

Navigating the Land Registry: Information for Surveyors

Plan Branch – Land Registry Services



Department
of Transport
and Planning

17 May 2023

Double click this attachment
for the presenter notes



| Page 1

Agenda

Webinar start		Fiona Nguyen - Plan Branch Manager	10:00 am
	Welcome & Introduction	Susheila Vijendran Manager Registry Operations	10 mins
	Customer Information Bulletin Reminders	Circe Venn Specialist Plan Registration Officer	30 mins
	Section 23 Subdivision Act 1988 Easement Dealings	Renato Marasco and Fay Fitton Specialist Plan Registration Officers	30 mins
Break		11:15 to 11:30 am	
	Cross Sections [Common Pitfalls]	Randall McDonald Specialist Plan Registration Officer	30 mins
	Section 32 Plans [Common Pitfalls]	Ben Swayn Specialist Plan Registration Officer	30 mins
Break		12:30pm to 1:00 pm	
	Owners Corporation Changes	Danielle Godfrey Specialist Plan Registration Officer	30 mins
	Digital Examination Strategy Update	Jason Matthews DTV Faster Subdivisions Lead	30 mins

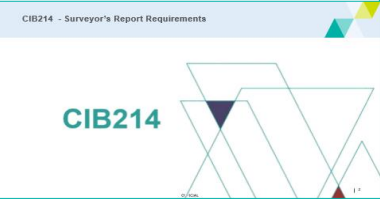


Customer Information Bulletin Review

Circe Venn

Specialist Plan Registration Officer

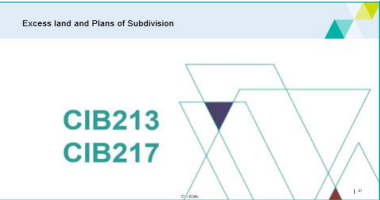
Customer Information Bulletin Review



Surveyor's Reports



Provision of Overlay Diagrams NICO and Encumbrance as to part



Excess Land in Plans of Subdivision



CIB214

Victorian Cadastral Surveys Practice Directives

MUST be adhered to when submitting survey documentation to Land Registry Services (LRS).

LICENSED SURVEYOR'S REPORT

Licensed Surveyor's Report Template

PLAN NUMBER:	
SURVEYOR:	Licensed surveyor's name.
SURVEYOR'S REFERENCE:	
PURPOSE:	E.g. Subdivision, Application under section "xx" TLA, Crown Survey, Re-establishment Survey, ...
CROWN DESCRIPTION OF LAND:	<p>Attention is to be paid to the Crown description. The Parish must be included. If the description is a Portion, rather than Allotment, the correct term must be used.</p> <p>If a special Crown description applies and is still current, then ensure it is used.</p> <p>See section 5.5 of the Victorian Cadastral Surveys Practice Directives (VCSPD) for further details.</p>
MUNICIPALITY:	
TITLE PARTICULARS:	List all relevant title references whether freehold, Crown folios, lease hold or general law deed.
APPURTENANT EASEMENTS, ROAD ABUTTALS:	<p>State if any easements are appurtenant to the land and describe the easement purpose and if applicable, the origin.</p> <p>If a Government road is an abuttal, state same here.</p> <p>Justify any road abuttal not known to title by providing evidence under the <i>Road Management Act 2004</i>, or proclamation of a public highway in a Victorian Government Gazette, or any other relevant documentation.</p>
ENCUMBRANCES:	<p>A statement to the effect that specifies if existing easements are shown in accordance with title, or not.</p> <p>Reference to be made to any easements appropriated in the current plan.</p>
SURVEY INFORMATION USED:	A comprehensive list of surveys used is to be included.
SURVEY INFORMATION PERUSED:	A comprehensive list of surveys perused is to be included.
DATUM RELATIONSHIPS:	This may be broken into sub-headings reporting on:

The [licensed surveyor's report](http://www.land.vic.gov.au/Surveying/CadastralSurvey/Practice%20Directives) template available at:
[www.land.vic.gov.au>Surveying>CadastralSurvey>Practice Directives](http://www.land.vic.gov.au/Surveying/CadastralSurvey/Practice Directives)

Can be used as a guide to the heading descriptions and the matters that should be addressed in the report

MGA2020 Connection Specify if the survey is on MGA2020 bearing datum and the Zone. Explain the derivation and comparisons between the survey findings and the SCN marks. Quote which SCN marks were used to derive the bearing datum.

All distances reported on must be ground distances.

Bearing Datum If the bearing datum is not MGA2020, detail the derivation and comparisons between the survey findings and the existing marks. Identify and describe common points with the prior surveys using traditional descriptors such as “Datum ‘A’-‘B’-‘C’ vide LPxxxx”.

Cadastral Datum Clearly describe the derivation of the cadastral datum. Provide clear comparisons between the survey findings and the prior surveys. For example:

	‘A’-‘B’	‘B’-‘C’
LPxxxx	179°59’00” 201.17m	90°00’00” 100.58m
Survey	<u>187°32’40” 201.43m</u>	<u>97°33’30” 100.73m</u>
Δ	+7°33’40” +0.26m	+7°33’30” +0.15m

Several comparisons may need to be shown.

A statement needs to be provided describing the rotations necessary for each survey comparison. Differences are to be reported on and set out in detail, with the method of verification of the current work described.

ALIGNMENTS AND BOUNDARIES ADOPTED A full and comprehensive description of how the road alignments and parcel boundaries were adopted must be included.

The factors influencing the adoptions must be clearly outlined and agree with the abstract of field records. This should include the relationships from old survey marks to adopted corners.

Irregular boundaries are to be reported on thoroughly. The adoption of an irregular boundary may result in large excesses and/or deficiencies. These are to be described in detail.

OCCUPATION Discussions are to include ages of occupation (fences and buildings) if not detailed on the abstract of field records. Can the fencing be identified with earlier surveys; can occupation be accepted as a Crown boundary? Comparisons and differences are to be reported on and set out in detail.

OLD SURVEY MARKS: Relevant information regarding old marks can be described in this section, if necessary.

NEED FOR AMENDMENT OF TITLE: Provide comment as required.

EFFECT ON GOVT. ROADS OR CROWN LANDS State if the survey has any effect upon Government roads or Crown lands. Has the consent of the Surveyor-General been obtained? If so, provide a case or file number.

Surveyor’s Report – CIB 214

Surveyor's Reports must provide comprehensive details as to how the land was re-established

Key components: Datum relationship

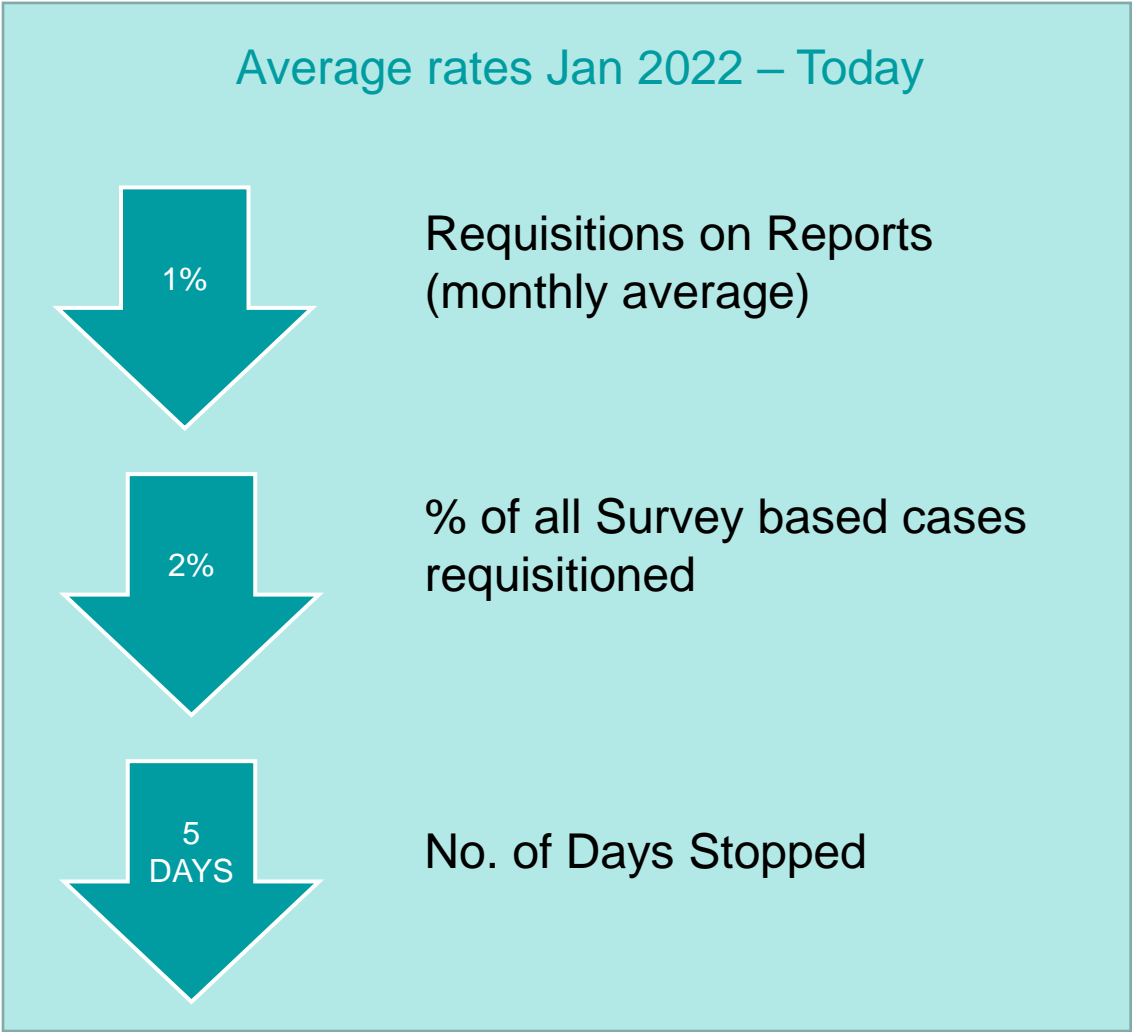
- Datum and Survey Comparisons

Alignments and boundaries adopted

- How alignments and boundaries were adopted
- If the adoptions are the same as the previous survey
- Justifications provided for differences to title/ previous survey

Thank you to all Surveyors

Post CIB 214 (Dec 2021) and reminder in CIB 217, LRS has seen the benefits



Surveyor's Report Common Requisitions

Survey information used/perused

- All information used must be quoted in this section, especially where it is referred to in the boundary/ alignment comments of the report.

Need for amendment of the title diagram

- If title dimensions have been altered, then this comment **MUST** state the reasoning

Currency conditions

- Where the survey is more than 2 years old, the report must attest to the currency conditions as set out in 6.1.2 of the [Victorian Cadastral Surveys Practice Directives](#)
- Often required as a result of the lodging party not lodging in a timely manner

Surveyor's Report Common Requisitions

Road abuttals not previously known to title

- A comment in the surveyors report is required and justification for the road abuttal

Some options how to introduce a road abuttal

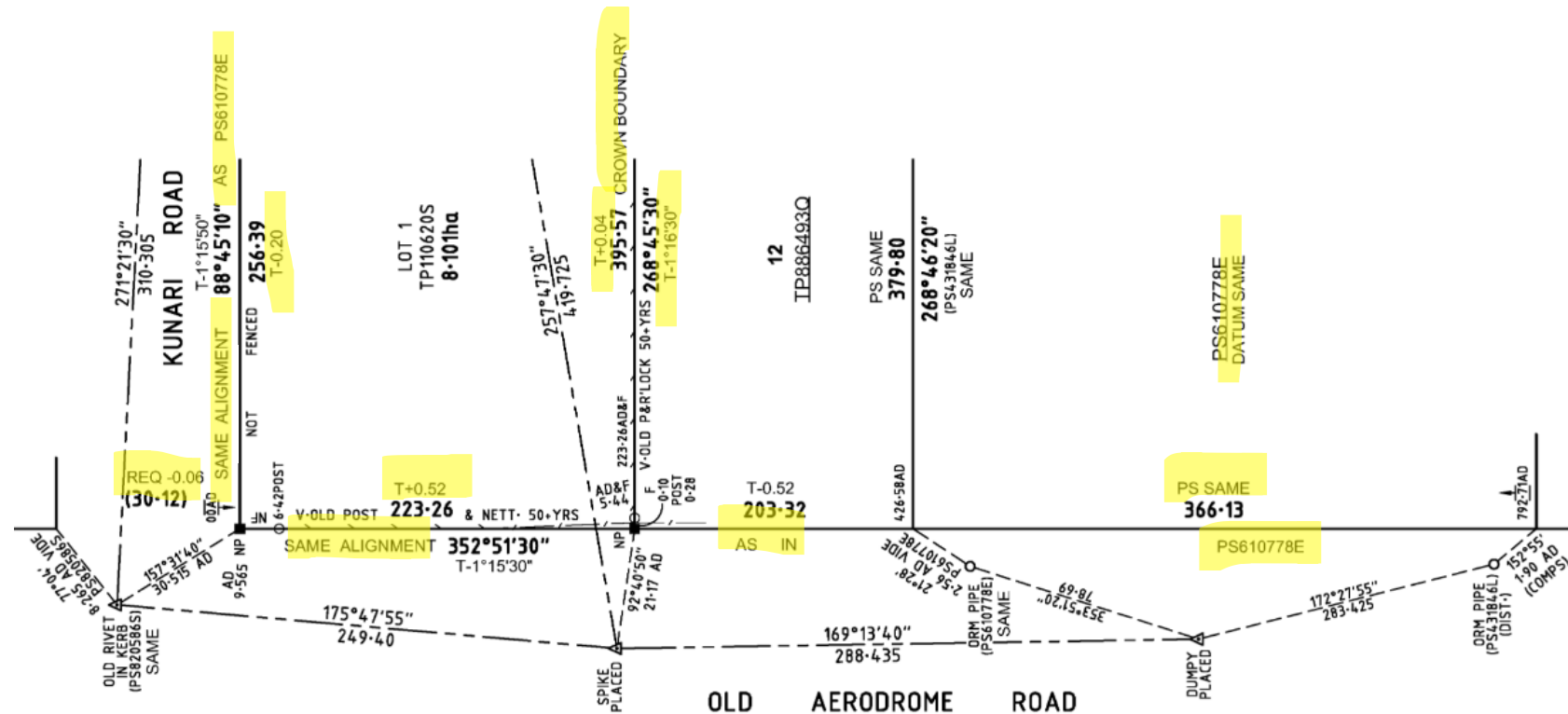
1. Letter from Council
 1. States that the land is a road within the meaning of the Road Management Act 2004
2. Road is known as a public highway
 1. Road vested in council on a Plan of Subdivision
 2. Road labelled as public highway on parish plan
 3. Government Gazette proclaiming the road as a public highway
3. Road is a Government Road
4. Subject road is encumbered by rights of way in favour of the land in the plan
5. Road is owned by council
6. VICROADS declares road is an "Arterial Road" under sec. 14(1) RMA 2004 by notice or Government Gazette

CIB217 – Additional Information on the Abstract of Field Records

LRS recommends that additional information be added to the AFR by the LS to facilitate faster examination.

The following information can be added:

- comparisons (i.e., T/S, T+ or T-)
- the same alignment or adopt corner
- identifying the original survey for reference marks or pegs
- the relationship between survey marks



CIB217



Overlay diagrams

CIB 217 – Request from LRS for overlay diagrams to be provided for;

NICO

ALL plans under the Subdivision Act 1988 subdividing or creating Not in Common Ownership (NICO) folios require the provision of an overlay diagram

Plans lodged without overlay diagrams after 1 November 2022 will be requisitioned during examination.

Encumbrance ‘as to part’

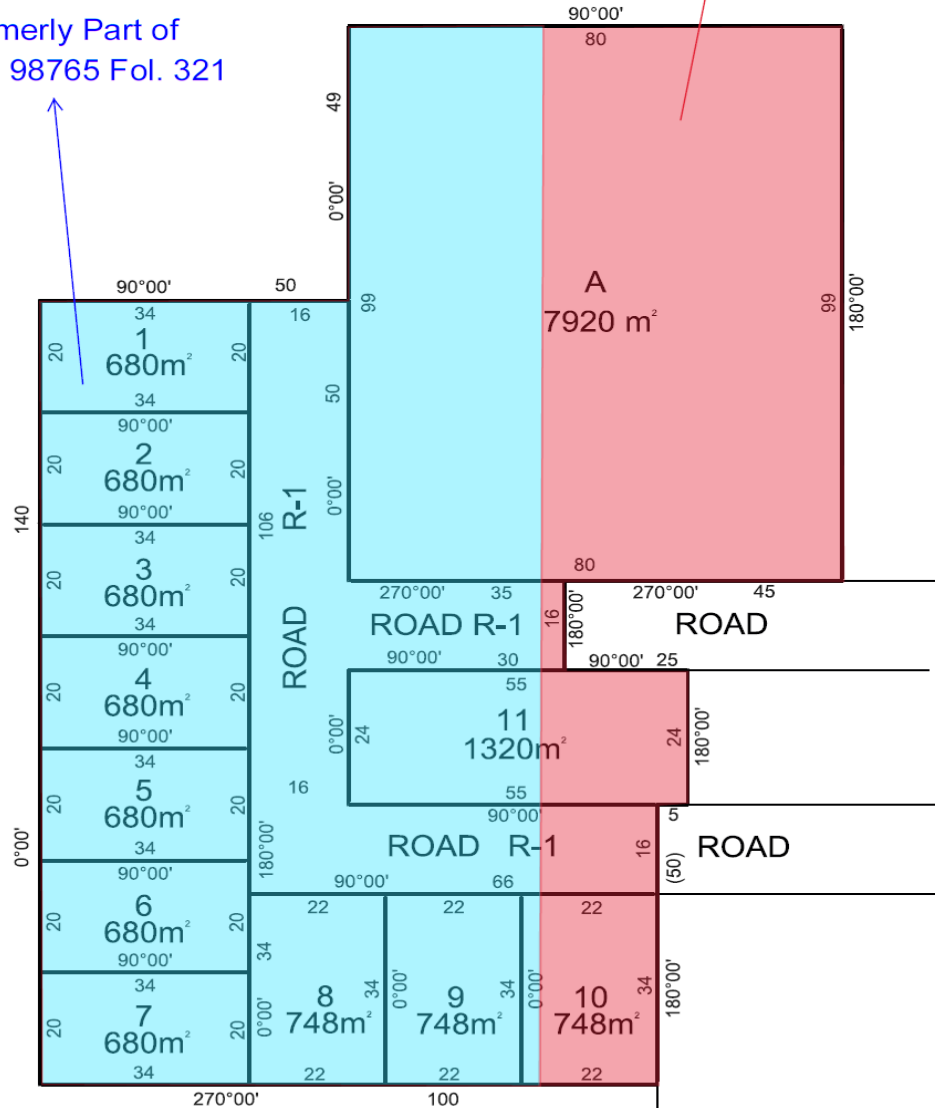
Request for any plan under the Subdivision Act 1988 where existing encumbrances (covenants, restrictions, caveats, etc.) affect part of the land in the plan

The provision of these overlays has significantly reduced examination time.

NICO Overlay Diagrams

Formerly Part of
Vol. 98765 Fol. 321

Formerly Part of
VOL. 12345 FOL. 678



ALL plans under the Subdivision Act 1988 subdividing or creating Not in Common Ownership (NICO) folios require the provision of an overlay diagram

Overlay Requirements

- Displays the new subdivisional parcels
- Depicts the location of the parent Title Boundaries

Supporting spread sheet

- Can be used in complex cases to support the overlay diagram
- Identifies the parent folio(s) of the Register for the new parcels.

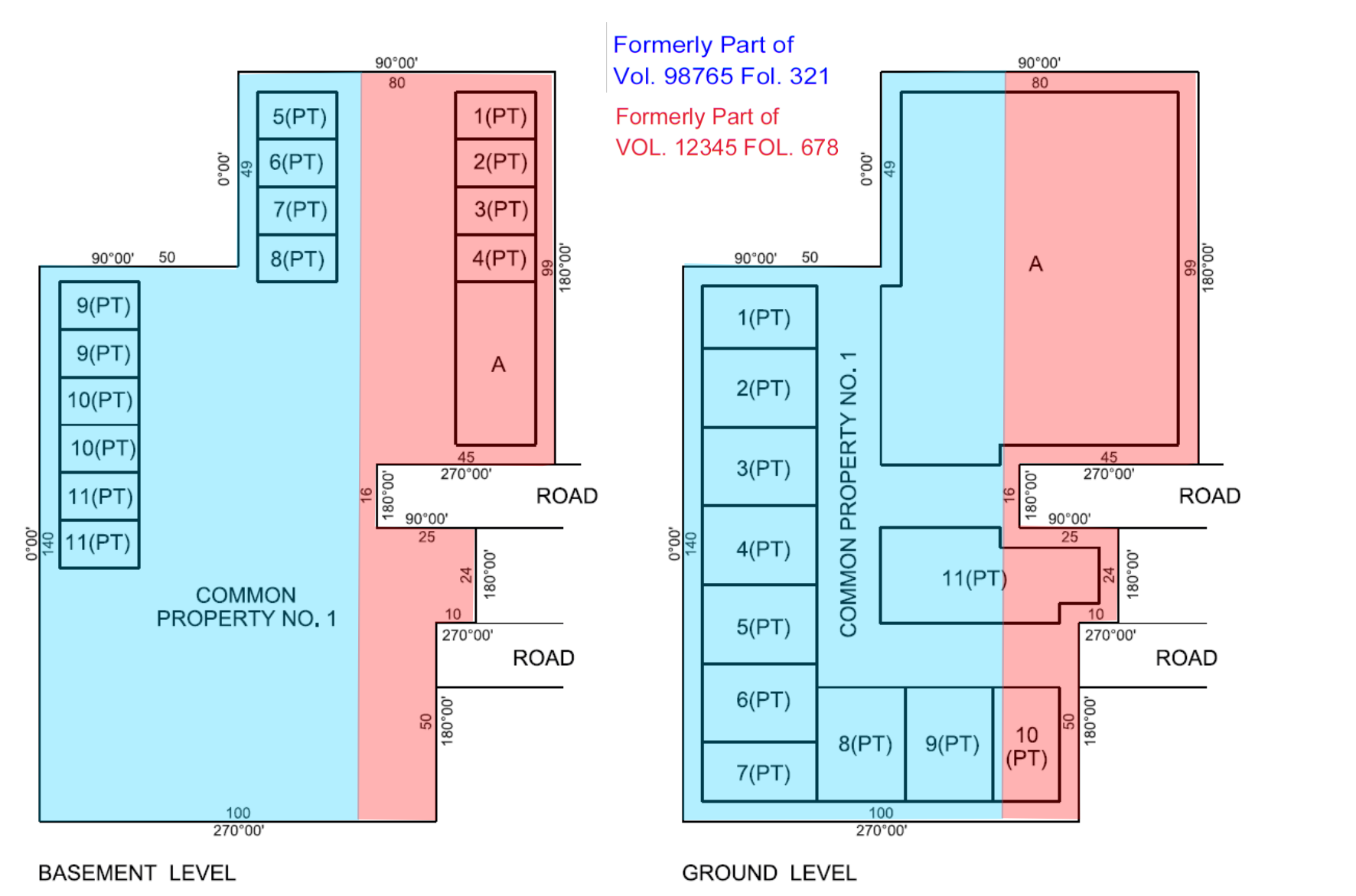
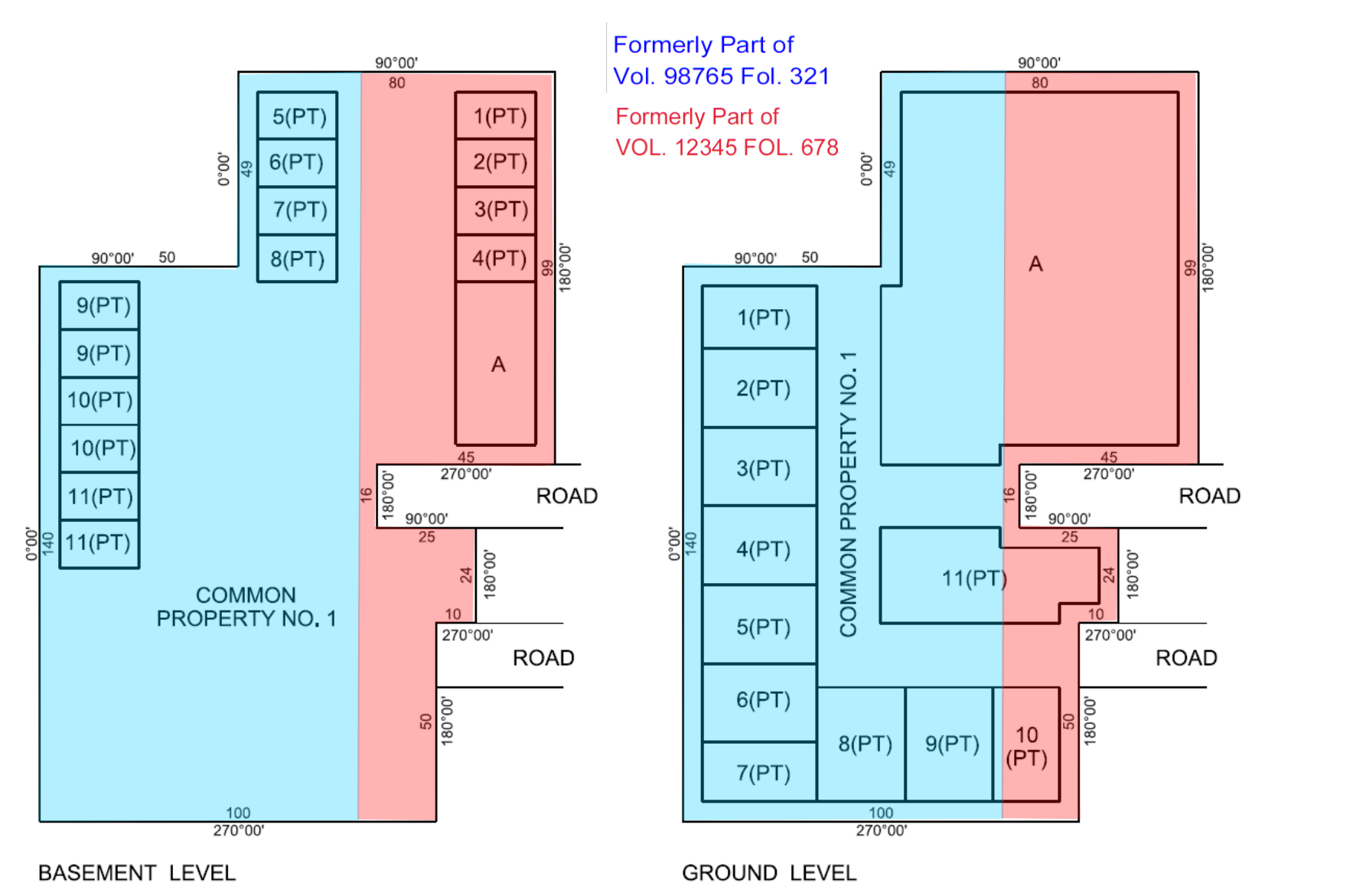
Available on Land Victoria Website:

