



## Land Title Act 1994

I, Max Locke, Registrar of Titles, direct that the following Directions, or parts thereof, in the Registrar of Titles Directions for the Preparation of Plans, version 3.6, be amended as follows:

### Date of effect:

These amendments are effective immediately.

### 4.8.1 Lots:

Delete the second, third and fourth diamond points and replace with the following:

- ◆ Lot number and "PUBLIC USE LAND" or "PUL"
- ◆ Lot number and "PUBLIC USE LAND" together with the appropriate purpose

Delete the following words from the third paragraph:

**In the cases of "reserve" and "public use land" the purpose may also be shown on the lot.**

### 4.8.2 Secondary parcels:

Add the following at the end on the first dot point:

**Secondary parcels shall be shown on the face of the plan with their descriptor and identifier, eg Lease A or Easement B. Abbreviations may be used for secondary parcels in the plan description and on the face of the plan. Acceptable abbreviations are Emt, Cov and Profit.**

### 4.10 Cancelling clause containing reference to unallocated state land:

Replace the last dot point with the following:

**Most parcels of USL now have a valid lot on plan description and therefore in other cases where the USL has a lot on plan description:**

**Cancelling Lot XX on Plan XX.**

**The lot-on-plan description may be be a Lot on an AP or a Lot on a USL plan or a Lot on another valid plan identifier.**

#### 4.12.1 North may be rotated:

Replace the first sentence in this section with the following:

**North may be other than vertical on the page, but it must not be rotated more than 90 degrees clockwise or anti clockwise from the vertical and must be clearly noted by a North Point.**

#### 4.14 Scales:

Delete the last sentence in the first paragraph and replace with the following:

**Where a bar scale is provided in addition to the ruler, it shall be located prominently on the face of the plan.**

#### 4.22 Registered encumbrances to be plotted:

Replace the last sentence in this section with the following:

**Registered encumbrances are not plotted on lots resumed under the *Acquisition of Land Act 1967*. Allocations may be required (see Direction Error! Reference source not found.)**

**Where a plan identifies secondary interests only, the requirement to plot existing registered secondary interests should be limited to identify whether or not there is a conflict between the newly created secondary interest and the existing registered secondary interests.**

#### 8.4.1 Part lots separated by lots:

Replace this section with the following:

**Where part lots are separated by lots, each part shall be noted with its lot number and the designation "Part" or "Pt" and given an area. A total area shall be noted within the largest part or, if insufficient space, may be noted on the face of the plan. The total area of the lot shall be qualified with the word "total".**

**Where common property is shown in parts each part of common property shall be noted as common property and the designation "Part" or "Pt" and given an area. A total area shall be noted within the largest part or, if insufficient space, may be noted on the face of the plan. The total area of the common property shall be qualified with the word "total".**

#### 8.7 Lots with an existing restrictions "relative to the surface of the land" or by level:

Insert the following at the start of this section:

**Historically parcels of land have been subdivided in strata relative to a depth either above or below the surface of the land. This is shown as a notation on the certificate of title and sometimes as a notation on a survey plan. The restriction is relative to the surface of the land at the time when the surface and subsurface land was created and transferred, and therefore a time stamp is also required to define the restriction. The survey plan that created the surface and subsurface titles provides this time stamp. Where no survey plan exists to identify the surface and subsurface titles the original survey plan, existing immediately prior to the transfer will suffice. Extensive research may be required to identify the particulars of the restriction.**

## 8.9 Community titles schemes:

Add the following sentence to this section:

**Where a plan identifies secondary interests only in a lot or common property within a community titles scheme it is not necessary to complete item 3 or to comply with direction 4.20.**

## 9.4 Lot Numbers:

Replace the second diamond and first dot with the following:

- ◆ **may be made up in the form FL, TFL, TL, BL or BFL, where T is a tower number, F is a floor number, L is a lot number, and B is a building number.**
- **T must be a single digit number, F, B and L may be two digit numbers. However, the number in no case may exceed 5 digits.**

## 9.5.5 Voids:

Replace the third sentence with the following:

**Examples of a void would include the opening on the second or highest floors of a multi story unit where an internal staircase is provided, or the open area above the ground floor in an industrial building where an office is provided at a higher level (i.e. a mezzanine level) over only a part of the total floor area.**

## 9.8 Location of buildings:

Replace the last sentence in this section with the following:

**The description of the type of building (including the number of floors/levels) is required to be shown.**

## 9.12 Level diagrams:

Add the following at the end of this section:

**Adjoining information must be shown on all level diagrams. This includes common property and secondary interests.**

**All enclosed spaces on a level diagram on a building format plan must be labelled as either a Lot or Common Property.**

**The use of descriptive words such as “lift”, “laundry”, “stairs” etc. may be used to add a description to an area of Common Property so long as the descriptive words are not as prominent as the common property descriptor.**

**The use of an abbreviation for the common property is permitted. CP or Comm Prop are acceptable abbreviations.**

## 9.20.7 Certificate on encroachment:

Replace the second paragraph in this section with the following:

Where any part of a building, but not part of a lot in the building, is noted as encroaching onto adjoining land or road, the following additional note shall be placed on the plan above the certificate noted above:

#### **9.22 Community Titles Schemes:**

Add the following at the end of this section:

**Where a plan identifies secondary interests only in a lot or common property within a community titles scheme it is not necessary to complete item 3 or item 12 or to comply with direction 4.20.**

#### **10.2.2 Bounded in all dimensions:**

Insert the following dot point between dot points one and three:

◆ **All bounding surfaces, where not vertical or horizontal must be capable of a precise mathematical definition.**

#### **10.4 Part Lots:**

Replace the last two sentences in this section with the following:

**The provisions of this Direction may be used for easements, leases and common property. In these cases, the word Lot shall be changed to easement, lease or common property as appropriate, how ever, parts of easements or leases must immediately adjoin one to the other.**

#### **10.5.4 Volume:**

Delete the lase sentence in this section.

#### **10.6 Volumetric easements:**

Replace the first sentence in this section with the following:

**Volumetric easements shall be dealt with as for other volumetric parcels, other than as permitted in Direction 6.**

#### **10.13 Community titles schemes:**

Add the following sentence at the end of this section:

**Where a plan identifies secondary interests only in a lot or common property within a community titles scheme it is not necessary to complete item 3 or to comply with direction 4.20.**

#### **11.3 Description of common property:**

Replace the first dot point with the following:

◆ **In the cancelling clause:**

**“Common Property of <name of Community Titles Scheme> Community Titles Scheme <number of Community Titles Scheme>(<plan number/numbers>”).**

**“Community Titles Scheme” may be abbreviated to CTS.**

Insert the following dot point between dot points one and two:

**◆ In the plan description on a plan of secondary interest only:**

**“Common Property of <name of Community Titles Scheme> Community Titles Scheme <number of Community Titles Scheme>(<plan number/numbers>”).**

**“Community Titles Scheme” may be abbreviated to CTS.**

#### **11.11.7 Horizontal boundaries outside a building shown on the main plan of the scheme:**

Add the following sentence to the end of the first diamond point:

**The structural features used to define the exclusive use area must be described on the sketch plan;**

Insert the following diamond point between the third and fourth diamond points:

**◆ Where an exclusive use area immediately adjoins a building or structure shown on the main plan of the Scheme and where it is partly defined by structural features, the other boundaries shall be fully dimensioned. The structural features used to partly define the exclusive use area must be described on the sketch plan;**

Replace the second dot point in the fifth diamond with the following:

**◆ each corner shall be marked, with survey marks, unless it is defined by a structural feature as noted in Direction 11.11.5; and**

#### **19.1 Forms to be used:**

Replace the section with the following:

**If a profit a prendre is not over the whole of a lot (or lots) and is to be registered in the land registry, a survey of the area to be subject to the profit a prendre must be registered in the land registry. The survey plan must be prepared on a Form 21, Version 2 (*Land Title Act 1994*) with additional sheets of Form 21A, version 1, if required, in either standard or volumetric format or explanatory format.**

#### **20.2 Consent of Registrar required:**

Add the following to the end of this section:

**The letter of approval from the Registrar of Titles must be lodged with the original survey plan when lodged in the Land Registry. A copy of the letter of approval from the Registrar of Titles must be deposited with the copy of the survey plan when deposited with the Department.**

## 20.10 Certification:

Replace this section with the following:

**Explanatory plans must be certified by a cadastral surveyor in the following manner:**

### By an Individual

**I, [Name], Cadastral Surveyor, certify that this plan is correct and has been prepared from records held in the land registry, Department of Natural Resources and Water.**

**(Signed) Cadastral Surveyor, Date.**

### By a Body Corporate:

**XYZ Pty Ltd (ACN/ABN), by [Name] [registration status] for whose work the corporation accepts responsibility, certifies that this plan is correct and has been prepared from records held in the land registry, Department of Natural Resources and Water.**

**(Signed) Director, Date.**

## 22.4 Lot allocations:

Replace the first table in this section with the following:

<b>Title Reference</b>	<b>Description</b>	<b>New Lots</b>	<b>Road</b>	<b>Emts</b>	<b>Cov</b>	<b>Profit a` prendre</b>
12349083	Lot 1 on RP123987	1 - 3	New Rd	A, B		
12345678	Lot 5 on RP813965	3 - 5	New Rd	B, C	E	
12345678	Lot 6 on RP813965	4 - 7				F
18672223	Lot 2 on RP230965	5, 6 & CP		D		
15692213	Lot 1 on SL2398	4 – 8	New Rd			
14569875	Lot 5 on RP873943	8				
17693211	Lot 782 on RP829123		New Rd			
40001234	Lot 42 on USL98765	8	New Rd			

### 22.6.1 Existing mortgage allocations:

Replace this section with the following:

**Where a mortgage affects any lot, either fully or partially, contained within the land being subdivided, it is necessary to note which new lots are fully or partially encumbered by that**

mortgage so that the mortgage can be carried forward on to the new titles. The allocation is necessary because a mortgagee cannot exercise the right to sell part of a lot, and additional dealings may be necessary to resolve the situation. Part mortgage interests are routinely created in situations where a subdivision or amalgamation draws from more than one title, and a mortgage is not recorded against all the previous titles.

Section 41C(3) of *Land Title Act 1994* states that “the fee simple interest in common property can not be the subject of a mortgage”. Accordingly, a mortgage must not be shown as affecting common property of a community titles scheme.

A table similar to the one below is required to allocate these encumbrances:

Mortgage	Lots Fully Encumbered	Lots Partially Encumbered
<Dealing No>	1 – 4 & 9 – 11	5 – 8

Table 22-4: Mortgage Allocation

**Note:** Where a lease, under the Land Title Act 1994, is encumbered by a mortgage there is no requirement to allocate that mortgage.

#### 22.6.6 Existing leases:

Delete the following words from this section and:

*Where any plan is:*

- ◆ *Volumetric format, and*
- ◆ *Contains an easement or a lease, and*
- ◆ *The title for the subject land contains registered leases,*

*the plan is required to indicate for each registered lease whether they are/are not subject to the new easement(s) or lease(s).*

Replace with the following:

**Where any plan:**

- ◆ **Contains an easement or a lease or a covenant, and**
- ◆ **The title for the subject land contains registered leases,**

**the plan is required to indicate for each registered lease whether they are/are not subject to the new easement(s) or lease(s) or covenant(s).**

#### 22.6.6.1 Existing leases of land (*Land Title Act 1994*):

Replace the first sentence in this section with the following:

**Where a registered lease exists over the whole of a lot or part of a lot being subdivided into more than one new lot the new lots shall be noted with the encumbrance in the following manner:**

**22.6.6.2 Existing leases – part of a building (*Land Title Act 1994*):**

Replace the table in this section with the following:

Lease	Level (if more than one)	Building Identifier	Lots to be Encumbered	Common Property Partial Surrender Required
<Dealing No> Lease H	A, B	Bldg D	1	Yes
<Dealing No> Lease K	A	Bldg E	1	No

**22.6.7 Existing covenants:**

Replace the last paragraph in this section with the following:

**When a section 97A(3)(c) *Land Title Act 1994* covenant relating to the future transfer of lots to a single ownership is used in relation to a parcel of freehold land and a parcel of leasehold land, and that subject land is being subdivided or amalgamated, that covenant must be dealt with by a release of the covenant with respect to the encumbered lots. Early discussion with the Department of Natural Resources and Water is warranted in these cases.**

**22.6.9 Existing administrative advices:**

Replace the third paragraph in this section with the following:

**When an administrative advice entered against an indefeasible title contains no spatial information to enable the allocation to be confirmed, additional evidence may be required to confirm the allocation. Typically this evidence shall be in the form of a letter from the registered owner, in the case of an Owner Builder Notification, or another authoritative source, confirming the allocation.**

**22.9 Other Dealing allocations:**

Insert new section:

**Other Dealing allocations:**

**There are a number of other types of dealings that are registered as an interest against a title and these dealings will need to be investigated and allocated to the appropriate lots. For example a dealing identifying that section 174 of the *Land Act 1994* applies to the subject land will need to be allocated to the lots that it affects.**

Dealing	Lots to be Encumbered
<Dealing No>	3, 7

**Table 22-15: Dealing Allocation**



### 23.5 Corrections after registration:

Replace the first sentence in this section with the following:

**Surveyors who are notified of an error on a plan of survey registered in the land registry are expected to respond with necessary documentation etc within 10 business days from the date of the initial request from the Department of Natural Resources and Water.**

**Corrections following registration are made to the register, pursuant to section 15 of the *Land Title Act 1994*, and the survey plan is part of the register. The Registrar may only make a correction to the register if the register is incorrect and the correction will not prejudice the rights of the holder of an interest recorded in the register.**

Delete "Or" between the dot points and replace with the following:

**OR where the correction affects the parcel in dimensions, area or description the following documents must accompany the Form 14:**

Delete the following words from this section

**Where the correction affects the parcel in dimensions, area or description the following documents must accompany the Form 14:**

And replace with the following:

**If the surveyor is of the opinion that the correction will not prejudice the rights of the holder of an interest recorded in the register, the statutory declaration must specifically address this point.**

**If the surveyor is of the opinion that the correction will prejudice the rights of the holder of an interest recorded in the register, the statutory declaration must address this point AND the following documents must accompany the Form 14:**

**Max Locke,  
Registrar of Titles and  
Registrar of Water Allocations.  
19 May 2008**





## Land Title Act 1994

I, Max Locke, Registrar of Titles, direct that the following Directions, or parts thereof, in the Registrar of Titles Directions for the Preparation of Plans, version 3.5, be amended as follows:

### Date of effect:

These amendments are effective immediately.

#### 1.1 Context of references:

Delete the first dot point and replace with the following:

“ a reference to a section, schedule or clause of a schedule is a reference to a section, schedule or clause of the *Land Title Act 1994*, or the *Land Title Regulation 2005*. “

#### 3.1 Approved forms:

Delete the second last dot point and replace with the following:

“ have information, signatures and seals added in a manner that is permanent and can be imaged by mechanical or digital processes to produce a copy or a reduced size copy satisfactory to the Registrar. “

#### 3.5 *Building Units and Group Titles Act 1980* in conjunction with Specified Acts:

In the first sentence of this section change the section of the relevant legislation from 271 to 326, so that it reads:

“ A Specified Act is as defined in Section 326 of the *Body Corporate and Community Management Act 1997*. “

Delete the second last sentence of this section and replace with the following:

“ Where possible, a common form for use under the *Building Units and Group Titles Regulation 1998* has been adopted. “

#### 3.6 *Southbank Corporation (Modified Building Units and Group Titles) Regulation 2003*:

Delete the second paragraph of this section:

#### 4.5 Plan with additional sheets:

Delete the second dot point and replace with the following:

“ all primary parcels, together with their identifiers, created on the plan; “

#### 4.5.1 Plan with replacement sheets:

Insert the following new subsection:

“ **Plan with replacement sheets:**

**Where a plan is amended after lodgement but before registration and the amendment is such that a replacement sheet is warranted the erroneous sheet is fully cancelled and the replacement sheet is inserted and the overall page count of the plan must increase and the existing sheets must be amended to reflect the increase in number of sheets to the plan. “**

#### 4.8.1 Lots:

Delete the second sentence and replace with the following:

“ **Any lot to be dedicated for public use on registration of a plan, must be noted clearly and prominently on the first sheet of the plan with one of the following:** “

Delete the first dot point and replace with the following:

“ **ROAD (or New Road) The descriptors “Lane”, “Pathway” and “Highway” are unacceptable.** “

#### 4.8.2 Secondary parcels:

Add the following sentence at the end on the section:

“ **A secondary parcel may not be created in parts.** “

#### 4.12.1 North may be rotated:

Delete the first sentence and replace with the following:

“ **North may be other than vertical on the page, but it must not be rotated more than 90 degrees clockwise from the vertical and must be clearly noted by a North Point. This Direction does not permit a protractor to indicate north other than as noted in Direction 4.12. “**

#### 4.13 Allocation tables:

Delete this section but leave the heading and the cross reference:

#### 4.16 Plans may be compiled:

Delete the last sentence and replace with the following:

“ **it is acceptable for the parcel or parcels to be compiled in accordance with Section 17 of the *Surveying and Mapping Infrastructure Regulation 2004* if that is appropriate.** “

## 5.1 General:

Delete the first sentence and replace with the following:

**“ The requirements of Direction 4.8.2 apply to this section saving that where a building exists over two or more lots a lease of part of that building may exist over two or more lots. ”**

### 5.3.1 Minimum standards for a sketch of part of a building:

Delete the fourth dot point and replace with the following:

**“ show the description of the lot(s) affected by the lease; ”**

Delete the seventh dot point and replace with the following:

**“ dimensions (see Direction 2);**

- **where the lease is bounded by structural elements or physical features, no dimensions are required. If structural elements or physical features are used to define the lease, the sketch plan must indicate what structural elements or physical features are used;**
- **where the lease is not bounded by structural elements, those boundaries not identified by a structural element must be dimensioned, saving that, if these boundaries are generally rectilinear (see Direction 11.11.4), distances only may be shown; ”**

## 6.1 Compliance with *Land Title Act 1994*:

Add the following after the last sentence:

**“ Where an easement is to encumber the whole of a lot the use of a plan to describe that easement is not permitted. ”**

## 8.3 Lot Numbers:

Replace the section with the following:

**“Lot numbers:**

**Lot numbers on a Standard Format plan shall be numeric and the numbering shall generally be at the discretion of the surveyor provided that the numbering is:**

- **Unique on the plan**
- **Avoids the repetitive use of numbers 1 and 2**
- **Not similar to numbers of adjoining lots**
- **Limited to a number of digits (5) as per QSIS Standard #2 Parcel Identification**
- **Close to consecutive as reasonably possible.**

Where lots are proposed for dedication to public use or for future subdivision, they may be given numbers that are higher than the total number of lots within the development.

