<table>
<thead>
<tr>
<th>Part</th>
<th>Para</th>
<th>Summary</th>
</tr>
</thead>
<tbody>
<tr>
<td>18</td>
<td>0000</td>
<td>Include a second paragraph about the use of the 18A and 18B</td>
</tr>
<tr>
<td>18</td>
<td>2000</td>
<td>Amend first paragraph which makes reference to item 2 for Form 21</td>
</tr>
<tr>
<td>18</td>
<td>2000</td>
<td>Include information that Forms 18A and 18B must be deposited with a survey plan and cannot be lodged on their own</td>
</tr>
<tr>
<td>18</td>
<td>4000</td>
<td>Include examples of Forms 18A and 18B</td>
</tr>
<tr>
<td>18</td>
<td>4060</td>
<td>Include Guides to Completion of forms 18A and 18B</td>
</tr>
<tr>
<td>21</td>
<td>2070</td>
<td>Amend sentence relating to plan being signed by registered owner</td>
</tr>
<tr>
<td>21</td>
<td>2090</td>
<td>Insert sentence relating to deposit of completed Form 18A</td>
</tr>
<tr>
<td>21</td>
<td>2100</td>
<td>Insert sentence relating to deposit of completed Form 18A</td>
</tr>
<tr>
<td>21</td>
<td>2110</td>
<td>Insert sentence relating to deposit of completed Form 18A</td>
</tr>
<tr>
<td>21</td>
<td>2110</td>
<td>Insert sentence relating to deposit of completed Form 18A</td>
</tr>
<tr>
<td>21</td>
<td>2115</td>
<td>Insert sentence relating to deposit of completed Form 18A</td>
</tr>
<tr>
<td>21</td>
<td>2120</td>
<td>Insert sentence relating to deposit of completed Form 18A under headings Resumption of an Easement and Resumption of Land</td>
</tr>
<tr>
<td>21</td>
<td>2130</td>
<td>Include paragraph under first paragraph regarding the use of a Form 18B for Planning Body approval</td>
</tr>
<tr>
<td>21</td>
<td>2130</td>
<td>Under heading Exemption from Approval delete reference to Item 1 and include information about completed Form 18B</td>
</tr>
<tr>
<td>21</td>
<td>2160</td>
<td>Include information about use of a Form 18B for Planning body approval and endorsement by Executive Council</td>
</tr>
<tr>
<td>21</td>
<td>2170</td>
<td>Amend paragraphs referring to local government approval to refer to planning body approval and include information about use of a Form 18B</td>
</tr>
<tr>
<td>21</td>
<td>2220</td>
<td>Amend reference to signing the plan to give consent to plan and include information about the use of a Form 18A</td>
</tr>
<tr>
<td>21</td>
<td>2320</td>
<td>Amend paragraphs referring to local government approval to refer to planning body approval and include information about use of a Form 18B</td>
</tr>
<tr>
<td>21</td>
<td>4000</td>
<td>Include example of updated form 21B (Version 2)</td>
</tr>
<tr>
<td>21</td>
<td>4010</td>
<td>Delete reference to items 1 and 2 on Form 21B</td>
</tr>
<tr>
<td>21</td>
<td>4010</td>
<td>Amend item requirements for items 1 and 2 to make reference to relevant Consent/approval and include information about use of Forms 18A and 18B</td>
</tr>
<tr>
<td>21</td>
<td>4010</td>
<td>Renumber items and delete reference to item 3</td>
</tr>
<tr>
<td>Part</td>
<td>Para</td>
<td>Summary</td>
</tr>
<tr>
<td>------</td>
<td>------</td>
<td>---------</td>
</tr>
<tr>
<td>59</td>
<td>4000</td>
<td>Include date for commencement of Form 21B and new Forms 18A and 18B</td>
</tr>
<tr>
<td>59</td>
<td>4000</td>
<td>Update list of forms to include Forms 18A and 18B and update version number of Form 21B</td>
</tr>
</tbody>
</table>
# Part 18 – General Consent

## Table of Contents

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Law</td>
<td>[18-0000]</td>
</tr>
<tr>
<td><strong>Lease</strong></td>
<td></td>
</tr>
<tr>
<td>Mortgagee’s Consent</td>
<td>[18-0010]</td>
</tr>
<tr>
<td>Grant of Lease</td>
<td></td>
</tr>
<tr>
<td>Amendment</td>
<td>[18-0020]</td>
</tr>
<tr>
<td>Surrender</td>
<td>[18-0030]</td>
</tr>
<tr>
<td>Sublessee’s Consent</td>
<td>[18-0040]</td>
</tr>
<tr>
<td>Local Government’s Approval</td>
<td>[18-0050]</td>
</tr>
<tr>
<td>¹Lease of Part of Land</td>
<td></td>
</tr>
<tr>
<td><strong>Easement</strong></td>
<td></td>
</tr>
<tr>
<td>¹Lessee’s/Mortgagee’s Consent</td>
<td>[18-0060]</td>
</tr>
<tr>
<td>¹Local Government’s Approval</td>
<td>[18-0070]</td>
</tr>
<tr>
<td>¹Lessee’s Consent</td>
<td>[18-0080]</td>
</tr>
<tr>
<td><strong>Building Management Statement</strong></td>
<td></td>
</tr>
<tr>
<td>¹Mortgagee’s Consent</td>
<td>[18-0090]</td>
</tr>
<tr>
<td>², ³Subdivision or Amalgamation of a Water Allocation</td>
<td></td>
</tr>
<tr>
<td>Mortgagee’s Consent</td>
<td>[18-0100]</td>
</tr>
<tr>
<td>¹, ²High-density Development Easement</td>
<td></td>
</tr>
<tr>
<td>Lessee’s Consent</td>
<td>[18-0110]</td>
</tr>
<tr>
<td>¹, ²Surrender of High-density Development Easement</td>
<td></td>
</tr>
<tr>
<td>Lessee’s/Mortgagee’s Consent</td>
<td>[18-0120]</td>
</tr>
<tr>
<td><strong>Legislation</strong></td>
<td></td>
</tr>
<tr>
<td>Application of the Land Title Act 1994 to the Water Act 2000</td>
<td>[18-0130]</td>
</tr>
<tr>
<td><strong>Practice</strong></td>
<td>[18-2000]</td>
</tr>
<tr>
<td><strong>Forms</strong></td>
<td>[18-4000]</td>
</tr>
<tr>
<td>General Guide to Completion of Forms</td>
<td></td>
</tr>
<tr>
<td>Guide to Completion of Form 18</td>
<td></td>
</tr>
<tr>
<td>Item 1</td>
<td>[18-4010]</td>
</tr>
<tr>
<td>¹Freehold Description</td>
<td></td>
</tr>
<tr>
<td>², ³Water Allocation Description</td>
<td></td>
</tr>
<tr>
<td>¹, ³State Tenure Description</td>
<td></td>
</tr>
<tr>
<td>Item 2</td>
<td>[18-4020]</td>
</tr>
<tr>
<td>Item 3</td>
<td>[18-4030]</td>
</tr>
<tr>
<td>Item 4</td>
<td>[18-4040]</td>
</tr>
<tr>
<td>Duty</td>
<td>[18-4050]</td>
</tr>
<tr>
<td>¹Guide to Completion of Form 18A</td>
<td></td>
</tr>
<tr>
<td>Item 1</td>
<td>[18-4060]</td>
</tr>
<tr>
<td>Survey Plan being consented to</td>
<td></td>
</tr>
<tr>
<td>Item 2</td>
<td>[18-4070]</td>
</tr>
<tr>
<td>Consent by Registered Owner/Lessee</td>
<td></td>
</tr>
<tr>
<td>¹Guide to Completion of Form 18B</td>
<td>[18-4080]</td>
</tr>
<tr>
<td>Item 1</td>
<td></td>
</tr>
<tr>
<td>Survey Plan being approved</td>
<td></td>
</tr>
<tr>
<td>Item 2</td>
<td>[18-4090]</td>
</tr>
<tr>
<td>Approval by Planning Body</td>
<td></td>
</tr>
<tr>
<td>Item 3</td>
<td>[18-4100]</td>
</tr>
<tr>
<td>Planning Body Approval Exemption</td>
<td></td>
</tr>
<tr>
<td><strong>Case Law</strong></td>
<td></td>
</tr>
<tr>
<td>Fees</td>
<td>[18-8000]</td>
</tr>
<tr>
<td>Cross References and Further Reading</td>
<td>[18-9000]</td>
</tr>
<tr>
<td>Notes in text</td>
<td>[18-9050]</td>
</tr>
</tbody>
</table>
Part 18 – General Consent

General Law

Form 18 – General Consent is provided specifically for the purpose of recording consents to instruments or documents by parties not directly involved in a transaction. The relevant part of the manual should be consulted to clarify circumstances where consent may be required.

A Form 18A – Registered Owners/Lessees Consent to Survey Plan is exclusively used for the consent of the registered owner or lessee to a survey plan.

A Form 18B – Planning Body Approval of Survey Plan is exclusively used for the approval of the planning body to a survey plan.

The following paragraphs identify common examples where consent is required.

Lease

Mortgagee’s Consent

Grant of Lease

See part 7 – Lease ¶[7-0040] and [7-2030].

Amendment

See part 7 – Lease ¶[7-0040] and [7-2030] and part 13 – Amendment [13-0010] and [13-2000].

Surrender

See part 8 – Surrender of Lease [8-0030] and [8-2000].

Sublessee’s Consent

See part 8 – Surrender of Lease [8-0030] and [8-2000].

Local Government’s Approval

Lessee’s/Mortgagee’s Consent

See part 7 – Lease ¶[7-0050].

Easement

Lessee’s/Mortgagee’s Consent

See part 10 – Surrender of Easement [10-2000].

Local Government’s Approval

See part 9 – Easement ¶[9-2080].
Lessee's Consent

See part 9 – Easement [9-2082].

See part 10 – Surrender of Easement [10-2000].

Building Management Statement

Mortgagee's Consent

See part 34 – Building Management Statement [34-2000].

¶18-0120 and ¶18-0160 deleted

Subdivision or Amalgamation of a Water Allocation

Mortgagee’s Consent

See part 49 – Water Allocations [14-2950] and [14-2960].

High-density Development Easement

Lessee’s Consent


Surrender of High-density Development Easement

Lessee’s/Mortgagee’s Consent

See part 40 – Surrender of High-density Development Easement [40-2000].

Legislation

Application of the Land Title Act 1994 to the Water Act 2000

Under the provisions of the Water Act, the Land Title Act applies to the registration of an interest or dealings for a water allocation on the water allocations register subject to some exceptions.

