

SOUTH AUSTRALIA

REAL PROPERTY ACT (LAND DIVISION) REGULATIONS, 1982

*These regulations are reprinted pursuant to the Subordinate Legislation Act 1978 and incorporate all amendments in force as at **15 January 1994**.*

It should be noted that the regulations were not revised (for obsolete references, etc.) prior to the publication of this reprint.

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REGULATIONS UNDER THE REAL PROPERTY ACT, 1886

REAL PROPERTY ACT (LAND DIVISION) REGULATIONS, 1982

being

No. 207 of 1982: *Gaz.* 4 November 1982, p. 1501¹

as varied by

No. 214 of 1982: *Gaz.* 25 November 1982, p. 1700

No. 53 of 1983: *Gaz.* 14 April 1983, p. 884

No. 119 of 1983: *Gaz.* 25 August 1983, p. 528²

No. 179 of 1984: *Gaz.* 13 September 1984, p. 867³

No. 24 of 1985: *Gaz.* 14 February 1985, p. 377⁴

No. 148 of 1985: *Gaz.* 8 August 1985, p. 349⁵ (Republished *Gaz.* 15 August 1985, p. 421)

No. 216 of 1985: *Gaz.* 14 November 1985, p. 1487

No. 86 of 1986: *Gaz.* 29 May 1986, p. 1400

No. 93 of 1986: *Gaz.* 29 May 1986, p. 1411⁶

No. 87 of 1987: *Gaz.* 14 May 1987, p. 1280⁷

No. 244 of 1987: *Gaz.* 15 October 1987, p. 1142⁸

No. 93 of 1988: *Gaz.* 26 May 1988, p. 1383⁹

No. 87 of 1989: *Gaz.* 8 June 1989, p. 1576¹⁰

No. 228 of 1989: *Gaz.* 21 December 1989, p. 1870

No. 76 of 1990: *Gaz.* 31 May 1990, p. 1507¹¹

No. 150 of 1990: *Gaz.* 12 July 1990, p. 288

No. 227 of 1990: *Gaz.* 15 November 1990, p. 1526¹²

No. 120 of 1991: *Gaz.* 27 June 1991, p. 2218¹³

No. 48 of 1992: *Gaz.* 14 May 1992, p. 1395

No. 89 of 1992: *Gaz.* 18 June 1992, p. 1795¹⁴

No. 54 of 1993: *Gaz.* 8 April 1993, p. 1292¹⁵

No. 246 of 1993: *Gaz.* 27 October 1993, p. 2097¹⁶

NOTE:

- Asterisks indicate repeal or deletion of text.
- For the legislative history of the regulations see Appendix. Entries appearing in the Appendix in bold type indicate the amendments incorporated since the last reprint.

- ¹ Came into operation 4 November 1982: reg. 1(2).
- ² Came into operation 3 October 1983: reg. 3.
- ³ Came onto operation 1 November 1984: reg. 3
- ⁴ Came into operation 11 March 1985: reg. 2.
- ⁵ Came into operation 12 September 1985: reg. 3.
- ⁶ Came into operation 14 July 1986: reg. 2.
- ⁷ Came into operation 1 July 1987: reg. 2.
- ⁸ Came into operation 12 November 1987: reg. 2.
- ⁹ Came into operation 11 July 1988: reg. 2.
- ¹⁰ Came into operation 17 July 1989: reg. 2.
- ¹¹ Came into operation 17 July 1990: reg. 2.
- ¹² Came into operation 14 January 1991: reg. 2.
- ¹³ Came into operation 8 August 1991: reg. 2.
- ¹⁴ Came into operation 30 July 1992: reg. 2.
- ¹⁵ Came into operation 12 July 1993: reg. 2.
- ¹⁶ Came into operation 15 January 1994: reg. 2.

Real Property Act (Land Division) Regulations, 1982

**PART 1
PRELIMINARY**

Short Title

1. (1) These regulations may be cited as the *Real Property Act (Land Division) Regulations, 1982*.
- (2) These regulations shall take effect from 4 November 1982.

Arrangement

2. These regulations are divided into parts as follows:

Part 1—Preliminary
Part 3—Applications for Division
Part 4—Applications for Amalgamation
Part 5—Requirements as to Plans
Part 6—Requirements as to Roads and Other Works
Part 7—Miscellaneous
First Schedule
Second Schedule.

