



Land Title Act 1994

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

Date of effect:

These amendments are effective immediately.

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

Delete and insert:

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

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

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

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

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

Plans will be numbered on lodgement.

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

Insert new section:

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

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

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

Plans will be numbered on lodgement.

4.10 Cancelling clause containing reference to unallocated state land:

Delete and insert:

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

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

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

“Cancelling part of USL, being closed road”.

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

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

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

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

4.13 Allocation tables:

Add at commencement of section:

See also 22 Allocations

4.19 Amendments to plans:

Delete 4.19.1 and 4.19.2 and insert:

See 23 Amendments to Plans

4.20 Development Approval

Delete and insert:

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

Development Approval: 27th February 2002

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

"no development approval necessary"

4.22 Registered encumbrances to be plotted:

Insert new section:

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

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

4.23 Revocations (Acquisition of Land):

Insert new section

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

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

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

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

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

4.23.1 Land taken as a lot in fee simple

The revocation plan must:

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

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

4.23.2 Land taken as Road

The revocation plan must:

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

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

5.3.1 Minimum standards for a sketch of part of a building

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

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

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

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

5.3.13 Scale of sketch:

Delete scale “2:1.25” and replace:

1 : 1.25

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

Amend section heading to:

Services location diagram (s.70 BCCM):

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

... Schedule 6 ...

6.5 Easements limited vertically:

After the second dot point, insert:

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

6.9 Description

Insert new section:

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

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

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

9.17 Private yards:

Delete the first dot point and insert:

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

After the second dot point insert:

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

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

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

Delete and insert:

Provided that:

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

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

However:

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

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

9.20.2 Encroachment onto an adjoining lot or unallocated state land:

Delete last paragraph and insert:

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

9.20.3 Encroachment onto road

Insert at the end of the section:

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

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

Insert new section

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

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

9.24 Examples for building format plans

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

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

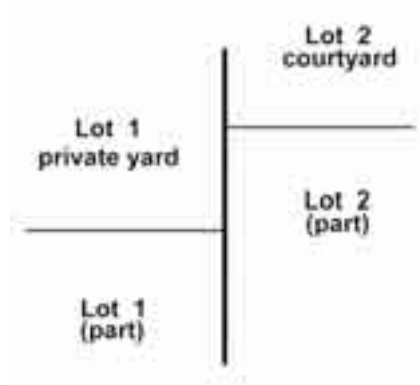
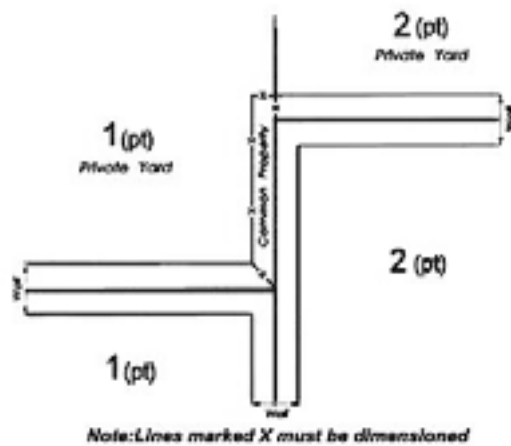


Figure 9-18: Private Yard – acceptable – does not adjoin main part of adjoining lot.



10.10.1 Intersections and vertices to be defined:

Delete and insert:

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

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

Or

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

- ◆ levels on the Australian Height Datum,

unless the provisions of Directions 10.10.5 or 10.10.6 are adopted.

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

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

10.12.1 Isometric diagram:

After the first paragraph, insert:

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

11.3 Description of common property:

Delete and insert:

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

- ◆ **In the cancelling clause:**

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

“Community Titles Scheme” may be abbreviated to CTS.

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

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

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

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

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

12.4 Part or all of a lot to be excised:

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

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

12.6 Resumptions:

Delete the last dot point and insert:

◆ A new Community Management Statement must be lodged.

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

19.2 Parcels to be described:

Rename as **Description:**

Delete the first sentence and insert:

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

20.6 Plan preparation:

Delete reference to the example in the first paragraph.

21.4 Description

Delete the first sentence and insert:

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

22 Allocations

Insert new sections:

22 Allocations

22.1 Introduction and rationale:

See Direction 4.13 Allocation Tables

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

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

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

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

The Registrar of Titles requires two categories of allocations:

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

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

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

22.2 Actions under the Acquisition of Land Act 1967:

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

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

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

22.3 Use of dealing number:

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

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

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

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

22.4 Lot allocations:

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

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

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

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

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

EXAMPLE:

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

Table 22-1: Lot Allocation

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

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

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

Table 22-2: Lot and Common Property Allocation

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

22.5 Portion allocations:

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

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

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

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

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

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

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

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

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

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

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

Table 22-3: Portion Allocation

Note:

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

22.6 Interest allocations:

22.6.1 Existing mortgage allocations:

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

For clarity:

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

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

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

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

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

Table 22-4: Mortgage Allocation

22.6.2 Existing registered easement allocations:

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

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

22.6.3 Benefit easements:

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

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

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

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

Table 22-5: Benefit Easement Allocation

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

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

22.6.4 Encumbrance easements – burdening the land:

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

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

Table 22-6: Encumbrance Easement Allocation

Before making this allocation, it must be determined that:

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

22.6.5 Easements absorbed in new road:

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

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

OR

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

Table 22-7: Encumbrance Easement (Road) Allocation

22.6.6 Existing leases:

Where any plan is:

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

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

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

Examples:

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

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

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

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

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

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

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

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

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

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

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

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

The allocation table below allows for the following:

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

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

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

Table 22-9: Lease Allocation (building format)

Before making this allocation, it must be determined that:

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

22.6.7 Existing covenants:

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

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

Table 22-10: Covenant Allocation

22.6.8 Existing profit a` prendre:

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

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

Table 22-11: Profit a Prendre Allocation

22.6.9 Existing administrative advices:

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

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

Example of Note: NIR 123456789 is fully satisfied.

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

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

Table 22-12: Administrative Advice Allocation

22.7 Local Government allocation:

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

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

Table 22-13: Local Government Allocation

22.8 Special cases:

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

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

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

23 Amendments to Plans

Insert new sections:

23.1 General:

In general terms, plans may be amended:

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

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

Example Certificate of Amendment - Individual:

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

Example Certificate of Amendment - Company:

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

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

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

23.2 Authorising another surveyor:

23.2.1 Overview – authorising another surveyor:

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

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

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

23.2.2 Certification of plans by another surveyor:

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

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

Amendments by me

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

23.3 Amendments to original plans prior to lodgement:

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

23.4 Amendments after lodgement but prior to registration:

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

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

The certificate of amendment should be added to the plan:

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

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

23.5 Corrections after registration:

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

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

- ◆ following the lodgement of a Form 14, General Request, requesting such corrections. The Form 14 must be accompanied by:
 - 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 NRM&E fee schedule, must accompany the Form 14, General Request.

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

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

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

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

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

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

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

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

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

23.6 Building unit and group title plans:

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

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

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

23.7 Identification plans:

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

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

23.8 Patent error:

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

Patent error corrections may include:

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

Patent error corrections cannot be used for:

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

23.9 Requisitions:

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

Replace “subsidiary”

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

Change of Department’s Name

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

Max Locke,
Registrar of Titles and
Registrar of Water Allocations.
14th May 2004