A relevant interest or dealing may be registered in a way mentioned in the Land Title Act and the Registrar of Water Allocations may exercise a power or perform an obligation of the Registrar of Titles under the Land Title Act:

(a) as if a reference to the Registrar of Titles were a reference to the Registrar of Water Allocations and

(b) as if a reference to the freehold land register were a reference to the water allocations register; and

(c) as if a reference to freehold land or land were a reference to a water allocation; and

(d) as if a reference to a lot were a reference to a water allocation; and

(e) with any other necessary changes.
Practice

Where a consent or approval is required pursuant to the Land Title Act 1994 or another Act it must be given on a Form 18 – General Consent except where the form has appropriate provision or another practice is permitted. For example, an approval by a planning body to a plan of subdivision is usually given in Item 2 of Form 21 – Plan.

A Form 18 – General Consent cannot be lodged on its own. It must be attached to, form part of and be deposited with the instrument or document that is being consented to.

The Registrar does not enforce the contractual arrangements of individuals, therefore if a dealing creating an interest is registered without obtaining the necessary consent required by the contract, the parties are at the risk of the interest being defeated by the party who is entitled to the consent.

All registered owners/lessees must consent to a survey plan, by way of a duly executed Form 18A – Registered Owners/Lessees Consent to Survey Plan (Form 18A) (See [21-2220]).

Where an approval to a plan of subdivision is required to be given by a planning body, a Form 18B – Planning Body Approval of Survey Plan (Form 18B) is the appropriate form (See [21–2130]).

A Form 18A or Form 18B cannot be lodged on its own. It must be attached to, form part of and be deposited with a survey plan.

Forms

General Guide to Completion of Forms

For general requirements for completion of forms see part 59 – Forms.
1. Lot on Plan Description
LOT 75 ON RP20478
Title Reference
16494203

2. Instrument/document being consented to
Instrument/document type  SURRENDER OF EASEMENT
Dated  17/10/2007
Names of parties EVELYN ALICE WAUGH and ROBERT JOHN WAUGH

3. Instrument/document under which consent required
Instrument/document type  MORTGAGE
Dealing No.  700000203
Name of consenting party SUNPAC FINANCE PTY LTD ACN 123 456 789

4. Execution by consenting party
The party identified in item 3 consents to the registration of the instrument/document identified in item 2.

Witnessing officer must be aware of his/her obligations under section 162 of the Land Title Act 1994

............................................................signature
............................................................full name
............................................................qualification  20/10/2007
Witnessing Officer  Execution Date  Consenting Party’s Signature
(Witnessing officer must be in accordance with Schedule 1
of Land Title Act 1994 e.g. Legal Practitioner, JP, C Dec)

A P Lincoln
Sunpac Finance Pty Ltd by its duly constituted attorney Allan Peter Lincoln
under Power of Attorney 700000222

Privacy Statement
Collection of this information from this form is authorised by legislation and is used to maintain publicly searchable records. For more information see the department’s website.
1. **Survey Plan being consented to**

Survey Plan Number    SP333333

Registered Owners/Lessees    Roger John Taylor and Robyn Joy Taylor

(names in full)

2. **Consent by Registered Owner/Lessee**

*As registered owner/s of this land, I/we agree to this plan and dedicate the Public Use Land as shown on this plan in accordance with Section 50 of the Land Title Act 1994.*

*As lessee/s of this land, I/we agree to this plan.*

*(rule through or delete whichever is not applicable)*

Roger Taylor

Robyn Taylor

Registered Owner/Lessee Signature/s

---

**Privacy Statement**

Collection of information from this form is authorised by legislation and is used to maintain publicly searchable records. For more information see the Department’s website.
1. Survey Plan being approved

Survey Plan Number  SP333333

Name of Planning Body  BIG CITY COUNCIL

2. Approval by Planning Body

BIG CITY COUNCIL approves this plan in accordance with the:

[insert name of Planning Body]

PLANNING ACT 2016

[insert applicable approving legislation]

______________________________
PETER JONES
MAYOR
BIG CITY COUNCIL

Peter Jones

01 / 05 / 2020

Approval Date Planning Body Authority

______________________________
Planning Body Reference Number : 123XYZ

3. Planning Body Approval exemption

Insert appropriate exemption clause and authorisation.

N/A

Privacy Statement
Collection of information from this form is authorised by legislation and is used to maintain publicly searchable records. For more information see the Department’s website.
Guide to Completion of Form 18

Item 1 [18-4010]

1. Freehold Description

The description of the relevant lot/s should always read ‘Lot [no.] on [plan reference]’. Plan references must contain the appropriate prefix (e.g. ‘SP’ for a survey plan, ‘RP’ for a registered plan, ‘BUP’ for a building units plan, ‘GTP’ for a group titles plan or the relevant letters for crown plans). The area of the lot/s is not shown.

<table>
<thead>
<tr>
<th>Lot on Plan Description</th>
<th>Title reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot 27 on RP 204939</td>
<td>11232078</td>
</tr>
</tbody>
</table>

2. Water Allocation Description

A water allocation should be identified as ‘Water Allocation’, ‘Allocation’ or ‘WA’. All plans referring to water allocations are administrative plans. Administrative plan is abbreviated to AP as the prefix of the plan identifier.

<table>
<thead>
<tr>
<th>Lot on Plan Description</th>
<th>Title reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>WA 27 on AP 7900</td>
<td>46012345</td>
</tr>
</tbody>
</table>

3. State Tenure Description

The description of the relevant State tenure should always read Lot [no.] on [plan reference]’. Plan references must contain the appropriate prefix (e.g. ‘CP’ for a crown plan).

<table>
<thead>
<tr>
<th>Lot on Plan Description</th>
<th>Title reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot 27 on CP LIV1234</td>
<td>40567123</td>
</tr>
</tbody>
</table>

Item 2 [18-4020]

Insert type and date of instrument or document to which the consent is to be bound and the full names of both parties involved in the matter.

Item 3 [18-4030]

Insert the type and dealing number of the instrument or document under which the consent is required (if applicable). Insert the full name of the consenting party.

Item 4 [18-4040]

Execute as required.

Duty [18-4050]

A duty notation is not required

¶[18-6000] deleted
1Guide to Completion of Form 18A

Item 1 [18-4060]

Survey Plan being consented to

Survey Plan Number

Insert the number of the survey plan being consented to.

Registered Owners/Lessees

Insert the full name and trust capacity (if applicable) of each registered owner/lessee.

For a corporation, the name and ACN or ARBN must be shown (see [21-2220]).

Item 2 [18-4070]

Consent by Registered Owner/Lessee

The clause that is not applicable should be ruled through or otherwise deleted.

Execute as required.

1Guide to Completion of Form 18B

Item 1 [18-4080]

Survey Plan being approved

Survey Plan Number

Insert the number of the survey plan being approved.

Name of Planning Body

Insert the name of the Planning Body giving approval to the survey plan.

Item 2 [18-4090]

Approval by Planning Body

Where an approval to a plan of subdivision is required to be given by a planning body, Item 2 must be completed by:

• Stating the name of the relevant planning body and the legislative authority relevant to the approval; and

• Being signed and dated by an appropriately authorised person with their authority stated.

Completion of the Planning Body Reference Number is optional. It can be completed if required by the Planning Body.

Item 3 [18-4100]

Planning Body Approval Exemption

Where a plan is exempt from Planning Body approval this item must be completed. It must be signed by an appropriately authorised person, citing the relevant statutory authority for the exemption (See [21-2130]).
Case Law
Nil

¶[18-7000] to [18-7020] deleted

Fees
No fees are payable for the lodgement of a Form 18 – General Consent.

Cross References and Further Reading
Part 2 – Mortgage (National Mortgage Form)
Part 7 – Lease
Part 9 – Easement
Part 13 – Amendment of Lease, Easement, Mortgage, Covenant, Profit a prendre or Building Management Statement
Part 21 – Plans and Associated Documents
Part 49 – Water Allocations

Notes in text
Note¹ – This numbered section, paragraph or statement does not apply to water allocations.
Note² – This numbered section, paragraph or statement does not apply to State land
Note³ – This numbered section, paragraph or statement does not apply to freehold land.

[18-8000]
[18-9000]
[18-9050]
Part 21 – Plans and Associated Documents

Table of Contents

General Law .............................................................................................................................................. [21-0000]
Definitions ............................................................................................................................................... [21-0010]

Practice
Plan of Survey ........................................................................................................................................ [21-2000]
Preparation of Plan .............................................................................................................................. [21-2010]
Plan Formats
Format ................................................................................................................................................ [21-2020]
Standard Format Plan .......................................................................................................................... [21-2030]
Building Format Plan .......................................................................................................................... [21-2040]
Volumetric Format Plan ....................................................................................................................... [21-2050]
Explanatory Format Plan ..................................................................................................................... [21-2060]
Plan of Subdivision ............................................................................................................................. [21-2070]
Plan of Survey for Easement ................................................................................................................ [21-2080]
Plan of Survey for Lease ....................................................................................................................... [21-2090]
Plan of Survey for Profit a prendre .................................................................................................... [21-2100]
Plan of Survey for Covenant ............................................................................................................... [21-2110]
Plan of Survey for Carbon Abatement Interest ................................................................................. [21-2115]
Plan of Survey for Resumption ........................................................................................................ [21-2120]
Approval by Planning Body ................................................................................................................ [21-2130]

Additional Approvals
Coastal Management ............................................................................................................................ [21-2140]
Artificial Waterways
Access ................................................................................................................................................... [21-2180]
Reservation for a Public Purpose under s. 23 of the Land Act 1994 ................................................ [21-2190]
Agreement under the Local Government (Planning and Environment) Act 1990 or the Local Government Act 1936 ......................................................................................................................... [21-2200]

Consent by the Registered Owner/Lessee of a State lease ................................................................ [21-2220]

Consents
Consent of Mortgagee, Lessee, Covenantee or Grantee of an Easement, Carbon Abatement Interest or of a Profit a Prendre ........................................................................................................................ [21-2230]
Consent of other parties.................................................................................................................... [21-2235]

Plan Registration Compliance Checklist .............................................................................................. [21-2250]

Fees ....................................................................................................................................................... [21-2260]
Public Use Land .................................................................................................................................... [21-2270]
Public Use Land other than Road ......................................................................................................... [21-2280]
Public Use Land – Road .................................................................................................................... [21-2290]

Creation of Indefeasible Title ................................................................................................................ [21-2300]
Transfer to Local Government in Fee Simple .................................................................................... [21-2310]
Transfer to Local Government as Trustee ........................................................................................ [21-2320]
Realignment of Lot Boundaries .......................................................................................................... [21-2330]

Forms
General Guide to Completion of Forms .............................................................................................. [21-4000]
Guide to Completion of Forms 21/21A/21B ....................................................................................... [21-4010]

Case Law

Fees ....................................................................................................................................................... [21-8000]

Cross References and Further Reading ............................................................................................ [21-9000]

Notes in text ......................................................................................................................................... [21-9050]
Part 21 – Plans and Associated Documents

General Law

The term ‘plan of survey’ (or ‘survey plan’ as it is also called) includes all surveys undertaken by a cadastral surveyor as defined by the Surveyors Act 2003 and for the purpose of:

• subdividing one or more lots;
• dedicating land to public use;
• redefining a lot by resurvey;
• amalgamating two or more lots to create a smaller number of lots;
• defining an area for an easement, lease, profit a prendre or covenant; and
• any other purpose that the Registrar may require the registered proprietor to undertake.