Interpretation

3. In these regulations, unless inconsistent with the context or subject matter, the following words and expressions have the respective meanings hereby assigned to them:

"dwelling" means a room, suite of rooms, or a building designed, constructed or adapted for occupation and use as a separate residence by one owner, lessee, tenant or other occupier to the exclusion of any other owner, lessee, tenant or other occupier;

"Geographical Names Board" means the Geographical Names Board of South Australia established under the *Geographical Names Act, 1969*;

"identifier" means a form of identification by number, letter, name or symbol;

"outer boundary survey plan" means a plan made in conformity with Part 5 of these regulations for the purpose of defining the outside boundaries of the land proposed to be divided;

"road" includes a street;

Division not within a Council Area

4. Where the land to be divided is not within the area of a council any application form, statement of requirements, arrangements, certificate, other document or any requirement or action referred to in these regulations shall be read as far as practicable as if:

- (1) the word "council" was replaced by the word "Commission";
- (2) the words "Town Clerk/District Clerk or other officer duly authorised by the council", were replaced by the words "Presiding Member or Secretary".

Prescribed Agencies

5. (1) The following instrumentalities and agencies are instrumentalities and agencies of the Crown for the purpose of section 223/a of the Act.

Coast Protection Board
Commissioner of Highways
Outback Areas Community Development Trust
Pipelines Authority of South Australia
State Transport Authority
The Electricity Trust of South Australia
South Australian Health Commission
South Eastern Drainage Board

(2) The following authorities are prescribed authorities for the purpose of section 223/e(2)(b)(i).

Coast Protection Board
Commissioner of Highways
Outback Areas Community Development Trust
Pipelines Authority of South Australia
State Transport Authority
The Electricity Trust of South Australia
South Australian Health Commission
South Eastern Drainage Board

* * * * *

Real Property Act (Land Division) Regulations, 1982

**PART 3
APPLICATIONS FOR DIVISION*****Application Form***

16. (1) An application for division of land pursuant to Section 233/d of the Act shall be made in the form of Form 9 of the First Schedule; and

(2) Where it appears from a plan of division of land that the land is intended to be subject to an easement as prescribed under Section 233/o of the Act, the application for grant of the easement shall be made in the form of Form 9A in the Second Schedule.

(3) An application from the registered proprietors of the servient and dominant tenements for the variation and extinguishment of easements created pursuant to Section 233/o of the Act shall be made in the form of Form 13 in the Second Schedule.

Fees

17. (1) Subject to subregulation (2) the fees accompanying the application shall be those set out in the *Real Property Act (Fees) Regulations, 1982*:

- (a) for the deposit or acceptance for filing by the Registrar-General of any plan;
- (b) for the examination of any plan of survey certified by a licensed surveyor and lodged with or submitted to the Registrar-General when the requirements of regulation 20 apply; and
- (c) for the issue of new certificates of title in respect of each of the allotments delineated on the Plan of division, when the requirements of regulation 22 apply.

(2) Where a certificate of title is to be issued to the Crown pursuant to an instrument prepared by or under the authority of the Crown Solicitor, and lodged with the Registrar-General in relation to an application for the division of land pursuant to Section 223/d of the Act, no fee shall accompany such application.

Plan of Division

18. (1) The plan of division delineating the allotments into which the applicant seeks to divide the land shall conform with the requirements of Part 5 of these regulations.

(2) The plan of division accompanying an application to divide land shall be the original plan.

Outer Boundary Survey Plan

19. (1) Subject to subregulation (4) the applicant shall, before making application to the Registrar-General for the division of land, submit to the Registrar-General an outer boundary survey plan of the land to be divided together with the fees set out in the *Real Property Act (Fees) Regulations, 1982*:

- (a) for the examination of any plan of survey certified by a licensed surveyor and lodged with or submitted to the Registrar-General; and

- (b) for the deposit or acceptance for filing by the Registrar-General of any plan.
- (2) An outer boundary survey plan shall comply with the requirements of regulations 36 and 37.
- (3) The Registrar-General shall examine the outer boundary survey plan and shall, if satisfied that the requirements of these regulations have been met and the information on the plan appears to be adequate and accurate, cause a copy of the plan to be sent to:
 - (a) the applicant or agent; and
 - (b) the council of the area in which the land is situated.
- (4) The outer boundary requirements of subregulation (1) shall not apply to an application in respect of:
 - (a) the division of land in the City of Adelaide;
 - (b) the division of land into five allotments or less; or
 - (c) the division of land for which an outer boundary plan is deemed unnecessary by the Registrar-General.

Certificate of Licensed Surveyor

20. (1) Subject to subregulation (2) the certificate of a licensed surveyor shall be included on the plan of division and shall be in the form prescribed in regulations made under the *Surveyors Act, 1975*.

