no recent changes have occurred.

2. Dual Numbering of Crown Plans and Diagrams

To enable freehold titles that exist over lots/locations depicted on the various types of Crown plans and diagrams to be captured in SmartRegister, it has been necessary for DOLA to allocate them a Deposited Plan (DP) number. The following table indicates the number ranges allocated to each plan or diagram type.

DESCRIPTION	CODE	DP NUMBER (Min)	DP NUMBER (Max)
District Diagram	DD	79000	90433
Reserve Diagram	RD	91000	92447
Miscellaneous Diagram	MD	93000	93652
Easement Diagram	ED	95000	95953
Crown Diagram	CD	100001	198210
Crown Plan	CP	201501	221440
Townsite Plan	TP	222000	223272
District Plan	PD	224000	233733
Surveyors Plan	SV	235000	235198
Resumption Plan	RS	236000	237012
Pastoral Plan	PA	238000	238674
Reserve Plan	RP	240000	240433
Miscellaneous Plan	MP	241000	243270
Easement Plan	EP	244000	244076
Diagram Book	DB	245000	257792

Surveyors encountering dual numbered plans must use the new Deposited Plan number in the Former Tenure Box or Table.

If any abuttals involve land on a dual numbered plan then, to assist searchers, until further notice **both plan numbers should be shown** under the abutting lot number - with the DP number shown first and the original Crown plan (CP) or diagram number (CD) shown underneath in brackets. Refer to item 9.210 in the Survey and Plan Practice Manual for further information on how abuttals should be depicted on plans.

The new DP numbers can be searched on www.landonline.com.au by entering “Land Information” then “Crown Survey Dual Number Lookup”. By entering the original Crown plan number into the search window the new DP number will be displayed. The search window will also allow entry of a new DP number to display the original Crown plan number.

Searchers should note that the new DP numbers now appear in SmartPlan’s Spatial Browse. A hardcopy search of the original Crown plan or diagram may or may not reveal the newly allocated DP number on the barcode.

As a by-product, Crown plans and diagrams now have a DP number that meets the requirements of DOLA’s Image System. The future scanning of these documents is currently being considered.

3. Land Descriptions and Land Districts

Where the land description of an original parcel, the subject of a plan, is inconsistent with the land district (eg. a Perthshire lot within the Swan district or Jandakot AA lot within the Canning district), the surveyor should show both next to the heading “District” in the plan’s title block. In this situation the land description is shown first followed by the land district in brackets.

4. Depiction of Subdivided Crown Allotments

Where it is necessary to show underlying subdivided Crown allotment numbers then an italics style should be used. Refer to Example 7 in the Survey and Plan Practice Manual for the preferred practice.

Section 9.90 of the manual is to be amended to reflect this practice.

5. Easement and Covenant Documents

DOLA is still experiencing problems with inconsistencies between deposited plans and documents subsequently lodged for easements and covenants under Part IVA of the *Transfer of Land Act 1893*. Surveyors need to consult closely with their clients’ solicitor/conveyancer to ensure that the depiction of easements and covenants on plans is consistent with the supporting documents that are to be lodged.

6. Subdivisions of Private Roads and Drains using Regulation 26A

In accordance with long established practice (originally carried out under Section 297A of the *Local Government Act 1960* for the closure and amalgamation of private roads), survey marking will not be required to subdivide private roads or drains and amalgamate with adjoining freehold lots providing the land sharing arrangement is an

equal half share or adjoining full width, or the new boundaries can be drawn between existing survey marks. Where this is not the case, a survey is necessary.

The normal drafting guidelines for surveyed and compiled plans apply. The deposited plan must show new whole lots comprising the portions of the private road, ROW or drain amalgamated with the adjoining lots. The plan must also show any residue balance lots as new lots. The options/procedures outlined in Notice to Surveyors T1/2002, under “Excisions from Corridors” may be adopted where necessary.

A “Reg 26A” annotation is to be added to the Deposited Plan approval box.