A plan of survey does not include a sketch plan.

Definitions

The definitions relevant to a plan of subdivision that may be registered in the Land Registry are as follows:


2. ‘plan of subdivision’ is defined in s. 49 of the Land Title Act and s. 290E of the Land Act. There is a definition of ‘plan of subdivision’ in Schedule 24 of the Planning Regulation 2017. This term is intended to be similar to ‘plan of subdivision’ under the Land Title Act and Land Act, but is to be used in the context of assessing a planning body approval.

3. ‘reconfiguring a lot’ is defined in Schedule 2 of the Planning Act.

4. ‘planning body’ means the relevant local government, or where applicable, the Minister for Economic Development Queensland or the Coordinator-General (s. 50(6) of the Land Title Act).

Practice

Plan of Survey

A plan of survey is a diagrammatic representation of a parcel or parcels of land showing location and dimensions. A plan may also show monuments, both natural (e.g. a lake, stream or cliff) and artificial (e.g. a peg, fence or building) found or placed in connection with the survey.

A plan of survey is prepared by a cadastral surveyor in accordance with the Survey and Mapping Infrastructure Act 2003 and the Surveyors Act 2003 and associated regulations and
standards. Once the survey has been completed and approved by the planning body, if required, the plan is lodged in the Land Registry.

On registration by the Registrar, plans become part of the relevant register.

The freehold land register records details about ownership and other interests on the indefeasible title for a lot. It provides a record of all registered surveys and the unique identifier (‘Lot [number] on [Plan reference]’) of each lot. It also facilitates the lodgement of dealings with individual lots and interests.

**Preparation of Plan**

Plans of survey must be prepared on the approved form; Form 21 – Survey Plan (Main Plan), Form 21B – Survey Plan (Administration Sheet) and if required, multiple Form 21A – Survey Plan (Additional Sheet).

All plans of survey must be drawn to the requirements set down in the Registrar of Titles Directions for the Preparation of Plans and the Cadastral Survey Requirements, and must comply with the requirements of s. 50 of the *Land Title Act 1994* and other relevant legislation.

**Plan Formats**

**Format**

Standard, Building, Volumetric and Explanatory format plans use the same plan form, however the requirements for preparation of each format differ and are set out in the Registrar of Titles Directions for the Preparation of Plans.

The spatial characteristics of the lots or interests depicted on a plan are derived from the format of the plan used.

It is not permissible to create parcels of different format types on the same plan, other than in the case of easements or remainder lot(s) on a volumetric or building format plan.

The format of the plan must be shown in the ‘Format’ field on the first sheet of the plan.

Lots are not qualified by the adjectives ‘Building’, ‘Remainder’, ‘Restricted’, ‘Standard’ or ‘Volumetric’.

**Standard Format Plan**

A standard format plan defines parcels two dimensionally, at ground level. The new parcel will be unlimited in height and depth. They can be defined by natural monuments and/or marks placed on the ground. The plan must include dimensions and area(s).

A standard format plan cannot subdivide a single building format lot or a single volumetric format lot.

For further information of the survey requirements for a standard format plan see direction 8 of the Registrar of Titles Directions for the Preparation of Plans.

**Building Format Plan**

A building format plan creates lots bounded by structural elements. Lots generally are defined by floors, walls and ceilings. However, some variations are addressed in direction 9 of the Registrar of Titles Directions for the Preparation of Plans.
Generally a building format plan cannot subdivide a base parcel that consists of both standard and volumetric lots. Exceptions to this are explained in direction 9.16 of the Registrar of Titles Directions for the Preparation of Plans.

**Volumetric Format Plan**

A volumetric format plan creates lots that are defined by three dimensional co-ordinate geometry and are fully defined by bounding surfaces (e.g. a cube). The lots may be above, below or partly above and partly below ground level.

A volumetric format plan may divide a lot or lots and/or common property on a standard, building or volumetric format plan of subdivision.

For further information on the survey requirements for a volumetric format plan see direction 10 of the Registrar of Titles Directions for the Preparation of Plans.

**Explanatory Format Plan**

An explanatory format plan provides a cost effective means to define the boundaries of an interest in land.

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

The plan may be used for easements or covenants over State Tenure land or leases, easements, covenants or profits a prendre over freehold land.

For an explanatory format plan the words ‘SURVEY PLAN’ on the top of the form must be crossed out and the words ‘EXPLANATORY PLAN’ placed beneath.

Every explanatory format plan to be lodged in the Land Registry must have been approved by the Registrar of Titles in writing prior to lodgement. The approval of the Registrar is required to be deposited with the plan upon lodgement.

For further information on the survey requirements for an explanatory format plan see direction 20 of the Registrar of Titles Directions for the Preparation of Plans.

**Plan of Subdivision**

A plan of subdivision is a plan of survey that may provide for 1 or more of the following:

- division of 1 or more lots;
- amalgamation of 2 or more lots to create a smaller number of lots;
- dedication of land to public use;
- redefinition of a lot on a resurvey.

A plan of subdivision may require the approval of the relevant planning body (see [21-2130]). Additional approvals to the plan may be also required in some cases (see [21-2140] to [21-2210]). Where the land is affected by a mortgage, lease, easement, profit a prendre or statutory covenant, consents of relevant parties may be required (see [21-2230]). The plan must be consented to signed by the registered owner by way of completion of a Form 18A – Registered Owners/Lessees Consent to Survey Plan and all relevant items must be completed by the appropriate person (see [21-2220] and [21-4010]).
Where the title to land being subdivided is noted with a Road Licence (RDL) endorsement this will not prevent the registration of the plan. On registration of plan the (RDL) endorsement will be recorded on all the new titles created for the land that abuts/adjoins the Road Licence. It is suggested that lodgers contact State Land Asset Management (SLAM) to address the issue of the Road Licence prior to lodgement of the plan.

### Plan of Survey for Easement

Section 83 of the *Land Title Act 1994* requires, for an easement (other than a high-density development easement under Part 6 Division 4AA of the Land Title Act) over part of a lot to be registered, the easement must first be designated on a registered plan of survey. If an easement is over the whole of a lot, no new plan is required as the extent of the easement is defined by the registered plan depicting the lot.

Section 83A(1) of the Land Title Act allows for the defining of boundaries of a proposed easement (other than a high-density development easement under Part 6 Division 4AA of the Land Title Act) by registration of a plan in the appropriate format. A plan that depicts an easement may show the easement as proposed whether or not the easement document that grants the easement is lodged with the plan. However, if an easement document is not lodged with the plan, the word ‘proposed’ must be shown on the plan.

Plans for easement purposes must comply with direction 4.8.2, and either direction 6, 8 or 10 of the Registrar of Titles Directions for the Preparation of Plans. The depiction of an easement may be included with a survey of lots on a plan of subdivision.

A plan must not depict an easement in parts.

The registration of a plan does not create an easement. An easement can only be created by registering an instrument of easement (s. 82(1) of the Land Title Act).

If a plan of survey depicting an easement that gives access to a lot from a constructed road is the reconfiguring of a lot under the *Planning Act 2016*, then the plan must have the approval of the planning body concerned, when the implementing easement instrument, executed after 25 May 2001, is lodged. Alternatively the planning body may give approval to the plan on a Form 18 – General Consent that refers to the plan of survey and easement, and must then be deposited with the easement.

In cases where the plan of survey was registered prior to the lodgement of the implementing easement instrument, the plan of survey still requires approval of the planning body. Where the plan of survey depicting an easement that gives access to a lot from a constructed road was not approved by the planning body before registration, the planning body must give approval to the plan on a Form 18 – General Consent that refers to the plan of survey and easement. The consent must then be deposited with the easement.

Notwithstanding the easement is for another purpose in addition to access, the registered plan will still require the approval of the planning body.

In the majority of cases, planning body approval is required for each plan depicting the extent of an easement that gives access to a constructed road, regardless of whether or not the easement actually abuts the road. For example, where a lot gains access through a number of easements over adjacent lots, and those easements are depicted on separate plans of survey, planning body approval is required for each plan.

In certain cases the approval of the planning body to the plan may not be required. In situations where parties consider that planning body approval is not required, sufficient evidence must be deposited with the easement.
As there is no legislated definition for a ‘constructed road’, it is sufficient to require approval by the planning body concerned, if the road has been dedicated.

Lodgement fees for a plan are payable.

**Plan of Survey for Lease**

Where part of a lot or part of common property which is external to a building is to be leased a plan of survey must be registered to define the boundaries of the area to be subjected to the lease (s. 65(2)(b) of the *Land Title Act 1994*). These plans must comply with direction 4.8.2 and either direction 8 or 10 of the Registrar of Titles Directions for the Preparation of Plans.

One plan may be used to define any number of separate leases.

An area identifying a lease may be included with a survey of lots on a plan of subdivision.

A plan must not describe a lease as proposed and there is no requirement for a lease to be lodged immediately after the plan.

A plan must not depict the lease in parts.

*The plan must be accompanied by a duly completed Form 18A.*

Lodgement fees for a plan are payable.

See also Part 7 Lease, ¶[7-0050] and [7-2205].

**Plan of Survey for Profit a prendre**

Plans for profit a prendre purposes are required to define the boundaries of the area to be subjected to the profits a prendre when only part of a lot is involved (s. 97F(1)(b) of the *Land Title Act 1994* and s. 373I(1)(b) of the *Land Act 1994*). These plans must comply with directions 4.8.2 and 19 of the Registrar of Titles Directions for the Preparation of Plans. One plan can be used to define any number of separate profits.

A plan of survey or explanatory format plan is required to precede a profit a prendre if the interest affects part of a lot. If the profit a prendre is for the whole of a lot, no plan is required.

A profit a prendre may be included with a survey of lots on a plan of subdivision.

A plan must not describe a profit a prendre as proposed and there is no requirement for a profit a prendre to be lodged immediately after the plan.

A plan must not depict the profit a prendre in parts.

*Plans of survey for profits a prendre do not require approval by the planning body.*

*The plan must be accompanied by a duly completed Form 18A.*

Lodgement fees for a plan are payable.

**Plan of Survey for Covenant**

Plans for covenant purposes are required to define the boundaries of the area to be subjected to the covenant when only part of a lot is involved (s. 97B(1)(b) of the *Land Title Act 1994* and s. 373B(1)(b) of the *Land Act 1994*). These plans must comply with directions 4.8.2 and 21 of
the Registrar of Titles Directions for the Preparation of Plans. One plan can be used to define any number of separate covenants.

A plan of survey or explanatory format plan is required to precede an instrument of covenant under the Land Title Act or the Land Act if it affects part of a lot. If the covenant is over the whole of a lot, no plan of survey is required.

