

REGISTRAR OF TITLES
DIRECTIONS
for the
PREPARATION OF PLANS



Prepared by:
Registrar of Titles and Registrar of Water Allocations
Department of Natural Resources and Mines
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Land Title Act 1994

I, Elizabeth Virginia Dann, Registrar of Titles, give these Directions under the provisions of Section 10 of the *Land Title Act 1994*.

E V Dann,
Registrar of Titles. and
Registrar of Water Allocations



NOTE:

These Directions are for the preparation of plans, and should be read in conjunction with other requirements necessary for registration of other relevant documentation.

This information may be found in the *Land Title Act 1994*, the *Land Act 1994*, the *Body Corporate and Community Management Act 1997*, the attendant Regulations, and the Land Title Practice Manual.

Additional and more detailed requirements for Surveys may be found in the Cadastral Survey Requirements of the Department of Natural Resources and Mines.

Effective Date:

The effective date of this version of the Registrar's Directions for the Preparation of Plans is as noted on the Department's web site and embedded in each page of this document.

The effective date of previous versions of the Directions is as noted in the previous notifications of amendments of the Registrar dated:

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- ◆ 8 January 2002
- ◆ 1 May 2003
- ◆ 14 May 2004
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1. General:

1.1 Context of references:

In these Directions, unless the context or subject matter otherwise indicates or requires:

- ◆ 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*.
- ◆ a reference to a Form is a reference to a Form approved for a purpose under section 194 of the *Land Title Act 1994*.

1.2 Compliance with other legislation:

Plans must comply with the general requirements, where applicable, of the:

- ◆ Body Corporate and Community Management Act 1997;
- ◆ Land Title Act 1994;
- ◆ Land Act 1994;
- ◆ Integrated Planning Act 1997;
- ◆ Sustainable Planning Act 2009;
- ◆ Local Government (Planning and Environment) Act 1990;
- ◆ Surveyors Act 2003 and Surveyors Regulation 2014;
- ◆ Survey and Mapping Infrastructure Act 2003 and Survey and Mapping Infrastructure Regulation 2014;
- ◆ Other legislation that may indicate specific requirements relative to the conduct of the survey, preparation of the plan or an approval process;
- ◆ where applicable, in the case of a plan prepared under the provisions of Specified Acts, the *Building Units and Group Titles Act 1980*, and the Regulations thereunder. (See Direction 3.5);
- ◆ Published Survey Standards and Survey Guidelines as defined in s.6 and s.7 of the *Survey and Mapping Infrastructure Act 2003* and these directions.

1.3 Unusual cases:

While these Directions lay out specifications for dealing with surveys and plans, it should be understood that they are not inflexible and, given sufficient reason, they may be varied in special cases. Where such a variation is permitted, it may not be taken as a precedent for any cases that may follow at a later date.

Surveyors are encouraged to discuss these cases with the Department at an early stage in the development process so that delays in registration may be minimised.

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2. Definitions:

Base Parcel: The lot or lots that are subdivided by a plan, other than in the case of a Building Format plan. (For the definition of Base Parcel in a Building Format plan see Direction 9.1)

Bounding surface: means the limiting feature of a volumetric parcel. This may be a plane or any surface that can be mathematically generated and sufficiently defined and shown on a plan such that there is no possibility of ambiguity.

Building: when applied to a parcel indicates that that parcel is generally defined by floors, walls and ceilings. *see note

Delineate: means to show the extent of a lot or common property by a line diagram on a building format plan, drawn to scale, and to provide an approximate area for each lot in accordance with these Directions.

Dimension: means to place bearings and distances on the boundaries of a parcel, in accordance with the requirements of the provisions of legislation, survey standards and survey guidelines in force at the time (See Direction 1.2) and any Directions made by the Registrar.

Footprint:

- ♦ means the vertical projection of the outermost bounds of a volumetric parcel onto a horizontal plane approximately at ground level.
- ♦ An overall footprint means the vertical projection of the outermost bounds of a volumetric parcel, regardless of any internal division into parts, onto a horizontal plane approximately at ground level.

Parcel: means a lot, part lot, easement, lease, profit a prendre, covenant, common property, carbon abatement interest or exclusive use area.

Remainder: when applied to a lot indicates that that lot is the remainder of a base parcel consisting of standard format lots after a volumetric lot or lots or building format lots and common property have been subdivided out of it. *see note

Restricted:

- ♦ When applied to an easement indicates that that easement is restricted in either height and/or depth by a horizontal plane.
- ♦ When applied to an existing lot indicates that that lot is restricted in height or depth by a defined distance below the surface, or by defined planes. (See Directions 8.7 and 10.2.3). *see note

Standard: when applied to a parcel indicates that that parcel is unlimited in height and depth. *see note

Volumetric: when applied to a parcel indicates that that parcel is fully limited by bounding surfaces. *see note

* Note: Unless specifically provided in these Directions, parcels are not to be qualified on any plan or document by the adjectives "Building", "Remainder", "Restricted", "Standard" or "Volumetric".

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3. Plan Forms:

3.1 Approved forms:

Plans and additional sheets to plans must be in the approved form.

Plans and additional sheets to plans prepared NOT using the eSurvey system (previously described as Electronic Access to Registry Lodgement (EARL)), must be in the approved form, Form 21 Version 4, Form 21B Version 1 and Form 21A Version 1 respectively, and must comply with section 3(3) *Land Title Regulation 2005* and:

- ◆ be international A3 size;
- ◆ be white and free from discolouration and blemishes;
- ◆ be printed on material that complies with Direction 3.2
- ◆ have clear margins no smaller than 10 mm on all sides, and printing, writing or drawing, must not extend into any margin;
- ◆ 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.
- ◆ be flat or rolled, and not having been folded.

For surveys where a visualisation of a submitted cadastral information file (CIF) is created using a Department supplied web service using the eSurvey system (previously described as Electronic Access to Registry Lodgement (EARL)), the plans and additional sheets to plans must be in the approved form, Form 38 Version 2, Form 38B Version 1 and Form 38A Version 1 respectively, and comply with 3(3) *Land Title Regulation 2005* and:

- ◆ be international A3 size;
- ◆ be white and free from discolouration and blemishes;
- ◆ be printed on material that complies with Direction 3.2;
- ◆ have clear margins no smaller than 10 mm on all sides, and printing, writing or drawing, must not extend into any margin;
- ◆ 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.
- ◆ be flat or rolled, and not having been folded.

3.2 Material specifications for plan forms:

The material used for each plan form must comply with the following:

- ◆ **Weight:** Minimum of 130gsm, and with sufficient rigidity that it can be readily distinguished from photocopy paper;
- ◆ **Colour:** White;
- ◆ **Opacity:** Must be such that there is no “print through” when the reverse side is imaged;
- ◆ **Surface:** Must be such that it will take a permanent image. For the Form 21, this requirement applies also to the reverse side of the form;
- ◆ **Archival Properties:** Minimal;

The same material must be used for all sheets within the one plan.

Surveyors are advised that:

- ◆ amendments to plans may be required following lodgement. These must be effected by strike out and/or addition by hand. (See Direction 4.19). The surface must be capable of accepting these amendments;
- ◆ if a plan is presented for lodgement with multiple amendments by strike out and additions, it may not be accepted.

3.3 Digital plan forms:

The Registrar may approve a form in digital format to persons wishing to use that form.

Where plans are drawn from a digital format, the form or forms produced must comply as closely as possible with the approved format, and any differences occurring due to the use of different software packages should be minimised as far as possible.

3.4 Transition provisions for plans:

3.4.1 Plans for Community Titles Schemes:

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

3.4.2 Other plans:

All plans signed by a surveyor after 10th September 1997 must be drawn on Form 21, Version 4 and, if necessary, on Form 21A, Version 1, Form 21B Version 1 or Form 38, Version 2, Form 38B Version 1 and, if necessary, on Form 38A, Version 1.

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

A Specified Act is as defined in Section 326 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 defines 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 NR&M 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* has been adopted.

Plans will be numbered on lodgement.

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

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.

Plans will be numbered on lodgement.

4. Plans for Registration:

4.1 Forms to be used:

Every plan (other than as provided for in Direction 3.5 or Direction 4.1.1) must consist of a Form 21, Version 4, the main plan, being sheet 1 and Form 21B Version 1 (formerly reverse side of Form 21 Version 3). If the space available on the Form 21 Version 4 is insufficient in any case, sheets of Form 21A Version 1 (the additional sheet) may be added.

Form 21B Version 1 (formerly reverse side of Form 21 Version 3) is to replace the reverse side of Form 21 Version 3 and to record all the particulars such as owners, allocations, approvals, etc.

4.1.1 eSurvey (Previously described as Electronic Access to Registry Lodgement (EARL)) Forms:

Every plan produced using a visualisation of a submitted cadastral information file (CIF) which has been produced by a Department supplied web service using the eSurvey system (previously described as Electronic Access to Registry Lodgement (EARL)), must consist of a Form 38, Version 2, the main plan, being sheet 1 and Form 38B Version 1 (formerly reverse side of Form 38 Version 1). If the space available on the main plan is insufficient in any case, sheets of Form 38A Version 1 (the additional sheet) may be added.

Form 38B Version 1 (formerly reverse side of Form 38 Version 1) is to replace the reverse side of Form 38 Version 1 and to record all the particulars such as owners, allocations, approvals, etc.

4.2 Plan numbering:

Each plan must be numbered:

- ◆ by obtaining a barcoded label from the Department or a supplier approved by the Department; and
- ◆ in the case of the main plan:
 - the number only from the barcoded label must be placed in the space provided on the face of the main plan in a prominent font;
 - the barcoded label must be affixed in the space provided on the face of the main plan. (This will cover the number placed in the preceding point, but will allow for the possibility that the label may be removed); and
 - the number only (but including the prefix) from the barcoded label must be placed in the space provided on the reverse of the main plan;
- ◆ in the case of an additional sheet or sheets, the number only (but including the prefix) from the barcoded label to be affixed to the main plan must be placed in the space provided on each additional sheet.

As the Department's imaging system requires that the longer side of the barcoded label be parallel to the bottom margin of the plan form, care should be taken when it is being affixed. Plans may be refused if the label is not fixed within the space provided.

4.3 Sheet numbering:

Each sheet contained in the plan must be numbered consecutively in the top right hand corner commencing with 1 on the main plan, and each sheet must show the total number of sheets.

4.4 Plan with only one sheet:

Where Standard and Volumetric Format plans do not include any additional sheets they must show to scale:

- ♦ the total extent of the land being dealt with; and
- ♦ all parcels created on the plan;

together with reference to any diagrams that may be necessary to clarify detail and must be complete within the main plan.

In the case of a Building Format plan, the main part of the plan must show to scale the information required by Directions 9.7 and 9.8, with separate diagrams being used for each level.

4.5 Plan with additional sheets:

Where Standard and Volumetric Format plans include, in addition to the main plan, one or more additional sheets, the main plan must show to scale:

- ♦ the total extent of the land being dealt with; and
- ♦ all primary parcels, together with their identifiers, created on the plan;

In the case of a Building Format plan, the main plan must show to scale, as far as possible, the information required by Directions 9.7 and 9.8.

For all format plans, the main plan must show references to any diagrams that may be necessary to clarify any detail, and which may appear elsewhere on the main plan or on any additional sheets.

Additional sheets must be completed on one side only and must not contain any information or diagrams on their reverse side.

4.5.1 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.

4.6 Additional requirements for volumetric format plans:

In the case of a Volumetric Format plan, the main plan must show, in addition to the requirements of Directions 4.4 and 4.5, the footprint, or footprints, drawn to scale, of any volumetric parcels being created on the plan, together with an area for the footprint. Where a parcel is in parts, as permitted or required by Direction 10.4, it is necessary to show only the overall footprint and area as required by that Direction, together with references to the sheet or sheets on which full details of the footprints of the parts of the parcels may be found. The whole of any volumetric parcel or parcels being created on the plan must be shown drawn to scale preferably on the main plan. Where a parcel is in parts, it is necessary only to show the whole parcel, together with references to the sheet or sheets on which full details of the diagrams of the parts may be found.

4.7 Format to be noted:

The Format of the plan must be noted in the "Format" field on the face of the plan.

4.8 Parcels to be described:

The system of land ownership in Queensland consists of two complementary components, the title to the land, and a definition of the extent of the land.

Title to the land is recorded in the land registry and the ownership record also refers to an unambiguous identification of the land by reference to a lot on survey plan identifier. There are some cases where the ownership record also contains a definition of the extents of the land (i.e. metes and bounds).

The extent of the land is, in most cases, shown on a survey plan of the land, depicting, amongst other things, the dimensions of the boundaries, the area of the land, the land identifier, and if the land has been surveyed, the survey marks placed or recorded on the survey. Through statute and common law, Queensland's system of boundary definition is based primarily on marks placed on the land, supported by measurements of the location of those marks by registered land surveyors.

Section 29 of the *Land Title Act 1994* provides discretion for the Registrar of Titles to determine the information that "should be recorded to ensure that the register is an accurate, comprehensive and useable record of freehold land in the State". Such discretion enables the registrar to determine the minimum content of a survey plan to ensure the integrity of the freehold land register.

A plan of survey lodged for registration in the freehold land register, must comply with the following requirements (as a minimum):

- The plan is on the relevant approved form
- The plan bears the relevant certificate under the Survey and Mapping Infrastructure Act 2003, endorsed by a cadastral surveyor
- Each subject parcel on the plan must have a unique identifier
- Dimensions are shown for all boundaries of the subject land, which must be surveyed
- An area is shown for each subject parcel
- Secondary interests on the subject land are shown
- The unique identifiers of the land adjoining the subject land are shown
- Survey marks placed at subject corners are described
- Occupation at or near subject corners is described
- Encroachments over boundaries of subject land are described.
- All parcels including part parcels on the plan must have an unambiguous location in relation to the cadastre

Section 278 of the *Land Act 1994* provides discretion for the Chief Executive, with this authority delegated to the Registrar of Titles, to determine the information that "should be recorded to ensure that the register is an accurate, comprehensive and useable record of non

freehold land in the State". Such discretion enables the registrar to determine the minimum content of a survey plan to ensure the integrity of the non freehold land register.

A plan of survey lodged for registration in the non freehold land register, must comply with the following requirements (as a minimum):

- The plan is on the relevant approved form
- The plan bears the relevant certificate under the Survey and Mapping Infrastructure Act 2003, endorsed by a cadastral surveyor
- Each subject parcel on the plan must have a unique identifier
- Dimensions are shown for all boundaries of the subject land, which may be surveyed or unsurveyed
- An area is shown for each subject parcel
- Secondary interests on the subject land are shown
- The unique identifiers of the land adjoining the subject land are shown
- Survey marks placed at subject corners are described, only if the land being identified is in a fully surveyed state
- Occupation at or near subject corners is described, only if the land being identified is in a fully surveyed state
- Encroachments over boundaries of subject land are described, only if the land being surveyed is in a fully surveyed state
- All parcels on the plan must have an unambiguous location in relation to the cadastre

4.8.1 Lots:

Lots must be described as required by sections 50(1)(a), 50(1)(c) and/or 50(1)(d) of the *Land Title Act 1994*. Saving that where a parcel is common property, it may be described appropriately.

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:

- ♦ ROAD (or New Road) The descriptors "Lane", "Pathway" and "Highway" are unacceptable.
- ♦ Lot number and "**PUBLIC USE LAND**" or "**PUL**"
- ♦ Lot number and "**PUBLIC USE LAND**" together with the appropriate purpose.

The purpose of the "public use land" shown on the plan must be consistent with the community purposes listed in schedule 1 of the *Land Act 1994*.

If approval of the plan is under the *Integrated Planning Act 1997* or the *Sustainable Planning Act 2009*, the dedication of public use land must not be shown as a condition of the approval of the plan. However, for approval under the *Local Government (Planning and Environment) Act 1990*, the dedication and purpose for reserves and public use lands may be included in the approval.

4.8.2 Secondary parcels:

The requirements of [QSIC Parcel Identification Standard 2010](#) are to be satisfied when describing secondary parcels, namely:

- ◆ Secondary parcels, i.e. Leases, Easements, Covenants, Profits a Prendre etc, must be described with an alpha identifier where they are defined on a survey plan. Where the number of secondary parcels exceeds 26, double letters may be used, i.e. AA, AB, AC etc. Secondary parcels must 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. Certain secondary interests tenures issued under the *Land Act 1994* will be described as "Lot <alpha>".
- ◆ For any plan, a secondary parcel identifier is not used more than once. The following are unacceptable:
 - Easement D and Lease D in Lot 2 on SP123456
 - Easement D in lot 2 on SP123456 and Lease D in Lot 3 on SP123456

A secondary parcel identifier is not repeated in any lot or a title, e.g. a title exists for Lot 23 on RP34567 with Lease A on RP1234 and Easement B on RP23456 and Covenant H on SP987654 registered against the title - a new secondary parcel should not use A or B or H as an identifier.

A single secondary 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 1st March 2003)

A secondary parcel may not be created in parts.

4.9 Plan description and cancelling clause:

Each plan must contain in the space provided, on the face of the main plan, a description of the parcels being created and, where existing lots or Unallocated State Land (USL) are being cancelled, a cancelling clause listing those lots and their plan numbers and/or noting USL must be included. (See Direction 4.10).

4.10 Cancelling clause containing reference to unallocated state land:

Where a reference to Unallocated State Land is to be included in the cancelling clause, the reference must 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>)"

- ◆ 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.

4.11 Surveyors certificate:

The surveyor must add the cadastral surveyor's certificate specified by the *Survey and Mapping Infrastructure Regulation 2004* preferably in the space provided in the bottom left hand corner of the face of the main plan. The form of the certificate required is either a Form 13 or Form 18 under the *Survey and Mapping Infrastructure Act 2003*.

For a survey plan prepared using a visualisation of a submitted cadastral information file (CIF) which has been produced by a Department supplied web service using the eSurvey system (previously described as Electronic Access to Registry Lodgement (EARL)), the surveyor must add the cadastral surveyors certificate specified by the *Survey and Mapping Infrastructure Regulation 2004* preferably in the space provided in the bottom left hand corner of the face of the main plan. The form of the certificate required is either a Form 14 or Form 19 under the *Survey and Mapping Infrastructure Act 2003*.

The requirements of this Direction do not apply to sketch plans prepared under the provisions of Directions **Error! Reference source not found.** and 11.11.

4.12 North point:

North must be noted on all plans by means of a protractor or by a North Point.

- ◆ A protractor may be added to a plan and any additional sheets. The north point on the protractor must be vertical, that is, it must indicate directly to the top of the plan form, and may not be rotated.
- ◆ Where the location of North is not as indicated by a protractor, the face of the main plan, and any additional sheets, must bear a north point.

4.12.1 North may be rotated:

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. This Direction does not permit a protractor to indicate north other than as noted in Direction 4.12.

4.13 Allocation tables:

See also 22 Allocations

4.14 Scales:

Other than as permitted below, each sheet of the plan must show:

- ◆ the scale used; and
- ◆ a bar scale at least 150 millimetres in length, showing distances at the scale of the plan.

The bar scale may be in addition to, or in place of, the ruler shown on the face of the main plan and on each additional sheet. Where a bar scale is provided in addition to the ruler, it must be located prominently on the face of the plan.

Where a diagram is used, the scale used in preparing that diagram must be shown, or a notation "not to scale".

Where an additional sheet consists of diagrams drawn at different scales, the bar scale may be omitted. However, in this case the ruler must remain.

4.15 Name and number of community titles scheme:

Where a plan creates common property or deals with lots that are intended to be the subject of a Community Management Statement, the Name of the Community Titles Scheme must be noted in the space provided on the reverse of the main plan. In addition, if land already contained within a Community Titles Scheme is the subject of a plan, the number of the Community Titles Scheme assigned by the Registrar must also be noted.

4.16 Plans may be compiled:

In these Directions, where it is directed that:

- ◆ the whole of a base parcel must be dealt with, leaving no undescribed balances;
or
- ◆ each parcel must be surveyed and marked;

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.

4.17 Undescribed balances:

While these Directions generally require that all parcels be fully dealt with leaving no undescribed balances, it is recognised that there will be cases where such a course is impractical. In these cases, prior approval of the Registrar must be sought for a relaxation of this requirement.

4.18 Volumetric lot as adjoining information:

Where a lot that is affected by a volumetric lot (i.e., a volumetric lot above or below the surface of that lot, or partly above and partly below the surface) is being dealt with on a subsequent plan:

- ◆ the footprint of the volumetric lot must be shown in broken lines on the main plan; and
- ◆ the footprint must be referenced by lot and plan number, and with the notation "Volumetric".

It is not required that the volumetric lot be shown as a three dimensional diagram.

4.19 Amendments to plans:

See Direction 24 Amendments to Plans

4.20 Development approval:

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"

4.21 New lot boundaries and secondary interests:

Plans of lots are required to show the intersection of new lot boundaries with any registered secondary interest. Sufficient information must be shown on the plan to position the intersections of the secondary interest with new lot boundaries. This information may be calculated. It is not necessary to dimension the boundaries of registered secondary 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 secondary 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 secondary parcels are not required to be marked on the ground.

4.22 Registered encumbrances to be plotted:

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.

Registered encumbrances are not plotted on lots resumed under the *Acquisition of Land Act 1967*. Allocations may be required (see Direction 22.2)

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.

4.23 Revocations (Acquisition of Land):

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) must 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 m²

The plan must be lodged 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. Part of lot 13 is to be revoked. The revocation plan is prepared as lot 14 cancelling lot 12 and part of 13 on SP123456.

5. Sketches:

5.1 General:

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.

A sketch plan may be used in the following circumstances:

- ◆ Leases within a building (See Direction 5.3);
- ◆ Exclusive use areas for a community titles scheme. (See Direction 11.11);
- ◆ Special Rights areas for a community titles scheme. (See Direction 11.11)
- ◆ Services location diagram (See Direction 5.4);
- ◆ Water Storage Easements - inundated areas, s.82(3) *Land Title Act 1994* (See Direction 5.5).
- ◆ Forest Plantation Licences - *Forestry Act 1959* (See Direction 5.6).
- ◆ Trustee Lease - s57 *Land Act 1994* (See Direction 5.7).
- ◆ Sub Lease of a Lease – s335 *Land Act 1994* (See Direction 5.8).
- ◆ Trustee Permit – s60 *Land Act 1994* (See Direction 5.9).