[Guide: What is a NICO Subdivision Act 1988](#)

Spread sheet example

New Parcel (s)	Parent Title	
1 - 9	Vol.98765 Fol.321	
2	Vol.98765 Fol.321	
3	Vol.98765 Fol.321	
4	Vol.98765 Fol.321	
5	Vol.98765 Fol.321	
6	Vol.98765 Fol.321	
7	Vol.98765 Fol.321	
8	Vol.98765 Fol.321	
9	Vol.98765 Fol.321	
10	Vol.98765 Fol.321	Vol.12345 Fol.678
11	Vol.98765 Fol.321	Vol.12345 Fol.678
A	Vol.98765 Fol.321	Vol.12345 Fol.678
R1	Vol.98765 Fol.321	Vol.12345 Fol.678

NICO Overlay Diagrams

[illegible]

BASEMENT LEVEL

GROUND LEVEL

New Parcel		Parent Title	
Basement	1		v.12345 f.678
	2		v.12345 f.678
	3		v.12345 f.678
	4		v.12345 f.678
	5	v.98765 f.321	
	6	v.98765 f.321	
	7	v.98765 f.321	
	8	v.98765 f.321	
	9	v.98765 f.321	
	10	v.98765 f.321	
	11	v.98765 f.321	
	A		v.12345 f.678
	CP1	v.98765 f.321	v.12345 f.678
	Ground	1	v.98765 f.321
2		v.98765 f.321	
3		v.98765 f.321	
4		v.98765 f.321	
5		v.98765 f.321	
6		v.98765 f.321	
7		v.98765 f.321	
8		v.98765 f.321	
9		v.98765 f.321	
10		v.98765 f.321	v.12345 f.678
11		v.98765 f.321	v.12345 f.678
A		v.98765 f.321	v.12345 f.678
CP1		v.98765 f.321	v.12345 f.678

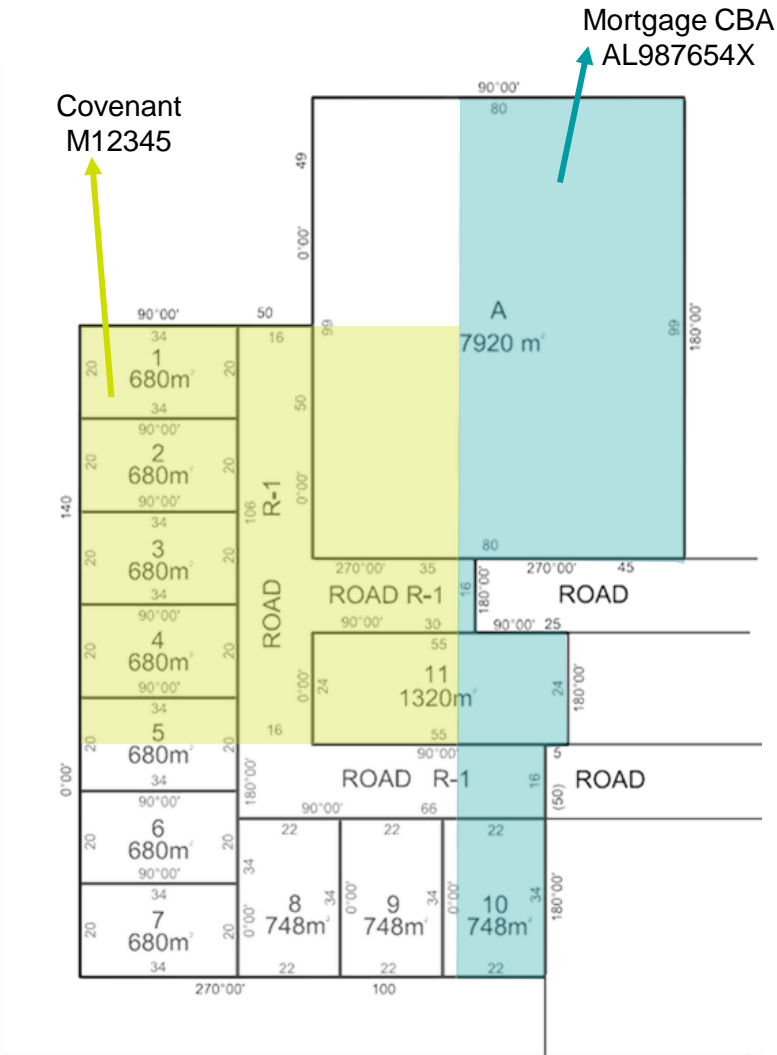
Encumbrance 'as to part' Overlay Diagrams

Provision of overlay diagrams for encumbrances as to part

LRS requests that surveyors provide an overlay diagram (like those provided for plans involving NICO folio(s)) for encumbrances 'as to part'.

For any plan under the Subdivision Act 1988 where existing encumbrances (covenants, restrictions, caveats, etc.) affect part of the land in the plan.

The overlay diagram will help identify which new folio(s) are affected by the encumbrance(s) as to 'whole' or 'part'.



Overlay Diagrams - SPEAR

SPEAR - Uploading

Upload all overlay diagrams;

- Through SPEAR
- ‘Add NICO/Encumbrance Overlay Diagram’.

Add NICO/Encumbrance Overlay Diagram

An Overlay Diagram is required to support all plans of subdivision involving existing NICO folios, creating new NICO folios, or where existing encumbrances are carried forward as to part. In complex cases a spreadsheet can further support the Overlay Diagram by identifying the parent folios of the new parcels.

For more information, see [Customer Information Bulletin 217](#).

NICO/Encumbrance Overlay Diagram to be attached

Attach file (xlsx, pdf, xls, A3, A4, Max file size 10240 KB)

Choose File

No file chosen

add now

[cancel](#)

Overlay Diagrams – Lodging Parties

Involving the Lodging Party

- Please supply the overlay (and spread sheet) to the Lodging Party **before the lodgment of the plan** under the Subdivision Act 1988 and subsequent transfer(s)
- If there is a different lodging party for the transfer(s), they too should be provided with these documents
- It is the responsibility of the lodging party for the transfer(s) to ensure that the correct NICO folios are identified in the transfer(s).

CIB213
CIB217



Excess land – CIB 213 (Aug 2021)

Guideline ratio of '1 in 100'

Limit of the **total area** of excess land which can be taken up in a plan under the Subdivision Act 1988

$$1: 100 = \frac{\text{Total AREA of the excess /hiatus land being taken up}}{\text{AREA of the Applicant's existing parcel}}$$

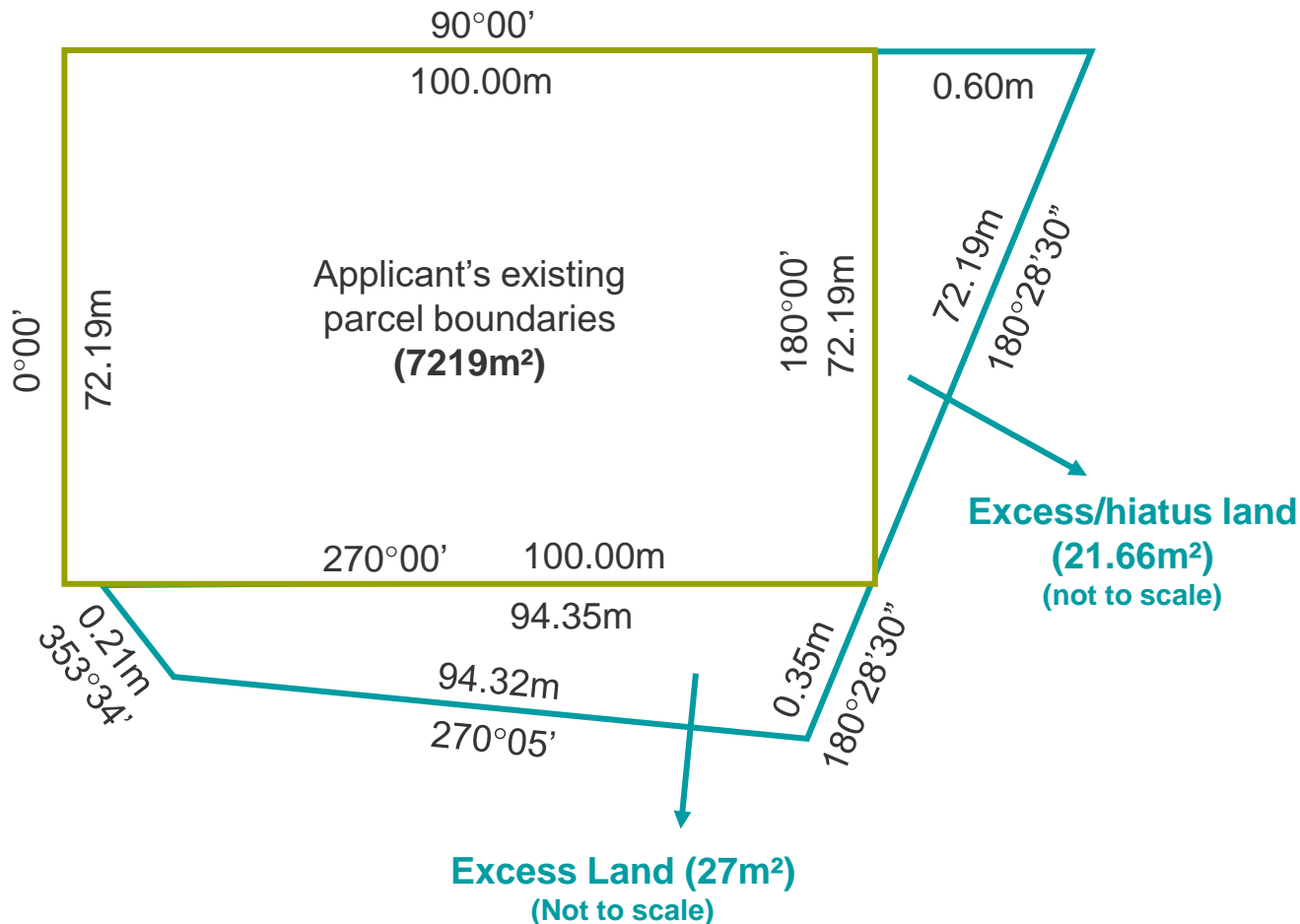
- **Must be based on mature occupation**
- Cannot be created solely to match with the permitted '1 in 100'
- **Must be taking up only excess or hiatus land**
- Cannot affect another title

Parcel boundaries NOT subject to the ‘1 in 100’ guideline:

- Crown boundaries; or
- common boundaries with approved abutting surveys where it can be shown that they define parcel boundaries.

These can continue to be adopted in plans under the Subdivision Act 1988.

Excess land – Acceptable

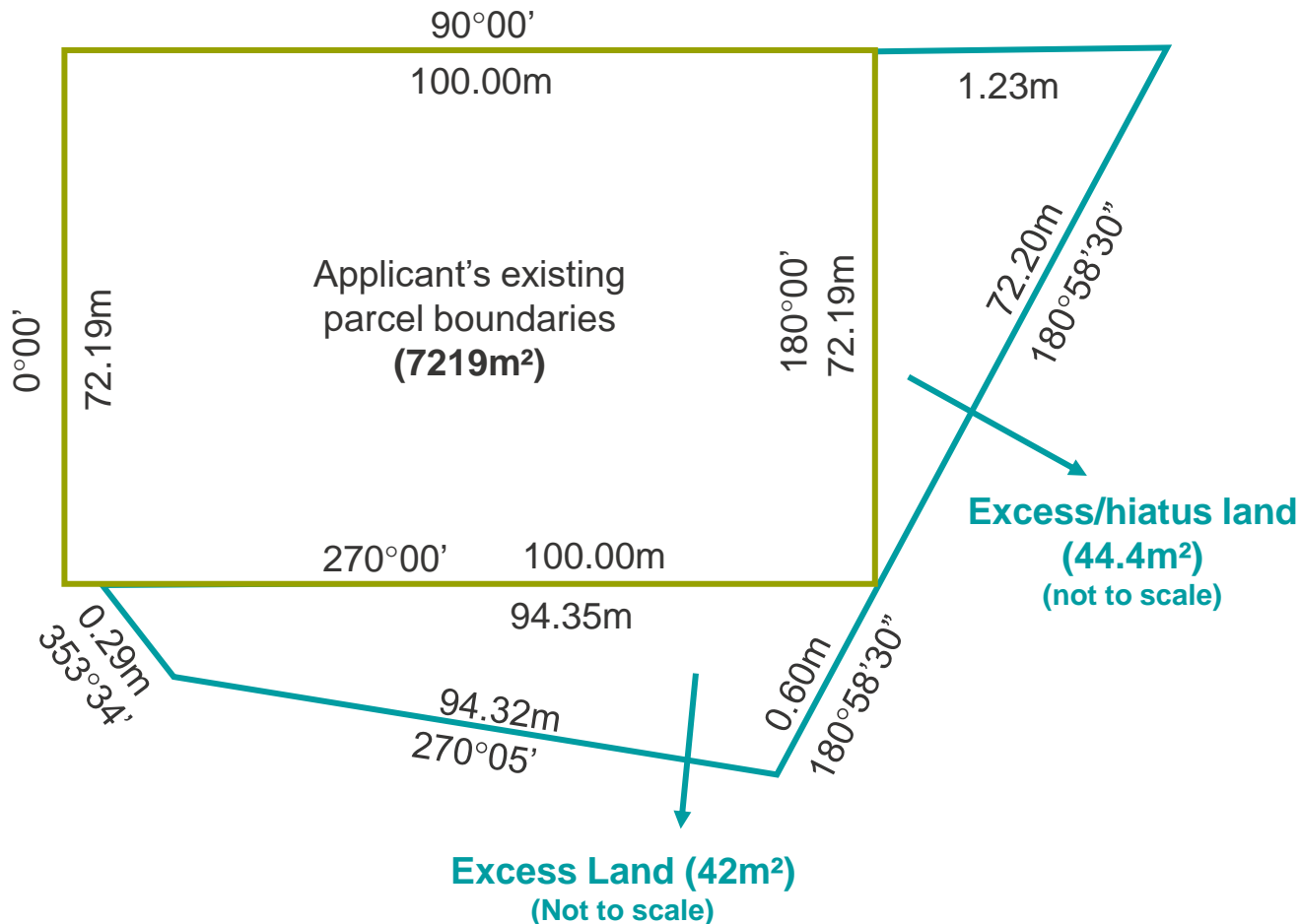


Acceptable – Where the **total area** of excess/hiatus land is less than a 1 in 100 ratio

$$\begin{aligned}
 1:100 &= \frac{\text{Total AREA of the excess /hiatus land being taken up}}{\text{AREA of the Applicant's existing parcel}} \\
 &= \frac{21.66+27}{7219} = \frac{48.66}{7219} \\
 &= \mathbf{0.007[x100] = 0.70}
 \end{aligned}$$

Total excess land being taken up = 0.70 in 100
 Less than max limit of 1 in 100 = Acceptable

Excess land – Acceptable



Unacceptable – Where the **total area** of excess/hiatus land exceeds the allowable limits of a 1 in 100 ratio

$$\begin{aligned}
 1:100 &= \frac{\text{Total AREA of the excess /hiatus land being taken up}}{\text{AREA of the Applicant's existing parcel}} \\
 &= \frac{44.4+42}{7219} = \frac{86.4}{7219} \\
 &= 0.02[x100] = 1.197
 \end{aligned}$$

Total excess land being taken up = 1.2 in 100
Exceeds max limit of 1 in 100 = Unacceptable

Excess land – Amendment Applications

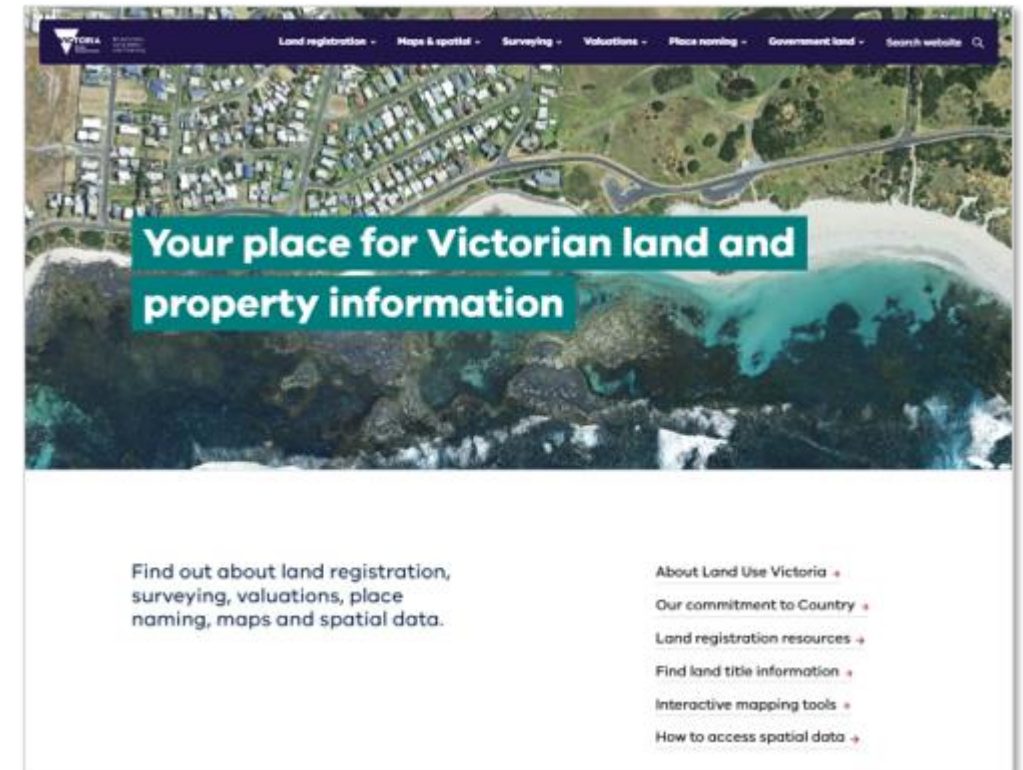
Where the area added by adopting mature occupation results in an increase in the area within the parcel boundaries by more than '1 in 100', **it should be addressed by an appropriate amendment application under the *Transfer of Land Act 1958* (TLA).**

If there are any issues or concerns relating to the boundaries
lodge an application early

LRS will expedite associated TLA applications to precede plans of subdivision

Resources

- **Refer to [land.vic.gov.au](https://www.land.vic.gov.au)** to read our latest guides,
- Make sure you subscribe to the Customer Information Bulletins to keep up to date for latest reminders, guides and information
- **Sign up for the bulletins**
- Contact us <https://www.land.vic.gov.au/contact-us>



Q&A: Customer Information Bulletin Review

Q: Council are not legally obligated to provide an abuttal letter. Any legal change to this?

A: As of now, there is no legal obligation for the Council to provide an abuttal letter. However, it is important to note that introducing an abuttal is not mandatory either. If the Council cannot provide the necessary letter to justify the introduction of a road abuttal, please consider the alternative options detailed [here](#) in this presentation. If the surveyor's report cannot appropriately justify and address the road abuttal, it may not be feasible to introduce it.

Q: (to ESU) - Could ePlan "visualise" the Overlay Diagram/Spreadsheet as a by-product of the ePlan capture?

A: We have a validation rule to identify NICO plans -

https://www.spear.land.vic.gov.au/spear/help/pages/ePlan/02_plan_metadata.htm#VR108

ePlan includes both geometrical and textual information for lots and restrictions and the ePlan data viewer provides surveyors and examiners the ability to visualise the layer intersections. We have the information required to create a by-product during the ePlan process in a future enhancement.

Q: Do lodging parties also have access to this information about NICO titles?

A: Yes everyone has access to the Customer Information Bulletins through the Land Use Victoria Website. Also available on the website is a guide to [What is NICO?](#) which provides further information on not in common ownership (NICO) titles created from plans of subdivision or consolidation.



Q&A: Customer Information Bulletin Review

Q: Does the 1/100 ratio also apply when taking excess to adopt a previously surveyed boundary?

A: Common boundaries with approved abutting surveys that define parcel boundaries are not subject to the “1 in 100” guideline. However, mature occupation may still need to be considered.

If you have any specific queries on a boundary, please send them through to subdivision.branch@delwp.vic.gov.au

Q: Given the 1:100 guideline, application surveys are required to deal with any excess or hiatus taken up over this guideline. Is there any way to speed up the registration of the TLA application so that it does not materially affects the planning application timelines.