A covenant may be included with a survey of lots on a plan of subdivision.

A plan must not describe a covenant as proposed and there is no requirement for a covenant to be lodged immediately after the plan.

A plan must not depict the covenant in parts.

Plans of survey for covenants do not require approval by the planning body.

The plan must be accompanied by a duly completed Form 18A.

Lodgement fees for a plan are payable.

Plan of Survey for Carbon Abatement Interest

Plans for carbon abatement interest purposes are required to define the boundaries of the area to be subjected to the carbon abatement interest when only part of a lot is involved (s. 97O(3) of the Land Title Act 1994 and s. 373S(3) of the Land Act 1994). These plans must comply with directions 4.8.2 and 24 of the Registrar of Titles Directions for the Preparation of Plans. One plan can be used to define any number of separate carbon abatement interests.

A plan of survey or explanatory format plan is required to precede an instrument of carbon abatement interest under the Land Title Act or the Land Act if it affects part of a lot. If the carbon abatement interest is over the whole of a lot, no plan of survey is required.

A carbon abatement interest may be included with a survey of lots on a plan of subdivision.

A plan must not describe a carbon abatement interest as proposed and there is no requirement for a carbon abatement interest to be lodged immediately after the plan.

A plan must not depict the carbon abatement interest in parts.

Plans of survey for carbon abatement interests do not require approval by the planning body.

The plan must be accompanied by a duly completed Form 18A.

Lodgement fees for a plan are payable.

Plan of Survey for Resumption

Generally

A constructing authority, defined in s. 2 of the Acquisition of Land Act 1967, may take land or an interest in land (for example, an easement) for a purpose stated in the schedule of the Act.

The Acquisition of Land Act provides that where part of a lot or an interest in a lot is to be taken, the land or interest to be taken must be identified on a plan of survey. If the whole of a lot is to be taken it may be described by reference to an existing description.
A plan of survey for a resumption action does not require the approval of a planning body (see ¶[21-2130]) nor the consent of the mortgagee or other registered proprietors.

Lodgement fees are applicable except where the constructing authority is the State.

**Resumption of an Easement**

Where a constructing authority is taking an easement, which is over part of a lot, a plan of survey depicting the easement is required to be registered.

The plan must:

- deal only with the taking of easement action;
- identify the taken area as an easement (a proposed easement is not permitted); and
- be signed by the constructing authority accompanied by a Form 18A duly completed by the constructing authority.

The plan must be accompanied by a Form 14 – General Request to register resumption (see ¶[14-2320]).

**Resumption of Land**

Where a constructing authority is taking part of a lot, a plan of subdivision depicting as new lots the land to be taken and the land not taken, is required to be registered.

The resumption plan must:

- deal only with the taking of land action;
- identify as a lot/s the area taken and identify the area remaining as a lot/s;
- not dedicate any new road; and
- be signed by the constructing authority accompanied by a Form 18A duly completed by the constructing authority.

The plan must be accompanied by a Form 14 – General Request to register resumption (see ¶[14-2320]).

**Approval by Planning Body**

A plan of subdivision that provides for the division of 1 or more lots, or the dedication of land to public use land must be approved by the relevant planning body, for example the local government or where relevant, the Minister for Economic Development Queensland (MEDQ) or the Coordinator-General (s. 50(1)(i) of the Land Title Act 1994).

The form of the approval by the planning body is by completing an accompanying Form 18B – Planning Body Approval.

Where the plan of subdivision provides only for:

- the amalgamation of 2 or more lots to create a smaller number of lots; or
- the redefinition of a lot on a resurvey; or
• under the *Body Corporate and Community Management Act 1997*, chapter 2, part 3, division 2, the incorporation of a lot with common property or conversion of lessee common property within the meaning of that Act;

the approval of the relevant planning body is not required (s. 50(1)(h) of the Land Title Act).

Subsections 50(1)(h) and (i) of the Land Title Act do not apply to a plan of subdivision that, other than for s. 50(3) of the Land Title Act, would have been required to have been approved by the relevant planning body if—

• for a plan that would have required approval by the MEDQ—the plan is not a plan of subdivision as defined in the *Economic Development Act 2012*, s. 104; or

• for a plan that would have required approval by the relevant local government—the plan is not a plan for which a process for approving the plan is provided under the *Planning Act 2016*, s. 397.

Also ss. 50(1)(h) and (i) of the Land Title Act do not apply to a plan of subdivision that, under the provision of another Act, is a plan that is not required to be approved by the relevant planning body (s. 50(4) of the Land Title Act).

An approval of a plan of subdivision is current for 6 months from the date it is given (s. 50(5) of the Land Title Act).

Where land contained in a plan of subdivision is located within a number of planning body areas, separate planning body approvals are required. For example this would occur where land is located within more than one local government area.

The Planning Regulation 2017 provides for the approval of a plan of subdivision for reconfiguring a lot. Schedule 24 of Planning Regulation 2017 provides that the following reconfigurations are not included, which are therefore exempt from local government approval:

- the acquisition of land, including by agreement, under the *Acquisition of Land Act 1967*, by a constructing authority or an authorised electricity entity, for a purpose for which land may be taken under that Act; or

- the acquisition of land by agreement, other than under the *Acquisition of Land Act 1967*, by a constructing authority or an authorised electricity entity, for a purpose for which land may be taken under that Act; or

- land held by the State, or a statutory body representing the State, that is being reconfigured for a purpose for which land may be taken under the *Acquisition of Land Act 1967*, whether or not the land relates to an acquisition; or

- the acquisition of land for water infrastructure; or

- a lot that is, or includes, airport land, strategic port land or Brisbane core port land; or

- a plan lodged under the *Acquisition of Land Act 1967* section 12A, as a result of a reconfiguration stated in paragraph (i) above.

If a plan is withdrawn and re-entered under s. 159 of the Land Title Act or s. 308 of the Land Act, the time between planning body approval and lodgement is calculated from the date the plan was first lodged, not the date of re-entry (s. 53 of the Land Title Act and s. 290L of the Land Act).
If a plan is fully withdrawn or rejected and is presented for re-lodgement, the date it is relodged is used to assess the currency of the planning body approval (see the Acts Interpretation Act 1954 for calculation of time).

**Exemption from Approval**

Where a plan is exempt from local government approval under the provisions of regulation 69 and schedules 18 and 24 of the Planning Regulation 2017, for example a plan by a constructing authority for a resumption action, the plan administration sheet (Form 21B), must have been accompanied by a duly completed Form 18B statement at Item 1, signed by an appropriately authorised person, citing the relevant statutory authority for the exemption. The following statement is provided as an example:

This plan is exempt from local government approval under regulation 69 and schedules 18 and 24 of the Planning Regulation 2017.

Section 52(i) of the Australian Constitution provides the Commonwealth of Australia with exclusive power to make laws for all places acquired by the Commonwealth for public purposes. This means that State legislation cannot control the Commonwealth’s use of its property, including the right to subdivide. Therefore, plans of survey of freehold land where the registered owner is the ‘Commonwealth of Australia’ do not require local government approval.

Under the above provision, an entity related to or owned by the Commonwealth of Australia (examples include CSIRO, Defence Housing Australia and Australian Broadcasting Corporation) may be provided the rights, powers and immunities of the Commonwealth. However, these are to be considered on a case by case basis. Where exemption from local government approval is sought, written advice of the specific legislative exemption or the specific authority that provides the entity with the entitlement to the rights, powers and immunities of the Commonwealth must be provided.

**Additional Approvals**

**Coastal Management**

The Coastal Protection and Management and Other Legislation Amendment Act 2001 (No 93 of 2001) was assented to on 10 December 2001, but the substantive provisions, including s. 25, did not commence until 20 October 2003 (the commencement date). Section 25 repealed the Beach Protection Act 1968 and the Canals Act 1958.

The provisions in Division 4 of Part 2 of Chapter 6 of the Coastal Protection and Management Act 1995 refer to planning applications in progress. In particular s. 179(2) makes reference to processing a number of applications as if the Act under which the application was made had not been repealed. Where the application predates the commencement date the plan requirements and certificates that existed under the repealed legislation continue to apply:

- For the subdivision of land within a coastal management control district the consent of the Governor in Council is required (s. 45 of the Beach Protection Act).
- When a canal is to be constructed as part of the subdivision the approval of the Governor in Council is required (s. 9 of the Canals Act).

Where the application is made on or after the 20 October 2003 requirements under the Coastal Protection and Management Act apply (see [21-2170]).
Artificial Waterways

Application made prior to 20 October 2003

The following requirements apply to plans of subdivision where the application to the local government was made prior to 20 October 2003.

Any plan of survey creating a canal under the *Canals Act 1958* must show the canal as a separate lot and be marked as ‘CANAL’, including complete metes and bounds and an area. A transfer of canal lots to the State is required and must be capable of registration before the plan can be registered.

The plan should be approved by the local government planning body by way of a duly completed Form 18B, and then endorsed with the consent of the Governor in Council (s. 9(1)(e) of the Canals Act). The endorsement by the Executive Council will be signed by the Clerk of the Executive Council, and will be way of a duly completed Form 18B.

Application made after 20 October 2003

Any plan of survey creating an artificial waterway must show the artificial waterway as a separate lot, including complete metes and bounds and an area, and indicate on the face of the plan whether the artificial waterway is canal, artificial waterway or access channel.

The term ‘CANAL, ‘ARTIFICIAL WATERWAY’ or ‘ACCESS CHANNEL’ must be repeated wherever the lot number appears on the face of the plan, e.g.:

<table>
<thead>
<tr>
<th>Lot 37</th>
<th>Lot 85</th>
<th>Lot 106</th>
</tr>
</thead>
<tbody>
<tr>
<td>CANAL</td>
<td>ARTIFICIAL WATERWAY</td>
<td>ACCESS CHANNEL</td>
</tr>
</tbody>
</table>

In addition to the local government planning body approval to the subdivision, Item 2 on the plan administration sheet (Form 21B), the completed Form 18B, the local government must certify on the plan Form 18B that:

(a) the waterway, and any access channel associated with the waterway, is constructed in accordance with the development approval for the waterway; and

(b) if the waterway is not a canal – the local government is satisfied arrangements have been made, or will be made, for the maintenance and management of the waterway (s. 119 of the *Coastal Protection and Management Act 1995*).

If the lot is a canal, then a Form 1 – Transfer and surrender to the State must be lodged to follow the plan. The transfer to the State must be capable of registration before the plan can be registered. Releases of any mortgages are not required for the canal lot(s).

The transfer and surrender to the State is registered over the indefeasible title created. The consideration must show a reference to the relevant legislation (e.g. s. 9 of the *Canals Act 1958* or s. 120 of the *Coastal Protection and Management Act*).

