

# Part 52 – Administrative Advices

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## Part 52 – Administrative Advices

### General Law

[52-0000]

An administrative advice is a noting recorded in the relevant register to provide further or miscellaneous information and particulars about land as authorised by legislation. Authority to enter these advices in the registers is contained in ss. 29 and 34 of the *Land Title Act 1994* and ss. 280 and 281 of the *Land Act 1994*. A number of other Acts also provide authority for notices to be provided to the Registrar with information or particulars for entry in the registers.

The purpose of these notices is to advise interested parties that a matter authorised under the relevant Act exists. These notices are entered as administrative advices on the relevant title for the lot that is the subject of the notice.

The entry of an administrative advice may prevent further dealings with the land being registered. This is determined by the legislation authorising the entry of the administrative advice.

The fee payable for the deposit of a dealing to record or remove an administrative advice will apply unless there is a statutory exemption.

Please note that administrative advices mentioned in this Part and throughout this Manual are not an exhaustive list of all administrative advices.

### Administrative Advices Which May Prevent Registration of Dealings

#### Notice under Miscellaneous Legislation

[52-0005]

Entered on title – ADMIN NOTING.

In some instances, the legislation under which a notice of this type was entered may prevent registration of a dealing. For general information about notices under miscellaneous legislation see [52-0280].

The following notice is one example that may prevent registration of a dealing.

#### Notice of Suspension of Attorney's Powers under the *Public Guardian Act 2014*

A Notice of Suspension is given to the Registrar where the Public Guardian, under the provisions of the Public Guardian Act, temporarily suspends the powers of an attorney for a person with impaired decision-making capacity (the person) and appoints the Public Trustee as attorney for financial matters for the person during the period of suspension.

A *Form 14 – General Request* with a copy of the Notice of Suspension and the Public Trustee's Certificate of Authority are required to be deposited. The Certificate of Authority also contains details of the appointment of the Public Trustee as attorney. The Notice of Suspension and Certificate of Authority are recorded on the relevant title.

The notice will remain on the title until the person is no longer the holder of the interest.

**<sup>2</sup>Caveator's Notice of Action under the *Land Title Act 1994***

[52-0010]

Entered on title – NTCE OF ACTN.

Refer to Part 11 - Caveat (esp. [11-0130] for General Law, [11-2040] for Practice, Example 7 and the Guide to completion at [11-4100]).

No deposit fee is payable.

**Removal**

If a dealing being registered has the effect of removing a caveat from the title, the Registrar will also remove any Notice of Action that is associated with that caveat.

**<sup>2</sup>Caveatee's Notice under s. 126(2) of the *Land Title Act 1994***

[52-0020]

Entered on title – NOTICE.

Refer to Part 11 - Caveat (esp. [11-0120] for General Law, [11-2035] for Practice, Example 6 and the Guide to completion at [11-4100]).

No deposit fee is payable.

**Removal**

When a dealing being registered has the effect of removing a caveat from title, the Registrar will also remove any caveatee's notice which is associated with the caveat.

**<sup>1</sup>Notice of Pecuniary Penalty Order under the *Criminal Proceeds Confiscation Act 2002***

[52-0030]

Entered on title – CONF PROFITS.

Section 197 of the Criminal Proceeds Confiscation Act authorises Queensland courts to levy pecuniary penalty orders against persons. Formerly, similar provisions were included in s. 101 of the now repealed *Crimes (Confiscation) Act 1989* (the repealed Act). Pecuniary penalty orders have the effect of charging property with the payment of money. Upon production of evidence of a penalty order from the courts, the Registrar entered an administrative advice in the register.

Section 40 of the repealed Act included authority for Queensland courts to make orders restraining dealings with property. Upon production of evidence from the court, the Registrar entered an administrative advice in the register. This practice no longer applies. The current procedure is for such orders to be filed with a caveat (see part 11, esp. [11-0066]).

**<sup>1</sup>Notice of Restraining Order under the *Drugs Misuse Act 1986***

[52-0040]

Entered on title – RESTR ORDER.

Restraining orders under the Drugs Misuse Act authorised by courts were issued with a view to impede a person from dealing with a property. Upon production of such a court order, the Registrar entered an administrative advice in the land registry.

This practice no longer applies. The current procedure is for such orders to be filed with a caveat (see part 11, esp. [11-0066]).

**Registrar of Titles Noting under the *Land Title Act 1994* or *Land Act 1994*****[52-0050]**

Entered on title – RT NOTING.

Section 34 of the Land Title Act allows the Registrar to keep information that the Registrar considers necessary or desirable for the effective or efficient operation of the register. Similar provisions are also included in the Water Act, and in s. 281 of the Land Act. Such information may include information given to the Registrar by another entity.

At the discretion of the Registrar, a noting will be recorded against a title for matters that are considered pertinent to the register.

[52-0055] deleted

**Notices under the *Water Act 2000*****<sup>2, 3</sup>Water Allocation Notice under the *Water Act 2000*****[52-0060]**

Entered on title – WATER NOTICE.

Under the provisions of the Water Act (the Act) when the chief executive of the department administering the Act prepares a water entitlement notice (WEN), the chief executive must also publish a notice stating where copies of the draft WEN are available. The public notice makes provision for existing interest holders to notify the chief executive that they intend to take action to have their interest recorded on the water allocations register (s. 73(1)(b) of the Act).

When a WEN commences, any notices which have been given to the chief executive under s. 73(1)(b) of the Act are entered by the Registrar of Water Allocations against the affected water allocation titles. Such notices remain effective until the earlier of:

- sixty business days from the date that the water allocation is recorded on the water allocation register; or
- the recording on the register of the interest mentioned in the notice.

During its currency, a notice may impede registration of dealings (s. 146A of the Act).

**Removal**

Notices under s. 73(1)(b) of the Act will appear on searches of affected titles for a period of one hundred days with a status of ‘current’ unless they are withdrawn or otherwise accounted for. The period after the expiry of sixty business days is a grace period, which is allowed for administrative purposes.

Any notice which remains on the water allocation title as current after the expiry of one hundred days from its date of lodgement will be automatically removed from title. Such notices once removed will only appear in historical searches, with a ‘not current’ status.

**<sup>2,3</sup>Notice of Distribution Operations Licence****[52-0065]**

Entered on title – DIST OPS LIC

Where a distribution operations licence (DOL) applies to a water allocation, s. 153(2) of the *Water Act 2000* makes provision for the chief executive of the administering department to give notice to the Registrar that the water allocation is one to which a DOL applies. Section 1007(3) of the Act requires the Registrar to enter notices given under s. 153(2) against the titles to affected water allocations.

All transfers, transmission by death applications and leases lodged over water allocation titles the subject of a DOL must be accompanied by an acknowledgement notice (s. 170(6) Water Act).

### Removal

If a water allocation is one to which a DOL no longer applies, the chief executive must notify the Registrar (s. 154(4) of the Act). The Registrar must remove the DOL notice from affected water allocations (s. 1007(4) of the Act).

## Notice of Appointment of Administrator under the *Guardianship and Administration Act 2000*

[52-0070]

Entered on title – APPT ADMIN.

### Tribunal Orders

Under the provisions of the Guardianship and Administration Act (the Act), the Queensland Civil and Administrative Tribunal may appoint an administrator for a matter involving an interest in land of a person with impaired decision making capacity. The administrator must notify the Registrar (s. 21 of the Act) and provide a copy of the Tribunal's order.

Subject to specific terms which may be included in the Tribunal's Order, a notice will affect transactions in the name of the person and signed during the period of the order. Documents executed during the currency of the advice will be scrutinised to ensure that they are signed by the administrator, or sanctioned by the Tribunal. The notice will remain recorded on the title until the interest is no longer held by the person.

Sections 27 and 32A of the Act provide mechanisms for notifying the Registrar of changes to the authority of appointed administrator/s.

### Court Orders

Chapter 11 Part 3 of the Act also authorises Queensland's District Court and Supreme Court to appoint an administrator. The notification must be accompanied by a copy of the court issued order (see [60-1030] for information about depositing supporting documentation).

### Prisoners

The Public Trustee is the manager of the estates of certain prisoners (for the purposes of this part, an 'affected prisoner'). As to who is an affected prisoner see LTPM [16-0040].

The Public Trustee is therefore the proper person to execute instruments or documents dealing with the prisoner's property, unless the Public Trustee has discontinued management (s. 92 of the *Public Trustee Act 1978*) or has given consent for the prisoner's administrator for financial matters to execute the instrument or document dealing with the property themselves (s. 95 of the *Public Trustee Act*).