A: It is encouraged to amend title by the appropriate TLA application and lodge as early as possible to give ample time for approval. However if there is a following subdivision you can request the TLA application be expedited, with the supporting evidence that there will be a following plan of subdivision

Q: How do we access the CIB information?

A: To access the Bulletins visit the Land Use Victoria Website, also available through this link

[Customer Information Bulletins](#)

You can also sign up for the bulletins here [sign up for bulletins](#)





Section 23 Subdivision Act 1988 Easement Dealings

Fay Fitton & Renato Marasco
Specialist Plan Registration Officers

Section 23 Subdivision Act 1988 Easement Dealings



- Approximately **half** of all **easement dealings** lodged with Land Use Victoria are **requisioned** in **SPEAR**.
- When amendments are required, the **instrument** may need to be **withdrawn** or be **refused** at lodgment causing **delay** and **additional cost**.
- **Major plan amendments** require **consent of council** further adding to **registration times**

PLAN OF REMOVAL OF EASEMENT UNDER SECTION 23 OF THE SUBDIVISION ACT 1988		AW012638X
LOCATION OF LAND PARISH: LONSDALE TOWNSHIP: - SECTION: 99 CROWN ALLOTMENT: Z (PART) CROWN PORTION: - TITLE REFERENCE: VOLUME 1234 FOLIO 567 LAST PLAN REFERENCE: LOT 143 ON LP555111 POSTAL ADDRESS: 2 LONSDALE STREET (at time of subdivision) MELBOURNE VIC 3000 MGA CO-ORDINATES: E: 344 370 ZONE: 55 (of approx centre of land N: 5 990 460 GDA 2020 in plan)		<p>Council Name: Victoria City Council</p> <p>Council Reference Number: S111/2023 Planning Permit Reference: P555/2023 SPEAR Reference Number: S999111S</p> <p>Certification</p> <p>This plan is certified under section 6 of the Subdivision Act 1988</p> <p>Statement of Compliance</p> <p>This is a statement of compliance issued under section 21 of the Subdivision Act 1988</p> <p>Public Open Space</p> <p>A requirement for public open space under section 18 or 18A of the Subdivision Act 1988 has not been made</p> <p>Digitally signed by: Robert Marley for Victoria City Council on 31/03/2023</p>

Section 23 Subdivision Act 1988 Easement Dealings

The creation/removal/variation of easements using the provisions of Section 23 Subdivision Act 1988 must be directed by a relevant **planning permit or planning scheme** and be clearly expressed in the **purpose of the plan**.

23 What if a planning scheme directs the creation, removal or variation of rights?

- (1) If a planning scheme or permit regulates or authorises the creation, removal or variation of an easement or restriction, the owner of the land burdened or to be burdened by the easement or restriction must, in accordance with the planning scheme or permit and with the **Planning and Environment Act 1987**, lodge a certified plan at the Office of Titles for registration.

Section 23 Subdivision Act 1988 Easement Dealings

Common Issue

- Plan lodged as a Removal of Easement
 - **Purpose of plan:** To remove easement E-1....
 - **Grounds of removal:** Planning Permit No.P555/2023
 - **Easement information table** shows an attempt to **CREATE** a new easement using the provisions of **12(1) Subdivision Act 1988** which is NOT possible in a Section 23 Subdivision Act Plan
 - **Section 12(1) Subdivision Act 1988** can only be used to create easements in a **Plan of Subdivision or Consolidation**
 - All creations/removals/variations of easement in a Section 23 Subdivision Act plan **must be directed by the planning permit.**

PLAN OF REMOVAL OF EASEMENT
UNDER SECTION 23 OF THE SUBDIVISION ACT 1988

NOTATIONS
<p>PURPOSE OF PLAN:</p> <p>To remove Drainage and Sewerage Easement created in LP555111 shown as E-1 on Lot 143 on LP555111 (Vol. 1234 Fol. 567)</p> <p>GROUND FOR REMOVAL:</p> <p>Victoria City Council Planning Permit No. P555/2023</p>

EASEMENT INFORMATION				
Legend: A - Appurtenant Easement E - Encumbering Easement R- Encumbering Easement (Road)				
Easement Reference	Purpose	Width (Metres)	Origin	Land Benefitted / In Favour Of
E-2	Drainage & Sewerage	1.83	This Plan	Melbourne Water Corporation

Resultant LUV Requisitions: Plan

Plan requires MAJOR amendment to:

- Plan heading: “Plan of Creation and Removal of Easement”
- Purpose of plan: “Remove E-1 and Create E-2”
- Grounds for both Removal and Creation in Planning Permit
 - Note: the Planning Permit number must be shown in “Grounds for Creation and Removal” notation. The Planning Permit No. in the Certification panel is not sufficient
- Council consent required
- There may be implications with council regarding what the planning permit directs
- If the intention is not to create the new easement E-2, then the entry must be removed from the Easement Information Table (council consent required)

<div>PLAN OF CREATION & REMOVAL OF EASEMENT</div> <div>UNDER SECTION 23 OF THE SUBDIVISION ACT 1988</div>
<div>NOTATIONS</div>
<div>PURPOSE OF PLAN:</div> <div>To remove Drainage and Sewerage Easement created in LP555111 shown as E-1 on Lot 143 on LP555111 (Vol. 1234 Fol. 567)</div> <div>To create Drainage and Sewerage Easement E-2</div> <div>GROUND FOR REMOVAL AND CREATION:</div> <div>Victoria City Council Planning Permit No. P555/2023</div>

Resultant LUV Requisitions: Instrument

Electronic Instrument

- Must be **withdrawn** by the Lodging Party in order to **correct the dealing type** in SPEAR, which generates the **correct application form** (i.e.. Creation and Removal).
- The correct dealing type in SPEAR also generates the **correct dealing type in VOTS** which is recorded against the folio history.
- The lodging party must then **re-lodge** the dealing.
- The **dealing type that Surveyor chooses** at the beginning of the SPEAR application dictates the form for the lodging party. Selecting the correct dealing type from the beginning **avoids withdrawal** to correct the instrument.

Dealing Number: ~~AW646414F~~

Status: ~~Unregistered~~ **WITHDRAWN**

Date and Time Lodged: 17/03/2023 04:01:19 PM

Responsible Subscriber: FUMENS LAWYERS

Customer Code: 16448M

Reference: 22/5264

EASEMENT CREATION, REMOVAL OR VARIATION

The applicant applies for registration of the **plan of removal of an easement** under Section 23 of the Subdivision Act 1988.

Servient Land:

VOLUME: 8183 FOLIO: 978

Dominant Land:

NOT APPLICABLE

Applicant(s):

HONGYAN ZHANG

229 HUNTINGDALE ROAD ASHWOOD VIC 3147

Council in which land is located:

Manningham City Council

SPEAR Reference Number:

S176275E

Execution:

1. The Certifier has taken reasonable steps to verify the identity of the applicant or his, her or its administrator or attorney.

Section 23 Electronic Instruments

Section 23 easement dealings are the **only** dealing the lodging party can **change** the application form for **prior to lodgment**

Easement Creation, Removal or Variation

Section 23 Subdivision Act 1988

* Indicates a mandatory field

▼ Lodged By

Lodging Party Name *

Lodging Party Reference

Customer Code *

17927T ▼

The applicant applies to register a plan of of an easement under Section 23 of the Subdivision Act 1988.

removal ▼

creation

removal

variation

creation and removal

creation and variation

removal and variation

creation, removal and variation

▼ Servient Land

Volume Folio*

Other Considerations: Easement Purposes

- Customer Information Bulletin (CIB) No. 213 August 2021 [see *land.vic.gov.au*].
- Purposes **not acceptable** in Section 23 Subdivision Act 1988 or Section 45 Transfer of Land Act 1958 (TLA) easement dealings:
 - Pipelines or Ancillary Purposes (Section 136 Water Act 1989)
 - Powerline (Section 88 Electricity Industry Act 2000)
 - Section 146 Gas Industry Act 2001
- Purpose on the **plan accords** with purpose on **instrument** (collaborating with Lodging Party)

Water Act 1989

136 Subdivisional easements and reserves

- (1) If a proposal for **subdivision of land** is referred to an Authority under the **Planning and Environment Act 1987**, the Authority may require the creation of easements or reserves, or both, for the use of the Authority for any of the following purposes—
 - (a) pipelines or ancillary purposes;
 - (b) channels;
 - (c) carriageways;
 - (d) waterway management;
 - (e) drainage.

Electricity Industry Act 2000

88 Making of easements in subdivisions

- (1) If a proposal for **subdivision or consolidation** of land is referred to an electricity corporation under the **Planning and Environment Act 1987**, the corporation may require easements for the use of the corporation for any one or more of the purposes set out in the Schedule.

Other Considerations: Easement Purposes

Other Considerations to reduce Requisitions

- Acceptable easement purposes guide on LUV website [\[land.vic.gov.au\]](http://land.vic.gov.au)
- Ensure purposes that require further **qualification** (i.e.. “Group 2”) are qualified in the easement information table
- i.e.. “Water Supply (underground pipeline)”
- “Transmission of Electricity (overhead powerline)”]

EASEMENT INFORMATION				
Legend: A - Appurtenant Easement E - Encumbering Easement R- Encumbering Easement (Road)				
Easement Reference	Purpose	Width (Metres)	Origin	Land Benefitted / In Favour Of
E-1	Water Supply (Underground Pipeline)	2	This Plan	South East Water Corporation

The **lodging party** must also record the qualification in the **instrument** (45 TLA)

Group 2 – Easements that can be accepted *with* further qualification

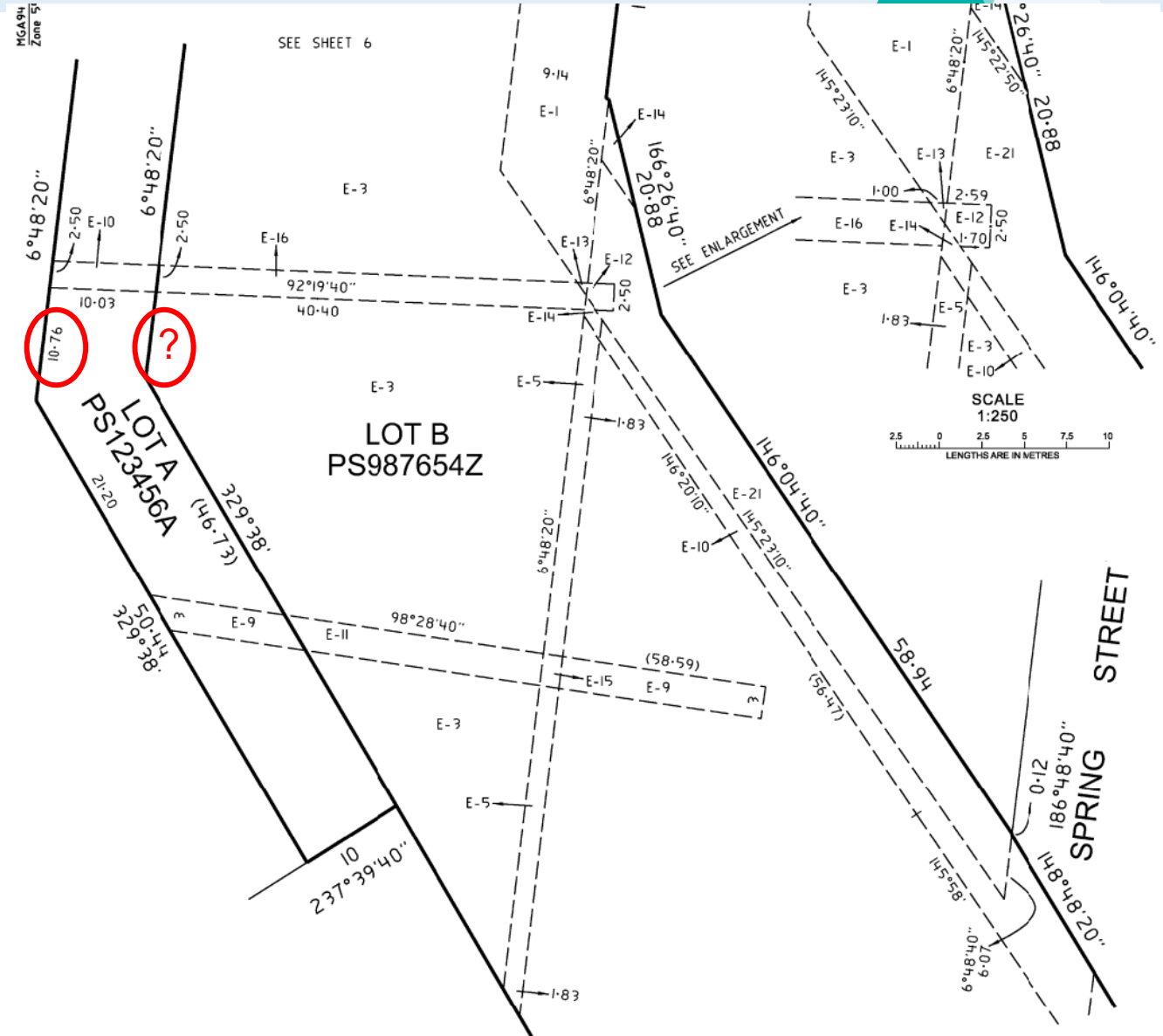
Note: some of the easements listed below were historically accepted at Land Victoria without qualification, but now require further qualification to be recorded.

- **Carriageway** (e.g. easement of carriageway for – a specific purpose – loading and unloading heavy equipment)
- **Channel** (e.g. Channel easement for the passage of water)
- **Data transmission** (define the method of transmission e.g. overhead/underground cable etc.)
- **Electricity** (easement purposes relating to electricity)
 - **Supply of electricity** (e.g. through underground cable/overhead powerline)
 - **Transmission of electricity** (e.g. through underground cable/overhead powerline)
- **Ground water monitoring** (e.g. right to enter onto servient land from time to time for the purposes of monitoring ground water levels, or similar)
- **Irrigation** (e.g. flow of water through pipeline or channel – as applicable – for the purpose of irrigation)
- **Mail collection** (e.g. easement of way for the purpose of collecting mail, or very similar)
- **Right of Access** (define both the purpose and means of access e.g. access by foot for the purpose of using a storage shed)
- **Right of Entry** (define both the purpose and means of entry e.g. entry by emergency vehicles in the event of fire)
- **Sanitary convenience** (e.g. easement for the use – from time to time – of sanitary conveniences located on the servient land)
- **Supply of recycled water** (e.g. through underground pipes/channels)
- **Supply of water** (e.g. through underground pipes)
- **Support** (define what is being supported and by what method)
- **Telecommunications** (e.g. transmission of telecommunication signals by ‘underground cable’)
- **Underground effluent disposal** (e.g. flow of effluent through underground effluent disposal system; however, underground effluent disposal **installation** is not acceptable)
- **Use of stairway** (e.g. easement of footway over stairs, or very similar)
- **Vehicle parking** (full and free right and liberty to and for the registered proprietor for the time being of the dominant tenement and his servants, agents, workmen and visitors to use the land marked (XX) for the purpose of parking vehicles between the hours of (XX) to (XX) Monday to Friday and (XX) to (XX) on Saturday)
- **Waste disposal** (Define the type of waste. If this is an easement to permit the flow of effluent across the servient land, this needs to be explicitly set out, including the manner in which it is to **flow** – across the land or through a pipeline or channel. In situations where the manner of flow is unknown at the time of registration, a combination of flow types may be acceptable e.g. waste water disposal by either underground soakage system and/or above ground irrigation system.)
- **Wetland** – detailed qualification required – Land Victoria often receive MCPs (Memorandum of Common Provisions) containing lengthy qualifications describing this type of easement

Other Considerations: Easement Diagrams

Other Considerations to reduce Requisitions

- CIB No. 192 [June 2020]
- Plans supporting creations of easements must show **existing easements** when the new easement being created **overlaps or crosses** an existing easement.
- For complex creations of easements LUV may request a **substitute plan sheets** for title diagram purposes.
- When creating easements over **multiple folios** with **different title diagrams**, the easement must be fixed in accordance with each **individual folio's dimensions**.



Q&A: Section 23 Subdivision Act 1988 Easement Dealings

Q: Referral authorities are often not aware that they cannot ask for an easement to be created when the application is only to remove an easement. What can be done?

A: This could be a great opportunity for the surveyor to have further conversations with council as to the implication when it is added under 12(1) and the creation does not form part of the application or planning permit.

Q: Under a Section 45 creation of easement what is the justification for LUV requiring council permission for any easement relating to movement?

A: Section 73B Transfer of Land Act 1958 (TLA) confirms that we need a consent for carriageway easements when we're creating easements under section 45 TLA.

The act only specifically references carriageway easements, however, we take the view that footway or way could be a form of carriageway. Thus consent is requested to be provided for those also. When we create and remove carriageways under 23 Subdivision Act 1988 we do not require consent because it is certified by Council.

Q: What options are there to remove an easement within in a Plan of Consolidation?

A: If the removal is to be completed as an "other purpose" of the PC it can use provisions of 23 Subdivision Act 1988 (with planning permit) or grounds for removal can be through sec. 6(1)(k) Subdivision Act 1988 by agreement of all interested parties. This is not an exhaustive list and it depends upon how the original easement was created.

Q: Can the various Acts and Regulations be amended so that the same easement purposes names can be used?

A: This would be wonderful, however, until such a time comes along, we will continue to have different acceptable purposes for each of the Acts.

Q: Do we need to show existing easements in sec 23 creation of easement plans if the easements do not overlap?

A: Currently if the easements do not cross over or overlap, there is no requirement to show these on the creation of easement plan.



Q&A: Section 23 Subdivision Act 1988 Easement Dealings

Q: If an easement is required for a Plan of Subdivision, that needs to encumber land outside the Subdivision to service the land in the Plan, what options can facilitate this?

A: Depending on the specific circumstances there are a few options that can create an easement over land outside the Plan of Subdivision:

- A section 45 TLA creation of easement or a section 23 sub. act creation of easement could be lodged to precede the plan of Subdivision.
- If the servient land is also in the same ownership as the land in the Plan of Subdivision, section 98 of the TLA can be used to create any easement purpose under section 98 TLA in favour of all the lots on the new plan of subdivision.

Q: Can a restriction be varied on a Plan of Subdivision as an 'Other Purpose'

A: Yes it can be listed as an "other purpose" of the plan and it requires sufficient grounds (such as a planning permit) to be quoted.

Q: When a road is being created on a plan of subdivision and vested in Council, and carriageway easements fall within the new road, can these easements be removed as an other purpose of the plan, with grounds being Schedule 5, Clause 14(a) of the Road Management Act 2004?

A: If there is a notation on the plan stating the carriageway easement that is now contained within Road R1 is removed vide Schedule 5 Clause 14 Road Management Act 2004, then we would accept that.

Q: Is there a way to vary an existing easement if it not stated in the planning permit? i.e. a powerline easement from 11m to 14m without removing or adding new easements?

A: Currently, if you want to vary an easement without a planning permit as an additional purpose of a Plan of Subdivision/ Consolidation, an alternative option could be to consider Section 6(1)(k) Subdivision Act 1988 (by agreement of all interested parties).



Q&A: Section 23 Subdivision Act 1988 Easement Dealings

Q: If the removal of an easement that has multiple origins, or multiple layers of the easement over the same land, created through transfers and reservations, for the same purpose, do we need to specify all the easements reserved back to the unencumbered fee?

A: For any removal it is important to be specific in your purpose and clearly identify that all easements will need to be removed. If there are multiple creations of easement over the same portion of land, it is important to show your purpose clearly, to express what is required to be removed.

Consider if it is required to remove all easements that affect the land shown as E-1 on the Title Plan. Or is it desired to just remove a specific layer created in a specific instrument of the easement shown as E-1.

Q: Are there some easement purposes that are acceptable in a Plan of Subdivision or Consolidation but not in a section 23 creation of easement dealing, when both are created under the Subdivision Act 1988?

A: Yes. Easement purposes for;

- “pipelines or ancillary purposes” as defined by sec. 136 of the Water Act 1989
- “powerline” as defined by sec. 88 of the Electricity Industry Act 2000
- Purposes as defined by section 146 of the Gas Industry Act 2001

Are only acceptable within a Plan of Subdivision or Consolidation, based on the legislation in each of the above (see slide 37). For further acceptable easement purposes under the Subdivision Act 1988 please refer to the document on the Land Victoria website [Acceptable easement purposes doc](#)

Q: Can an easement with the purposes of “powerline” under sec 88 of the Electricity Industry Act 2000 be created in a section 23 creation of easement if it is required as part of a referral of a subdivision?

A: ONLY if evidence of the proposed subdivision is provided (such as the subdivision is awaiting certification in SPEAR), yes a section 23 can create an easement for purposes of “powerline” under sec. 88 of the Electricity Industry Act 2000




Navigating the Land Registry: Information for Surveyors

Plan Branch – Land Registry Services



Department
of Transport
and Planning

BREAK



Cross Sections and Typical Notations

Randall McDonald

Specialist Plan Registration Officer

Cross Sections

Background

Requirement

Options



Stratum:

Note :

The land coloured Red-hatched lies below the height of 25.00 Feet and above the height of 44.25 Feet relative to the Datum for levels adopted by the Melbourne & Metropolitan Board of Works.

The land coloured Blue lies below the height of 24.00 Feet and above the height of 33.50 Feet relative to the Datum.

Lot 7 is the residual land and comprises all of the land coloured Red, Red-hatched & Blue.

Certificate of Title Vol. 6415 Fol. 85 (being the whole of the land in _____ except Lots 1, 2, 2¹, 3, 4, 5 & 6)

Background

STRATUM N° 1

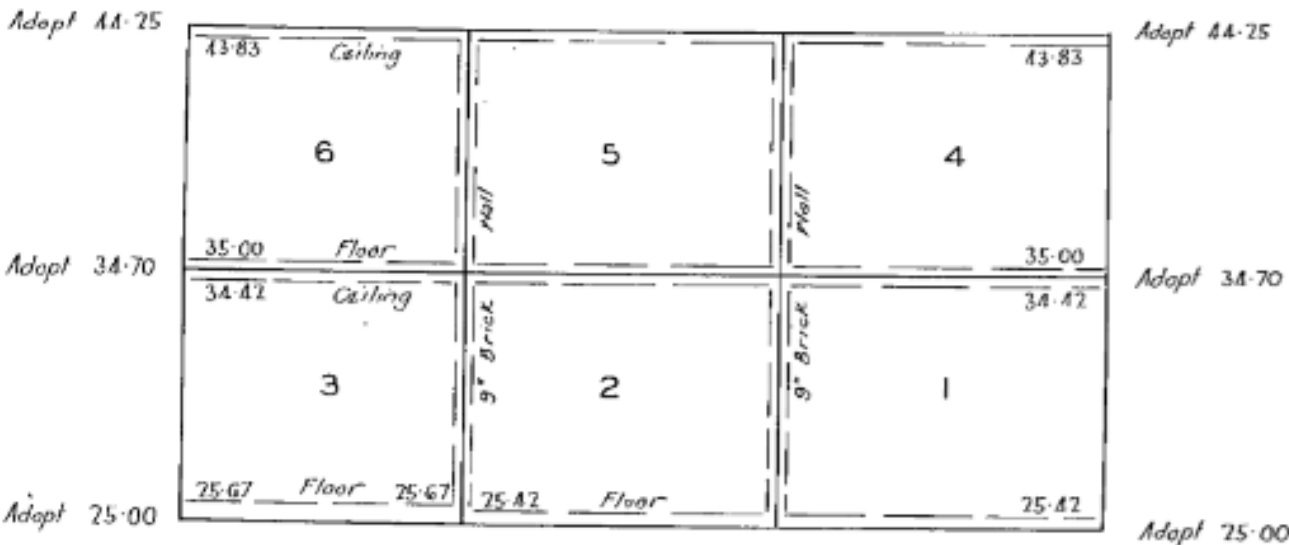
Note:

Lots 1, 2 & 3 on this Street lie between the heights of 25.00 Feet and 34.70 Feet above the Datum for levels adopted by Melb. & Met. Board of Works.
Lot 2A lies between the heights of 24.00 Feet and 33.50 relative to the Datum.
Lot 2A may be transferred only with Lot 2.