A lot that is an artificial waterway or access channel is to be dealt with as a normal fee simple lot, i.e.:

- a indefeasible title is created for the lot;
- the lot is not required to be surrendered to the State; and
- all secondary interests may remain on the title.
Access

The Registrar is not obliged to ensure that a lot has access to a public road except where the lot is to be dedicated to the State for public use. Where a lot is being dedicated for public use, other than as a road, non-tidal watercourse or a lake, s. 51A(a) of the Land Title Act 1994 and s. 290JB(a) of the Land Act 1994 apply. Access to the lot may be by way of:

- an abutting public road; or
- a public thoroughfare easement.

If a plan does not appear to comply with the above requirements, the Minister may, upon application, under s. 51A(b) of the Land Title Act or s. 290JB(b) of the Land Act approve a plan of subdivision providing for dedication of a lot without access being available. Generally in these cases access is through an adjacent reserve and:

- the adjacent reserve has dedicated access; and
- the adjacent reserve is for the same purpose as the public use land being dedicated; and
- the trustees of the public use land being dedicated are the same as the trustees of the adjacent reserve.

The Minister may grant the approval by letter or Form 18 – General Consent.

Reservation for a Public Purpose under s. 23 of the Land Act 1994

Where a lot is the subject of a plan of subdivision and the indefeasible title for the lot contains a reservation for a public purpose under s. 23 of the Land Act and the location of the land reserved is not identified in the grant, prior to lodgement the plan must be referred to the State Land Asset Management area of the department for action. If the Minister, under s. 23A of the Land Act, allocates the floating reservation to some or all of the lots created by the plan, a certificate to this effect will be made on the face of the plan and signed by a delegate of the Minister.

For further information about the certificate see 2.9.2 of the Cadastral Survey Requirements.

Agreement under the Local Government (Planning and Environment) Act 1990 or the Local Government Act 1936

Agreements under the now repealed Local Government (Planning and Environment) Act or the Local Government Act, between the registered owner and the local government, were lodged for registration as a condition of the approval of a plan of subdivision. Typically the agreements related to lots to be held by the same registered owner.

There is no similar provision under the Planning Act 2016. However, s. 97A(3)(c) of the Land Title Act 1994 and s. 373A(3) of the Land Act 1994 allow for the registration of an instrument of covenant, which may contain similar conditions (see part 31 – Covenants).

An agreement may be cancelled with the approval of the relevant local government.

Where an agreement is cancelled in conjunction with a new plan of subdivision, a letter from the relevant local government approving cancellation must be deposited with the plan. On registration of the plan, the agreement will be removed from relevant indefeasible titles.

Where an agreement is to be cancelled and there is no new plan of subdivision lodged, an application in a Form 14 – General Request, signed by the registered owner, and the approval of
the local government on a Form 18 – General Consent are required. Lodgement fees are applicable.

\[21-2210\] deleted

**Signing Consent by the Registered Owner/Lessee of a State lease** [21-2220]

All registered owners/lessees must sign consent to the plan, by way of a duly completed Form 18A, on behalf of the registered owner/lessee under a power of attorney, the power of attorney must be registered in the Land Registry prior to the registration of the plan. If the power of attorney is not a general power of attorney, it must grant the attorney power to subdivide. If the attorney has been delegated power to sell, this will be accepted as sufficient authority to subdivide.

When the subject land is owned/leased by a corporation, the official designations of the persons signing on behalf of the corporation must be shown on the Form 18A. The Australian Company Number should be included as part of the registered owner’s name and in the seal if one is affixed on the Form 18A (see Part 50 – Corporations and Companies and Part 61 – Witnessing and Execution of Instruments or Documents for more details).

A mortgagee in possession can execute a plan of subdivision on behalf of the registered owner(s)/lessee(s). Evidence of default and service of the notice of demand is required to be deposited. The appropriate manner to recite in Item 2 the registered owner’s name on the Form 18A is ‘XY as mortgagee in possession under Mortgage No [number]’. No reference to the registered owner’s name appears on the Form 18A plan, however, the new indefeasible titles will be created in the name of the registered owner, subject to the registered mortgage.

**Consents**

**Consent of Mortgagee, Lessee, Covenantor or Grantee of an Easement, Carbon Abatement Interest or of a Profit a Prendre** [21-2230]

Section 50(1)(j) of the *Land Title Act 1994* requires that a plan of subdivision (see definition of plan of subdivision in s. 49 of Land Title Act) must be consented to by:

- all registered mortgagees of each lot the subject of the plan; and
- all other registered proprietors (for example a lessee, covenantor or the grantee of an easement or of a profit a prendre), whose interests are affected by a plan.

The term ‘affected’ in this context means, the spatial extent of a registered interest is intersected by the spatial extent of new road or a new lot (including a lot for public use) depicted on a plan. The registered interest is partly or wholly extinguished to the extent intersected.

The consent must be on a Form 18 – General Consent unless otherwise stated below.
The following matrix shows where a consent is required by a registered proprietor whose interest is affected (see the definition above) by a plan of subdivision. The table does not apply to plans prepared under the *Acquisition of Land Act 1967*.

<table>
<thead>
<tr>
<th>Consent of registered proprietor of affected interest required</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Affected interest</strong></td>
</tr>
<tr>
<td>-----------------------</td>
</tr>
<tr>
<td>Mortgage</td>
</tr>
<tr>
<td>Lease</td>
</tr>
<tr>
<td>Easement (including a high-density development easement) – other than public utility easement</td>
</tr>
<tr>
<td>Easement – public utility</td>
</tr>
<tr>
<td>Profit a prendre</td>
</tr>
<tr>
<td>Covenant – preservation or use of land</td>
</tr>
<tr>
<td>Covenant – binding ownership of lots</td>
</tr>
<tr>
<td>Carbon Abatement Interest</td>
</tr>
</tbody>
</table>

* A chargee of a recorded statutory charge is not required to consent to the registration of a plan unless there are specific provisions in the relevant legislation identifying the right of possession or redemption under the charge.

Consent of other parties

Section 50(1)(k) of the *Land Title Act 1994* and Section 290J(1)(l)(iv) of the *Land Act 1994* require that a plan of subdivision (see definition of plan of subdivision in s. 49 of Land Title Act and s. 290E of Land Act) that affects land the subject of a conservation agreement under the *Nature Conservation Act 1992* must be consented to by the chief executive of the department in which that Act is administered. Conservation agreement is defined in the schedule to the Nature Conservation Act. The consent must be on a Form 18 – General Consent.

Plan Registration Compliance Checklist

A survey plan with a certification on the face of the plan by a cadastral surveyor dated on and from 1 July 2005 and not endorsed in Item 11 on the plan administration sheet (Form 21B) by
an accredited surveyor must be accompanied by a Form 10 – Plan Registration Compliance Checklist under the *Survey and Mapping Infrastructure Act 2003* when lodged.

## Fees

Lodgement fees and fees for the creation of new indefeasible titles must be paid unless there is a statutory exemption (see [60-0892]).

The assessment of fees is based on a lodgement fee with a fee for each additional lot. The number of lots is determined by identifying all the new lots on the plan and all new secondary interests on the plan. However, areas of new road or common property are not included in this assessment.

A new title fee is charged for any lots on the plan for which an indefeasible title is to be created. Indefeasible titles are not created for public use lots. The new indefeasible titles are created on registration of the plan but in some instances additional documentation may be required to complete this process for example, transfers to resolve ownership or collateral mortgages.

### Public Use Land

#### Dedication of Land

The dedication of land to ‘public use land’ on registration of a plan of subdivision:

- is for the whole of the registered proprietor’s interest in the lot (s. 51(1) of the *Land Title Act 1994*);
- dedicates and opens any roads for the purposes of the *Land Act 1994* without anything further, (s. 51(2)(a) of the Land Title Act or s. 290JA(2)(b) of the Land Act); or
- dedicates and opens the new non-tidal boundary watercourse or lake (s. 51(2)(b) of the Land Title Act or s. 290JA(2)(c) of the Land Act); or
- dedicates lots identified on the plan as reserves for a community purpose/s under the Land Act, if the plan has been consented to by the Minister (s. 51(2)(c) of the Land Title Act or s. 290JA(2)(a) of the Land Act); or
- otherwise—the lot becomes unallocated State land under the Land Act (s. 51(2)(d) of the Land Title Act or s. 290JA(2)(d) of the Land Act).

A plan of subdivision that includes land to be dedicated for a public use may identify the area being surrendered on the face of the plan by endorsing on it any of the following:

- ROAD (or NEW ROAD);
- Lot number and ‘PUBLIC USE LAND’;
- Lot number and ‘PUL’;
- Lot number and ‘PUBLIC USE LAND’ together with the purpose.

#### Statement of Intent

Statement of Intent forms are State Land Asset Management forms that provide for and give Ministerial approval to action under the Land Act associated with plans of subdivision lodged under the Land Act or the Land Title Act. A Statement of Intent form is completed by a State Land Asset Management officer and signed by a delegate of the Minister.
The Statement of Intent – Plan Lodgement under the Land Title Act 1994 form provides for and gives Ministerial approval to the dedication of freehold land as a reserve pursuant to sections 31, 31A and 44 of the Land Act. The form may only be used where the purpose of the reserve is shown on the face of the plan. The completed form is given to the registered owner of the subject land for deposit with the plan when lodged.

The Statement of Intent – Plan Lodgement under the Land Act 1994 form provides for and gives Ministerial approval to the dedication of unallocated State land as road pursuant to s. 94 of the Land Act.

Public Use Land other than Road

Lots dedicated to public use become unallocated State land on registration of the plan without any further action.

The dedication of public use land must not be shown as a condition of the approval of the plan.

If the plan depicts public use land and a community purpose listed in schedule 1 of the Land Act 1994 is shown on the face of the plan and the action is approved by the Minister by way of a Statement of Intent – Plan Lodgement under the Land Title Act 1994 form, on registration of the plan the lot is dedicated as a reserve.

If a lot that is the subject of dedication to public use is affected by registered encumbrances, additional instruments (such as partial releases of mortgages and surrenders of easements and leases) are not required to be lodged. For the dedication to occur on registration of the plan consents may be required (see [21-2230]).

In the case of a public utility easement over freehold land that is to become unallocated State land the easement may continue over the unallocated State land if the approval of the Minister is obtained and deposited (s. 372(5) of the Land Act). If a Statement of Intent is being used to provide approval to the dedication of the public use land as reserve, the approval to the continuation of easements may be included on the Statement of Intent. Where a Statement of Intent is not being used the approval must be by a letter or a Form 18.

Public Use Land – Road

Registration of a plan that shows new road operates to dedicate the road and open it for the Land Act 1994 without anything further (s. 51(2)(a) of the Land Title Act 1994).

New road depicted on a plan of subdivision may be either a standard format parcel or a volumetric format parcel.

There are a number of alternative methods outlined below to dedicate the whole of a lot to new road.

For the Dedication of Fee Simple Land as Road under s. 54 of the Land Title Act 1994

A registered owner of a lot may dedicate the whole of a lot as road by registering a dedication notice. A dedication notice must be made on a Form 14 – General Request and be for the whole of a lot. See [14-2315] for additional information.