In the case of a staged development, provided that the numbering of lots in the completed development complies with the preceding paragraphs, the numbering of lots on individual plans of stages in that development need not. “

#### 8.4 Part lots:

Replace the section with the following:

“ Part lots are permitted, but parts of the same lot shall not immediately adjoin one to the other. Part lots may be separated by a road or a watercourse or a lot or a combination of these. The extent of the physical separation of the part lots should be limited to where the part lots can be effectively and efficiently used a single lot.

Where the separation of the part lots exceeds this limit the part lots should be identified as separate lots and they should be the subject of a covenant registered pursuant to s.97A(3)(c) of the *Land Title Act 1994*.

Part lots may not be created on a plan of amalgamation only. In these cases, a covenant registered pursuant to s.97A(3)(c) of the *Land Title Act 1994* should be utilised. “

#### 8.4.2 Part Lots joined by vincula:

Replace this section with the following:

**Severed lots joined by vincula:**

“ A vincula may be used to show the bound severances of a lot. Where a vincula binds all of the severances, it is not necessary to show the area of each severance, and a total area only is required. “

#### 8.7 Lots with an existing restrictions “relative to the surface of the land” or by level:

Replace the dot points with the following:

- ◆ the main plan shall bear a prominent note, located immediately above the title block, detailing the restriction and the lots affected. The restriction shall indicate the extent of the restriction and a reference to the original plan of subdivision that created the surface and subsurface titles. The following is an example of the statement required,

Lot XX is restricted to a depth of x.xxx from the surface as defined by RP123456.

and

- ◆ the description shall refer to the lot or lots as “Restricted”, i.e Lot 1 (Restricted)

and

- ◆ the cancelling clause shall refer to the cancelled lot or lots as “Restricted”, i.e Lot 5 on RP123456 (Restricted).

## 8.8 Easements and leases:

Add the following after the first sentence

**“ Easements and Leases must not be defined in parts other than as permitted in Direction 10.4. See also Direction 4.8.2. ”**

## 9.1 Definitions for building format plans

Add the following word immediately before the word “paved” in the description of a courtyard:

**“ predominately ”**

## 9.5.2 Part lots adjoining

Add the following at the end of the last sentence of the first dot point:

**“ The part lot shall be designated with its descriptor and an area. “Part” or “pt” is not used when there is no lot number. ”**

## 9.5.4 Description of part lots

Replace the first sentence with the following:

**“ A part lot that is a main part of a lot, and which is fully bounded by walls, floors and ceilings shall not be given any description other than the lot number. ”**

Add the following words after the word “storage”

**“ , “deck”, “void” ”**

## 9.5.5 Void:

Add the following sentence at the end of the last sentence:

**“ A void may not exist in common property. ”**

## 9.6.3 Where the vertical boundaries of lots or part lots in a building or structure are:

Add the following at the end of the last sentence of the last dot point:

**“ The following is an example of the statement required in the above situation Lot <num>**

**is limited to a height of <num> metres above the floor of Level <alpha> ”**

## 9.6.4 Where a part lot outside a building or structure is:

Replace the first dot point with the following:

**“ a private yard, each corner shall be marked, in accordance with the Departmental standards for cadastral surveys section 3.22.1 and each boundary shall be fully dimensioned other than those that immediately adjoin another part of the same lot that is**

fully defined by structural elements. “Marked” shall include normal references to occupation at corners. A private yard shall be shown on the level diagram for the lowest level. “

#### **9.7 External Boundaries**

Add the following at the end of the last sentence of the first paragraph:

“ **Common Property is not to be labelled on the first sheet of a Building Format Plan. Common Property extends to the centre line of the walls and therefore it can only be correctly depicted on the level diagrams.** “

#### **9.8 Location of Buildings**

Add the following at the end of the section:

“ **The description of the type of building is optional.** “

#### **9.12 Level diagrams**

Add the following before the last paragraph:

“ **If applicable the buildings on the level diagrams should be labelled with their building identifier, eg Building A.** “

#### **9.20.3 Encroachment onto road:**

Add the following at the end of the last sentence:

“ **If consent to the encroachment is granted by the Minister there is no requirement to obtain the consent of the Local Government.** “

#### **10.3 Lot numbers:**

Add the following at the end of the section:

“ **Volumetric lot identifiers are to be shown in a broken format with the standard format remainder lot identifier shown in a solid format.** “

#### **10.6 Volumetric easements:**

Add the following at the end of the section:

“ **Volumetric easement identifiers are to be shown in a broken format.** “

#### **10.7 Volumetric leases:**

Add the following at the end of the section:

“ **Volumetric lease identifiers are to be shown in a broken format.** “

#### 10.10.4 Rectangular co-ordinates:

Replace the third, fourth and fifth dot points with the following:

- ◆ Where the co-ordinate system is the Map Grid of Australia (MGA), the co-ordinates of at least one Permanent Mark adjacent to the survey, and the co-ordinates of the Permanent Mark used for the datum of the Map Grid of Australia (MGA) Co-ordinates shall be shown on the main plan.
- ◆ Co-ordinates on the Map Grid of Australia (MGA) may be truncated by subtracting from every northing value on the plan a fixed even offset, and from every easting value on the plan a fixed even offset. The adopted offsets shall be prominently noted on the main plan.
- ◆ Where the co-ordinate system is other than the Map Grid of Australia (MGA), the co-ordinates of at least two Permanent Marks outside the confines of the survey shall be shown on the plan together with at least one additional Permanent Mark within the confines of the plan which should, where possible, be affixed to a permanent structure.

Add the following sentence at the end of the section:

“ The use of rectangular co-ordinates as part of the definition of a volumetric parcel is suggested when the volumetric parcel is of a complex nature. ”

#### 11.8.2 Lots converted to common property

Add the following dot point after the first dot at the end of the last sentence of the first paragraph:

“ the area of the lot(s) being subdivided into common property shall be noted on the face of the plan by a broken line, except where this would coincide with a boundary of the lot. If the defined area is not shown by broken lines, it shall be described by station numbers, eg A-B-C-D-A. A statement on the face of the plan shall note that the defined area was a lot(s) and, in the case of a standard format plan, shall provide an area. ”

#### 22.1 Introduction and rationale:

Replace this section with the following:

“ The Registrar of Titles is entrusted with the responsibility of registering plans against freehold land. The Registrar of Titles is also delegated by the chief executive of the Department of Natural Resources, Mines and Water, the authority to register plans affecting state tenures.

All plans of surveys which change the description of a parcel of land, or define a new interest in a parcel of land are the subject of allocations. The allocation of Titles allows the land registry to relate the current title description with the new lot. It ensures that the new titles issue correctly in regards to ownership, encumbrances, administrative advices etc. Correct allocations are integral to a correct and complete land registry.

The information required on a new title (or Grant, etc) is not brought forward automatically. The land registry creates new titles, and notes interests from the information shown in the allocation schedules on the reverse of the plan of survey. The instrument that creates new titles/descriptions is the registered plan by referencing the surveyor's correct and completed allocations.



The Registrar of Titles requires two categories of allocations:

- ◆ Lot allocations (which indicates how an existing title is to be divided and new titles created); and
- ◆ Interest allocations (which enable the preparation of endorsements on an indefeasible title to show the effect of a survey against the current registered interests).

All plans lodged in the land registry must address the issue of allocations.

Wherever the term “subdivision” is used in the context of allocations, it is to be understood to also include amalgamation.

Generally, at a minimum, the following allocation tables shall be provided on the reverse of the main plan for the following:

- ◆ Where there is one or more than one original lots in the base parcel being dealt with, allocate the new lots, interests and new road to the original lot or lots;
- ◆ Where there is more than one original portion and more than one new lot being created on the plan, allocate the new lots to the original portions;
- ◆ Where any registered interest affects only part of the base parcel, allocate that interest to the new lots, either fully or partially. “

#### 22.4 Lot allocations

Replace the first sentence in this section with the following:

“ On every plan of survey the new lots (including common property), secondary interests and/or new roads on that plan of survey must be allocated to the underlying original lot or lots that the plan is cancelling. “

Replace tables 22-1 and 22.2 with the following tables:

#### EXAMPLE:

Title Reference	Description	New Lots	Road	Emts	Cov	Profit a` prendre
12349083	Lot 1 on RP123987	1 - 3	New Rd	A, B		
12345678	Lot 5 on RP813965	3 - 5	New Rd	B, C	E	
12345678	Lot 6 on RP813965	4 - 7				F
18672223	Lot 2 on RP230965	5, 6 & CP		D		
15692213	Lot 1 on SL2398	4 – 8	New Rd			
14569875	Lot 5 on RP873943	8				
17693211	Lot 782 on		New Rd			
USL	Lot 42 on USL98765	8	New Rd			

**Table 22-1: Lot Allocation**

(Note: Easement B is being created in the new Lot 3, and as such, affects the original lots 1 on RP123987 and 5 on RP813965)

**EXAMPLE:** Easements in Common Property (created on different plans) within a Community Titles Scheme

<b>Title Reference</b>	<b>Description</b>	<b>New Lots</b>	<b>Road</b>	<b>Emts</b>
12349083	Lot 1 on RP123987	1 - 3	New Rd	A, B
12345678	Lot 5 on RP813965	3 - 5	New Rd	B, C
12345678	Lot 6 on RP813965	4 - 7		
18672223	Lot 2 on RP230965	5, 6		D
15692213	Lot 1 on SL2398	4 – 8	New Rd	
14569875	Lot 5 on RP873943	8		
17693211	Lot 782 on		New Rd	
18945367	CP on SP123456			E, F
18945367	CP on SP154329			G

**Table 22-2: Lot and Common Property Allocation**

**(Note: Easement B is being created in the new Lot 3, and as such, affects the original lots 1 on RP123987 and 5 on RP813965)**

**22.5 Portion allocations:**

Delete “/or” in the first sentence so that it reads:

“ **Where there is more than one new lot on the plan and more than one original portion being affected by the survey, an allocation must be made of each new lot into each original portion in item 7 on the reverse of the plan form.** ”

**22.6.1 Existing mortgage allocations:**

Add the following note at the end of the section:

“ **Note: Where a lease, under the Land Title Act 1994, is encumbered by a mortgage there is no requirement to allocate that mortgage.** ”

**22.6.3 Benefit easements:**

Replace the first sentence in this section with the following:

“ **Where a registered benefit easement benefits all or part of a lot contained within the land being subdivided, it is necessary to note which new lots are fully or partially benefited by the easement, so that the benefit can be carried forward on to the new titles.** ”

**22.6.4 Encumbrance easements – burdening the land:**

Replace the third sentence in this section with the following:

“ **Where a registered encumbrance easement exists over a lot or lots being subdivided into one or more than one new lot, the new lots that are encumbered shall be noted in the following manner:** ”

**22.6.6.1 Existing leases of land (Land Title Act 1994)**

Delete the last three sentence in this section and replace with the following:

“ **When a lot subject to a lease, or part of a lot subject to a lease, is absorbed in new road, a notation on the reverse of the plan shall be made in the following manner:**

**“Lease A on SPxxxxxx<number that defined the lease> partially/fully absorbed by new road.”**

**OR**

**“Lease <Dealing Number> partially/fully absorbed by new road.”**

**22.6.6.2 Existing leases – part of a building (*Land Title Act 1994*)**

Insert the following sentence after the first sentence of this section:

**“ For a building format plan, it is acceptable that a lease exists in either a lot (eg private yard) or common property only. It is not acceptable that a lease exist in more than one lot, or a lot and common property. For these cases, ownership of the lease must be resolved in the first instance, eg partial surrender. “**

**22.6.6.3 Existing leases – part of a building (*Land Title Act 1994*) – not building format plan:**

Insert the following new subsection:

**“22.6.6.3 Existing leases – part of a building (*Land Title Act 1994*) – not building format plan:**

**Where an existing lease or leases are registered against part of a building, and the land on which that building is situated is being subdivided by either a standard format plan or a volumetric format plan, an allocation of the lease or leases against the new lots is required.**

**The new lots shall be noted with the encumbrance in the following manner:**

<b>Lease</b>	<b>Lots to be Encumbered</b>
<b>&lt;Dealing No&gt;</b>	<b>1</b>
<b>&lt;Dealing No&gt;</b>	<b>1</b>

**Table 22-9a: Lease Allocation (not building format plan)**

**Before making this allocation, it must be determined that:**

- ◆ The lease or leases are current and registered; and**
- ◆ The lease or leases are not to be surrendered prior to the lodgement of the plan.”**

**22.6.7 Existing covenants:**

Replace the first paragraph with the following:

**“ Lots are either encumbered or not encumbered. Terms such as partially or fully encumbered are not used. Where a registered covenant exists over a lot or lots or part of a lot or lots being subdivided into one or more than one new lot, the new lots that are encumbered by the covenant shall be noted in the following manner so that the covenant can be correctly carried on to the new titles. A table similar to the one below is required to allocate these encumbrances: “**

Add the following at the end of the section:

**“ When a lot subject to a covenant, or part of a lot subject to a covenant, is absorbed in new road, a notation on the reverse of the plan shall be made in the following manner:**

***“Covenant A on SPxxxxxx<number that created the covenant> partially/fully absorbed by new road.”***

When a section 97A(3)(c) *Land Title Act 1994* covenant relating to the future transfer of lots to a single ownership is used in relation to a parcel of freehold land and a parcel of leasehold land, and that subject land is being subdivided, that covenant must be dealt with either by surrender or allocation to the encumbered lots. Early discussion with the Department of Natural Resources, Mines and Water is warranted in these cases. “

#### **22.6.8 Existing profit a prendre:**

Replace the first paragraph with the following:

**“ Lots are either encumbered or not encumbered. Terms such as partially or fully encumbered are not used. Where a registered profit a prendre exists over a lot or lots or part of a lot or lots being subdivided into one or more than one new lot, the new lots that are encumbered by the profit a prendre shall be noted in the following manner so that the profit a prendre can be correctly carried on to the new titles. A table similar to the one below is required to allocate these encumbrances: “**

Add the following at the end of the section:

**“ When a lot subject to a profit a prendre, or part of a lot subject to a profit a prendre, is absorbed in new road, a notation on the reverse of the plan shall be made in the following manner:**

***“Profit A on SPxxxxxx<number that defined the profit> partially/fully absorbed by new road.”***

#### **22.6.9 Existing Administrative advices:**

Replace the first paragraph with the following:

**“ The types of administrative advices entered against the indefeasible title in ATS are shown in Land Title Practice Manual 52-2000. Any administrative advice affecting all or part of a lot or lots being subdivided is required to be either allocated to the new lots that will be affected or a notation made indicating that the administrative advice has been satisfied. “**

Add the following sentences at the end of the section:

**“ When an administrative advice entered against an indefeasible title contains no spatial information to enable the allocation to be confirmed, additional evidence shall be required to confirm the allocation. Typically this evidence shall be in the form of a letter from the registered owner, or another authoritative source, confirming the allocation.**

**Where the administrative advice refers to another State Government Department or instrumentality, early discussion with that body is warranted to ensure that any proposed action is not delayed by the resolution of the existing administrative advice. “**

#### **23.2.2 Certification of plans by another surveyor:**

Insert the following at the end of this section:

**“ Where the granted authorisation is to be used a number of times and provided that the original authorisation or a certified copy of the authorisation has been provided to the**

registering authority in relation to another lodged plan, the certificate of amendment as referred to in Direction 23.1, is modified as follows:

**Individual:**

*Amendments by <print name of cadastral surveyor>*

*Cadastral Surveyor ..... (Date) .....  
(pursuant to s.32 Survey and Mapping Infrastructure Act 2003)*

*(copy of authorisation recorded with dealing xxxxxxxxx)*

**Corporation:**

*Amendments by <print name of corporation> (ACN or ABN Number*

*Director ..... (Date) .....  
(pursuant to s.32 Survey and Mapping Infrastructure Act 2003)*

*(copy of authorisation recorded with dealing xxxxxxxxx)*

The dealing number is the dealing number under which the previous plan was lodged. “

Max Locke,  
Registrar of Titles and  
Registrar of Water Allocations.  
1 September 2006





## Land Title Act 1994

I, Max Locke, Registrar of Titles, direct that the following Directions, or parts thereof, in the Registrar of Titles Directions for the Preparation of Plans, version 3.4, be amended as follows:

Date of effect:

These amendments are effective immediately.