5.2 Leases:

If the whole or 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 to 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 Directions 8 or 10. A plan of survey is not required or permitted, if the lease covers the whole of a lot.

When the first lease, in for example a shopping centre, retirement village, shipping berth 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.

For a partial surrender of a lease of part of land, the area surrendered must be capable of precise definition. If the surrendered area is the whole of a lot, a plan of survey to identify the surrendered area is not required. Similarly, if the surrendered area is the whole of a building or the whole floor of a building, a sketch plan of the surrendered area is not required. If the surrendered area is not capable of precise definition the following applies:

If the surrendered area is over part of a lot, the area to be surrendered, or the area to remain subject to the lease, must be defined by a plan of survey or explanatory format plan lodged to

precede the surrender. The plan must be drawn in accordance with direction 8 or 10 of the Registrar of Titles Directions for the Preparation of Plans.

If the surrendered area is part of a floor of a building a sketch plan of the area to be surrendered, or the area to remain, is required following the minimum requirements for a sketch plans set in this direction

5.3 Sketch plans for leases within a building:

5.3.1 Minimum standards for a sketch of the whole or part of a building:

For a lease of part of a building, a detailed sketch is required. For a lease of the whole of a single building on a parcel of land a sketch is not required provided that the identification of the area to be leased is clearly and unambiguously identified. For a lease of the whole of a floor of a single building on a parcel of land a sketch is not required provided that the identification of the area to be leased is clearly and unambiguously identified.

Note: Definition of whole of a building is to the external faces of the walls of the building

Definition for whole of the floor is measured to the external faces of walls with no exclusions for example toilets or lifts.

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 5.3.11);
- ◆ 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(s) affected by the lease;
- ◆ designate the leased area(s) by:
 - identifying them by
 - an alpha character eg A, MB; or
 - an alpha-numeric combination eg A3, 4B; or
 - shop number or unit number or tenancy number, if part of a large complex (for example a shopping complex); or
 - unique number with the consent of the Registrar of Titles, and
 - either outlining with lines significantly heavier than other lines on the sketch; or
 - hatching (hatching must not obliterate any information); and
 - ◆ including an area, in square metres;
 - ◆ 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 specifically what structural elements or physical features are used. This may be done by the use of a legend or by annotating the particular structural elements. General notations referencing an industry measuring standard, for example the BOMA rules or the PCA rules, do not satisfy this requirement;
- 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;
 - ◆ locate the leased area(s) as required by Direction 5.3.3 ;
 - ◆ indicate the relevant level of the building if applicable;
 - ◆ indicate the building identifier where there are multiple buildings on the site.;
 - ◆ show relevant adjoining information; (for example adjoining leases etc.)
 - ◆ clearly indicate the purpose of the plan.

5.3.2 Certification of lease sketch:

5.3.2.1 Prepared by a cadastral surveyor:

A cadastral surveyor must prepare sketches for a lease of part of a building.

Amendments to a lease sketch must only be completed by the Cadastral Surveyor who prepared the sketch.

5.3.3 Location of leased areas:

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. The use of a location sketch may be used in addition to the requirement for connections to the cadastral boundaries to assist in the location of the leased area.

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 connections may be shown by references from the corner or corners of the base parcel to the building. (i.e. Cnr Bldg 1.5N, 2.7E)

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 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.

5.3.5 Leased areas in parts:

A lease may not be in parts. For example where it is intended for a single lease to be part of the ground floor and part of the mezzanine floor of a building, typically an industrial building, the lease areas must be separately identified, that is Lease A and Lease B. There is no requirement to show the total area of the lease but a total area may be shown.

5.3.6 Leases restricted vertically:

Where a lease is restricted in height or depth by other than floors and ceilings, the requirements of Direction 10 applies 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).

5.3.7 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.

5.3.8 Sheet numbering:

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

5.3.9 Standards for master sketch:

When a title/s is affected by multiple leases, the Registrar of Titles may request the deposit of a master sketch showing all the leased areas of the centre/complex or the land. The master sketch is not to be included as part of the lease lodged for registration.

A master sketch must:

- ◆ be drawn on one side of paper no larger than international A1 sized paper;
- ◆ be drawn to scale (including a graphic or bar scale) (See Direction 5.3.11);
- ◆ show a north point and generally with north indicating vertically (may be rotated no more than 90 degrees from the vertical);
- ◆ show a suitable title block and indicate levels if the building is a multi level building;
- ◆ show the location of every lease currently registered and where possible, proposed lease areas, which may include leases of land;
- ◆ show the identifier for every lease that is registered and/or proposed;
- ◆ the sketch should only show the lease areas, other parts of the building, for example lifts or toilets, should not be shown unless it aids in improving the clarity of the master sketch.
- ◆ provide a table with two columns, one for the lease identifier and the other for the dealing number, with the lease identifier column completed. For large complexes this table should be shown on an additional sheet.
- ◆ where there are multiple buildings on the land show the locations of the buildings.

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;
- ◆ where appropriate a table of revisions to the master sketch should be included;
- ◆ show a certification if appropriate or suitable identification of authorship of the master sketch.

5.3.10 Example of certificate by cadastral surveyor:

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

(Signed) Cadastral Surveyor, Date.

5.3.11 Scale of sketch:

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

1 : 1	1 : 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 mandatory.

The written scale may be qualified with a reference to the original plot size (for example Scale 1:300 at A3).

5.4 Services location diagram (s.70 *Body Corporate and Community Management Act 1997*):

A services location diagram is only to be used in connection with a community titles scheme. The terms services location diagram and service easement are defined in Schedule 6 (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 cadastral 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 5.3.11);
- ◆ 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 must 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, prior to the lodgement of the easement.

5.6 Plantation Licences:

Where a document is lodged in the Titles Registry identifying a Plantation Licence of part of a State Plantation Forest (SPF), a plantation licence sketch plan identifying the licence area must be lodged and recorded as a separate preceding action. The plantation licence sketch plan will not be permitted to form part of the licence document.

The plantation licence sketch plan will have a unique plan number allocated to it by the Titles Registry. This number will have a prefix "PLP".

Design plans are not acceptable as plantation licence sketch plans.

A sketch for a plantation licence of part of a State Plantation Forest must comply with the following:

- ◆ be drawn, on one side only, on international A3 sized paper, unless prior permission has been sought and granted from the Registrar of Titles in cases where this size is impractical.
- ◆ multiple sheets may be used to fully describe the licence area. If multiple sheets are used each sheet contained in the plan must be numbered consecutively in the top right hand corner commencing with 1 on the main plan, and each sheet must show the total number of sheets.
- ◆ be printed on material that complies with Direction 3.2;
- ◆ be flat or rolled, and not having been folded.
- ◆ have clear margins no smaller than 10 mm on all sides, and printing, writing or drawing, must not extend into any margin;
- ◆ be drawn in black ink only, with no colours permitted;

- ◆ be drawn to scale (See Direction 5.3.13), including a bar scale or graphic scale;
- ◆ show a north point and generally be drawn with north indicating vertically (may be rotated no more than 90 degrees from the vertical);
- ◆ clearly indicate the purpose of the sketch plan, "PLANTATION LICENCE SKETCH PLAN";
- ◆ show a plan description, for example "Lot A in Lor 466 on FTY576";
- ◆ show the unique plan number;
- ◆ show the description of the lot(s) affected by the licence;
- ◆ show the title reference of the lot(s) affected by the licence;
- ◆ designate the licence area(s) by:
 - identifying them by an alpha character eg Lot A, Lot MB, and
 - outlining with lines significantly heavier than other lines on the sketch;
 - hachuring or hatching of the licence area is not permitted;
- ◆ show the area of the forest licence, in square metres or hectares if the area is greater than one hectare, with the area rounded to 4 significant figures and qualified as "Abt";
- ◆ dimensions;
 - where the licence area is bounded by physical features or references to physical features, no dimensions are required. If physical features are used to define the plantation licence, the sketch plan must indicate what physical features are used. Physical features that may be used but not limited to, an existing cadastral boundary, a centreline of a track, a buffer from an existing plantation.
 - where the licence is not bounded by physical features, those boundaries must be dimensioned, with the dimensions derived from GNSS observation or by conventional survey. The dimensions may be shown in co-ordinate form and shown tabulated on the face of the plan.
 - the description of the physical features used to define the licence area may be shown in a tabular form with suitable identifiers.
- ◆ locate the licence area(s) with respect to the base cadastral parcel. This can be achieved by a GNSS connection, or a conventional surveyed connection to the base cadastral parcel, or by the use of suitable tabulated co-ordinate information;
- ◆ show relevant adjoining information;
- ◆ identify the date of preparation;
- ◆ identify the authors of the sketch plan, by organisational unit or by a logo;
- ◆ identify the origin of source information and material used to define the extent of the licence area.

5.7 Trustee Leases:

As identified in s57 of the *Land Act 1994*, if a lease issued under this Act is over part of trust land and is to be registered, the lease area must be identified.

If the lease is for part of trust land, the appropriate form for the lease must also include -

- (a) a sketch plan identifying the land being leased, drawn to a standard to the chief executive's satisfaction; or
- (b) if required by the chief executive - a plan of survey identifying the land being leased.

However, the chief executive may allow the land being leased to be identified by a description alone if the chief executive is satisfied the land is adequately identified by the description in the document.

Generally for trustee leases where the risk to the State is low, where the lessee is a non profit type of organisation, the lease is a non commercial type of lease (for example a lease to a community based club such as a little athletics club) and the rental for the trustee lease is of a minimal value, a sketch plan will be suitable.

The minimum standards for a trustee lease sketch plan are as follows:

- ◆ Drawn to a suitable metric scale.
- ◆ To be drawn on A4 or A3 with A4 preferable.
- ◆ Show a north point.
- ◆ The lease area to be identified as "Lease # " (# = an alpha character).
- ◆ The lease area delineated with distinct heavier broken linework, hatching the lease area is not permitted.
- ◆ The boundaries of the lease are to be shown with bearings and distances, with the distances in metres.
- ◆ The area of the lease to be shown in square metres or hectares as appropriate.
- ◆ The lease sketch plan must have a suitable title block which identifies the purpose of the sketch, the description of the lot and the title reference of the lot, as well as the Local Government, Locality.
- ◆ The lease area must be located with reference to the external cadastral boundaries of the lot.
- ◆ The lease sketch should show appropriate adjoining information to aid in the location of the lease area.
- ◆ The sketch must be certified as correct by the person who prepared the sketch and this will be by a registered cadastral surveyor. The form of certification by the registered cadastral surveyor is that identified in Direction 5.3.11.

Where the trustee lease is of a commercial nature and/or is over a substantial area of the land, and particularly when there is more than one trustee lease affecting the trust land, a plan of survey is required to identify the land being leased and the plan must be prepared in accordance with either Direction 8 or 10 and the Department's Cadastral Survey Requirements.

5.8 Sub Leases of a lease under the Land Act 1994:

As identified in s335 of the *Land Act 1994*, if a lease issued under this Act is to be subleased and is over part of the leased land and is to be registered, the sublease area must be identified.

If the sublease is for part of a lease, the appropriate form for the sublease must also include -

(a) a sketch plan identifying the land being subleased, drawn to a standard to the chief executive's satisfaction; or

(b) if required by the chief executive - a plan of survey identifying the land being subleased.

However, the chief executive may allow the land being subleased to be identified by a description alone if the chief executive is satisfied the land is adequately identified by the description in the document.

Generally for subleases where the risk to the State is low, where the sublessee is a non profit type of organisation, the lease is a non commercial type of lease and the rental for the sub lease is of a minimal value, a sketch plan will be suitable.

The minimum standards for a sublease sketch plan are as follows:

- ◆ Drawn to a suitable metric scale.
- ◆ To be drawn on A4 or A3 with A4 preferable.
- ◆ Show a north point.
- ◆ The sublease area to be identified as "Lease # " (# = an alpha character).
- ◆ The sublease area delineated with distinct heavier broken linework, hatching the lease area is not permitted.
- ◆ The boundaries of the sublease are to be shown with bearings and distances, with the distances in metres.
- ◆ The area of the sublease to be shown in square metres or hectares as appropriate.
- ◆ The sublease sketch plan must have a suitable title block which identifies the purpose of the sketch, the description of the lot and the title reference of the lot, as well as the Local Government, Locality.
- ◆ The sublease area must be located with reference to the external cadastral boundaries of the lot.
- ◆ The sublease sketch should show appropriate adjoining information to aid in the location of the sublease area.
- ◆ The sketch must be certified as correct by the person who prepared the sketch and this will be by a registered cadastral surveyor. The form of certification by the registered cadastral surveyor is that identified in Direction 5.3.11.

Where the sublease is of a commercial nature and/or is over a substantial area of the land, and particularly when there is more than one sublease affecting the land, a plan of survey is required to identify the land being subleased and the plan must be prepared in accordance with either Direction 8 or 10 and the Department's Cadastral Survey Requirements.

However where there is a lease of land under the *Land Act 1994* and that lease covers land that has for example a shopping centre or some other type of commercial buildings over it and there is an intention to sublease part of those buildings an exception to the general rule regarding commercial subleases may be applied.

In these instances the sublease would be able to be defined as if it was a lease of part of a building under the *Land Title Act 1994* and section 5.3 of the directions should be applied to the sketch plan for the definition of that sublease.

5.9 Trustee Permits:

As identified in s60 of the *Land Act 1994* and s13 of the *Land Regulation 2009*, if a trustee permit issued under this Act, is over or part of trust land and is to be registered, the permit area must be identified.

If the permit is for part of trust land, the appropriate form for the permit must also include a sketch plan identifying the land subject to the permit, drawn to a standard to the Registrar of Titles satisfaction.

The minimum standards for a trustee permit sketch are as follows:

- ◆ Drawn to a suitable metric scale.
- ◆ To be drawn on A4.
- ◆ Show a north point.
- ◆ The permit area to be identified as "Permit # " (# = an alpha character).
- ◆ The permit area delineated with distinct heavier broken linework, hatching the permit area is permitted, but not the preferred method of delineating the permit area. If hatch is used it must not obliterate any information..
- ◆ The boundaries of the permit area are to be suitably dimensioned with bearings and distances, or just distances as appropriate, with the distances shown in metres.
- ◆ The boundaries of the permit area may be defined by fences or other suitable structural elements, but if defined by these the sketch must clearly identify those elements.
- ◆ The area of the permit area to be shown in square metres or hectares as appropriate.
- ◆ The permit sketch plan must have a suitable title block which identifies the purpose of the sketch, the description of the lot and the title reference of the lot, as well as the Local Government, Locality.
- ◆ The permit area must be located with reference to the external cadastral boundaries of the lot.
- ◆ The sketch should show appropriate adjoining information to aid in the location of the permit area.

5.10 Samples for sketches:

Figure 5-1: SLD with legend

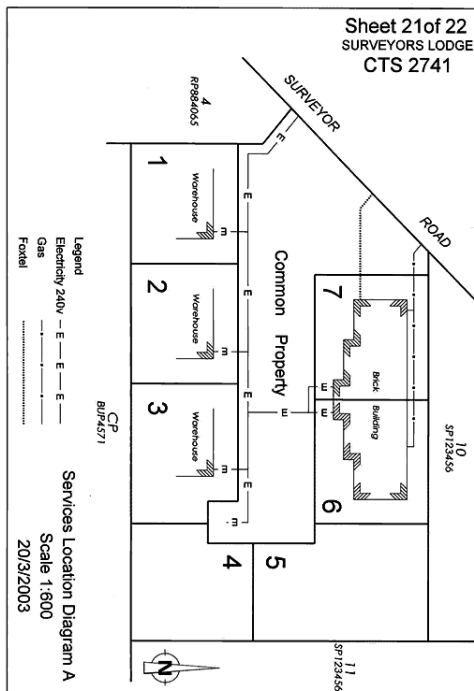


Figure 5.1: SLD with legend

Figure 5-2: SLD without legend

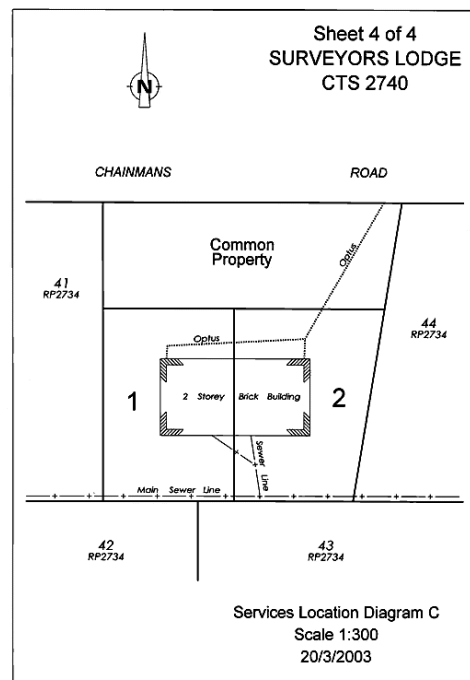


Figure 5.2: SLD without legend

Figure 5-3: Lease in a building – high value and long term

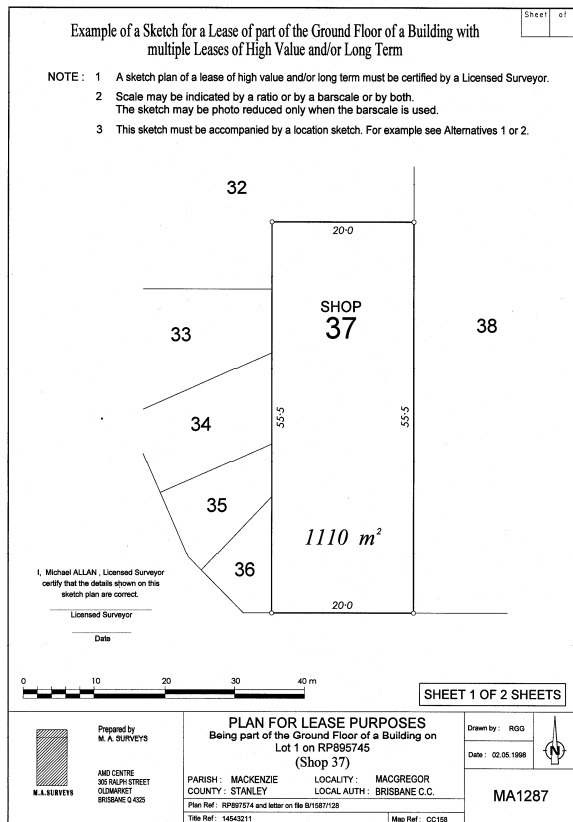


Figure 5-4: Location by direct connection

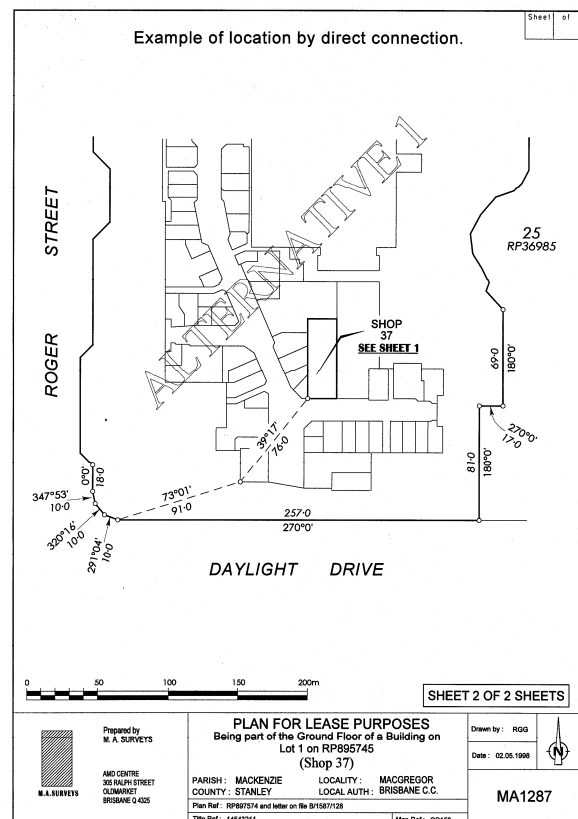


Figure 5-5: Location by offsets.

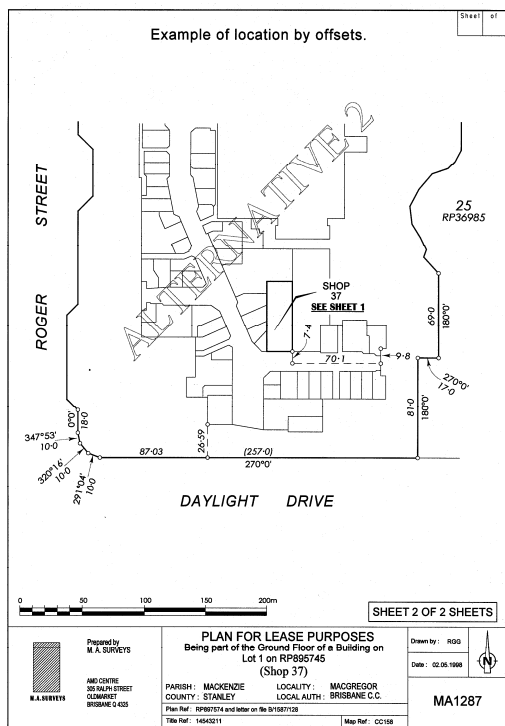


Figure 5-6: Master sketch of multiple leases

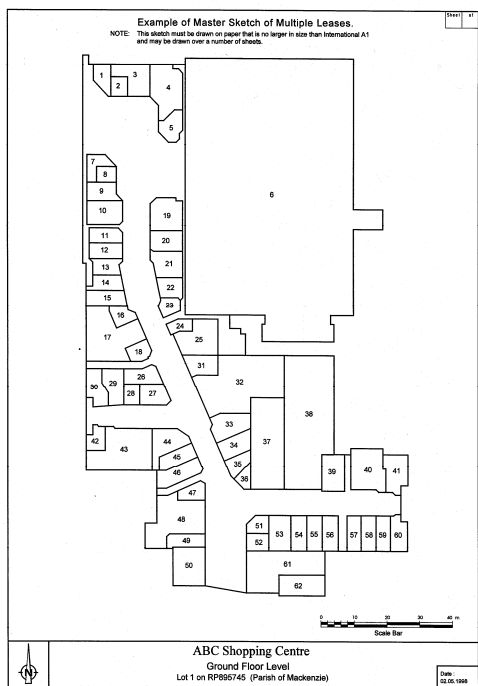


Figure 5-7: Table of leases to accompany master sketch

Example of Table of Leases to accompany Master Sketch.

