Part 18 – General Consent

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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 of Part of Land

See part 7 – Lease ¶[7-0050].

¶[18-0060] and ¶[18-0070] deleted

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.

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

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

[Full name]
[Qualification]
20/10/2007

Witnessing Officer
Execution Date
Consenting Party's Signature

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]

PETE JONES
MAYOR
BIG CITY COUNCIL

01 / 05 / 2020
Approval Date

Planning Body Reference Number : 123XYZ

3. Planning Body Approval exemption

Insert appropriate exemption clause and authorisation.

N/A

Privacy Statement
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Guide to Completion of Form 18

Item 1

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.

\[\begin{array}{|c|c|}
\hline
\text{Lot on Plan Description} & \text{Title reference} \\
\hline
\text{Lot 27 on RP 204939} & 11223078 \\
\hline
\end{array}\]

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.

\[\begin{array}{|c|c|}
\hline
\text{Lot on Plan Description} & \text{Title reference} \\
\hline
\text{WA 27 on AP 7900} & 46012345 \\
\hline
\end{array}\]

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).

\[\begin{array}{|c|c|}
\hline
\text{Lot on Plan Description} & \text{Title reference} \\
\hline
\text{Lot 27 on CP LIV1234} & 40567123 \\
\hline
\end{array}\]

Item 2

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

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

Execute as required.

Duty

A duty notation is not required
1Guide to Completion of Form 18A

Item 1

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

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

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

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

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

Note\(^1\) – This numbered section, paragraph or statement does not apply to water allocations.

Note\(^2\) – This numbered section, paragraph or statement does not apply to State land

Note\(^3\) – This numbered section, paragraph or statement does not apply to freehold land.