For the Dedication of Fee Simple Land as Road under s. 12B of the Acquisition of Land Act 1967

A constructing authority having acquired fee simple land for road purposes under the Acquisition of Land Act 1967 may dedicate a lot as road by registering a dedication notice. A dedication notice must be made on a Form 14 – General Request and be for the whole of a lot. See [14-2315] for additional information.
For the Dedication of Fee Simple Land as Road, under s. 327 of the *Land Act 1994*

A registered owner may absolutely surrender the whole of their land by way of a Form 1 – Transfer to the State of Queensland stating in Item 4 ‘a surrender pursuant to s. 327 of the *Land Act 1994* and to dedicate by way of s. 94 of the *Land Act 1994* the land as road’. See [1-2470] for additional information.

2^2^Creation of Indefeasible Title

Generally, indefeasible titles are created for all lots on plans of subdivision when the plan is registered. The only exceptions are:

- lots dedicated to public use; and
- common property for a body corporate created pursuant to a specified Act under the *Body Corporate and Community Management Act 1997* or the *South Bank Corporation Act 1989*.

2^2^Transfer to Local Government in Fee Simple

See ¶[1-2580] for information on preparation of a transfer to a local government in fee simple.

2^2^Transfer to Local Government as Trustee

Land may be transferred to a local government for a public, charitable, recreation or other leisure time purpose and held by the local government as trustee.

For development applications on or after 30 March 1998, the *Planning Act 2016* provides that a local government may require the applicant to give to the local government, in fee simple, part of the land for local community purposes. The land must be transferred to the local government on trust.

For development applications made prior to 30 March 1998 a local government may not require the transfer of a lot to it as trustee as a condition to its approval of a plan of subdivision.

The requirement to transfer the land must not be included as a condition in the local government planning body approval in Item 2 on the plan administration sheet (Form 21B) on the Form 18B – Planning Body Approval.

See [1-2570] for information on preparation of a transfer to a local government as trustee.

Realignment of Lot Boundaries

When a change of lot boundaries creates a situation where:

- the ownership arrangement of one or more of the lots is unresolved;
- the interest(s) of mortgagee(s) becomes uncertain;

documents resolving ownership and/or mortgagee(s) interest(s) must be lodged with the plan.

The following two cases are provided as examples.
Example 1

Diagram 1 – Existing Situation

Jones Street

<table>
<thead>
<tr>
<th>Title: 12345067</th>
<th>Title: 15432178</th>
</tr>
</thead>
<tbody>
<tr>
<td>Owner: A</td>
<td>Owner: B</td>
</tr>
<tr>
<td>Lot 7 on SP 800543</td>
<td>Lot 8 on SP 800543</td>
</tr>
<tr>
<td>Mortgage to XYZ Bank</td>
<td>Mortgage to ABC Bank</td>
</tr>
</tbody>
</table>

A owns Lot 7 on SP 800543 in Title: 12345067.
B owns Lot 8 on SP 800543 in Title: 15432178.

Diagram 2 – Desired Outcome

Jones Street

<table>
<thead>
<tr>
<th>Owner: A</th>
<th>Owner: B</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot 1 on SP 876345</td>
<td>Lot 2 on SP 876345</td>
</tr>
</tbody>
</table>

A intends to buy part of B’s land (as shaded) which adjoins and hold a single title for all of the land owned.

The documents required to achieve the desired outcome are:

(a) Plan of survey
   a plan of survey (shown as plan SP 876345 in diagram 2). Indefeasible titles will be created for:
   - lots that have changed in shape due to the addition of transferred land in the names of both owner A and B with no tenancy shown that is Lot 1 on SP 876345; and
   - lots that have changed in shape due to disposal of land with no change of ownership i.e. Lot 2 on SP 876345.

(b) Release
   Where land is being transferred from a lot which is subject to a registered mortgage(s), a release(s) must be lodged for the land being transferred. In the example, a partial release is required from ABC Bank for the part of Lot 1 on SP 876345 being transferred.

(c) Transfer
   A transfer, that states at Item 4 the true and full consideration that was given or undertaken, from all the owners to the eventual owner of the lot that changed in shape due to the addition of transferred land. In the example, both A and B join in a transfer of Lot 1 on SP 876345 in Title 12345067 and title 15432178 to A).

(d) Mortgage
   Where mortgagee(s) interests are affected, collateral mortgage(s) will be required to be registered over any new lot(s) which includes transferred land. In the example, a collateral mortgage is required from A to XYZ Bank for Lot 1 on SP 876345.

The plan of survey will not be registered until all relevant documents are lodged and capable of simultaneous registration.
Example 2

Diagram 1 – Existing Situation

Jones Street

<table>
<thead>
<tr>
<th>Title: 12345067</th>
<th>Title: 15432178</th>
</tr>
</thead>
<tbody>
<tr>
<td>Owner: A</td>
<td>Owner: B</td>
</tr>
<tr>
<td>Lot 7 on SP 800543</td>
<td>Lot 8 on SP 800543</td>
</tr>
<tr>
<td>Mortgage to XYZ Bank</td>
<td>Mortgage to ABC Bank</td>
</tr>
</tbody>
</table>

A owns Lot 7 on SP 800543 in Title: 12345067.
B owns Lot 8 on SP 800543 in Title: 15432178.

Diagram 2 – Desired Outcome

Jones Street

<table>
<thead>
<tr>
<th>Title: 12345067</th>
<th>Title: 15432178</th>
</tr>
</thead>
<tbody>
<tr>
<td>Owner: A</td>
<td>Owner: B</td>
</tr>
<tr>
<td>Lot 1 on SP 876345</td>
<td>Lot 2 on SP 876345</td>
</tr>
</tbody>
</table>

A intends to buy part of B’s land (as hatched) and hold a single title for all of the land owned.
B intends to buy part of A’s land (as shaded) and hold a single title for all of the land owned.

The documents required to achieve the desired outcome are:

(a) Plan of survey
a plan of survey (in the example shown as plan SP 876345 in diagram 2). Indefeasible titles will be created in the names of both owners A and B with no tenancy shown for the lots that have changed in shape due the addition of transferred land, in the example:

• Lot 1 on SP 876345; and
• Lot 2 on SP 876345.

(b) Release
Where land is being transferred from a lot which is subject to a registered mortgage(s), a release(s) must be lodged for the land being transferred. In the example above, partial releases are required from:

• ABC Bank for the part of Lot 1 on SP 876345 being transferred; and
• XYZ Bank for the part of Lot 2 on SP 876345 being transferred.

(c) Transfer
a transfer(s), which states at Item 4 the true and full consideration that was given or undertaken, from all the owners to the eventual owner of the lot that changed in shape due to the addition of transferred land. In the example, the following transfers are required:

• both A and B join in a transfer of Lot 1 on SP 876345 in Title 12345067 and title 15432178 to A; and
• both B and A join in a transfer of Lot 2 on SP 876345 in Title 12345067 and title 15432178 to B.
(d) Mortgage

Where mortgagee(s) interests are affected, collateral mortgage(s) will be required to be registered over any new lot(s) which includes transferred land. In the example the following collateral mortgages are required

- from A to XYZ Bank for Lot 1 on SP 876345; and
- from B to ABC Bank for Lot 2 on SP 876345.

The plan of survey will not be registered until all relevant documents are lodged and capable of simultaneous registration.

**Forms**

**General Guide to Completion of Forms**

For general requirements for completion of forms see part 59 – Forms, esp [59-2000].
<table>
<thead>
<tr>
<th>Title Reference</th>
<th>Description</th>
<th>New Lot</th>
<th>Road</th>
<th>Secondary Interests</th>
</tr>
</thead>
</table>

4. Lodged by

5. Address, phone number, email, reference, and lodge code

6. Description of Building

*If the building is on the site, the building must encroach onto adjoining lots or roads.

7. Lodgement Fees:

   - Survey Deposit: $...
   - Lodgement: $...
   - New Title: $...
   - Photocopy: $...
   - Postage: $...
   - Total: $...

8. Insert Plan

   - Plan Number
Guide to Completion of Forms 21/21A/21B

A Plan of survey can only be completed by a cadastral surveyor registered under the Surveyors Act 2003, except for Items 1, 2, 4 and 5 on the plan administration sheet (Form 21B).

Each plan and each sheet of the plan must be numbered and labelled in accordance with the requirements set out in Direction 4 of the Registrar of Titles Directions for the Preparation of Plans.

**Item Requirements**

1. **Certificate Consent of registered owners or lessees: - Form 18A Registered Owners/Lessees Consent to Survey Plan**
   
   The full name(s), and, trust capacity (if applicable), and signature(s) of each registered owner(s)/lessee(s) must be completed and if for a corporation, the name and ACN or ARBN must be shown (see [21-2220] and [18-4060]).

2. **Planning Body Approval – Form 18B Planning Body Approval of Survey Plan**

   Where an approval to a plan of subdivision is required to be given by a planning body, Item 2 of the Form 18B must be completed by:

   - stating the name of the relevant planning body and the legislative authority relevant to the approval; and
   - being signed and dated by an appropriately authorised person with their authority stated.

**Item Requirements**

61. **Lot allocations and interest allocations:**
   
   (Completed by surveyor)

2. **Original grant allocation:**
   
   (Completed by surveyor)

3. **Plans with Community Management Statement:**

   The Name of Community Titles Scheme relevant to the plan and any CMS number previously allocated to the scheme is to be shown in this item. (Completed by the Surveyor)

   (Note: For a plan lodged with a First CMS the scheme number will be completed by the Titles Registry)

43. **References:**

   (Optional – Completed if required by the relevant person/agency)
54 Lodger details:
The name, address, contact phone number, email address, reference and lodger code (if applicable) should be completed by the person/firm actually lodging the plan for registration, and contain the minimum information necessary for positive identification and contact by correspondence (email) and telephone.

6 Lot allocations and interest allocations:
(Completed by surveyor)

7 Original grant allocation:
(Completed by surveyor)

8 Map Reference:
(Completed by surveyor)

115 Passed and endorsed:
(Completed by the Accredited Surveyor or ruled through if the plan is prepared by a non-accredited surveyor)

126 Building format plans certificate of encroachment/non-encroachment:
(Completed by a surveyor in accordance with Registrar of Titles Directions for the Preparation of Plans)
Lodgement Fees:
(Completed by the Titles Registry)

Insert plan number:
(Completed by surveyor)

Case Law

Rock v Todeschino [1983] Qd R 356

In this case and in Hutchinson v Lemon [1983] Q Conv R 54-072, it was held that the registration of a plan indicating an easement was sufficient to grant that easement. No instrument of easement was required to effect registration of the easement.

The effect of these decisions is now negated by s. 83A of the Land Title Act 1994, which expressly states that the registration of a plan of easement does not create the easement or evidence a present intention to create an easement.

