



## Land Title Act 1994

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

### Date of effect:

These amendments are effective immediately.

### 3.4.1 Plans for Community Titles Schemes:

Delete and insert:

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

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

Delete and insert:

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

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

**Notwithstanding that the Building Unit and Group Titles Regulation 1998 repealed the Building Unit and Group Title Regulation 1980, the plan forms specified in the Building Units and Group Titles Regulations 1980 must continue to be used.**

**Plans will be numbered on lodgement.**

### 4.8.2 Subsidiary Parcels

After last paragraph, insert:

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

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

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

Delete last dot point and insert:

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

**4.13 Allocation Tables**

Delete first dot point and insert:

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

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

After last paragraph, insert:

**Example Certificate of Amendment -Individual:**

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

**Example Certificate of Amendment - Company:**

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

**4.19.2 After registration:**

Delete and insert:

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

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

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

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

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

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

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

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

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

#### 4.20 Development Approval

Insert a new section

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

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

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

Insert new section:

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

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

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

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

## 5.0 Sketches

Rename Direction 5 as Sketches

Delete first sentence, and Insert:

### 5.1 General

A sketch plan may be used in the following circumstances:

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

### 5.2 Leases

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### 5.3.3.1 Connection by direct connection

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

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

#### 5.3.3.2 Connection by deposited identification survey

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

If an identification survey is used it:

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

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

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

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

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

### **5.3.5 Leased areas in a building format lot**

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

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

### **5.3.6 Leased areas in parts**

A lease may not be in parts.

### **5.3.7 Leases restricted vertically**

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

### **5.3.8 Multiple sheets**

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

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

### **5.3.9 Sheet numbering**

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

### **5.3.10 Standards for master sketch**

A master sketch must:

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

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

A master sketch may:

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

#### 5.3.11 Example of certificate by licensed surveyor

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

(signed) Licensed Surveyor, (date)

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

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

(signed), (date)

#### 5.3.13 Scale of sketch

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

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

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

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

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

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

A services location diagram is to satisfy the following criteria:

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

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

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

### 5.5 Water Storage Easements - inundated areas

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

### 5.6 Samples for Services Location Diagram:

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

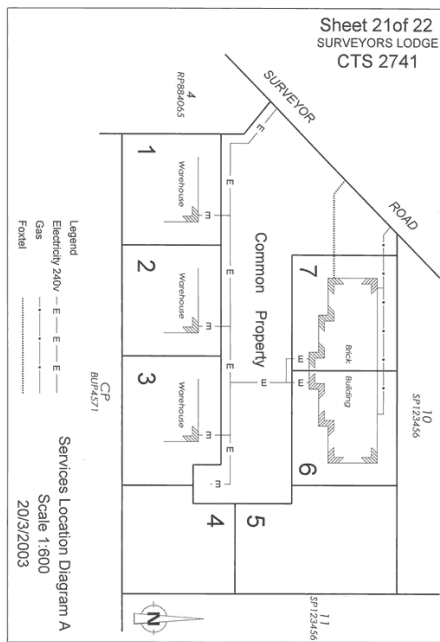


Figure 5.1: SLD with legend

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

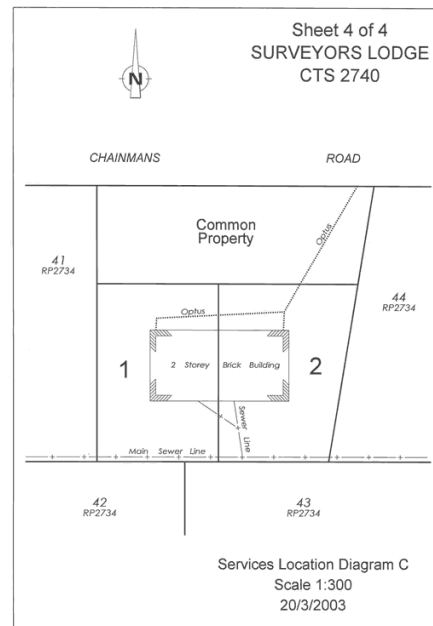


Figure 5.2: SLD without legend

**6.1 Compliance with Land Title Act 1994**

After last paragraph, insert:

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

**6.8 Easements and Local Government Consent:**

Insert new section:

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

**8.1 Subdivision**

After the last dot point, insert:

- ◆ **lots and common property on a Building Format Plan provided that**
  - **all the lots in the building are fully cancelled by the plan, and**
  - **the whole of the building is fully contained within the new lot(s), and**

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

## **8.9 Community Titles Schemes**

Insert new section:

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

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

Replace the definition of courtyard.

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

Include a new definition after Existing Building

**Deck: see balcony.**

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

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

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

## **9.4 Lot numbers**

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

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

## 9.22 Community Titles Schemes

Insert new section:

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

## 10.7.2 Leases on a sketch

Rename section.

## 10.13 Community Titles Schemes

Insert new section:

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

## 11.3 Description of Common Property:

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

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

## 11.11.2 Exclusive use areas by sketch

Rename section

### 11.11.10 All Sketches

Rename section. Delete the first dot point and insert:

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

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

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

### 11.11.19 Scale Ratios:

Insert:

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

## 15.0 Terminations

Delete section and insert:

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

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

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

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

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

## 21.1 General

Delete the following words:

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

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

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