IDENTIFIER	DEALING NUMBER	IDENTIFIER	DEALING NUMBER
1		50	
2		51	
3		52	
4		53	
5		54	
6		55	
7		56	
8		57	
9		58	
10		59	
11		60	
12		61	
13		62	
14			
15			
16			
17			
18			
19			
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47			
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49			

ABC Shopping Centre
Ground Floor Level
Lot 1 on RP895745 (Parish of Mackenzie)

Date: 02.05.1998

Figure 5-8 Lease in a building – high value and long term

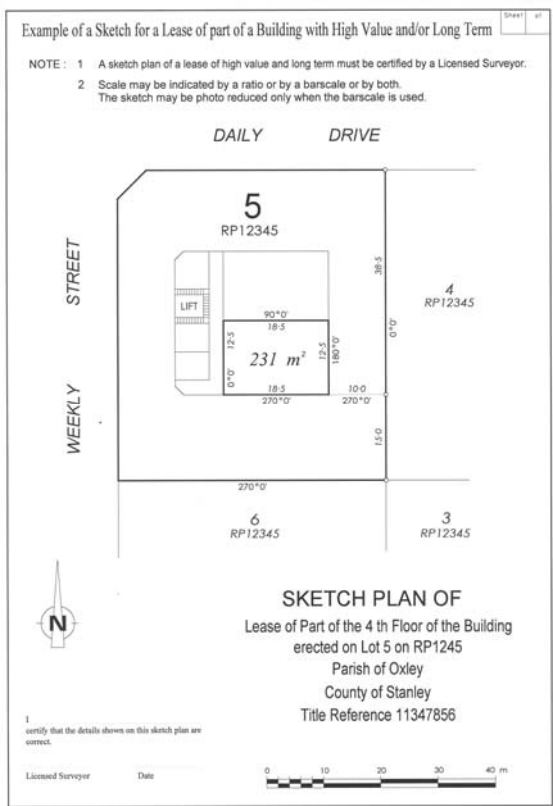
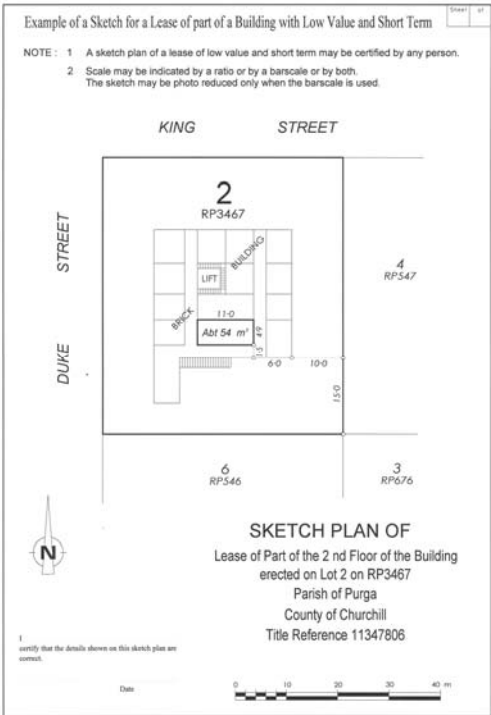


Figure 5-9: Lease in a building – low value and short term



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6. Easements:

6.1 Compliance with *Land Title Act 1994*:

Plans delineating easements in freehold land must comply with Division 4 of the *Land Title Act 1994*.

Where an instrument of easement is not lodged together with the plan, the easement description must be prefixed with the designation "proposed".

For some actions under the *Land Act 1994* the easement must be described as "proposed" for example an action under s358 *Land Act 1994*.

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

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

6.2 Fully dimensioned:

Easements must be fully dimensioned, given an area and be defined on a plan of the appropriate format.

Saving that in the case of easements wholly contained within a single level in a building or structure on a Building Format plan and occupying the whole of the vertical extent of that level, easements may be dealt with as required in Direction 9.19. Subject to the requirements of that Direction, they may not need to be dimensioned, but they must be given an area.

6.3 Easements in parts:

Easements may not be in parts other than as permitted in Direction 10.4

6.4 Unrestricted easements:

Where an easement is to be unrestricted vertically, it must be defined on a Standard Format plan or, where applicable, may be defined on a Building Format plan provided that the easement is not contained within a building format lot on that plan.

6.5 Easements limited vertically:

Where an easement is to be restricted vertically, it must be restricted in both height and depth and defined as a volumetric easement on a volumetric format plan in accordance with the requirements of Direction 10.

However, where an easement is restricted by a single continuous horizontal plane in either height or depth or both:

- ◆ it may be defined on either a Standard Format plan or, where applicable, may be defined on a Building Format plan;
- ◆ the description must include the word "Restricted"; and
- ◆ levels of the existing ground surface at the corners of the easement must be shown on the face of the plan or by tabulation in terms of the general principles of Direction 10.12.5;.

- ♦ the vertical restriction must be detailed on the plan with reference to the Australian Height Datum, together with details of the Permanent Mark on which this is based.

However, the provisions of Direction 10.10.6 may be utilised if levels on the Australian Height Datum are not available in the immediate area of the survey.

6.6 Easement occupying the whole vertical extent of a lot:

An easement occupying the whole of the vertical extent of a lot, including restricted, building and volumetric lots or is totally within a single level on a Building Format plan, must not be described as "restricted".

6.7 Easement as adjoining information:

Where an easement has been registered:

- ♦ the easement must be plotted on the face of the plan; or
- ♦ in the case of a volumetric easement, the footprint must be plotted on the face of the plan; and
- ♦ the easement referenced by easement letter and plan number; and
- ♦ if the adjoining easement is a restricted easement the description must be qualified as "restricted".

6.8 Easements and local government consent:

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.

6.9 Description

An easement is a secondary parcel and must 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.

7. Plan Formats:

- ◆ **Standard Format Plans** create parcels that are of two dimensions at ground level and are unlimited in height and depth. Parcels are defined by surveyed dimensions and marks placed on the ground.
- ◆ **Building Format Plans** create parcels within structures. Parcels are defined and limited by floors, walls and ceilings, other than in special cases as noted in Direction 9
- ◆ **Volumetric Format Plans** create parcels that are fully enclosed by bounding surfaces. Parcels may be above, below, or partly above and partly below ground surface and are defined by surveyed dimensions and levels.
- ◆ **Explanatory Format Plans** (see Direction 20)

It is not permissible to create parcels of different format types on the same plan, other than in the case of easements and the remainder lot on Volumetric and Building Format plans. (See Directions 6, 9.3.2 and 10.2.4).

Plans of all formats may cancel a base parcel containing multiple lots of the same format. (However, see Direction 9.16). There is no requirement to amalgamate a number of lots prior to a survey of land for a Community Titles Scheme.

Each format uses the same plan forms, but the requirements for presentation differ for each format. These requirements are detailed in Directions 8, 9 and 10.

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8. Standard Format Plans:

8.1 Subdivision:

A Standard Format plan may subdivide:

- ◆ a lot or lots and/or common property created on a Standard Format plan;
- ◆ that part of common property created on a Building Format plan, which is located outside the building;
- ◆ the remainder lot or lots that are described on a volumetric format plan;
- ◆ 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.

The whole of the base parcel being subdivided must be dealt with, and no undescribed balance or remainder must be left. (However, see Directions 4.16 and 4.17).

8.2 To be surveyed and marked:

Each parcel, including any balance lots, must be surveyed, and marked in accordance with the provisions of legislation, survey standards and survey guidelines in force at the time (See Direction 1.2), given an area and dimensioned in accordance with these Directions. (However, see Directions 4.16 and 4.17).

8.3 Lot numbers:

Lot numbers on a Standard Format plan must be numeric and the numbering must 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 QSIIS 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:

Part lots are permitted, but parts of the same lot must 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.

The only instance in which part lots may be created on a plan of amalgamation is where a plan of amalgamation is required for the termination of a community titles scheme pursuant to s115U *Land Title Act 1994*.

8.4.1 Part lots separated by lots:

Where part lots are separated by lots, each part must be noted with its lot number and the designation "Part" or "Pt" and given an area. A total area must 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 must be qualified with the word "total".

Where common property is shown in parts each part of common property must be noted as common property and the designation "Part" or "Pt" and given an area. A total area must 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 must be qualified with the word "total".

8.4.2 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.

8.5 Lots or leases with restrictions in height and or depth:

A lot or lease that has any restriction in height and or depth may not be defined on a Standard Format Plan, other than in the case of an existing lot, the vertical limit of which is defined by reference to the surface or a defined plane (See Direction 8.7) or as provided for in Direction 8.1.

8.6 Easements with restrictions in height or depth:

Easements with restrictions in height or depth may be defined on a Standard Format plan, subject to the requirements of Direction 6.5.

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

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.

Where a plan deals with an existing lot that is restricted to a distance “relative to the surface of the land” or where an existing lot is restricted in either height or depth only by a defined plane:

- ◆ the main plan must bear a prominent note, located immediately above the title block, detailing the restriction and the lots affected. The restriction must 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 must refer to the lot or lots as “Restricted”, i.e Lot 1 (Restricted)
- ◆ and
- ◆ the cancelling clause must refer to the cancelled lot or lots as “Restricted”, i.e Lot 5 (Restricted) on RP123456.

8.8 Easements and leases:

Easements and Leases may be defined on Standard Format plans, and, except for Directions 8.3 and 8.4, must follow the general principles in this Direction. Easements and Leases must not be defined in parts other than as permitted in Direction 10.4. See also Direction 4.8.2.

8.9 Community titles schemes:

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

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. Building Format Plans:

9.1 Definitions for building format plans:

For this section, the following definitions must apply:

Balcony: means a part of a lot being an addition to the face of a building, whether covered or uncovered, that immediately adjoins its parent lot, is accessible from that lot and is above ground level.

Base Parcel: means the land that is subdivided by a building format plan, exclusive of any new road, public use land, parts of common property being included in a higher scheme or remainder standard format lots created on that plan irrespective of whether or not the remainder standard format is identified as scheme land.

Base Parcel Area: means the area of the base parcel land.

Carport: means a lot or part of a lot for parking contained within a structure that has a roof and a constructed floor and which is not fully enclosed by walls.

Courtyard: means a part of a lot, predominately 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 must be sufficient to clearly define the area.

Deck: see balcony.

Existing Building: means a building that was completed before the commencement of the *Body Corporate and Community Management Act 1997*.

Garage: means a lot or part of a lot being an area for parking contained within an enclosed structure or on an unroofed level of a building.

Low Rise Building: means a building that may consist of several levels, but in which there are no different lots one above the other.

Patio: see verandah.

Porch: see verandah.

Private Yard: means a part of a lot, unlimited in height and depth, being open space at ground level and which immediately adjoins another part or parts of the same lot. (See Direction 9.17).

Roof Garden: means a part of a lot being an area on the roof of a building that contains other parts of the same lot but has no roof structure to it and is open to the sky.

Storage: means a lot or part of a lot being an area for storage contained within a structure.

Structural Elements: See Direction 9.6.1.

Verandah: means a part of a lot within the same structure and immediately adjoining another part of the same lot. A verandah is defined by floors and ceilings and partly by walls and partly by balustrades or other structural elements. Included in this definition are patios and porches, which terms may be used if appropriate.

Void: means a part of a lot on a higher level than the lower level on which another part of the same lot is defined, that is not bounded by a floor. A void is not given an area. (See Direction 9.5.5).

Where it is desired to use other terms to describe areas on a plan, prior approval of the Registrar must be sought for their use.

9.2 Subdivision:

A Building Format plan may subdivide:

- ◆ a lot or lots and/or common property created on a Standard Format plan;
- ◆ a lot or lots and/or common property created on another Building Format plan;
- ◆ a lot or lots and/or common property created on a Volumetric Format plan.

Other than as permitted in Direction 9.16, it is not permissible to subdivide a base parcel that consists of both standard and volumetric lots or both standard and building lots or both building and volumetric lots.

The whole of the base parcel being subdivided must be dealt with, and no undescribed balance or remainder must be left. (However, see Directions 4.16 and 4.17).

9.3 Lots on a building format plan:

9.3.1 Creation of building format lots:

A Building Format plan:

- ◆ must create common property; and
- ◆ must create at least two building format lots;

unless the plan is:

- ◆ a resubdivision of an existing building format lot or volumetric format lot; or
- ◆ a resubdivision of an existing building format lot or standard format lot or volumetric format lot or part of existing Common Property in an existing Community Titles Scheme which creates only one lot and additional common property; or
- ◆ an amalgamation of less than all existing lots, defined on a building format plan, in an existing Community Titles Scheme; or
- ◆ creates additional common property for an existing Community Titles Scheme.

Provided that the foregoing is complied with, it is acceptable for a Building Format plan to create individual isolated lots within a Scheme.

All lots, or parts of lots, must be contained within, on, under or immediately adjacent to a building or structure except as permitted under Direction 9.17.

9.3.2 Creation of a standard format or volumetric format lot on a building format plan:

Where a Building Format plan subdivides a base parcel that consists of Standard Format lots only, the remainder of the base parcel must be fully dimensioned, given a number and must be considered to be a Standard Format lot for any future action. (However see Directions 4.16 and 4.17).

A note must be placed on the face of the main plan stating that "Lot <lot number> is a Standard Format lot".

Only one Standard Format lot may be created, apart from those noted in Direction 9.3.3.

It is not necessary for a Standard Format lot to be included as scheme land in the Community Management Statement. (See Direction 13.5)

Where a Building Format plan subdivides a base parcel that consists of Volumetric Format lots only, the remainder of the base parcel must be fully dimensioned, given a number and must be considered to be a Volumetric Format lot for any future action. (However see Directions 4.16 and 4.17).

A note must be placed on the face of the main plan stating that "Lot <lot number> is a Volumetric Format lot".

Only one Volumetric Format lot may be created, apart from those noted in Direction 9.3.3.

It is not necessary for a Volumetric Format lot to be included as scheme land in the Community Management Statement. (See Direction 13.5)

9.3.3 Other lots that may be created on a building format plan:

In addition to Building Format lots and the one Standard Format lot or one Volumetric Format lot permitted above, it is permissible to create lots for park, reserves or other public use land, and to dedicate New Road.

9.4 Lot numbers:

The following is intended to provide guidance to the appropriate use of lot numbering on a Building Format Plan that is acceptable to the titles registry.

Lot numbers in a building format plan:

- ◆ must be numeric;
- ◆ may be made up in the form of a numbering template for example FL, TFL, TL, BL, SL, EFL or BFL, where T is a tower number, F is a floor number, L is a lot number, S is a stairwell number, E is an elevator/lift number and B is a building number. The list of numbering templates is not exhaustive and alternatives may be used as long as there is an understandable logic to that template.
- T, F, B, S, E and L or another identifier may be two digit numbers. However, the number in no case may exceed 5 digits.
- To determine a floor number,
 - the lowest level must be numbered 1 or 01 as appropriate; or
 - the lowest level where the first main part of a lot exists must be numbered 1 or 01 as appropriate; and
 - each additional floor must be numbered consecutively, regardless of the existence or otherwise of lots on that level.
- ◆ must be numbered consecutively, saving that where a numbering system based on numbers in a tower and/or level is adopted, numbers need not be consecutive from one tower or level to another;

- ◆ must not be duplicated within the one plan;

The numbering system adopted must be used consistently throughout every stage of the scheme.

There will be some instances due to cultural sensitivities where certain numbers are not used and this is acceptable to the titles registry.

There will be some instances where the numbering system adopted may not be able to be used consistently throughout the scheme due to marketing or sales or staging requirements and as long as the numbering system used throughout the whole scheme is logical then this is acceptable to the titles registry.

Where lots are proposed for dedication to public use or for future subdivision, they may be given numbers that are higher than the total number of lots within the development.

In the case of a staged development, provided that the numbering of lots in the completed development complies with the preceding paragraphs, the numbering of lots on individual plans of stages in that development need not.

Where the requirements of this Direction would require that lot numbers in an extensive development be amended following subdivision or amalgamation of lots prior to finalization of the plan, but subsequent to contracts on other lots being exchanged, the requirement of consecutive numbering may be disregarded. In these cases, a letter from the surveyor must be lodged with the plan justifying the numbering. Where it is not obvious on the plan that the lack of consecutive numbering is the result of subdivision or amalgamation, the provisions of Direction 1.3 should be utilised.

9.5 Part lots:

9.5.1 Part lots are permitted:

- ◆ Each part must be given an area and a total area must be noted in the largest part. If there is insufficient space, the total area may be noted on the face of the plan.
- ◆ Where part lots are located on different levels, provided that the numbering of the main part of the lot complies with the requirements of Direction 9.4, the numbering of other parts of the same lot on other levels may appear in any order in relation to other lots or part lots.

9.5.2 Part lots adjoining:

- ◆ Where part lots adjoin one to the other, it is not necessary to designate each with its lot number. However, they must be shown separated by a light line. The part lot must be designated with its descriptor and an area. "Part" or "pt" is not used when there is no lot number.
- ◆ Where part of a lot, fully bounded by structural elements, immediately adjoins another part of the same lot not so bounded, the division between the parts must be the centre of the wall and each part must be dealt with as adjoining part lots.

9.5.3 Part lots not adjoining:

Where a part lot is separated from another part of the same lot, each must be noted with its lot number and the designation "Part" or "Pt".

9.5.4 Description of part lots:

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

Other part lots must be described on the face of the plan as "balcony", "carport", "courtyard", "garage", "patio", "porch", "private yard", "roofgarden", "storage", "deck", "void" or "verandah", or otherwise as permitted by the Registrar.

9.5.5 Void:

A void may only exist where a lot is in several different parts, one above the other.

A void is a part of a lot that:

- ♦ is shown within the outer boundaries of a lot on other than the lower or lowest levels on which part the lot appears; and
- ♦ is not bounded by a floor; and
- ♦ may not be given an area.

Examples of a void would include the opening on the second floor of a two story unit where an internal staircase is provided, or the opening on the highest floor 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. In some instances an internal staircase within a multi floor lot could be considered to be part of the floor on a particular level.

A void must be dealt with as for other part lots, but must not be given an area. It is not necessary to dimension the boundary between a part lot and a void.

A void may not exist in common property.

9.6 Boundary definition:

9.6.1 Structural elements:

The following are acceptable structural elements for the purposes of this Direction:

- ♦ Floors or ceilings, centre;
- ♦ Walls, full height, centre;
- ♦ Walls, not full height, centre;
- ♦ Doors or windows, centre, other than where incorporated into a wall, when the boundary would be collinear with the centre of the wall;
- ♦ Balustrades or railings, outer face;
- ♦ Edge of a floor or a concrete base not abutting a wall, outer edge;
- ♦ Corners within a building or structure defined by the centres of posts which are structurally required for the building or a wall.

9.6.2 The above list of structural elements is not exhaustive and other structural elements similar in nature to the above may be used with the approval of the Registrar. Where the horizontal boundaries of lots or part lots in or on building or structure are:

- ◆ defined by structural elements as specified in Direction 9.6.1, the boundary need be delineated only;
- ◆ not defined by structural elements as specified in Direction 9.6.1 or the boundary is located in other than the position specified in or on the structural element specified in that Direction:
- the boundary must be dimensioned;
- the boundary must be unambiguously located with reference to structural elements identified on the plan, or by connection to the boundaries of the base parcel, and
- each corner must be marked by an approved survey mark, or referenced to occupation.

To avoid ambiguity, it is directed that it is only those boundaries that are not defined by structural elements as defined in Direction 9.6.1 that must be dimensioned.

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

- ◆ defined by structural elements as defined in Direction 9.6.1, no additional definition is required;
- ◆ not defined by structural elements as noted in Direction 9.6.1, and on a roof, for example a roof garden, the vertical dimension shall be:
- where there is an adjoining lot, or part lot, defined vertically by structural elements, on the same level as the lot or part lot, the upper boundary of the lot or part lot shall be the horizontal extension of the upper boundary of the adjoining lot;
- where there is no adjoining lot, the upper boundary shall be defined by a vertical distance above the roof. This vertical distance shall be determined by the mean of the vertical distances between the upper and lower limits of lots within the building and must be noted on the diagram for that level. 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>.
- where there is no adjoining lot but adjoining common property defined vertically by structural elements, on the same level as the lot or part lot, the upper boundary of the lot or part lot shall be the horizontal extension of the upper boundary of the adjoining common property. The plan must clearly indicate with a notation that the lot is limited in height by the vertical limit of the adjoining common property.
- where there is an adjoining lot, or part lot, defined vertically by structural elements, on the same level as the lot or part lot, and the vertical boundary of the roof garden is also partly defined by structural elements the plan must clearly indicate the differing vertical limits of the lot or part lot.

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

- ◆ a private yard, each corner must be marked, in accordance with the Departmental standards for cadastral surveys section 3.22.1 and each boundary

must be fully dimensioned other than those that immediately adjoin another part of the same lot that is fully defined by structural elements. "Marked" must include normal references to occupation at corners. A private yard must be shown on the level diagram for the lowest level;

- ◆ other than a private yard (eg a balcony or a courtyard, etc), it must be shown on the level diagram (see Direction 9.12) for the level on which it lies and:
 - for horizontal definition, see Direction 9.6.2;
 - for vertical definition:
 - where the part lot is fully or partially defined by structural elements as defined in Direction 9.6.1, no additional definition is required;
 - where there is no upper structural element, this shall be defined by the extension of the ceiling of the adjoining part lot within the structure.

9.7 External boundaries:

The external boundaries of the land the subject of the survey shown on the plan and of the base parcel must be surveyed, and marked in accordance with the provisions of legislation, survey standards and survey guidelines in force at the time (See Direction 1.2) and dimensioned in accordance with these Directions. However these boundaries may be compiled, see Directions 4.16 and 4.17. 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.