STRATUM N° 2

Note:

Lots on this sheet lie between the heights of 34.70 Feet and 44.25 Feet above the Datum for levels adopted by Melb. & Met. Board of Works



ELEVATION FROM SOUTH-WEST
SECTION A-B-C

Levels are to M. & M. B. W. Datum

Background


Strata:



152
1 to 152 (both inclusive)



LEGEND



The building in the parcel a part of which is contained in each of units 1 to 152 (both inclusive) is a four storey building containing a basement.


The relevant storey of the part of the building contained in each unit is shown in the table on sheet 6 hereof.

The lower boundary of each of units 1, 2, 7, 24, 29, 30, 35, 44, 45, 52 and 53 lies within the floor of the ground storey which is within the vertical or near vertical boundaries of the relevant unit as shown on diagrams 1, 4 and 8 on the relevant sheets hereof except as to that part of each of units 1, 2, 7, 24, 29, 44 and 45 shown thus  where the lower boundary lies within that part of the site which is within the vertical or near vertical boundaries of the unit.


The upper boundary of each of these units lies within the ceiling of the ground storey, except as to that part of each unit shown thus  where the upper boundary is 2.44 metres above the respective lower boundaries and except as to that part of each unit shown thus  where the upper boundary is 3.44 metres above the lower boundary.

The lower boundary of each of units 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 25, 26, 27, 28, 31, 32, 33, 34, 46, 47, 48, 49, 50, 51, 54, 55, 56, 57, 58 and 59 lies within the floor of the ground storey which is within the vertical or near vertical boundaries of the relevant unit as shown on diagrams 2, 5 and 9 on the relevant sheets hereof, except as to that part of each of units 8, 9, 14, 15, 50, 51, 58 and 59 shown thus  where the lower boundary lies within the floor of the first storey which is within the vertical or near vertical boundaries of the unit and except as to that part of each of units 3, 4, 5, 6, 25, 26, 27, 28, 46, 47, 48, 49, 50 and 51 shown thus  where the lower boundary is that part of the site which is within the vertical or near vertical boundaries of the unit.

The upper boundary of each of these units lies within the ceiling of the first storey except as to that part of each unit shown thus  and  where the upper boundary is 5.11 metres above the respective lower boundaries.

The lower boundary of each of units 16, 17, 18, 19, 20, 21, 22, 23, 38, 39, 40, 41, 42, 43, 60, 61, 62, 63, 64, 65, 66 and 67 lies within the floor of the second storey which is within the vertical or near vertical boundaries of the relevant unit as shown on diagrams 3, 7 and 10 on the relevant sheets hereof, except as to that part of each unit shown thus  where the lower boundary of each unit lies within the floor of the topmost storey which is within the vertical or near vertical boundaries of the unit.

LEGEND

The upper boundary of each of these units lies within the ceiling of the topmost storey except as to that part of each unit shown thus  where the upper boundary is 5.11 metres above the lower boundary.

The lower boundary of each of units 36 and 37 lies within the floor of the first storey which is within the vertical or near vertical boundaries of the relevant unit as shown on diagram 6 on the relevant sheet hereof.

The upper boundary of each of these units lies within the ceiling of the first storey.

The lower boundary of each of units 68 to 152 (both inclusive) lies within the floor of the basement which is within the vertical or near vertical boundaries of the relevant unit as shown on diagrams 11 and 12 on the relevant sheets hereof.

The upper boundary of each of these units is 2.14 metres above the lower boundary.

TABLE	
68 - 152 (both inclusive) 501 to 524 (Both incl)	Basement
UNIT	RELEVANT STOREY
1 - 15 (both inclusive) 24 - 35 (both inclusive) 44 - 59 (both inclusive) + 153 401 to 416 (both incl)	Ground Storey
3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 25, 26, 27, 28, 31, 32, 33, 34, 36, 37, 46, 47, 48, 49, 50, 51, 54, 55, 56, 57, 58 403 to 406 (Both incl) and 59 409 to 416 (Both incl)	First Storey
16 - 23 (both inclusive) 38 - 43 (both inclusive) 60 - 67 (both inclusive) 417 to 424 (both incl)	Second Storey
16 - 23 (both inclusive) 38 - 43 (both inclusive) 60 - 67 (both inclusive) 417 to 424 (both incl)	Topmost Storey

LEGEND (continued)

NOTICE OF RESTRICTION

Units specified in column 1 hereunder are restricted Units.
Units specified in column 2 hereunder are car park Units.

COLUMN 1

COLUMN 2

Units 1 to 67 (both inc.) Units 68 to 152 (both inc.)


Units 401 to 424 (both inc.) Units 501 to 524 (both inc.)

Registration of dealings with the Units specified in column 1 is restricted.


Units 68 to 152 (both inc.), 188 to 191 (both inc.), 193 to 196 (both inc.), 214 to 218 (both inc.) and Units 501 to 524 (both inc.) are accessory Units.

The common property is all the land in the parcel except the land contained in Units 1 to 152 (both inc.) 156 to 170 (both inc.) 172 to 191 (both inc.) 193 to 218 (both inc.) 401 to 424 (both inc.) 468 and 501 to 524 (both inc.).

The buildings in the parcel parts of which are contained in Units 156 to 170 (both inc.) are two storey buildings.


The lower boundary of each of Units 156 to 170 (both inc.) is 0.60 metres below that part of the site which is within the vertical or near vertical boundaries of the relevant Unit as shown on diagram 19 on sheet 27 hereof. The upper boundary of each of these Units is 8.00 metres above that part of the site except as to that part of each of Units 156 and 162 shown thus  where the upper boundary is 0.30 metres below that part of the site.

The building in the parcel a part of which is contained in Unit 468 is a four storey building containing a basement. The part of the building contained in the Unit is on the ground storey.


The lower boundary of Unit 468 lies within the floor of the ground storey of that part of the building which is within the vertical or near vertical boundaries of the Unit as shown on diagram 1 on sheet 29 hereof, except as to that part of the Unit shown thus  where the lower boundary is 0.60 metres below that part of the site which is within the vertical or near vertical boundaries of the Unit as shown on diagram 1 on sheet 29 hereof.



Background


LEGEND (continued)

The upper boundary of Unit 468 lies within the ceiling of the ground storey except as to that part of the Unit shown thus  where the upper boundary is 2.44 metres above that part of the site.

The building in the parcel a part of which is contained in Units 401 to 424 (both inc.) and 501 to 524 (both inc.) is a four storey building containing a basement. The relevant storey of that part of the building contained in each Unit is shown in the table on sheet 6 hereof.

The lower boundary of each of Units 401, 402, 407 and 408 lies within the floor of the ground storey which is within the vertical or near vertical boundaries of the relevant Unit as shown on diagram 2 on sheet 30 hereof. The upper boundary of each of these Units lies within the ceiling of the ground storey except as to that part of each of Units 401 and 402 shown thus  where the upper boundary is 2.67 metres above the lower boundary.

The lower boundary of each of Units 403, 404, 405, 406 and 409 to 416 (both inc.) lies within the floor of the ground storey which is within the vertical or near vertical boundaries of the relevant Unit as shown on diagram 3 on sheet 31 hereof, except as to that part of each of Units 409, 410, 415 and 416 shown thus  where the lower boundary lies within the floor of the first storey which is within the vertical or near vertical boundaries of the relevant Unit as shown on diagram 3 on sheet 31 hereof. The upper boundary of each of these Units lies within the ceiling of the first storey except as to that part of each of Units 403, 404, 405, 406, 411, 412, 413 and 414 shown thus  where the upper boundary is 2.67 metres above that part of the site.

The lower boundary of each of Units 417 to 424 (both inc.) lies within the floor of the second storey which is within the vertical or near vertical boundaries of the relevant Unit as shown on diagram 4 on sheet 32 hereof, except as to that part of each Unit shown thus  where the lower boundary lies within the floor of the topmost storey which is within the vertical or near vertical boundaries of the relevant Unit as shown on diagram 4 on sheet 32 hereof. The upper boundary of each of these Units lies within the ceiling of the topmost storey.


LEGEND (continued)

The lower boundary of each of Units 501 to 524 (both inc.) lies within the floor of the basement which is within the vertical or near vertical boundaries of the relevant Unit as shown on diagram 6 on sheet 34 hereof.

The upper boundary of each of these Units lies within the ceiling of the basement.

The hatchings on this plan shown thus  thus  and thus  are orientated to the foot of the sheets on which they appear.

The buildings in the parcel parts of which are contained in Units 172 to 191 (both inc.) and 197 to 213 (both inc.) are two storey buildings.

The lower boundary of each of Units 172 to 191 (both inc.) and 197 to 213 (both inc.) is 0.60 metres below that part of the site which is within the vertical or near vertical boundaries of the relevant Unit as shown on diagrams 1 and 1A on sheets 35 and 37 hereof. The upper boundary of each of these Units is 8.00 metres above that part of the site except as to that part of Units 190, 205 and 212 shown thus  where the upper boundary is 0.30 metres below that part of the site

No building or part of building is contained in Unit 193, 194, 195, 196 and 214 to 218 (both inc.).

The lower boundary of each of Units 193, 194, 195, 196 and 214 to 218 (both inc.) is 0.60 metres below that part of the site which is within the vertical or near vertical boundaries of the relevant Unit as shown on diagrams 1 and 1A on sheets 35 and 37 hereof. The upper boundary of each of these Units is 8.00 metres above that part of the site.

Regulations:

Section 11(5): Subdivision (Registrar's Requirements) Regulations 2021

- (5) If parcels are located above or below each other or above or below parcels not in the plan, a cross section or diagram must be shown on the plan.

Practicality

Do we know the upper and lower boundaries of all the parcels in the plan?



**Once a cross section is required for a Plan of Subdivision,
ALL PARCELS on that plan must have their upper and lower
boundaries defined**

Do we know all of the upper and lowers of the parcels?

- Show the parcels in section

OR

- Define the parcel by notation

Sections through each parcel and change of level

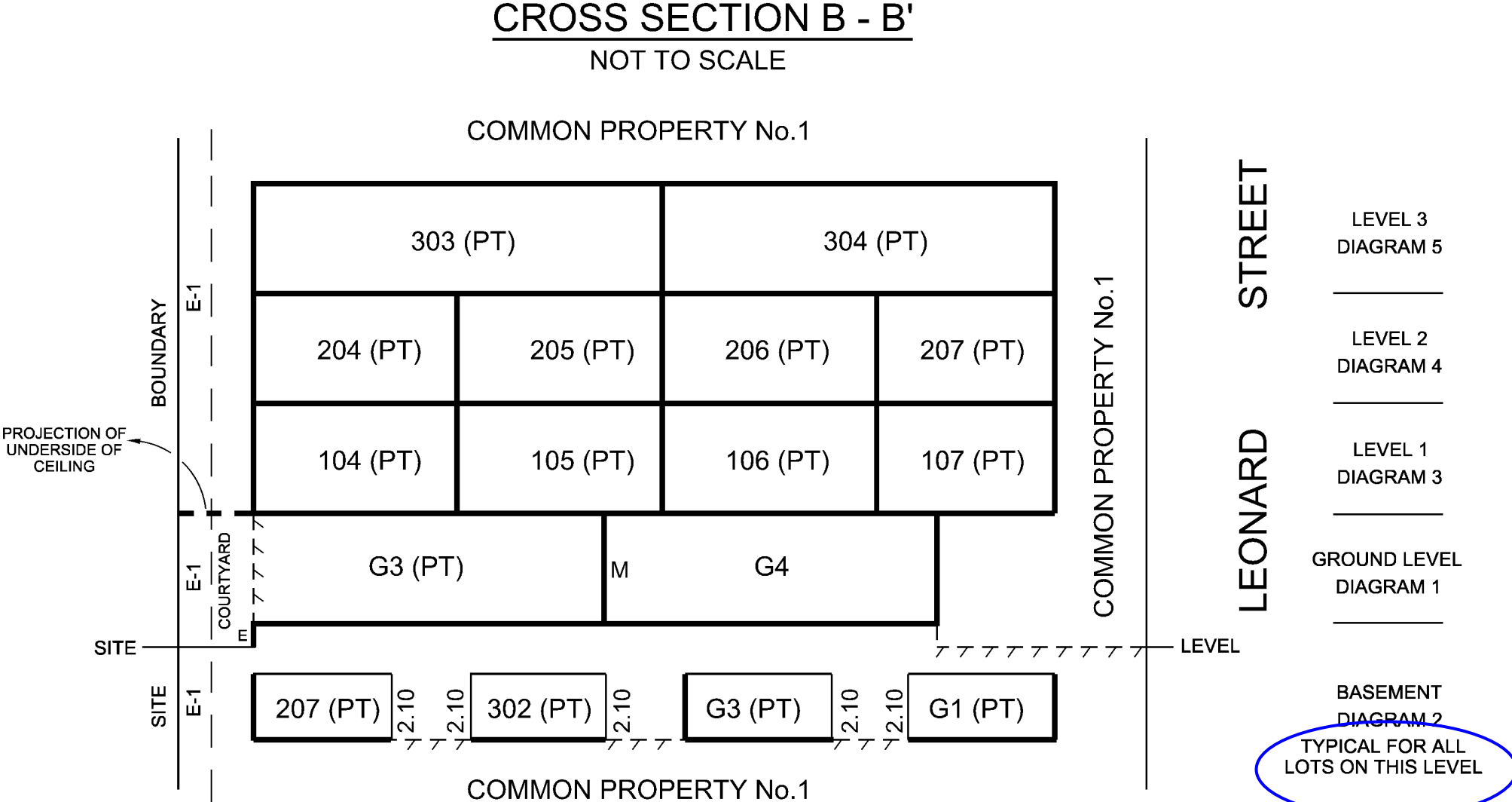


Typical Notations

What is the section really typically showing?