A letter from the lodging solicitor advising the term of the sentence should be deposited with the affected dealing. If the party is an affected prisoner, a statutory declaration from the Public Trustee stating that it has no objection to the administrator executing the relevant instrument or document must be deposited. Alternatively, the Public Trustee may consent to the relevant dealing in its preferred form or by letter. This consent need not be given in a Form 18 – General Consent.

**Removal**

The Registrar will remove an advice under the Act from title when the interest affected is disposed of. Until such time as the interest is disposed of, any change, ending or revocation of appointment under the Act may be recorded on title if requested and the request is accompanied by a Tribunal/court order.

**<sup>2</sup>Priority Notice, Extension of Priority Notice and Withdrawal of Priority Notice under the *Land Title Act 1994*****[52-0080]**

Entered on title – PRIORITY NTC.

XTD PRTY NTC

W/D PRTY NTC

See part 23 – Priority Notice, Extension of Priority Notice and Withdrawal of Priority Notice.

**<sup>1</sup>Notice of Road Licence under the *Land Act 1994*****[52-0090]**

Entered on title – ROAD LICENCE

Where a road licence has issued under the provisions of s. 103(1)(a) of the Land Act and it is not the subject of a registered covenant, a notation is entered on the title for the road licence and the title of the adjoining land.

**Transfer**

To comply with the Land Act, the road licence and the adjoining land must remain in the same ownership. Therefore, where the ownership of the adjoining land is changing (for example by a transfer, record of death or a transmission application), the following applies:

- (a) the transfer or other form must also include the details of the road licence; or
- (b) the transfer or other form must be accompanied by the appropriate form to also change the ownership of the road licence, to be registered at the same time.

See [1-2095] for information about a transfer of a road licence.

**Plan of Subdivision**

Where a plan of subdivision of adjoining land is lodged and the relevant title is noted with a road licence administrative advice, the following will apply.

- the noting will not prevent registration of the plan.
- the noting will be brought forward to only the new title for every lot that adjoins/abuts the road licence.
- the road licence must be allocated on the back of the plan in a similar manner as other administrative advices.

Intended lodgers should address the issue of the road licence with State Land Asset Management prior to lodging the plan, otherwise any following transfer may experience lengthy delays when lodged.

## Administrative Advices Which Do Not Prevent Registration of Dealing

### <sup>1</sup>Notice of Intention to Resume under the *Acquisition of Land Act 1967*

[52-0100]

Entered on title – NOTC INT RES.

A constructing authority, within the meaning of the Acquisition of Land Act (the Act), may resume freehold land, an interest in freehold land or native title rights and interests in State land, for the purposes set out in the Schedule to the Act. The Act defines a constructing authority as the State, a local government, or a person authorised by an Act to take land for any purpose.

When a constructing authority proposes to resume, it shall serve a notice of intention to resume (NIR) upon any and every person who, to the knowledge of the constructing authority:

- (a) will be entitled to claim compensation under the Act in respect of the taking of the land concerned; or
- (b) is a mortgagee of the land (s. 7(1) of the Act).

<sup>2</sup>If the subject of the notice is freehold land or an interest in freehold land, the constructing authority shall forward a copy of the notice to the Registrar for noting on the relevant title (s. 7(4) of the Act). The notice must specify the purpose for which the land to be taken is required, and state the description of the land.

<sup>3</sup>If the subject of the notice is native title rights and interests in State land, the relevant area of the department administering the Act will forward a copy of the notice to the Registrar for noting on the title. In these cases s. 280 of the *Land Act 1994* is relied on as it provides discretionary powers for the chief executive to record anything that the chief executive considers to be recorded to ensure the registers are usable records of State Land.

Notices of intention to resume are also authorised by provisions included in the *Transport Planning and Coordination Act 1994* and the *State Development and Public Works Organisation Act 1971*. Notices under these Acts may relate to non-freehold land.

A NIR from a constructing authority (usually the Department of Transport and Main Roads or a local government) may contain preliminary information identifying the area of land that is to be taken. Typically, this is a design plan and the NIR will refer to the area shown on that plan but subject to final design and survey. The first “taking of land” notice which is published in the government gazette will often also refer to the area taken as shown on the design plan. At a later date when the survey is completed, an amending “taking of land” notice is published in the government gazette. The second notice forms the basis of the resumption document lodged in the registry.

Details of the resumption, including the purpose are given in a taking of land/taking of easement notice made by the constructing authority and published in the government gazette. The notice determines the name of the constructing authority that is recorded on the title and the manner in which the taken land is to be held.

If the registered owner lodges a plan of subdivision following the deposit of an NIR the surveyor must allocate which lots are affected by the notice. The Registrar will record the NIR against the relevant titles created for those lots.

### Removal

If a constructing authority amends or discontinues a resumption action, it is required to file with the land registry a notice of the amendment or discontinuance (s. 7(4A) of the Act).



The Registrar will also remove notices of intention to resume from the register when recording a resumption which fully satisfies the requirements of a constructing authority.

**<sup>1</sup>Notice under the *River Improvement Trust Act 1940***

[52-0110]

Entered on title – RIV IMP NOT.

Section 7 of the River Improvement Trust Act (the Act) authorises the creation of River Improvement Trusts as bodies corporate. The individual bodies corporate are identified and named in the regulations to the Act. Section 11 of the Act authorises a trust for a river improvement area to issue an improvement notice. The notice is in relation to river banks, and is served on the occupier and the owner of affected land.

Section 11A of the Act requires a trust to notify the Registrar that an improvement notice has been issued, or ceased to subsist or to operate.

**<sup>1</sup>Notice under the *Land Valuation Act 2010***

[52-0115]

Entered on title – DSI/OFFSET.

Under s. 258 of the Land Valuation Act the Valuer-General may notify the Registrar that a site improvement deduction applies to the land. If notified under this provision the Registrar will enter a noting against the relevant titles.

Under s. 282 of the Land Valuation Act the Valuer-General may notify the Registrar that an offsets allowance applies to the land. If notified under this provision the Registrar will enter a noting against the relevant titles.

A deposit fee is not applicable.

**Removal**

On notification by the Valuer-General, the Registrar must remove the notices under the Land Valuation Act from the register (ss. 259 and 283).

A deposit fee is not applicable.

**<sup>1</sup>Notice of Owner Builder Permit under the *Queensland Building and Construction Commission Act 1991***

[52-0120]

Entered on title – OWNER BUILDR.

Where the Queensland Building and Construction Commission (the Commission) has issued a permit to the owner of land to carry out building work, the Commission must notify the Registrar of the granting of such permit (s. 46(1) of the Act). If the Commission becomes aware that building work has been carried out by the land owner when a permit should have been, but was not obtained under s. 44 of the Act, it must also notify the Registrar of the carrying out of the building work without a permit (s. 46(2) of the Act).

**Removal**

Notices under s. 46(1) or (2) of the Act will be removed by the Registrar on the expiry of seven years from the initial entry in the Register (s. 46(4) of the Act) when another dealing is being registered. Alternatively, once the 7 year period has expired, if a registered owner requires the notice to be removed, then the registered owner (or their representative) can prepare and lodge a Form 14 General Request to remove the owner builder administrative advice.

**<sup>1</sup>Notice of Carbon Farming Initiative Project under the *Carbon Credits (Carbon Farming Initiative) Act 2011 (Cth)***

[52-0125]

Entered on title – CFI NOTING.

The Carbon Credits (Carbon Farming Initiative) Act makes provision for the administrator of a Commonwealth scheme to deposit an administrative advice to record any of the following:

- a declaration of an eligible carbon offset project;
- a variation;
- a declaration that a project is subject to a carbon maintenance program.

A deposit fee is applicable.

Item 6 should include wording to identify the specific purpose of the administrative advice.

**<sup>1</sup>Notice of Contaminated Land under the *Environmental Protection Act 1994***

[52-0130]

Entered on title – CONTAM LAND.

The Environmental Protection Act (the Act) makes provision for the administering authority to maintain various registers. One such register is the contaminated land register.

Section 379 of the Act requires the administering authority to give written notice to the Registrar of particulars of land that has been recorded in the contaminated land register.

The administering authority must also notify the Registrar when a change is made to the particulars recorded about land recorded in the contaminated land register (s. 386 of the Act).

**Removal**

When land is removed from the contaminated land register, the administering authority must notify the Registrar (s. 386 of the Act).

**<sup>1</sup>Notice of Agreement under the *Nature Conservation Act 1992***

[52-0140]

Refer to [14-3020].

**<sup>1</sup>Notice of an Enforcement Order under the *Nature Conservation Act 1992***

[52-0145]

Entered on title – NAT ENF ORD.