An area, which must be the total area within the outer boundaries of the base parcel the "Base Parcel Area", must be shown as a note on the face of the plan. Where the base parcel is a volumetric format lot, the base parcel area shall be taken to be the area of the footprint. Where the cancelled parcel is a standard format lot, the base parcel is a standard format lot and taken to mean the land that is subdivided by a building format plan, exclusive of any new road, public use land, parts of common property being included in a higher scheme or remainder standard format lots created on that plan irrespective of whether or not the remainder standard format is identified as scheme land.

Base Parcel Area: means the area of the base parcel land.

The boundary of the base parcel must be shown, in all cases, as a full line

See Figure 9-7.

9.8 Location of buildings:

The first sheet of a Building Format plan, the main plan, must show the plotted location of each building or structure including a carport with respect to the outer boundaries of the base parcel. At least two major corners of each building must be connected to the outer boundaries of the base parcel, either directly or indirectly, by surveyed connections which must be shown on the plan or in a diagram on an additional sheet. The connections may be shown in a tabular form with the table labelled "Building Connections".

The line thickness used for the building diagrams must be significantly thinner than that used for the outer boundaries of the base parcel. It is not necessary to place a circle at each corner of the building.

In this Direction, the outline of the building or structure shall be defined by the projection of the outermost walls of the building, inclusive of any sub-surface basement levels. However, it shall be exclusive of any eaves, guttering, projecting balconies, courtyards, or other incidental

projections, none of which shall be shown on the main plan, unless it is necessary to illustrate an encroachment or to satisfy the requirements of the *Survey and Mapping Infrastructure Regulation 2004*.

Where a basement or podium is significantly greater in horizontal dimensions than the upper levels, the upper levels must be shown in broken outline on the building diagram.

Where a base parcel is a volumetric format lot, the outer boundaries of the base parcel shall be taken to be the outer boundaries of the footprint of the volumetric lot.

The description of the type of building may be shown but the number of floors/levels of the building is required to be shown.

See Figure 9-7.

9.9 Information to be shown on the main plan:

The information required in Directions 9.7 and 9.8 must, as far as possible, be shown on the face of the main plan.

9.10 Multiple buildings:

Where there are multiple buildings within a Scheme, each building must be lettered sequentially, and prefixed with the word "Building" or "Bldg" and lettered commencing from "A".

Where the plan is the first of a series in a Scheme, the commencing letter may be other than "A", provided that when the Scheme is completed, the buildings are lettered in a continuous series starting from "A"

This Direction applies to Schemes with single or multiple layers.

9.11 Multiple levels:

Where there are multiple levels in a building, each level must be lettered sequentially, commencing with the letter A, which shall designate the lowest level in the building.

In the case of multiple buildings, each level in each building must be designated using the same system, regardless of the relative relationship in height between levels lettered the same in each building.

Where a lot occupies several levels, the part on each level must be shown as a separate part lot.

Where a building is subdivided by a Volumetric Format plan into lots consisting of a number of levels in the one building, levels must continue to be designated as required by this Direction, notwithstanding that the levels in a Building Format plan subdividing one of the Volumetric Format lots may not then commence with the letter "A". In this case, a lateral aspect diagram must be prepared to illustrate the level relationship between the different Volumetric Format lots and the Building Format plan.

9.12 Level diagrams:

A diagram of every level in each building must be included on the plan whether or not lots are defined on that level. These diagrams must illustrate the lots and/or common property on that level. Each level diagram within the one building must be drawn to the same scale and orientation, and must be such that the required information may be clearly shown.

Every level diagram must be noted with its alpha identifier, eg Level A. If applicable the buildings on the level diagrams should be labelled with their building identifier, eg Building A.

Where the requirements of this Direction would result in level diagrams being unusually small or large, this requirement may be disregarded. In these cases, a letter from the surveyor must be lodged with the plan justifying the departure from the requirement. Orientation must remain the same.

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.

9.13 Buildings with levels of different horizontal dimensions:

- ◆ Where a building is of differing horizontal dimensions on different levels, on the outline diagram for a level that is set back from, or extends beyond, the level below or the level above, the outline of the lower level or upper level must be shown in broken line. Note that this only applies to the level immediately below or immediately above.

In this Direction, the outline does not include any projections, i.e. balconies or courtyards, or a private yard.

- ◆ Where necessary, a diagram or diagrams showing the lateral aspect (vertical section) must be included in the plan. It will be acceptable, and may be necessary, to show the lateral aspect from different viewpoints.

See Figure 9-8 and Figure 9-9.

9.14 Floors with steps in level:

A step in physical level on a floor shall not necessitate creation of another level merely because of this step in physical levels regardless of the amount of the step.

Where the amount of the step is greater than one metre, a lateral aspect view must be provided showing the step in relation to the remainder of the building.

9.15 Buildings with multiple towers:

Where a building consists of several towers over a podium, it must be dealt with in the following manner:

9.15.1 Building footprint:

- ◆ The building footprint is that of the podium or basement. The towers must be shown in outline as required by Direction 9.8.
- ◆ No objection will be taken to referring to the towers as Tower A, Tower B etc.

9.15.2 Level designations:

- ◆ The level designations in each tower must continue from the levels in the podium or basement. That is, if the basement has levels A and B, the levels in each tower must start at C. This Direction applies whether the towers or buildings are developed at the one time or in stages.
- ◆ Level diagrams are prepared as required by Direction 9.12. The parts of a level within each tower may be noted as Tower A, Tower B etc.
- ◆ In either case, level diagrams for the basement levels must be shown for the whole extent of the basement.

9.15.3 Lateral aspect diagram:

A lateral aspect diagram must be provided in all cases.

Where the development is carried out in stages, the lateral aspect diagram of later stages must show the whole of the previous stages as well as the current stage.

9.16 Plans with standard and volumetric lots in the base parcel:

See also direction 9.23

9.16.1 The provisions of this Direction may only be used:

- ◆ where permitted by Direction 9.20.5; or
- ◆ with prior permission of the Registrar; or
- ◆ Where the volumetric lot is wholly contained within the standard format lot.

This Direction supersedes the provisions of other Directions in case of conflict.

9.16.2 Additional to Direction 9.7:

The plan must, in addition to the requirements of Direction 9.7, show:

- ◆ the footprint of the volumetric lot as part of the main diagram of the base parcel. The footprint area must be shown as a note immediately under the note of the total area required by Direction 9.7. This note must be repeated under any Direction that requires an amended total area to be shown.
- ◆ show a three dimensional diagram of the volumetric lot.

9.16.3 Lateral aspect diagram:

A lateral aspect diagram must be prepared showing the relationship of the floor levels in the plan to the volumetric lot.

9.16.4 Boundary between standard and volumetric lots:

In all other respects, it is not necessary to indicate the dividing line between the volumetric and standard format lots.

9.17 Private yards:

The following principles apply to private yards:

- ◆ Private Yards must immediately adjoin another part or parts of the same lot within a structure, or a courtyard that so adjoins.
- ◆ Private yards are permitted only where the part lot within the structure noted above is in, or immediately adjacent to, a low rise building.
- ◆ 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 Figure 9-18)
- ◆ Private Yards are unlimited in height and depth.
- ◆ Private Yards must be defined as required by Direction 9.6.4.
- ◆ A private yard may not be restricted vertically by any part of the same or another lot.
- ◆ A private yard must be shown on the level diagram for the lowest level. Where the private yard would not immediately adjoin a part lot on the lowest level because the extent of that part lot is lesser in horizontal extent than the part lot on a higher level, a note made on the inner boundary of the private yard that it immediately adjoins the part on the higher level must be sufficient to satisfy the requirement that a private yard must immediately adjoin a lot.
- ◆ Where a private yard adjoins a lot or part of a lot bounded by structural elements, the boundary between them is only for the purposes of a "part lot". (See Direction 9.5.2).
- ◆ If a private yard fully surrounds the part of the lot within the structure the boundaries of those parts of the lot that adjoin that part of the lot that is private yard are only shown as a boundary between parts of lots. (See Direction 9.5.2).
- ◆ If a private yard only partially surrounds the part of the lot within the structure:
 - the boundaries of those parts of the lot within the structure that immediately adjoin other lots or common property are the floors, walls and ceilings; and
 - the boundaries of those parts of the lot that adjoin that part of the lot that is private yard are only shown as a boundary between parts of lots. (See Direction 9.5.2).

See Figure 9-10 to Figure 9-15

9.18 Diagrams to illustrate detail:

Where it is necessary to use diagrams to clearly illustrate detail, each must be shown with the same orientation. For level diagrams, see Direction 9.12.

9.19 Easements:

Where an easement is required in either a lot or common property and:

- ◆ is outside a building or structure; or
- ◆ is to be restricted other than by the vertical restrictions of a level within a building,

it must be dealt with as required by Direction 6.

Where an easement is required in either a lot or common property, is wholly contained within a single level within a building or structure and occupies the whole of the vertical extent of that level, it must be:

- ◆ subject to the requirements of Directions 6.1 and 6.3;
- ◆ shown on a diagram of that level;
- ◆ delineated or dimensioned as required by the general requirements of Direction 9.6; and
- ◆ taken to be restricted vertically by that level.

9.20 Encroachments:

Where any part of a building, including its footings, foundations or other projections, proposed to be the subject of a Building Format plan, encroaches onto an adjoining lot or road, the requirements of this Direction must be complied with.

Saving that if:

- ◆ the building is an existing building; or
- ◆ it is not practical to do so;

it is not necessary to determine the extent of footings or foundations below the surface of the land.

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

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 will show 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 must be clearly marked in accordance with the provisions of legislation, survey standards and survey guidelines in force at the time (See Direction 1.2).

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:

In the case of an encroachment:

- ♦ onto an adjoining lot, the acquisition of the necessary land, or the registration of an easement; or
- ♦ onto Unallocated State Land, the acquisition of the necessary land

to cover the encroachment is required.

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.

This Direction applies equally to an encroachment onto a lot created on a volumetric format plan of subdivision that is also subject to a registered Building Management Statement. If this is the case, the second option in the certificate referred to in Direction 9.20.7 shall be selected, and there shall be an additional notation made to the back of the plan above item 12 in the following form "encroachment/s onto adjoining lots have been resolved by the registration of a Building Management Statement <dealing number (if available)>."

9.20.3 Encroachment onto road:

- ♦ Minor encroachments:

Subject to Local Government consent, the following are permitted:

- eaves, guttering, awnings and other such minor projections from the wall of the building on an existing building, or as required or permitted by the Local Government under the provisions of the *Building Act 1975*; and
- in the case of an existing building, up to half the width of the wall.

In each case, the Local Government must consent, in Form 18, to the specific encroachments shown on the plan, and the consent must be lodged with the plan. This does not extend to include any part of a structure that forms, or is intended to form, any part of a lot that is on an existing building or required or permitted by a Local Government under the provisions of the *Building Act 1975*.

- ♦ In all other cases of encroachments onto a road whether at, above or below ground level, one of the following is required:
 - permanent closure of the road and the issue of freehold title or term lease over the closed road in terms of the provisions of the *Land Act 1994*.
 - temporary closure of the road and issue of a road licence over the closed road in terms of the provisions of the *Land Act 1994*.

(Early application should be made to the Minister where an encroachment onto a road is found.)

Where the building is a new building and subject to Local Government planning controls and approvals, and where there has been no application to the state for a tenure to accommodate the encroachment, no further action is required other than notifying the State

as to the presence of the encroachment. In this instance the encroachment must not be by part of a lot defined on the building format plan.

9.20.4 Maximum amount of encroachment:

Where the action taken to cover the encroachment is by other than the acquisition of a freehold title, the amount of the encroachment of a building may not be such that the boundary of a Building Format lot would project beyond the boundaries of the base parcel. That is, the maximum amount of encroachment permitted is limited to half the width of the wall.

9.20.5 Where a volumetric lot is created to remedy an encroachment:

In the case of an existing building:

- ◆ which encroaches onto adjoining road or an adjoining lot; and
- ◆ for which a volumetric lot:
 - as the result of a road closure, has been the subject of a deed of grant from the State to the registered owners of the standard lot containing the building; or
 - in the case of an adjoining lot, has been transferred from the adjoining registered owners to the registered owners of the standard lot containing the building.
- ◆ and for which a Covenant to either the State or the Local Government as appropriate has been registered in terms of Section 97A of the *Land Title Act 1994* to the effect that the volumetric lot will be held in the one ownership together with the standard lot on which the building encroaching is located;

the requirements of Direction 9.16 apply.

9.20.6 Provisions of the *Land Act 1994*:

Attention is drawn to Chapter 3 Part 2 of the *Land Act 1994* dealing with roads and Chapter 7 Part 2 dealing with Unlawful Occupation of Non-Freehold and Trust Land.

9.20.7 Certificate on encroachment:

In addition to the Surveyors Certificate (Form 12 or Form 18 or Form 14 or Form 19) required by the provisions of the *Survey and Mapping Infrastructure Regulation 2004*, the surveyor must complete the following certificate on the reverse of the main plan:

I certify that:

***As far as it is practical to determine, no part of the building shown on this plan encroaches onto adjoining lots or road;**

***Part of the building shown on this plan encroaches onto adjoining * lots and road**

Cadastral Surveyor/Director* Date

***delete words not required.**

This additional certificate must be executed by the surveyor or surveying entity that executed the surveyor's certificate on the main plan.

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 must be placed on the plan above the certificate noted above:

All lots defined on this plan are wholly contained within the base parcel.

If the encroachment onto the road is part of an existing building (directions 9.1 and 9.20.3) the following note must be placed immediately above item 12 on the reverse of the plan:

Encroachment is part of an existing building.

9.21 Plans of amalgamation or subdivision or resurvey of lots or Common Property:

Where a new plan deals with lots or Common Property within a building format plan:

- ◆ The whole of the lots, and where a lot is in parts, all of the parts, being dealt with must be shown on the plan, and delineated or dimensioned as required by Direction 9.6;
- ◆ As much of the level or levels on which the subject lots are located as is necessary to locate the lots must be shown.
- ◆ Lot numbering is at the discretion of the surveyor, provided it follows the general numbering scheme adopted for the remainder of the development and is in accordance with Direction 9.4.
- ◆ Unless the building has changed in size, shape or location in relationship to the boundaries of the base parcel (including additional patios, courtyards or balconies):
 - it is not necessary to comply with the provisions of 9.7 or 9.8;
 - it is not necessary to complete the certificate specified in Direction 9.20.7. This certificate may be crossed out and noted "Not applicable".

9.22 Community titles schemes:

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

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.

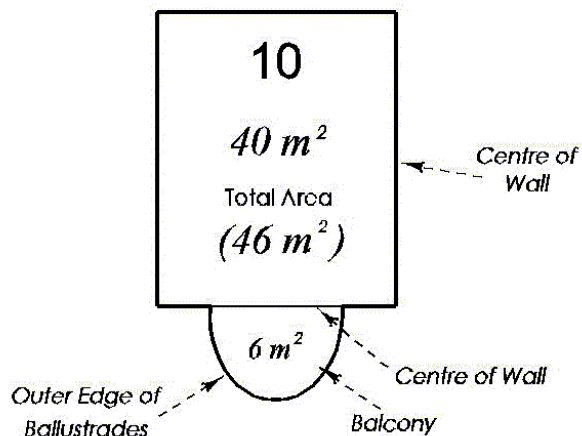
9.23 Plans where base parcel has registered volumetric or restricted secondary interests:

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 diagram 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 diagram may be necessary to provide an adequate level of detail.

9.24 Examples for building format plans:

Figure 9-1: Part Lot, Balcony



Note: Descriptions of the bounding features are for the purposes of this diagram only.

Figure 9-2: Part Lots, Carports

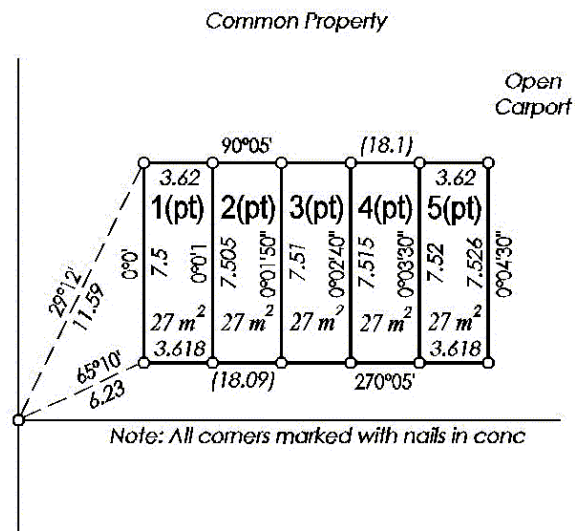


Figure 9-3: Part Lot, Courtyard

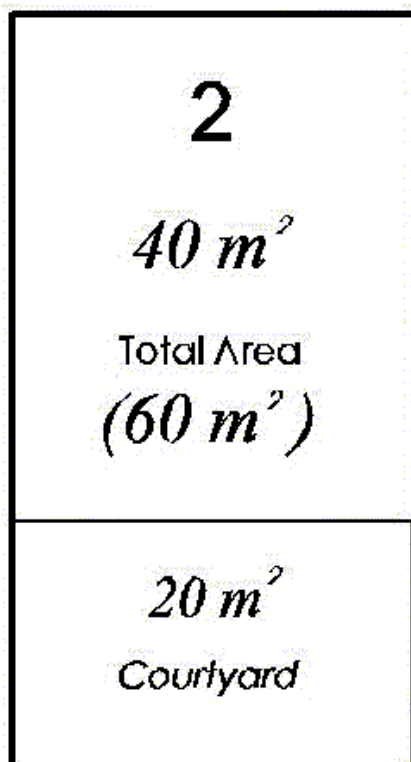
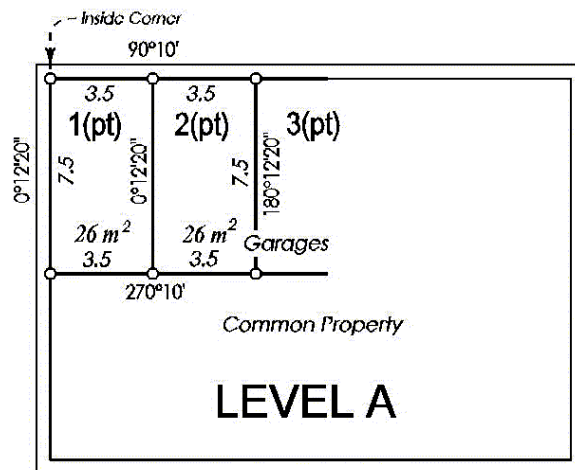


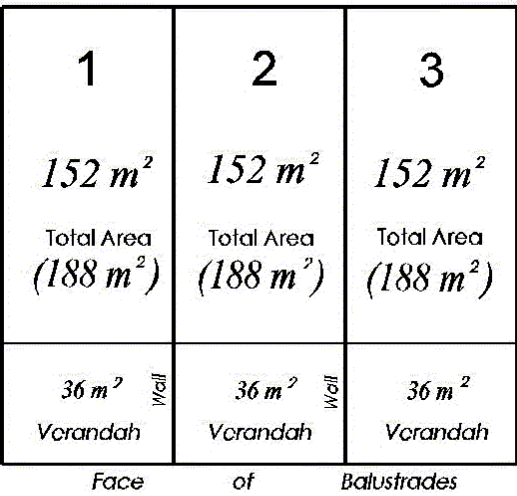
Figure 9-4: Part Lots, Garages



Note: Unless otherwise noted, all corners are ramsct nails in concrete.

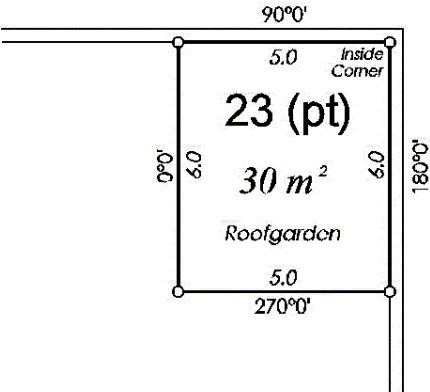
Note: Wall shown for illustrative purposes only. It is not required on an actual plan.

Figure 9-5: Part Lots, Verandahs.



Note: "Face of Balustrades" is for the purposes of this diagram only.

Figure 9-6: Part Lots, Roof garden



Note: Unless otherwise noted, all corner are nails in concrete.

Note: Wall shown for illustrative purposes only. It is not required on an actual plan.