(2) Subject to subregulation (3), no certificate of a licensed surveyor is required under section 223(d)(3)(b) of the Act to accompany an application for the division of land where—

- (a) the application is for the division of the land into two allotments;
 - (b) the land is not within, or partly within, a Designated Survey Area within the meaning of the *Surveyors Regulations 1976*;
 - (c) no party wall rights are to be created by the division;
 - (d) any new boundary is not intended to define an existing line of occupation or be located in relation to any physical structure or feature located on or below the surface of the land;
 - (e) no road, or substantial widening of an existing road, is shown on the plan of division;
- and
- (f) the land is not designated primarily for shopping, commercial, office or business use in the relevant Development Plan under the *Development Act 1993*, or actually used or intended to be used for such purposes.

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(3) If the Registrar-General is of the opinion that an application to which subregulation (2) refers should include the certificate of a licensed surveyor he shall notify the applicant accordingly and he shall not deposit the plan until a certificate is included on the plan in the form prescribed in subregulation (1).

(4) For the purposes of subregulation (2), any widening of an existing road that is considered by the Registrar-General to be minor, will not be counted as a separate allotment in relation to a plan of division of land.

(5) The Registrar-General may, in such cases as he or she thinks fit, dispense with the requirement under section 223(d)(3)(b) of the Act that an application for the division of land be accompanied by the certificate of a licensed surveyor.

Certificate of Persons having an Interest in the Land

21. (1) Subject to subregulation (2), the consent of every person, apart from the registered proprietor, who appears from the certificate(s) of title relating to the land or any instrument registered in the Lands Titles Registration Office or the General Registry Office, to have an interest in the land, shall be in the form of Form No. 10 of the First Schedule.

(2) Subject to subregulation (3), the consent of the persons referred to in subregulation (1) shall not be required in respect of a division of land necessary to give effect to a transaction under the *Land Acquisition Act, 1969-1972*, or to a transaction to which the Crown, whether in right of the State or in right of the Commonwealth, is a party.

(3) If the Registrar-General considers that an application to which subregulation (2) refers should be accompanied by a certificate in the form prescribed in subregulation (1), he shall notify the applicant or agent accordingly and he shall not deposit and register the plan of division until such a certificate is submitted to him.

Issue of New Certificates of Title

22. (1) Subject to subregulation (2) an application for the division of land shall be accompanied by:

- (a) a request to the Registrar-General to issue new certificates of title for each of the allotments formed by the division;
- (b) the duplicate copy of the certificate(s) of title of the land delineated on the plan;
- (c) any other instrument which the Registrar-General may require in accordance with regulation 23.

(2) The Registrar-General may, in appropriate circumstances, dispense with the requirements of subregulation (1).

Requirements to be Fulfilled or Complied with

23. (1) The Registrar-General may, before depositing a plan of division in the Lands Titles Registration Office, require that:

- (a) any mortgage or encumbrance registered in the Lands Titles Registration Office or the General Registry Office and affecting a portion only of a proposed new allotment delineated on the plan be discharged;
- (b) a mortgage or encumbrance collateral to one registered as in paragraph (a) and affecting portion only of a proposed new allotment delineated on the plan be given over the remaining portion of the allotment so delineated and be registered in the Lands Titles Registration Office or the General Registry Office;
- (c) the title to any defined portion of the land delineated on the plan be transferred so that any new allotment defined on the plan be in the one ownership;
- (d) a specified easement, other than an easement provided for by section 223/n of the Act, be granted or reserved and be registered over any defined portion of the land delineated on the plan; or
- (e) any other requirements specified in writing and forwarded to the applicant or his agent by the Registrar-General be fulfilled or complied with.

(2) The Registrar-General may accept for registration any instrument affecting the whole or any portion of the land delineated on a plan of division to which subregulation (1) refers before any of the requirements specified in subregulation (1) have been fulfilled or complied with.

Registrar-General to be Satisfied with Plan

24. (1) The Registrar-General shall examine the plan of division and if he is satisfied that:

- (a) the survey of the land delineated on the plan;
- (b) the information given on the plan; and
- (c) the conformity with the appropriate requirements of Part 5

appear to be adequate and accurate and that the plan is in all material respects fit for depositing in the Lands Titles Registration Office, he shall cause notification to that effect to be placed on the plan.

(2) If the Registrar-General is not satisfied with the matters referred to in subregulation (1) he shall notify the applicant or his agent accordingly, and shall not deposit the plan of division until the plan has been amended or corrected to the satisfaction of the Registrar-General.

Additional Information

25. (1) The Registrar-General may, for the purpose of giving effect to the objects and provisions of the Act and these regulations, in writing request the applicant for the division of the land, or his agent, to furnish to the Registrar-General, in the form or manner specified in the request, incidental or ancillary information, or particulars relevant to an application.