Under s. 173J of the Nature Conservation Act (the Act), the chief executive, after receiving notification under s. 173I(2) of the Act that an enforcement order has been made, must give the Registrar written notice that the order has been made (for recording in the register).

A deposit fee is not applicable.

**Removal**

Under s. 173L of the Act, the Registrar must remove the notice if asked to do so by the chief executive.

**<sup>1</sup>Notice of Site Registered under the *Queensland Heritage Act 1992***

[52-0150]

Entered on title – HERITAGE SITE.

Under s. 174 of the Queensland Heritage Act (the Act) the chief executive notifies the Registrar if:

- a place is entered in the Queensland heritage register as a State heritage place or an archaeological place; or
- the chief executive, under section 80 of the Act, enters into a heritage agreement that attaches to land; or
- the chief executive, under section 80(3) of the Act, changes a heritage agreement to state that it attaches to the land the subject of the agreement.

While the heritage agreement has effect and is recorded on title, the agreement is binding on the registered owner (s. 174(7) of the Act).

### Removal

Section 174 of the Act provides for the Registrar to record a removal or ending if the chief executive gives notice of such removal or ending.

### **<sup>1</sup>Notice of Access Right under the *Sugar Industry Act 1999***

[52-0160]

Entered on title – ACCESS RIGHT or TRAM EASE.

A notice of an access right granted under a repealed Act will appear on the title as ‘TRAM EASE’. A notice of an access right granted under the Sugar Industry Act is shown on the title as ‘ACCESS RIGHT’

### Permits to Pass

Where a permit to pass under s. 63 of the Sugar Industry Act is granted, the grantee must give the Registrar a signed notice in the form of a request to record an administrative advice within 28 days of the grant (s. 70(2) of the Sugar Industry Act).

The notice must:

- state the permit to pass has been granted; and
- identify the parties to the permit and the land affected; and
- be accompanied by a copy of the permit to pass.

### Cane railway easements

Where a cane railway easement under s. 63 of the Sugar Industry Act is granted, the grantee must give the Registrar notice within 28 days of the grant (s71(2) of the Sugar Industry Act).

The grantee may comply with section 71 by lodging a properly completed land registry Form 9—Easement. A Form 9—Easement must comply with the usual requirements for registration of a public utility easement under the *Land Act 1994* or the *Land Title Act 1994*. This includes the lodgement of a survey plan to identify the area affected by the easement (if not over the whole of a lot). Refer to the Land Title Practice Manual Part 9—Easement.

Registration of a cane railway easement as a public utility easement provides the parties with the benefits of the respective legislation under which it is registered.

Alternatively, the grantee may lodge a properly completed Form 14—General Request to record an administrative advice; stating that an easement has been granted, identifying the parties to the easement and the land affected by the easement (by way of sketch). A grantee who has notified the Registrar of the granting of a cane railway easement in this manner may subsequently lodge a Form 9 – Easement.

### **<sup>1</sup>Notice of Relinquishment or Cancellation of Sugar Access Right**

[52-0165]

#### **Relinquishment**

Where an access right is relinquished by the grantee, a request to remove the administrative advice may be lodged in the land registry. A copy of the relinquishment document must be deposited with the request (s. 70(2) or s. 71(2) of *Sugar Industry Act 1999*).

#### **Cancellation by Agreement**

Where a land-holder whose land is affected by an access right and the holder of the access right has cancelled the right by agreement under s. 72(1) of the *Sugar Industry Act*, a request to cancel the administrative advice may be lodged in the land registry. Evidence of the agreement must be deposited with the request.

#### **Cancellation by Order of the Land Court**

Where the Land Court makes an order to cancel a sugar access right under s. 72(2) of the *Sugar Industry Act*, a request to cancel the right may be lodged in the land registry. A copy of the order must be deposited with the request.

### **<sup>1</sup>Notice under the *Wet Tropics World Heritage Protection and Management Act 1993*** [52-0170]

Entered on title – WET TROPICS.

Under the provisions of the *Wet Tropics World Heritage Protection and Management Act* (the Act) the Wet Tropics Management Authority (the Authority) can request that the Registrar record an administrative advice over land that is within the Wet Tropics of Queensland World Heritage Area (the Wet Tropics Area). Land in the Wet Tropics Area is subject to prohibitions under section 56 of the Act and to other prohibitions and requirements under the *Wet Tropics Management Plan 1998*.

#### **Removal**

On notification by the Authority, the Registrar will remove the particulars of the land from the registrar's records on:

- (a) the repeal of a management plan over private land, or
- (b) the removal of private land from the operation of a management plan (s. 66(4) of the Act).

### **<sup>1</sup>Notices under the *Coastal Protection and Management Act 1995***

#### **<sup>1</sup>Compliance Notice**

[52-0180]

Entered on title – COAST PROT.

Section 59 of the *Coastal Protection and Management Act* (the Act) authorises the chief executive of the administering authority to issue coastal protection notices in respect of land that is within declared coastal management districts. The notices direct persons associated with affected land to take specific steps to protect the land.

Section 60 of the Act further authorises the chief executive to issue tidal works notices in respect of land. The notifications are sent to persons deemed to be responsible for existing tidal works, and direct such persons to comply with requirements set out in the notice.

Written notification of the issue of either type of notice must be given to the Registrar for entry in the registry (s. 63(2) of the Act).

### **Removal**

Once the requirements of either notice mentioned above have been complied with, the chief executive must give written notice for the removal of the earlier notice to the Registrar (s. 63(5) of the Act).

### **<sup>1</sup>Compensation Notice**

[52-0190]

Entered on title – COAST PROT.

Under Chapter 5 Part 1 of the Act, the owner of an interest in land may be entitled to monetary compensation if the existing use that could have been made of affected land is changed by a prohibition imposed by a coastal plan, or by the declaration of a coastal management district. When compensation has been paid, notification of the compensation is provided to the Registrar for recording on the relevant title (s. 158 of the Act).

### **<sup>1</sup>Reconfiguration Notice**

[52-0200]

Entered on title – RT NOTING.

The Act provides that the chief executive of the administering authority may notify the Registrar that a development application for a reconfiguration has been made for a lot in a coastal management district. If notified under the above provision the Registrar will enter a Registrar of Titles Noting (see [52-0050]).

The Registrar will not register a plan of subdivision dealing with the reconfiguration of the lot until the chief executive has issued a development permit for the application (s. 188(6)(b) of the Act).

### **Removal**

Where the Registrar has recorded a notice under s. 188(5) of the Act and the chief executive becomes aware that the information no longer applies or has been changed, the chief executive will notify the Registrar to update the register (s. 188(7) of the Act).

## **Notices under the *Vegetation Management Act 1999***

### **<sup>1</sup>Vegetation Management Notice**

[52-0210]

Entered on title – VEG NOTICE.

Under s. 70B of the Vegetation Management Act (the Act) the chief executive of the department administering the Act must give the Registrar written notice where a property map of assessable vegetation (PMAV) is made and contains a category A area.

### **Removal**

The chief executive must give written notice to the Registrar if a PMAV is replaced. The chief executive may also ask the Registrar to remove the particulars of the PMAV if the chief executive considers it is necessary or desirable to achieve the purposes of the Act or because the particulars are no longer relevant for the land the subject of the PMAV.

The Registrar must adjust or remove the particulars shown in the register as soon as is practicable.

#### **Notice of Declared Area and Management Plan**

[52-0211]

Entered on title – VEG NOTICE.

Under s. 19K(1) of the Vegetation Management Act (the Act) the chief executive of the department administering the Act must, as soon as practicable after declaring an area to be a declared area, give the Registrar written notice of the declaration and the management plan for the declared area.

#### **Removal**

Under s. 19K(5) of the Act the chief executive must give written notice to the Registrar after a declaration ends or a management plan for the land the subject of a declaration ends.

The Registrar must remove the particulars shown in the register as soon as is practicable.

#### **<sup>1</sup>Restoration Notice**

[52-0215]

Entered on title – RESTORATION.

Section 54B of the Vegetation Management Act (the Act) allows the chief executive and authorised officers of the department administering the Act to issue restoration notices. A restoration notice is issued when an authorised officer reasonably believes that a person has committed a vegetation clearing offence and the matter is capable of being rectified.

If a restoration notice is issued, the chief executive must notify the Registrar that a restoration notice has been given (s. 55A(1) of the Act). The Registrar once notified must keep records showing the restoration notice has been given to a person.

A restoration notice under the Act attaches to land, and has effect in relation to each successor in title to the land (s. 55(1) of the Act).