Figure 9-7: Main plan for a building format plan

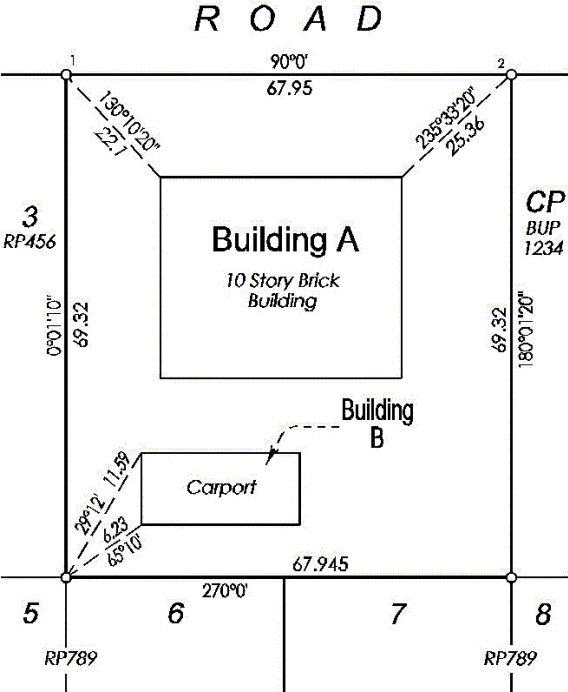


Figure 9-8: Lateral aspect view

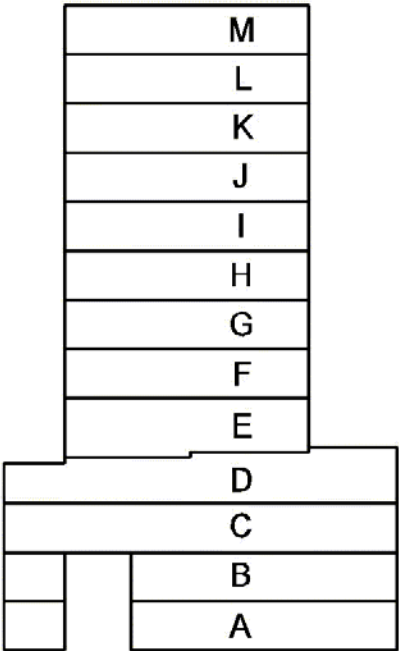
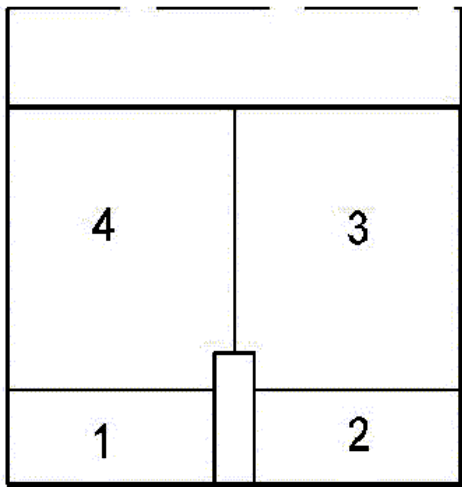
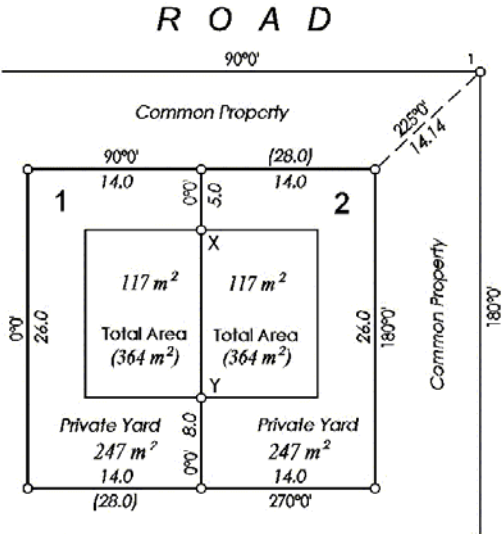


Figure 9-9: Level D illustrating the location of the level below



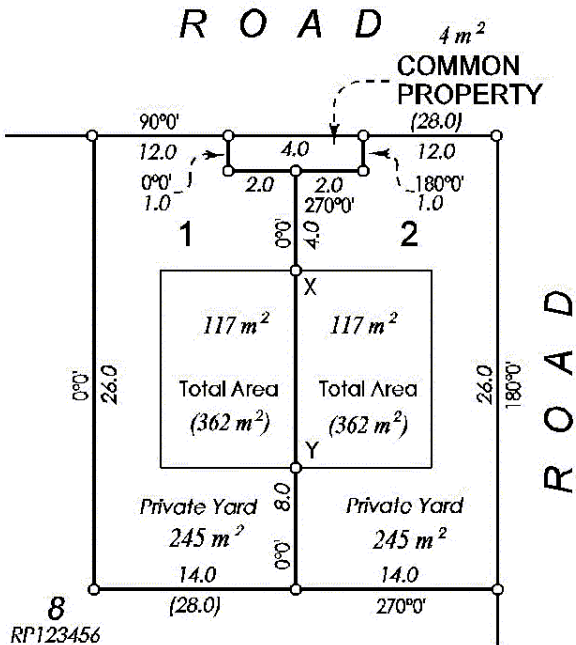
Level D

Figure 9-10: Private Yards within a larger community titles scheme



Note: All corners pegged unless otherwise noted.
(X - Y is centre of wall.)

Figure 9-11: Private Yards taking up the whole of a community titles scheme



Note: All corners pegged unless otherwise noted.
(X - Y is centre of wall.)

Figure 9-12: Private Yards - acceptable

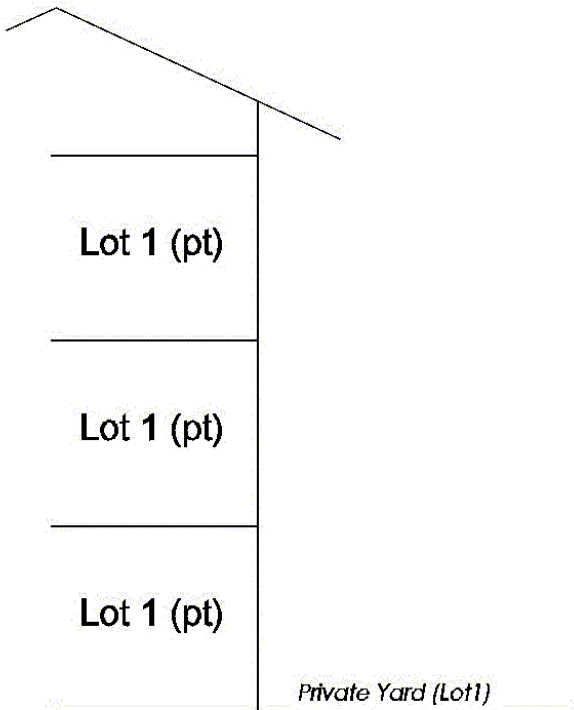


Figure 9-13: Private Yard – acceptable. Balcony is shown on Level B diagram in broken line only and is not given an area on the level diagram.

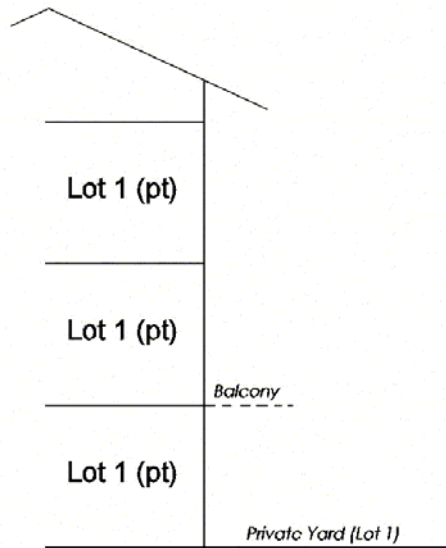


Figure 9-14: Private Yard unacceptable as balconies of lots 2-5 are within the private yard. A private yard that was less than the projection of the balconies would be acceptable.

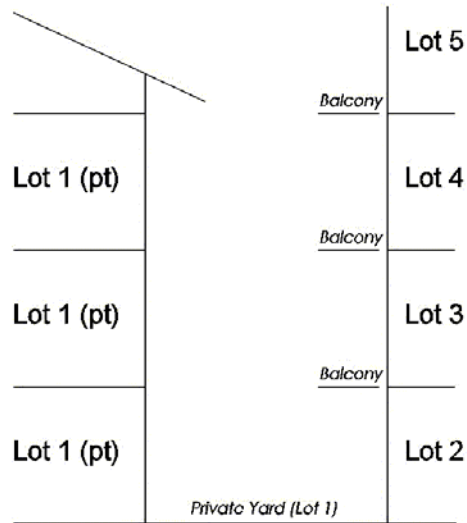


Figure 9-15: Private Yard unacceptable. Lots in building do not satisfy a low rise building.

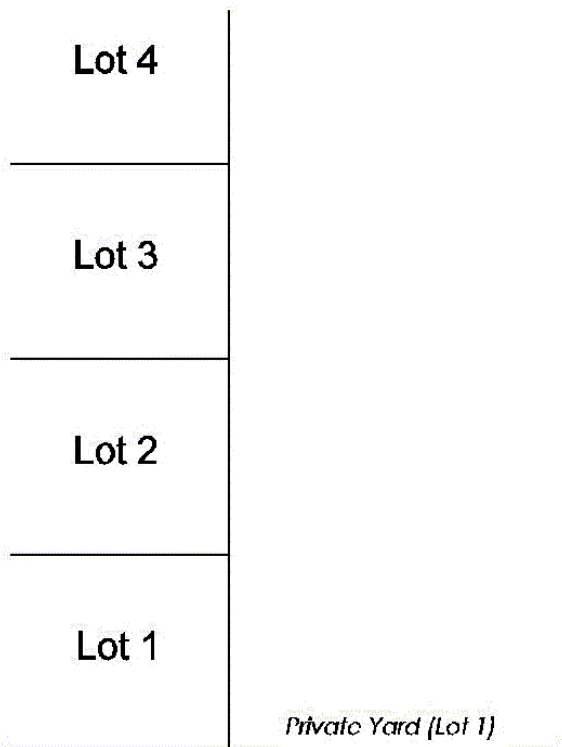


Figure 9-16: Voids

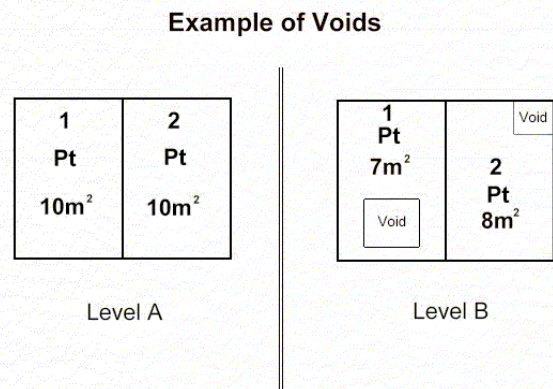


Figure 9-17: Private Yard – unacceptable to adjoin any part of another lot, except courtyard or private yard.

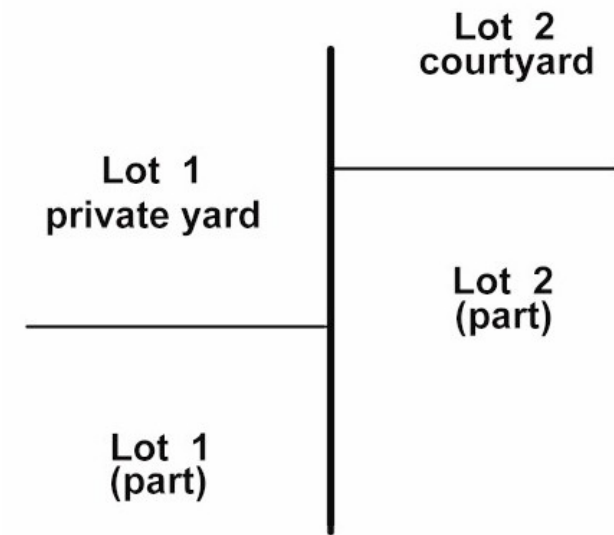
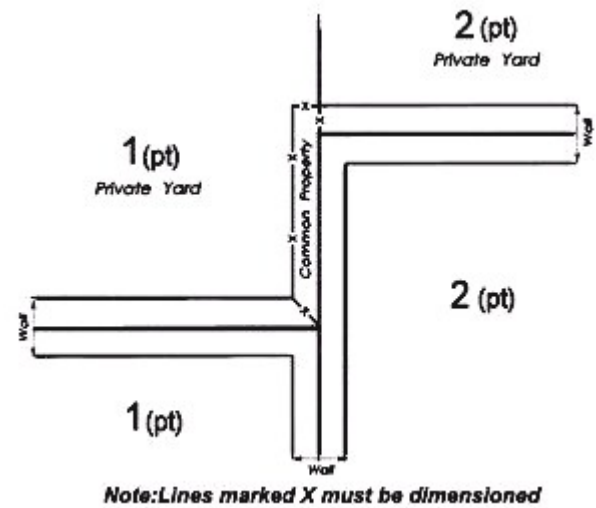


Figure 9-18:- Private Yard – acceptable – does not adjoin main part of adjoining lot.



10. Volumetric Format Plans:

10.1 Subdivision:

A Volumetric Format plan may subdivide:

- ◆ a lot or lots and/or common property created on a Standard Format plan;
- ◆ a lot or lots and/or common property on a Building Format plan;
- ◆ a lot or lots and/or common property created on a Volumetric Format plan.

The whole of the base parcel being subdivided must be dealt with, and no undescribed balance or remainder will be left. (However see Directions 4.16 and 4.17).

In this section the “base parcel” is defined by the external boundaries of the parcel or parcels being subdivided.

10.2 General:

10.2.1 Creation of volumetric parcels:

Volumetric Format plans deal with the creation of volumetric parcels, including a volumetric new road parcel, by reference to levels related to a fixed datum as distinct from similar division by reference to floors, walls and ceilings as is the case with Building Format plans.

10.2.2 Bounded in all dimensions:

A volumetric parcel must be bounded in all dimensions. Creation of lots or leases with restrictions in either height or depth only is not permitted. However, easements with restrictions in either height or depth only will be accepted. See Directions 10.6 and 10.7.

Volumetric plans define parcels that:

- ◆ are fully enclosed by bounding surfaces, which may be other than vertical or horizontal.
- ◆ All bounding surfaces, where not vertical or horizontal must be capable of a precise mathematical definition.
- ◆ are above or below or partly above and partly below the surface of the ground.

10.2.3 Restricted or “in strata” lots:

Existing lots that are currently described as “In Strata”, and are only restricted in one direction, i.e. “to the depth of 10m” or “below 10m”, are not volumetric. These lots may be referred to as “Restricted”. When subdivided, they must continue to be qualified by the term “Restricted”. Any plan of survey dealing with existing “Restricted” lots must deal with the lot as if it is a Standard Format plan.

The use of terms that refer to “Strata” or “In Strata” must not be used in any context in any document, including plans, other than as required by the *Mixed Use Development Act 1993*.

10.2.4 Subdivision of a standard format lot:

Where a standard lot is subdivided by a plan which creates a volumetric lot or lots, the whole of that lot must be dealt with, and undescribed balances or remainders are not permitted. (However, see Directions 4.16 and 4.17).

The remainder lot, which contains those parts of the original lot that remain after a volumetric lot has been excised, is considered to be a standard lot, even though the footprint of the volumetric lot may coincide with the outer boundaries of the original lot. The remainder lot must not be qualified in any manner.

The standard format remainder lot may be a new road parcel or a public use land lot.

Only one standard format remainder lot is permitted to be shown on the plan. In addition to the standard format remainder lot, an additional standard format new road parcel, or standard format public use land lot may be created on the plan.

A note must be placed on the face of the main plan stating that "Lot <lot number> is a Standard Format lot.

There may be specific situations where a number of standard format lots are being subdivided on a volumetric format plan, for example a resumption action for a tunnel. In this type of situation the number of standard format remainder lots allowable on the plan may be more than one as long as the boundaries of the standard format remainder lots are not reconfigured with each other.

10.3 Lot numbers:

Lot numbers on a Volumetric Format plan must be numeric and the numbering must 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.

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

10.4 Part lots:

Part lots on a Volumetric Format plan are permitted and:

- ◆ may be used to illustrate the extent of a volumetric parcel;

- ♦ must be used where a volumetric lot consists of several different levels each of differing horizontal dimensions and where each part shall comprise each of the different levels of the lot.

Parts of a lot, within a Volumetric Format plan only, must be lettered sequentially commencing from A, i.e. Part A, Lot 12.

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

10.5 Volumetric parcels:

10.5.1 To be fully defined:

Each volumetric parcel must be fully defined by bounding surfaces, which may be other than vertical or horizontal.

10.5.2 "To the depth" not acceptable:

It is unacceptable to specify "above or below a depth from the surface" for new boundaries since this is subject to change and not capable of mathematical definition. It is acceptable to show a reference to the natural ground surface or to a structural feature from new boundaries, provided the information is incidental only and all bounding surfaces are defined as directed herein.

10.5.3 Area of footprint:

Each volumetric parcel must be given an area which is the area of the footprint. In the case of multiple parts of a parcel, a footprint must be shown for each part and each must be given a separate area.

Whether a parcel is in several parts or not, an area must be noted on the face of the main plan which is the area of the overall footprint of the parcel.

In this section the "footprint" is defined by vertical projection of the outermost bounds of a volumetric parcel onto a horizontal plane approximately at ground level.

10.5.4 Volume:

Each volumetric parcel must be given a volume in cubic metres.

- ♦ For volumes less than 100,000 cubic metres, the volume must be shown to the nearest cubic metre with any fractions of a cubic metre discarded.
- ♦ For volumes 100,000 cubic metres and above, the volume must be shown in exponential notation with the mantissa taken to 5 significant figures. For example 1.3215×10^6 .

Where a parcel is in parts, each part must be given a volume, and the total volume must be noted within the largest part or, if insufficient space, may be noted on the face of the plan. The total volume must be the arithmetic sum of all the volumes of the parts without any further rounding.

10.6 Volumetric easements:

Volumetric easements must be dealt with as for other volumetric parcels, other than as permitted in Directions 6.

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

10.7 Volumetric leases:

Where a lease is to be restricted vertically, it must be restricted in both height and depth and defined as a volumetric lease in accordance with the general requirements of this Direction.

A lease that is “within a building” is not normally to be considered a volumetric lease unless there is an unusual restriction in height contained in the covenants. In this case, the requirements noted in this Direction apply.

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

10.7.1 Leases on a survey plan:

A lease being defined on a survey plan must follow the normal requirements for other volumetric parcels and must be defined on a volumetric format plan.

10.7.2 Leases on a sketch:

Where the Land title Practice Manual requires that a lease be defined as a volumetric parcel, the general provisions of this Direction must be followed.

10.8 Description of volumetric parcels:

As the format of the plan, volumetric, is indicative of the type of parcel created, it is unnecessary to qualify parcels with the term “volumetric”.

10.9 Marking of volumetric parcels:

Marking of volumetric lots must comply with the normal provisions of survey marking where this is possible. However, in most cases, it will not be practical to mark volumetric parcels, and every opportunity should be taken to reference corners to existing structures, or to marks inserted therein.

10.10 Definition of volumetric parcels:

10.10.1 Intersections and vertices to be defined:

All intersections of the bounding surfaces of a parcel, and the vertices thereof, must 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 is 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 must 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”.

10.10.2 Permanent marks to be noted:

The Permanent Marks used for the datum must be shown on the plan together with their levels.

10.10.3 Polar dimensions:

Where polar dimensions are shown, the bearing must be the bearing of a vertical plane that contains the bounding edge, and the distance must be the true slope distance along the bounding edge.

10.10.4 Rectangular co-ordinates:

Where the definition of a parcel includes rectangular co-ordinates:

- ◆ The origin of, and the co-ordinate system used, must be clearly shown on the face of the main plan;
- ◆ The co-ordinates of each corner of the parcel must be shown either on the face of the plan or in a tabulation;
- ◆ 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 must 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 must 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 must 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.
- ◆ The Permanent Marks adjacent to the survey noted in this Direction must, in addition, be given levels on the datum used in the survey.

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.

10.10.5 Parcel bounded by vertical planes:

Where the bounding surfaces defining the horizontal limits of the parcel are vertical planes, and provided that no ambiguity is introduced into the definition of the parcel, it will be sufficient to define:

- ◆ the vertical location of the vertices by levels on AHD (or as permitted by Direction 10.10.6); and
- ◆ the horizontal dimensions of the lot by dimensions shown on the footprint.

These dimensions must include:

- dimensions for the projections of the bounding edges onto the footprint; and
- dimensions to locate the projection of any vertices onto the footprint.

To avoid ambiguity in this Direction, a change of grade in a bounding surface is considered to be a bounding edge and must be fully dimensioned.

Rectangular co-ordinates may also be included, if this would add to the clarity of the definition of the parcel.

Where the provisions of this Direction are used, a note must be made on each sheet of the plan on which it is used stating "Lot <lot number> bounded by vertical planes".

In the case of easements and leases, the wording should be changed as appropriate.

10.10.6 Australia height datum unavailable:

Where Australian Height Datum is not available in the immediate area of the survey, and it would not be economically practical to transfer Australian Height Datum, another datum in general use in the area may be used provided that:

- ◆ prior approval of the examining authority for surveys in the area of the survey has been obtained;
- ◆ full details of the datum adopted are noted on the main plan; and
- ◆ reduced levels for at least two Permanent Marks outside the confines of the survey are 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.

10.11 References to walls and floors:

When reference is being made to walls and floors on a plan, care should be taken with the wording of any notation so that it cannot be inferred that the feature is intended to define the bounding surface. A bounding surface must be defined by measurements shown on the plan. Any references to structural elements of a building should be incidental only.

No objection will be taken to:

- ◆ a statement to the effect that a bounding surface "generally follows" or is "generally limited by"; and/or
- ◆ references from vertices to structural elements, ie, floors, corners of walls etc.

10.12 Plans of volumetric parcels:

See Figure 10.1 to Figure 10.5.

10.12.1 Three Dimensional diagram:

A plan must show a three dimensional representation of the parcel or parcels which are the subject of the plan, drawn to scale and in such a manner which will allow all details and notations to be clearly and unambiguously shown.

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 three dimensional view has been prepared.

If the scale of the plan is too small to allow all information to be clearly shown, diagrams may be used. See Direction 10.12.6.

In the case of a plan of easements only, the bounding edges in the three dimensional diagram may be constructed in full lines instead of broken lines, if this would make the diagram clearer. Note that the lines bounding the footprint of the easement must be shown in broken lines regardless of the line style adopted in the three dimensional diagram.

10.12.2 Dimensions to be shown:

In the case of a plan of a volumetric parcel which includes co-ordinates, the dimensions of the base lot must be shown both in polar dimensions and co-ordinates.

10.12.3 Footprint of lot above or below the surface:

Where a parcel created on a volumetric plan is located above or below the ground surface of another lot:

- ◆ the footprint must be shown on the plan in broken lines and fully dimensioned;
- ◆ In the case of a volumetric parcel defined by polar dimensions only, at least two corners of the footprint must each be independently connected to at least one corner of the base lot by direct connection;
- ◆ In the case of a plan of a volumetric parcel which includes co-ordinates, the footprint must, in addition, be defined by co-ordinates;
- ◆ Where a parcel created on a volumetric plan consists of several parts on different levels with different horizontal dimensions, the provisions of this Direction apply to each part;
- ◆ Where the outer boundaries of a footprint coincide with the outer boundaries of the base parcel, an appropriate note must be made on the face of the plan. The notation must be explicit and unambiguous, and should refer to station numbers where applicable.

10.12.4 Footprint of lot intersecting the surface:

Where a volumetric lot intersects the ground surface of another lot:

- ◆ the boundaries on the surface so intersected must be shown on the plan in broken lines, marked as required by the provisions of legislation, survey standards and survey guidelines in force at the time (See Direction 1.2) and fully dimensioned;
- ◆ In the case of a volumetric lot defined by polar dimensions only, at least two corners of the intersecting figure must each be independently connected to at least one corner of the base lot by direct connection.