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(2) The Registrar-General may decline to deposit a plan of division until the applicant has complied with a request made under subregulation (1).

Deposit of Plan of Division

26. (1) The Registrar-General shall, if satisfied that there is no reason why a plan of division should not be deposited, cause the plan to be deposited in the Lands Titles Registration Office.

(2) When the plan of division has been deposited in the Lands Titles Registration Office he shall notify:

- (a) the applicant or agent; and
- (b) the council of the area in which the land is situated and forward a copy of the plan to the council.

PART 4
APPLICATIONS FOR AMALGAMATION

Application Form

27. (1) An application for amalgamation made by a registered proprietor to the Registrar-General pursuant to section 223*ll* of the Act, shall be in the form of Form No. 11 of the First Schedule.

(2) The consent of every person who appears from the certificates of title of the allotments to be amalgamated or any instrument registered in the Lands Titles Registration Office or the General Registry Office, to have an interest in the allotments to be amalgamated shall be included on the form referred to in subregulation (1).

(3) A request to the Registrar—General to issue a new certificate of title in respect of the allotment formed by the amalgamation shall be made on the form referred to in subregulation (1).

Fees

28. The fees accompanying the application for amalgamation shall be those set out in the *Real Property Act (Fees) Regulations, 1982*:

- (1)(a) for the registration of an instrument; or
- (b) for the deposit or acceptance for filing by the Registrar-General of any plan, when the requirements of regulation 30 apply;
- (2) for the issue of a new certificate of title in respect of the allotment formed by the amalgamation; and
- (3) for the examination of any plan of survey certified by a licensed surveyor and lodged with or submitted to the Registrar-General, when the requirements of regulation 32 apply.

Encumbrances, Mortgages etc.

29. If it appears from the certificates of title or any instrument registered in the Lands Titles Registration Office or the General Registry Office, that the allotments referred to in an application for amalgamation are not subject to the same encumbrances, mortgages, liens, interests, appurtenances or trusts, the Registrar-General shall not be obliged to proceed to amalgamate the allotments until any documents necessary to ensure that those allotments are subject to the same encumbrances, mortgages, liens, interests, appurtenances or trusts, have been lodged with him.

Plan of Amalgamation of Allotments

30. (1) Subject to subregulation (2) the application for amalgamation shall be accompanied by a plan which shall:

- (a) be an original plan;
- (b) uniquely identify the allotment to be formed by the amalgamation; and
- (c) conform with the appropriate requirements of Part 5 hereof.

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(2) The Registrar-General may not require compliance with subregulation (1) if he is satisfied that the allotment to be formed by the proposed amalgamation will reconstitute a previously existing uniquely identified parcel of land.

Registrar-General to be Satisfied with Plan

31. (1) When a plan accompanies an application for amalgamation, the Registrar-General shall examine the plan and if he is satisfied that the information on the plan appears to be adequate and accurate and that the plan is in all material respects fit for deposit in the Lands Titles Registration Office he shall cause notification to that effect to be placed on the plan.

(2) If the Registrar-General is not satisfied that the information on the plan is adequate or accurate, he shall notify the applicant or agent accordingly and shall not proceed to amalgamate the allotments until the plan has been amended or corrected to the satisfaction of the Registrar-General.

Certified Plan of Survey

32. If the Registrar-General is of the opinion that any land in respect of which an application for amalgamation has been made should be the subject of a survey, he shall notify the applicant accordingly and he shall not amalgamate the allotments until a plan of survey, certified as required by the regulations under the *Surveyors Act, 1975* has been lodged and he is satisfied that the information on the plan of survey is adequate.

Registrar-General to Deposit Plan

33. The Registrar-General shall, if satisfied that there is no reason why a plan accompanying an application for amalgamation should not be deposited in the Lands Titles Registration Office, cause the plan to be deposited in that Office.

Registrar-General to Amalgamate Allotments

34. If the Registrar-General is satisfied that:

(1) all the documents required by section 223*ll* of the Act and these regulations have been submitted to him; and

(2) the information contained in the documents referred to in subregulation (1) is adequate, accurate and satisfactory in all material respects,

he may proceed to amalgamate the allotments to which the application relates into a single allotment and to take the actions specified in section 223*ll*(3) of the Act.

Notification of Amalgamation

35. The Registrar-General shall notify:

(1) the council in which the land to which the application relates is situated; and

(2) the Minister of Water Resources,

of the amalgamation of the allotments referred to in the application and, where applicable, shall forward a copy of the plan deposited in the Lands Titles Registration Office in accordance with regulation 33.