### 1.2 Compliance with other legislation:

Delete and insert:

Plans shall comply with the general requirements, where applicable, of the:

- ◆ Body Corporate and Community Management Act 1997;
- ◆ Land Title Act 1994;
- ◆ Land Act 1994;
- ◆ Integrated Planning Act 1997;
- ◆ Local Government (Planning and Environment) Act 1990;
- ◆ Surveyors Act 2003 and Surveyors Regulation 2004;
- ◆ Survey and Mapping Infrastructure Act 2003 and Survey and Mapping Infrastructure Regulation 2004;
- ◆ Other legislation that may indicate specific requirements relative to the conduct of the survey, preparation of the plan or an approval process;
- ◆ where applicable, in the case of a plan prepared under the provisions of Specified Acts, the Building Units and Group Titles Act 1980, and the Regulations thereunder. (See Direction 3.5);
- ◆ Published Survey Standards and Survey Guidelines as defined in s.6 and s.7 of the Survey and Mapping Infrastructure Act 2003 and these Directions.

### 2.0 Definitions:

Delete the definition for "Dimensions" and insert:

Dimension: means to place bearings and distances on the boundaries of a parcel, in accordance with the requirements of the provisions of legislation, survey standards and survey guidelines in force at the time (See Direction 1.2) and any Directions made by the Registrar.

#### 5.1 General:

Insert before the commence of the first paragraph:

The requirements of Direction 4.8.2 apply to this section.

#### 5.3.1 Minimum standards for a sketch of part of a building:

Delete the dot point “an alpha character; or” and insert:

- an alpha character eg A, MB; or
- an alpha-numeric combination eg A3, 4B; or

Delete the dot point commencing “showing the dimensions in metres .....” and insert:

- ◆ dimensions (see Direction 2);
  - where the lease is bounded by structural elements, no dimensions are required;
  - where the lease is not bounded by structural elements, those boundaries not identified by a structural element must be dimensioned, saving that, if these boundaries are generally rectilinear (see Direction 11.11.4), distances only may be shown;

#### 5.6 Samples for services location diagrams:

Delete heading and insert:

Samples for sketches:

Insert new samples:

Figure 5-3: Lease in a building – high value and long term

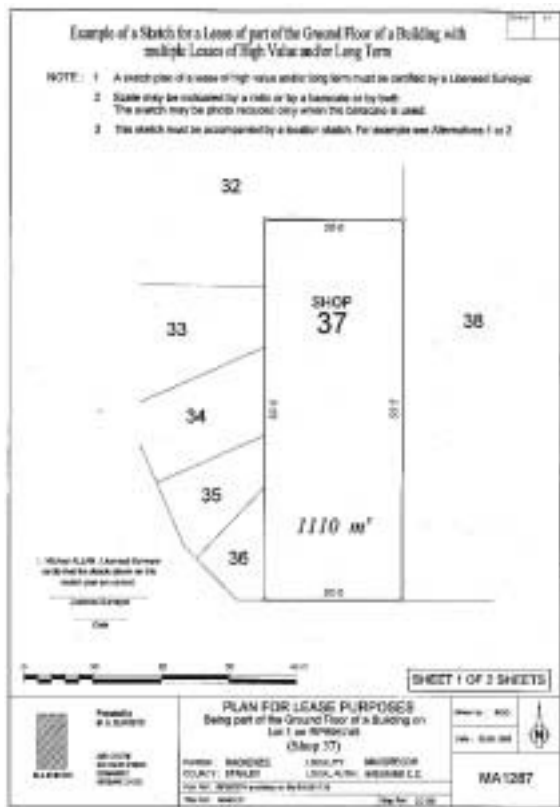


Figure 5-4: Location by direct connection

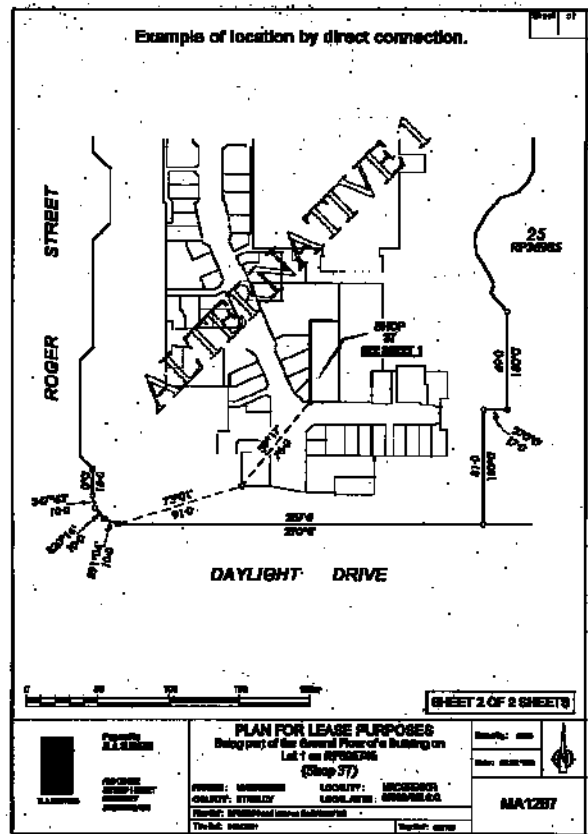


Figure 5-5: Location by offsets..

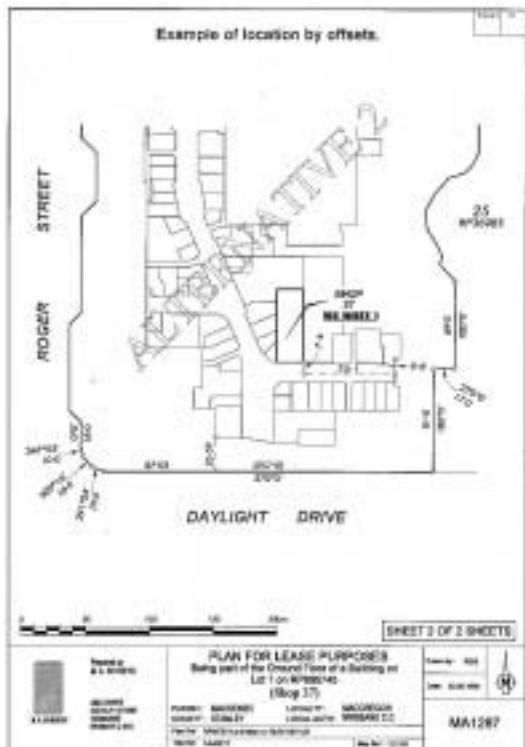


Figure 5-6: Master sketch of multiple leases

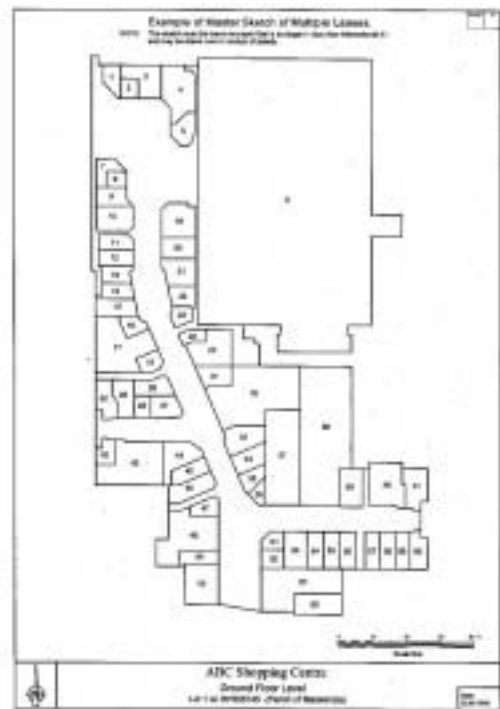




Figure 5-7: Table of leases to accompany master sketch

Example of Table of Leases to accompany Master Sketch:

Lease No.	Leasee	Lease No.	Leasee
1		1	
2		2	
3		3	
4		4	
5		5	
6		6	
7		7	
8		8	
9		9	
10		10	
11		11	
12		12	
13		13	
14		14	
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89		89	
90		90	
91		91	
92		92	
93		93	
94		94	
95		95	
96		96	
97		97	
98		98	
99		99	
100		100	

ABC Shopping Centre  
Ground Floor Level  
Lot 1 on RP00745 (Parish of Maitland)

Figure 5-8 Lease in a building – high value and long term



Figure 5-9: Lease in a building – low value and short term



8.2 To be surveyed and marked:

Delete and insert:

Each parcel, including any balance lots, shall be surveyed, and marked in accordance with the provisions of legislation, survey standards and survey guidelines in force at the time (See Direction 1.2), given an area and dimensioned in accordance with these Directions. (However, see Directions 4.16 and 4.17).

9.5.5 Void:

Delete the first dot point and insert at the commencement of the section:

A void may only exist where a lot is in several different parts, one above the other.

9.7 External boundaries:

Delete first paragraph and insert:

The external boundaries of the land the subject of the survey shown on the plan and of the base parcel shall be surveyed, and marked in accordance with the provisions of legislation, survey standards and survey guidelines in force at the time (See Direction 1.2) and dimensioned in accordance with these Directions. (However see Directions 4.16 and 4.17).

9.17 Private yards:

Insert a new dot point after the eighth dot point:

- ◆ If a private yard fully surrounds the part of the lot within the structure the boundaries of those parts of the lot that adjoin that part of the lot that is private yard are only shown as a boundary between parts of lots. (See Direction 9.5.2)

9.20.1 Building in a staged development partially constructed onto a future stage:

Delete last dot point and insert:

- ◆ on each level which extends outside the base parcel, the boundary shall be clearly marked in accordance with the provisions of legislation, survey standards and survey guidelines in force at the time (See Direction 1.2).

10.12.4 Footprint of lot intersecting the surface:

Delete first dot point and insert:

- ◆ the boundaries on the surface so intersected shall be shown on the plan in broken lines, marked as required by the provisions of legislation, survey standards and survey guidelines in force at the time (See Direction 1.2) and fully dimensioned;

11.8.1 Common property subdivided into lots:

Delete the second dot point and insert:

- ◆ the area of common property being subdivided into a lot or lots shall be noted on the face of the plan by a broken line, except where this would coincide with a boundary of the lot. If the defined area is not shown by broken lines, it shall be described by station numbers, eg A-B-C-D-A. A statement on the face of the plan shall note that the defined area was common property and, in the case of a standard format plan, shall provide an area.

#### 11.10 Including part of common property created on a subsidiary scheme in a higher scheme:

Delete and insert:

Under the provisions s.49DA of the Land Title Act 1994 this action is no longer acceptable. See Direction 12 Transferring Lots Into or Out of a Community Titles Scheme.

#### 11.11.10 All sketches:

Delete the dot point “clearly designating them by .....” and insert:

- clearly designating them by an identifier other than as a “lot”. The identifier may be alpha, numeric or alpha-numeric, eg A, BA, 2A, A2, 3, 42 etc;

#### 11.12 Examples for exclusive use areas:

Delete the caption for figure 11-2 and insert:

Figure 11-2: Exclusive use areas A to C need distances only, do not require to be marked and a sketch plan may be certified by a member of the body corporate. Exclusive use areas D and E must be fully marked (if no structural elements), dimensioned and certified by a cadastral surveyor

### 12. Transferring Lots Into or Out of a Community Titles Scheme:

Delete whole of section 12 and insert:

#### 12 Transferring Lots Into or Out of a Community Titles Scheme:

Every action in this section requires additional documents, eg transfers and New Community Management Statements, to be lodged in the land registry. The Land Title Practice Manual contains additional information on the relevant documents and order of lodgement.

##### 12.1 Lot to be added to common property:

Where all or part of a lot outside a Community Titles Scheme is to be added to Common Property:

- ◆ the lot must form a single continuous area of land with a part of the Scheme land;
- ◆ where part of a lot only is to be dealt with, that lot shall be subdivided on a standard or volumetric format plan as appropriate;
- ◆ a plan converting the lot to be transferred to common property.

It is not necessary for the new common property to be amalgamated with existing common property.

#### 12.2 Lot to be added to a community title lot:

Where all or part of a lot outside a Community Titles Scheme is to be added to an adjoining lot within a Community Titles Scheme:

- ◆ the lot must form a single continuous area of land with a part of the Scheme land;
- ◆ where part of a lot only is to be dealt with, that lot shall be subdivided on a standard or volumetric format plan as appropriate;
- ◆ a plan showing the amalgamation of the Community Titles Lot and the adjoining lot.

The provisions of this Direction may not be used where the Community Titles Scheme was created over a building format plan other than:

- ◆ where the lot is being added to a Standard Format lot being a remainder lot created on a Building Format plan. (See Direction 9.3.2); or
- ◆ where the lot is being added to a part lot that is a Private Yard created on a Building Format plan

#### 12.3 Part of common property to be excised:

Where part of common property is to be excised from a Community Titles Scheme:

##### 12.3.1 In the case of a community titles scheme over a standard or volumetric format lot:

- ◆ a plan in either standard or volumetric format as appropriate shall be prepared showing a lot over the part to be excised.
- ◆ where necessary, the lot so created shall be amalgamated with an adjoining lot by a plan of amalgamation in the appropriate format.

##### 12.3.2 In the case of a community titles scheme over a building format plan:

- ◆ where the common property is outside a building or structure:
  - a plan in either standard or volumetric format as appropriate shall be prepared showing a lot over the part to be excised;
  - where necessary, the lot so created shall be amalgamated with an adjoining lot by a plan of amalgamation in the appropriate format.
- ◆ where the common property is inside a building or structure:
  - a plan in volumetric format shall be prepared showing a lot over the part to be excised;
  - where necessary, the lot so created shall be amalgamated with an adjoining lot by a plan of amalgamation in the appropriate format.

##### 12.3.3 Creating new road:

If the purpose of the excision from the common property is:

- ◆ for the body corporate to dedicate and open new road; and
- ◆ the excision does not affect any part of a building or structure on a building format plan

a plan of new road may be prepared without the creation of a lot in the first instance. The description of the plan will be:

Plan of New Road cancelling part of Common Property of <name of Community Titles Scheme> CTS <number of Community Titles Scheme><plan number>”.

Alternatively, if a lot is created by the excision as per 12.3.1 or 12.3.2, an additional plan will be necessary to cancel the lot and dedicate and open it as new road.

12.4 Part or all of a lot to be excised:

Where all or part of a lot is to be excised from a Community Titles Scheme:

- ◆ In the case of Standard and Volumetric Format lots:
  - where part of a lot only is to be dealt with, a plan in either standard or volumetric format as appropriate shall be prepared subdividing the lot affected;
  - where the lot is the whole of a lot on a GTP, a standard format plan must be prepared and lodged to describe the lot on a plan of survey (SP).
- ◆ In the case of a Building Format lot within a building:
  - a plan in volumetric format shall be prepared showing a lot(s) over the lot or part of a lot to be excised and the remainder;
  - the description shall be lot(s) cancelling a lot.

12.5 Areas of common property:

Where common property is created or excised as directed in these Directions, areas shall be provided as required by Direction 11.5.

12.6 Resumptions:

Where part of common property, or part or all of a lot, is to be taken by resumption under the Acquisition of Land Act 1967, the general provisions of this Direction apply.

## 19.4 Dimensions

Delete the first paragraph and insert:

Every profit a prendre must be fully dimensioned, given an area and defined on a plan of the appropriate format.

20.11 Dimensions

Delete the second sentence of the first paragraph and insert:

The linear closure in a surround of any parcel, or part thereof, shall satisfy the standard 3.4.2 of the Department of Natural Resources and Mines, Survey Requirements.

21.4 Description:

Delete example of description and insert:

Covenant < alpha> in Lot <number> on <plan>

23.1 General:

Delete example certificates (2) and replace:

Example Certificate of Amendment - Individual:

Amendments by me  
Cadastral Surveyor ..... (Date).....

Example Certificate of Amendment - Corporation:

Amendments by (corporation name) (ACN or ABN Number)  
Director ..... (Date).....

Delete the paragraph following the second example certificate and insert:

Where the cadastral surveyor is a corporation, the certificate of amendment must be signed by a director. The corporation seal is not required.

23.2.1 Overview – authorising another surveyor:

Delete and insert:

Pursuant to s.32 of the Survey and Mapping Infrastructure Act 2003, a cadastral surveyor may authorise another cadastral surveyor take action necessary to comply with any requirement about the plan made by the registering entity.