#### **Removal**

When a restoration notice has been complied with, withdrawn or terminated, written notice must be given to the Registrar for it to be removed from the register (s. 55A(5) of the Act). Such notices should be from an authorised officer of the department administering the Act.

#### **Notices under the *Water Act 2000***

[52-0220] and [52-0225] deleted

#### **<sup>2,3</sup>Notice of Private Water Supply Agreement**

[52-0230]

Entered on title – WATER ADVICE.

Where a holder of land (including a lessee or licensee) has taken on self-management of water supplied to their land and entered into a written agreement under the provisions of Chapter 8 Part 4A of the Water Act (the Act) the holder who has entered into such an agreement must give the chief executive of the department administering the Act a copy of the agreement. The chief executive must give the Registrar notice of the agreement (s. 1001 of the Act).

An amendment made to a private water supply agreement may also be recorded. The Registrar is notified under s. 1003(4) of the Act.

**Removal**

If a private water supply agreement is cancelled, as soon as practicable after the cancellation, the parties to the agreement must give the chief executive notice of the cancellation. The chief executive must give the Registrar notice of the cancellation. The Registrar must remove the particulars of the agreement from the register (s. 1001 of the Act).

[52-0235] deleted

**<sup>2,3</sup>Notice of Closed Water Activity Agreement****[52-0236]**

Entered on title – WATER ADVICE.

Where all registered owners of the land in an authority area have entered into a closed water activity agreement under the provisions of s. 695A of the Water Act (the Act), the chief executive of the department administering the Act must give the Registrar notice of the agreement (s. 1001(1)(b) of the Act).

Under s. 1003(5) of the Act, the Registrar must record notice of an amended agreement if asked to do so by the chief executive.

**Removal**

Under s. 1001(3)(c) of the Act, the Registrar must remove the notice if asked to do so by the chief executive.

[52-0240] moved to [52-0065]

**<sup>1,3</sup>Remedial Action Notice under the *Land Act 1994*****[52-0250]**

Entered on title – REM ACT NOT.

Section 214 of the Land Act (the Act) allows the minister administering the Act to give a State lessee or licensee a written notice to take remedial action in respect of their land.

The department will provide notification to the Registrar that a State lessee or licensee has been given notice to take remedial action. If a lessee or licensee does not carry out the remedial action required within the time stated in the notice, the tenure may be terminated.

No fee is payable for recording or removing a remedial action notice from the register.

**<sup>1,3</sup>Change of Capabilities Notice under the *Land Act 1994*****[52-0260]**

Entered on title – CAPB NOTICE.

The minister administering the Land Act (the Act) may, under s. 130A(1) of the Act, request the Registrar to note in the register against a lease that:

- independent assessment of the applicant's or transferee's financial and managerial capabilities has been made in relation to the lease; or
- the lease is a lease that will have a significant impact on the environment or the economic and social development of a locality, a region or the State; and involve a high level of investment, a substantial development period and lease conditions requiring extensive development.

**Removal**

Section 130A(9) allows the minister to remove a note made under the section if, having regard to the significant development to which the lease relates, the Minister considers its removal is appropriate.

**<sup>1</sup>Notice of Voluntary Environmental Agreement under the *State Development and Public Works Act 1971***

[52-0270]

Entered on title – VOL ENV AGR.

Where the Coordinator-General has entered into a voluntary environmental agreement in relation to land under s. 76S of the State Development and Public Works Act (the Act), the Coordinator-General must give the Registrar written notice of the agreement (s. 76U(1) of the Act). An agreement in relation to land may, under s. 76T of the Act, contain terms that are binding on registered owners of land and a registered owner's successors in title.

**Removal**

As soon as practical after an agreement ends, the Coordinator-General must give the Registrar written notice. The Registrar must remove the particulars of the agreement from the register (s. 76U(5) of the Act).

**Notices under Miscellaneous Legislation**

[52-0280]

Entered on title – ADMIN NOTING.

Where an Act requires an entity or agency to notify the Registrar to enter an advice on title but there is not sufficient need to create a separate administrative advice type, an 'Administrative Notice Miscellaneous' will be used.

The following is not an exhaustive list of the miscellaneous administrative advices which may be entered:

**<sup>1</sup>Notice of Affected Area under *Planning (Urban Encroachment— Milton Brewery) Act 2009***

Under the provisions of s. 9 of the Planning (Urban Encroachment— Milton Brewery) Act (the Act) an applicant for a development approval for land within the designated affected area must give notice to the Registrar to record a notation on the title of the affected land.

If the development application is refused the applicant must request the Registrar to remove the notice.

No fee is payable for recording or removing a notice from the register under the provision of the Act.

Note: The Act was repealed on 17 February 2012 upon enactment of the *Sustainable Planning and Other Legislation Amendment Act 2012*. Chapter 8A of the *Sustainable Planning Act 2009* and section 292 of the *Planning Act 2016* preserves and transitions the rights and immunities that were created pursuant to the Act in respect of the Milton Brewery and as such any recorded administrative advices will continue to be valid on affected titles.

**<sup>1</sup>Notice of Compulsory Acquisition of Native Title Rights and Interests under the *Acquisition of Land Act 1967***

A request to record a notation on a title that native title rights and interests have been compulsorily acquired by a constructing authority (or a similar authority so authorised by an Act to compulsorily acquire land) may be lodged by the relevant area of the department



administering the Acquisition of Land Act. A copy of the gazettal notice is required to be deposited with the request.

A deposit fee is not applicable.

**Notice of Disclaimer of Onerous Property of a Bankrupt under the *Bankruptcy Act 1966* (Cth)**

Where the Registrar is notified under the provisions of s. 133(3) of the Bankruptcy Act that a trustee of a bankrupt has disclaimed onerous freehold land or a lease or a licence under the *Land Act 1994*, a noting to this effect will be made on the relevant title.

A deposit fee is not applicable.

**Notice of Intention to Exercise Power of Sale in relation to Disclaimed Property**

Section 84A of the *Property Law Act 1974* provides for a mortgagee of disclaimed property (on or after 25 May 2020) to exercise their power of sale over the disclaimed property. The mortgagee must provide a notice in the approved form (*PLA Form 17 – Notice of Intention to Exercise Power of Sale in Relation to Disclaimed Property – Property Law Act 1974*, Section 84A) to the Registrar and each person who has an interest in the property.

The notice must be provided to the Registrar by way of a Form 14 accompanied by a *PLA Form 17*.

A deposit fee is applicable.

**<sup>1</sup>Notice of Licence Agreement under the *Transport Infrastructure Act 1994***

Where a licence is granted or there is a variation of a licence under the provisions of s. 303AB(1) of the Transport Infrastructure Act, the chief executive administering that Act must give the Registrar a written notice of the licence for recording on the title to the relevant land (s. 303AB(3) of the Transport Infrastructure Act.

A deposit fee is not applicable.

**<sup>1</sup>Notice of Pre-Acquisition Declaration under *Lands Acquisition Act 1989* (Cth)**

A notification may be given to the Registrar to enter a noting that a pre-acquisition declaration has been made under the provisions of s. 38 of the Lands Acquisition Act (Cth). The request must be accompanied by a copy of the pre-acquisition declaration.

A deposit fee applies.

**<sup>1</sup>Notice of Dedication of Low Impact Future Act under *Native Title Act 1993* (Cth)**

A notification may be given to the Registrar to enter a noting that land or water is dedicated as a low impact future act under the provisions of s. 24LA of the Native Title Act.

A deposit fee is not applicable.

**<sup>1</sup>Notice of Recreation Area Agreement under the *Recreation Areas Management Act 2006***

Under the provisions of s. 10 of the Recreation Areas Management Act (the Act), the chief executive after entering into a recreation area agreement must notify the Registrar to enter a noting against the relevant titles.

A deposit fee is not applicable.

**Removal**

On notification by the chief executive officer that the recreation area agreement is amended or cancelled, the Registrar must remove the notice from the register (s. 13(2) of the Act).

A deposit fee is not applicable.

**<sup>1</sup>Notice of Transfer under the *South East Queensland Water (Restructuring) Act 2007***

Where the Registrar has received notification under s. 116A(8) of the South East Queensland Water (Restructuring) Act that s. 116A applies to the land, a noting to this effect will be recorded on the relevant title. A deposit fee is applicable.

**Removal**

Under s. 116(9) of the South East Queensland Water (Restructuring) Act, the Registrar must cancel the notice if asked to do so by the asset owner.

A deposit fee is applicable.

**<sup>1</sup>Notice of Quarry Sales Permit under the *Forestry Act 1959***

A notice may be given to the Registrar to record quarry sales permit information under section 56 of the Forestry Act (the Act).