7. Fieldbooks lodged for Subdivisions that do not Proceed

Occasionally surveyors lodge fieldbooks for surveys of subdivisions that for some reason do not proceed and no plan is ever lodged at DOLA. In this situation the fieldbook would never get cross-indexed onto the Survey Index Plan (now SIP View within SmartPlan). If the index page of the fieldbook indicates a “Subdivision” is proposed, DOLA would expect a plan to follow the fieldbook to trigger the cross-indexing.

If this situation arises (or has even occurred in the past) surveyors should contact Survey Inspection at DOLA on 9273 7423 and request the fieldbook be cross-indexed onto the SIP View.

If for some reason a subdivision does not proceed and a fieldbook has been prepared, surveyors are encouraged to still lodge the book at DOLA but strike through the word “Subdivision” and add the words “Spike Protection” or “Repeg”. This will ensure the fieldbook is cross-indexed in this instance.

8. Depiction of Original Unsurveyed Boundaries

Where original boundaries that were created by a ‘Sketch on Transfer’ or by description (eg. Moieties) are depicted on deposited plans, surveyors should adopt the following practice:

- Where the plan shows distances that have been **fixed** by a transfer document, such distances are to be annotated as “orig”. In cases where these “fixed” distances are superseded by becoming part of new balance lot distances no “orig” distance or angle annotation is necessary.
- Where the plan is “Compiled” no “orig” distance or angle annotation is necessary as all dimensions are original.
- Distances and angles for boundaries created by a transfer that are derived from survey or calculation are **not to be annotated** as “orig” or “cal”.
- Unsurveyed boundaries are to be shown as full lines but labelled and the following notation included on the plan – *“Unsurveyed Boundary A-B created in Transfer Document”*.

- Where a boundary that was created by a 'Sketch on Transfer' or by description is subsequently surveyed and marked it should be labelled and the following notation included on the plan – *“Boundary A-B created in Transfer Document*”.
- The transfer document number to be recorded in the notation is the one that creates the boundary in the first instance. This document would indicate any “fixed” distances.
- These boundaries must be captured in CSD files in accordance with their survey status (ie. whether they have been marked). Unsurveyed lines must be captured as “unsurveyed” and surveyed/marked lines captured as “surveyed” in the CSD file.

9. Possessory Applications Claiming Part of a Multiple Lot Title

Where a possessory application is lodged claiming part of the land contained in a multiple lot title, the resultant deposited plan must show the residue of any affected lots as new lots. Lots not affected by the claim should not be depicted on the deposited plan.

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. DOLA will register a sundry document following registration of the possessory application to include the unaffected lots and the new balance lots from the old multi-lot title in a new multi-lot (paper) title.

In some situations DOLA may maintain (ie. partially cancel) the paper title and the relevant graphic.

10. Curved Boundaries

It has long been DOLA’s policy not to accept new plans with curved road alignments. This policy originated following complaints from utility agencies that encountered problems installing services in their allocated corridors within road reserves where curves were involved.

Curved boundaries may be used elsewhere in a subdivision but they are not encouraged. There seems to be few practical reasons for them to be used. They are quite common in canal developments however where canal boundaries are usually related to the constructed walls bordering the canals.

Where it is necessary to survey two or more adjoining curves the plan must show the radius and arc of each curve together with the long chords as dotted construction lines. For clarity, bearings or mid-azimuths should be shown along each chord.

11. Restrictive Covenant Only Plans

The principles and practices that apply to “Easement Only” plans (refer item 14.100 in the Survey and Plan Practice Manual) may also be applied to “Restrictive Covenant Only” plans.

The plan “Purpose” must be shown as “Easement/Restrictive Covenant”. Where the covenant has a spatial extent that affects either the whole or part of a lot, that spatial extent will be depicted in SmartPlan’s Spatial Browse with hachuring and a label “E” (for “Encumbrance”).

It is not possible to create a restrictive covenant under Part IVA of the *Transfer of Land Act 1893* on a “Restrictive Covenant Only” plan.

The CSD requirement for “Restrictive Covenant Only” plans is the same as that for “Easement Only” plans.

