

Curtin University of Technology

Department of Planning
Faculty of Built Environment, Art and Design

ENVIRONMENTAL PLANNING LAW 413/512

TUTORIAL TOPIC NO 3 - TORRENS SYSTEM AND SUBDIVISION

TORRENS SYSTEM

1. What did a person need to do in order to prove his title to land, or the existence of an interest in land prior to the introduction of the Torrens System of land title registration?
2. What in essence is the principal change brought about by the introduction of the Torrens System?
3. How do the provisions of the *Planning and Development Act 2005* relating to subdivision of land, and the provisions of the *Town Planning and Development (Subdivision) Regulations 2000*, work in with the Torrens System to ensure that lots in Certificate of Title are in accordance with the wishes of the SPC? Outline the procedure and refer to the relevant provisions of the Act and Regulations?
4. Explain how roads and reserves in subdivision become vested in the Crown, and how they come to the attention of the Office of Titles.
5. Explain what you understand is the principle of indefeasibility, and give at least 2 examples of how it works in practice.
6. What is meant by the following terms in the Torrens System:
 - (a) Registered proprietor;
 - (b) Encumbrances;
 - (c) Caveat?

Explain the place of each of those in a settlement of a transfer of land involving:

- (a) Transferor;
- (b) Transferor's mortgagees;
- (c) Transferee;
- (d) Transferee's mortgagees.

References:

Francis "*Torrens Title in Australia*" Butterworths
Whalan, D.J. "*The Torrens System in Australia*" The Law Book Co, 1982
WA Office of Titles Manual.

SUBDIVISION

Set out the essential provisions of the P&D Act and the *Town Planning and Development (Subdivision) Regulations 2000* which detail the process to be undertaken by a planner in obtaining subdivision approval for a client.

Approach this task as if you are a planning consultant acting for a person who owns 40 ha of vacant land, approximately 20 ha of which is zoned “residential” and 20 ha of which is zoned “special rural” under the relevant local government scheme. The client has never subdivided land before, and wants to have a basic knowledge of the laws and processes so that he can be prepared for delays and costs involved when he applies to have the whole of his land subdivided into residential and special rural lots.