Options

TYPICAL FOR LOTS
ON THIS LEVEL



Options

TYPICAL FOR X ALSO

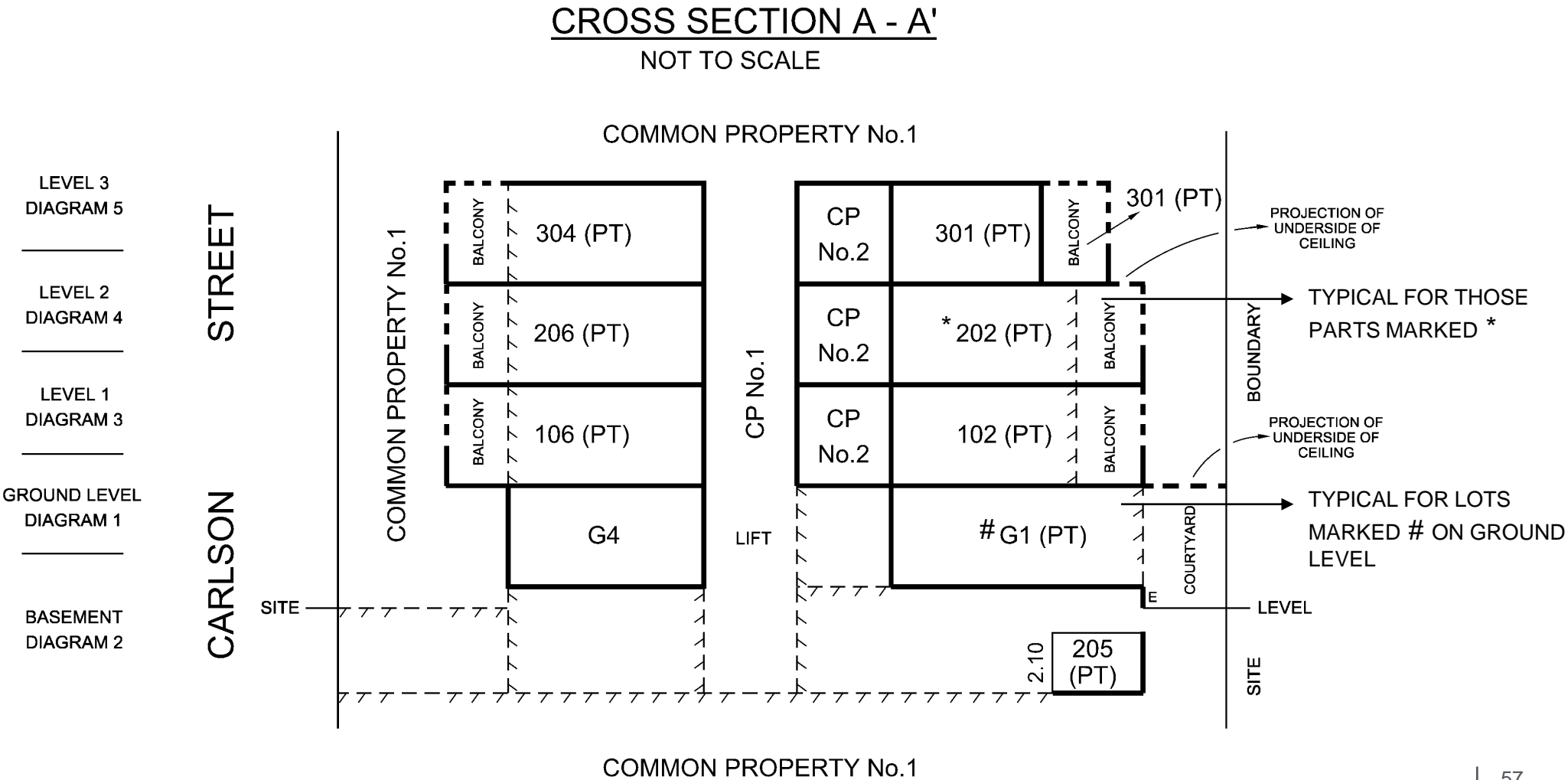


TYPICAL FOR X ALSO

TYPICAL FOR X ALSO

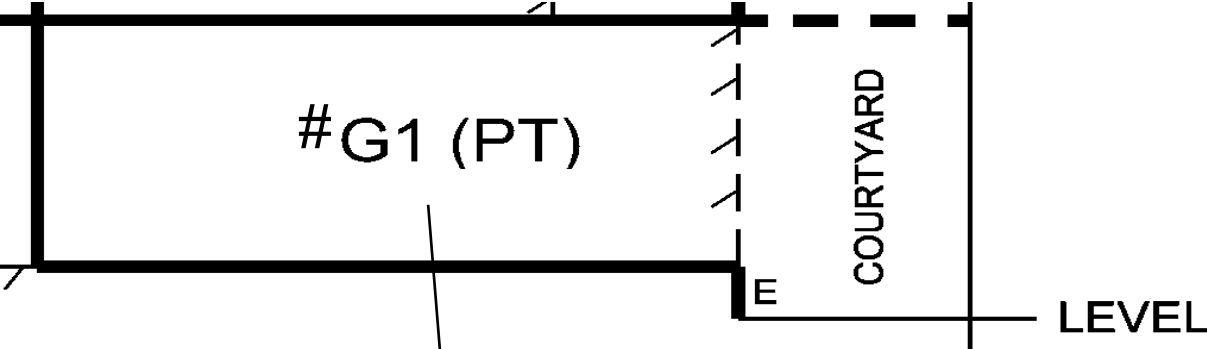
Options

TYPICAL FOR LOTS MARKED X



Options

TYPICAL FOR LOTS MARKED X



TYPICAL FOR LOTS MARKED # ON GROUND LEVEL

OFFICIAL

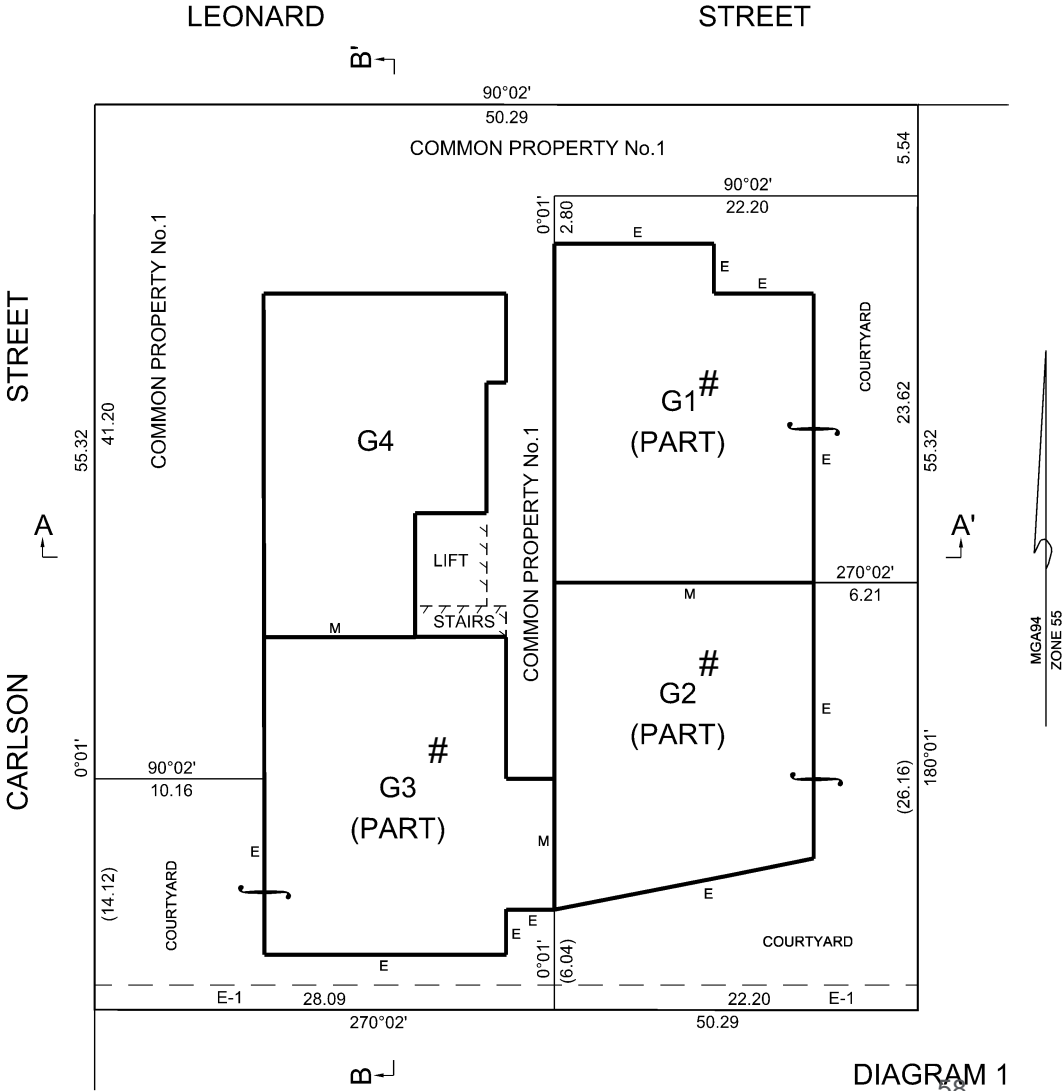
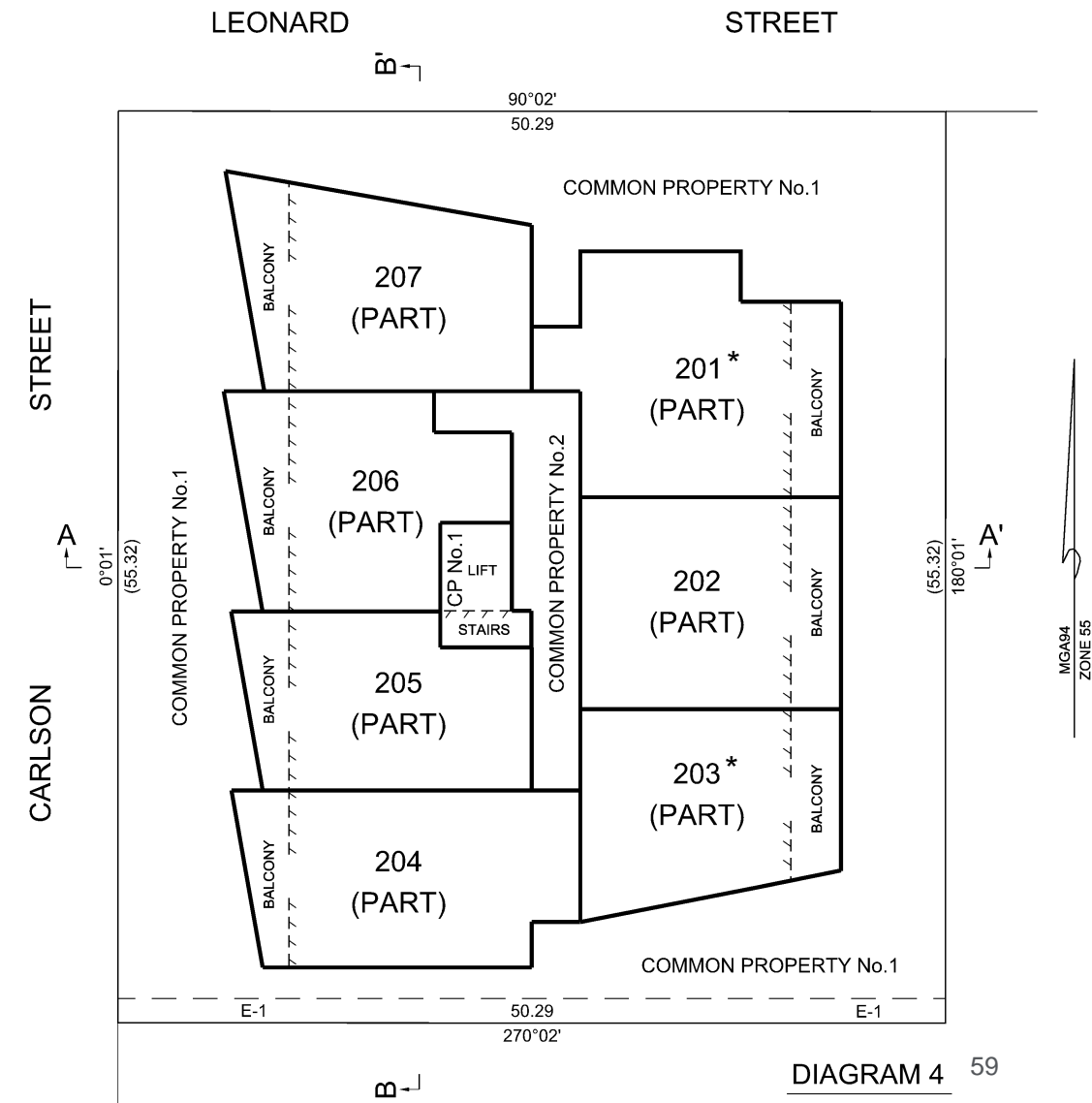
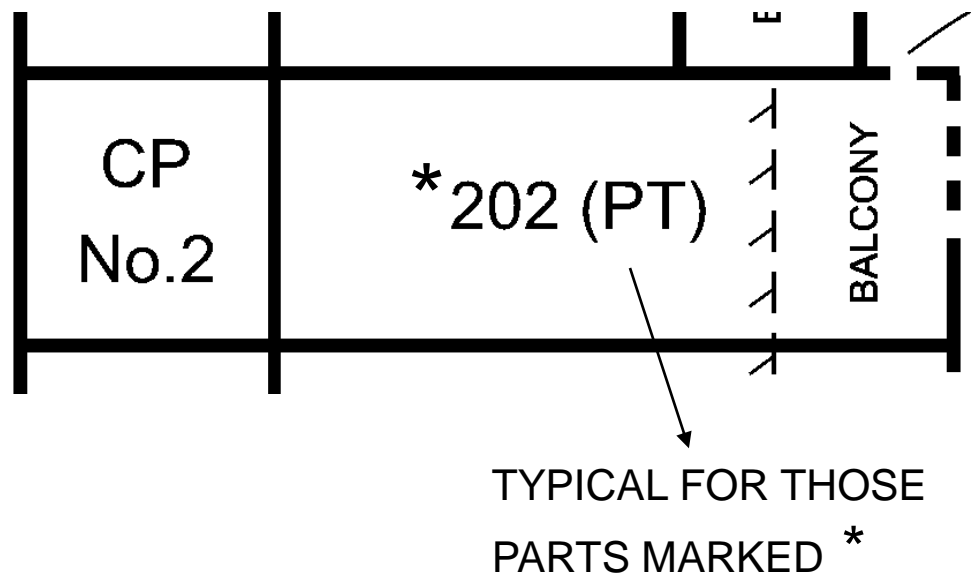


DIAGRAM 1
GROUND LEVEL

Options

TYPICAL FOR LOTS
MARKED X





Section 32 Plans (Common Pitfalls)

Ben Swayn

Specialist Plan Registration Officer

General things to consider:

- NICO situations where Common Property forms part of the plan
- **Every** action occurring **must** be spelled out in the Purpose
- Consider **existing** building boundaries
 - Regulations notation may be required! — *Reg. 11(15)*.



When preparing plans under Section 32, consideration must be given to who the Applicant will be, and consents that may be required.

Owners Corporation as Applicant:

Can proceed with little or no limitations, as **Unanimous Resolution is supplied.**

Consents are still required from all interested parties if Common Property is being reduced or removed!

Registered Proprietor(s) as Applicant:

Can only do the following:

- 1) Subdivide, consolidate, or alter lots owned by the Applicant(s). – [Sec. 32AI\(1\)](#)
- 2) Create **new** Common Property **and** associated **Limited** Owners Corp. – [Sec. 32AI\(1A\)](#)
- Consideration must be given to overlapping OCs.
- 3) Incorporate land into the subject lot(s), provided the area is less than 10% of the lot(s) to be consolidated – [Sec. 32AI\(1\)\(c\)](#)

Registered Proprietor(s) as Applicant:

Can **NOT** do the following:

- 1) Affect Common Property or other lots in **any** manner, including their Entitlement or Liability. – *Sec. 32AI(1)(a),(b)*
- 2) Remove land from any Owners Corporation. – *Sec. 32AI(1)*
- 3) ...or do anything else requiring Unanimous Resolution! – *Sec. 32(a)–(m)*

Applicants in Section 32 Plans: Without Unanimous Resolution

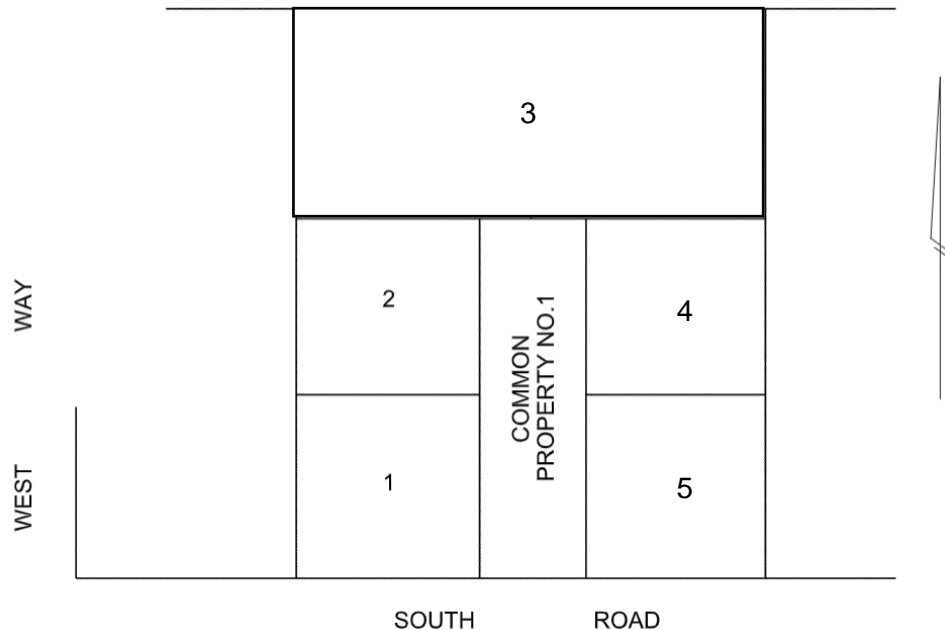
Section 32A(1A):

When creating new Common Property, bear in mind:

- 1) The OC created for the new Common Property **must** be a Limited OC.
- 2) The subject land **must** already be in an **Unlimited** Owners Corporation — [Sec. 27D](#)
- 3) The new Common Property will vest in that Unlimited Owners Corporation.
 - If the land is **only** in a Limited OC, Section 32A **cannot** create new Common Property.

Creating new Common Property: Overlapping OCs

OC1: Unlimited
Lots 2,3,4 & CP1

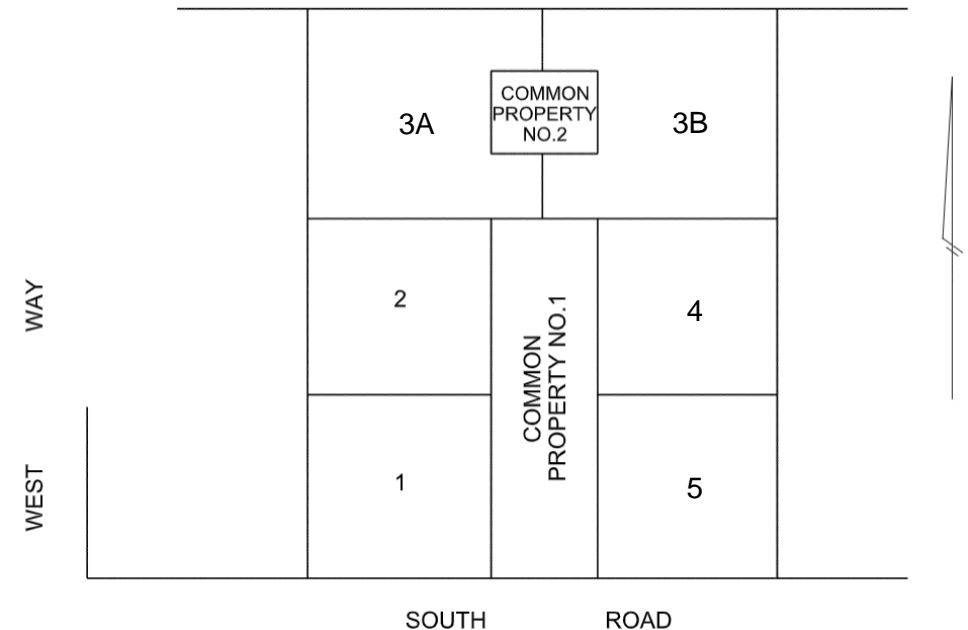


OC1: Limited
Lots 2,3,4 & CP1



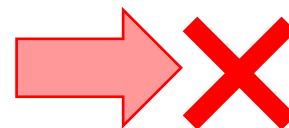
OC1: Unlimited
Lots 2, 3A, 3B, 4-5,
CP1 & CP2

OC2: Limited
Lots 3A, 3B & CP2



27D Restriction on creation of owners corporations

- (2) A lot must not be affected by more than one owners corporation unless—
- (a) one of the owners corporations is an unlimited owners corporation; and



OFFICIAL

Overlapping OCs and Section 32AI (Reg Prop as Applicant)

Common Pitfalls: Accidentally removing land from an OC

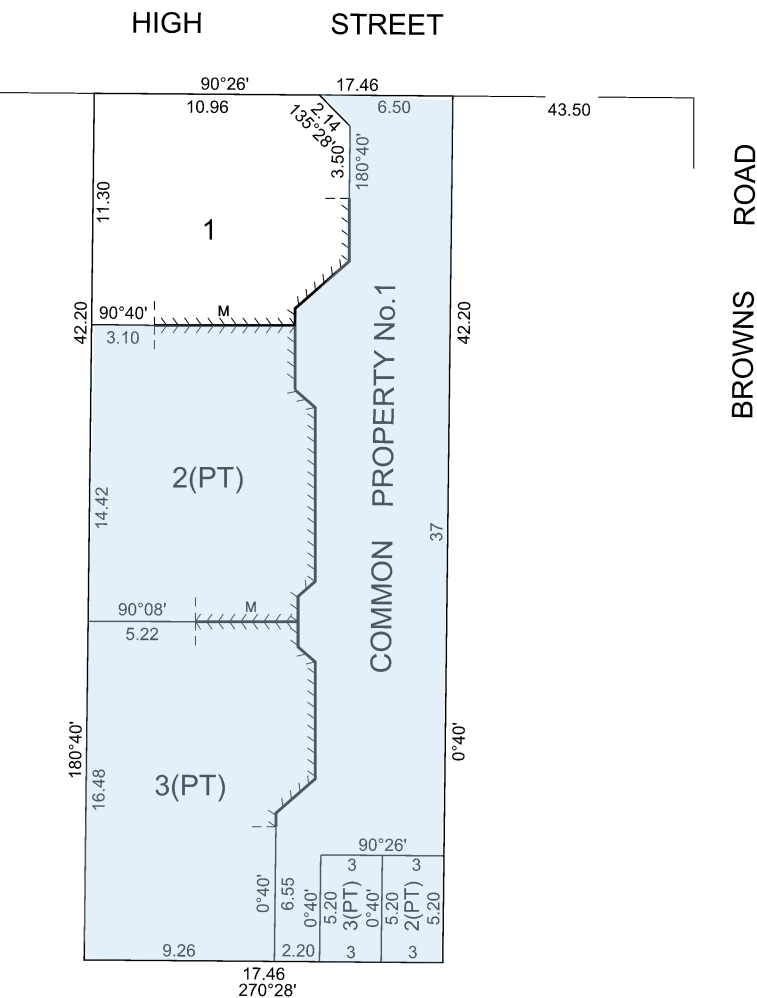
Care must be given when dealing with overlapping Owners Corporations.

If the subject folios are in **different overlapping** OCs, it **is not possible** to proceed without unanimous resolution if this has the effect of removing land from an Owners Corporation.

Land cannot be removed from any Owners Corporation without the involvement of that OC (by means of Unanimous Resolution, and Owners Corporation as Applicant for the plan).

Section 32 Example 1

Original Plan



Owners Corporation SCHEDULE
OC2 (Limited)
Lot 2, Lot 3 and Common Property no. 1

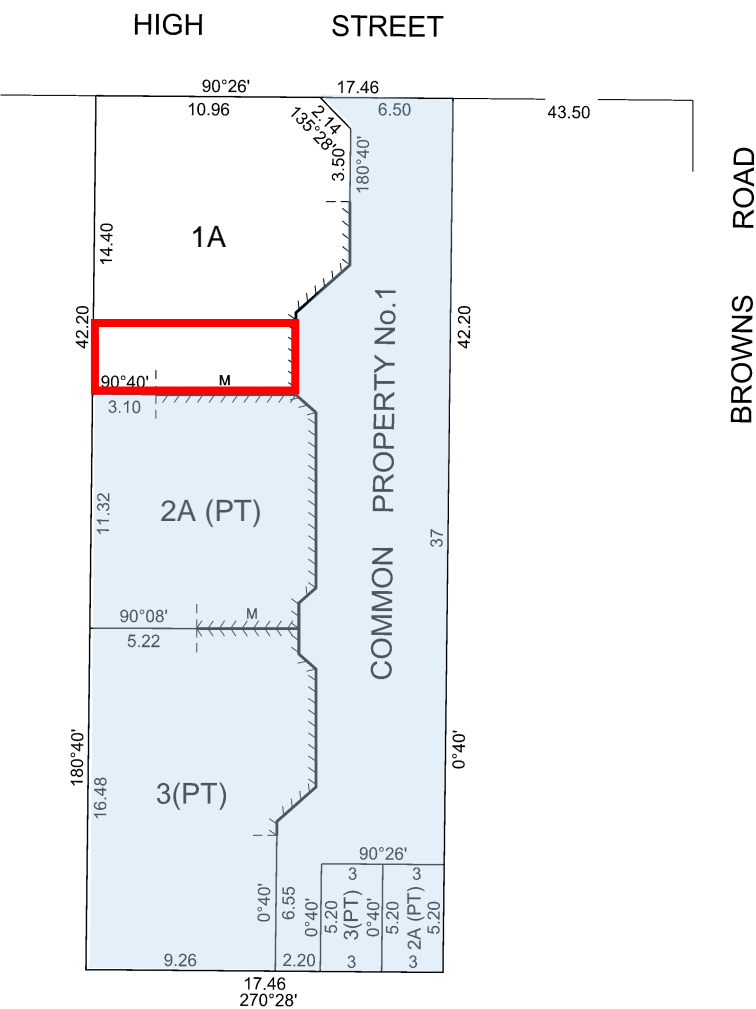


Land currently in OC2

Land remains in OC2

This land is being removed from OC2

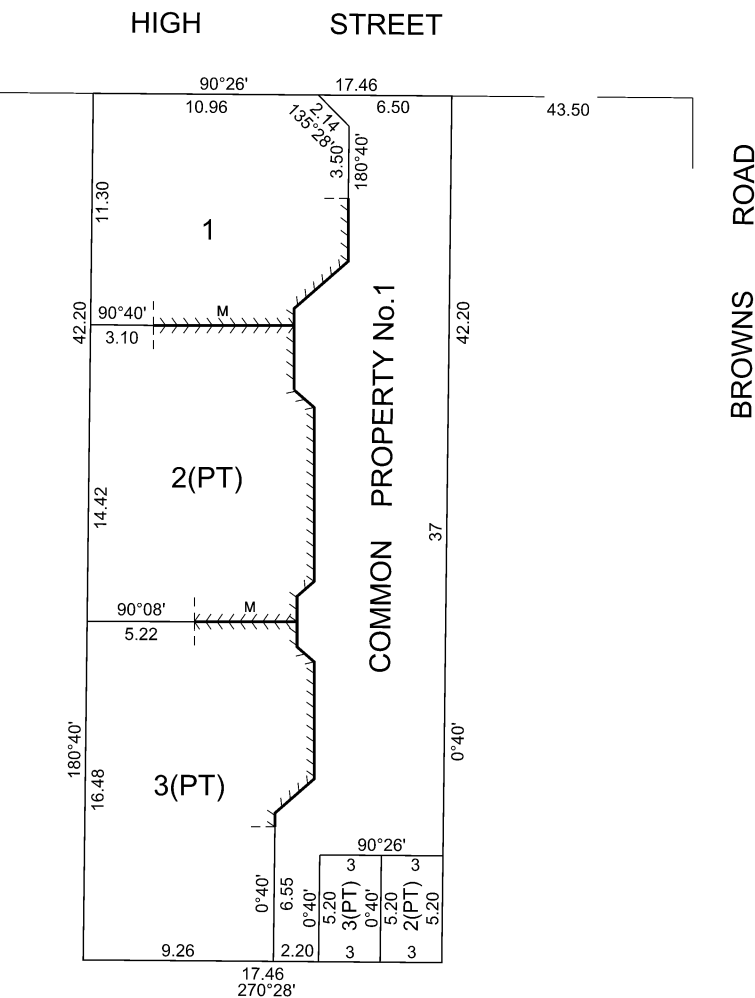
Desired outcome



Owners Corporation SCHEDULE
OC2 (Limited)
Lot 2A, Lot 3 and Common Property no. 1

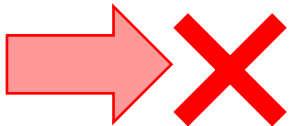
Section 32 Example 1

Original Plan



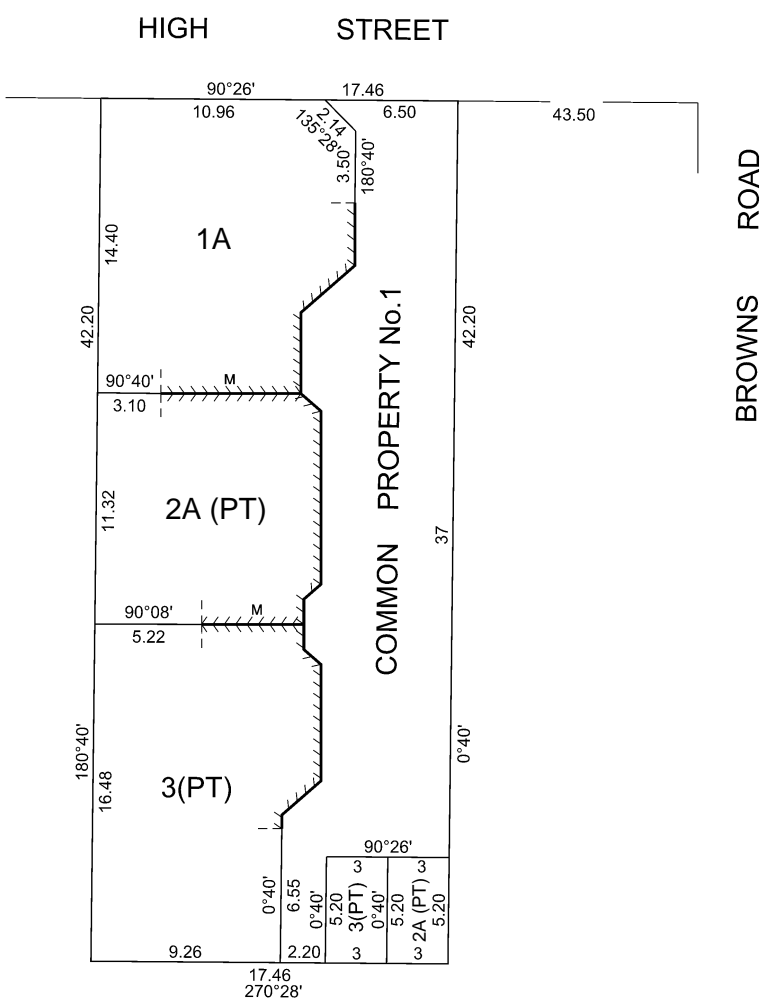
Owners Corporation SCHEDULE
OC1
Lot 2, Lot 3 and Common Property no. 1

With Unanimous Resolution
(Owners Corporation as Applicant)



Without Unanimous Resolution
(Proprietors as Applicant)
Does not satisfy Section 32A1

