



## 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 3.6, be amended as follows:

### Date of effect:

These amendments are effective immediately.

### 4.8.1 Lots:

Delete the second, third and fourth diamond points and replace with the following:

- ◆ Lot number and “PUBLIC USE LAND” or “PUL”
- ◆ Lot number and “PUBLIC USE LAND” together with the appropriate purpose

Delete the following words from the third paragraph:

**In the cases of "reserve" and "public use land" the purpose may also be shown on the lot.**

### 4.8.2 Secondary parcels:

Add the following at the end on the first dot point:

**Secondary parcels shall be shown on the face of the plan with their descriptor and identifier, eg Lease A or Easement B. Abbreviations may be used for secondary parcels in the plan description and on the face of the plan. Acceptable abbreviations are Emt, Cov and Profit.**

### 4.10 Cancelling clause containing reference to unallocated state land:

Replace the last dot point with the following:

**Most parcels of USL now have a valid lot on plan description and therefore in other cases where the USL has a lot on plan description:**

**Cancelling Lot XX on Plan XX.**

**The lot-on-plan description may be be a Lot on an AP or a Lot on a USL plan or a Lot on another valid plan identifier.**

#### 4.12.1 North may be rotated:

Replace the first sentence in this section with the following:

**North may be other than vertical on the page, but it must not be rotated more than 90 degrees clockwise or anti clockwise from the vertical and must be clearly noted by a North Point.**

#### 4.14 Scales:

Delete the last sentence in the first paragraph and replace with the following:

**Where a bar scale is provided in addition to the ruler, it shall be located prominently on the face of the plan.**

#### 4.22 Registered encumbrances to be plotted:

Replace the last sentence in this section with the following:

**Registered encumbrances are not plotted on lots resumed under the *Acquisition of Land Act 1967*. Allocations may be required (see Direction Error! Reference source not found.)**

**Where a plan identifies secondary interests only, the requirement to plot existing registered secondary interests should be limited to identify whether or not there is a conflict between the newly created secondary interest and the existing registered secondary interests.**

#### 8.4.1 Part lots separated by lots:

Replace this section with the following:

**Where part lots are separated by lots, each part shall be noted with its lot number and the designation "Part" or "Pt" and given an area. A total area shall be noted within the largest part or, if insufficient space, may be noted on the face of the plan. The total area of the lot shall be qualified with the word "total".**

**Where common property is shown in parts each part of common property shall be noted as common property and the designation "Part" or "Pt" and given an area. A total area shall be noted within the largest part or, if insufficient space, may be noted on the face of the plan. The total area of the common property shall be qualified with the word "total".**

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

Insert the following at the start of this section:

**Historically parcels of land have been subdivided in strata relative to a depth either above or below the surface of the land. This is shown as a notation on the certificate of title and sometimes as a notation on a survey plan. The restriction is relative to the surface of the land at the time when the surface and subsurface land was created and transferred, and therefore a time stamp is also required to define the restriction. The survey plan that created the surface and subsurface titles provides this time stamp. Where no survey plan exists to identify the surface and subsurface titles the original survey plan, existing immediately prior to the transfer will suffice. Extensive research may be required to identify the particulars of the restriction.**

## 8.9 Community titles schemes:

Add the following sentence to this section:

**Where a plan identifies secondary interests only in a lot or common property within a community titles scheme it is not necessary to complete item 3 or to comply with direction 4.20.**

## 9.4 Lot Numbers:

Replace the second diamond and first dot with the following:

- ◆ **may be made up in the form FL, TFL, TL, BL or BFL, where T is a tower number, F is a floor number, L is a lot number, and B is a building number.**
- **T must be a single digit number, F, B and L may be two digit numbers. However, the number in no case may exceed 5 digits.**

## 9.5.5 Voids:

Replace the third sentence with the following:

**Examples of a void would include the opening on the second or highest floors of a multi story unit where an internal staircase is provided, or the open area above the ground floor in an industrial building where an office is provided at a higher level (i.e. a mezzanine level) over only a part of the total floor area.**

## 9.8 Location of buildings:

Replace the last sentence in this section with the following:

**The description of the type of building (including the number of floors/levels) is required to be shown.**

## 9.12 Level diagrams:

Add the following at the end of this section:

**Adjoining information must be shown on all level diagrams. This includes common property and secondary interests.**

**All enclosed spaces on a level diagram on a building format plan must be labelled as either a Lot or Common Property.**

**The use of descriptive words such as “lift”, “laundry”, “stairs” etc. may be used to add a description to an area of Common Property so long as the descriptive words are not as prominent as the common property descriptor.**

**The use of an abbreviation for the common property is permitted. CP or Comm Prop are acceptable abbreviations.**

## 9.20.7 Certificate on encroachment:

Replace the second paragraph in this section with the following:

Where any part 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:

#### **9.22 Community Titles Schemes:**

Add the following at the end of this section:

**Where a plan identifies secondary interests only in a lot or common property within a community titles scheme it is not necessary to complete item 3 or item 12 or to comply with direction 4.20.**

#### **10.2.2 Bounded in all dimensions:**

Insert the following dot point between dot points one and three:

◆ **All bounding surfaces, where not vertical or horizontal must be capable of a precise mathematical definition.**

#### **10.4 Part Lots:**

Replace the last two sentences in this section with the following:

**The provisions of this Direction may be used for easements, leases and common property. In these cases, the word Lot shall be changed to easement, lease or common property as appropriate, how ever, parts of easements or leases must immediately adjoin one to the other.**

#### **10.5.4 Volume:**

Delete the lase sentence in this section.