Section 32(4) requires the authorised surveyor to certify on the plan of survey that the action is being taken under the authority of this section.

Section 32((7) requires the authorised surveyor to provide a copy of the authorisation to the registering entity, when the authorisation is to be exercised. The copy of the authorisation should be either an original copy (with original signatures) or a certified copy. For a lodged plan, this authority will be imaged as part of the plan dealing.

23.2.2 Certification of plans by another surveyor:

Delete and insert:

When the provisions of s.32 of the Survey and Mapping Infrastructure Act 2003 apply the certificate of amendment as referred to in Direction 23.1, is modified as follows:

Individual:

Amendments by <print name of cadastral surveyor>

Cadastral Surveyor ..... (Date) .....  
(pursuant to s.32 Survey and Mapping Infrastructure Act 2003)

Corporation:

Amendments by <print name of corporation> (ACN or ABN Number)

Director ..... (Date) .....  
(pursuant to s.32 Survey and Mapping Infrastructure Act 2003)

### 23.5 Corrections after registration:

In the first paragraph, delete "28 days" and insert "20 business days".

Delete the dot points following "Corrections following registration, either by alteration or addition, may only be made:" and insert

- ◆ following the lodgement of a Form 14, General Request, requesting such corrections. The Form 14 must be accompanied by:
  - a statement on the surveyor's letterhead as to the correction to be made, (only if the matter is one of a minor typographical nature eg PSM number); and
  - supporting documentation including a copy of the plan showing the changes to be made;

Or

- a statutory declaration from the cadastral surveyor as to the correction to be made; and
- supporting documentation including a copy of the plan showing the changes to be made.
- ◆ by a person holding a delegation from the Registrar to make such corrections; and
- ◆ in a colour other than black ink that is suitable for reproduction through the scanning and photocopying processes.

Delete the paragraph preceding the example statutory declaration and insert:

Statutory declarations may only be made by individuals (natural persons). A body corporate or corporation cannot make such declarations. In the case of a corporation, the statutory declaration is made by a Director of the corporation. The statutory declaration should indicate that the person making the declaration has a "right" to make such a declaration. An example of the statutory declaration could be as follows:

Delete the example statutory declaration and insert:

I, <full name of individual who is a Director>, a Director of <full name of the corporation and ACN or ABN number> of <city/town> in the state of Queensland, do solemnly and sincerely declare that,  
<details of correction>

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Oaths Act 1867.

Taken and declared before me at <town / city>

<signature of Director identified above>

this <number> day of <month> <year>

Justice of the Peace / Commissioner for Declarations

Delete the paragraph following the statutory declaration and insert:

The Form 14 must be completed by the cadastral surveyor who signed the plan. If another authorised surveyor is attending to the correction, a copy of that authorisation should accompany the form 14 (See Direction 23.2 Authorising another surveyor). Unlike the Statutory Declaration, the corporation must complete the Form 14 when they are the cadastral surveyor. In these instances items 5 and 7 of the form must agree. If a corporation is identified in item 5, the Form must be signed by the Director/s at item 7.

#### Licensed Surveyor

Replace "licensed surveyor" with "cadastral surveyor" wherever it appears.

#### Change of Department's Name

Replace "Natural Resources Mines and Energy" with "Natural Resources and Mines" wherever it appears.

Replace "NRM&E" with NR&M.

#### Replace "Surveyors Regulation 1992"

Replace "Surveyors Regulation 1992" with "Survey and Mapping Infrastructure Regulation 2004" in the following:

Section 4.11, first paragraph

Section 9.8, third paragraph

Section 9.20.7, first paragraph

Max Locke,  
Registrar of Titles and  
Registrar of Water Allocations.  
16 December 2004







## Land Title Act 1994

I, Max Locke, Registrar of Titles, direct that the following Directions, or parts thereof, in the Registrar of Titles Directions for the Preparation of Plans, version 3.3, be amended as follows:

### Date of effect:

These amendments are effective immediately.

### 3.5 Building Units and Group Titles Act 1980 in conjunction with Specified Acts:

Delete and insert:

**A Specified Act is as defined in Section 271 of the *Body Corporate and Community Management Act 1997*.**

**Where it is desired to lodge a Building Units or Group Titles plan under the provisions of a Specified Act, the *Building Units and Group Titles Act 1980* remains in force and shall define the requirements for plans.**

**Under the provisions of s.4 of the *Building Units and Group Titles Regulation 1998*, forms to be lodged in the land registry:**

- ◆ must be in the approved form; and
- ◆ comply with any relevant direction of the registrar.

**Approved forms are only available in Word format from any NRM&E Centre at no cost. All forms, including those used for plan preparation, should satisfy the material specifications of Direction 3.2. Where possible, a common form for use under the *Building Units and Group Titles Regulation 1998* and *Southbank Corporation (Modified Building Units and Group Titles) Regulation 2003* has been adopted.**

**Plans will be numbered on lodgement.**

### 3.6 Southbank Corporation (Modified Building Units and Group Titles) Regulation 2003

Insert new section:

**Under the provisions of s .8 of the *Southbank Corporation (Modified Building Units and Group Titles) Regulation 2003* forms to be lodged in the land registry:**

- ◆ must be in the approved form; and
- ◆ comply with any relevant direction of the registrar.

Approved forms are only available in Word format from any NRM&E Centre at no cost. All forms, including those used for plan preparation, should satisfy the material specifications of Direction 3.2. Where possible, a common form for use under the *Building Units and Group Titles Regulation 1998* and *Southbank Corporation (Modified Building Units and Group Titles) Regulation 2003* has been adopted.

Plans will be numbered on lodgement.

#### 4.10 Cancelling clause containing reference to unallocated state land:

Delete and insert:

Where a reference to Unallocated State Land is to be included in the cancelling clause, the reference shall be:

- ◆ Where **part** of the land to be cancelled is USL, and the USL is part of a river, or is closed road:

“Cancelling part of USL, being part of the <name> River”.

“Cancelling part of USL, being closed road”.

- ◆ Where **all** of the land to be cancelled is USL, and the USL is part of a river, or is closed road:

“Cancelling part of USL, being part of the <name> River (adjacent to <lot-on-plan>)”.

“Cancelling part of USL, being closed road (adjacent to <lot-on-plan>)”.

- ◆ In other cases, “Cancelling part of USL (<lot-on-plan>)”. The lot-on-plan description may be omitted if none exists.

#### 4.13 Allocation tables:

Add at commencement of section:

**See also 22 Allocations**

#### 4.19 Amendments to plans:

Delete 4.19.1 and 4.19.2 and insert:

**See 23 Amendments to Plans**

#### 4.20 Development Approval

Delete and insert:

For any plan of lots or common property in a community titles scheme lodged in the land registry and signed by the surveyor after 4<sup>th</sup> March 2003, the date of the development approval as defined in the *Body Corporate and Community Management Act 1997* is required to be shown on the reverse of the plan immediately above item 12.

**Development Approval: 27<sup>th</sup> February 2002**

Where a development approval as previously defined is not required the following is added in lieu of the date:

"no development approval necessary"

#### 4.22 Registered encumbrances to be plotted:

Insert new section:

Every registered secondary interest (encumbrance) for the subject lot(s) must be plotted on the face of any new plan of survey, including an explanatory plan.

Registered leases within a building are not required to be plotted, however, when applicable, a statement on the reverse of the plan should indicate whether the subject survey affects a registered lease(s) within a building and the affected lease identified.

#### 4.23 Revocations (Acquisition of Land):

Insert new section

Using the provisions of s.17 of the *Acquisition of Land Act 1967*, the acquisition of land may be revoked under certain conditions and provided that the matter of compensation has not been determined:

- The revocation may be in full or in part - s.17(1).
- ◆ The action of revocation is such that the resumption over that part to be revoked never happened - s.17(2)(a).

Any plan prepared for a revocation action (full or partial) shall bear an action statement similar to the following:

Area revoked and added to Lot 147 on SP118070	
12-17-14-12	1104 m <sup>2</sup>
13-14-15-13	94 m <sup>2</sup>
Total	1198 m <sup>2</sup>

The plan must be lodge with supporting documents, eg form 14 and amending gazette etc.

##### 4.23.1 Land taken as a lot in fee simple

The revocation plan must:

- identify the amended remainder lot(s) and the amended resumed lot(s) with complete metes and bounds, areas and identifiers;
- include an action statement that identifies the revoked area(s) by station numbers and area(s);
- cancel the lots created as a consequence of the initial resumption action and that are affected by the revocation;
- be completed in all other respects for the format of the plan being prepared.

For example, lot 10 is subdivided by SP123456 into lots 12 and 13. Lot 13 is resumed as an estate in fee simple. Part of lot 13 is to be revoked. The revocation plan is prepared as lots 14 and 15 cancelling lots 12 and 13 on SP123456.

#### 4.23.2 Land taken as Road

The revocation plan must:

- identify the amended remainder lot(s) with complete metes and bounds, area and identifier;
- include an action statement that identifies the revoked area(s) by station numbers and area(s);
- cancel the remainder lot(s) and part of the resumed lot(s) created as a consequence of the initial resumption action and that are affected by the revocation;
- be completed in all other respects for the format of the plan being prepared.

For example, lot 10 is subdivided by SP123456 into lots 12 and 13. Lot 13 is resumed for road purposes and is USL. Part of lot 13 (USL) is to be revoked. The revocation plan is prepared as lot 14 cancelling lot 12 and part of 13 on SP123456. (see SP140739)

#### 5.3.1 Minimum standards for a sketch of part of a building

Delete the dot point “identifying them by an alpha character or shop number if part of a shopping complex” and replace with:

- **Identifying them by:**
  - an alpha character; or
  - shop number, if part of a shopping complex; or
  - unique number with the consent of the Registrar of Titles; and

Delete the dot point “showing the dimensions in metres” and replace with:

- **showing the dimensions in metres (if the boundaries of the leased area are generally at right angles, distances only are may be shown);**

#### 5.3.13 Scale of sketch:

Delete scale “2:1.25” and replace:

**1 : 1.25**

#### 5.4 Services location diagram (s.67A BCCM):

Amend section heading to:

**Services location diagram (s.70 BCCM):**

Delete “Schedule 4” in first sentence and replace with:

... Schedule 6 ...

#### 6.5 Easements limited vertically:

After the second dot point, insert:

- ◆ **levels of the existing ground surface at the corners of the easement shall be shown on the face of the plan or by tabulation in terms of the general principles of Direction 10.12.5;.**

#### 6.9 Description

Insert new section:

**An easement is a secondary parcel and shall be described in the title block as per Direction 4.8.2.**

**Easement <alpha> in Lot <Number> on <plan>**

**Easement may be abbreviated to “Emt” if space is limited.**

#### 9.17 Private yards:

Delete the first dot point and insert:

- ◆ **Private Yards must immediately adjoin another part or parts of the same lot within a structure, or a courtyard that so adjoins.**

After the second dot point insert:

- ◆ **Private yards must not adjoin any part of another lot or lots, except where that part is a private yard or a courtyard. (See Figure 9-17 and 9-18)**

Delete the second last dot point commencing “Where a private yard fully surrounds ...” and the two associated sub-dot points that end with “ .... is therefore also unlimited in height and depth.”

#### 9.20.1 Building in a staged development partially constructed onto a future stage:

Delete and insert:

**Provided that:**

- ◆ **the lot comprising the future stage is part of scheme land for the same scheme as the present stage; and**
- ◆ **the lot comprising the future stage satisfies s.115M(2)(c) of the *Land Title Act 1994*; and**
- ◆ **it is not intended that the future stage be a subsidiary scheme;**

**the construction of works for a future stage over the boundary of the base parcel may be taken as being satisfied by the provisions of Division 5 of Part 6A of the *Land Title Act 1994*, and does not necessitate any further action.**

**However:**

- ◆ on the main plan, the footprint of the building shall note that it extends into the adjoining lot, by showing the walls extended;
- ◆ provided that there are no other encroachments, the first option in the certificate referred to in Direction 9.20.7 may be selected;
- ◆ on each level which extends outside the base parcel, the boundary shall be clearly marked in accordance with the *Surveyors Act 1977* and the *Surveyors Regulation 1992*.

Where the construction cannot satisfy Division 5 of Part 6a of the *Land Title Act 1994*, resolution of the encroachment is required in terms of Direction 9.20.2.

#### 9.20.2 Encroachment onto an adjoining lot or unallocated state land:

Delete last paragraph and insert:

**This Direction applies equally to an encroachment onto a lot created on a plan of an earlier stage by a building in a later stage, unless the provisions of Division 5 of Part 6A of the *Land Title Act 1994* are satisfied. If this is the case, the second option in the certificate referred to in Direction 9.20.7 shall be selected, but no other action is required.**

#### 9.20.3 Encroachment onto road

Insert at the end of the section:

**Should the Minister decide not to address the encroachment by an action under the *Land Act 1994*, a copy of the Minister's letter of response indicating that no action is intended to be taken in regard to the encroachment must be lodged with the plan in the land registry.**

#### 9.23 Plans where base parcel has registered volumetric or restricted secondary interests:

Insert new section

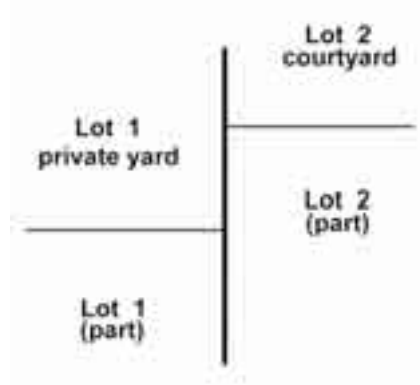
**Where the base parcel contains secondary interests that are restricted in height or depth or both, the building format plan must show a lateral aspect diagram of that interest and the building format lots.**

**The lateral aspect view must be prepared to a scale that clearly demonstrates whether the interest either affects or adjoins building format lots shown on the plan. More than a single lateral aspect may be necessary to provide an adequate level of detail.**

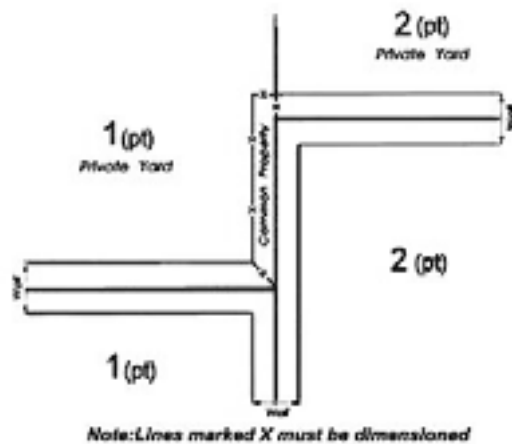
## 9.24 Examples for building format plans

Renumber the section and insert a new Figures 9-17 and 9-18

**Figure 9-17: Private Yard – unacceptable to adjoin any part of another lot except courtyard or private yard.**



**Figure 9-18: Private Yard – acceptable – does not adjoin main part of adjoining lot.**



### 10.10.1 Intersections and vertices to be defined:

Delete and insert:

**All intersections of the bounding surfaces of a parcel, and the vertices thereof, shall be defined by either:**

- ◆ Polar dimensions; and
- ◆ levels on the Australian Height Datum,

Or

- ◆ if necessary in the interests of clarity, polar dimensions and rectangular co-ordinates; and

- ◆ levels on the Australian Height Datum,

unless the provisions of Directions 10.10.5 or 10.10.6 are adopted.

However, where a bounding surface of a parcel is a single continuous horizontal plane, and provided that no ambiguity is introduced into the definition of the parcel, it shall be sufficient to define those vertices of the parcel that coincide with the horizontal plane by reference to that horizontal plane. Where this provision is used, a note shall be made on each sheet of the plan on which it is used:

- ◆ “vertices <1 ,2, 3, ....> define a horizontal plane at RL<nnn>AHD”.

#### 10.12.1 Isometric diagram:

After the first paragraph, insert:

**On the plan of the footprint of each parcel an arrow is to be shown, and appropriately labelled, to accurately indicate the direction from which its isometric view has been prepared.**

#### 11.3 Description of common property:

Delete and insert:

**Where it is necessary to refer to Common Property, the reference shall be:**

- ◆ **In the cancelling clause:**

**“Common Property of <name of Community Titles Scheme> Community Titles Scheme <number of Community Titles Scheme>(<plan number>”.**

**“Community Titles Scheme” may be abbreviated to CTS.**

- ◆ **In an abuttal, not part of a layered arrangement of the subject parcels:**

**It shall be sufficient to refer to common property as “Common Property (or CP) on <plan number that created it>”.**

- ◆ **In an abuttal being part of a layered arrangement of the subject parcels:**

**“Common Property of <name of Community Titles Scheme> Community Titles Scheme <number of Community Titles Scheme>(<plan number>”.**

**Common property and Community Titles Scheme may be abbreviated to CP and CTS respectively, if space is limited.**

#### 12.4 Part or all of a lot to be excised:

Insert after the dot point that ends “...shall be prepared subdividing the lot affected.”