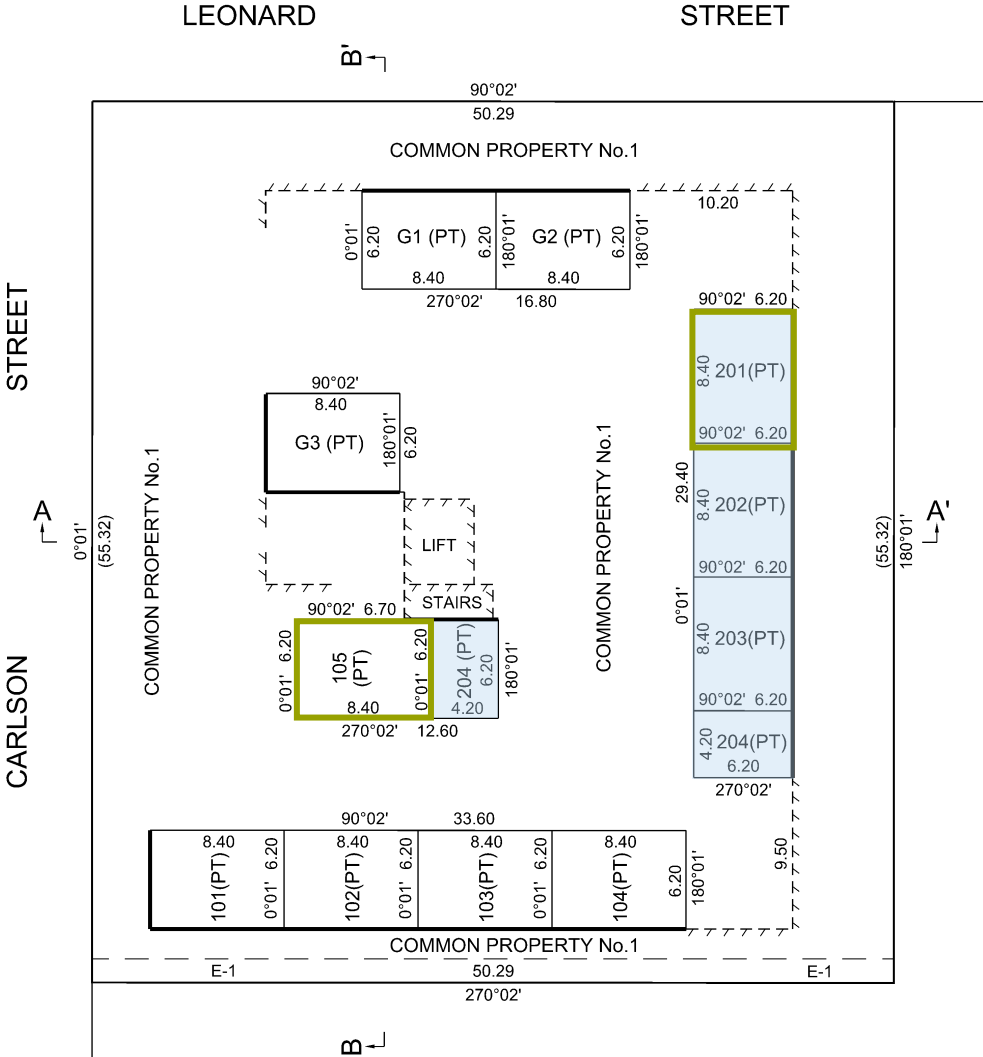
Desired outcome



Owners Corporation SCHEDULE
OC1
Lot 2A, Lot 3 and Common Property no. 1

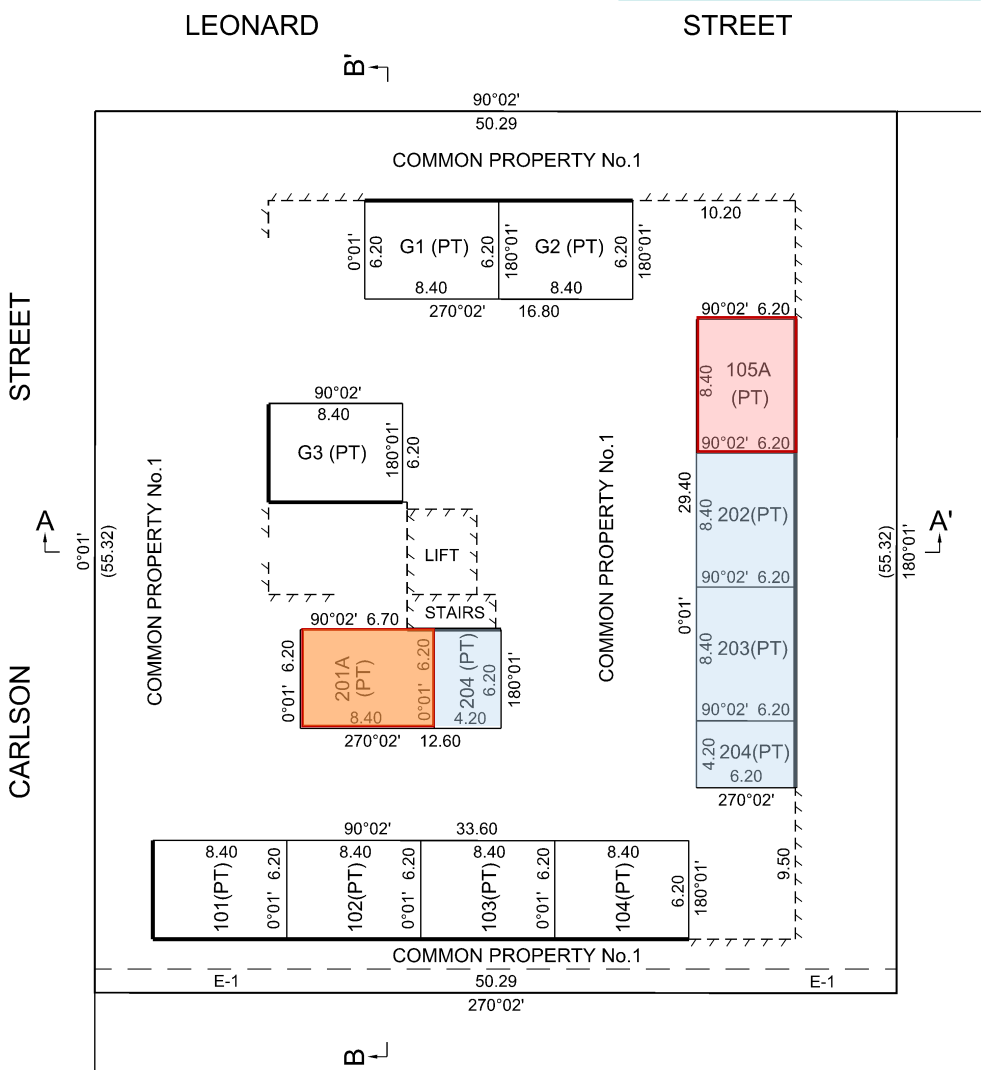
Section 32 Example 2

Original Plan



Owners Corporation SCHEDULE	
OC1	OC2
Everything in the plan	Lots 201-204 & CP2

Desired outcome

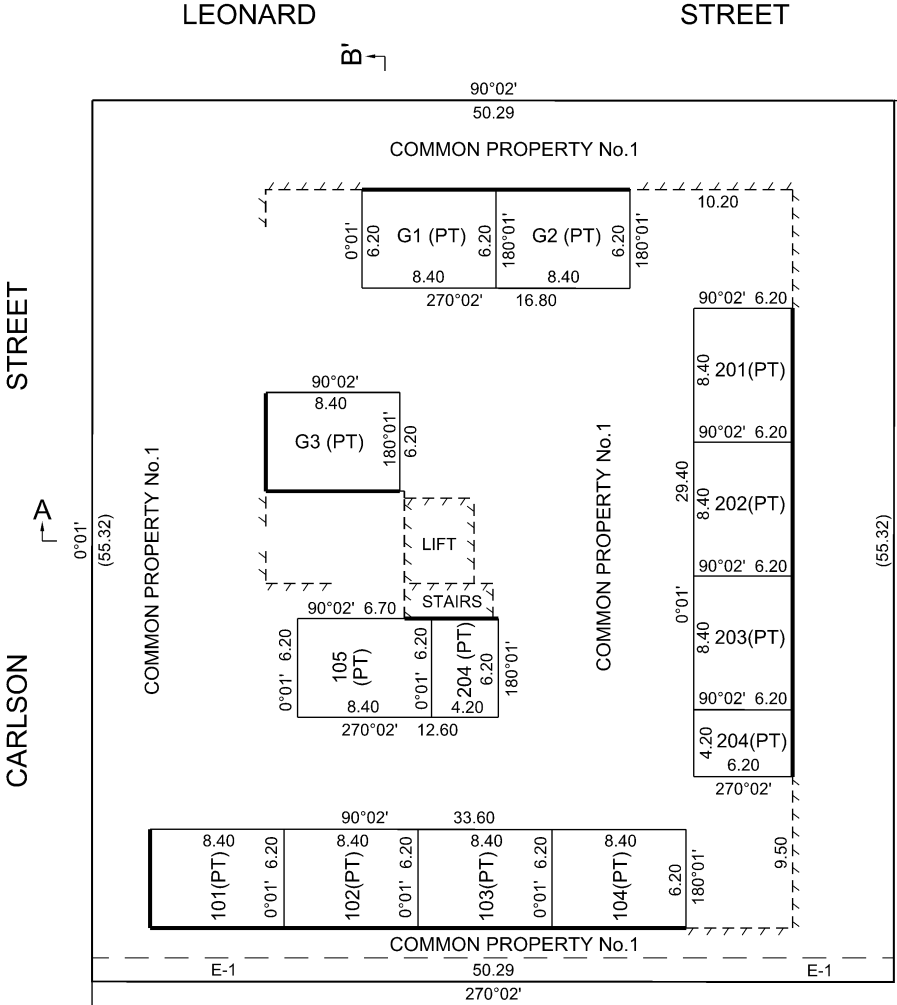


Owners Corporation SCHEDULE	
OC1	OC2
Everything in the plan	Lots 201A , 202-204 & CP2

OFFICIAL

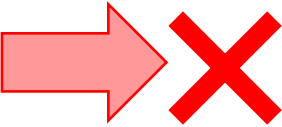
Section 32 Example 2

Original Plan



Owners Corporation SCHEDULE	
OC1	OC2
Lots G1-G3, 101-105 & CP1	Lots 201-204 & CP2

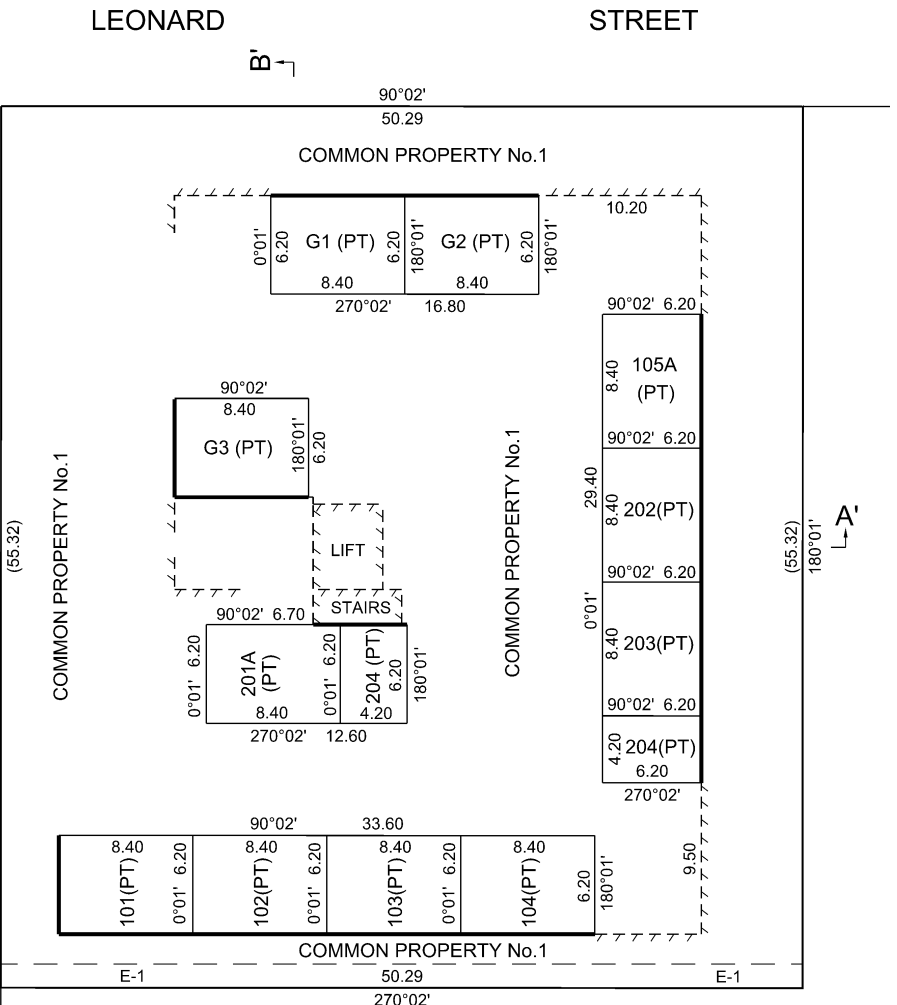
With Unanimous Resolution
(Owners Corporation as Applicant)



Without Unanimous Resolution
(Proprietors as Applicant)
Does not satisfy Section 32A1

OFFICIAL

Desired outcome



Owners Corporation SCHEDULE	
OC1	OC2
Lots G1-G3, 101-104, 105A & CP1	Lots 201A, 202-204 & CP2

Summary

Be mindful of the **land** in the OC, not just the Lots – particularly with overlapping OCs.

Be mindful of the existing OC structure – if it is Limited, Common Property cannot be created without Unanimous Resolution.

Only actions **explicitly** permitted by Section 32A1 can be done without Unanimous Resolution!

Q&A: Section 32 Plans [Common Pitfalls]

Q: Who would be the applicant on a sec. 32 where land outside a plan is required to be included into an existing Owners Corporation (OC) and unanimous resolution is provided

A: The Owners Corporation for the plan and the registered proprietor of the land to be included into the OC.
Please also note: Sec 5 (3) - a person who wishes to have a plan registered must ... submit the plan to council for certification

Q: Just confirming that land cannot be taken out of CP No 2 (affected by a limited OC) without the consent of OC No 1 (unlimited)?

A: If common property no. 2 is affected by both OC1 (unlimited) and OC2 (limited to Common Property) then NO, CP2 cannot be affected/reduced without the unanimous resolution of OC1.
OC1 owns CP2 and therefore must provide the unanimous resolution and be the applicant. Also noting, when reducing common property, additional consents from all interested parties of all the land affected by the OC is required.

Lots (affected by a limited OC2) can be removed from OC2 where they are also members of OC1 (unlimited) by unanimous of OC2 so long as common property is not affected.

Q: Can a “car park” be added to the land affected by the Owners Corporation if the area of the “car park” was less than 10% in area of the lot it is being added to?

A: If the “car park” is a lot (or part lot) on a plan that is **not** affected by any Owners Corporation (i.e. that lot is not a member of an Owners Corporation). Then yes it can be completed without unanimous resolution of the Owners Corporation, as long as it is less than 10% in area of the lot(s) it is being added to/ subdivided with.

If the “car park” is a lot (or part lot) on a plan that is affected by an Owners Corporation then it must be considered whether land is being removed from any Owners Corporation(s).

Land **cannot** be removed from an Owners Corporation without unanimous resolution.



Q&A: Section 32 Plans [Common Pitfalls]

Q: What situations would it be appropriate to create a Limited (OC1) as the first OC in a plan? Should they be unlimited as a rule?

A: If there is ever a chance of future development of the plan, then an Unlimited OC being created first will eliminate any future overlapping OC issues.

By creating a limited OC upfront any future creation of common property would require unanimous resolution of OC1 and a restructure of the Owners Corporations. This usually involves creating an unlimited OC and merging /dissolving the existing limited OC in order to satisfy section 27D of the Subdivision Act 1988.

Q: To confirm, a “retail” lot (in OC1 & OC3) cannot swap a “car park” with a “residential” lot (in OC1 & OC2) without unanimous resolution?

A: Yes. Land **cannot** be removed from an Owners Corporation without unanimous resolution of the OC.

If a subdivision is dealing with overlapping OCs , land can not be removed from an OC and added to another, without unanimous resolution of the Owners Corporation.

Land has been removed from the OC and therefore falls under Sec. 32(c) requiring unanimous resolution to alter the boundaries of any land affected by the owners corporation.

The action of removing and adding land is not authorised by Sec. 32A1.



Navigating the Land Registry: Information for Surveyors

Plan Branch – Land Registry Services



Department
of Transport
and Planning

BREAK



Owners Corporation Changes

Danielle Godfrey

Specialist Plan Registration Officer

Owners Corporation changes

Changes to how Owners Corporation Additional Information (OCAI) is provided

Changes to SPEAR & transition period

Owners Corporation Details



Owners Corporation Additional Information (OCAI)

Currently, when an Owners Corporation is created in a plan:

- The Owners Corporation Additional Information (OCAI) is provided by the Lodging party (OC1/OC2 form)
- Allocated dealing number at lodgment (e.g. OC057961N)
- Instrument recorded on the OC Search Report and searchable on imaging when the plan is registered

Electronic Instrument Report

Produced: 06/04/2023 11:24:25 AM

Dealing Number: OC057981N

Status: Registered
Date and Time Lodged: 01/02/2023 02:53:59 PM
Responsible Subscriber: GADENS LAWYERS
Customer Code: 15228H
Reference: APKPOL21914028

OWNERS CORPORATION ADDITIONAL INFORMATION ACCOMPANYING A PLAN UNLIMITED OWNERS CORPORATION

Applicant(s):
ROWLAND HALL PTY LTD (ACN/ARB: 080141395)
41 ROWLAND STREET KEW VIC 3101

Plan Number:
PS839175K

Owners Corporation Number:
1

Owners Corporation postal address for service of notices (Regulation 15 Subdivision (Registrar's Requirements) Regulations 2011):
356 UPPER HEIDELBERG ROAD IVANHOE VIC 3079

The purposes of the Owners Corporation (Section 27B(2) Subdivision Act 1988) are:
The purpose of Owners Corporation No.1 PS839175K is to manage the land affected by the owners corporation (except the use of any common property affected by a limited owners corporation).

The basis for the allocation of lot entitlement and lot liability (Section 27F(2) (a) Subdivision Act 1988) is:
In determining the lot entitlement, regard has been had to the value of each lot and the proportion that value bears to the total value of the lots affected by the owners corporation. In determining the lot liability, regard has been had to the amount that is just and equitable for the owner of each lot to contribute towards the administrative and general expenses of the owners corporation.

Additional functions or obligations that are to be carried out or complied with by the unlimited Owners Corporation (Section 27C(4) Subdivision Act 1988) are:
Not applicable

Execution:
1. The Certifier has taken reasonable steps to verify the identity of the applicant or his, her or its administrator or attorney.
2. The Certifier holds a properly completed Client Authorisation for the Conveyancing Transaction including this Registry Instrument or Document.
3. The Certifier has retained the evidence supporting this Registry Instrument or Document.
4. The Certifier has taken reasonable steps to ensure that this Registry Instrument or Document is correct and compliant with relevant law and any Prescribed Requirement.

Owners Corporation Additional Information (OCAI)

For plans signed from 1st January 2020:

- Owners Corporation Schedule attached using excel spreadsheet in SPEAR
- Owners Corporation Details (OC Details) completed by licensed surveyor when attaching the excel spreadsheet

Owners Corporation Details

Accompanying a Plan Unlimited Owners Corporation:

Plan Number: PS719077F
Owners Corporation Number: 1

Owners Corporation postal address for service of notices

Select Address*

Owners Corporation Details

The purposes of the Owners Corporation are: *

Section 27B Subdivision Act 1988

The basis for the allocation of lot entitlement and lot liability is: *

Section 27F(1)(b) Subdivision Act 1988

Additional functions or obligations that are to be carried out or complied with by the unlimited Owners Corporation are: *

Section 27C(4) Subdivision Act 1988

- ☒ Not applicable
☐ Functions or obligations

Changes to Owners Corporation Additional Information (OCAI)

SPEAR release 5.7 (Scheduled for July 2023):

OCAI (OC1 & OC2 forms) provided by the lodging party will be phased out

For plans 'released for lodgment' after SPEAR release 5.7:

The required OCAI will be supplied by the applicant contact (Licensed Surveyor) when the Owners Corporation spreadsheet has been used

Changes to Owners Corporation Additional Information (OCAI)

The lodging party will continue to supply OCAI for plans:

- **Already ‘released for lodgment’ by the applicant contact (licensed surveyor) when SPEAR release is implemented**
- **Where the Owners Corporation data was not supplied by excel spreadsheet in SPEAR**

Changes to Owners Corporation Additional Information (OCAI)

OC dealings numbers (e.g. OC057961N) will no longer be generated

The OC Details supplied by the Licensed Surveyor in SPEAR will become the registered OCAI

The OCAI will be attached to plan instrument (e.g. PS839175K) and searchable on imaging when the plan is registered

Owners Corporation Search Report

Produced: 06/04/2023 11:13:40 AM

OWNERS CORPORATION 1
PLAN NO. PS839175K

The land in PS839175K is affected by 2 Owners Corporation(s)

Land Affected by Owners Corporation:

Common Properties 1, 2, Lots 1 - 11.

Limitations on Owners Corporation:

Unlimited

Postal Address for Services of Notices:

356 UPPER HEIDELBERG ROAD IVANHOE VIC 3079

~~OC057961N 21/02/2023~~

PS839175K

Owners Corporation Manager:

NIL

Rules:

Model Rules apply unless a matter is provided for in Owners Corporation Rules. See Section 139(3) Owners Corporation Act 2006

Owners Corporation Rules:

1. OC057961G 21/02/2023

Additional Owners Corporation Information:

~~OC057961N 21/02/2023~~

PS839175K

Notations:

NIL

Entitlement and Liability:

Land Parcel	Folio References	Entitlement	Liability
Common Property 1	12455/303	0	0
Common Property 2	12455/304	0	0
Lot 1	12455/292	186	423
Lot 2	12455/293	113	257
Lot 3	12455/294	113	257
Lot 4	12455/295	130	291
Lot 5	12455/296	110	287
Lot 6	12455/297	109	286
Lot 7	12455/298	43	289
Lot 8	12455/299	41	173
Lot 9	12455/300	71	125
Lot 10	12455/301	83	125
Lot 11	12455/302	63	160
Total		1062.00	2673.00

Changes to SPEAR

Changes will also be made to SPEAR to:

- **Allow Licensed Surveyor to amend or update Owners Corporation details (OCAI) (*i.e. postal address for service of notices*) before the plan is lodged; and**
- **Enable LUV to requisition changes to OCAI after lodgment**
- **Plan will no longer require withdrawal by the lodging party to amend OCAI**

Transition period after SPEAR release 5.7

There will be a transition period where the lodging party may be required to supply the OCAI

SPEAR will prompt licensed surveyor to digitally sign the OC Details when the plan is ready to be 'released for lodgment'

The 'released for lodgment' notification sent by the SPEAR system will enable the lodging party to determine who is responsible to supply the OCAI

Summary of OCAI changes

OC forms provided by the lodging party will be phased out

OCAI will be provided by licensed surveyor via the OC Spreadsheet and the 'Owners Corporation Details' in SPEAR

The information provided in 'Owners Corporation Details' will be digitally signed and generate a supporting document to become the registered OCAI

OC dealings no longer created, the OCAI (supplied by surveyor or lodging party) will be attached to the plan instrument (PS number) for public search upon registration of the plan

Owners Corporation Details (OC Details) in SPEAR

- Address for services of notices (mandatory)
(no PO Box or C/O)
- Purposes (mandatory)
- Basis for allocation of lot entitlement and lot liability (mandatory)
- Details of limitations (if applicable)
- Functions and Obligations (if applicable)

Owners Corporation Details

Accompanying a Plan Unlimited Owners Corporation:

Plan Number: PS719077F

Owners Corporation Number: 1

Owners Corporation postal address for service of notices

Select Address*

Owners Corporation Details

The purposes of the Owners Corporation are: *

Section 27B Subdivision Act 1988

The basis for the allocation of lot entitlement and lot liability is: *

Section 27F(1)(b) Subdivision Act 1988

Additional functions or obligations that are to be carried out or complied with by the unlimited Owners Corporation are: *

Section 27C(4) Subdivision Act 1988

☒ Not applicable

☐ Functions or obligations

OC Details: Purpose of an Owners Corporation

Section 3 Subdivision Act 1988

Unlimited Owners Corporation means an owners corporation—

- (a) that is specified as unlimited; and
- (b) whose purpose is to manage the land affected by the Owners Corporation (except the use of any common property affected by a limited owners corporation);

Limited Owners Corporation means an owners corporation—

- (a) that is specified as limited; and
- (b) whose purpose is to manage the land affected by the Owners Corporation in accordance with specified limitations;

Notations – Owners Corporation Schedule

- Other notations related to **purpose** may be specified on the OC Schedule and must be in accordance with **Subdivision Act 1988 definitions**
- Additional “purposes” may be specified on the OC Schedule, however, will not be recorded on the OCAI or OC Search Report
- The OC Details in SPEAR become the registered OCAI

OWNERS CORPORATION SCHEDULE	
Owners Corporation No. 1	
Land affected by Owners Corporation:	All of the lots in the table below
	Common Property No.: 1,2
Limitations of Owners Corporation:	Unlimited
Notations	
The purpose of Owners Corporation No. 1 is to manage the common services within the land affected by the owners corporation	

Notations – Owners Corporation Schedule

Overlapping Owners Corporations:

use and ownership of common property is captured on the **OC Search Report**

OWNERS CORPORATION SCHEDULE	
Owners Corporation No. 1	
Land affected by Owners Corporation:	All of the lots in the table below
	Common Property No.: 1,2
Limitations of Owners Corporation:	Unlimited
Notations	
Only the members of Owners Corporation No. 2 are entitled to use Common Property No. 2	

OWNERS CORPORATION SCHEDULE	
Owners Corporation No.	1
Land affected by Owners Corporation	Lots: All of the lots in the table below
	Common Property No.: 2
Limitations of Owners Corporation:	Limited to Common Property
Notations	
Folio of the Register for Common Property No. 2 is in the name of Owners Corporation No. 1	

OC Details: Basis for allocation of lot entitlement and lot liability

OCAI to specify how the lot entitlement and lot liability is allocated 27F(1)(b)

in accordance with Section 27F(4) & (5)

Drop down option in SPEAR will be updated:

The basis for the allocation of lot entitlement and lot liability is: *

Section 27F(1)(b) Subdivision Act 1988

Market Value / Equal - (27F(4)(b) and 27F(4)(a) Subdivision Act 1988)

Market Value / Size difference - (27F(4)(b), 27F(a)(i) and 27F(5)(a) Subdivision Act 1988)

Market Value / Size difference and consumption - (27F(4)(b), 27F(4)(a)(ii) and 27F(5)(b) Subdivision Act 1988)

Market Value / Occupiers and consumption - (27F(4)(b), 27F(4)(a)(iii) and 27F(5)(c) Subdivision Act 1988)

OC Details: Basis for allocation of lot entitlement and lot liability

The basis for the allocation of lot entitlement and lot liability is: *

Section 27F(1)(b) Subdivision Act 1988

Market Value / Equal - (27F(4)(b) and 27F(4)(a) Subdivision Act 1988) ▼

Lot entitlement has been allocated on the basis of the market value of the lot and the proportion that value bears to the total market value of the lots. Lot liability is allocated equally between the lots.

