

Customer Information

Bulletin No. 116
February 2001

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1. OVERVIEW OF CUSTOMER INFORMATION BULLETINS

Customer information bulletins are published to inform DOLA's customers of changes of practice and procedure in the land registration process. Often changes to legislation, regulations, legal rulings or new processes make it necessary to change registration practice, resulting in changes to procedure, document type, format and/or document preparation. Customer information bulletins contain information relating to changes in practice and procedure, prior to the amendment of DOLA's practice manuals. New procedures and information published in customer information bulletins supersede any previously published information and instructions contained in practice manuals and / or customer information bulletins.

A reminder to all customers that DOLA's comprehensive practice manuals are available free of charge on the web. Visit DOLA's virtual shop front at www.landonline.com.au to subscribe to the practice manuals free of charge.

The 7th edition of the Land Titles Registration Practice is currently being edited and will be available for publication in the near future.

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2. BALANCE TITLES / MULTIPLE OWNER SURVEYS - SMARTREGISTER

SmartRegister, DOLA'S new digital titling system introduces various innovations to conveyancing practices, one of which is that there will no longer be a requirement to apply for balance titles when new deposited plans for subdivision are deposited with the Registrar of Titles.

New survey regulations make it necessary for surveyors to include all the land in Certificate of Title/s the subject of the survey. This process eliminates the creation of part lots and the need to apply for balance Certificates of Title.

Prior to the amendment of the survey regulations, deposited plans with two or more owners required the land the subject of the survey to be in common ownership. Generally this required preparation and lodgement of at least two new Certificate of Title applications, (subject of deposited plan and balance) and additional transfers to give effect to the correct ownership of the land being subdivided.

One of the benefits of the new regulation and procedure, is that only one New Certificate of Title Application (form A6) is required to be lodged where there is two or more owners of the land the subject of the deposited plan. All the registered proprietors of the land the subject of

the deposited plan apply for the new Certificates of Title, resulting in each new Certificate of Title being issued in the correct ownership. In most instances this eliminates the need to apply for a balance Certificate of Title and to lodge transfers to return the land to the correct proprietorship.

The wording in the application to register the deposited plan (A6) has been amended to facilitate the registration of deposited plans with two or more owners on a single application form as set out below.

New practice

- All registered proprietors, the subject of the deposited plan, apply to register the deposited plan.
- Land description panel remains unchanged, list all of the certificates of title the subject of the deposited plan

Description of Land	Extent	Volume	Folio
Lot (s) on Diagram			
Lot (s) on Plan			

- Applicants panel must state the names and addresses of all registered proprietors of the land in the deposited plan, as per example below

Applicant panel

John Smith of PO Box 1, Bridgetown William Brown of 15 Dola Avenue, Albany

- The reason for the application panel is required to recite the following

The Applicant Hereby Applies for the creating and registering of a new Certificate of Title for the following reason panel

Registration of titles the subject of deposited plan 12345 with the following persons as registered proprietors in fee simple of the lots shown against their names	
(A) John Smith	Lots
(B) William Brown	Lots

- Transfers of a portion of land in a Certificate of Title being included in a new lot with different ownership, are still required to precede the application, together with any partial discharges of mortgages or other documents usually required (no change to current practice)
- Applications for new titles for lots created on unregistered plans, diagrams and deposited plans lodged in the old format will continue to be registered under the current process. If the existing survey affects only portion of the land in a Certificate of Title, the registered proprietor can still obtain a Certificate of Title for the balance of the land by lodging an application for the balance of the land on an A6 application form.

Future initiatives being investigated include the creation of a disposition style document to facilitate the transfer and disposition of lots in deposited plans with two or more registered proprietors, into one simple document.

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3. APPLICATIONS TO INCLUDE AND REMOVE THE BENEFIT OF EASEMENTS AND RESTRICTIVE COVENANTS

Prior to the introduction of SmartRegister, where the benefit of an easement or a restrictive covenant (containing a height restriction) was to be shown in the land description of the relevant certificate of title, an application (form A6) was required to be lodged to include the benefit of the easement or restrictive covenant. An application (form A6) was also required when the benefit of an easement was removed or the benefit of a restrictive covenant was removed or modified.

Under SmartRegister it is not necessary to lodge an application (form A6) to include or remove the benefit of an easement or to include, remove or modify the benefit of a restrictive covenant. The benefits of easements and restrictive covenants that have a height restriction are no longer shown in the land description of a title. These interests are now shown in the Limitations, Interest, Encumbrances and Notifications Section (Second Schedule) of the SmartRegister Title.

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4. DEPOSITED PLAN FORMAT CHANGES – SMARTREGISTER

One of the major changes associated with the introduction of SmartRegister is the removal of the sketch from the digital title. To facilitate the identification and extent of interests on Certificates of Title, the surveyor will be required to provide additional information on deposited plans. The deposited plan becomes the graphic (sketch) for new Certificates of Title.

Surveyors are required to graphically indicate existing easements and other interests of a spatial nature (excluding mortgages and leases) by sketch notation on the deposited plan and in a schedule of interests and notification table.

Implied rights of way (created under section 167A of the Transfer of Land Act) that have not been extinguished must be brought forward onto new plans and listed in the schedule of interests and notifications. The lots within the subject of the plan that have an implied benefit of the ROW are to be shown in the schedule under "benefit to".

The following notices (Notice to Surveyors T5 and T6) have recently been provided to members of the survey industry to introduce the new practices and deposited plan formats. As these practices impact on other DOLA customers the following notices to surveyors have been published in this bulletin for your information;

The instructions contained in Notice to Surveyors T5 and T6 supercede instructions published in Customer Information Bulletin No 85 relating to Easements and Restrictive Covenants created on Surveys pursuant to part IVA.

- Notice to Surveyors T5/2000 – Schedule of Interests and Notifications, including examples of the new deposited plan format and schedule of interests and notifications.
- Notice to Surveyors T6/2000 – includes information on

- Balance Lots
- Multiple owner subdivisions
- Land Acquisitions
- Crown Land Amalgamations
- Adverse Possession Claims

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