



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 7th 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.

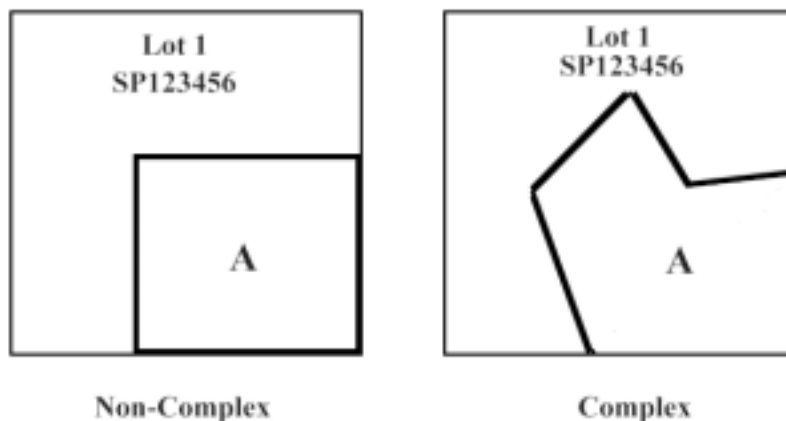
20.3 Use of Explanatory Plan:

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.