OC Details: Limited Owners Corporations

“whose purpose is to manage the land affected by the Owners Corporation in accordance with specified limitations”

Details of limitations are required when the limited Owners Corporation is not ‘limited to common property’

Purpose:

“The purpose of Owners Corporation 1 PS719077F is to manage the common services within the land affected by the owners corporation”

Details of limitations:

“Owners Corporation 1 Plan No. PS719077F is limited to the management and administration of the common services”

Owners Corporation Details

Accompanying a Plan Limited Owners Corporation

Plan Number: PS719077F

Owners Corporation Number: 1

Owners Corporation postal address for service of notices

Select Address*

Owners Corporation Details

The purposes of the Owners Corporation are: *

Section 27C(2) Subdivision Act 1988

The basis for the allocation of lot entitlement and lot liability is: *

Section 27F(1)(b) Subdivision Act 1988

Details of the limitations where the Owners Corporation is limited other than as to common property: *

Regulation 15 Subdivision (Registrar's Requirements) Regulations 2021

Functions or obligations that are to be carried out or complied with by the unlimited Owners Corporation are: *

Section 27C(4) Subdivision Act 1988

☒ Not applicable

☐ Functions or obligations

OC Details: Limited Owners Corporations

The OC Details supplied in SPEAR become the registered OCAI

Purposes specified on the OC Schedule will not be recorded however, should accord with the purpose provided in the OC Details

LUV may requisition if there is a significant conflict

OWNERS CORPORATION SCHEDULE	
Owners Corporation No.	1
Land affected by Owners Corporation	Lots: All of the lots in the table below Common Property No.:
Limitations of Owners Corporation:	Limited
Notations The purpose of Owners Corporation No. 1 is to manage the shared water services within the land affected by the owners corporation	

Owners Corporations and Other Acts Amendment Act 2021

Replaced both Section 7 and 8 of the Owners Corporation Act with new section 7, 7A and 8

These sections outline the ‘five tier’ Owners Corporation categories

**Prior to the changes of the Owners Corporation Act,
Section 8 stated Sections 48, 49, 50 and 51 do not apply to owners corporations that are ‘limited to common property’**

Section 8 now states Sections 48, 49, 50 and 51 do not apply to services only owners corporations

OC Details: Limited to Common Property Owners Corporations

Section 27G Subdivision Act 1988

A plan may specify an Owners Corporation is ‘limited to the common property’

Reg. 15(1)(b) - Subdivision (Registrar’s Requirements) Regulations 2021

The details of limitations are not required where ‘limited to common property’

Section 27C(3) Subdivision Act 1988

Purpose needs to refer to the use of the common property

Owners Corporation Details

Accompanying a Plan Limited Owners Corporation

Plan Number: PS719077F
Owners Corporation Number: 1

Owners Corporation postal address for service of notices

Select Address*

Owners Corporation Details

The purposes of the Owners Corporation are: *

Section 27C(2) Subdivision Act 1988

The basis for the allocation of lot entitlement and lot liability is: *

Section 27F(1)(b) Subdivision Act 1988

Details of the limitations where the Owners Corporation is limited other than as to common property: *

Regulation 15 Subdivision (Registrar's Requirements) Regulations 2021

Functions or obligations that are to be carried out or complied with by the unlimited Owners Corporation are: *

Section 27C(4) Subdivision Act 1988

- ☒ Not applicable
☐ Functions or obligations

OC Details: Functions or obligations of a limited owners corporation

Where there are overlapping Owners Corporations in a plan and the limited Owners Corporation is delegating functions or obligations to be carried out or complied with by the unlimited Owners Corporation,

Both OC Details for the unlimited and limited need to be completed:

- Unlimited to accept functions or obligations on behalf of the limited owners corporation
- Limited to delegate functions or obligations to the unlimited owners corporation

OC Details: Functions or obligations of a limited owners corporation

Owners Corporation Details

Accompanying a Plan Unlimited Owners Corporation:

Plan Number:

PS719077F

Owners Corporation Number:

1

Owners Corporation postal address for service of notices

Select Address*

Owners Corporation Details

The purposes of the Owners Corporation are: *

Section 27B Subdivision Act 1988

The basis for the allocation of lot entitlement and lot liability is: *

Section 27F(1)(b) Subdivision Act 1988

Additional functions or obligations that are to be carried out or complied with by the unlimited Owners Corporation are: *

Section 27C(4) Subdivision Act 1988

☒ Not applicable

☐ Functions or obligations

Owners Corporation Details

Accompanying a Plan Limited Owners Corporation

Plan Number:

PS719077F

Owners Corporation Number:

1

Owners Corporation postal address for service of notices

Select Address*

Owners Corporation Details

The purposes of the Owners Corporation are: *

Section 27C(2) Subdivision Act 1988

The basis for the allocation of lot entitlement and lot liability is: *

Section 27F(1)(b) Subdivision Act 1988

Details of the limitations where the Owners Corporation is limited other than as to common property: *

Regulation 15 Subdivision (Registrar's Requirements) Regulations 2021

Functions or obligations that are to be carried out or complied with by the unlimited Owners Corporation are: *

Section 27C(4) Subdivision Act 1988

☒ Not applicable

☐ Functions or obligations

Q&A: Owners Corporation Changes

Q: When phasing out the requirement for Lodging Parties to supply the OCAI, will the Lodging Party still have the opportunity to make alterations if necessary?

A: Yes. After the SPEAR release, the OCAI will become a supporting document that can be requisitioned for amendments, whether supplied by the lodging party or licensed surveyor (LS).

For plans 'released for lodgment' by the applicant contact (LS) prior to the SPEAR release, the lodging party will supply the OCAI.

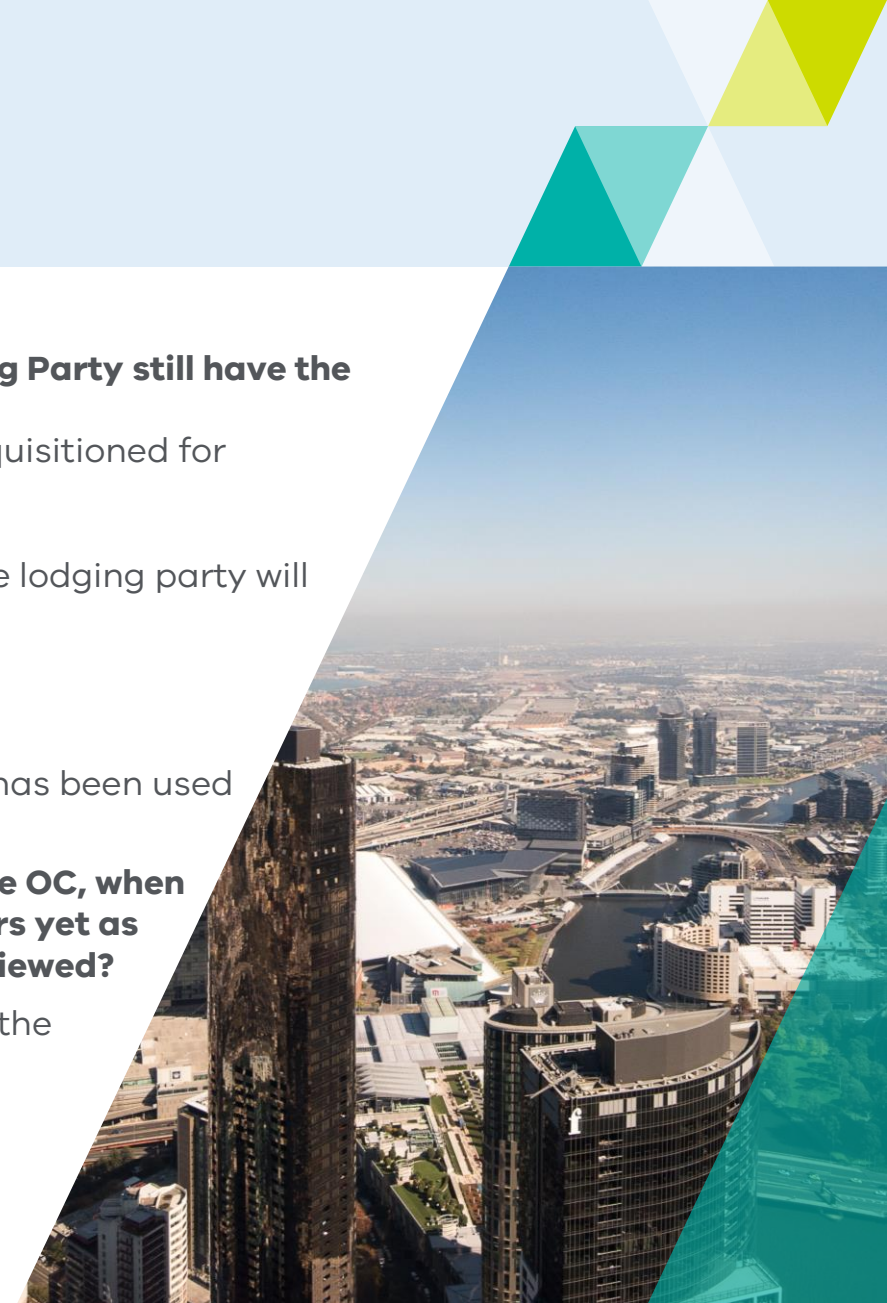
After the SPEAR release;

The lodging party will continue to supply OCAI where the OC spreadsheet has not been used.

The applicant contact (LS) will supply and digitally sign the OCAI where the OC spreadsheet has been used

Q: Now on submitting an Application with an OC on SPEAR, you must put in the address of the OC, when it is not clear what that address will be. Council also has not provided the new street numbers yet as this is done as part of application for certification. Can this part of the OC submission be reviewed?

A: The service of notice address for the Owners Corporation can be altered prior to releasing the plan for lodgment.



Q&A: Owners Corporation Changes

Q: For a Limited Owners Corporation (OC), with no common property, can a statement limiting the OC to managing a single roof over the lots be accepted or would common property need to be created to include the roof .

A: A limited OC can be created with the purpose and limitation something like "to manage the common roof/building structure etc". If CP is created instead that's up to the discretion of the owner and Surveyor.

Q: Does having to address Additional Info' also include having to include Special Rules (which we don't get involved with)?

A: There is no change for Owners Corporation rules. The lodging party will continue to supply 'Owners Corporation Notification of Making Rules when lodged with the plan'. These continue to be lodged as a separate dealing.

Q: Can you make an OC or more particularly the Common property it manages, a beneficiary in a restriction?

A: Only land can benefit from a restriction - the lots and/ or Common Property in an OC can be the beneficiaries but not the OC itself.

Q: By the Licenced Surveyor (LS) signing the new OCAI, is it placing the responsibility of the OC details on the LS?

A: Yes. When digitally signing the OC details the LS is responsible for the information added. The Lodging Party is still responsible for the overall accuracy of the application.

Q: Does updating the OCAI for a certified plan of subdivision require the Plan to be recertified?

A: No



Digital Twin Victoria

Shaping our
digital future

Digital Examination
Strategy Update

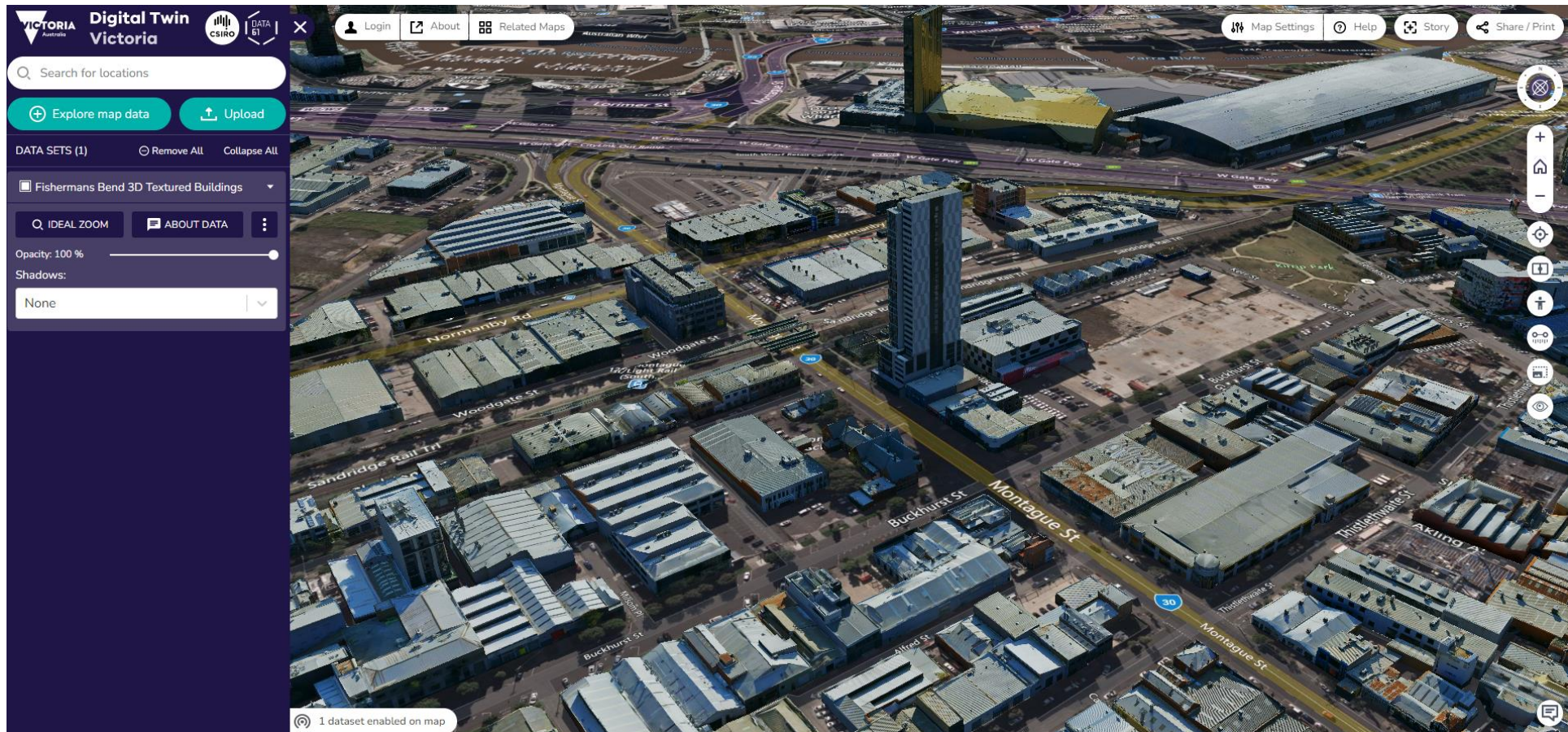
Jason Matthews





Digital Twin Victoria (DTV)

Suite of digital project workstreams; including advanced imagery, disaster response, eComply automated assessment, Flagship “Digital Twin” Platform, DTV utilities and asset management, **faster subdivision examination.**





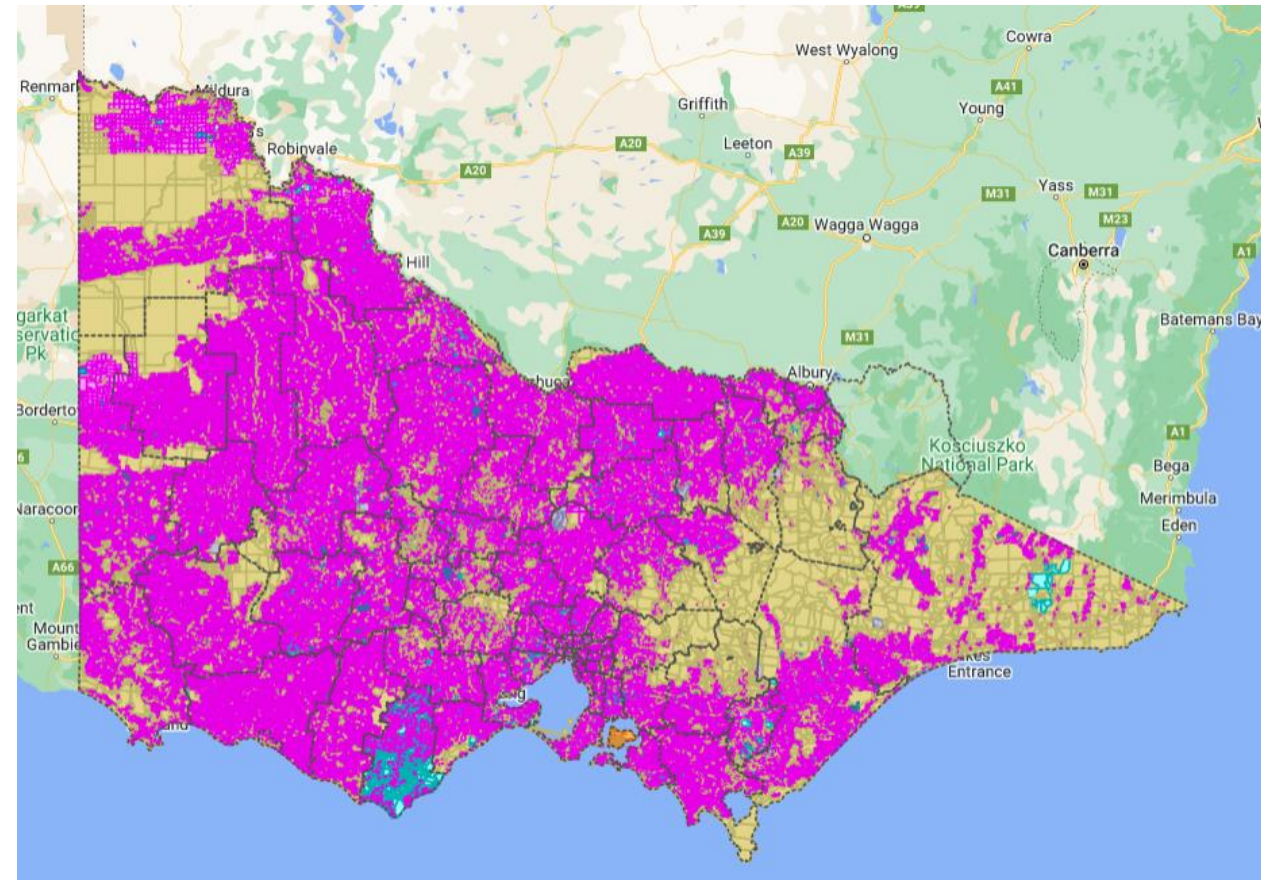
Digital cadastre modernisation (DCMP)

Digital processing of cadastral plans and surveys; automated maintenance of Vicmap Property; rich content; high spatial accuracy; new products

Digitisation of 4.2 million parcels now complete

Adjustment, Integration and Automation on track to upgrade Vicmap Property data

Focus of digitisation now on “Keep up” capture of registered plans as they happen!