#### **10.6 Volumetric easements:**

Replace the first sentence in this section with the following:

**Volumetric easements shall be dealt with as for other volumetric parcels, other than as permitted in Direction 6.**

#### **10.13 Community titles schemes:**

Add the following sentence at the end of this section:

**Where a plan identifies secondary interests only in a lot or common property within a community titles scheme it is not necessary to complete item 3 or to comply with direction 4.20.**

#### **11.3 Description of common property:**

Replace the first dot point with the following:

◆ **In the cancelling clause:**

**“Common Property of <name of Community Titles Scheme> Community Titles Scheme <number of Community Titles Scheme>(<plan number/numbers>”).**

**“Community Titles Scheme” may be abbreviated to CTS.**

Insert the following dot point between dot points one and two:

**◆ In the plan description on a plan of secondary interest only:**

**“Common Property of <name of Community Titles Scheme> Community Titles Scheme <number of Community Titles Scheme>(<plan number/numbers>”).**

**“Community Titles Scheme” may be abbreviated to CTS.**

#### **11.11.7 Horizontal boundaries outside a building shown on the main plan of the scheme:**

Add the following sentence to the end of the first diamond point:

**The structural features used to define the exclusive use area must be described on the sketch plan;**

Insert the following diamond point between the third and fourth diamond points:

**◆ Where an exclusive use area immediately adjoins a building or structure shown on the main plan of the Scheme and where it is partly defined by structural features, the other boundaries shall be fully dimensioned. The structural features used to partly define the exclusive use area must be described on the sketch plan;**

Replace the second dot point in the fifth diamond with the following:

**◆ each corner shall be marked, with survey marks, unless it is defined by a structural feature as noted in Direction 11.11.5; and**

#### **19.1 Forms to be used:**

Replace the section with the following:

**If a profit a 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 a 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 or explanatory format.**

#### **20.2 Consent of Registrar required:**

Add the following to the end of this section:

**The letter of approval from the Registrar of Titles must be lodged with the original survey plan when lodged in the Land Registry. A copy of the letter of approval from the Registrar of Titles must be deposited with the copy of the survey plan when deposited with the Department.**

## 20.10 Certification:

Replace this section with the following:

**Explanatory plans must be certified by a cadastral surveyor in the following manner:**

### By an Individual

I, [Name], Cadastral Surveyor, certify that this plan is correct and has been prepared from records held in the land registry, Department of Natural Resources and Water.

(Signed) Cadastral Surveyor, Date.

### By a Body Corporate:

XYZ Pty Ltd (ACN/ABN), by [Name] [registration status] for whose work the corporation accepts responsibility, certifies that this plan is correct and has been prepared from records held in the land registry, Department of Natural Resources and Water.

(Signed) Director, Date.

## 22.4 Lot allocations:

Replace the first table in this section with the following:

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 RP829123		New Rd			
40001234	Lot 42 on USL98765	8	New Rd			

### 22.6.1 Existing mortgage allocations:

Replace this section with the following:

**Where a mortgage affects any lot, either fully or partially, 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.

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

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

#### 22.6.6 Existing leases:

Delete the following words from this section and:

*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).*

Replace with the following:

**Where any plan:**

- ◆ **Contains an easement or a lease or a covenant, 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) or covenant(s).**

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

Replace the first sentence in this section with the following:

**Where a registered lease exists over the whole of a lot or 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:**

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

Replace the table in this section with the following:

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

**22.6.7 Existing covenants:**

Replace the last paragraph in this section with the following:

**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 or amalgamated, that covenant must be dealt with by a release of the covenant with respect to the encumbered lots. Early discussion with the Department of Natural Resources and Water is warranted in these cases.**

**22.6.9 Existing administrative advices:**

Replace the third paragraph in this section with the following:

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

**22.9 Other Dealing allocations:**

Insert new section:

**Other Dealing allocations:**

**There are a number of other types of dealings that are registered as an interest against a title and these dealings will need to be investigated and allocated to the appropriate lots. For example a dealing identifying that section 174 of the *Land Act 1994* applies to the subject land will need to be allocated to the lots that it affects.**

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

**Table 22-15: Dealing Allocation**

### 23.5 Corrections after registration:

Replace the first sentence in this section with the following:

**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 10 business days from the date of the initial request from the Department of Natural Resources and Water.**

**Corrections following registration are made to the register, pursuant to section 15 of the *Land Title Act 1994*, and the survey plan is part of the register. The Registrar may only make a correction to the register if the register is incorrect and the correction will not prejudice the rights of the holder of an interest recorded in the register.**

Delete “Or” between the dot points and replace with the following:

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

Delete the following words from this section

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

And replace with the following:

**If the surveyor is of the opinion that the correction will not prejudice the rights of the holder of an interest recorded in the register, the statutory declaration must specifically address this point.**

**If the surveyor is of the opinion that the correction will prejudice the rights of the holder of an interest recorded in the register, the statutory declaration must address this point AND the following documents must accompany the Form 14:**

**Max Locke,  
Registrar of Titles and  
Registrar of Water Allocations.  
19 May 2008**

