



## 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