- ◆ In the case of a plan of a volumetric lot which includes co-ordinates, the corners of the intersecting figure must also be defined by co-ordinates.
- ◆ Where a parcel created on a volumetric plan consists of several parts on different levels with different horizontal dimensions, the provisions of this Direction apply to each part;
- ◆ Where the outer boundaries of a footprint coincide with the outer boundaries of the base parcel, an appropriate note must be made on the face of the plan. The notation must be explicit and unambiguous, and should refer to station numbers where applicable.

10.12.5 Ground levels on footprint:

In addition to the requirements of Directions 10.12.3 and 10.12.4, levels of the existing ground surface at the corners of the footprint on the surface must be shown on the face of the plan or by tabulation. Where the original ground level has been lost, an estimation of the original ground level or reference to footpath or road levels adjacent to lot corners is sufficient.

As these levels are required only to illustrate the location of the parcel relative to ground level, approximate values only are required.

10.12.6 Diagrams:

Generally, the orientation of any diagram must be the same as the main plan. However, if it is necessary to show a diagram with a different orientation, the diagram must be clearly noted to that effect. If it is necessary to overcome ambiguity, a volumetric lot, or a part thereof, may be shown in several diagrams with different viewpoints.

Diagrams may be drawn "not to scale", but, where possible, relativity in scale and bearing should be maintained.

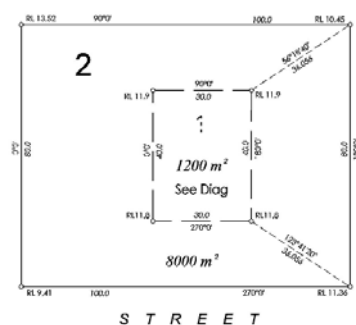
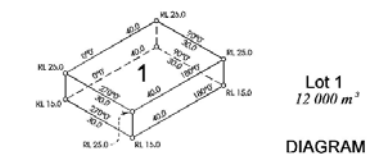
10.13 Community titles schemes:

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

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.

10.14 Examples for volumetric format plans:

Figure 10-1 Plan showing volumetric parcel by dimensions.



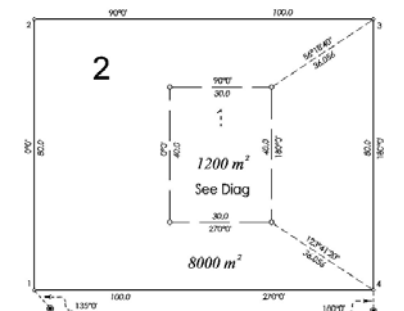
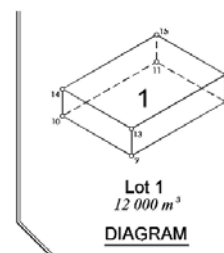
Datum for AHD: PSM 123 - RL 8.465

Plan of Lots 1 and 2
cancelling Lot 10 on RP123456

Figure 10-2 Plan showing volumetric parcel by coordinates.

STN	EASTING	NORTHING	RL
1	100,000	100,000	9.410
2	100,000	180,000	12,520
3	200,000	180,000	10,480
4	200,000	100,000	11,240
5	140,000	120,000	11,180
6	170,000	120,000	11,800
7	170,000	160,000	11,900
8	140,000	160,000	11,950
9	170,000	120,000	15,000
10	140,000	120,000	15,000
11	140,000	160,000	15,000
12	170,000	160,000	15,000
13	170,000	120,000	25,000
14	140,000	120,000	25,000
15	140,000	160,000	25,000
16	170,000	160,000	25,000
PSM405	101,000	99,000	9.120
PSM802	200,000	99,000	11,000

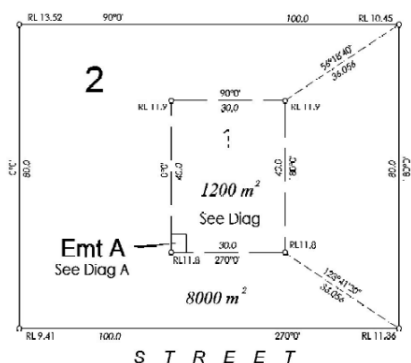
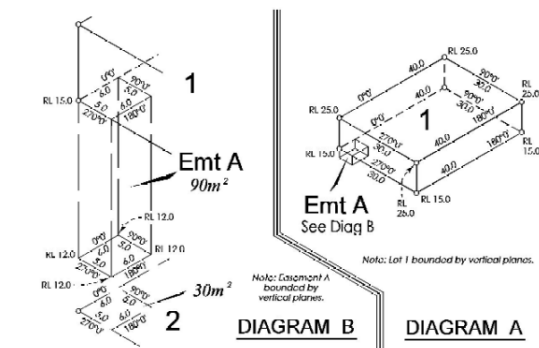
Note: Lot 1 bounded by vertical planes.



Datum for AHD: PSM 123 - RL 8.465

Co-Ordinate System: Plane, Origin Stn 1 100,000 E, 100,000 N

Figure 10-3 Plan showing an easement.

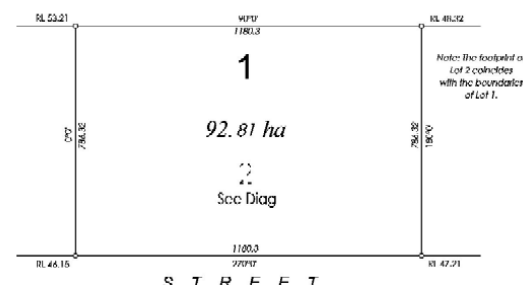
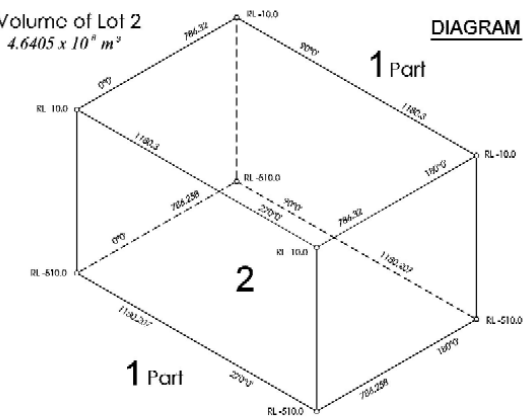


Datum for AHD: PSM 123 - RL 8.465

Plan of Lot 1 (Volumetric) and Lot 2 and Easement
A in Lot 2 cancelling Lot 10 on RP123456

Figure 10-4 Plan of a volumetric lot with the same outer dimensions as the base parcel.

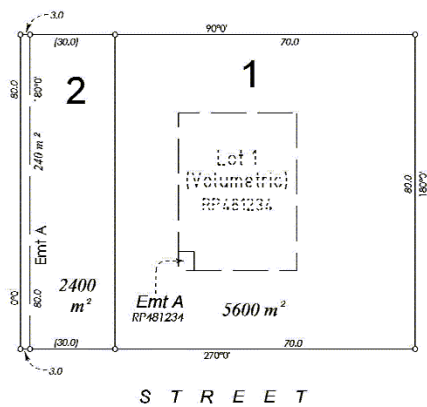
Volume of Lot 2
 $4.6405 \times 10^8 \text{ m}^3$



Datum for AHD: PSM 4824 - RL 38.36

Plan of Lots 1 and 2
cancelling Lot 1 on RP384321

Figure 10-5 Subdivision of a remainder lot.



Note: Easement A in Lot 2 is restricted in height
between RL 8.0 and 15.0 AHD

Datum for AHD: PSM 123 - RL 8.465

Plan of Lot 1 and Lot 2 and Easement A (Restricted)
in Lot 2 cancelling Lot 2 on RP481234

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11. Common Property:

11.1 Creation of common property:

In the case of a Standard and Volumetric format plan, each part of Common Property created on a plan must be defined and described.

In the case of a Building format plan, Common Property is any part of the base parcel (See Direction 9.1) that is not defined as a lot on that plan.

11.2 Community management statement required:

Common Property may not be created on a plan unless:

- ◆ in the case of the first plan in a scheme, a First Community Management Statement is lodged to accompany the plan;
- ◆ in the case of subsequent plans, a New Community Management Statement is lodged to accompany the plan.

11.3 Description of common property:

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

- ◆ 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.

- ◆ In the plan description on a plan creating common property only:

"Common Property of <name of Community Titles Scheme> Community Titles Scheme <number of Community Titles Scheme>".

"Community Titles Scheme" may be abbreviated to CTS.

- ◆ 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.

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

It will 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.

11.4 Defined as directed for format:

Common property must be dimensioned or delineated as directed for the format of plan being prepared.

11.5 Area:

An area for common property must be noted on each standard format plan that creates common property.

11.6 Footprint in a volumetric format plan:

In the case of a volumetric format plan:

- ◆ the area of the footprint of the projection of the outermost limits of common property shall be taken as the area of the common property and shall be noted on the face of the plan. In a staged Community Titles Scheme, the total area, or remaining area in the case of an excision from common property, of common property created within the Scheme must be noted on any plan that amends common property.
- ◆ a volume for common property must be noted on each volumetric format plan that creates common property other than where the remainder of a standard format lot is defined as the common property. In a staged Community Titles Scheme, the total volume, or remaining volume in the case of an excision from common property, of common property created within the Scheme must be noted on any plan that amends common property.

11.7 Re-dimension not required:

Where additional common property is created (for example, in a staged Community Titles Scheme) or common property is excised, it is not necessary to re-dimension or re-delineate the full extent of common property.

11.8 Subdivision:

Where existing common property is subdivided into lots or lots into common property by the registration of another plan, the lots or common property so created must be dimensioned or delineated to the same standard as required for the format of the plan that is subdividing the lots or common property.

11.8.1 Common property subdivided into lots:

.

Where part of Common Property is subdivided and included in a lot or lots within a Community Titles Scheme:

- ◆ a plan must be prepared showing the division of common property into lots. It is not necessary to re-dimension or re-delineate that part of common property remaining.
- ◆ the area of common property being subdivided into a lot or lots must 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 must

be described by station numbers, eg A-B-C-D-A. A statement on the face of the plan must note that the defined area was common property and, in the case of a standard format plan, must provide an area.

- ◆ the description must refer to the new lot or lots cancelling part of common property.

11.8.2 Lots converted to common property:

Note: The following is only applicable if section 49DA of the *Land Title Act 1994* applies. The current recorded Community Management Statement for the scheme clearly indicates in schedule B that the scheme is a progressive subdivision and the creation of additional common property is identified

Where part of a lot within a Community Titles Scheme is being converted to Common Property:

- ◆ a plan must be prepared showing the division of the lot into a new lot or lots and common property;
- ◆ the area of the lot(s) being subdivided into common property must 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 must be described by station numbers, eg A-B-C-D-A. A statement on the face of the plan must note that the defined area was a lot(s) and, in the case of a standard format plan, must provide an area.
- ◆ the description must refer to the new lot or lots (which are the balance of the original lot) and common property. The cancelling clause must refer to the lot being subdivided.

Where the whole of a lot within a Community Titles Scheme is to be converted to common property:

- ◆ a plan must be prepared showing the conversion of the lot into common property;
- ◆ the description must refer to common property cancelling the lot on plan being subdivided.

If section 49DA of the *Land Title Act 1994* does not apply, the following is required to convert a lot or part of a lot to common property.

- ◆ a plan must be prepared showing the division of the lot into 2 new lots, one of which is to become common property.
- ◆ a following plan must be prepared that converts the lot to common property.

11.9 Easements in common property:

A plan must be prepared showing the easement or easements.

Where an easement is required in parts of common property separated by lots, each part of the easement must be treated as a separate easement.

Where an easement is required through common property which may have been created on separate plans, it is not necessary to create separate easements for those parts of the easement that are in each part of common property.

The description on the plan must conform to the requirements of Direction 11.3. Where necessary, "Proposed" must be used.

11.10 Including part of common property created on a subsidiary scheme in a higher scheme:

Under the provisions s.49DA of the Land Title Act 1994 this action is no longer acceptable. See Direction 12 Transferring Lots Into or Out of a Community Titles Scheme.

11.11 Exclusive use areas:

11.11.1 Exclusive use areas by document or simple sketch:

Where an exclusive use area is to be given in a part of common property which other owners would not normally be able to reasonably utilise in the normal course of activity, the area may be defined by description. These cases would include, for example, signs painted on the wall of a building.

Where an exclusive use area is to be given in part of common property and it is a definitely defined entity, the entity may be defined by description. These cases would include, for example, swimming pools and tennis courts.

In the foregoing cases, where any ambiguity in location would be introduced by the use of a description only, it must be accompanied by a sketch, which need not follow in all respects the requirements for sketch plans in this Direction.

Where an exclusive use area is required for a sign on a wall, it may be defined by description, supported by a planimetric aspect view and lateral aspect view of the wall showing the location of the sign relative to building corners.

Where an exclusive use area is required over major tenant signage, such as are found at the entrance to a complex, it may be defined by description, supported by:

- ◆ a location sketch showing the horizontal position and size of the sign; and
- ◆ a lateral aspect view of the sign showing the relative size and position of the individual signs.

11.11.2 Exclusive use areas by sketch:

Where an exclusive use area is to be defined in a part of common property which other owners could reasonably be able to utilise in the normal course of activity, it is necessary for the area to be defined on a sketch plan as required under the following Directions. These cases would include, for example, car parking areas.

11.11.3 Boundary definition of exclusive use areas:

Boundaries of Exclusive Use Areas must be defined in such a manner that there is no ambiguity in the area defined.

This may be done by:

- ◆ using structural features; or
- ◆ referring them to structural features, where the exclusive use area is generally rectilinear; or
- ◆ marking corners with survey marks; and

- ◆ by delineating, giving distances for, or dimensioning the boundaries or partly delineating, and/or partly giving distances for, and/or partly dimensioning the boundaries as required in the following Directions.

In this Direction, “referred to structural features, where the exclusive use area is generally rectilinear” is taken to mean:

- ◆ where an exclusive use area is in or on a building shown on the main plan and where each boundary can be unambiguously referred to walls or internal support pillars, it is not necessary to mark each corner individually; or
- ◆ where an exclusive use area is outside, but immediately adjacent to a building shown on the main plan and where each boundary can be unambiguously referred to the walls of the building, it is not necessary to mark each corner individually; and
- ◆ generally rectilinear will have the meaning given in Direction 11.11.4.

11.11.4 Generally rectilinear:

Generally rectilinear is taken to mean that an exclusive use area consists of 3 or more sides at right angles to each other, but with the exception that one side only may be other than at right angles to its adjoining sides.

11.11.5 Structural features:

Acceptable structural features for the purposes of this Direction include the following:

- ◆ Walls, full height;
- ◆ Walls, not full height;
- ◆ Doors or windows;
- ◆ Balustrades or railings;
- ◆ Edge of a floor or a concrete base;
- ◆ fences, centre;
- ◆ posts or columns at corners, centre, unless otherwise noted;
- ◆ corners or edges of paths, or other such permanently fixed features.

Other structural features similar in nature to the above may be used with the approval of the Registrar.

Painted lines, coloured tiles or timber planks attached to floor or ceiling are not acceptable as structural features.

Where structural features are adopted for either corners or boundaries, the sketch must be noted with the feature adopted.

11.11.6 Horizontal boundaries in or on a building shown on the main plan of the scheme:

Where the horizontal boundaries of exclusive use areas or part exclusive use areas in or on a building or structure are:

- ◆ defined by structural features as specified in Direction 11.11.5, the boundary may be delineated only;
- ◆ not fully defined by structural features as specified in Direction 11.11.5:
- where an exclusive use area is generally rectilinear, each boundary must be given a distance in metres, other than for those that are defined by structural features;
- where an exclusive use area is other than generally rectilinear each boundary must be dimensioned, other than for those that are defined by structural features.
- the boundaries must be unambiguously located by reference to structural features identified on the plan of the Scheme or by connection to the boundaries of the base parcel; and
- any other structural features relied upon for location must be shown on the sketch.

To avoid ambiguity:

- ◆ it is directed that it is only those boundaries that are not defined by structural features as specified in Direction 11.11.5 that must be given distances or dimensioned;
- ◆ however, where a corner is located on a boundary defined by a structural feature, but with no recognisable feature to define that corner, the requirements of Direction 11.11.8 must be observed.

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

- ◆ Where an exclusive use area immediately adjoins a building or structure shown on the main plan of the Scheme and where the exclusive use area is fully defined by structural features, each boundary may be delineated only. The structural features used to define the exclusive use area must be described on the sketch plan;
- ◆ Where an exclusive use area immediately adjoins a building or structure shown on the main plan of the Scheme and where it is generally rectilinear, each boundary must be given a distance in metres;
- ◆ Where an exclusive use area immediately adjoins a building or structure shown on the main plan of the Scheme and where it is other than generally rectilinear, each boundary must be fully dimensioned.
- ◆ 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 must be fully dimensioned. The structural features used to partly define the exclusive use area must be described on the sketch plan;
- ◆ Where an exclusive use area does not immediately adjoin a building or structure shown on the main plan of the Scheme:
- each boundary must be fully dimensioned;
- each corner must be marked, with suitable survey marks but **not** cadastral survey marks commonly used to mark the boundaries of lots or secondary interests (for example cadastral survey pegs), unless it is defined by a structural feature as noted in Direction 11.11.5; and

- the boundaries must be unambiguously located with reference to buildings or structures identified on the plan of the Scheme or by connection to the boundaries of the base parcel. The meridian of the bearing on the connection must be that of the base parcel.

“Marked” must include normal references to occupation at corners.

11.11.8 Boundaries intersecting structural elements:

Where a boundary that is not defined by structural features intersects a boundary that is defined by a continuous structural feature, the intersection point must be clearly defined by:

- ♦ in the case of an exclusive use area that is generally rectilinear, by distances only along the structural feature;
- ♦ in other cases by survey marks placed and / or dimensions.

11.11.9 Exclusive use areas restricted vertically:

- ♦ Where an exclusive use area is within a level in a building, it is restricted by the normal limits of that level.
- ♦ Where an exclusive use area is within a level in a building and it is to be restricted in either height or depth or both, other than by the normal restriction of floor and ceiling, the vertical restriction of the exclusive use area may be defined by a distance above the floor. A reduced level on Australian Height Datum is not required.
- ♦ Where an exclusive use area is on the roof of a building or a podium, it may be restricted by a horizontal plane at a defined distance above the roof. A reduced level on Australian Height Datum is not required.
- ♦ Where an exclusive use area is under the floor of level A of a building, it may be restricted by a horizontal plane at a defined distance below the floor of that level. A reduced level on Australian Height Datum is not required.
- ♦ Where an exclusive use area is on the roof of a building or podium, or outside and immediately adjacent to a building and is restricted in height, it may be described as being restricted by a feature defined on the level diagram on a Building Format plan that is immediately adjacent, or by an extension thereof. The restriction applies to the whole of the exclusive use area.
- ♦ Where an exclusive use area would be unrestricted but for a part lot, ie a balcony, that projects into it, no objection is taken to defining the exclusive use area exclusive of the part lot. The sketch plan must include a lateral aspect view to illustrate the exclusion.
- ♦ Where an exclusive use area is restricted by a single continuous horizontal plane in either height or depth or both, the vertical restriction may be detailed on the plan with reference to the Australian Height Datum, together with details of the Permanent Mark on which this is based.

However, the provisions of Direction 10.10.6 may be utilised if levels on the Australian Height Datum are not available in the immediate area of the survey.

- ♦ For all other cases, the general requirements of Direction 10 (excluding Direction 10.3) apply, with the exception that it is not necessary to provide a volume.

11.11.10 All sketches:

Exclusive Use Sketches do not form part of a plan prepared under Directions 8, 9 or 10, and should not be included as a sheet in those plans. In addition, the requirements of Direction 3.2 do not apply to sketch plans.

Sketch plans must:

- ◆ 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;
- ◆ be drawn to scale. (See Direction 11.11.18)
- ◆ generally be drawn with north indicating vertically, but may be rotated no more than 90 degrees from the vertical;
- ◆ show a north point;
- ◆ show the Community Titles Scheme name and number;
- ◆ clearly designate the exclusive use areas being defined by:
 - outlining them by lines which are significantly heavier than other lines on the plan;
 - clearly designating them by an identifier other than as a "lot". The identifier may be alpha, numeric or alpha-numeric, eg A, BA, 2A, A2, 3, or 42;
- ◆ show areas in square metres or hectares as appropriate;
- ◆ clearly indicate the purpose of the sketch plan.

11.11.11 Sketch of exclusive use areas in or on a building:

In addition to the requirements of Direction 11.11.10, a sketch plan must:

- ◆ show distances in metres, or dimensions, where required by Direction 11.11.6;
- ◆ clearly define the area being dealt with by showing sufficient connections to defined structural elements shown on the plan of the Scheme on the level to clearly locate the area;
- ◆ show the floor level (See Direction 9.11); and
- ◆ where there is more than one structure on the base parcel, show the designation of the building (see Direction 9.10).

Architectural or building plans are not acceptable.

11.11.12 Sketch of exclusive use areas not in or on a building:

In addition to the requirements of Direction 11.11.10, a sketch plan must show:

- ◆ distances in metres, or dimensions, where required by Direction 11.11.7;
- ◆ the location connection required by Direction 11.11.7.

11.11.13 Exclusive use areas in parts:

Exclusive use areas may be defined in separate parts, but parts of the same exclusive use area must not immediately adjoin one to the other. Each part must bear its identifier and the notation "Part" or "Pt". An area must be shown within each part, and a total area shown in the largest part, or by a note on the face of the plan.

11.11.14 Multiple sheets:

Where a single sheet is insufficient to show the required information, multiple sheets may be used. In using multiple sheets:

- ♦ information on each sheet must be drawn, on one side only, and on international A4 sized paper for preference, but no larger than A3; and
- ♦ the first sheet must show, to scale, the whole of the parcel or parcels together with reference to any diagrams that may be necessary to show the parcels in detail.

11.11.15 Sheet numbering:

Each sheet contained in the sketch plan, whether it consists of only one sheet or of multiple sheets, must make provision for and be numbered in the top right hand corner consecutively with the sheet numbering in the Community Management Statement, and each sheet must show the total number of sheets in the CMS, including the exclusive use area sketch plan.

