



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 3.5, be amended as follows:

Date of effect:

These amendments are effective immediately.

1.1 Context of references:

Delete the first dot point and replace with the following:

“ a reference to a section, schedule or clause of a schedule is a reference to a section, schedule or clause of the *Land Title Act 1994*, or the *Land Title Regulation 2005*. “

3.1 Approved forms:

Delete the second last dot point and replace with the following:

“ have information, signatures and seals added in a manner that is permanent and can be imaged by mechanical or digital processes to produce a copy or a reduced size copy satisfactory to the Registrar. “

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

In the first sentence of this section change the section of the relevant legislation from 271 to 326, so that it reads:

“ A Specified Act is as defined in Section 326 of the *Body Corporate and Community Management Act 1997*. “

Delete the second last sentence of this section and replace with the following:

“ Where possible, a common form for use under the *Building Units and Group Titles Regulation 1998* has been adopted. “

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

Delete the second paragraph of this section:

4.5 Plan with additional sheets:

Delete the second dot point and replace with the following:

“ all primary parcels, together with their identifiers, created on the plan; “

4.5.1 Plan with replacement sheets:

Insert the following new subsection:

“ **Plan with replacement sheets:**

Where a plan is amended after lodgement but before registration and the amendment is such that a replacement sheet is warranted the erroneous sheet is fully cancelled and the replacement sheet is inserted and the overall page count of the plan must increase and the existing sheets must be amended to reflect the increase in number of sheets to the plan. “

4.8.1 Lots:

Delete the second sentence and replace with the following:

“ **Any lot to be dedicated for public use on registration of a plan, must be noted clearly and prominently on the first sheet of the plan with one of the following:** “

Delete the first dot point and replace with the following:

“ **ROAD (or New Road) The descriptors “Lane”, “Pathway” and “Highway” are unacceptable.** “

4.8.2 Secondary parcels:

Add the following sentence at the end on the section:

“ **A secondary parcel may not be created in parts.** “

4.12.1 North may be rotated:

Delete the first sentence and replace with the following:

“ **North may be other than vertical on the page, but it must not be rotated more than 90 degrees clockwise from the vertical and must be clearly noted by a North Point. This Direction does not permit a protractor to indicate north other than as noted in Direction 4.12. “**

4.13 Allocation tables:

Delete this section but leave the heading and the cross reference:

4.16 Plans may be compiled:

Delete the last sentence and replace with the following:

“ **it is acceptable for the parcel or parcels to be compiled in accordance with Section 17 of the *Surveying and Mapping Infrastructure Regulation 2004* if that is appropriate.** “

5.1 General:

Delete the first sentence and replace with the following:

“ The requirements of Direction 4.8.2 apply to this section saving that where a building exists over two or more lots a lease of part of that building may exist over two or more lots. “

5.3.1 Minimum standards for a sketch of part of a building:

Delete the fourth dot point and replace with the following:

“ show the description of the lot(s) affected by the lease; “

Delete the seventh dot point and replace with the following:

“ dimensions (see Direction 2);

- where the lease is bounded by structural elements or physical features, no dimensions are required. If structural elements or physical features are used to define the lease, the sketch plan must indicate what structural elements or physical features are used;
- where the lease is not bounded by structural elements, those boundaries not identified by a structural element must be dimensioned, saving that, if these boundaries are generally rectilinear (see Direction 11.11.4), distances only may be shown; “

6.1 Compliance with *Land Title Act 1994*:

Add the following after the last sentence:

“ Where an easement is to encumber the whole of a lot the use of a plan to describe that easement is not permitted. “

8.3 Lot Numbers:

Replace the section with the following:

“Lot numbers:

Lot numbers on a Standard Format plan shall be numeric and the numbering shall generally be at the discretion of the surveyor provided that the numbering is:

- Unique on the plan
- Avoids the repetitive use of numbers 1 and 2
- Not similar to numbers of adjoining lots
- Limited to a number of digits (5) as per QSIS Standard #2 Parcel Identification
- Close to consecutive as reasonably possible.

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. “

8.4 Part lots:

Replace the section with the following:

“ Part lots are permitted, but parts of the same lot shall not immediately adjoin one to the other. Part lots may be separated by a road or a watercourse or a lot or a combination of these. The extent of the physical separation of the part lots should be limited to where the part lots can be effectively and efficiently used a single lot.