- ◆ **Where the lot is the whole of a lot on a GTP, a standard format plan must be prepared and lodged to describe the lot on a SP;**



## 12.6 Resumptions:

Delete the last dot point and insert:

- ◆ **A new Community Management Statement must be lodged.**
  - **The consent of the local government is not required in item 7 of the CMS (section 60(6)(b)(ii) of the *BCCM Act 1997*), and**
  - **The Form 14 and Item 8 of the CMS are to be signed by the constructing authority. The consent of the body corporate is not required (section 62(4)(d) of The *BCCM Act 1997*).**

## 19.2 Parcels to be described:

Rename as **Description:**

Delete the first sentence and insert:

**A Profit a Prendre is a secondary parcel and shall be described as per Direction 4.8.2.**

## 20.6 Plan preparation:

Delete reference to the example in the first paragraph.

## 21.4 Description

Delete the first sentence and insert:

**A covenant is a secondary parcel and shall be described as per Direction 4.8.2.**

## 22 Allocations

Insert new sections:

### 22 Allocations

#### 22.1 Introduction and rationale:

**See Direction 4.13 Allocation Tables**

**The Registrar of Titles is entrusted with the responsibility of registering plans against freehold land. The Registrar of Titles is also delegated (by the chief executive of the Department of Natural Resources and Mines) the authority to register plans affecting crown tenures.**

**All plans of surveys which change the description of a parcel of land are the subject of allocations. The allocation of Titles allows the land registry to relate the current title description with the new lot. It ensures that the new titles issue correctly in regards to ownership, encumbrances, administrative advices etc.**

**The information required on a new title (or Grant, etc) is not brought forward automatically. The land registry creates new titles, and notes interests from the information shown in the allocation schedules on the reverse of the plan of survey. The instrument that creates new**

titles/descriptions is the registered plan by referencing the surveyor's completed allocations.

The Registrar of Titles requires two categories of allocations:

- Lot allocations (which show the effect of a survey against the existing titles); and
- Interest allocations (which show the effect of a survey against the registered interests).

All plans lodged in the land registry must address the issue of allocations.

Wherever the term “subdivision” is used in the context of allocations, it is to be understood to also include amalgamation.

#### 22.2 Actions under the Acquisition of Land Act 1967:

Where a lot is the subject of a resumption action under the provisions of the *Acquisition of Land Act 1967*, and there are interests that relate to “part of the land” endorsed on the title for that lot, the reverse of the plan of survey must allocate those interests in item 6.

The lot to be resumed does not show any secondary interests plotted on the face of the plan as the lot is resumed unencumbered.

The land registry creates indefeasible titles for all the lots on the plan of survey (subdivision), and further deals with those titles using the resumption documents to determine whether the resumed lot remains as an indefeasible title (lot resumed as an estate in fee simple) or unallocated state land (lot resumed for road and vests in the state). The plan of survey and the resumption document must register simultaneously.

#### 22.3 Use of dealing number:

The unique identifier for any interest being allocated is the Dealing Number, eg 70123689. Where a single dealing number is used for a number of secondary interests, the identifier of the secondary interest as well as the dealing number must be shown; eg

- 70123689 Emt A; or
- If there is more than one Emt A referenced in the dealing, 70123689 Emt A on SP998765

The dealing number is used as the reference in preference to a “lot-on-plan” description (e.g. Emt A in Lot 2 on RP432567) because:

- An individual interest description may have a number of different interests registered over the same physical space; or
- An individual lot may have a number of different interests of the same type registered against it.

#### 22.4 Lot allocations:

On every plan of survey the new lots, secondary interests and/or new roads on that plan of survey must be allocated to the underlying original lots that the plan is cancelling.

The allocation table is created by extending the Title Reference table (item 6) on the reverse of the plan form. The Title Reference is shown in its column on the back of the

plan as normal, under the "Title Reference" heading. The lot-on-plan description of the land being dealt with on the plan is shown under the "Description" heading. If more than one lot in the title is being dealt with on the plan, each affected lot-on-plan is set out in column form, under "Description".

A separate column is required for all lots, new road and secondary interests being created on the plan. On the line of the original lot from which they are derived are noted the new lots, new road and secondary interests. It is acceptable to have a series of new lots, i.e. 1-10, together with a single original lot.

- Note: (1) A new lot may be linked to more than one original lot.  
 (2) All lots must be allocated, including any Unallocated State Land (USL).

**EXAMPLE:**

Title Reference	Description	New Lots	Road	Emts	Cov	Profit a` Prendre
12349083	Lot 1 on RP123987	1 - 3	New Rd	A, B		
	Lot 5 on RP813965	3 - 5	New Rd	B, C	E	
	Lot 6 on RP813965	4 - 7				F
18672223	Lot 2 on RP230965	5, 6		D		
15692213	Lot 1 on SL2398	4 - 8	New Rd			
	Lot 5 on RP873943	8				
17693211	Lot 782 on RP829123		New Rd			
USL	Lot 42 on USL98765	8	New Rd			

Table 22-1: Lot Allocation

(Note: Easement B is being created in the new Lot 3, and as such, affects the original lots 1 on RP123987 and 5 on RP813965)

**EXAMPLE: Easements in Common Property (created on different plans) within a Community Titles Scheme**

Title Reference	Description	New Lots	Road	Emts
12349083	Lot 1 on RP123987	1 - 3	New Rd	A, B
	Lot 5 on RP813965	3 - 5	New Rd	B, C
	Lot 6 on RP813965	4 - 7		
18672223	Lot 2 on RP230965	5, 6		D
15692213	Lot 1 on SL2398	4 - 8	New Rd	
	Lot 5 on RP873943	8		
17693211	Lot 782 on RP829123		New Rd	
18945367	CP on SP123456			E, F
	CP on SP154329			G

Table 22-2: Lot and Common Property Allocation

(Note: Easement B is being created in the new Lot 3, and as such, affects the original lots 1 on RP123987 and 5 on RP813965)

**22.5 Portion allocations:**

Where there is more than one new lot on the plan and/or more than one original portion being affected by the survey, an allocation must be made of each new lot into each original portion in item 7 on the reverse of the plan form. Where there is more than one parish and/or more than one county, the parish and county must also be noted against the portion number. If more than one county is applicable another column is added.

The term "original portion" may be any of the following:

- A portion
- An allotment of section;
- A suburban portion;
- A suburban allotment;
- A lot-on-plan (in which case the lot on plan must be shown in full); or,
- Any of the many other types of old descriptions.

Reservations are contained within the current deed of grant of the land (as shown in ATS), except in the case of a s.358 of the *Land Act 1994* (previously s.9, *Land Act 1962*) deed of grant, where the reservations are contained in the original deed of grant for the land.

The allocation of new lots to original portions should be based on the original portions shown in ATS.

**Note:** Original Grant references are not required to be shown on the plan.

However, if the rights and reservations are contained within a conveyance, both the conveyance dealing number and the lot-on-plan are required to be shown in the allocation table.

As portion allocations are only required for allocation to new lots, it is not necessary to show original portions on the face of any secondary interest plan (eg easement, covenant etc), or to allocate new secondary interests to portions.

**Note:** Where the original portion number contains an alpha character, such as 98A, and this number has been converted (i.e. the number has been converted to another unique number that does not contain an alpha character), the portion number to be used is the original number (98A), not the converted number. ATS shows the correct number.

The preferred format for the allocation table is such that the portions are allocated to a lot, and the lot should be mentioned only once in the table. There is no objection to the columns in item 7 on the reverse of the plan form being swapped.

PORTION ALLOCATION		
42	601222451 (lot 1 on RP91959)	ABC
1, 3, 7, 8	36, 80	ABC
2, 4, 5, 6	36, 90	ABC, XYZ
100	90	XYZ
LOTS	ORIG POR	PARISH (only if required)

Table 22-3: Portion Allocation

**Note:**

- (1) Title and Portion allocation tables must not be combined.
- (2) New lots should appear only once in this table.
- (3) 601222451 is a conveyance number (generally associated with Commonwealth land).

## 22.6 Interest allocations:

### 22.6.1 Existing mortgage allocations:

Where a mortgage affects part only of any lot contained within the land being subdivided, it is necessary to note which new lots are fully or partially encumbered by that mortgage so that the mortgage can be carried forward on to the new titles. The allocation is necessary because a mortgagee cannot exercise the right to sell part of a lot, and additional dealings may be necessary to resolve the situation. Part mortgage interests are routinely created in situations where a subdivision or amalgamation draws from more than one title, and a mortgage is not recorded against all the previous titles.

For clarity:

1. Where any lot is partially mortgaged as shown on the title, all mortgages for all lots cancelled by the plan are required to be allocated on the plan;
2. In all other cases the lot allocation will suffice. (for the mortgage allocation)

**Note:** Where the mortgage is over the entire original lot there is no requirement to provide a separate mortgage allocation, as it is exactly the same as the lot allocation.

Section 41C(3) of *Land Title Act 1994* states that “the fee simple interest in common property can not be the subject of a mortgage”. Accordingly, a mortgage must not be shown as affecting common property of a community titles scheme.

A table similar to the one below is required to allocate these encumbrances:

Mortgage	Lots Fully Encumbered	Lots Partially Encumbered
<Dealing No>	1 – 4 & 9 – 11	5 – 8

Table 22-4: Mortgage Allocation

### 22.6.2 Existing registered easement allocations:

Existing registered easements that provide a benefit to a lot or to part of a lot are required to be allocated to the benefited lots.

Existing registered easements that encumber lots are required to be allocated to new lots.

### 22.6.3 Benefit easements:

Where a registered benefit easement benefits part only of the land being subdivided, it is necessary to note which new lots are fully or partially benefited by the easement, so that the benefit can be carried forward on to the new titles.

The part benefit allocation is necessary because future subdivision of a “partially benefited” lot could create lots fully benefited, lots partially benefited, and lots not benefited by the easement.

A table similar to the one below is required to allocate these benefit easements:

Easement	Lots Fully Benefited	Lots Partially Benefited
<Dealing No> (or <Dealing No> and alpha identifier and plan number, as may be necessary in cases with multiple servient tenements, but only one easement document)	1 – 4 & 9 11	5 – 8
71348731 Emt A on SP123456	12	15
Emt B on SP123457		15

Table 22-5: Benefit Easement Allocation

Where the reconfiguration of lots is such that a lot that is benefited by an easement will be burdened by all or part of that same easement, the easement is not plotted on that lot, and a statement similar to the following will be added to the reverse of the plan:

<Dealing No><Emt Description> partially/fully extinguished in <lot number> in terms of s.87 Land Title Act 1994.

#### 22.6.4 Encumbrance easements – burdening the land:

Lots are either encumbered or not encumbered. Terms such as partially or fully encumbered are not used. Where a registered encumbrance easement exists over a lot being subdivided into more than one new lot, the new lots that are encumbered shall be noted in the following manner:

Easement	Lots to be Encumbered
<Dealing No> (or <Dealing No> and alpha identifier and plan number, as may be necessary in cases with multiple servient tenements, but only one easement document)	1 - 4 & 9 – 11
71348731 Emt A on SP123456	12 - 15
71348731 Emt B on SP123456	17
70352617	21

Table 22-6: Encumbrance Easement Allocation

Before making this allocation, it must be determined that:

- The easement is currently registered; and
- The easement is not to be surrendered prior to the lodgement of the plan. If the easement is to be surrendered prior to lodgement, a note should be added under the allocations (item 6 on the reverse of the plan) “Emt <dealing number and Emt description if more than one easement in the document> to be surrendered prior to lodgement of plan”.

#### 22.6.5 Easements absorbed in new road:

When a servient tenement, or part of a servient tenement, is absorbed in new road, a notation on the reverse of the plan shall be made in the following manner:

*“Emt A on SPxxxxxx<number that created the easement> partially/fully absorbed by new road.”*

OR

Part / whole of Easement A on RP 45623__	Absorbed in new road
--	----------------------

Table 22-7: Encumbrance Easement (Road) Allocation

#### 22.6.6 Existing leases:

Where any plan is:

- Volumetric format, and
- Contains an easement or a lease, and
- The title for the subject land contains registered leases,

the plan is required to indicate for each registered lease whether they are/are not subject to the new easement(s) or lease(s).

This may be done by a statement or a table, indicating those leases affected and those leases not affected for each new volumetric lease or volumetric easement. Because survey plans may be prepared and certified by a surveyor well in advance of lodgement, the statement should be dated, in case leases are registered or surrendered or cancelled after the finalisation of the plan.

Examples:

- Lease A does not affect Leases 702456172 & 703561143. Dated 17/11/2003.  
or
- Easements A-D and Leases F-H do not affect any of the leases lodged or registered against CT 11705163 as at 17/11/2003.  
or
- Proposed Easement A does affect lease 702456172 and does not affect lease 703561143. Dated 17/11/2003.

#### 22.6.6.1 Existing leases of land (*Land Title Act 1994*):

Where a registered lease exists over part of a lot being subdivided into more than one new lot the new lots shall be noted with the encumbrance in the following manner:

Lease	Lots to be Encumbered
<Dealing No>	1 - 4 & 9 - 11
<Dealing No>	Common Property

Table 22-8: Lease Allocation (not building format)

Before making an allocation of a lease, it must be determined that:

- The lease is current and registered and
- The lease is not to be surrendered prior to the lodgement of the plan.

**Note:** Section 67(1) of *Land Title Act 1994* makes an option clause allowing renewal of a lease binding on the register. The effect is that the term of a lease is deemed a period that includes the first option.

For a building format plan, it is acceptable that a lease exists in either a lot (eg private yard) or common property only. It is not acceptable that a lease exist in more than one lot, or a lot and common property. For these cases, ownership of the lease must be resolved in the first instance, eg partial surrender.

**22.6.6.2 Existing leases – part of a building (*Land Title Act 1994*):**

Where an existing lease is registered against part of a building, and the building is being subdivided by a building format plan, an allocation of the lease against the new lots is required.

Where the lease boundaries extend outside the boundaries of a new building format lot (eg outside face of wall versus centre of wall respectively) a partial surrender of that part of the lease external to the lot is required.

The allocation table below allows for the following:

- Preparation of the plan well in advance of lodgement;
- Knowledge that the surveyor has investigated the matter is made available;
- The land registry has information on the matter that can be used to assess the correct registration of the documents;
- The surveyor’s client and legal advisors have the necessary information that indicates an action is required.

The new lots shall be noted with the encumbrance in the following manner:

Lease	Level (if more than one)	Lots to be Encumbered	Common Property Partial Surrender Required
<Dealing No> Lease H	A, B	1	Yes
<Dealing No> Lease K	A	1	No

Table 22-9: Lease Allocation (building format)

Before making this allocation, it must be determined that:

- The lease is current and registered; and
- The lease is not to be surrendered prior to the lodgement of the plan.

**22.6.7 Existing covenants:**

When a registered covenant affects only part of the land being subdivided, it is necessary to note which new lots are fully or partially encumbered by that covenant so that the covenant can be carried forward on to the new titles. A table similar to the one below is required to allocate these encumbrances:

Covenant	Lots Encumbered
<Dealing No>	1 - 4 & 9 – 11

Table 22-10: Covenant Allocation



#### 22.6.8 Existing profit a` prendre:

When a registered profit a` prendre affects only part of the land being subdivided, it is necessary to note which new lots are fully or partially encumbered by that profit a` prendre so that the profit a` prendre can be carried forward on to the new titles. A table similar to the one below is required to allocate these encumbrances:

Profit a` Prendre	Lots Encumbered
<Dealing No>	1 - 4 & 9 – 11

Table 22-11: Profit a Prendre Allocation

#### 22.6.9 Existing administrative advices:

The types of administrative advices entered against the indefeasible title in ATS are shown in Land Title Practice Manual 52-2000. Any administrative advice affecting only part of the land being subdivided is required to be allocated to the new lots that will be affected.

Where an administrative advice advising of the intention to resume (N.I.R.) affects only part of the land being subdivided, either make a note allowing the administrative advice to be cancelled, or if necessary, brought forward onto the new titles.

Example of Note: NIR 123456789 is fully satisfied.

A table similar to the one below is required to allocate these interests:

Administrative Advice	Lots to be Encumbered
<Dealing No>	3, 7

Table 22-12: Administrative Advice Allocation

#### 22.7 Local Government allocation:

For each lot that is within more than one Local Government, an allocation that identifies the area of the lot(s) in each Local Government is required. This allocation may be shown on the face of the plan as a statement or a table similar to that below may be added to the face or reverse of the plan. The boundaries of the Local Governments should be plotted on the face of the plan.

Local Governments			
Lot	Pine Rivers Shire	Brisbane City	Redcliffe City
42	1234m	234m <sup>2</sup>	23.4 Ha
100		11m <sup>2</sup>	654m <sup>2</sup>

Table 22-13: Local Government Allocation

#### 22.8 Special cases:

For cases where there are a significant number of interests in a single lot, eg shopping centre, and that lot is being subdivided such that a statement can be made to clearly identify the allocation of those interests, this will be acceptable as an alternative to the requirements of Direction 22.6 Interest Allocations which requires a listing of all of the interests and appropriate dealing numbers. The statement would take the form of: "All

leases which were in the former <lot-on-plan>, are now fully contained within Lot <number> on this plan. Date .../.../....”

**Note:** The date is required to ensure that any interest created after the date may need to be examined to ensure a correct allocation to the new lot(s) at the time of registration.

