



# LANDS TITLES DIVISION

A DIVISION OF THE DEPARTMENT OF LANDS

47

## NOTICE TO LODGING PARTIES

Section 241 of the Real Property Act, 1886 has been repealed by the "Real Property Act Amendment Act (No.2), 1985" (No.51 of 1985). The proclamation of the Act and associated Regulations was gazetted on the 8th August to come into operation on the 12th of September 1985.

The Act substitutes a new Section 241 which is included here for your perusal.

- 241 (1) Where, in the opinion of the Registrar-General, a plan or map is necessary or desirable for the purpose of registering or recording any dealing with land, he may require the person who has lodged documents in connection with the dealing to lodge an appropriate plan or map.
- (2) A plan or map lodged with the Registrar-General must comply with his requirements as to -
- (a) the dimensions of the plan or map;
  - (b) the scale to which it is drawn;
- and
- (c) the information that it includes.
- (3) The Registrar-General may reject a plan or map that -
- (a) does not comply with his requirements under this section;
  - (b) is inaccurate or deficient in any respect.

The purpose of the Section is to provide more flexibility to the Registrar-General in his requirements as to plans lodged for acceptance for filing in the Lands Titles Registration Office. This however, excludes any filed plan the drafting standards of which are presently prescribed by another Statute or Regulation, e.g. an outer-boundary plan for a division, and alignments pursuant to Section 308 of the Local Government Act, 1934. It should be noted that outer-boundary plans for Strata developments come within the requirements of the new Section 241.

REQUIREMENTS AS TO PLANS PURSUANT TO SECTION 241 OF THE REAL  
PROPERTY ACT

Subject to the consent of the Registrar-General being a request by the applicant or his agent to vary these requirements, of plans to which Section 241 apply shall comply with the following requirements.

1. A plan shall be drawn on double matt drafting film of a minimum thickness of 0.08 mm or a good quality tracing cloth or any other material which has been approved by the Registrar-General.
2.
  - (a) All particulars on a plan shall be in suitable waterproof black ink of a type recommended by the manufacturer of the particular drafting material;
  - (b) The ink used on a plan shall be allowed to dry naturally;
  - (c) no particular on a plan shall be illegible or defaced;
  - (d) Erasures to be effected by a method as recommended by the manufacturer of the particular drafting material; and
  - (e) All lineal measurements shall be in metric units to 2 decimal places.
3. An original plan shall:
  - (a) not be folded or creased; and
  - (b) be rolled and protected by suitable covering when forwarded by post.
4. If a plan comprises more than one sheet, the first sheet shall be identified as Sheet 1 of the total number of sheets, the second sheet as Sheet 2 of the total number of Sheets, and so on.
5. The drafting standards of a plan are to be as follows:
  - (a) no line shall be less than 0.25mm in thickness;
  - (b) the minimum height of any letter or number shall be 2.5mm;
  - (c) the ratio of character height to line thickness shall be 10:1;
  - (d) all characters shall be consistently open in formation and construction and comply substantially with styles as recommended by the Standards Association of Australia publication AS 1100, PART 6-1980;
  - (e) the decimal sign shall appear at mid-numeral height;

- (f) the plan shall be prepared with a north point within the limits shown on Figures A and B of Appendix A attached hereto. The data on the plan shall be orientated so that it can be read from the bottom of the sheet when reading the heading or from the right hand side of the heading;
- (g) the outer boundary of the subject land where new identifiers are shown, shall be indicated by a line of 0.7 mm in thickness and all other lines to be indicated by lines of 0.25mm or 0.35mm in thickness; and
- (h) subject to subregulation (3) of regulation 38 the plan may be drawn to any of the following scales:  
1:100 1:125 1:150 1:200 1:250 1:300  
1:400 1:500 1:750 1:800 1:1000 or multiples of 10 thereof: and  
the plan shall have a bar scale of a minimum length of 100mm.