Where the separation of the part lots exceeds this limit the part lots should be identified as separate lots and they should be the subject of a covenant registered pursuant to s.97A(3)(c) of the *Land Title Act 1994*.

Part lots may not be created on a plan of amalgamation only. In these cases, a covenant registered pursuant to s.97A(3)(c) of the *Land Title Act 1994* should be utilised. “

8.4.2 Part Lots joined by vincula:

Replace this section with the following:

Severed lots joined by vincula:

“ A vincula may be used to show the bound severances of a lot. Where a vincula binds all of the severances, it is not necessary to show the area of each severance, and a total area only is required. “

8.7 Lots with an existing restrictions “relative to the surface of the land” or by level:

Replace the dot points with the following:

- ◆ the main plan shall bear a prominent note, located immediately above the title block, detailing the restriction and the lots affected. The restriction shall indicate the extent of the restriction and a reference to the original plan of subdivision that created the surface and subsurface titles. The following is an example of the statement required,

Lot XX is restricted to a depth of x.xxx from the surface as defined by RP123456.

and

- ◆ the description shall refer to the lot or lots as “Restricted”, i.e Lot 1 (Restricted)

and

- ◆ the cancelling clause shall refer to the cancelled lot or lots as “Restricted”, i.e Lot 5 on RP123456 (Restricted).

8.8 Easements and leases:

Add the following after the first sentence

“ Easements and Leases must not be defined in parts other than as permitted in Direction 10.4. See also Direction 4.8.2. ”

9.1 Definitions for building format plans

Add the following word immediately before the word “paved” in the description of a courtyard:

“ predominately ”

9.5.2 Part lots adjoining

Add the following at the end of the last sentence of the first dot point:

“ The part lot shall be designated with its descriptor and an area. “Part” or “pt” is not used when there is no lot number. ”

9.5.4 Description of part lots

Replace the first sentence with the following:

“ A part lot that is a main part of a lot, and which is fully bounded by walls, floors and ceilings shall not be given any description other than the lot number. ”

Add the following words after the word “storage”

“ , “deck”, “void” ”

9.5.5 Void:

Add the following sentence at the end of the last sentence:

“ A void may not exist in common property. ”

9.6.3 Where the vertical boundaries of lots or part lots in a building or structure are:

Add the following at the end of the last sentence of the last dot point:

“ The following is an example of the statement required in the above situation Lot <num>

is limited to a height of <num> metres above the floor of Level <alpha> ”

9.6.4 Where a part lot outside a building or structure is:

Replace the first dot point with the following:

“ a private yard, each corner shall be marked, in accordance with the Departmental standards for cadastral surveys section 3.22.1 and each boundary shall be fully dimensioned other than those that immediately adjoin another part of the same lot that is

fully defined by structural elements. “Marked” shall include normal references to occupation at corners. A private yard shall be shown on the level diagram for the lowest level. “

9.7 External Boundaries

Add the following at the end of the last sentence of the first paragraph:

“ **Common Property is not to be labelled on the first sheet of a Building Format Plan. Common Property extends to the centre line of the walls and therefore it can only be correctly depicted on the level diagrams.** “

9.8 Location of Buildings

Add the following at the end of the section:

“ **The description of the type of building is optional.** “

9.12 Level diagrams

Add the following before the last paragraph:

“ **If applicable the buildings on the level diagrams should be labelled with their building identifier, eg Building A.** “

9.20.3 Encroachment onto road:

Add the following at the end of the last sentence:

“ **If consent to the encroachment is granted by the Minister there is no requirement to obtain the consent of the Local Government.** “

10.3 Lot numbers:

Add the following at the end of the section:

“ **Volumetric lot identifiers are to be shown in a broken format with the standard format remainder lot identifier shown in a solid format.** “

10.6 Volumetric easements:

Add the following at the end of the section:

“ **Volumetric easement identifiers are to be shown in a broken format.** “

10.7 Volumetric leases:

Add the following at the end of the section:

“ **Volumetric lease identifiers are to be shown in a broken format.** “

10.10.4 Rectangular co-ordinates:

Replace the third, fourth and fifth dot points with the following:

- ◆ Where the co-ordinate system is the Map Grid of Australia (MGA), the co-ordinates of at least one Permanent Mark adjacent to the survey, and the co-ordinates of the Permanent Mark used for the datum of the Map Grid of Australia (MGA) Co-ordinates shall be shown on the main plan.
- ◆ Co-ordinates on the Map Grid of Australia (MGA) may be truncated by subtracting from every northing value on the plan a fixed even offset, and from every easting value on the plan a fixed even offset. The adopted offsets shall be prominently noted on the main plan.
- ◆ Where the co-ordinate system is other than the Map Grid of Australia (MGA), the co-ordinates of at least two Permanent Marks outside the confines of the survey shall be shown on the plan together with at least one additional Permanent Mark within the confines of the plan which should, where possible, be affixed to a permanent structure.