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**PART 5
REQUIREMENTS AS TO PLANS*****Standard Requirements for Plans***

36. (1) All plans of division and plans delineating an allotment to be formed by amalgamation shall conform with subregulations (2), (3), (4), (5), (6), (7), (8), (9) and (10) hereof.

(2) A plan shall be drawn on double matt drafting film of a minimum thickness of 0.08 mm or a good quality tracing cloth or any other material which has been approved by the Registrar-General.

(3)(a) all particulars on a plan shall be in suitable waterproof black ink of a type recommended by the manufacturer of the particular drafting material;

(b) the ink used on a plan shall be allowed to dry naturally;

(c) no particular on a plan shall be illegible or defaced;

(d) erasures to be effected by a method as recommended by the manufacturer of the particular drafting material; and

(e) all lineal measurements shall be in metric units.

(4) An original plan shall:

(a) not be folded or creased; and

(b) be rolled and protected by suitable covering when forwarded by post.

(5) If a plan comprises more than one sheet, the first sheet shall be identified as Sheet 1 of the total number of sheets and the second sheet as Sheet 2 of the total number of Sheets and so on.

(6) The drafting standards of a plan are to be as follows:

(a) no line shall be less than 0.25 mm in thickness;

(b) the minimum height of any letter or number shall be 2.5 mm;

(c) the ratio of character height to line thickness shall be 10:1;

(d) all characters shall be consistently open in formation and construction and comply substantially with styles as recommended by the Standards Association of Australia publication AS 1100, PART 6-1980;

(e) the decimal sign shall appear at mid-numeral height;

(f) the plan must have its north point and other data orientated in accordance with figure A or B of the second schedule;

(g) the outer boundary of the subject land shall be indicated by a line of 0.5 mm in thickness and all other lines to be indicated by lines of 0.25 mm or 0.35 mm in thickness; and

- (h) subject to subregulation (3) of regulation 38 the plan may be drawn to any of the following scales:

1:100	1:125	1:150	1:200	1:250	1:300
1:400	1:500	1:750	1:800	1:1000 or multiples	
of 10 thereof; and					

the plan shall have a bar scale of a minimum length of 100 mm.

- (7) The following particulars shall be shown on the plan:

- (a) the plan must, in the box marked "Plan" on the panel in figure C or E of the second schedule, include—

- (i) the words "Plan of Division", "Outer Boundary Survey Plan" or "Plan of Amalgamation" as the case may require;

and

- (ii) the description of the land comprised in the plan;

- (b) areas of every allotment shall be shown; those under one hectare in square metres and those over one hectare, in hectares to four significant figures; approximate areas for those allotments, where a river, creek, stream, lakeside or sea coast forms the boundary or part of the boundary of that allotment shall be shown to the nearest 10 m² if the area is less than one hectare or to three significant figures if the area is one hectare or greater;

- (c) the abutting current property description shall be shown by plan type and number or section number preceded by the abbreviation "Sec." for section, as well as all existing roads or thoroughfares;

- (d) all allotments shall be fixed to a street corner or a substantial bend in an abutting road;

- (e) reference to all certificates of title for the land the subject of the plan are to be shown;

- (f) the plan must contain the following information:

- (i) where the proposed division or amalgamation is situated in a government town the name of the town must appear on the line of the panel marked "township";

- (ii) where the proposed division or amalgamation is situated within the boundary of an area named pursuant to the *Geographical Names Act, 1969*, the name of the area must appear on the line of the panel marked "area";

- (iii) where the proposed division or amalgamation is situated within the area of a council, the full name of the council must appear on the line of the panel marked "council";

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- (g) the measurements and bearings of the outside boundaries, allotments, reserves, roads and thoroughfares and the total area of the land being divided or defined shall be shown provided that in lieu of showing bearings the Registrar-General may direct that included angles be shown as an alternative thereto. Full data is not required on any boundary which is a natural boundary such as a water course;
- (h) the allotments shall be generally allocated consecutive numerical identifiers in a regular pattern and the reserves, roads and thoroughfares are to be named and also allocated numerical identifiers;
- (i) each allotment shall be numbered distinctly from the current identifier of the subject and adjacent land;
- (j) the names and widths of abutting roads and thoroughfares and where practicable the alignments thereof where such have been laid down, shall be shown;
- (k) the former divisional or section boundaries, and the numbers thereof, to be shown by broken lines;
- (l) where the plan is certified in accordance with the regulations under the *Surveyors Act, 1975*, the connection to any pegs or other marks of former surveys and the position and construction of new permanent marks shall be shown;
- (m) where a natural boundary is delineated on a plan which is not a prescribed cadastral survey as defined in the *Surveyors Act, 1975*, the Registrar-General may require that boundary to be certified by a licensed surveyor to be a correct delineation thereof; and
- (n) the extent of any dominant easements affecting the subject land unless otherwise directed by the Registrar-General.