6. The following particulars shall be shown on the plan:

Heading

- (a) the heading of the plan shall include a current description of the subject land and be titled appropriately as indicated on Appendix B attached hereto.  
For appropriate plan headers refer to Appendix C attached hereto.
- (b) areas of every redesignated allotment shall be shown; those under one hectare in square metres and those over one hectare, in hectares to four significant figures; approximate areas of those allotments, where a river, creek, stream, lake side or sea coast forms the boundary or part of the boundary of that allotment shall be shown to the nearest 10m<sup>2</sup> if the area is less than one hectare or to three significant figures if the area is one hectare or greater;
- (c) the abutting current property description shall be shown by plan type and number, or section number preceded by the abbreviation "Sec." for section, as well as all existing roads or thoroughfares. Where no new Identifiers are contemplated the abuttals should be shown as the Allotment Numbers of the subject plan, or relevant plan number where applicable.
- (d) all allotments shall be fixed to a street corner or a substantial bend in an abutting road;
- (e) reference to all certificates of title for the land the subject of the plan are to be shown.
- (f) re-designated allotments shall be numbered distinctly from the current identifier of the subject and adjacent land;

6. (g) the names of abutting roads and thoroughfares shall be shown;
  - (h) where the plan is certified in accordance with the regulations under the Surveyors Act, 1975, the connection to any pegs or other marks of former surveys and the position and construction of new permanent marks shall be shown; and
  - (i) where a natural boundary is delineated on a plan which is not a prescribed cadastral survey as defined in the Surveyors Act, 1975, the Registrar-General may require that boundary to be certified by a licensed surveyor to be a correct delineation thereof.
7. If the land delineated on a plan is to be subject to an easement, the extent of the easement shall be delineated on the plan and a notation shall be included thereon stating for what purpose the easement is to be created.
  8. If the land delineated on a plan is to be subject to an easement which is to be held appurtenant to other land in the plan, or to any other land, the extent of the easement shall be delineated on the plan and a notation shall be included thereon specifying the land to which the easement is to be held appurtenant and the general nature or purpose of that easement.
  9. If the subject land is already subject to an easement, reference to the current Certificate of Title of the dominant land, or (if the easement was created by statute) a reference to the originating plan type, number and easement identifier, is to be supplied whenever practicable. The plan shall also delineate the extent of such easement.

27.8.1985

B.J. KILEY  
pro REGISTRAR-GENERAL

APPENDIX C

APPROPRIATE PLAN HEADERS

1. PLAN FOR CORRECTION OF DATA  
To be used for surveys when new identifiers are NOT involved.  
For plans that define the limits of a Strata Plan see "Strata Plan Outer Boundary".
2. PLAN FOR CORRECTION OF DATA AND RE-DESIGNATION OF PARCELS  
To be used when a plan of survey can be adapted to provide new identifiers of land parcels.
3. STRATA PLAN OUTER BOUNDARY  
To be used on a plan of survey that defines the outer boundary of a Strata Plan that is to follow.
4. PLAN FOR EASEMENT  
To be used on any plan (other than plans of division) to provide data for any type of easement.
5. PLAN FOR APPLICATION UNDER PART IV (OR PART VIII) OF REAL PROPERTY ACT  
The correct Part of the Real Property Act is to be quoted.
6. PLAN FOR REAL PROPERTY (REGISTRATION OF TITLES) ACT PURPOSES  
To be used when a plan of survey is lodged to remove the limitation as to description on a Limited Certificate of Title.
7. PLAN FOR INFORMATION PURPOSES  
To be used when a surveyor wishes his work to be recorded without lodging a fully certified survey. These plans will not be examined, but merely recorded by this Office.
8. ROAD CLOSING UNDER SECTION 27aa OF THE HIGHWAYS ACT  
For road closing under that act.

27.8.1985

B.J. KILEY  
SENIOR DEPUTY REGISTRAR-GENERAL