Add the following sentence at the end of the section:

“ The use of rectangular co-ordinates as part of the definition of a volumetric parcel is suggested when the volumetric parcel is of a complex nature. ”

11.8.2 Lots converted to common property

Add the following dot point after the first dot at the end of the last sentence of the first paragraph:

“ the area of the lot(s) being subdivided into common property shall be noted on the face of the plan by a broken line, except where this would coincide with a boundary of the lot. If the defined area is not shown by broken lines, it shall be described by station numbers, eg A-B-C-D-A. A statement on the face of the plan shall note that the defined area was a lot(s) and, in the case of a standard format plan, shall provide an area. ”

22.1 Introduction and rationale:

Replace this section with the following:

“ 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, Mines and Water, the authority to register plans affecting state tenures.

All plans of surveys which change the description of a parcel of land, or define a new interest in 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. Correct allocations are integral to a correct and complete land registry.

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 correct and completed allocations.

The Registrar of Titles requires two categories of allocations:

- ◆ Lot allocations (which indicates how an existing title is to be divided and new titles created); and
- ◆ Interest allocations (which enable the preparation of endorsements on an indefeasible title to show the effect of a survey against the current 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.

Generally, at a minimum, the following allocation tables shall be provided on the reverse of the main plan for the following:

- ◆ Where there is one or more than one original lots in the base parcel being dealt with, allocate the new lots, interests and new road to the original lot or lots;
- ◆ Where there is more than one original portion and more than one new lot being created on the plan, allocate the new lots to the original portions;
- ◆ Where any registered interest affects only part of the base parcel, allocate that interest to the new lots, either fully or partially. “

22.4 Lot allocations

Replace the first sentence in this section with the following:

“ On every plan of survey the new lots (including common property), secondary interests and/or new roads on that plan of survey must be allocated to the underlying original lot or lots that the plan is cancelling. “

Replace tables 22-1 and 22.2 with the following tables:

EXAMPLE:

Title Reference	Description	New Lots	Road	Emts	Cov	Profit a` prendre
12349083	Lot 1 on RP123987	1 - 3	New Rd	A, B		
12345678	Lot 5 on RP813965	3 - 5	New Rd	B, C	E	
12345678	Lot 6 on RP813965	4 - 7				F
18672223	Lot 2 on RP230965	5, 6 & CP		D		
15692213	Lot 1 on SL2398	4 – 8	New Rd			
14569875	Lot 5 on RP873943	8				
17693211	Lot 782 on		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
12345678	Lot 5 on RP813965	3 - 5	New Rd	B, C
12345678	Lot 6 on RP813965	4 - 7		
18672223	Lot 2 on RP230965	5, 6		D
15692213	Lot 1 on SL2398	4 – 8	New Rd	
14569875	Lot 5 on RP873943	8		
17693211	Lot 782 on		New Rd	
18945367	CP on SP123456			E, F
18945367	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:

Delete “/or” in the first sentence so that it reads:

“ **Where there is more than one new lot on the plan and 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.** ”

22.6.1 Existing mortgage allocations:

Add the following note at the end of the section:

“ **Note: Where a lease, under the Land Title Act 1994, is encumbered by a mortgage there is no requirement to allocate that mortgage.** ”

22.6.3 Benefit easements:

Replace the first sentence in this section with the following:

“ **Where a registered benefit easement benefits all or part of a lot contained within 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.** ”

22.6.4 Encumbrance easements – burdening the land:

Replace the third sentence in this section with the following:

“ **Where a registered encumbrance easement exists over a lot or lots being subdivided into one or more than one new lot, the new lots that are encumbered shall be noted in the following manner:** ”

22.6.6.1 Existing leases of land (Land Title Act 1994)

Delete the last three sentence in this section and replace with the following:

“ **When a lot subject to a lease, or part of a lot subject to a lease, is absorbed in new road, a notation on the reverse of the plan shall be made in the following manner:**

“Lease A on SPxxxxxx<number that defined the lease> partially/fully absorbed by new road.”