11.11.16 Sketch prepared by other than a cadastral surveyor:

A person other than a cadastral surveyor may prepare and certify sketch plans that define exclusive use areas that are in, on or immediately adjacent to a building shown on the main plan and that do not have any boundaries that must be fully dimensioned:

A member of the committee of the Body Corporate must certify the sketch plan in the following form:

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

(Signed) Date.

A Body Corporate Manager is not an acceptable person to certify the sketch plan.

11.11.17 Sketch prepared by a cadastral surveyor:

A cadastral surveyor must prepare and certify sketch plans that define exclusive use areas that have boundaries that must be dimensioned either fully or in part.

The surveyor must certify the sketch in the following form:

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

(Signed) Cadastral Surveyor, Date.

11.11.18 Scales:

Sketch plans must be drawn accurately to a scale and must show all areas being described on the plan in one diagram. Additional diagrams may be used to illustrate detail.

The scale used in preparation of a plan must be noted either by:

- ◆ a scale shown as a ratio; or
- ◆ a scale bar of at least 100mm in length.

Sketch plans may only be photo-reduced for inclusion in the Community Management Statement where the scale is noted by means of a bar scale only.

11.11.19 Scale ratios:

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

1 : 1 3	1 : 1.25	1 : 1.5	1 : 2	1 : 2.5	1 :
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.

11.12 Examples for exclusive use areas:

Figure 11-1: Exclusive use areas in a basement car park. As these are referred to structural features, it is not necessary to mark each corner.

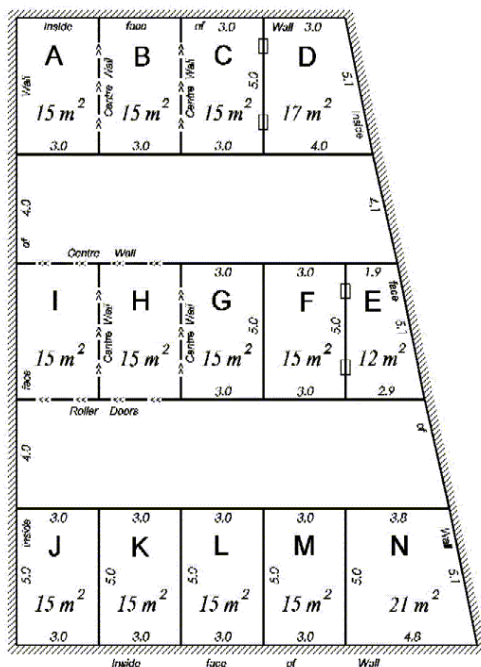


Figure 11-2: Exclusive use areas A to C need distances only, do not require to be marked and a sketch plan may be certified by a member of the body corporate. Exclusive use areas D and E must be fully marked (if no structural elements), dimensioned and certified by a cadastral surveyor.

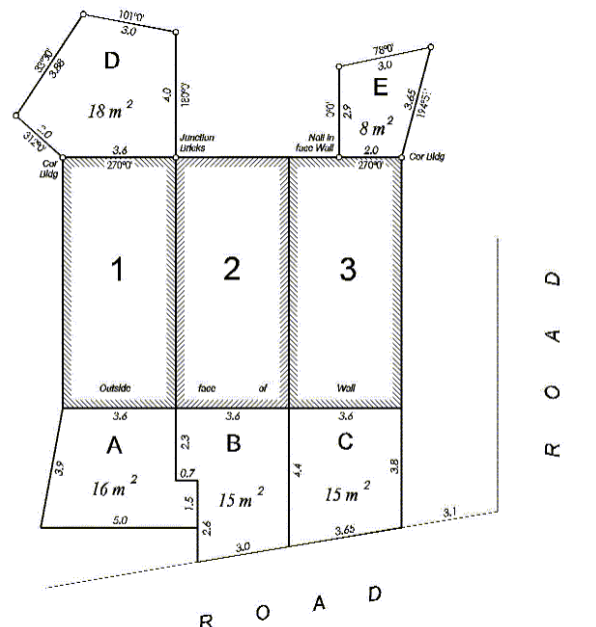
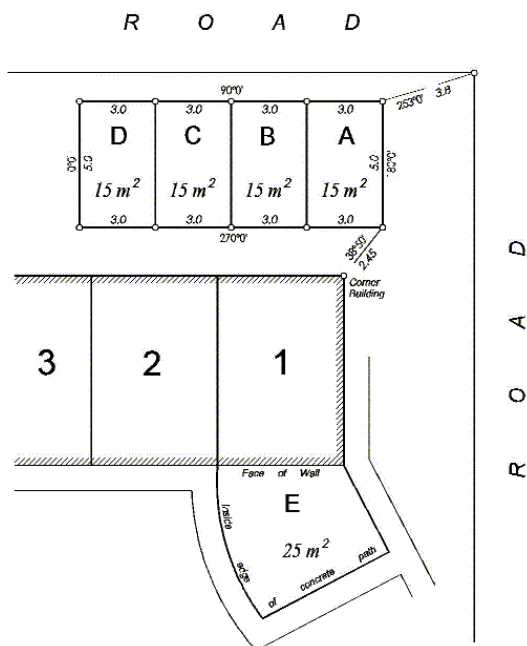


Figure 11-3: Exclusive use areas A to D must be fully marked, dimensioned, located by connection 1 or 2, and certified by a cadastral surveyor. Exclusive use area E is fully defined by structural features and may be certified by a member of the body corporate.



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12. Transferring Lots Into or Out of a Community Titles Scheme:

Every action in this section requires additional documents, eg transfers and New Community Management Statements, to be lodged in the land registry. The Land Title Practice Manual contains additional information on the relevant documents and order of lodgement. See also direction 11 for the requirements for the dealing with the common property of a Community Titles Scheme.

12.1 Lot to be added to common property:

Where all or part of a lot outside a Community Titles Scheme is to be added to Common Property:

- ◆ the lot must form a single continuous area of land with a part of the Scheme land;
- ◆ where part of a lot only is to be dealt with, that lot must be subdivided on a standard or volumetric format plan as appropriate;
- ◆ a plan converting the lot to be transferred to common property.

It is not necessary for the new common property to be amalgamated with existing common property.

12.2 Lot to be added to a community title lot:

Where all or part of a lot outside a Community Titles Scheme is to be added to an adjoining lot within a Community Titles Scheme:

- ◆ the lot must form a single continuous area of land with a part of the Scheme land;
- ◆ where part of a lot only is to be dealt with, that lot must be subdivided on a standard or volumetric format plan as appropriate;
- ◆ a plan showing the amalgamation of the Community Titles Lot and the adjoining lot.

The provisions of this Direction may not be used where the Community Titles Scheme was created over a building format plan other than:

- ◆ where the lot is being added to a Standard Format lot being a remainder lot created on a Building Format plan. (See Direction 9.3.2); or
- ◆ where the lot is being added to a part lot that is a Private Yard created on a Building Format plan

12.3 Part of common property to be excised:

Where part of common property is to be excised from a Community Titles Scheme:

12.3.1 In the case of a community titles scheme over a standard or volumetric format lot:

- ◆ a plan in either standard or volumetric format as appropriate must be prepared showing a lot over the part to be excised.
- ◆ where necessary, the lot so created must be amalgamated with an adjoining lot by a plan of amalgamation in the appropriate format.

12.3.2 In the case of a community titles scheme over a building format plan:

- ◆ where the common property is outside a building or structure:
 - a plan in either standard or volumetric format as appropriate must be prepared showing a lot over the part to be excised;
 - where necessary, the lot so created must be amalgamated with an adjoining lot by a plan of amalgamation in the appropriate format.
- ◆ where the common property is inside a building or structure:
 - a plan in volumetric format must be prepared showing a lot over the part to be excised;
 - where necessary, the lot so created must be amalgamated with an adjoining lot by a plan of amalgamation in the appropriate format.

12.3.3 Creating new road:

If the purpose of the excision from the common property is:

- ◆ for the body corporate to dedicate and open new road; and
- ◆ the excision does not affect any part of a building or structure on a building format plan

a plan of new road may be prepared without the creation of a lot in the first instance. The description of the plan will be:

"Plan of New Road cancelling part of Common Property of <name of Community Titles Scheme> CTS <number of Community Titles Scheme> <plan number> "

Alternatively, if a lot is created by the excision as per 12.3.1 or 12.3.2, an additional plan will be necessary to cancel the lot and dedicate and open it as new road.

12.4 Part or all of a lot to be excised:

Where all or part of a lot is to be excised from a Community Titles Scheme:

- ◆ In the case of Standard and Volumetric Format lots:
 - where part of a lot only is to be dealt with, a plan in either standard or volumetric format as appropriate must 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 plan of survey (SP). This plan of survey would be a plan of resurvey and must comply with the Department's Cadastral Survey Requirements section 3.36.
- ◆ In the case of a Building Format lot within a building:
 - a plan in volumetric format must be prepared showing a lot(s) over the lot or part of a lot to be excised and the remainder;
 - The description must be lot(s) cancelling a lot.

12.4.1 Creating new road:

If the purpose of the excision from the lot is:

- ◆ for the registered owner to dedicate and open new road; and
- ◆ the excision does not affect any part of a building or structure on a building format plan

a plan identifying the remainder lot and the new road may be prepared without the creation of a lot in the first instance. The description of the plan will be:

Plan of Lot 1 cancelling Lot 1 on SP12345

The plan will also bear the “area of new road” statement.

Alternatively, if a lot is created by the excision as per 12.3.1 or 12.3.2, an additional plan will be necessary to cancel the lot and dedicate and open it as new road.

12.5 Areas of common property:

Where common property is created or excised as directed in these Directions, areas must be provided as required by Direction 11.5.

12.6 Resumptions:

Where part of common property, or part or all of a lot, is to be taken by resumption under the *Acquisition of Land Act 1967*, the general provisions of this Direction apply.

13. Staged Subdivisions:

The following methods are some possibilities for dealing with the staging of a Community Titles Scheme, and should not be considered as the only methods.

13.1 Method 1:

- ◆ Where the base parcel does not already consist of several parcels, it may be subdivided into standard or volumetric format lots as appropriate. These are referred to in this Direction as the original lots;
- ◆ One of these lots may then be subdivided into scheme lots and common property;
- ◆ In the Community Management Statement, which must be lodged to accompany the plan creating common property, the other original lots must be noted as being part of the Community Titles Scheme, together with the proposed staged development of those lots; and
- ◆ Development may proceed on the other original lots as required and in accordance with the Community Management Statement.

13.2 Method 2:

- ◆ The base parcel may be subdivided into standard or volumetric format lots as appropriate together with at least part of the proposed common property;
- ◆ In the Community Management Statement, which must be lodged to accompany the plan, the proposed staged development of the lots must be noted; and
- ◆ Development may proceed as required and in accordance with the Community Management Statement.

13.3 Method 3:

- ◆ The base parcel may be subdivided into scheme lots and common property by a standard or volumetric format plan as appropriate, with at least one lot being noted in the Community Management Statement as being intended for future subdivision.
- ◆ Development may proceed as required and in accordance with the Community Management Statement on the lot noted as being for future subdivision.

13.4 Method 4:

- ◆ The base parcel may be subdivided into scheme lots and common property, covered by a Community Management Statement.
- ◆ A lot may be subdivided out of the common property, transferred to a third party for development, but being noted in a New Community Management Statement as remaining part of the original scheme.
- ◆ On subdivision of this lot, the new lots become scheme lots.

13.5 Method 5:

- ◆ Where part of a base parcel consisting of Standard or Volumetric Format lots only is subdivided by a Building Format plan leaving a remainder parcel that is

not common property of that Building Format plan, the remainder parcel remains a Standard Format lot. (See Direction 9.3.2)

- ◆ In the Community Management Statement, lodged to accompany the Building Format plan:
 - the Standard or Volumetric Format lot must be included as scheme land: and
 - the proposed staged development of the Standard or Volumetric Format lot must be noted in the Community Management Statement.

Development may proceed as required and in accordance with the Community Management Statement.

(See Direction 9.3.2)

14. Reservation of a Name for a Community Titles Scheme:

A name for a Community Titles Scheme must be shown in the appropriate location on the reverse of the main plan prior to lodgement.

The name to be used on the plan may be reserved in the land registry prior to the lodgement of a plan.

To reserve a name, a person must make a request to the Registrar in a General Request Form, Form 14, clearly specifying the name to be reserved and identifying the land proposed for the Scheme.

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15. Termination:

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 be 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 surveyed in lots or common property within a structure, and referred to as limited to a particular level in a building, must be surrendered to precede the lodgement of the plan.

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16. *Mixed Use Development Act 1993:*

Where an application under the *Mixed Use Development Act 1993* (MUD Act) has been submitted to a Local Government prior to the commencement of the *Body Corporate and Community Management Act 1997*, the provisions the MUD Act may be used. Where such an application has not been made at the date of commencement of the *Body Corporate and Community Management Act 1997*, any development must take place under the provisions of the *Land Title Act 1994* and, if applicable, the *Body Corporate and Community Management Act 1997*.

Where development is to proceed under the provisions of the *Mixed Use Development Act 1993*, the following Directions apply.

16.1 Definitions for MUD Act plans:

For this section, the following definitions apply:

Balance: The word "Balance" is used in the context of a lot that is intended for future subdivision, and as defined in the Act. It may not be a Balance lot as is current *Land Title Act 1994* practice.

Community Development Lot: A lot on a community plan that is not a community property lot.

Community Plan: A Community Plan divides the site into Community Property Lots and Community Development Lots and is the first plan required. It can also leave a "balance" Community Development Lot that can be later subdivided. Lots created on a Community Plan may be amalgamated or subdivided into further Community Development Lots or Community Property lots by Community Plans of Amalgamation and Subdivision.

Community Property Lot: A Community Property Lot is in effect "common property" on a MUD Act Community Plan.

Precinct Development Lot: A lot on a Precinct Plan that is not a precinct property lot.

Precinct Plan: A Precinct Plan subdivides a Community Development Lot into Precinct development Lots and Precinct Property Lots. It can also leave a "balance" Precinct Development Lot that may be later subdivided. Lots created on a Precinct Plan may be amalgamated or subdivided into further Precinct Community Lots or Precinct Property lots by Precinct Plans of Amalgamation and Subdivision.

Precinct Property Lot: A Precinct Property Lot is in effect "common property" on a MUD Act Precinct Plan.

Stratum Lot: A lot on a stratum plan that is limited wholly or partly in height or depth or both.

Stratum Plan: A Stratum Plan subdivides Community Development Lots, Precinct Development Lots, or balance Precinct Development Lots into Community or Precinct Stratum lots.

16.2 Introduction:

Approvals given under the provisions of the *Mixed Use Development Act 1993* may cover several different areas:

- ◆ The Site of a mixed use scheme consists of land within the boundaries of the area that has been fully approved for development. It is only within a Site that surveys under the Act may proceed. The site must generally be in one parcel,

but a site may enclose two or more parcels where these are separated by road, railway, tramway, or boundary watercourse. (See Section 60(4) of the *Mixed Use Development Act 1993*).

- ◆ To allow for future development, an area may be identified as a Future Development Area. These are noted on an overall master plan as such, but have not been approved in the detail necessary for any development to proceed. Future Development Areas may not be subdivided under the Act and cannot be described as such in a Community Plan of Subdivision.

Because of these requirements, and before a development containing a Site and a Future Development Area can proceed, a standard format plan must be prepared for the two different areas, with titles being created under the *Land Title Act 1994*.

16.3 Plan forms to be used with the MUD Act:

Form 21 Version 4, Survey Plan, and Form 21B Version 1, approved for use under the *Land Title Act 1994*, must be used for the purpose of preparing plans under the *Mixed Use Development Act 1993*. If additional sheets are necessary, Form 21A Version 1, approved for use under the *Land Title Act 1994*, must be used.

The general requirements of Direction 4 apply to forms used, with modifications as noted in the following Directions.

16.3.1 Modifications of Form 21 and Form 21B:

Form 21 must be modified in accordance with the following:

- Form 21 Immediately underneath the heading "Survey Plan", note "Community Plan", "Precinct Plan" or "Stratum Plan" as appropriate.
- In the top left hand corner underneath "Form 21 Version 4", insert "NAME OF DEVELOPMENT:".
- The Format of a plan must be "Volumetric" for Stratum Plans, and "Standard" for all others.
- Form 21B In item 1:
 - Delete "or Lessees" from the heading, so that it now reads "Certificate of Registered Owners:"
 - delete the wording of both Registered Owners and Lessees certificates and insert "As Registered Owners of this land, agree to this plan and agree to the voting entitlements shown hereon".
- In item 2, delete the wording of the Local Government certificate and insert "certifies that the requirements of the *Mixed Use Development Act 1993* have been complied with and that this plan has been approved".
- In item 3, delete "Plans with Community" from the heading so that it now reads "Management Statement".

Delete "CMS No." And insert "Dealing Number of Management Statement:".

- In available space on the right hand side, add an additional item headed "Name and address of Body Corporate:"

- In available space on the right hand side, add a schedule entitled "Voting Entitlements". This schedule must be in the format:

VOTING ENTITLEMENTS

Lot	Entitlement	Lot	Entitlement	Lot	Entitlement
Total this Schedule					
Additional Schedule (Sheets)					
TOTAL ALL ENTITLEMENTS					

The schedule may be made as large as necessary as will fit in the available space. If space is insufficient, an additional schedule may be placed on an additional sheet. However, the main schedule, together with the total of all entitlements must appear on Form 21B.

16.3.2 Plan numbers:

Plan numbers for plans under the MUD Act will be allocated on lodgement, and no numbers of any description should be placed in the various locations on Forms 21, 21A and 21B.

16.3.3 Modification of form 21A:

- ◆ Immediately underneath the heading "Additional Sheet", note "Community Plan", "Precinct Plan" or "Stratum Plan" as appropriate.
- ◆ In the top left hand corner underneath "Form 21A Version 1", insert "NAME OF DEVELOPMENT:".

16.4 Plan types:

Three main types of plans are referred to in the Act:

- ◆ Community Plan;
- ◆ Precinct Plan; and
- ◆ Stratum Plan.

By Section 63, all land within the "site" must be dealt with by a Community Plan, and by Section 86, all land within a Community Development Lot must be dealt with by a Precinct Plan. The Act is not so clear with regard to Stratum Plans, but there is no doubt, taking several sections into account, that a Stratum Plan must deal with the whole of a lot of whichever type that it subdivides.

The word "Balance" as used in the following Directions, is used in the context of a lot that is intended for future subdivision, and as defined in the Act. It may not be a Balance lot as was *Land Title Act 1994* practice.

On all plans, the name of the development must be shown on the front of the plan, and in item 3 on the reverse. Where the plan is other than the initial Community Development plan, it must also show in Item 3 the dealing number of the initial Management Statement.

16.4.1 Community plan:

A Community Plan divides the site into Community Property Lots and Community Development Lots and is the first plan required. It may also leave a balance Community Development Lot that can be later subdivided. Lots created on a Community Plan may be amalgamated or subdivided into further Community Title or Community Property lots by Community Plans of Amalgamation and Subdivision.

A community plan must deal with the whole of the lot it is cancelling. Where a balance lot as defined in the Act is required, it must be fully described, given a standard lot number of the correct type, and qualified on the face of the plan with a note "**Community Development Lot <number> is a Balance Community Development Lot**". The provisions of Direction 4.16 may be used.

A Community Plan is prepared as a Standard Format plan.

16.4.2 Precinct plan:

A Precinct Plan subdivides a Community Development Lot into Precinct development Lots and Precinct Property Lots. It may also leave a balance Precinct Development Lot that may be later subdivided. Lots created on a Precinct Plan may be amalgamated or subdivided into further Precinct Community Lots or Precinct Property lots by Precinct Plans of Amalgamation and Subdivision.

A precinct plan must deal with the whole of the lot it is cancelling. Where a balance lot as defined in the Act is required, it must be fully described, given a standard lot number of the correct type, and qualified on the face of the plan with a note "**Precinct Development Lot <number> is a Balance Precinct Development Lot**". The provisions of Direction 4.16 may be used.

A Precinct Plan is prepared as a Standard Format plan.

16.4.3 Stratum plan:

A Stratum Plan subdivides Community Development Lots, Precinct Development Lots, or balance Precinct Development Lots into Community or Precinct Stratum lots. There appears to be no provision to subdivide a balance Community Development Lot into Community Stratum Lots, nor is there any provision to create Stratum Property Lots. Lots created on a Stratum Plan may be amalgamated or subdivided into further Stratum Lots of the same type by Stratum Plans of Amalgamation and Subdivision.

A stratum plan must deal with the whole of the lot it is cancelling. Balance lots are not permitted. Notwithstanding the provisions of Direction 10, the air space above, unlimited by height, and the ground space below, unlimited by depth (or to the limit in the original *Land Title Act 1994* allotment), must be included in a lot or lots, unless an existing Stratum Lot is being dealt with. The provisions of Direction 4.16 may be used.

Stratum lots must be defined on a volumetric format plan, and follow the requirements of Direction 10, other than:

- ◆ as permitted for lots unlimited in height or depth as noted in the preceding paragraph;
- ◆ the term "Stratum" must be used instead of "volumetric", other than in the definition of the format of the plan;
- ◆ where a stratum lot is unlimited in either height or depth, this must be indicated on the plan by arrows at the corners of the vertices on the lot pointing upwards or downwards as appropriate.

Stratum Lot names are derived from the lot type they are subdividing. If a Community Development Lot is being subdivided by a Stratum Plan, it creates "Community Stratum Lots". If a Precinct Development Lot is being subdivided, it creates "Precinct Stratum Lots".

16.4.4 Boundary adjustment plan:

Another plan type is a Boundary Adjustment Plan. They only apply to "minor amendments" that are "necessary to resolve a problem in relation to the management, development or subdivision of the site...". The definition of "minor" is the responsibility of the Local Government concerned.

16.4.5 Amendment plans:

For the purposes of this document, an Amendment Plan includes Plans of Amalgamation, Boundary Adjustment Plans and Plans of Subdivision where the plan is creating lots of the same type. Plans of amendment create lots of the same type as the parent lot.

The description of an amendment plan must be "<Type> Plan of Boundary Adjustment of", "<Type> Plan of Amalgamation of" or "<Type> Plan of Subdivision of" as the case may be.