(8) If the land delineated on a plan is to be subject to an easement as referred to in Section 223/n of the Act for the purpose of providing water supply, sewerage, drainage or electricity supply services, the extent of the easement shall be delineated on the plan and a notation shall be included thereon stating in whose favour and for what purpose the easement is to be created.

(9) If the land delineated on a plan is to be subject to an easement which is to be held appurtenant to other land in the plan or to any other land, the extent of the easement shall be delineated on the plan and a notation shall be included thereon specifying the land to which the easement is to be held appurtenant and the general nature or purpose of that easement.

(10) If the subject land is already subject to an easement, reference to the current Certificate of Title of the dominant land, or if the easement was created by statute, a reference to the originating plan type, number and easement identifier, is to be supplied whenever practicable. The plan shall also delineate the extent of such easement.

Outer Boundary Survey Plan

37. (1) An outer boundary survey plan shall, in addition to conforming with regulation 36, conform with subregulations (2), (3) and (4) hereof.

(2) An outer boundary survey plan must be—

(a) 353 mm × 500 mm in size and the format of the plan must conform with figure E of the second schedule;

or

(b) 500 mm × 707 mm in size and the format of the plan must—

(i) conform with figure C of the second schedule as to the first sheet of the plan;

(ii) conform with figure D of that schedule as to subsequent sheets.

(3) The following particulars shall be shown on an outer boundary survey plan:

(a) the position of the walls, fences and other erections on or adjacent to the said boundaries together with offsets thereto;

(b) the alignments and widths of abutting roads and thoroughfares; and

(c) the words "Outer Boundary Plan" and a current description of the land in the panel marked "Plan" in figure C or E of the second schedule.

(4) The outer boundary survey plan shall be certified by a licensed surveyor in accordance with the regulations under the *Surveyors Act, 1975*.

***Plans of Division (Over five allotments outside
the City of Adelaide)***

38. (1) A plan of division in respect of land, not being land within the City of Adelaide, into more than five allotments shall, in addition to conforming with regulation 36 conform with subregulations (2), (3) and (4) hereof.

(2) The plan must be 500 mm × 707 mm in size and the format of the plan must—

(a) conform with figure C of the second schedule as to the first sheet of the plan;

(b) conform with figure D of that schedule as to subsequent sheets.

(3) The plan shall be drawn to the following rule of scale:

(a) if the area of the smallest allotment is 2 000 m² or under, the plan shall be drawn to a scale of not less than 1:1 000;

(b) if the area of the smallest allotment is over 2 000 m² and under one hectare, the plan shall be drawn to a scale of not less than 1:2 500;

(c) if the area of the smallest allotment is one hectare or over, the plan shall be drawn to a scale so that such allotment will be delineated not less than nine square centimetres on the plan.

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(4) The plan shall be certified by a licensed surveyor in accordance with the regulations under the *Surveyors Act, 1975*.

Other Plans of Division

39. (1) A plan of division in respect of:

- (a) the division of land within the City of Adelaide; or
- (b) the division of land, not being land within the City of Adelaide, into five allotments or less

shall, in addition to conforming with regulation 36 conform with subregulations (2) and (3) hereof.

(2) The plan must be—

- (a) 353 mm × 500 mm in size and the format of the plan must conform with figure E of the second schedule;

or

- (b) 500 mm × 707 mm in size and the format of the plan must—
 - (i) conform with figure C of the second schedule as to the first sheet of the plan;
 - (ii) conform with figure D of that schedule as to subsequent sheets.

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Plans of Amalgamation of Allotments

40. A plan of amalgamation must be—

- (a) 353 mm × 500 mm in size and the format of the plan must conform with figure E of the second schedule;

or

- (b) 500 mm × 707 mm in size and the format of the plan must—
 - (i) conform with figure C of the second schedule as to the first sheet of the plan;
 - (ii) conform with figure D of that schedule as to subsequent sheets.

PART 6
REQUIREMENTS AS TO ROADS AND OTHER WORKS

Layout of Roads and Access to Land

41. (1) A road shall be shown on a plan of division where necessary or convenient for access to or from any road through land adjoining the land to be divided, or to or from any road shown on a plan for which:

- (a) a certificate of approval has been issued under section 51 of the *Development Act 1993*; or
- (b) if no such certificate is required, a development approval has been granted under the *Development Act 1993*.

(2) A road shall be shown on a plan of division for safe and convenient inter-communication with:

- (a) land adjoining the land to be divided: and
- (b) neighbouring localities.