OR

“Lease <Dealing Number> partially/fully absorbed by new road.”

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

Insert the following sentence after the first sentence of this section:

“ 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. “

22.6.6.3 Existing leases – part of a building (*Land Title Act 1994*) – not building format plan:

Insert the following new subsection:

“22.6.6.3 Existing leases – part of a building (*Land Title Act 1994*) – not building format plan:

Where an existing lease or leases are registered against part of a building, and the land on which that building is situated is being subdivided by either a standard format plan or a volumetric format plan, an allocation of the lease or leases against the new lots is required.

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

Lease	Lots to be Encumbered
<Dealing No>	1
<Dealing No>	1

Table 22-9a: Lease Allocation (not building format plan)

Before making this allocation, it must be determined that:

- ◆ The lease or leases are current and registered; and**
- ◆ The lease or leases are not to be surrendered prior to the lodgement of the plan.”**

22.6.7 Existing covenants:

Replace the first paragraph with the following:

“ Lots are either encumbered or not encumbered. Terms such as partially or fully encumbered are not used. Where a registered covenant exists over a lot or lots or part of a lot or lots being subdivided into one or more than one new lot, the new lots that are encumbered by the covenant shall be noted in the following manner so that the covenant can be correctly carried on to the new titles. A table similar to the one below is required to allocate these encumbrances: “

Add the following at the end of the section:

“ When a lot subject to a covenant, or part of a lot subject to a covenant, is absorbed in new road, a notation on the reverse of the plan shall be made in the following manner:

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

When a section 97A(3)(c) *Land Title Act 1994* covenant relating to the future transfer of lots to a single ownership is used in relation to a parcel of freehold land and a parcel of leasehold land, and that subject land is being subdivided, that covenant must be dealt with either by surrender or allocation to the encumbered lots. Early discussion with the Department of Natural Resources, Mines and Water is warranted in these cases. “

22.6.8 Existing profit a prendre:

Replace the first paragraph with the following:

“ Lots are either encumbered or not encumbered. Terms such as partially or fully encumbered are not used. Where a registered profit a prendre exists over a lot or lots or part of a lot or lots being subdivided into one or more than one new lot, the new lots that are encumbered by the profit a prendre shall be noted in the following manner so that the profit a prendre can be correctly carried on to the new titles. A table similar to the one below is required to allocate these encumbrances: “

Add the following at the end of the section:

“ When a lot subject to a profit a prendre, or part of a lot subject to a profit a prendre, is absorbed in new road, a notation on the reverse of the plan shall be made in the following manner:

“Profit A on SPxxxxxx<number that defined the profit> partially/fully absorbed by new road.”

22.6.9 Existing Administrative advices:

Replace the first paragraph with the following:

“ 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 all or part of a lot or lots being subdivided is required to be either allocated to the new lots that will be affected or a notation made indicating that the administrative advice has been satisfied. “

Add the following sentences at the end of the section:

“ When an administrative advice entered against an indefeasible title contains no spatial information to enable the allocation to be confirmed, additional evidence shall be required to confirm the allocation. Typically this evidence shall be in the form of a letter from the registered owner, or another authoritative source, confirming the allocation.

Where the administrative advice refers to another State Government Department or instrumentality, early discussion with that body is warranted to ensure that any proposed action is not delayed by the resolution of the existing administrative advice. “

23.2.2 Certification of plans by another surveyor:

Insert the following at the end of this section:

“ Where the granted authorisation is to be used a number of times and provided that the original authorisation or a certified copy of the authorisation has been provided to the

registering authority in relation to another lodged plan, the certificate of amendment as referred to in Direction 23.1, is modified as follows:

Individual:

Amendments by <print name of cadastral surveyor>

*Cadastral Surveyor (Date)
(pursuant to s.32 Survey and Mapping Infrastructure Act 2003)*

(copy of authorisation recorded with dealing xxxxxxxxx)

Corporation:

Amendments by <print name of corporation> (ACN or ABN Number

*Director (Date)
(pursuant to s.32 Survey and Mapping Infrastructure Act 2003)*

(copy of authorisation recorded with dealing xxxxxxxxx)

The dealing number is the dealing number under which the previous plan was lodged. “

Max Locke,
Registrar of Titles and
Registrar of Water Allocations.
1 September 2006