A deposit fee is not applicable.

**Removal**

The chief executive officer will make a request for the removal of the record of quarry sales permit information from the register (s.58 of the Act). A deposit fee is not applicable.

**<sup>1</sup>Notice of Native Title Determination under the *Native Title Act 1993 (Cth)***

[52-0290]

Entered on title – NT DETERM.

Where a native title determination has been made under the Native Title Act a request by the department administering the *Native Title (Queensland) Act 1993* is made to the Registrar to enter a noting against relevant titles.

**<sup>1</sup>Notice of Land Management Plan under the *Land Act 1994***

[52-0295]

Entered on title – LAND NOTICE.

Where approval of a land management plan for trust land has been given by the chief executive, a notification may be given to the Registrar to enter a noting against relevant titles (s. 48 of the Land Act).

A deposit fee is not applicable.

[52-0300] deleted

**<sup>1</sup>Notice of an Affected Area under the *Planning Act 2016***

[52-0305]

Entered on title – AFF AREA NOT.

Under section 269(2) of the Planning Act (the Act), the owner of registered premises with an affected area must give notice, within 20 business days after the premises are registered under the Act, to the Registrar to record a noting against relevant titles.

Under section 271(2) of the Act, an applicant for a relevant development application within an affected area must give notice, within 20 business days after making the application, to the Registrar to record a noting against relevant titles.

A deposit fee is applicable.

#### **Removal**

On notification by the registered owner, that registration of the premises has ended, or on notification by the applicant that the relevant development application has been refused, lapsed or withdrawn, the Registrar must remove the notice from the register (s. 269(7) or s. 271(3) of the Act).

The Registrar may, if requested, remove a notice if satisfied on reasonable grounds that the registration of the premises has expired or been cancelled or that the relevant development application has been refused, lapsed or withdrawn.

A deposit fee is applicable.

#### **<sup>1</sup>Notice of an Environmental Offset Protection Area under the *Environmental Offsets Act 2014***

[52-0310]

Entered on title – OFFSET AREA.

Under s. 30 or 33 of the Environmental Offsets Act (the Act), the chief executive of the department administering the Act may declare that land is an environmental offset protection area.

Notice must be given to the Registrar that the declaration has been made and this information is recorded in the register (s. 31 or s. 34 of the Act).

A deposit fee is not applicable.

#### **Removal**

Under s. 34 of the Act, the Registrar must remove the notice if asked to do so by the chief executive.

#### **<sup>1</sup>Notice of a Conduct and Compensation Agreement under the *Mineral and Energy Resources (Common Provisions) Act 2014***

[52-0315]

Entered on title – CON COM AGMT

Where a conduct and compensation agreement (CCA) is entered into under section 83 of the Mineral and Energy Resources (Common Provisions) Act (the MERC Act), the resource authority holder must give the Registrar a notice to record an administrative advice within 28 days of entering into the CCA (section 92(1) of the MERC Act).

There is no requirement for a copy of the agreement to be deposited. If the applicant is acting as an agent for the resource authority holder or the current resource authority holder differs from that named in the original agreement, reference to this must be stated on the Form 14 - General Request.

Where a solicitor signs the Form 14 on behalf of the applicant, they must print their name in full adjacent to their signature. Where the applicant signs the Form 14 the details of the signatory's authority to sign on behalf of the applicant must be provided (i.e. their name, position or designation and the name of the company). If an agent is acting on behalf of the applicant they must also include reference to their authority to sign on behalf of the applicant.

Deposit fees apply and are the responsibility of the resource authority holder as the applicant.

### Removal

The administrative advice must be removed in the following circumstances.

Under section 92(4), (5) and (6) of the Mineral and Energy Resources (Common Provisions) Act, the resource authority holder must give a notice to the Registrar to remove the administrative advice from the title where:

- the agreement ends, or
- the land that is the subject of the CCA is subdivided, and the CCA no longer applies to a new lot or lots created as a result of the subdivision.

Alternatively, any party to a CCA may give a notice to the Registrar to remove the administrative advice from the title (see section 92(7) of the MERCPC Act). If requested to do so by a party to the agreement, and the Registrar is satisfied that the agreement has ended or is no longer relevant the Registrar must remove the administrative advice. The MERCPC Act defines a party to a CCA to include the personal representatives, successors and assigns of the parties that are bound by the agreement.

A statement setting out the circumstances of the removal must be included at Item 6 of the Form 14 – General Request. The dealing number that was allocated to the administrative advice must be stated in the request.

Deposit fees are applicable.

### **Notice of an Opt-Out Agreement under the *Mineral and Energy Resources (Common Provisions) Act 2014***

[52-0320]

Entered on title – OPT OUT AGMT

Where an opt-out agreement is entered into under section 45 of the Mineral and Energy Resources (Common Provisions) Act (MERCPC Act), the resource authority holder must give the Registrar a notice to record an administrative advice within 28 days of entering into the agreement (section 92(1) of the MERCPC Act).

There is no requirement for a copy of the agreement to be deposited. If the applicant is acting as an agent for the resource authority holder or the current resource authority holder differs from that named in the original agreement, reference to this must be stated on the Form 14 - General Request.

Where a solicitor signs the Form 14 on behalf of the applicant, they must print their name in full adjacent to their signature. Where the applicant signs the Form 14 the details of the signatory's authority to sign on behalf of the applicant must be provided (i.e. their name, position or designation and the name of the company). If an agent is acting on behalf of the applicant they must also include reference to their authority to sign on behalf of the applicant.

Deposit fees apply and are the responsibility of the resource authority holder as the applicant.

### Removal

The administrative advice must be removed in the following circumstances.

Under sections 92(4), (5) and (6) of the Act the resource authority holder must give a notice to the Registrar to remove the administrative advice from the title where:

- the agreement ends, or
- the land that is the subject of the opt-out agreement is subdivided, and the agreement no longer applies to a new lot or lots created as a result of the subdivision.

Alternatively, any party to a CCA may give a notice to the Registrar to remove the administrative advice from the title (see section 92(7) of the MERCP Act). If requested to do so by a party to the agreement, and the Registrar is satisfied that the agreement has ended or is no longer relevant the Registrar must remove the administrative advice. The MERCP Act defines a party to a CCA to include the personal representatives, successors and assigns of the parties that are bound by the agreement.

A statement setting out the circumstances of the removal must be included at Item 6 of the Form 14 – General Request. The dealing number that was allocated to the administrative advice must be stated in the request.

Deposit fees are applicable.

### **<sup>1, 2</sup>Notice of an Enforcement Order or Interim Enforcement Order under the *Planning Act 2016*** [52-0325]

Entered on title – PLAN ENF ORD

Chapter 5 of the Planning Act (the Act) provides for the making of enforcement orders including:

- in the Magistrates Court – an enforcement order (see Part 4 and s. 176 of the Act); and
- in the Planning and Environment Court –
  - an enforcement order (see Part 5 and s. 180(2) of the Act); or
  - an interim enforcement order pending a decision in proceedings for an enforcement order (see Part 5 and s. 180(4) of the Act).

These orders attach to the relevant premises and bind the registered owner, successors in title and occupiers of the premises unless the relevant Court orders otherwise: (ss. 176(6) and 180(9) of the Act).

When the orders attach to premises the defendant/respondent must ask the Registrar to record the making of the order on the titles for the premises using a Form 14 – General Request (ss. 176(7), 176(11), 180(10) and 180(14) of the Act). A copy of the sealed enforcement order or interim enforcement order must be deposited with the request.

Deposit fees are applicable (ss. 176(11) and 180(14) of the Act).

See **Example 1** and the guide to completion at [52-4200].

#### **Removal**

Any person may apply to the relevant Court for a compliance order which states that an enforcement order or interim enforcement order has been complied with (ss. 176(8) and 180(11) of the Act).

If a person gives notice to the Registrar that a compliance order has been made using a Form 14 – General Request together with a copy of the sealed compliance order, the Registrar must remove the record of the enforcement order or interim enforcement order from the titles for the

relevant premises (ss. 176(9), 176(11), 180(10) and 180(12) of the Act). See **Example 2** and the guide to completion at [52-4300].

Any person may also apply to the Planning and Environment Court to cancel an enforcement order or interim enforcement order (s. 181(4) of the Act). If a person gives notice to the Registrar that an order cancelling the enforcement order or interim enforcement order has been made using a Form 14 – General Request together with a copy of the sealed order, the Registrar will remove the record of the enforcement order or interim enforcement order from the titles for the relevant premises.