(3) Subject to subregulation (4), where the land to be divided is not a division of a class specified in Section 223ld(5)(b) and has a frontage to:

- (a) the sea coast;
- (b) a lake side;
- (c) the bank of a river;
- (d) an open aqueduct;
- (e) the bank of a creek which the council considers is suitable or desirable for preservation or protection; or
- (f) an existing railway or tramway line; or
- (g) an existing or proposed freeway or controlled access road,

a road shall be provided along:

- (i) such frontage; or
- (ii) fronting any reserve provided along such frontage.

(4) Subject to subregulation (7), the council may dispense with or modify the requirements of subregulation (3).

(5) All proposed roads on a plan of division shall be safe and convenient for traffic.

Real Property Act (Land Division) Regulations, 1982

(6) Provision shall be made for access from each allotment delineated on a plan of division to the carriageway of any existing or proposed road or thoroughfare and that access shall be safe and convenient.

(7) A council shall not dispense with the requirements of paragraph (g) of subregulation (3) of this regulation without first obtaining the consent in writing of the Commissioner of Highways.

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PART 7
MISCELLANEOUS

Transactions involving Part of an Allotment

48. (1) Each of the following classes of transactions is excluded from the provisions of section 223/b of the Act:

- (a) the granting of or any dealing with a lease in respect of land;
- (b) the granting of or any dealing with a licence in respect of land;
- (c) any transaction or dealing involving the selling, transferring, conveying, leasing, underleasing, granting, mortgaging, encumbering of, or otherwise dealing with, an estate or interest in part of an allotment where that transaction or dealing:
 - (i) is necessary to obtain deposit of a plan of division under Part XIXAB of the Act;
 - (ii) is one where the Crown, whether in right of the State or in right of the Commonwealth, is a party;
 - (iii) involves an authorised undertaking pursuant to the *Land Acquisition Act, 1969* and any special Act authorising the acquisition of land; or
 - (iv) involves a lawfully existing lease or license and where any subsequent transaction or dealing, including any transaction or dealing which has occurred at any time prior to the commencement of this regulation is in respect of the whole of the land comprised in that lawfully existing lease;

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(2) An instrument for the lease of part of an allotment shall refer to a plan deposited in the General Registry Office, unless the Registrar-General otherwise directs.

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Transfer of Interest in Applications for Division of Land

49. A successor in title or a mortgagee proposing to proceed with an application for the division of land shall inform the Registrar-General, pursuant to subsection (8) of section 223/d of the Act, in writing in the form of Form No. 12 of the First Schedule.

Real Property Act (Land Division) Regulations, 1982

FIRST SCHEDULE

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FORM 9

[Form 9 appears in *Gaz.* 15 August 1985, p. 421]

FORM 9A

[Form 9A appears in *Gaz.* 15 August 1985, p. 421]

FORM 10

[Form 10 appears in *Gaz.* 8 August 1985, p. 349]

FORM 11

[Form 11 appears in *Gaz.* 4 November 1982, p. 1501]

FORM 12

[Form 12 appears in *Gaz.* 4 November 1982, p. 1501]

FORM 13

[Form 13 appears in *Gaz.* 15 August 1985, p. 421]

SECOND SCHEDULE

[Figures A and B appear in *Gaz.* 15 October 1987, p. 1142]

[Figure C appears in *Gaz.* 15 October 1987, p. 1142]

[Figure D appears in *Gaz.* 15 October 1987, p. 1142]

[Figure E appears in *Gaz.* 15 October 1987, p. 1142]

Real Property Act (Land Division) Regulations, 1982**APPENDIX****LEGISLATIVE HISTORY****Transitional Provisions**

(Transitional provision from Regulation No. 244 of 1987, reg. 9)

9. A plan of division or amalgamation or an outer boundary survey plan lodged before 12 November, 1988, that complies with the format requirements of the principal regulations as in force before the commencement of these regulations, complies with the principal regulations as varied by these regulations.