Fees

Fees payable to the Titles Registry are subject to an annual review. Refer to the Titles Fee Calculator available online or see the current:

- Land Title Regulation;
- Land Regulation; or

Cross References and Further Reading

Part 1 – Transfer
Part 7 – Lease
Part 9 – Easement
Part 14 – General Request
Part 18 – General Consent
Part 29 – Profit a Prendre
Part 31 – Covenants
Part 36 – Carbon Abatement Interest
Part 45 – Community Title Schemes
Registrar of Titles Directions for the Preparation of Plans
Notes in text

Note ¹ – This part is not applicable to water allocations.

Note ² – This numbered section, paragraph or statement does not apply State Land.

Note ³ – This numbered section, paragraph or statement does not apply to freehold land.
# Part 59 – Forms

## Table of Contents

General Law.................................................................................................................................................. [59-0000]

Electronic Conveyancing .......................................................................................................................... [59-0010]

National Mortgage Form Legislation ....................................................................................................... [59-1000]

Application of the *Land Title Act* 1994 to the *Water Act* 2000

Practice

General Requirements for Titles Registry Forms ....................................................................................... [59-2000]

Items/Panel .................................................................................................................................................. [59-2010]

Interests ....................................................................................................................................................... [59-2020]

Shares in an Interest

Dealing with Different Interest Types

Lodger ......................................................................................................................................................... [59-2030]

Amending Lodger details

Alterations and Minor Corrections to Titles Registry Forms ........................................................................ [59-2040]

General

Alterations or Minor Corrections Made Before Lodgement

Alterations Made Before Lodgement

Minor Corrections Made Before Lodgement

Alterations Made After Lodgement

Minor Corrections Made After Lodgement

Statement by Authorised Person

Annexures .................................................................................................................................................... [59-2050]

Binding ......................................................................................................................................................... [59-2060]

Current Forms........................................................................................................................................... [59-4000]

Chronological List of Dates of Effect – Based on Date of Signing of the Particular Form/Version

List of Forms

Cross References and Further Reading ........................................................................................................ [59-9000]

Notes in text.................................................................................................................................................. [59-9050]
Part 59 – Forms

General Law

Section 194 of the *Land Title Act 1994* and s. 444 of the *Land Act 1994* provide that the Chief Executive of the Department administering the Act may approve Forms required to be lodged in the Titles Registry.

Section 7 of the Electronic Conveyancing National Law (Queensland) provides for forms to be lodged electronically under that Law, to be approved by the Registrar.

Section 10 of the Land Title Act s. 286 of the Land Act provide that a lodged form must be in the appropriate form and comply with the directions of the Registrar about how the form is completed and how information is to be included in or given with the form.

Electronic Conveyancing

An electronic conveyancing document is a document that is lodged electronically under the Electronic Conveyancing National Law (Queensland).

A reference in the *Land Title Act 1994* to a document of a type that may be lodged or deposited under the Land Title Act includes reference to a document in the form of an electronic conveyancing document.

If the Land Title Act provides for a document to be signed or executed and the document is an electronic conveyancing document, the document must be digitally signed as provided for under the Electronic Conveyancing National Law (Queensland) and the Participation Rules (Queensland).

If a registry instrument, other than a plan of survey, is digitally signed in accordance with the Queensland Participation Rules for electronic conveyancing, the requirements of any other Queensland law relating to the execution, signing, witnessing, attestation or sealing of documents must be regarded as having been fully satisfied.

A document that is lodged as an electronic conveyancing document must be accompanied by a set of lodgement instructions identifying the nominated Responsible Subscriber and the order in which the documents are to be lodged. The lodgement instructions must be digitally signed by all subscribers to the transaction.

A document that is lodged as an electronic conveyancing document will have a label that is burnt into the image (similar to an Elodged document) and can be identified on the image of the document by the Office code “PX”.

National Mortgage Form

The National Mortgage Form was introduced on 29 May 2017 as part of a national initiative to standardise content and presentation of mortgages.
Legislation

Application of the *Land Title Act 1994* to the *Water Act 2000*

Under the provisions of the Water Act, the Land Title Act applies to the registration of an interest or dealings for a water allocation on the water allocations register subject to some exceptions.

A relevant interest or dealing may be registered in a way mentioned in the Land Title Act and the Registrar of Water Allocations may exercise a power or perform an obligation of the Registrar of Titles under the Land Title Act:

(a) as if a reference to the Registrar of Titles were a reference to the Registrar of Water Allocations; and

(b) as if a reference to the freehold land register were a reference to the water allocations register; and

(c) as if a reference to freehold land or land were a reference to a water allocation; and

(d) as if a reference to a lot were a reference to a water allocation; and

(e) with any other necessary changes.

Reference to the Chief Executive in the *Land Act 1994*

The functions of the Chief Executive under the Land Act relating to the keeping of Registers are carried out by the Registrar of Titles under delegation given under s. 393 of that Act.

Practice

General Requirements for Titles Registry Forms

A form (other than a plan of survey) must meet the requirements of the Land Title Regulation 2015.

With the exception of the National Mortgage Form, Priority Notice, Withdrawal of Priority Notice and Extension of Priority Notice, there must be margins free from printing and writing of not less than 10mm on all sides of the form.

Leave a space of not less than 35mm from the top edge of the form to accommodate any duty notation and dealing label.

The form must be clearly printed (in dense blue or black ink) on one side of the sheet only and be produced in a way that is permanent and allows reproduction to the satisfaction of the Registrar in a print size no smaller than 1.8mm (10 point). An electronic form that is produced by a firm must retain the Arial font (or a similar font acceptable to the Registrar) and other formatting embedded within fields of the original file obtained from the department’s web site.

The whole of the Form, whether printed or processed, must appear on one side of one sheet only. Panels may be contracted or expanded to assist with this requirement, but no panel may be removed (i.e., the item must be shown in full even if not used).

Forms must not be folded.
A Titles Registry Form that has obviously been transmitted electronically (e.g. by facsimile) and presented for lodgement may be accepted provided all the following criteria are met:

- all signatures are originally signed and dated on the form lodged; and
- the form is presented on plain white paper (ie, sensitised or coloured paper is not acceptable); and
- the completed form presented meets the quality standards of Titles Registry Forms.

An Australian company name must in all circumstances be followed by its Australian Company Number, whether acquiring or disposing of an interest.

An acronym must not be used if it is not in common use as it may be unclear to a person conducting a search of the public register. For example, ATF is not acceptable in place of “as trustee for” or “as trustee”, however ACN may be used in place of Australian Company Number and JP may be used in place of Justice of the Peace.

**Items/Panels**

All panels or numbered Items are to be completed, or if not applicable, to be either ruled through diagonally or marked N/A. (No panel/item is to be removed.)

Only in circumstances where there is insufficient space to include the necessary information in any item in any form, a Form 20 – Enlarged Panel may be used. For further information see Part 20 – Schedule, Enlarged Panel, Additional Page, Declaration, or Standard Terms Document.

Optional Items marked * # to be deleted must be ruled through if they do not apply in a particular form. Initialling is not required for these deletions.

Fields within Items for parties acquiring interests should be used to record Given Name, Surname and Tenancy.

The full given name/s and surname/s of each individual must be shown.

**Interests**

**Shares in an Interest**

An interest that is less than the whole (i.e. share) must be shown as a fraction and not expressed as a proportion or percentage, e.g.:

\[ \frac{1}{2} \]

1/2 is acceptable, but 1:2 or 50% is not.

In cases where more than one share is involved, fractions must have a common denominator, e.g.:

\[ \frac{6}{12}, \frac{2}{12}, \frac{1}{12}, \frac{3}{12} \]

**Dealing with Different Interest Types**

The Registrar will allow one form to be used for multiple interest types provided:

- the parties in the transaction are the same for each interest; and
• the interests are either all of a primary nature or all of a secondary nature. For example a single transfer from A to B of a freehold lot and a State lease is acceptable as both interests are considered primary. However, a transfer from A to B of a freehold lot and transfer from A to B of a freehold lease (interest of a secondary nature) are not acceptable in a single form.

Where a single form is inadvertently prepared with primary and secondary interests, the form may be lodged only with prior approval of the Registrar.

Where a single form is used for multiple secondary interests separate lodgement fees will apply to each secondary interest as if each secondary interest was being dealt with in a separate form. Refer to the Titles Fee Calculator available online for more information.

**Lodger**

The lodger details must contain the minimum information necessary for positive identification and contact by mail, electronic mail and telephone. However, in extenuating circumstances the Registrar may approve this panel to remain uncompleted, if requested in writing prior to lodgement and there is a substantive reason.

The lodger code (if applicable) should always be shown.

**Amending Lodger details**

Only the lodger of the instrument or document can request a change to the lodger details. The request must be made before the dealing is registered. Lodger details can be changed by sending the request using our online enquiry form or by email or letter.

**Alterations and Minor Corrections to Titles Registry Forms**

**General**

In this part the following applies:

*Alteration* means change to some detail which may alter the nature and effect of the instrument or document or is of a substantial nature—for example:

• adding or deleting a lot;
• adding or deleting a party;
• adding or deleting an interest;
• adding or deleting a middle name of a party;
• changing a title reference other than by one digit or a transposition of two digits;
• inserting or changing the tenancy or shares of parties.

*Minor correction* means a change to correct a minor error—for example, a correction of:

• a digit or a transposition of two digits in a title reference;
• a digit or a transposition of two digits in a plan number;
• the spelling of part of the name of an individual or corporation;
• a digit or a transposition of two digits in an Australian Company Number.

An alteration or a minor correction must be made in the following manner:
• a deletion must be ruled through and not erased or obliterated by painting over;
• any addition must be clearly printed in the correct item.

Titles registry forms do not include the following:
• Form 21 – Survey Plan (Main Plan);
• Form 21A – Survey Plan (Additional Sheet)
• Form 21B – Survey Plan (Administration Sheet)
• Form 24 – Property Information (Transfer);
• Form 24A - Property Information (Transmission Application);
• Form 25 – Foreign Ownership Information;
• Form CMS (Community Management Statement); or
• Power of Attorney instrument.

Section 5(4) of the Land Title Regulation 2015 requires each party and each witness to a Titles Registry form to initial any alteration. However, as the Registrar has discretion under s. 10 of the Land Title Act 1994 to waive a requirement relating to a form where it is considered reasonable to do so, the Registrar will not usually require a witness to initial a change to a form. The witness will be required to initial an alteration where it may impact on their responsibilities under s. 162 of the Land Title Act or s. 311 of the Land Act 1994. It is advisable to have the alteration initialled by the witness if there is doubt on whether or not the alteration impacts on the witness’s responsibilities.

The Registrar may require further evidence to substantiate who has made an alteration or a minor correction to an instrument or document and the nature of their authority.

If there is doubt on whether a change is considered an alteration or a minor correction, it is advisable to have the changes made in accordance with the practice for an alteration.