Deposit fees are applicable (ss. 176(11) and 180(14) of the Act).

### **<sup>1,3</sup>Notice of an exemption from seeking written approval to transfer under the *Land Act 1994*** [52-0330]

Entered on title – EXEMPT CONS

The transfer process for state leases in the Land Act (s. 322AA) has been amended to introduce an exemption for certain leaseholders.

When transferring a state lease, eligible leaseholders will be exempt from seeking approval from the chief executive under s. 322 of the Land Act prior to lodging their transfer with the Titles Registry.

The exemption also applies to transfers of subleases and transfers of sub subleases of exempt leases. The exemption does not apply to parties who are a mortgagee in possession, a mortgagee exercising power of sale or an appointed receiver/manager.

### **<sup>1</sup>Notice of Charitable Donation Deed for Housing under the *Housing Act 2003*** [52-0335]

Entered on title – HSG DON DEED

Under section 94J(1) of the Housing Act a non-profit organisation, that is party to a charitable donation deed for a lot, may give the Registrar of Titles notice of the existence of the deed.

Notice of the existence of the deed, using a Form 14 – General Request, is recorded on the title for the lot. The notice remains recorded on the title despite any change in ownership of the lot. The notice does not prevent a person from registering an interest in the lot, exercising their rights under a registered interest, or releasing or surrendering a registered interest.

There is no requirement for a copy of the deed to be deposited.

Deposit fees are applicable.

#### **Removal**

A party to the deed, or the registered owner of the lot, may request that the notice of the existence of the deed be removed from the title for the lot. The request is made using a Form 14 – General Request.

A deposit fee is applicable.

## **1,2 Notice of Termination Resolution for a Community Titles Scheme under the *Body Corporate and Community Management Act 1997***

[52-0340]

Entered on title – TERM RES SCH

Under Chapter 2, Part 9, Division 4 of the Body Corporate and Community Management Act (the BCCM), a motion can be passed by a body corporate for the termination of a community titles scheme for economic reasons (known as an economic reasons resolution).

A termination resolution is a resolution by the body corporate to implement the terms of a termination plan in order to terminate the scheme.

Notice of termination resolution must be provided to interested parties for the community titles scheme (section 81L of the BCCM).

Notice is provided to the Registrar of Titles using a Form 14 – General Request and is recorded on all titles for lots and common property within the relevant community titles scheme. A copy of the BCCM Form 30 – Notice of termination resolution must be deposited.

A deposit fee is applicable.

### **Removal**

A notice of termination resolution may be removed only if a court has ordered that where a termination plan was passed, the termination plan is not to be implemented (s.81N(4) BCCM). The request is made using a Form 14 – General Request, with a copy of the relevant court order deposited.

A deposit fee is applicable.

## **Legislation**

[52-1000]

### **2,3 Application of the *Land Title Act 1994* to the *Water Act 2000***

Under the provisions of the Water Act, an interest or dealing may be registered in a way mentioned in the Land Title Act, subject to some exceptions.

A relevant interest or dealing may be registered in a way mentioned in the Land Title Act:

- (a) as if a reference to the freehold land register is a reference to the water allocations register; and
- (b) as if a reference to freehold land or land is a reference to a water allocation; and
- (c) as if a reference to a lot is a reference to a water allocation; and
- (d) with any other necessary changes.

### **Reference to the registrar of titles in the *Land Title Act 1994* and *Land Act 1994* and reference to the registrar of water allocations in the *Water Act 2000***

Refer to [0-8100] and [0-8200] and [0-8300].

# Practice

## Administrative Advice Types

[52-2000]

A list of the administrative advices which at present are recorded in the Automated Titles System is set out below. The list is referenced under the entry which appears on a printed title search:

- <sup>2,3</sup>**WATER NOTICE** (Water Allocation Notice under the *Water Act 2000*), see [52-0060] – **WAN**
- <sup>1</sup>**ACCESS RIGHT** (Access Right under the Sugar Industry Acts), see [52-0160] – **SAR**
- **ADMIN NOTING** (Notice under miscellaneous legislation), see [52-0005] and [52-0280] – **ANM**
- **AFF AREA NOT** (Notice of an affected area under the *Planning Act 2016*), see [52-0305] – **AAN**
- **APPT ADMIN** (Appointment of Administrator Notification under the *Guardianship and Administration Act 2000*), see [52-0070] – **APA**
- <sup>1,3</sup>**CAPB NOTICE** (Change of Capabilities Notice under the *Land Act 1994*), see [52-0260] – **CCN**
- <sup>1</sup>**CFI NOTING** (Notice of Carbon Farming Initiative project under the *Carbon Credits (Carbon Farming Initiative) Act 2011* (Cth)), see [52-0125] – **CFI**
- <sup>1</sup>**COAST PROT** (Notice under the *Coastal Protection and Management Act 1995*), see [52-0180 to 52-0200] – **CPN**
- <sup>1</sup>**CON COM AGMT** (Conduct and Compensation Agreement under the *Mineral and Energy Resources (Common Provisions) Act 2014*), see [52-0315] – **CDC**
- <sup>1</sup>**CONF PROFITS** (Order under the *Criminal Proceeds Confiscation Act 2002/Pecuniary Penalty Order*), see [52-0030] – **CPR**
- <sup>1</sup>**CONTAM LAND** (Notice of contaminated land under the *Environmental Protection Act 1994*), see [52-0130] – **CLN**
- <sup>2,3</sup>**DIST OPS LIC** (Notice of a Distribution Operations Licence under the *Water Act 2000*), see [52-0065] – **DOL**
- <sup>1</sup>**HSG DON DEED** (Notice under the *Housing Act 2003*), see [52-0335] – **HSD**
- <sup>1</sup>**DSI/ OFFSET** (Notice under the *Land Valuation Act 2010*), see [52-0115] – **LVA**
- <sup>1</sup>**HERITAGE SITE** (Site registered under the *Queensland Heritage Act 1992*), see [52-0150] – **HRS**
- <sup>1,3</sup>**EXEMPT CONS** (Exemption from Consent under the *Land Act 1994*), see [52-0330] – **EXC**
- <sup>1,3</sup>**LAND NOTICE** (Land Management Plan under the *Land Act 1994*), see [52-0295] – **LMP**



- <sup>1</sup>**NATURE ENFORCEMENT ORDER** (Enforcement order under the *Nature Conservation Act 1992*), see [52-0145] – **NEO**
- <sup>1</sup>**NATURE REFUGE NOTING** (Agreement under the *Nature Conservation Act 1992*), see [14-3020]
- <sup>1</sup>**NOTC INT RES** (Notice of Intention to Resume under the *Acquisition of Land Act 1967*), see [52-0100] – **NIR**
- <sup>2</sup>**NOTICE** (Caveatee’s Notice under the *Land Title Act 1994*), see [52-0020] – **NOT**
- <sup>2</sup>**NTCE OF ACTN** (Lodgement of Caveator’s Notice of Action under *Land Title Act 1994*), see [52-0010] – **NOA**
- <sup>1</sup>**NT DETERM** (Notice of Native Title Determination under the *Native Title Act 1993* (Cth)), see [52-0290] – **NTD**
- <sup>1</sup>**OFFSET AREA** (Notice under the *Environmental Offsets Act 2014*), see [52-0310] – **EOA**
- <sup>1</sup>**OPT OUT AGMT** (Opt-Out Agreement under the *Mineral and Energy Resources (Common Provisions) Act 2014*), see [52-0320] – **OPA**
- <sup>1</sup>**OWNER BUILDR** (Owner Builder Permit under the *Queensland Building and Construction Commission Act 1991*), see [52-0120] – **OBN**
- <sup>1,2</sup>**PLAN ENF ORD** (Enforcement Order or Interim Enforcement Order under the *Planning Act 2016*), see [52-0325] – **PAE**
- <sup>2</sup>**PRIORITY NTC** (Priority Notice under the *Land Title Act 1994*), see [52-0080] – **PNN**
- <sup>1,3</sup>**REM ACT NOT** (Remedial Action Notice under the *Land Act 1994*), see [52-0250] – **RAN**
- <sup>1</sup>**RESTORATION** (Restoration Notice under the *Vegetation Management Act 1999*), see [52-0215] – **COM**
- <sup>1</sup>**RESTR ORDER** (Restraining Order under the *Drugs Misuse Act 1986*), see [52-0040] – **RSO**
- <sup>1</sup>**RIV IMP NOT** (Notice under the *River Improvement Trust Act 1940*), see [52-0110] – **RIT**
- <sup>1</sup>**ROAD LICENCE** (Notice of Road Licence under the *Land Act 1994*), see [52-0090] – **RDL**
- **RT NOTING** (Registrar of Titles Noting under *the Land Title Act 1994*), see [52-0050] – Registrar of Titles Noting under *the Land Title Act 1994* – **RTN**
- <sup>1,2</sup>**TERM RES SCH** (Notice of Termination Resolution for a Community Titles Scheme under the *Body Corporate and Community Management Act 1997*), see [52-0340] – **TRS**
- <sup>1</sup>**TRAM EASE** (Access Right under the Sugar Industry Acts), see [52-0160] – **STE**