Legislative History

Regulation 2:	varied by 246, 1993, reg. 3
Regulation 3:	definition of "prescribed engineer" revoked by 246, 1993, reg. 4 definition of "prescribed mains" revoked by 246, 1993, reg. 4 definition of "the electricity authority" revoked by 246, 1993, reg. 4 definition of "underground mains area" revoked by 246, 1993, reg. 4
Regulation 4(2):	varied by 246, 1993, reg. 5
Regulation 5:	varied by 148, 1985, reg. 2(1)
	Part 2 comprising regs. 6 - 15 and headings varied by 119, 1983, reg. 2; 179, 1984, reg. 2; 24, 1985, regs. 3-8; 86, 1986, reg. 2; 93, 1986, regs. 3, 4; 87, 1987, regs. 3, 4; 93, 1988, regs. 3, 4; 87, 1989, regs. 3, 4; 76, 1990, regs. 3, 4; 120, 1991, regs. 3, 4; 89, 1992, regs. 3, 4; 54, 1993, regs. 3, 4; revoked by 246, 1993, reg. 6
Heading preceding regulation 16:	substituted by 148, 1985, reg. 2(2)
Regulation 16:	substituted by 148, 1985, reg. 2(3)
Regulation 17:	substituted by 148, 1985, reg. 2(4)
Regulation 19(4):	varied by 148, 1985, reg. 2(5)
Regulation 20(2):	varied by 228, 1989, reg. 2(a)-(c); 227, 1990, reg. 3; substituted by 48, 1992, reg. 2(a); varied by 246, 1993, reg. 7
Regulation 20(3):	varied by 148, 1985, reg. 2(6)
Regulation 20(4):	inserted by 228, 1989, reg. 2(d)
Regulation 20(5):	inserted by 228, 1989, reg. 2(d); substituted by 48, 1992, reg. 2(b)
Regulation 23(1):	varied by 148, 1985, reg. 2(7)
Regulation 24(1):	varied by 148, 1985, reg. 2(8)
Regulation 24(2):	varied by 148, 1985, reg. 2(9)
Regulation 25(2):	varied by 148, 1985, reg. 2(10)
Heading preceding regulation 26:	varied by 148, 1985, reg. 2(11)
Regulation 26(1):	varied by 148, 1985, reg. 2(12)
Regulation 26(2):	varied by 148, 1985, reg. 2(13)
Regulation 36(6):	varied by 244, 1987, reg. 3(a), (b)
Regulation 36(7):	varied by 148, 1985, reg. 2(14); 244, 1987, reg. 3(c), (d)
Regulation 37(2):	substituted by 244, 1987, reg. 4(a)
Regulation 37(3):	varied by 244, 1987, reg. 4(b)
Regulation 38(2):	substituted by 244, 1987, reg. 5
Regulation 39(2):	substituted by 244, 1987, reg. 6(a)
Regulation 39(3):	revoked by 244, 1987, reg. 6(b)
Regulation 40:	substituted by 244, 1987, reg. 7

Regulation 41(1):	varied by 246, 1993, reg. 8
Regulation 41(3):	varied by 148, 1985, reg. 2(15)(a)
Regulation 41(4):	substituted by 148, 1985, reg. 2(15)(b)
Regulation 41(7):	inserted by 148, 1985, reg. 2(15)(c)
Regulation 42:	varied by 148, 1985, reg. 2(16); revoked by 246, 1993, reg. 9
Regulations 43 - 45:	revoked by 246, 1993, reg. 9
Regulation 46:	varied by 148, 1985, reg. 2(17); revoked by 246, 1993, reg. 9
Regulation 47:	substituted by 148, 1985, reg. 2(18); revoked by 246, 1993, reg. 9
Regulation 48(1):	varied by 53, 1983, reg. 2; substituted by 148, 1985, reg. 2(19)
Regulation 48(1)(c)(v):	revoked by 246, 1993, reg. 10
Regulation 48(2):	substituted by 148, 1985, reg. 2(19)
Regulation 48(3):	substituted by 214, 1982, reg. 2; revoked by 216, 1985, reg. 2
Regulation 48(4):	revoked by 216, 1985, reg. 2
Regulation 50:	revoked by 148, 1985, reg. 2(20)
Heading to first schedule:	inserted by 214, 1982, reg. 3
First schedule	
Forms 1 and 2:	revoked by 246, 1993, reg. 11
Form 3:	substituted by 148, 1985, reg. 2(21)(a); revoked by 246, 1993, reg. 11
Form 4:	substituted by 148, 1985, reg. 2(21)(a); varied by 150, 1990, reg. 2; revoked by 246, 1993, reg. 11
Forms 5 and 6:	substituted by 148, 1985, reg. 2(21)(a); 86, 1986, reg. 3; revoked by 246, 1993, reg. 11
Forms 7 and 8:	revoked by 246, 1993, reg. 11
Form 9:	substituted by 148, 1985, reg. 2(21)(a)
Form 9A:	inserted by 148, 1985, reg. 2(21)(b)
Form 10:	substituted by 148, 1985, reg. 2(21)(a)
Form 13:	inserted by 148, 1985, reg. 2(21)(c)
Second schedule:	varied by 148, 1985, reg. 2(22); substituted by 244, 1987, reg. 8