## 23 Amendments to Plans

Insert new sections:

### 23.1 General:

In general terms, plans may be amended:

- prior to lodgement (Direction 23.3); or
- after lodgement but prior to registration (Direction 23.4); or
- after registration (Direction 23.5).

Where a certificate of amendment is required to be shown (see also Direction 23.2.2) on the plan it must be in the following form:

**Example Certificate of Amendment - Individual:**

*Amendments by me*  
*Licensed Surveyor ..... (Date).....*

**Example Certificate of Amendment - Company:**

*Amendments by (Company Name) (ACN or ABN Number)*  
*Licensed Surveyor / Director ..... (Date).....*

Where the licensed surveyor is a company, the certificate of amendment must be signed by a licensed surveyor who is a director, in which case the certificate must specify "Licensed Surveyor and Director". The company seal is not required.

Amendments to the surveyor's certificate (eg. Form 13) are covered by the certificate of amendment. No part of the surveyor's certificate may be deleted. If necessary, a new surveyor's certificate should be shown on the face of the plan immediately above the original certificate. If space does not permit the new certificate may be shown on the back of the plan.

### 23.2 Authorising another surveyor:

#### 23.2.1 Overview – authorising another surveyor:

Pursuant to Section 76A of the *Surveyors Act 1977*, the Surveyors Board may certify another surveyor to do certain things for the “original” surveyor. Section 76A(1)(d) identifies the events for which this section may be used.

Section 76A(4) allows a surveyor to authorise another surveyor to do all or any of the things identified in s.76A. Where this provision is utilised, the responsible surveyor should advise the NRM&E in writing giving details of:

- ◆ The name of the other licensed surveyor being authorised;
- ◆ The period of such authority;
- ◆ Any conditions on the authority; and
- ◆ The acceptance of the authorised Surveyor. (This should be on the notification of the authority).

#### 23.2.2 Certification of plans by another surveyor:

The NRM&E does not record authorities under s.76A of the *Surveyors Act 1977*. The authorised surveyor is responsible to be able to demonstrate that an authorisation has been made and can be produced if called upon to do so by the NRM&E. A copy of the authorisation is not required to be produced for every amendment, except where noted hereunder.

Section 76A(2A) of the *Surveyors Act 1977* requires that any surveyor utilising the provisions of this section to amend a map or plan is required to certify that the amendment is made under this section. Accordingly the certificate of amendment as referred to in Direction 23.1, is to be modified as follows:

*Amendments by me*

*Licensed Surveyor (and Director) (Date) .....*  
*(pursuant to S.76A of the Surveyors Act 1977)*

#### 23.3 Amendments to original plans prior to lodgement:

Original plans may be amended by erasure and addition prior to lodgement without the need for a certificate of amendment. However, if the amendments are made by strikeout, a certificate of amendment is required to indicate that such alterations were done with the knowledge of the licensed surveyor.

#### 23.4 Amendments after lodgement but prior to registration:

Following lodgement but prior to the plan being registered, alterations and additions must be in black ink and must be effected by strike out and addition.

A certificate of amendment must be shown on the plan and signed and dated by the licensed surveyor in black ink.

The certificate of amendment should be added to the plan:

- Where a single sheet is amended, to the sheet so amended;
- Where multiple sheets are amended, to the first sheet.

Should further amendments be required, an additional certificate of amendment must be added to the plan on every occasion.

#### 23.5 Corrections after registration:

Surveyors who are notified of an error on a plan of survey registered in the land registry are expected to respond with necessary documentation etc within 28 days from the date of the initial request from the NRM&E.

Corrections following registration, either by alteration or addition, may only be made:

- ◆ following the lodgement of a Form 14, General Request, requesting such corrections. The Form 14 must be accompanied by:
  - o a statement on the surveyor's letterhead as to the correction to be made, (only if the matter is one of a minor typographical nature eg PSM number); or
  - o a statutory declaration from the licensed surveyor as to the correction to be made; and
  - o supporting documentation including a copy of the plan showing the changes to be made.
- ◆ by a person holding a delegation from the Registrar to make such corrections; and
- ◆ in a colour other than black ink that is suitable for reproduction through the scanning and photocopying processes.

Where a correction affects the metes, bounds, area or description of a parcel, a fee, in accordance with the relevant NRM&E fee schedule, must accompany the Form 14, General Request.

The statutory declaration or the statement on the surveyor's letterhead is required to address the following elements, namely:

- ◆ state that the register is in error; and
- ◆ provide the reason and/or circumstances as to why the register is in error; and
- ◆ a statement that clarifies whether the rights of the holder of an interest recorded in the register are prejudiced by the correction; and
- ◆ the details of the changes to be made to the registered plan.

Where the correction affects the parcel in dimensions, area or description the following documents must accompany the Form 14:

- ◆ (Monuments not affected) The consent (Form 18) of the registered owner and registered proprietor of the affected lot to the correction;
- ◆ (Monuments affected) The consent (Form 18) of the registered owner and registered proprietor of the affected parcel and any adjoining registered owner who may be affected by the correction.

Registered owner and registered proprietor are defined in the Land Act 1994 and Land Title Act 1994 and could include, but not be limited to, lessee, mortgagee, grantee of an easement, grantee of a Profit a Prendre, covenantee, etc. If the changes substantially affect the boundaries of the land and/or the common boundary of the parcel and road, the consent of the Local Government may be required.

Statutory declarations may only be made by individuals (natural persons). A body corporate or company cannot make such declarations. In the case of a company, the statutory declaration is made by a Director/Licensed Surveyor of the company. The statutory declaration should indicate that the person making the declaration has a "right" to make such a declaration. An example of the statutory declaration could be as follows:

I, <full name of individual who is a Licensed Surveyor>, Licensed Surveyor and Director of <full name of the company Licensed Surveyor and ACN or ABN number> of <city/town> in the state of Queensland, do solemnly and sincerely

*declare I, <full name of individual who is a Licensed Surveyor>, Licensed Surveyor and that,  
<details of correction>  
And I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Oaths Act 1867.  
Taken and declared before me at <town / city>  
<signature of natural registered person identified above>  
this <number> day of <month> <year>  
Justice of the Peace / Commissioner for Declarations*

The Form 14 must be completed by the licensed surveyor who signed the plan. If another authorised surveyor is attending to the correction, a copy of that authorisation should accompany the form 14 (See Direction 23.2.2 Certification of plans by another surveyor). Unlike the Statutory Declaration, the Company must complete the Form 14 when they are the licensed surveyor. In these instances items 5 and 7 of the form must agree. If a Company is identified in item 5, the Form must be signed by the Directors at item 7.

#### **23.6 Building unit and group title plans:**

With the introduction of the *Body Corporate and Community Management Act 1997(BCCM)*, and expiration of the transition arrangements (s.327), the use of the provisions of the *Building Units and Group Titles Act 1980* are limited to those “specified Acts” as defined in s.328 of the *BCCM*.

All amendments to plans under the *Building Units and Group Titles Act 1980* both before and after lodgement must:

- ◆ be made by strike out; and
- ◆ amendments made in black ink; and
- ◆ a certificate of amendment completed on every sheet that has been amended.

#### **23.7 Identification plans:**

All amendments to identification survey plans that have been deposited with the NRM&E must be effected by strikeout and/or additional information added in black ink. A certificate of amendment must be shown on the plan and signed by the surveyor in black ink. The plan will then be re-imaged.

As the original of the identification plan is archived in Brisbane, a copy of the current version of the identification plan should be used. The amended copy will be archived and used to produce the next version of the identification plan and made available for searching by the public.

#### **23.8 Patent error:**

In terms of s.155 (1) of the *Land Title Act 1997*, patent error corrections may only occur prior to the registration of a plan lodged for registration under the *Land Title Act 1994*.

Patent error corrections may include:

- ◆ Information which is patently incorrect or incomplete;
- ◆ Compiled original information;
- ◆ Balance areas.

Patent error corrections cannot be used for:

- ◆ Survey information which affects the reinstatement of original boundaries;
- ◆ Survey information for new lots;
- ◆ Calculated areas.

#### 23.9 Requisitions:

In terms of s.156 of the *Land Title Act 1994*, the Registrar of Titles may issue a requisition to the lodger of any instrument or dealing in the Land Registry. By definition, an instrument includes a plan of survey. Surveyors may need to contact the lodger for the details of the requisition on the survey plan.

#### Replace “subsidiary”

The word “subsidiary” is used both in the context of a layered community titles scheme and to describe an interest in land. When used for the latter, eg easement, covenant etc, this document has been altered to use “secondary” in its place in all instances. These may be found primarily in sections 4.8.2 and 4.21

#### Change of Department’s Name

Replace “Natural Resources and Mines” with “**Natural Resources, Mines and Energy**”. This occurs in notes, 20.10 and 22.1.

Max Locke,  
Registrar of Titles and  
Registrar of Water Allocations.  
14<sup>th</sup> May 2004





## Land Title Act 1994

I, Max Locke, Registrar of Titles, direct that the following Directions, or parts thereof, in the Registrar of Titles Directions for the Preparation of Plans, version 3.2, be amended as follows:

### Date of effect:

These amendments are effective immediately.

### 3.4.1 Plans for Community Titles Schemes:

Delete and insert:

**The transition period defined in Section 273 of the *Body Corporate and Community Management Act 1997* expired on the 13<sup>th</sup> July, 2000.**

### 3.5 Building Units and Group Titles Act 1980 in conjunction with Specified Acts:

Delete and insert:

**A Specified Act is as defined in Section 271 of the *Body Corporate and Community Management Act 1997*.**

**Where it is desired to lodge a Building Units or Group Titles plan under the provisions of a Specified Act, the *Building Units and Group Titles Act 1980* remains in force and shall define the requirements for plans.**

**Notwithstanding that the Building Unit and Group Titles Regulation 1998 repealed the Building Unit and Group Title Regulation 1980, the plan forms specified in the Building Units and Group Titles Regulations 1980 must continue to be used.**

**Plans will be numbered on lodgement.**

### 4.8.2 Subsidiary Parcels

After last paragraph, insert:

**A single subsidiary parcel cannot be created over multiple lots, e.g. the following are unacceptable:**

- Covenant A in Lots 1 and 2 on SP123456; or
  - Lease H in Lot 1 on RP123456 and Lot 3 on SP987654
- (Note: applies to any plan signed after 1<sup>st</sup> March 2003)

**4.10 Cancelling clause containing reference to Unallocated State Land**

Delete last dot point and insert:

- ◆ In other cases, “Cancelling part of USL (<lot-on-plan>)”. The lot-on-plan description may be omitted if none exists.

**4.13 Allocation Tables**

Delete first dot point and insert:

- + Where there is more than one original lot in the base parcel, allocate the new lots, interests and road to the original lots;

**4.19.1 After lodgement and prior to registration:**

After last paragraph, insert:

**Example Certificate of Amendment -Individual:**

*Amendments by me*  
*Licensed Surveyor ..... (Date).....*

**Example Certificate of Amendment - Company:**

*Amendments by (Company Name)*  
*Licensed Surveyor / Director..... (Date).....*

**4.19.2 After registration:**

Delete and insert:

**Corrections to registered plans may only be effected under the provisions of Section 15 of the Land Title Act 1994 and Section 291 of the Land Act 1994.**

**Corrections following registration, either by alteration or addition, may only be made:**

- ◆ following the lodgement of a Form 14, General Request, requesting such corrections. The Form 14 must be accompanied by:
  - a statement on the surveyor’s letterhead as to the correction to be made, (only if the matter is one of a minor typographical nature eg PSM number); or



- a Statutory Declaration from the licensed surveyor as to the correction to be made; and
  - supporting documentation including a copy of the plan showing the changes to be made.
- ◆ by a person holding a delegation from the Registrar to make such corrections; and
  - ◆ in a colour other than black ink that is suitable for reproduction through the scanning and photocopying processes.

Where a correction affects the metes, bounds, area or description of a parcel, a fee, in accordance with the relevant NR&M fee schedule, must accompany the Form 14, General Request.

The Statutory Declaration or the statement on the surveyor's letterhead is required to address the following elements, namely:

- state that the register is in error; and
- provide the reason and/or circumstances as to why the register is in error; and
- a statement that clarifies whether the rights of the holder of an interest recorded in the register are prejudiced by the correction; and
- the details of the changes to be made to the registered plan.

Where the error affects the parcel in dimensions, area or description the following documents must accompany the Form 14: -

- (Monuments not affected) The consent (Form 18) of the registered owner and registered proprietor of the affected lot to the correction;
- (Monuments affected) The consent (Form 18) of the registered owner and registered proprietor of the affected parcel and any adjoining registered owner who is affected by the correction.

#### 4.20 Development Approval

Insert a new section

For any plan of lots or common property in a community titles scheme lodged in the land registry, the date of the development approval as defined in the *Body Corporate and Community Management Act 1997* is required to be shown on the reverse of the plan immediately above item 12.

Development Approval: 27<sup>th</sup> February, 2002

#### 4.21 New lot boundaries and subsidiary interests:

Insert new section:

Plans of lots are required to show the intersection of new lot boundaries with any registered subsidiary interest. Sufficient information must be shown on the plan to position the intersections of the subsidiary interest with new lot boundaries. This information may be

calculated. It is not necessary to dimension the boundaries of registered subsidiary interests within the new lot/lots.

Where the new lots are within a building on a Building Format plan, intersections need not be calculated. However, the subsidiary interest must be plotted and identified on each level of the building. Where a part of a lot is fully dimensioned and outside a building, determination of intersections is required.

The intersections of new lot boundaries with registered subsidiary parcels are not required to be marked on the ground.

## 5.0 Sketches

Rename Direction 5 as Sketches

Delete first sentence, and Insert:

### 5.1 General

A sketch plan may be used in the following circumstances:

- ! Leases within a building (see Direction 5.2)
- ! Exclusive use areas for a community titles scheme. (see Direction 11.11)
- ! Services location diagram (see Direction 5.3)
- ! Water Storage Easements - inundated areas, s.82(3) *Land Title Act 1994* (see Direction 5.4)

### 5.2 Leases

If part of a building on a lot is leased, the premises must be sufficiently identified, either by means of a description satisfactory to the Registrar or a sketch which conforms with the standards required by the Registrar (s 65 of the *Land Title Act 1994*).

If part of a lot or part of a building and part of the lot outside the building is leased, a survey plan identifying the part of the land is required to be lodged and registered. This plan must be prepared in accordance with either Direction 8 or 10.

When the first lease in a large shopping centre or similar complex that will contain multiple leases of parts of the building but not part of the lot outside the building is lodged, a master sketch showing all the leased areas of the centre/complex is required to be lodged. If a master sketch is required it should not be included as part of the lease lodged for registration.

When the roof of a building is leased, it is regarded as being a lease of land. The plan must define the roof height and the leased area as a volumetric parcel in accordance with Direction 10. The lease of space for signage on the wall of a building will require similar attention.

### **5.3 Sketch plans for leases within a building**

#### **5.3.1 Minimum standards for a sketch of part of a building**

For a lease of part of a building, a detailed sketch is required. Architectural or building plans are not acceptable as lease sketches. A sketch for a lease of part of a building must:

- be drawn, on one side only, on international A4 (preferred) or A3 sized paper, unless prior permission has been sought and granted from the Registrar in cases where these sizes are impractical;
- be drawn to scale. (See Direction 5.3.13 );
- show a north point and generally be drawn with north indicating vertically (may be rotated no more than 90 degrees from the vertical);
- show the description of the lot;
- designate the leased area(s) by:
  - identifying them by an alpha character or shop number if part of a shopping complex; and
  - either outlining with lines significantly heavier than other lines on the sketch; or
  - hachuring (hachuring must not obliterate any information); and
- including an area, in square metres;
- showing the dimensions in metres;
- locate the leased area(s) as required by Direction 5.3.3 or 5.3.4 ;
- indicate the relevant level of the building if applicable;
- show relevant adjoining information;
- clearly indicate the purpose of the plan.

#### **5.3.2 Certification of lease sketch**

##### **5.3.2.1 Prepared by a licensed surveyor:**

A licensed surveyor must prepare sketches where a lease of part of a building is:

- (i) high value (more than \$ 1,000 per month rental); and/or
- (ii) long term (more than ten years).

##### **5.3.2.2 Prepared by persons other than a licensed surveyor:**

Persons other than a licensed surveyor may prepare a sketch for a lease of part of a building that is both:

- (i) low value (\$1,000 or less per month rental); and
- (ii) short term (ten years or less).

### **5.3.3 Location of leased areas of high value and/or long term**

A leased area must be unambiguously located in relation to the outer walls of the building and to cadastral boundaries. Sufficient outline of the level of the building must be shown to clearly locate the lease within the building. Connection from the outer walls of the building to an intersection of cadastral boundaries may be achieved by direct connection or deposited identification survey.

#### **5.3.3.1 Connection by direct connection**

Sufficient outline of the building must be shown on the sketch to enable unambiguous location of the leased area. Measured connections from a corner of the building to a corner of the base parcel to locate the building and clarify that the lease does not encroach onto adjoining land must be shown.

The leased area is to be connected to a corner or corners of the building by measured connections.