Alterations or Minor Corrections Made Before Lodgement

The following applies whether the alteration or minor correction was made before or after execution.

Alterations Made Before Lodgement

An alteration made to a form before lodgement must be initialled by:

• each party to the form who executed the document—except where the change is of no consequence to a party, then that party’s initial is not required, for example inserting or changing the tenancy of transferees would not require the transferor’s initials.

Note: A solicitor who signed on behalf of a party is not a party to the form; or
• a person authorised to alter the instrument or document—provided that a statement about the alteration is deposited with the instrument or document when lodged (see below).

**Minor Corrections Made Before Lodgement**

A *minor correction* made before lodgement must be initialled by at least:

• one of the parties to the form who executed the document; or

• a solicitor for one of the parties; or

• another person authorised to make a minor correction to the instrument or document—in this case, a statement about the minor correction must be deposited with the instrument or document when lodged (see below).

**Alterations or Minor Corrections Made After Lodgement**

**Alterations Made After Lodgement**

The practice stated above for *alterations* made before lodgement, also applies to *alterations* made to an instrument or document after lodgement, that is, where a dealing is under requisition. However, additional requirements apply to:

• adding a party— the following are required:
  – the additional party must execute the instrument or document; and
  – the lodger must provide a letter requesting that the dealing be withdrawn and re-lodged under s. 159 of the *Land Title Act 1994* or s. 308 of the *Land Act 1994*.

• withdrawing a lot or an interest from the instrument or document before the dealing is registered—the lodger must also provide a letter requesting that the dealing be withdrawn only so far as relates to the lot/interest

• adding a lot or an interest to an instrument or document before the dealing is registered—the following are required:
  – the instrument or document must be re-executed by all parties—if the instrument or document is unable to be re-executed a written submission, supported by a statutory declaration stating the facts, must be deposited; and
  – any additional lodgement fee for extra lot/interest must be paid; and
  – the lodger must provide a letter requesting that the dealing be withdrawn and re-lodged under s. 159 of the *Land Title Act* or s. 308 of the *Land Act*.

**Minor Corrections Made After Lodgement**

The practice stated above for *minor corrections* made before lodgement, also applies to *minor corrections* made to an instrument or document after lodgement, that is, where a dealing is under requisition.

**Statement by Authorised Person**

A statement providing information about an *alteration* or a *minor correction* that is required to be deposited with an instrument or document may be made by:
• a solicitor for either party to the instrument or document; or
• at least one person who was authorised to make changes.

The statement must include:

• the title reference and the form number/name; and
• the name of the authorised person/s and the name of their firm, institution or settlement agency; and
• the details of the alteration and/or minor correction; and
• the name of the party represented where the statement is signed by a solicitor; and
• the signature of the person/s who made the statement.

A pro forma Form 20 – Schedule with relevant blank fields is shown below and is available on the department’s web site.

Title reference: ………………………………………

Form being altered or corrected: ………………….

Name of authorised person or solicitor: ………………………………………….

Name of authorised person’s firm or employer (legal practice, commercial lender or settlement agency):
…………………………………………………………………….

Item/s being altered or corrected: …………………………………………

Details of alteration or correction: …………………………………………

Party represented (where signed by solicitor): ………………………………………

................................ ................................ ......................

Authorised person’s or Solicitor’s Signature

The statement may be on either letterhead or a Form 20 – Schedule, if the authorised person is a solicitor or an employee (whether authorised directly or by chain of authority) of a legal practice, a commercial lender or a settlement agency.

If the authorised person is not one of the above, the statement must be on a Form 20 – Schedule.

Annexures

An annexure (for example a declaration, an enlarged panel or a schedule) must be prepared on a Form 20 and form part of the completed Titles Registry form. Other documentation (for example an original will, certificate of death, Form 24 – Property Information (Transfer), Form 25 – Foreign Ownership) accompanying the Titles Registry form are only deposited with the form.

For further information see part 20 – Schedule, Enlarged Panel, Additional Page, Declaration, or Standard Terms Document.

Binding

The form and its supporting documents may be bound with one staple at the top left corner. An original will must not be stapled or otherwise attached to another document including by a paper clip.
Current Forms

Chronological List of Dates of Effect – Based on Date of Signing of the Particular Form/Version

1 September 1986 – Real Property Act Panel Forms commenced
1 May 1992 – Form 100s commenced
24 April 1994 – Land Title Act forms commenced (Real Property Act repealed)
1 August 1994 – Real Property Act forms no longer acceptable
24 October 1994 – Land Title Act Version 2 forms commenced
1 December 1994 – Forms executed in Version 1 not acceptable
6 February 1995 – Form 23 Version 1 (Settlement Notice) commenced
30 October 1995 – Form 24 Version 1, Form 23 Version 2 and Version 3 of Forms 1, 4, 5, 6, 7, 13 and 18 commenced
1 January 1996 – Common Form 100, Version 1 of Form 23 and Version 2 of Forms 1, 4, 5, 6, 7, 13, 18 are no longer acceptable
12 July 1997 – Version 4 of Form 13, Version 2 of Form 21, Forms 21A, 26 to 34 and CMS commenced
13 September 1997 – Form 21 Version 1 no longer acceptable
1 December 1997 – Form 13 Version 3 no longer acceptable
18 February 2000 – Form 7 Version 4 commenced
1 July 2000 – Form 7 Version 3 no longer acceptable
1 September 2002 – Form 24 Version 2 commenced
1 September 2003 – Version 2 of Forms 20, 25, 29 to 34 and CMS, Version 3 of Forms 2, 3, 5A, 8 to 12, 14 to 17, 19, 23 and 24, Version 4 of Forms 1, 4, 5, 6 and 18, Version 5 of Forms 7 and 13 commenced
1 December 2003 – Version 1 of Forms 20, 25, 29 to 34 and CMS, Version 2 of Forms 2, 3, 5A, 8 to 12, 14 to 17, 19, 23 and 24, Version 3 of Forms 1, 4, 5, 6 and 18, Version 4 of Forms 7 and 13 no longer acceptable
1 April 2006 – Version 4 of Form 5A, Version 5 of Forms 5 and 6 commence
1 July 2007 – Version 1 of Form 24A, Version 3 of Forms 25, 29 to 34 and CMS, Version 4 of Forms 2, 3, 8 to 12, 14 to 17, 19, 23 and 24, Version 5 of Forms 1, 4, 5A and 18, Version 6 of Forms 5 to 7 and 13 commence
1 October 2007 – Versions of forms prior to those that commenced 1 July 2007 no longer acceptable
10 October 2011 – Form 24 Version 5 and Form 24A Version 2 commenced
1 March 2012 – Version 4 of Form 24 and Version 1 of Form 24A no longer acceptable
14 December 2012 – Version 3 of Form 21 and Version 1 of Forms 36, 37, 38 and 38A commenced.
31 May 2013 – Version 1 of Forms 39 and 40 commenced.
27 September 2013 – Version 1 of Forms 41 and 42 commenced
11 December 2013 – Version 1 of Form 2 (Electronic) and Form 3 (Electronic) commenced.
21 March 2014 – Version 4 of Form 25 commenced
1 July 2014 – Version 6 of Form 24 commenced
25 May 2015 – Version 1 of Form 11 (Electronic), Form 14 (Electronic) and Form 23 (Electronic) commenced
1 December 2015 – Version 4 of Form 21, Version 1 of Form 21B, Version 2 of Form 38 and Version 1 of Form 38B commenced
1 December 2015 – County and Parish fields removed from Forms 1,2,3,4,5,5A,6,7,8,9,10,11,12,13,14,15, 17,18,19,23,29,30,31,32,33,34,36,37,39,40,41,42 and Form CMS
21 March 2016 – Version 7 of Form 24 and Version 3 of Form 24A commenced

Updated: 27 April 2020
29 May 2017 – National Mortgage Form (NMF) commenced
30 June 2017 – Form 38, Form 38A and Form 38B no longer used following the decommissioning of the eSurvey system
17 July 2017 – Version 7 of Form 5A and Version 8 of Form 6 commenced
18 September 2017 – Version 8 of Form 24 commenced
16 October 2017 – Version 1 of Priority Notice Form approved
(1 January 2018) (accepted for deposit from 1 January 2018)
16 October 2017 – Version 1 of Extension of Priority Notice Form approved
(1 January 2018) (accepted for deposit from 1 January 2018)
16 October 2017 – Version 1 of Withdrawal of Priority Notice Form approved
(1 January 2018) (accepted for deposit from 1 January 2018)
1 January 2018 – Form 23 Version 1 (Settlement Notice) no longer accepted for deposit irrespective of when signed (replaced with Priority Notice mechanism)
Version 1 of Priority Notice Form (electronic) accepted for deposit
Version 1 of Extension of Priority Notice Form (electronic) accepted for deposit
Version 1 of Withdrawal of Priority Notice Form (electronic) accepted for deposit
5 March 2018 – Form 2 – Mortgage (version 4) forms executed after this date no longer accepted (forms executed by at least one party prior to this date still accepted)
24 April 2018 – Version 1 of Form 5 Transmission Application by Personal Representative (electronic) approved
24 April 2018 – Version 1 of Form 20 Trust Details Form (electronic) approved
27 April 2018 – Version 7 of Form 5 and Version 8 of Form 5A commenced
1 October 2019 – Form 17, Form 19 and Form 22 no longer used following the discontinuance of Paper Certificates of Title
24 April 2020 – Version 1 of Form 18A Registered Owners/Lessees Consent to Survey Plan and
Version 1 of Form 18B Planning Body Approval of Survey Plan commenced
24 April 2020 – Version 2 of Form 21B commenced

List of Forms

Form 1 Version 5 Transfer
Form 3 Version 4 Release of Mortgage
Form 3 Version 1 Release of Mortgage (Electronic)
Form 4 Version 5 Request to Record Death
Form 5 Version 7 Transmission Application by Personal Representative (Grant in Queensland or Queensland recognised grant)
Form 5 Version 1 Transmission Application by Personal Representative (electronic)
Form 5A Version 8 Transmission Application by Personal Representative (No Grant in Queensland or no Queensland recognised grant)
Form 6 Version 8 Transmission Application for Registration as Devisee/Legatee
Form 7 Version 6 Lease/Sub-Lease
Form 8 Version 4 Surrender of Lease
Form 9 Version 4 Easement
Form 10 Version 4 Surrender of Easement
Form 11 Version 4 Caveat
Form 11 Version 1 Caveat (Electronic)
Form 12 Version 4 Request to Register Writ/Warrant of Execution
Form 13 Version 6 Amendment
Form 14 Version 4 General Request
Form 14 Version 1 General Request (Electronic)
Cross References and Further Reading

Nil.

Notes in text

Note 1 – This numbered section, paragraph or statement does not apply to water allocations.
Note² – This numbered section, paragraph or statement does not apply to State land.

Note³ – This numbered section, paragraph or statement does not apply to freehold land.