12. Under-width Roads

Roads must be **wider than 6 metres** for the automatic dedication provisions of Section 295 of the *Local Government (Miscellaneous Provisions) Act 1960* to apply. Where a development involves roads that are intended to be 6 metres wide, surveyors **must** show the road width on the deposited plan as being no less than 6.001 metres.

Where it is necessary to create roads with a width of exactly 6 metres or less then dedication can only be achieved using Section 56 of the *Land Administration Act 1997*. This process is cumbersome and could potentially delay a subdivision. To ensure that there are no delays it is essential that early contact be made with Land Administration Services (LAS) as the dedication of the road requires local authority resolution to dedicate. LAS have to prepare and lodge ministerial orders in conjunction with the application for new titles. This can take up to six weeks.

13. Bringing Forward Section 27A Easements

When bringing forward easements created on plans under Section 27A of the *Town Planning and Development Act 1928* where no purpose for the easement is shown on the plan creating the easement, then these easements should be shown in the Interests and Notifications schedule with a purpose of “Easement”. No specific purpose for the easements is required in the schedule. The label for the easement must still refer to the appropriate regulation number and “Sec 27A of TP&D Act” shown as the statutory reference.

The beneficiary must be brought forward as shown on the original plan. If for instance the beneficiary was “W.A.W.A.”, then this **must** be shown in the “Benefit To” column of the schedule and **not** updated to “Water Corporation”.

14. Labelling Multiple Section 27A Easements

Item 14.90 of the Survey and Plan Practice Manual currently states in part:

“The Town Planning and Development (Easement) Regulations 1983 require Section 27A easements on plans to be labelled with the appropriate regulation number within a circle and the associated purpose shown. If 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 the phrase “two or more” be for two or more **separate** (usually non-adjacent) easements using the same regulation number. It is **not intended** that this practice be used where an easement crosses a boundary and/or changes direction. The requirement only applies where new and/or existing easements with the same regulation number need to be distinguished individually on a new plan.

Individual easement polygons must be captured in CSD files in accordance with Notice to Surveyors T5/2002.

15. Gas Pipelines and New Subdivisions

Western Australia has two major high pressure gas transmission pipelines servicing the metropolitan area and south west of the State. Both pipelines however have separate and different legislative requirements that will affect the production of plans of subdivision lodged at DOLA.

DAMPIER TO BUNBURY NATURAL GAS PIPELINE

The DBNGP corridor was established after the sale of the pipeline in 1998 and incorporated most of the previous gas pipeline easements held in the name of SECWA, Alinta Gas or the Gas Corporation. The Dampier to Bunbury Pipeline Act 1997 regulates the use of land within the DBNGP corridor and is relatively restrictive in its requirements.

DOLA manages the DBNGP corridor and has, with Ministerial endorsement, established a policy of not creating additional easements or interests over land in the corridor. In terms of plan production, this means it is highly unlikely a plan presented showing an easement over the DBNGP corridor would be approved or any subsequent endorsement on the title registered. Plans that impact on the DBNGP corridor land should show a gap in the easement or right of carriageway where it crosses the DBNGP corridor. To facilitate legal access to that portion of land held in the DBNGP corridor, the consent of the Minister is usually required.

For further information on the requirements in relation to access, easements or the creation of interests in the DBNGP corridor, contact should be made with the Pipeline Section at DOLA on 9273 7257.

PARMELIA PIPELINE

The Parmelia Pipeline (Formerly the WANG or Dongara to Pinjarra Pipeline) is a privately owned gas transmission pipeline. Its current owners, CMS Gas Transmission, operate the pipeline within an easement registered on the applicable titles.

It is therefore important that when preparing plans of subdivision that have roads going over the pipeline easement, the effect of which would be to extinguish the easement, that early contact be made with CMS to provide for future secure tenure for the gas pipeline and/or associated facilities as a replacement for the easement.

For further information in this regard please liaise with Mr Tom Lyons at CMS on 9353 7503.

IAN HYDE
REGISTRAR OF TITLES

26 July, 2002