#### **5.3.3.2 Connection by deposited identification survey**

An identification survey may be used to locate reference marks within the base parcel that may subsequently be used in lease sketches as an alternative to connecting to a corner of the title boundary.

If an identification survey is used it:

- must be deposited before the lease;
- must show the boundaries of the base parcel;
- must show sufficient reinstated corners of the base parcel to allow unambiguous location of the building;
- must show the full outline of the building, and connections from at least two corners of the building to two reinstated corners of the base parcel;
- may show the location of reference marks within the various levels of the building to facilitate future connection of leased areas within the building.

Where an identification survey is used to locate a lease within a building, it shall be sufficient to:

- connect to a corner of the building by measured connections or connect to reference marks shown on the identification survey plan, and use the information on the identification survey plan to calculate a connection to that corner; and
- show the building location by compilation from the identification survey plan; and
- note the number of the identification survey used on the sketch.

### **5.3.4 Location of low value and short term leases**

A low value and short term lease must be unambiguously located to external corners of the building.

### 5.3.5 Leased areas in a building format lot

In the case of a leased area in a building format lot:

- the building format lot is the base parcel;
- only connections to the boundaries of the building format lot are required; and
- a building location is not required.

### 5.3.6 Leased areas in parts

A lease may not be in parts.

### 5.3.7 Leases restricted vertically

Where a lease is restricted in height or depth by other than floors and ceilings, the requirements of Direction 10 if the lease is 'long term' or 'high value'. The vertical restriction of 'short term' and 'low value' leases may be defined by measurements (for example 3 metres above the floor level).

### 5.3.8 Multiple sheets

If a single sheet is insufficient to show all details required, multiple sheets may be used. If using multiple sheets:

- information on each sheet must be drawn, on one side only, on international A4 (preferred) or A3 sized paper; and
- the first sheet must show the building location and connections to the boundaries of the base parcel. If possible, it should also show the leased area(s) to scale with references to diagrams necessary to show full detail.

### 5.3.9 Sheet numbering

A sketch must be numbered in the top right hand corner consecutively with the numbering of the lease instrument.

### 5.3.10 Standards for master sketch

A master sketch must:

- be drawn on one side of paper no larger than international A1 sized paper;
- be drawn to scale (see Direction 5.5.13);
- show a north point and generally with north indicating vertically (may be rotated no more than 90 degrees from the vertical);
- show the location of every lease currently registered and where possible, proposed lease areas;
- show an identifier for every lease that is registered and or proposed;

- provide a table with two columns, one for the lease identifier and the other for the dealing number, with the lease identifier column completed.

A master sketch may:

- comprise more than one sheet, provided each sheet is identified by the sheet number and the total number of sheets (for example, sheet 1 of 2 and sheet 2 of 2);
- show dimensions and/or areas for each lease;

#### 5.3.11 Example of certificate by licensed surveyor

I [Name], Licensed Surveyor, certify that the details shown on this sketch are correct .

(signed) Licensed Surveyor, (date)

#### 5.3.12 Example of certificate by other than a licensed surveyor

I, [Name], certify that the details shown on this sketch are correct.

(signed), (date)

#### 5.3.13 Scale of sketch

Scale ratios, or multiples of 10 thereof, which may be used in sketches:

1 : 1	2 : 1.25	1 : 1.5	1 : 2	1 : 2.5
1 : 3	1 : 4	1 : 5	1 : 6	1 : 7.5
1 : 8				

To avoid uncertainty whether any copy of a sketch has been photographically enlarged or reduced from the original, the use of a bar scale on the face of the sketch is recommended.

#### 5.4 Services location diagram (s.67A BCCM)

A services location diagram is only be used in connection with a community titles scheme. The terms services location diagram and service easement are defined in Schedule 4 (Dictionary) of the *Body Corporate and Community Management Act 1997*

The purpose of the services location diagram is to ensure that any interested party is aware of the existence of a service easement and its location within the community titles scheme. It is not the intention that the diagram is precise (survey accurate) but the information should ensure that ambiguity relating to the location of any service is avoided. Persons other than a licensed surveyor may prepare a services location diagram.

A services location diagram is to satisfy the following criteria:

- the principle that the information for which the services location diagram is prepared should be easily, readily and unambiguously identifiable from any information that may appear on the diagram must be satisfied.

- be drawn, on one side only, on international A4 (preferred) or A3 sized paper, unless prior permission has been sought and granted from the Registrar of Titles in cases where these sizes are impractical;
- be capable of reproduction at a reduced scale, without any loss of clarity;
- be drawn in black ink. The use of colours is unacceptable;
- if more than one service is shown, clearly designate each service either by a legend or noting on the face of the diagram ;
- drawn to scale. (see Direction 5.3.13);
- show a north point and generally be drawn with north indicating vertically (may be rotated no more than 90 degrees from the vertical);
- identify the date of preparation;
- show sufficient outline of any building, and other physical improvements, that would assist in the determination of the location of the services;
- dimensions, if supplied, need only be indicative;
- connections and/or offsets to the corners of lots or building features may be shown;
- each sheet must:
- show the community titles scheme name and number; and
  - make provision for and be numbered in the top right hand corner, consecutively with the sheet numbering in the CMS, and each sheet shall show the total number of sheets in the CMS; and
  - contain a title for identification.

For samples see Figure 5-1: SLD with legend and Figure 5-2: SLD without legend.

### 5.5 Water Storage Easements - inundated areas

Where an instrument is creating a public utility easement for water storage above a weir, it must show the part of the land over which water above the weir may be stored (S.82(3) *Land Title Act 1994*). The requirements of the Registrar of Titles should be sought for the type and format of plans required.

### 5.6 Samples for Services Location Diagram:

**Figure 5 - 1: SLD with legend**

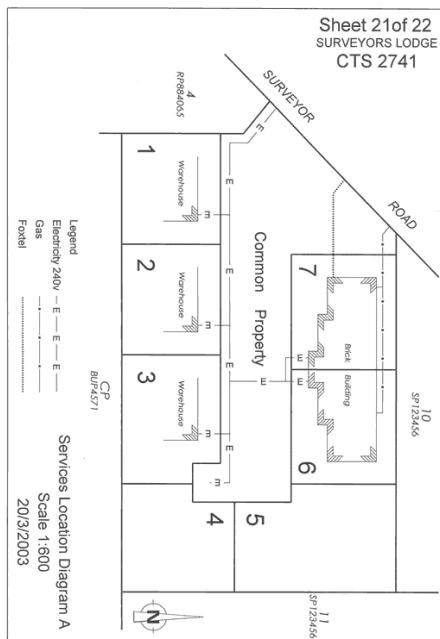


Figure 5.1: SLD with legend

**Figure 5 - 2: SLD without legend**



Figure 5.2: SLD without legend

## 6.1 Compliance with Land Title Act 1994

After last paragraph, insert:

**The purpose of the easement must not be shown on the face of the plan.**

## 6.8 Easements and Local Government Consent:

Insert new section:

**Section 83(2) of the *Land Title Act 1994* requires the plan of survey for easements giving access to a lot from a constructed road to be approved by the local government.**

## 8.1 Subdivision

After the last dot point, insert:

+ **lots and common property on a Building Format Plan provided that**

- **all the lots in the building are fully cancelled by the plan, and**
- **the whole of the building is fully contained within the new lot(s), and**



- **except when terminating a scheme, at least two lots and common property remain in the scheme.**
- + **a volumetric lot that is fully contained within a standard format lot, provided that the volumetric lot is fully cancelled.**

## **8.9 Community Titles Schemes**

Insert new section:

**Where lots on the plan are to be used as part of a community title scheme, Direction 4.20 must be satisfied.**

## **9.1 Definitions for Building Format Plans**

Replace the definition of courtyard.

**Courtyard: means a part of a lot, paved and usually at ground level, and which immediately adjoins another part or parts of the same lot on the same level and usually no greater in area than that lot. The features bounding a courtyard need not be a wall, but shall be sufficient to clearly define the area.**

Include a new definition after Existing Building

**Deck: see balcony.**

### **9.3.1 Creation of Building Format Lots**

Delete “must create at least two lots”, and insert:

**must create at least two building format lots;**

## **9.4 Lot numbers**

Delete the dot point starting with “To determine a floor number” and insert:

- **To determine a floor number,**
  - **The lowest level shall be numbered 1 or 01 as appropriate; or**
  - **the lowest level where the first main part of a lot exists shall be numbered 1 or 01 as appropriate; and**
  - **each additional floor shall be numbered consecutively, regardless of the existence or otherwise of lots on that level.**

## 9.22 Community Titles Schemes

Insert new section:

**Where lots on the plan are to be used as part of a community title scheme, Direction 4.20 must be satisfied.**

## 10.7.2 Leases on a sketch

Rename section.

## 10.13 Community Titles Schemes

Insert new section:

**Where lots on the plan are to be used as part of a community title scheme, Direction 4.20 must be satisfied.**

## 11.3 Description of Common Property:

Delete the words within the quotation marks of the first dot point commencing with "Common Property of..." and insert:

**"Common Property of <name of Community Titles Scheme> Community Titles Scheme <number of Community Titles Scheme>(<plan number>)".**

## 11.11.2 Exclusive use areas by sketch

Rename section

### 11.11.10 All Sketches

Rename section. Delete the first dot point and insert:

**be drawn on one side only on A4 sized paper for preference, or A3, unless prior permission has been sought and granted from the Registrar in cases where these sizes are impractical;**

Delete the dot point commencing "Clearly designating..." and insert:

**clearly designating them by an identifier other than a lot:**

### 11.11.19 Scale Ratios:

Insert:

To avoid uncertainty whether any copy of a sketch has been photographically enlarged or reduced from the original, the use of a bar scale on the face of the sketch is recommended.

## 15.0 Terminations

Delete section and insert:

**Part 6A, Division 7 of the *Land Title Act 1994* refers to the termination of a community titles scheme. Section 115V(3) allows the registrar of titles to create one or more indefeasible titles.**

**In general, it is expected that any community titles scheme is terminated by amalgamating all the lots and the common property into a single lot. Where this is not possible the requirements of the registrar of titles should be sought in the first instance.**

**No other actions are acceptable on the plan.**

**The plan is signed by the Body Corporate on behalf of all proprietors.**

**All easements in lots or common property within a structure must be surrendered to precede the lodgement of the plan.**

## 21.1 General

Delete the following words:

**A single covenant description cannot be created over multiple lots, e.g.**

**Covenant A in Lots 1 and 2 on SP123456**

**Max Locke,  
Registrar of Titles.  
1 May 2003**





## Land Title Act 1994

I, Max Locke, Registrar of Titles, direct that the following Directions, or parts thereof, in the Registrar of Titles Directions for the Preparation of Plans, version 3.2, be amended as follows:

### Date of effect:

These amendments are effective immediately.

### 4.8 Parcels to be described:

Delete and insert:

#### 4.8.1 Lots

**Lots shall be described as required by Section 50(a), 50(c) and/or 50(d) of the *Land Title Act 1994*. Saving that where a parcel is common property, it may be described appropriately.**

**Any lot to be dedicated for public use on registration of a plan, must be noted clearly on the face of the plan with one of the following:**

- ◆- ROAD (or New Road)
- ◆- Lot number and "PARK".
- ◆- Lot number and "RESERVE".
- ◆- Lot number and "PUBLIC USE LAND".

**In the cases of "reserve" and "public use land" the purpose may also be shown on the lot. The purpose of the "public use land" shown on the plan must be consistent with the community purposes listed in schedule 1 of the *Land Act 1994*.**

**If approval of the plan is under the *Integrated Planning Act 1997* the dedication of public use land must not be shown as a condition of the approval of the plan. However, for approval under the *Local Government (Planning and Environment) Act 1990*, the dedication and purpose for reserves and public use lands may be included in the approval.**

#### 4.8.2 Subsidiary Parcels

**The requirements of [QSIIS Standard #2 Parcel Identification](#) (August 1997) are to be satisfied when describing subsidiary parcels, namely.**

- Subsidiary parcels, i.e. Leases, Easements, Covenants, Profits a Prendre etc, shall be described with an alpha identifier where they are defined on a survey plan. Where the number of subsidiary parcels exceeds 26, double letters may be used, i.e. AA, AB, AC etc.
- For any plan, a subsidiary parcel identifier is not used more than once. The following are unacceptable:
  - Easement D and Lease D in Lot 2 on SP123456
  - Easement D in lot 2 on SP123456 and Lease D in Lot 3 on SP123456

A subsidiary parcel identifier is not repeated in any lot, e.g. a title exists for Lot 23 on RP34567 with Lease A on RP1234 and Easement B on RP23456 and Covenant H on SP987654 registered against the title - a new subsidiary parcel should not use A or B or H as an identifier.

#### 8.4 Part Lots:

Insert after "Part lots are permitted, but parts of the same lot shall not immediately adjoin one to the other.":

**Part lots may not be created on a plan of amalgamation only. In these cases, s.97A of the *Land Title Act 1994* should be utilised.**

#### 9.12 Level Diagrams

Insert after the first paragraph:

**Every level diagram shall be noted with its alpha identifier, eg Level A.**

#### 9.20.7 Certificate on Encroachment:

Following "...contained within the base parcel", add:

**If the encroachment onto the road is part of an existing building (directions 9.1 and 9.20.3) the following note shall be placed immediately above item 12 on the reverse of the plan:**

**Encroachment is part of an existing building.**

#### 12.3 Part of Common Property to be excised:

Insert new section:

##### 12.3.3 Creating New Road

If the purpose of the excision from the common property is:

- ❗ for the body corporate to dedicate and open new road; and
- ❗ the excision does not affect any part of a building or structure on a building format plan

a plan of new road may be prepared without the creation of a lot in the first instance. The description of the plan will be:

*Plan of New Road cancelling part of Common Property of <name of Community Titles Scheme> CTS <number of Community Titles Scheme>”.*

Alternatively, if a lot is created by the excision as per 12.3.1 or 12.3.2, an additional plan will be necessary to cancel the lot and dedicate and open it as new road.

#### 20.11 Dimensions

Delete and insert:

Every parcel shall be dimensioned with bearings and distances, and show an area, rounded as appropriate. The linear closure in a surround of any parcel, or part thereof, shall satisfy Section 31(6) of the Surveyors Regulation 1992.

Dimensions may be shown as “deduced”, when the information is not available from a previous plan of survey and was determined by a mathematical calculation.

About dimensions are not acceptable.

#### 21.4 Description:

Delete last paragraph, “There cannot be more than one ...is not acceptable.”

Max Locke,  
Registrar of Titles.  
29 October 2002





## Land Title Act 1994

I, Loren Russell Leader, Registrar of Titles, direct that the following Directions, or parts thereof, in the Registrar of Titles Directions for the Preparation of Plans be amended as follows:

Date of effect:

These amendments are effective immediately.

### Direction 2

Delete the definition of parcel and insert:

Parcel: means a lot, part lot, easement, lease, profit a prendre, covenant, common property, or exclusive use area.

### Direction 7

Insert additional dot point:

- Explanatory Format Plans (see Direction 20)

### Direction 8.8

Delete and insert:

Easements and Leases may be defined on Standard Format plans, and, except for Directions 8.3 and 8.4, shall follow the general principles in this Direction.

### Direction 9.1

Add the following definitions:

Patio: see verandah.

Porch: see verandah.

Storage: means a lot or part of a lot being an area for storage contained within a structure.

Direction 9.5.4

Delete the second sentence and insert:

Other part lots shall be described on the face of the plan as “balcony”, “carport”, “courtyard”, “garage”, “patio”, “porch”, “private yard”, “roof garden”, “storage” or “verandah”, or otherwise as permitted by the Registrar.

Direction 19.3

Delete and insert:

A Profit à Prendre may not be in parts.

Direction 20.10

Delete and insert:

A licensed surveyor or a person other than a licensed surveyor may prepare an explanatory plan, however the plan must be certified by a licensed surveyor in the following manner:

I, \_\_\_\_\_, Licensed Surveyor, certify that this plan is correct and has been prepared from records held in the Land Registry, Department of Natural Resources and Mines.

Licensed Surveyor,

Date.

Loren Leader,  
Registrar of Titles.  
8 January, 2002







## Land Title Act 1994

I, Loren Russell Leader, Registrar of Titles, direct that the following new Directions may be added to the Registrar of Titles Directions for the Preparation of Plans, version 3.1, and in so doing will form part of those Directions.

### Date of effect:

- Direction 20 relates to Division 2B of the Land Title Act 1994 and commenced 7<sup>th</sup> June 2001
- Direction 21 commences immediately.

Loren Leader  
Registrar of Titles  
3/07/2001



## 20. Explanatory Plans

### 20.1 Definition of Explanatory Plan:

An explanatory plan provides additional flexibility and methodology to define a secondary interest in land.

The purpose of an explanatory plan is to provide a graphical representation of an interest in an entity to create a secondary interest without any field survey. The plan is based upon mathematical calculations so that, if required in the future, the secondary interest could be identified and marked on the ground.

### 20.2 Consent of Registrar required:

Every explanatory plan to be lodged in the Land Registry must have been approved by the Registrar of Titles prior to lodgement.