Lots on an amendment plan must be numbered consecutively from the highest number in the development, other than a lot intended for further subdivision. Note that <Type> Property Lots must be numbered under the MUD Act, but there is no requirement that they be numbered in any particular order.

16.5 Subdivision into building units and group titles lots:

Other than in the case of community and precinct property lots, all lots created under the above plans may be further subdivided by plans under the *Building Units and Group Titles Act 1980*, with the exception that stratum lots may only be subdivided by a Building Units plan.

A Group Title lot created under the provisions of the MUD Act may be further subdivided by a Building Units plan, notwithstanding any other provision of the *Building Units and Group Titles Act 1980*.

These subdivisions follow the normal provisions laid out in the *Building Units and Group Titles Act 1980* and the Regulations thereunder. (This Act remains in force for developments under the *Mixed Use Development Act 1993*).

16.6 Lots:

16.6.1 Lot numbering:

Development Lots and Property Lots in a Plan must be numbered consecutively. If the plan contains a lot or lots that are intended for future subdivision, these must be given a higher number than there are lots in a plan. Surveyors should consider any possible redesign of later stages of the project when selecting this number. The number used must not be repeated in later amendment plans.

Lot numbers within the completed development must be continuous, commencing from 1 with no gaps.

16.6.2 Part lots:

Part lots must be dealt with as directed in Directions 8 and 10, save that a Stratum lot may be in several parts, not necessarily immediately adjacent to each other. However, in this latter

case, the provisions of Direction 10.4, other than that part referring to the requirement that all parts must immediately adjoin each other must apply to each part.

16.6.3 Lot descriptions:

Each lot must bear a description of its type, i.e. Community Development Lot, Precinct Property Lot etc.

Where space is insufficient, lot descriptors may be abbreviated to their capital initials. For example, CDL, CPL, CSL, PDL, PPL, PSL.

16.7 Descriptions:

Descriptions for plans under the MUD Act are, of necessity, somewhat different to those under the *Land Title Act 1994* and the *BUGT Act 1980*.

The Description of the plan must be "<Type> Plan of", where the <Type> is replaced by the type of plan, i.e. Community, Precinct or Stratum.

♦ Examples

- An initial Community Plan:

Community Plan of Community Development Lots 1 to 10 and 100 and Community Property Lots 11 to 13 cancelling Lot 1 on RP123456.

Note: Lot 100 is intended for further subdivision.

- Plan of amendment:

Community Plan of Subdivision of Community Development Lots 11, 12 and 101 Cancelling Community Development Lot 100 on SP89124.

- Precinct Plan subdividing a Community Development Lot:

Precinct Plan of Precinct Development Lots 1 to 5 and Precinct Property Lots 6 and 7 Cancelling Community Development Lot 2 on SP89124.

- A Precinct Stratum plan subdividing a Precinct Development lot into Precinct Stratum Lots:

Precinct Stratum Plan of Precinct Stratum Lots 1, 2 and 3 Cancelling Precinct Development Lot 4 on SP89125.

- Stratum Boundary Adjustment Plan:

Stratum Boundary Adjustment Plan of <Type> Stratum Lots 22 and 23 Cancelling <Type> Stratum Lots 4 and 5 SP89256.

16.8 Restricted lots:

Where a Community or Precinct Plan is subdividing a *Land Title Act 1994* allotment, which is itself restricted, the provisions of Direction 8.7 must apply.

16.9 Extinguishment:

Under the current Act, extinguishment of MUD plans will be very difficult, if not impossible. If extinguished, the comatose title will be reactivated, and becomes the title for the land.

If the dimensions on the plan defining the lot contained in the comatose title differ from the dimensions on the extinguished plan, a plan of resurvey is required to immediately follow the extinguishment. A new indefeasible title will be created off that plan. This plan may be compiled from the extinguished plan, subject to the normal requirements for compiled plans.

16.10 Miscellaneous:

All plans are subject to consent by various government agencies if in a controlled zone. e.g. Coastal Management Control District, Channel Area, Drainage Area etc.

17. Diagrams:

The diagrams in these Directions are illustrations of basic principles only, and do not necessarily contain all the information that may be required in actual practice. Reference should be made to these Directions for the full requirements of the Registrar.

18. Specimen Plans:

As many plans have now been registered under these Directions, it is considered no longer necessary to provide specimen plans.

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19. Profits a Prendre:

19.1 Forms to be used:

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 4 and Form 21B(*Land Title Act 1994*) with additional sheets of Form 21A, version 1, if required, in either standard or volumetric format or explanatory format. A plan of survey is not required or permitted, if the profit a prendre covers the whole of a lot.

19.2 Description:

A profit a prendre is a secondary parcel and must be described as per Direction 4.8.2.

Profit a Prendre <alpha> in Lot <Number> on <plan>

Profit a Prendre may be abbreviated to "Profit" if space is limited.

19.3 Profits a prendre described as parts:

A profit a prendre may not be in parts.

19.4 Dimensions:

Every profit a prendre must be fully dimensioned, given an area and defined on a plan of the appropriate format.

About dimensions are not acceptable.

19.5 Use of "proposed":

The use of "proposed" is not acceptable.

19.6 Forest Consent Areas:

Section 61JB of the *Forestry Act 1959* identifies that a forest consent area is to be registered as a Profit a Prendre and as such a forest consent area must be surveyed and depicted on a survey plan as a Profit a Prendre.

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20. Explanatory Plans:

20.1 Definition of explanatory plan:

An explanatory plan provides additional flexibility and methodology to define a secondary interest in land.

The purpose of an explanatory plan is to provide a graphical representation of an interest in an entity to create a secondary interest without any field survey. The plan is based upon mathematical calculations so that, if required in the future, the secondary interest could be identified and marked on the ground.

20.2 Consent of Registrar required:

Every explanatory plan to be lodged in the land registry must have been approved by the Registrar of Titles prior to lodgement.

Any application for consent to prepare an explanatory plan must be accompanied with sufficient information that supports the use of an explanatory plan. All applications will be considered on merit. Factors that will be considered in assessing any approval will include, but not be limited to:

1. Whether any interested party would be prejudiced by the use of an explanatory plan;
2. Application of the principle of non-complex;
3. Certainty of the boundaries of the secondary interest;
4. Remoteness of the parcel;
5. Density of surveys and survey control in the locality, and as a consequence, the likelihood of the parcel being easily identified on the ground if required in the future.
6. Topography and vegetation and inaccessibility issues;
7. Cost of Survey.

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.

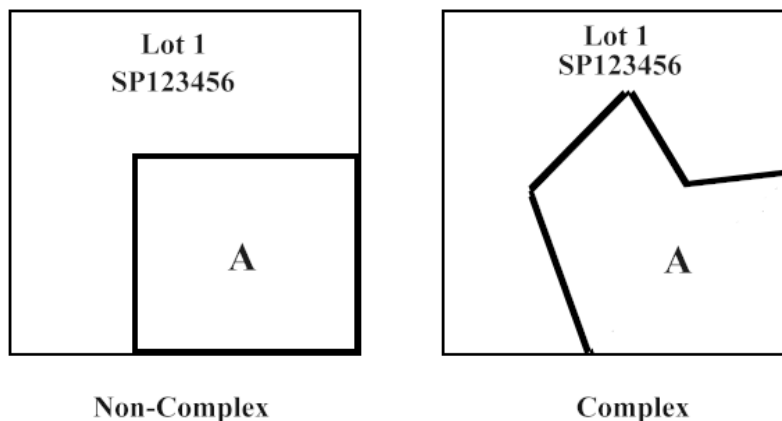
20.3 Use of explanatory plan:

An explanatory plan may be used for any of the following:

<u>Secondary Interest</u>	<u>Land Title Act 1994</u>	<u>Land Act 1994</u>
Lease	YES	NO
Easement	YES	YES
Covenant	YES	YES
Profit à prendre	YES	YES
Carbon Abatement Interest	YES	YES

20.4 Explanation of “non-complex”:

An explanatory plan may only be used when the boundaries of the interest to be delineated are non-complex and straightforward. In general, parcels that adhere to the shapes of a rectangle or square or parallelogram or triangle are considered to be a non-complex. Interests where the boundaries are other than non-complex are required to be prepared on a plan of survey.



20.5 Survey and marking:

There is no requirement for any survey or any marking to be undertaken to prepare an explanatory plan. If a survey has been undertaken, the survey information such as reference marks, reinstatement, occupation and corner information is not to be shown on the explanatory plan.

20.6 Plan preparation:

Normal plan drafting standards apply. However, the explanatory plan is to be prepared without the use of circles indicating marked corners. Normal adjoining information such as lot-on-plan and roads, watercourses etc. are required to be shown.

As the plan is lodged in the land registry, all relevant items on the reverse of the plan are to be completed.

20.7 Forms to be used:

Explanatory plans and any additional sheets to plans must be in the approved Form, Form 21 version 4, Form 21B Version 1 and Form 21A version 1 respectively and comply with Direction 3, Plan Forms, Registrar of Titles Directions for the Preparation of Plans.

A barcode label bearing the SP number must be added to the plan prior to lodgement.

Form 21 version 4 must be modified in the following manner:

1. “SURVEY PLAN” on the top of the form is to be crossed out and “EXPLANATORY PLAN” placed beneath;
2. The word “Explanatory” must be added to the format box;

20.8 Parcels to be described:

Any parcel described on an explanatory plan will be described using an alpha descriptor, e.g. Covenant A.

For clarity, the use of any alpha descriptor of a registered interest on the title should not be repeated within the one lot.

20.9 Title of plan:

The title box of the plan is to be completed in such a manner that correctly describes the interest being shown on the plan,

e.g. ***Plan of Covenant <alpha> in Lot <Number> on <plan>***

20.10 Certification:

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 Mines.

(Signed) Cadastral Surveyor, Date.

By a Corporation:

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 titles registry, Department of Natural Resources and Mines.

(Signed) Director, Date.

20.11 Dimensions:

Every parcel must be dimensioned with bearings and distances, and show an area, rounded as appropriate. The linear closure in a surround of any parcel, or part thereof, must satisfy the standard 3.4.2 of the Department of Natural Resources and Mines Cadastral Survey Requirements.

Dimensions may be shown as "deduced", when the information is not available from a previous plan of survey and was determined by a mathematical calculation. About dimensions are not acceptable.

20.12 Carbon Abatement Interests:

Where an explanatory plan is intended to be used to designate a carbon abatement interest, the application of the "non-complex" principle to the shape of the carbon abatement interest may not need to be satisfied. The non application of the "non-complex" principle must be adequately justified in the written application to the Registrar.

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21. Covenants:

21.1 General

A covenant may only be registered if the covenantee is the State, a statutory body representing the State or a local government. A covenant may only relate to:

- ◆ The use of a lot or part of a lot; or
- ◆ The use of a building built or proposed to be built on a lot; or
- ◆ The conservation of a physical or natural feature of a lot; or
- ◆ Ensure that all lots that are subject to the covenant are transferred to another person together (the lots subject to the covenant may be freehold, non-freehold or a combination of freehold and non-freehold).

If the registration of a covenant is a requirement of a development approval to a reconfiguration application, a separate plan is not necessary and the covenant may be included with a survey of lots on a plan of subdivision.

A plan of survey is not required or permitted, if the covenant covers the whole of a lot.

21.2 Forms to be used:

If a covenant 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 covenant **must** be registered in the land registry. The survey plan **must** be prepared on a Form 21, Version 4, Form 21B Version 1 (*Land Title Act 1994*) with additional sheets of Form 21A, version 1, if required, in either standard or volumetric format or explanatory format.

21.3 Fully dimensioned:

Covenants must be fully dimensioned, given an area and defined on a plan of the appropriate format.

21.4 Covenants in parts:

A covenant may not be in parts.

21.5 Description:

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

Covenant < alpha > in Lot < number > on < plan >

Covenant may be abbreviated to "Cov" if space is limited.

21.6 Use of "proposed":

The use of "proposed" is not acceptable.

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22. Allocations:

22.1 Introduction and rationale:

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 state tenures.

All plans of survey 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.

Some interests or endorsements noted on a title may not need to be allocated. For example a caveat is only a claim on an interest in the land and is therefore not allocated. Where there is any doubt as to the need to allocate an interest or endorsement, contact should be made with the Titles Registry to confirm this.

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 must 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 grant and more than one new lot being created on the plan, allocate the new lots to the original grants;

Where any registered interest affects only part of the base parcel, allocate that interest to the new lots, either fully or partially.

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 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, that is free and clear from all interests.

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, and both must be correct and capable of registration before registration can proceed.

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 (including common property), secondary interests and/or new roads on that plan of survey must be allocated to the underlying original lot or lots or USL 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". The description of existing common property in this table will be "CP on SP<plan number on which the common property was created>".

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.

There are a limited number of situations where two non freehold titles exist over the same parcel of land, for example where a state lease exists over a State forest. In this instance the state lease title identifies a "secondary interest" and is therefore not noted in item 6 on the back of the plan. A notation identifying the effect on the state lease title should be added.

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

EXAMPLE:

Title Reference	Description	New Lots	Road	Emts	Cov	Profit à 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			

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 RP829123		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 Original Grant allocations:

Where there is more than one new lot on the plan and more than one original grant being affected by the survey, an allocation must be made of each new lot into each original grant 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 original grant number. If more than one county is applicable another column is added.

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

The term "original grant" 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).

In the case of a s.358 of the *Land Act 1994* (previously s.9, *Land Act 1962*) deed of grant, the reservations are contained in the new deed of grant in addition to the reservations contained in the original deed of grant for the land, which will be referenced and identified in the new grant.

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

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

However, if the rights and reservations are contained within a conveyance, for example an action or dealing by the Commonwealth of Australia, both the conveyance dealing number and the lot-on-plan description are required to be shown in the allocation table.

Note: Where the original grant 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 original grant 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 original grants 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.

ORIGINAL GRANT 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 GRANT	PARISH (only if required)

Table 22-3: Original Grant Allocation

Note:

- (1) Title and Original Grant 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 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 the *Land Title Act 1994* states that "the fee simple interest in common property cannot be the subject of a mortgage". Accordingly, a mortgage must not be shown as affecting common property of a community titles scheme.

Section 51(3) of the *Land Title Act 1994* states that on registration of a survey plan, land identified as "Public Use Land" without anything further becomes Unallocated State Land and as unallocated state land cannot be the subject of a mortgage, a mortgage must not be shown as affecting a lot identified as Public Use Land.

Section 358 of the *Land Act 1994* deals with conditional surrenders of deeds of grant, and typically deals with the inclusion of unallocated state land into the freehold land. The nature of a section 358 action is that land is surrendered on condition that a new deed is granted over the land to which the registered owner is entitled. Where land that is subject to a section 358 action, and where that land is also encumbered by a mortgage, the resultant new deed of grant issued will identify that the whole of the new land is subject to that original mortgage. The surveyor's allocation should reflect that situation.

On termination of a community titles scheme, any mortgages that affected scheme land will be identified as fully encumbering the amalgamated lot. As the lot owners interest in the lot and common property are inseparable, and pursuant to s115V(5) of the *Land Title Act 1994*, the mortgage will be identified as fully encumbering the whole of the amalgamated lot. The surveyor's allocation should reflect that situation.

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.

22.6.2 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 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.

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 or lots being subdivided into one or more than one new lot, the new lots that are encumbered must 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 registration of plan”.;
- ◆ If the easement is in Public Use Land and the easement is a public utility easement and ministerial consent accompanies the plan, the Public Use Land remains encumbered by the easement and the allocation should show this.
- ◆ If the easement is in Public Use Land and is NOT a public utility easement then the easement does not encumber the public use land and consent of the grantee of these easements will be required to accompany the plan and the easement is not allocated.

22.6.5 Easements absorbed in new road:

When a servient tenement, or part of a servient tenement in the subject title, is absorbed in new road, a notation on the reverse of the plan must 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:

- ◆ Contains an easement or a lease or a covenant or a profit a prendre or a carbon abatement interest, **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) or profit(s) or carbon abatement interest(s).

This may be done by a statement or a table, indicating those leases affected and those leases not affected for each new lease or easement or covenant or profit a prendre. 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 the whole of a lot or part of a lot being subdivided into more than one new lot the new lots must 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.

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 must 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*):

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.

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 and common property. For these cases, ownership of the lease must be resolved in the first instance, eg partial surrender. 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 must be noted with the encumbrance in the following manner:

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

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.

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

Where an existing lease or leases are registered against whole or 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 must be noted with the encumbrance in the following manner:

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

Table 22-10a: 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:

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:

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

Table 22-11: Covenant Allocation

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 must 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* or section 373A(3)(c) *Land Act 1994* covenant relating to the future transfer of lots is used in relation to a parcel of freehold land and a parcel of non freehold land, and the subject land is being subdivided or amalgamated, the 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 Mines is warranted in these cases. Where the covenant relates to two or more freehold lots, and the subject land is being subdivided or amalgamated, the covenant must be dealt with by a release of the covenant with respect to the encumbered lots. In the case of land that is subject to a resumption action the covenant will be allocated as per the above table, there is no need to release the covenant as a prior action. There will be a following action by the titles registry to correct the existing covenant document.

22.6.8 Existing profit a prendre:

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 must 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:

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

- Table 22-12: Profit a Prendre Allocation

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 must 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:

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.

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. Where a Notice of Intention to resume relates to a resumption of an easement, and the survey plan prepared relates to that action, the notation should indicate that the NIR has been satisfied.

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 22-13: Administrative Advice Allocation

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 must 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.

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.

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.

In the situation where a volumetric format lot is subject to a local government allocation the table shall identify volumetric lot footprint area and volume that exists in each local government area.

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

Table 22-14: 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.

22.9 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.

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

Table 22-15: Dealing Allocation

22.10 Building Management Statement allocations:

Where a lot or common property that is subject to a Building Management Statement is subdivided or amalgamated an allocation of the building management statement is required. Lots are either encumbered or not encumbered and benefited. Terms such as partially or fully encumbered are not used. A table similar to the one below is required to allocate these encumbrances:

Building Management Statement	Lots to be Encumbered	Lots to be benefited
<Dealing No>	3, 4, 5, 6, 7, 8, CP	3, 4, 5, 6, 7, 8, CP

Table 22-16: Building Management Statement Allocation

23. Amendments to Plans:

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
Cadastral Surveyor (Date).....

Example Certificate of Amendment - Corporation:

Amendments by (corporation name) (ACN or ABN Number)
Director (Date).....

Where the cadastral surveyor is a corporation, the certificate of amendment may be executed in a manner similar to the manner in which a corporation executes a Form 13 or a Form 18. The corporation's seal is not required.

Amendments to the surveyor's certificate (eg. Form 13) are NOT covered by the certificate of amendment. No part of the surveyor's certificate may be deleted. A new surveyor's certificate must be shown on the face of the plan immediately above the original certificate which will

have been struck out. If space does not permit, the new certificate may be shown on the reverse of the plan.

23.2 Authorising another surveyor:

23.2.1 Overview – authorising another surveyor:

Pursuant to s.32 of the *Survey and Mapping Infrastructure Act 2003*, a cadastral surveyor may authorise another cadastral surveyor take action necessary to comply with any requirement about the plan made by the registering entity.

Section 32(4) requires the authorised surveyor to certify on the plan of survey that the action is being taken under the authority of this section.

Section 32(7) requires the authorised surveyor to provide a copy of the authorisation to the registering entity, when the authorisation is to be exercised. The copy of the authorisation should be either an original copy (with original signatures) or a certified copy. For a lodged plan, this authority will be imaged as part of the plan dealing.

23.2.2 Certification of plans by another surveyor:

When the provisions of s.32 of the *Survey and Mapping Infrastructure Act 2003* apply 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)***

Corporation:

***Amendments by <print name of corporation> (ACN or ABN Number
Director (Date)
(pursuant to s.32 Survey and Mapping Infrastructure Act 2003)***

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.

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 cadastral 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 cadastral 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 10 business days from the date of the initial request from the Department of Environment and Resource Management..

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.

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), which addresses the four elements listed below; and
 - supporting documentation including a copy of the plan showing the changes to be made;
- OR** where the correction affects the parcel in dimensions, area or description the following documents must accompany the Form 14:
 - a statutory declaration from the cadastral 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 departmental 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.

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 or statement on surveyor's letterhead 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 specifically address this point **AND** 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 corporation cannot make such declarations. In the case of a corporation, the statutory declaration is made by a Director of the corporation. 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 Director>, a Director of <full name of the corporation and ACN or ABN number> of <city/town> in the state of Queensland, do solemnly and sincerely declare 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 Director identified above>
this <number> day of <month> <year>
Justice of the Peace / Commissioner for Declarations*

The Form 14 must be completed by the cadastral 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 Authorising another surveyor**). Unlike the

Statutory Declaration, the corporation must complete the Form 14 when they are the cadastral surveyor. In these instances items 5 and 7 of the form must agree. If a corporation is identified in item 5, the Form must be signed by the Director/s 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 NR&M 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.

24. Carbon Abatement Interest:

24.1 Forms to be used:

If a carbon abatement interest 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 carbon abatement interest **must** be registered in the land registry. The survey plan **must** be prepared on a Form 21, Version 4, Form 21B Version 1 (*Land Title Act 1994*) with additional sheets of Form 21A, version 1, if required, in either standard or volumetric format or explanatory format. If the carbon abatement interest is over the whole of a lot a survey plan is not permitted or required to define the interest.

24.2 Description:

A carbon abatement interest is a secondary parcel and must be described as per Direction 4.8.2.

Carbon Abatement Interest <alpha> in Lot <Number> on <plan>

An appropriate abbreviation for a carbon abatement interest is “*Cab Abt Int*” or “*CA Int*”

24.3 Carbon Abatement Interest described as parts:

A carbon abatement interest may not be in parts.

24.4 Dimensions:

Every carbon abatement interest must be fully dimensioned, given an area and defined on a plan of the appropriate format.

About dimensions are not acceptable.

24.5 Survey of a Carbon Abatement Interest:

Every carbon abatement interest must be fully surveyed in accordance with the Cadastral Survey Requirements of the Department.

The survey of a carbon abatement interest may also be carried out using the standards for surveys of land in remote areas as contained in those departmental requirements.

The survey of a carbon abatement interest may also be carried out using the standards for surveys of a profit a prendre as contained in those departmental requirements.

About dimensions are not acceptable.

24.6 Use of “proposed”:

The use of “proposed” is not acceptable.