- <sup>1</sup>**VEG NOTICE** (Vegetation Management Notice or Notice of Declared Area and Management Plan under the *Vegetation Management Act 1999*), see [52-0210] and [52-0211] – **VMN**
- <sup>1</sup>**VOL ENV AGR** (Voluntary Environmental Agreement under the *State Development and Public Works Act 1971*), see [52-0270] – **VEA**
- <sup>2</sup>**W/D PRTY NTC** (Withdrawal of Priority Notice under the *Land Title Act 1994*), see [52-0080] – **PNW**
- **WATER ADVICE** (Water Act Advice under the *Water Act 2000*), see [52-0230]; [52-0236] and [52-0240] — **WAA**
- <sup>1</sup>**WET TROPICS** (Notice under the *Wet Tropics World Heritage Protection and Management Act 1993*), see [52-0170] – **WTN**
- <sup>2</sup>**XTD PRTY NTC** (Extension of Priority Notice under the *Land Title Act 1994*), see [52-0080] – **PNE**

**Note** – Enquiries relating to an administrative advice should be directed to the relevant authority or department administering the legislation or issuing the notice.

The registry will not provide any further detail other than that disclosed on the notice.

## Recording an Administrative Advice

[52-2010]

Where a notice is to be given to the Registrar under the provisions of an Act a *Form 14 – General Request* must be lodged, unless another form is appropriate, for example a *Priority Notice Form*. The form must identify all lots the subject of the notice and details of the legislative authority. Where required, the request must be accompanied by any relevant supporting documentation. On lodgement, the notice is allocated a dealing number and entered against the relevant title/s.

Certain administrative advices are entered by or on behalf of the person taking action. Examples of these include, but are not limited to:

- notices to the Registrar by a Caveator pursuant to s. 126(4)(b) of the *Land Title Act 1994* (Caveator’s Notice of Action)
- notices to the Registrar by a Caveatee pursuant to s. 126(2) of the *Land Title Act 1994* (Caveatee’s Notice to Registrar)
- notices of appointment of an administrator under the *Guardianship and Administration Act 2000*
- notices of a Conduct and Compensation Agreement under the *Mineral and Energy Resources (Common Provisions) Act 2014*
- notices of an Opt-Out Agreement under the *Mineral and Energy Resources (Common Provisions) Act 2014*
- notices of an Enforcement Order or Interim Enforcement Order under the *Planning Act 2016*
- notices of a charitable donation deed for housing under the *Housing Act 2003*

Other administrative advices must be entered by or on behalf of the relevant government department, agency or statutory authority or another entity authorised under the relevant legislation.

A duty notation is not required but a deposit fee applies unless there is a statutory or other exemption.

## **Removal of an Administrative Advice**

[52-2020]

An administrative advice may only be removed by the lodgement of a Form 14 – Request to remove administrative advice, unless otherwise provided for by legislation. An authorised delegate of the authority that lodged the original administrative advice notice must execute the Form 14. Where necessary, supporting evidence must also be deposited.

The dealing number that was allocated to the administrative advice must be stated in the request.

A duty notation is not required but a deposit fee applies unless there is a statutory exemption.

# **Forms**

## **General Guide to Completion of Forms**

[52-4000]

For general requirements for completion of forms see part 59.

Dealing Number



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**1. Nature of request**

ADMINISTRATIVE ADVICE

**Lodger** (Name, address, E-mail & phone number) **Lodger Code**

Queensland Building and Construction  
Commission  
22 Montague Road  
West End Qld 4101  
mail@qbcc.com.au  
1300 272 272

**2. Lot on Plan Description**

LOT 3 ON RP24687

**Title Reference**

16072084

**3. Registered Proprietor/State Lessee**

WAYNE ROBERT DERN  
LINDA ANN DERN

**4. Interest**

NOT APPLICABLE

**5. Applicant**

QUEENSLAND BUILDING AND CONSTRUCTION COMMISSION

**6. Request**

I hereby request that: a notation be made pursuant to ss. 46(1) and 46(2) of the *Queensland Building and Construction Commission Act 1991*, an Owner Builder Permit has been issued in relation to the land described above

File reference v 2.5/20478675.doc.

**7. Execution by applicant**

*B Mayberry*

BRIAN WILLIAM MAYBERRY FOR GENERAL MANAGER  
7/9/2007

**Execution Date**

**Applicant's or Solicitor's Signature**

Note: A Solicitor is required to print full name if signing on behalf of the Applicant

## General Guide to Completion of Form 14 - Request to record an administrative advice

### Item 1

[52-4010]

Insert nature of request, i.e. ‘administrative advice’.

### Item 2

[52-4020]

Each lot the subject of the notice must be fully identified with a lot on plan description and a title reference.

#### <sup>1,2</sup>Freehold Description

The description of the relevant lot/s should always read ‘Lot [no.] on [plan reference]’. Plan references must contain the appropriate prefix (e.g. ‘SP’ for a survey plan, ‘RP’ for a registered plan, ‘BUP’ for a building units plan, ‘GTP’ for a group titles plan or the relevant letters for Crown plans). The area of the lot/s is not shown.

e.g.	Lot on Plan Description	Title reference
	Lot 27 on RP 204939	11223078

#### <sup>2,3</sup>Water Allocation Description

A water allocation should be identified as ‘Water Allocation’, ‘Allocation’ or ‘WA’. All plans referring to water allocations are administrative plans. Administrative plan is abbreviated to AP as the prefix of the plan identifier.

e.g.	Lot on Plan Description	Title reference
	WA 27 on AP 7900	46012345

#### <sup>1,3</sup>State Tenure Description

The description of the relevant State tenure should always read ‘Lot [no.] on [plan reference]’. Plan references must contain the appropriate prefix (e.g. ‘CP’ for a crown plan).

e.g.	Lot on Plan Description	Title reference
	Lot 27 on CP LIV1234	40567123

### Item 3

[52-4030]

Insert full name of registered proprietor/holder. However, where the name is considered not relevant to the notice, ‘Not Applicable’ may be inserted provided approval has been given by the Registrar prior to lodgement or a written submission stating the reasons, is deposited with the form.

### Item 4

[52-4040]

Insert interest – fee simple, water allocation or State leasehold. Not Applicable may also be inserted.

### Item 5

[52-4050]

Insert full name of applicant.

**Item 6****[52-4060]**

Insert full details of the request including reference to the provisions of relevant authorising legislation.

**Item 7****[52-4070]**

Complete and execute where indicated.

Dealing Number



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**1. Nature of request**

REMOVAL OF ADMINISTRATIVE ADVICE

**Lodger** (Name, address, E-mail & phone number) **Lodger Code**

Queensland Building and Construction  
Commission  
22 Montague Road  
West End Qld 4101  
mail@qbcc.com.au  
1300 272 272

**2. Lot on Plan Description**

LOT 3 ON RP24687

**Title Reference**

16072084

**3. Registered Proprietor/State Lessee**

WAYNE ROBERT DERN  
LINDA ANN DERN

**4. Interest**

NOT APPLICABLE

**5. Applicant**

QUEENSLAND BUILDING AND CONSTRUCTION COMMISSION

**6. Request**

I hereby request that: Pursuant to s. 46 of the *Queensland Building and Construction Commission Act 1991* the administrative advice recorded on the above title under dealing number 960123456 be removed.

File reference v 2.5/20478675.doc.

**7. Execution by applicant**

*B Mayberry*

BRIAN WILLIAM MAYBERRY FOR GENERAL MANAGER  
7/9/2007

**Execution Date** **Applicant's or Solicitor's Signature**

Note: A Solicitor is required to print full name if signing on behalf of the Applicant

## General Guide to Completion of Form 14 - Request to remove an administrative advice

### Item 1

[52-4100]

Insert nature of request, i.e. ‘removal of an administrative advice’.

### Item 2

[52-4110]

Each lot the subject of the notice must be fully identified with a lot on plan description and a title reference.