Any application for consent to prepare an explanatory plan must be accompanied with sufficient information that supports the use of an explanatory plan. All applications will be considered on merit. Factors that will be considered in assessing any approval will include, but not be limited to:

1. Whether any interested party would be prejudiced by the use of an explanatory plan;
2. Application of the principle of non-complex;
3. Certainty of the boundaries of the secondary interest;
4. Remoteness of the parcel;
5. Density of surveys and survey control in the locality, and as a consequence, the likelihood of the parcel being easily identified on the ground if required in the future.
6. Topography and vegetation and inaccessibility issues;
7. Cost of Survey.

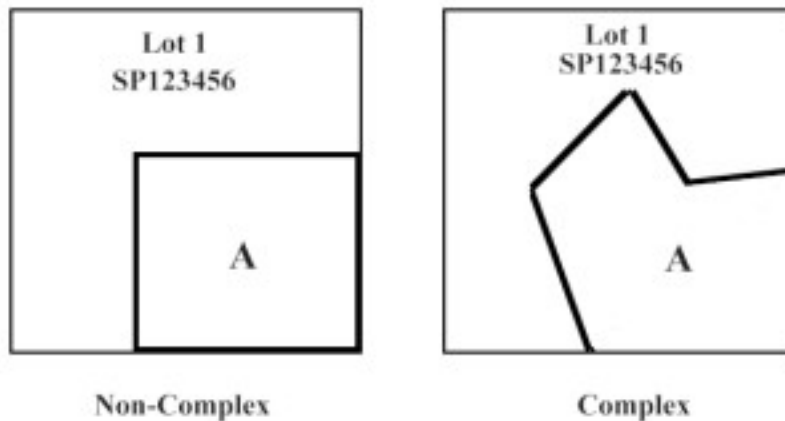
### 20.3 Use of Explanatory Plan:

An explanatory plan may be used for any of the following:

<u>Secondary Interest</u>	<u>Land Title Act 1994</u>	<u>Land Act 1994</u>
Lease	YES	NO
Easement	YES	YES
Covenant	YES	YES
Profit à prendre	YES	NO

### 20.4 Explanation of “Non-Complex”:

An explanatory plan may only be used when the boundaries of the interest to be delineated are non-complex and straightforward. In general, parcels that adhere to the shapes of a rectangle or square or parallelogram or triangle are considered to be a non-complex. Interests where the boundaries are other than non-complex are required to be prepared on a plan of survey.



### 20.5 Survey and Marking:

There is no requirement for any survey or any marking to be undertaken to prepare an explanatory plan. If a survey has been undertaken, the survey information such as reference marks, reinstatement, occupation and corner information is not to be shown on the explanatory plan.

### 20.6 Plan Preparation:

Normal plan drafting standards apply. However, the explanatory plan is to be prepared without the use of circles indicating marked corners (see 1.4 examples). Normal adjoining information such as lot-on-plan and roads, watercourses etc are required to be shown.

As the plan is lodged in the land registry, all relevant items on the reverse of the plan are to be completed.

### 20.7 Forms to be used:

Explanatory plans and any additional sheets to plans must be in the approved Form, Form 21 version 2 and Form 21A version 1 respectively and comply with Direction 3, Plan Forms, Registrar of Titles Directions for the Preparation of Plans, version 3.1.

A barcode label bearing the SP number must be added to the plan prior to lodgement.

Form 21 version 2 must be modified in the following manner:

1. "SURVEY PLAN" on the top of the form is to be crossed out and "EXPLANATORY PLAN" placed beneath;
2. The word "Explanatory" must be added to the format box;

### 20.8 Parcels to be described:

Any parcel described on an explanatory plan will be described using an alpha descriptor, e.g. Covenant A.

For clarity, the use of any alpha descriptor of a registered interest on the title should not be repeated within the one lot.

### 20.9 Title of Plan:

The title box of the plan is to be completed in such a manner that correctly describes the interest being shown on the plan,

e.g. **Plan of Covenant <alpha> in Lot <Number> on <plan>**

## 20.10 Certification:

A licensed surveyor or a person other than a licensed surveyor may prepare an explanatory plan.

- Certificate for a licensed surveyor:

**I, \_\_\_\_\_, Licensed Surveyor, certify that this plan is correct and has been prepared from records held in the Land Registry, Department of Natural Resources and Mines.**

**Licensed Surveyor,**

**Date.**

- Certificate for other than a licensed surveyor

**I, \_\_\_\_\_, certify that this plan is correct and has been prepared from records held in the Land Registry, Department of Natural Resources and Mines.**

**(signed),**

**Date.**

## 20.11 Dimensions;

Every parcel shall be dimensioned with bearings and distances, and show an area, rounded as appropriate. The linear closure in a surround of any parcel, or part thereof, shall satisfy Section 31(6) of the Surveyors Regulation 1992.

About dimensions are not acceptable.

## 21. Covenants

A covenant may only be registered if the covenantee is the State, a statutory body representing the State or a local government. A covenant may only relate to:

- The use of a lot or part of a lot; or
- The use of a building built or proposed to be built on a lot; or
- The conservation of a physical or natural feature of a lot; or
- Ensure that all lots that are subject to the covenant are transferred to another person together (the lots subject to the covenant may be freehold, non-freehold or a combination of freehold and non-freehold).

### 21.1 General:

The instrument granting the covenant must be lodged immediately after the plan.

A single covenant description cannot be created over multiple lots, e.g.

**Covenant A in Lots 1 and 2 on SP123456**

A separate plan is not necessary and the covenant may be included with a survey of lots on a plan of subdivision.

A plan is not required if the covenant covers the whole of a lot.

**21.2 Fully Dimensioned:**

Covenants must be fully dimensioned, given an area and defined on a plan of the appropriate format.

**21.3 Covenants in Parts:**

A covenant may not be in parts.

**21.4 Description:**

A covenant is described using an alpha descriptor, e.g.

**Covenant A in Lot 1 on SP123456**

Covenant may be abbreviated to "Cov" if space is limited.

There cannot be more than one occurrence of an alpha descriptor on a plan, e.g. Covenant A and Easement A in Lot 2 on SP123456 is not acceptable.

**21.5 Use of Proposed:**

The use of "proposed" is not acceptable.



## Land Title Act 1994

I, Grahame Mitchell, Registrar of Titles, direct that the following Directions, or parts thereof, in the Registrar of Titles Directions for the Preparation of Plans be amended as follows:

### Date of effect:

These amendments may be used immediately, and become mandatory for plans signed by the surveyor after a date two months following the date shown hereon.

### Direction 4.8:

Delete the heading and insert:

#### **4.8 Parcels to be described:**

Delete the second paragraph and insert:

**Any lot to be dedicated for public use on registration of a plan must be noted clearly on the face of the plan with one of the following:**

Add additional paragraphs at the end of the Direction:

**Subsidiary parcels, ie Leases, Easements, Profits a Pendre etc, shall be described with an alpha identifier where they are defined on a survey plan. Where the number of subsidiary parcels exceeds 26, double letters may be used, ie AA, AB, AC etc.**

**In the cases of "reserve" and "public use land" the purpose may also be shown on the lot. The purpose of the "public use land" shown on the plan must be consistent with the community purposes listed in schedule 1 of the *Land Act 1994*. If approval of the plan is under the *Integrated Planning Act 1997* the dedication of public use land must not be shown as a condition of the approval of the plan. However, for approval under the *Local Government (Planning and Environment) Act 1990*, the dedication and purpose for reserves and public use lands may be included in the approval.**

### Direction 5:

Delete and insert:

**For the Registrar's requirements for lease sketch plans, see the Land Title Practice Manual.**

### Direction 6.5:

Delete:

**"6.5 Restricted Easements:"**

Insert:

## **6.5 Easements Limited Vertically:**

### **Direction 6.6:**

Delete:

“is not considered to be restricted.”

Insert:

**shall not be described as “restricted.”**

### **Direction 8:**

Re-number Direction 8.5 to 8.4.2.

Re-number Direction 8.6 to 8.5.

Re-number Direction 8.7 to 8.6.

Re-number Direction 8.8 to 8.7.

Insert a new Direction at the end:

### **8.8 Easements and Leases:**

**Easements and Leases may be defined on Standard Format plans, and, except for Direction 8.3, shall follow the general principles in this Direction.**

### **Direction 9.3.1:**

Delete:

“unless the plan is a resubdivision of an existing lot, or an amalgamation of less than all existing lots, in a Building format plan, or creates additional common property for an existing Community Titles Scheme. (See Section 49C, Land Title Act).”

Insert:

**unless the plan is:**

- ◆ a resubdivision of an existing lot; or
- ◆ a resubdivision of an existing lot in an existing Community Titles Scheme which creates only one lot and additional common property; or
- ◆ an amalgamation of less than all existing lots, in a Building format plan; or
- ◆ creates additional common property for an existing Community Titles Scheme.

### **Direction 9.3.2:**

Insert an additional paragraph:

**Only one Standard Format lot may be created, apart from those noted in Direction 9.3.3.**

### **Direction 9.4:**

Delete and insert:

Lot numbers in a Building Format plan:

- ◆ shall be numeric;
- ◆ may be made up in the form FL, TFL or TL, where T is a tower number, F is a floor number, and L is the lot number.
  - T must be a single digit number, F and L may be two digit numbers. However, the number in no case may exceeds 5 digits.
  - To determine a floor number, the lowest level shall be numbered 1 or O1 as appropriate, and each additional floor shall be numbered consecutively, regardless of the existence or otherwise of lots on that level.
- ◆ shall be numbered consecutively, saving that where a numbering system based on numbers in a tower and/or level is adopted, numbers need not be consecutive from one tower or level to another;
- ◆ must not be duplicated within the one plan;

The numbering system adopted must be used consistently throughout every stage of the scheme.

Where lots are proposed for dedication to public use or for future subdivision, they may be given numbers that are higher than the total number of lots within the development.

In the case of a staged development, provided that the numbering of lots in the completed development complies with the preceding paragraphs, the numbering of lots on individual plans of stages in that development need not.

Where the requirements of this Direction would require that lot numbers in an extensive development be amended following subdivision or amalgamation of lots prior to finalization of the plan, but subsequent to contracts on other lots being exchanged, the requirement of consecutive numbering may be disregarded. In these cases, a letter from the surveyor shall be lodged with the plan justifying the numbering. Where it is not obvious on the plan that the lack of consecutive numbering is the result of subdivision or amalgamation, the provisions of Direction 1.3 should be utilised.

Direction 9.5.2:

Delete the first paragraph and insert:

- ◆ Where part lots adjoin one to the other, it is not necessary to designate each with its lot number. However, they shall be shown separated by a light line.

Direction 9.6.3:

Add to the end of the last point:

and shall be noted on the diagram for that level.

Direction 9.6.4:

Delete the second point dealing with other than private yards and insert:



- ◆ other than a private yard (eg a balcony or a courtyard, etc), it shall be shown on the level diagram (see Direction 9.12) for the level on which it lies and:
  - for horizontal definition, see Direction 9.6.2;
  - for vertical definition:
    - ⇒ where the part lot is fully or partially defined by structural elements as defined in Direction 9.6.1, no additional definition is required;
    - ⇒ where there is no upper structural element, this shall be defined by the extension of the ceiling of the adjoining part lot within the structure.

**Direction 9.10:**

Delete and insert:

Where there are multiple buildings within a Scheme, each building containing more than one lot shall be lettered sequentially, and prefixed with the word "Building" or "Bldg" and lettered commencing from "A".

Where the plan is the first of a series in a Scheme, the commencing letter may be other than "A", provided that when the Scheme is completed, the buildings are lettered in a continuous series starting from "A"

This Direction applies to Schemes with single or multiple layers.

**Direction 9.11:**

Add an additional paragraph:

Where a building is subdivided by a Volumetric Format plan into lots consisting of a number of levels in the one building, levels shall continue to be designated as required by this Direction, notwithstanding that the levels in a Building Format plan subdividing one of the Volumetric Format lots may not then commence with the letter "A". In this case, a lateral aspect diagram shall be prepared to illustrate the level relationship between the different Volumetric Format lots and the Building Format plan.

**Direction 9.12:**

Add an additional paragraph:

Where the requirements of this Direction would result in level diagrams being unusually small or large, this requirement may be disregarded. In these cases, a letter from the surveyor shall be lodged with the plan justifying the departure from the requirement. Orientation must remain the same.

**Direction 9.17:**

Delete:

- ◆ A private yard may not be restricted by any balconies or other parts of other lots that may be on higher levels in other structures.

Insert:

- ◆ A private yard may not be restricted vertically by any part of the same or another lot.

- ◆ A private yard shall be shown on the level diagram for the lowest level. Where the private yard would not immediately adjoin a part lot on the lowest level because the extent of that part lot is lesser in horizontal extent than the part lot on a higher level, a note made on the inner boundary of the private yard that it immediately adjoins the part on the higher level shall be sufficient to satisfy the requirement that a private yard must immediately adjoin a lot.

**Direction 9.20.7:**

Add an additional paragraph:

Where part of a wall of a building, but not part of a lot in the building, is noted as encroaching onto adjoining land or road, the following additional note shall be placed on the plan above the certificate noted above:

"All lots defined on this plan are wholly contained within the base parcel".

**Direction 10.7.2:**

Delete and insert:

Where the Land title Practice Manual requires that a lease be defined as a volumetric parcel, the general provisions of this Direction shall be followed.

**Direction 11.11.1:**

Delete heading and insert:

**11.11.1: Exclusive Use Areas by document or simple sketch:**

Add the following paragraphs:

Where an exclusive use area is required for a sign on a wall, it may be defined by description, supported by a lateral aspect view of the wall showing the location of the sign relative to building corners.

Where an exclusive use area is required over major tenant signage, such as are found at the entrance to a complex, it may be defined by description, supported by:

- ◆ a location sketch showing the horizontal position and size of the sign; and
- ◆ a lateral aspect view of the sign showing the relative size and position of the individual signs.

**Direction 11.11.7:**

Delete the section commencing "Where an exclusive use area immediately adjoins a building..."

Insert:

- ◆ Where an exclusive use area immediately adjoins a building or structure shown on the main plan of the Scheme and where the exclusive use area is fully defined by structural features, each boundary may be delineated only;
- ◆ Where an exclusive use area immediately adjoins a building or structure shown on the main plan of the Scheme and where it is generally rectilinear, each boundary shall be given a distance in metres;

- ◆ Where an exclusive use area immediately adjoins a building or structure shown on the main plan of the Scheme and where it is other than generally rectilinear, each boundary shall be fully dimensioned.

**Direction 11.11.9:**

Delete:

“Where an exclusive use area is on the roof of a building or podium, or outside and immediately adjacent to a building and is restricted in height, it may be described as being restricted by a feature defined on the level diagram on a Building Format plan that is immediately adjacent, or by an extension thereof.”

Insert:

- ◆ Where an exclusive use area is on the roof of a building or podium, or outside and immediately adjacent to a building and is restricted in height, it may be described as being restricted by a feature defined on the level diagram on a Building Format plan that is immediately adjacent, or by an extension thereof. The restriction applies to the whole of the exclusive use area.
- ◆ Where an exclusive use area would be unrestricted but for a part lot, ie a balcony, that projects into it, no objection is taken to defining the exclusive use area exclusive of the part lot. The sketch plan must include a lateral aspect view to illustrate the exclusion.

Delete the last two points.

Insert:

- ◆ For all other cases, the general requirements of Direction 10 (excluding Direction 10.4) shall apply, with the exception that it is not necessary to provide a volume.

**Direction 12.6:**

Delete:

- The resumption document will replace any transfer from the body corporate or a registered owner; and
- There is no requirement for the resuming authority to lodge a New Community Management Statement with the plan.

Insert:

- ◆ The resumption document replaces any transfer by the body corporate or a registered owner;
- ◆ A new Community Management Statement signed by the Resuming Authority must be lodged.

**Direction 18:**

Delete whole section including specimen plans and insert:

**As many plans have now been registered under these Directions, it is considered no longer necessary to provide specimen plans.**

**Direction 19:**

Insert new Direction

## 19 Profits á Prendre

### 19.1 Forms to be used :

If a Profit á Prendre is not over the whole of a lot (or lots) and is to be registered in the Land Registry, a survey of the area to be subject to the Profit á Prendre **must** be registered in the Land Registry. The survey plan **must** be prepared on a form 21, Version 2 (Land Title Act 1994) with additional sheets of Form 21A, version 1, if required, in either standard or volumetric format.

### 19.2 Parcels to be described :

A Profit á Prendre is a subsidiary parcel and shall be described as per Direction 4.8

*Profit á Prendre <alpha> in Lot <Number> on <plan>*

### 19.3 Profits á Prendre described as parts:

A Profit á Prendre may be described as parts, but only within one lot. Parts of the same Profit á Prendre shall not immediately adjoin one to the other. A total area shall be noted within the largest part or, if insufficient space, may be noted on the face of the plan.

### 19.4 Dimensions:

Every Profit á Prendre shall be dimensioned with bearings and distances, and show an area, rounded as appropriate. The linear closure in a surround of any Profit á Prendre, or part thereof, shall satisfy Section 31(6) of the Surveyors Regulation.

About dimensions are not acceptable.



Grahame Mitchell,  
Registrar of Titles.  
17 January, 2000