#### <sup>1, 2</sup>Freehold Description

The description of the relevant lot/s should always read ‘Lot [no.] on [plan reference]’. Plan references must contain the appropriate prefix (e.g. ‘SP’ for a survey plan, ‘RP’ for a registered plan, ‘BUP’ for a building units plan, ‘GTP’ for a group titles plan or the relevant letters for Crown plans). The area of the lot/s is not shown.

e.g.	Lot on Plan Description	Title reference
	Lot 27 on RP 204939	11223078

#### <sup>2, 3</sup>Water Allocation Description

A water allocation should be identified as ‘Water Allocation’, ‘Allocation’ or ‘WA’. All plans referring to water allocations are administrative plans. Administrative plan is abbreviated to AP as the prefix of the plan identifier.

e.g.	Lot on Plan Description	Title reference
	WA 27 on AP 7900	46012345

#### <sup>1, 3</sup>State Tenure Description

The description of the relevant State tenure should always read ‘Lot [no.] on [plan reference]’. Plan references must contain the appropriate prefix (e.g. ‘CP’ for a crown plan).

e.g.	Lot on Plan Description	Title reference
	Lot 27 on CP LIV1234	40567123

### Item 3

[52-4120]

Insert full name of registered proprietor/holder. However, where the name is considered not relevant to the notice, ‘Not Applicable’ may be inserted provided approval has been given by the Registrar prior to lodgement or a written submission stating the reasons, is deposited with the form.

### Item 4

[52-4130]

Insert interest – fee simple, water allocation or State leasehold. Not Applicable may also be inserted.



**Item 5****[52-4140]**

Insert full name of applicant.

**Item 6****[52-4150]**

Insert full details of the request including reference to the provisions of relevant authorising legislation and the dealing number of the administrative advice to be removed.

**Item 7****[52-4160]**

Complete and execute where indicated.

**Example 1 – Request to record an Enforcement Order or Interim Enforcement Order under the *Planning Act 2016***

QUEENSLAND TITLES REGISTRY  
Land Title Act 1994, Land Act 1994 and Water Act 2000

**GENERAL REQUEST**

*Duty Imprint*

**FORM 14** Version 4  
Page 1 of 1

*Dealing Number*



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**1. Nature of request**

ADMINISTRATIVE ADVICE

**Lodger** (Name, address, E-mail & phone number) **Lodger Code**

Peter Mayberry  
2 Fields Road  
West End Qld 4101  
pmayberry@fields.com.au  
3012 5205

**2. Lot on Plan Description**

**Title Reference**

LOT 1 ON RP24687

16072082

LOT 2 ON RP24687

16072083

LOT 3 ON RP24687

16072084

**3. Registered Proprietor/State Lessee**

NOT APPLICABLE

**4. Interest**

NOT APPLICABLE

**5. Applicant**

PETER MAYBERRY

**6. Request**

I hereby request that: pursuant to s. 176(7) or s. 180(10) of the Planning Act 2016 the Registrar record the making of the attached enforcement order/interim enforcement order against the land described in item 2.

**7. Execution by applicant**

21/01/2019

**Execution Date**

*P Mayberry*

.....  
**Applicant's or Solicitor's Signature**

Note: A Solicitor is required to print full name if signing on behalf of the Applicant

**NOTE:** Items to be deposited:

- a copy of the sealed Enforcement Order or Interim Enforcement Order

## **1, 2 Guide to Completion of Form 14 for Example 1** [52-4200]

### **Item 1** [52-4210]

Insert nature of request, i.e. ‘administrative advice’.

### **Item 2** [52-4220]

Insert the lot on plan description and title reference for the relevant premises to which the order has attached in accordance with the Enforcement Order or Interim Enforcement Order.

The description of the relevant lot/s should always read ‘Lot [no.] on [plan reference]’. Plan references must contain the appropriate prefix (e.g. ‘SP’ for a survey plan, ‘RP’ for a registered plan, ‘BUP’ for a building units plan, ‘GTP’ for a group titles plan or the relevant letters for Crown plans). The area of the lot/s is not shown.

e.g.	Lot on Plan Description	Title reference
	Lot 27 on RP 204939	11223078

### **Item 3** [52-4230]

Insert ‘Not Applicable’ or ‘N/A’.

### **Item 4** [52-4240]

Insert ‘Not Applicable’ or ‘N/A’.

### **Item 5** [52-4250]

Insert the full name of the applicant (the defendant or respondent named in the enforcement order or interim enforcement order).

### **Item 6** [52-4260]

Insert:

“I hereby request that: pursuant to s. 176(7) or s. 180(10) of the Planning Act 2016 the Registrar record the making of the attached enforcement order/interim enforcement order against the land described in item 2.”

### **Item 7** [52-4270]

Complete and execute where indicated.

### **Items to be deposited** [52-4280]

A copy of the sealed enforcement order or interim enforcement order must be deposited with the Form 14.

**Example 2 – Request to remove a record of an Enforcement Order or Interim Enforcement Order under the Planning Act 2016 on the basis of a compliance order**

QUEENSLAND TITLES REGISTRY  
Land Title Act 1994, Land Act 1994 and Water Act 2000

**GENERAL REQUEST**

*Duty Imprint*

**FORM 14** Version 4  
Page 1 of 1

*Dealing Number*



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**1. Nature of request**

REMOVAL OF ADMINISTRATIVE ADVICE

**Lodger** (Name, address, E-mail & phone number) **Lodger Code**

Peter Mayberry  
2 Fields Road  
West End Qld 4101  
pmayberry@fields.com.au  
3012 5205

**2. Lot on Plan Description**

**Title Reference**

LOT 1 ON RP24687

16072082

LOT 2 ON RP24687

16072083

LOT 3 ON RP24687

16072084

**3. Registered Proprietor/State Lessee**

NOT APPLICABLE

**4. Interest**

NOT APPLICABLE

**5. Applicant**

PETER MAYBERRY

**6. Request**

I hereby request that: pursuant to s. 176(9) or 180(12) of the Planning Act 2016 the Registrar receive notice of the making of the attached compliance order and remove the administrative advice recording the making of the enforcement order/interim enforcement order with the dealing number 712345678 from the land described in item 2.

**7. Execution by applicant**

21/01/2019

**Execution Date**

*P Mayberry*

.....  
**Applicant's or Solicitor's Signature**

Note: A Solicitor is required to print full name if signing on behalf of the Applicant

**NOTE:** Items to be deposited:  
• a copy of the sealed Compliance Order.

## 1, 2 **Guide to Completion of Form 14 for Example 2** [52-4300]

### **Item 1** [52-4310]

Insert nature of request, i.e. ‘removal of an administrative advice’.

### **Item 2** [52-4320]

Insert the lot on plan description and title reference for the relevant premises for which the enforcement order or interim enforcement order has been complied with under the compliance order.

The description of the relevant lot/s should always read ‘Lot [no.] on [plan reference]’. Plan references must contain the appropriate prefix (e.g. ‘SP’ for a survey plan, ‘RP’ for a registered plan, ‘BUP’ for a building units plan, ‘GTP’ for a group titles plan or the relevant letters for Crown plans). The area of the lot/s is not shown.

e.g. <b>Lot on Plan Description</b>	<b>Title reference</b>
Lot 27 on RP 204939	11223078

### **Item 3** [52-4330]

Insert ‘Not Applicable’ or ‘N/A’.

### **Item 4** [52-4340]

Insert ‘Not Applicable’ or ‘N/A’.

### **Item 5** [52-4350]

Insert the full name(s) of the applicant(s).

### **Item 6** [52-4360]

Insert:

“I hereby request that: pursuant to s. 176(9) or s. 180(12) of the *Planning Act 2016* the Registrar receive notice of the making of the attached compliance order and remove the administrative advice recording the making of the enforcement order/interim enforcement order with the dealing number [DEALING NUMBER] from the land described in item 2.”

The dealing number of each administrative advice that records the relevant enforcement order or interim enforcement order must be included.

### **Item 7** [52-4370]

Complete and execute where indicated.

### **Items to be deposited** [52-4380]

A copy of the sealed compliance order must be deposited with the Form 14.

## Case Law

[52-7000]

Nil.

## Fees

[52-8000]

Fees payable to the Titles Registry are subject to an annual review. Refer to the Titles Fee Calculator available online or see [60-8000].

## Cross References and Further Reading

[52-9000]

Part 49 – Water Allocations

### Notes in text

[52-9050]

Note<sup>1</sup> – This numbered section, paragraph or statement does not apply to water allocations.

Note<sup>2</sup> – This numbered section, paragraph or statement does not apply to State land.

Note<sup>3</sup> – This numbered section, paragraph or statement does not apply to freehold land.