LUV digital transformation projects



ePlan

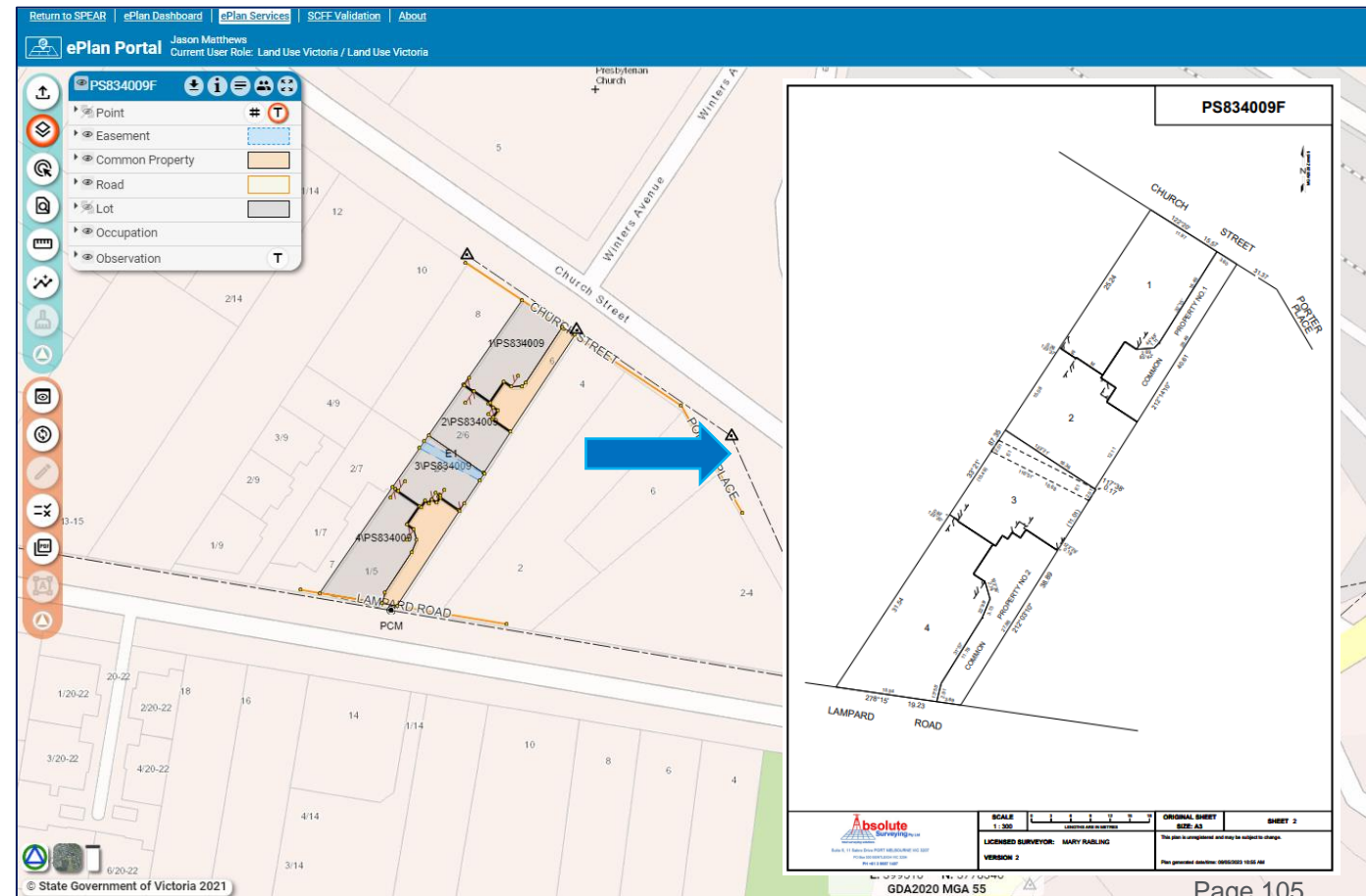
Digital encoding and exchange of cadastral information; pre-population of data; automatic validation; supporting CAD file formats; progress towards 3D

ePlan Creation Service (Portal) Pilot completed in December

ePlan submissions slowly increasing

Improvements to SCFF and portal planned resulting from pilot feedback

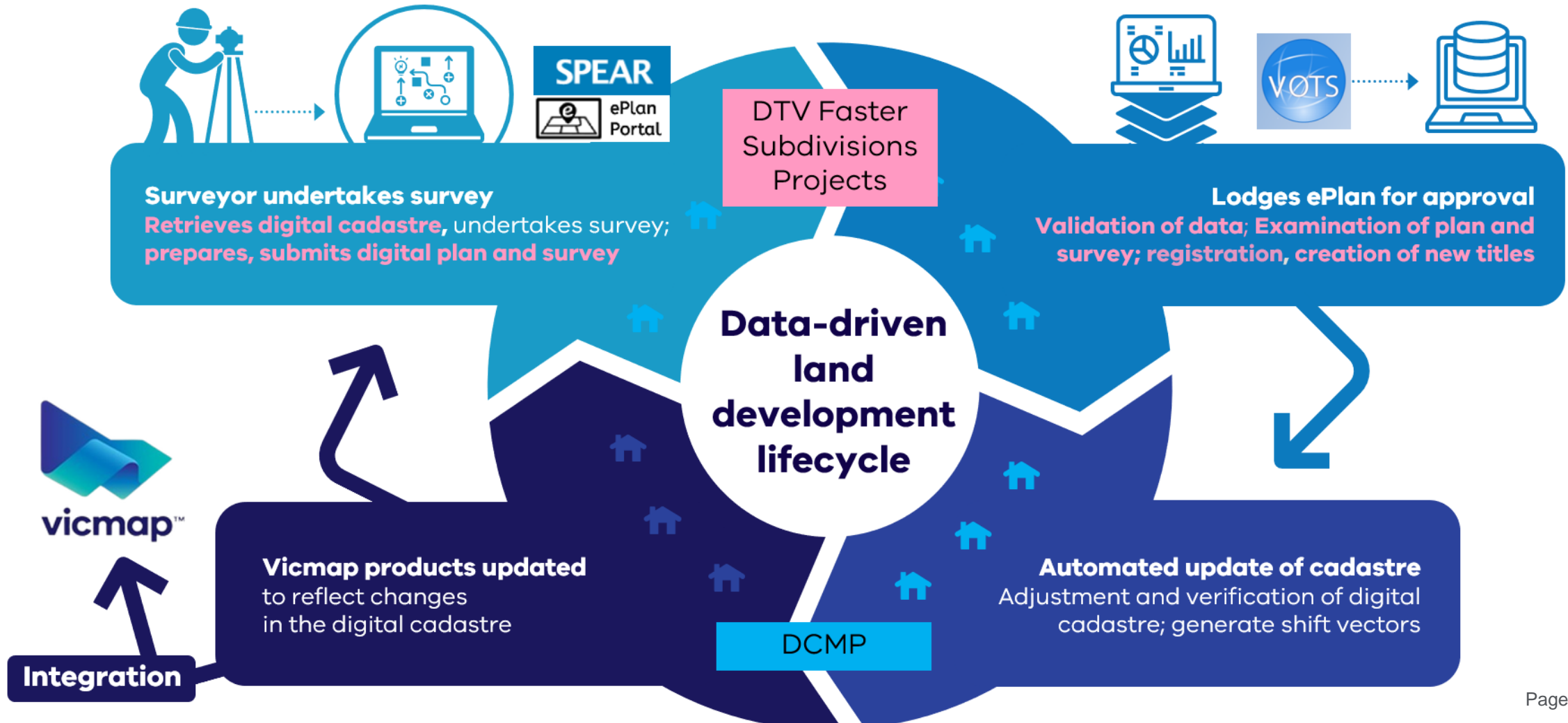
SGV receiving great feedback through surveys and is planning engagement strategy





Faster subdivision examination (Digital Twin Victoria)

Digital examination of subdivisions; faster **registration** timeframes, use of digital data in **examination**, enhance integrity of the cadastre; more **consistent** processes;



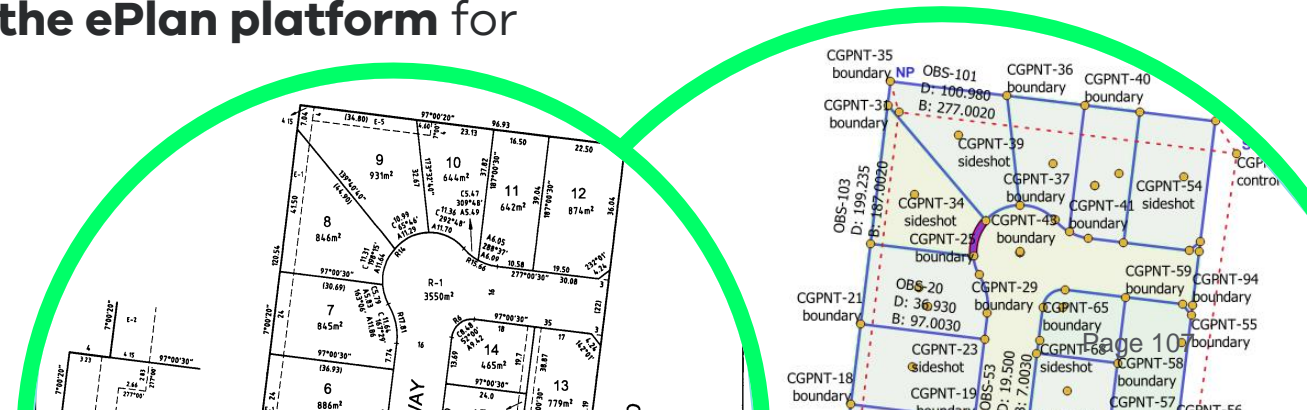
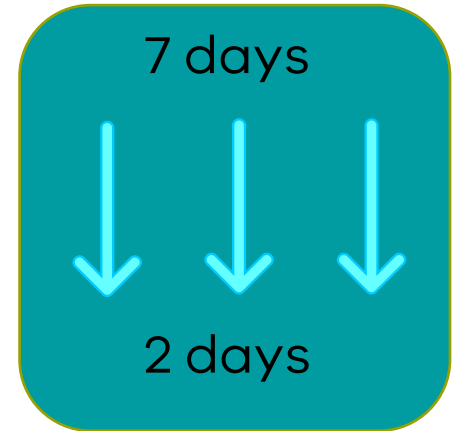
Faster Subdivisions: Digital Examination Strategy

Workstream Goals and Benefits

- Reduction in days from lodgment to registration
- More streamlined examination processes using digital data and tools
- Benefits in developer holding costs and examination times

Discovery and Strategy

- A detailed analysis of examination steps, business rules and existing validations was undertaken, which identified **requirements for digital processes and tools**
- Identified use of **digitised PDFs** from DCMP providers for examination in addition to ePlans
- Decision to incorporate **examination tools into the ePlan platform** for long term digital examination



Faster Subdivisions: Digital Examination Strategy

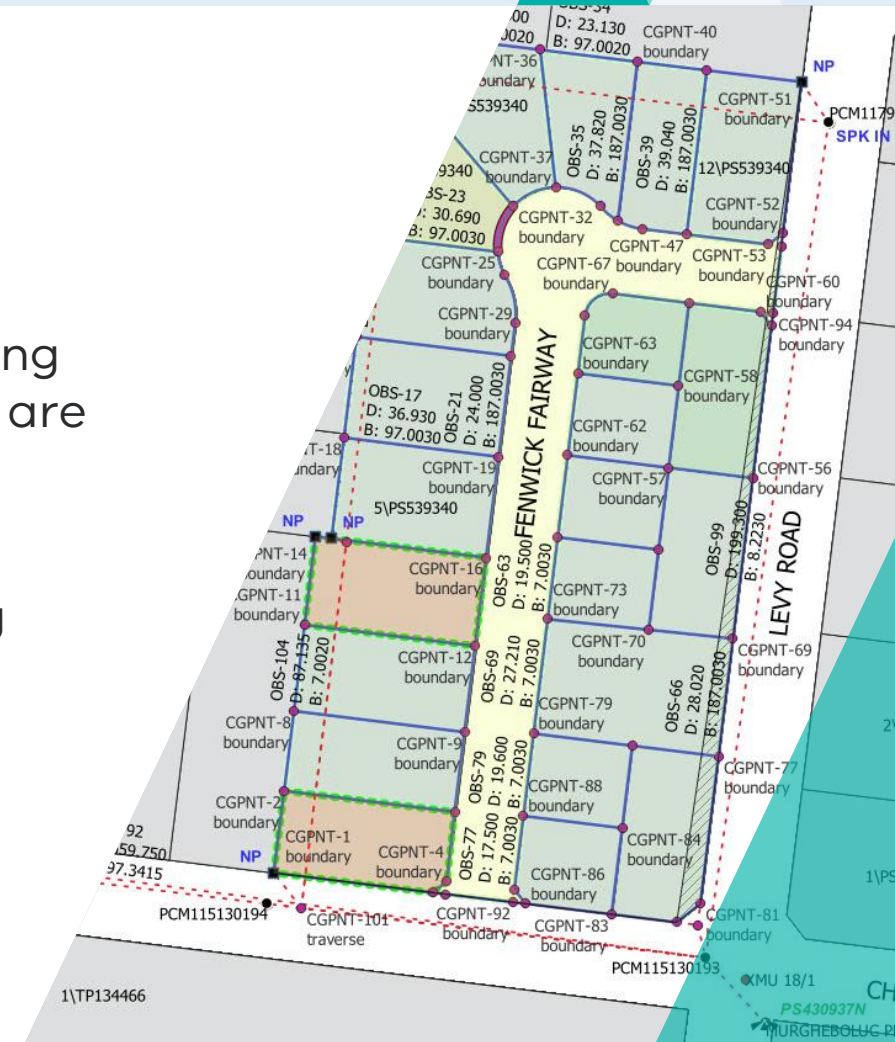
Digital Examination Group has been in up and running in Plan Branch since Mid 2022

Examiners have been receiving **back captured PDFs** and examining using **QGIS** (with LandXML2QGIS plugin) as well as ePlans as they are lodged

Digital examination, as well as DCMP “keep up” capture, is finding many unexpected issues and errors!

Gives everyone the opportunity to shift our mindsets to “digital”

ePlan portal examination tools in development, which will enable **wider rollout of digital examination**



Digital Examination of PDFs: What is Captured?



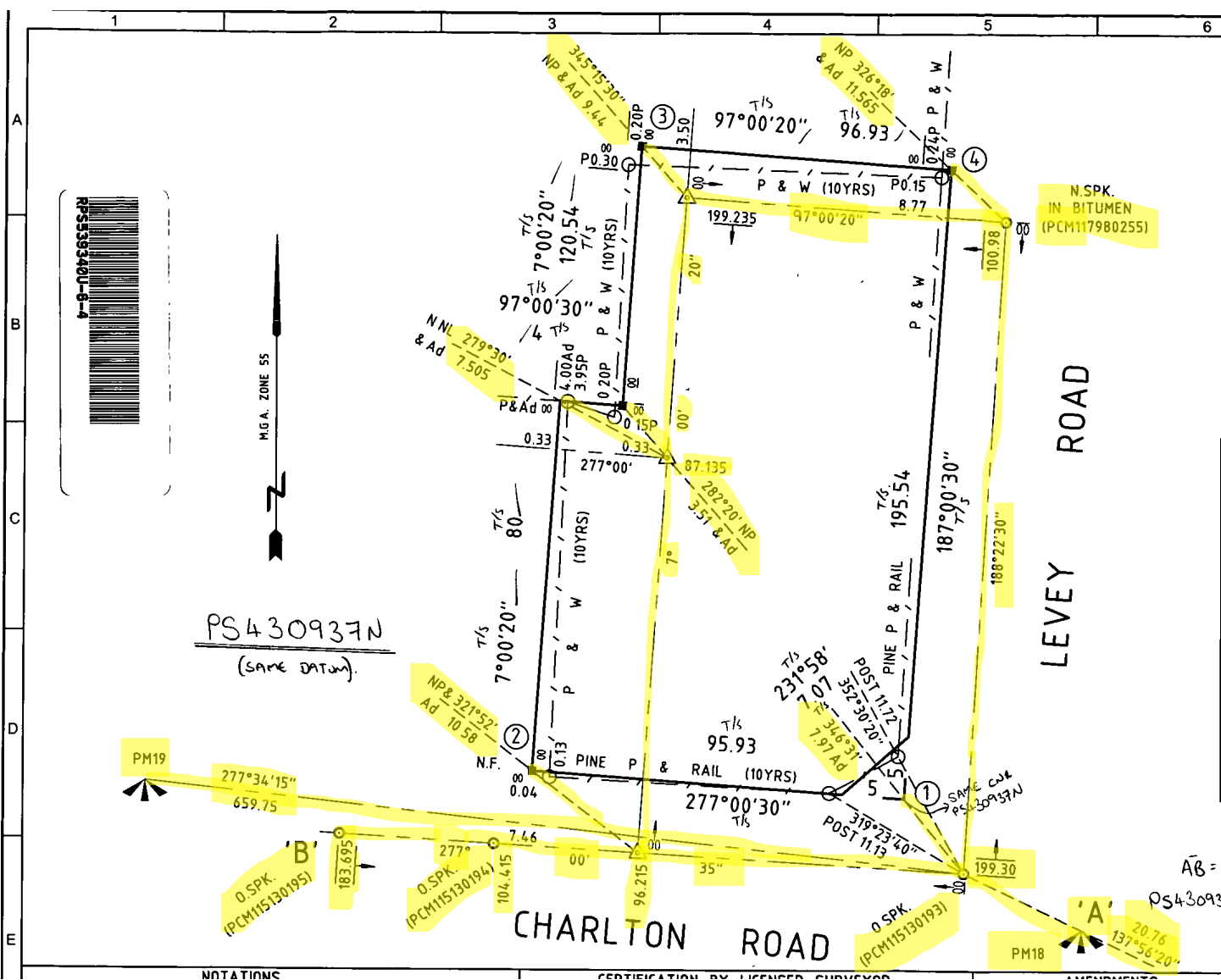
From the plan:

- Land location details, including Last Plan Reference
- Parcel Boundaries
- SPIs
- Areas
- Road names

Not captured:

Building Boundaries, Easements, Restrictions, Owners Corporation details.

Digital Examination of PDFs: What is Captured?



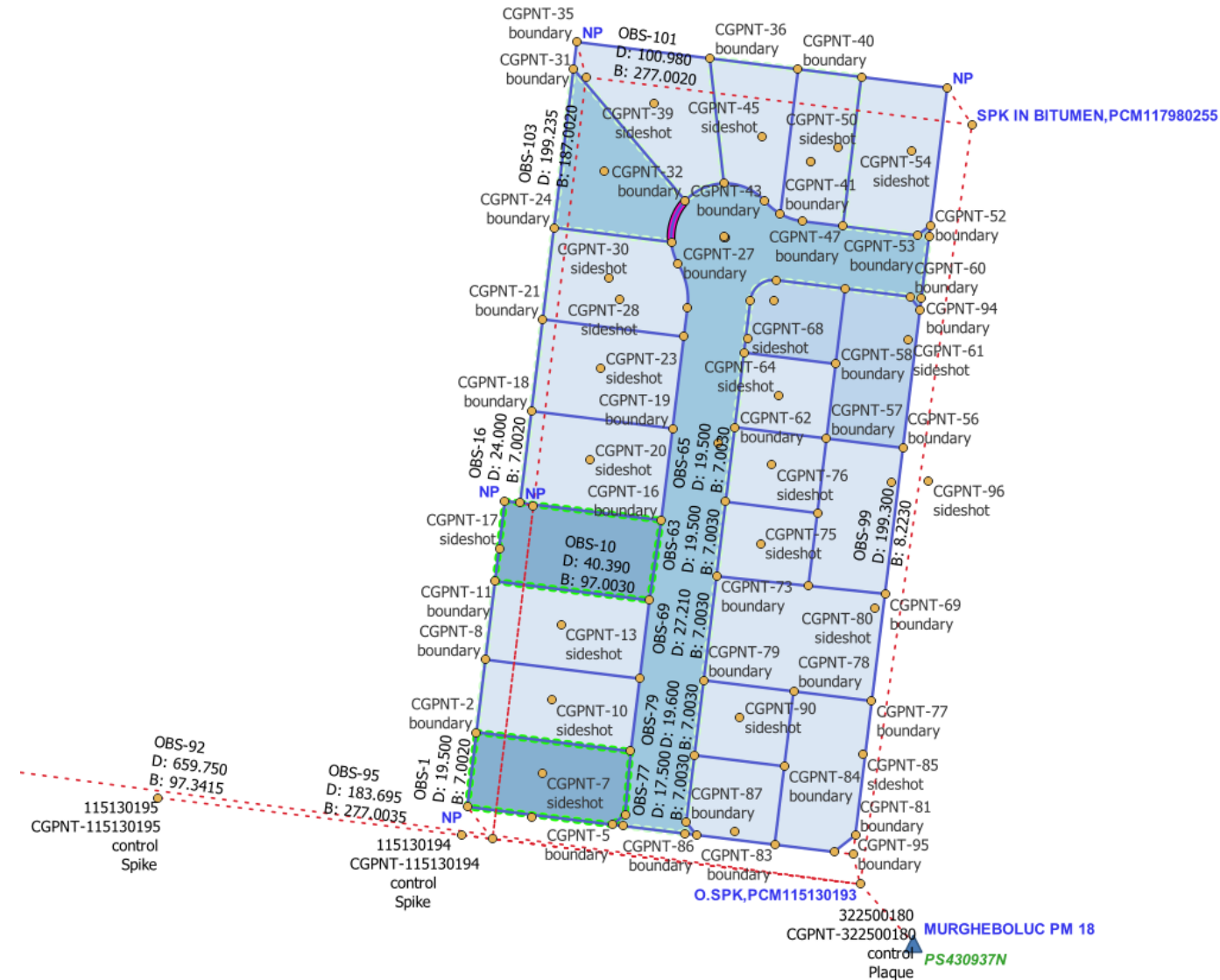
From the AFR:

- Traverse information
- Radiations to adopt corners
- Radiations to survey marks
- Connections and boundaries not shown on the plan

Not captured: Fencing and offsets

Note: Occupation that is a radiation to adopt or a reference mark *will* be captured

Digital Examination of PDFs: What is Captured?



Resulting LandXML combines the boundary details from the Plan with the survey details from the AFR.

QGIS used in this case to display landXML.

Error locations highlighted.

Thinking Digital: What can you do to help?

Some Examples of 'Thinking Digital' in PDFs:

Last Plan Reference (SPI)

- Ensure the parcels affected are clearly set out – including TPs
- This ensures matching of cancelled parcels

SECTION: Q

CROWN ALLOTMENT: 5(PART), 6(PART), 7(PART) & 8(PART)

CROWN PORTION: -

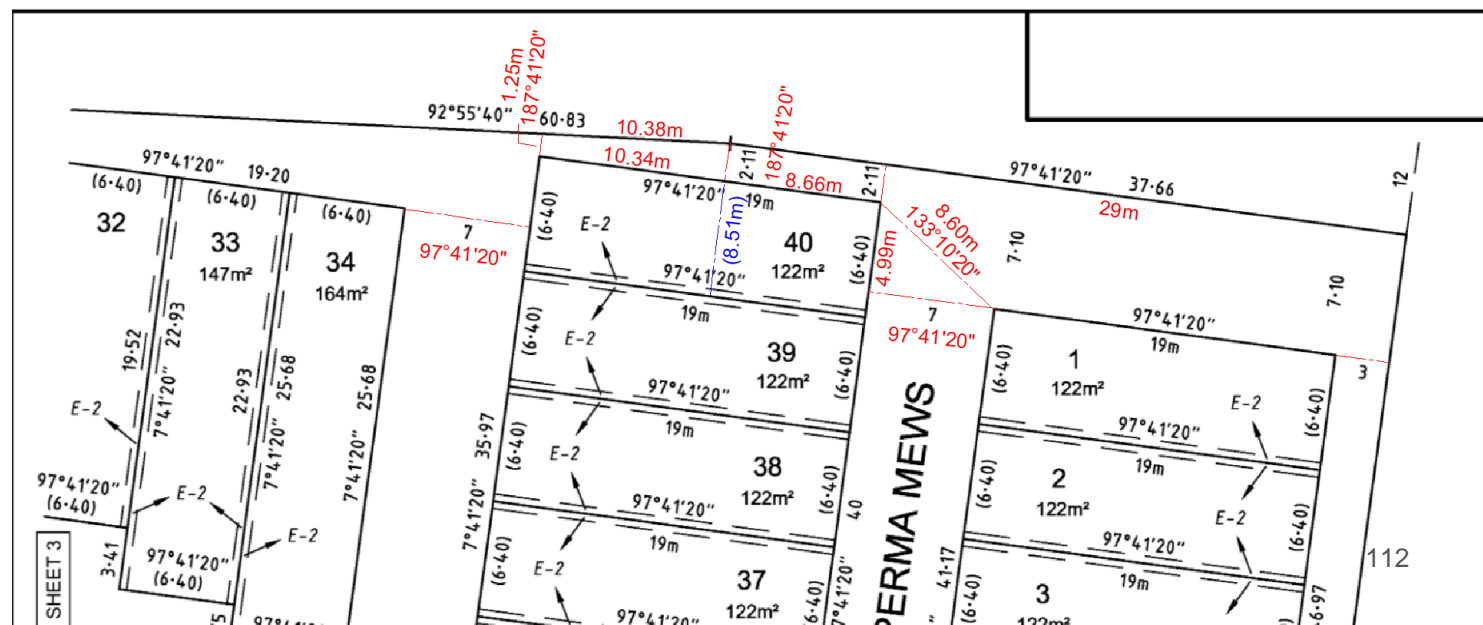
TITLE REFERENCES: VOL.3041 FOL.177 VOL.6491 FOL.093
VOL.12313 FOL.747

LAST PLAN REFERENCE/S: LP 3910

Lot 1 on TP432476A, Lot 1 on
TP593728W and Lot 1 on
TP970035E.

Contiguous connections

i.e. – no floating islands!

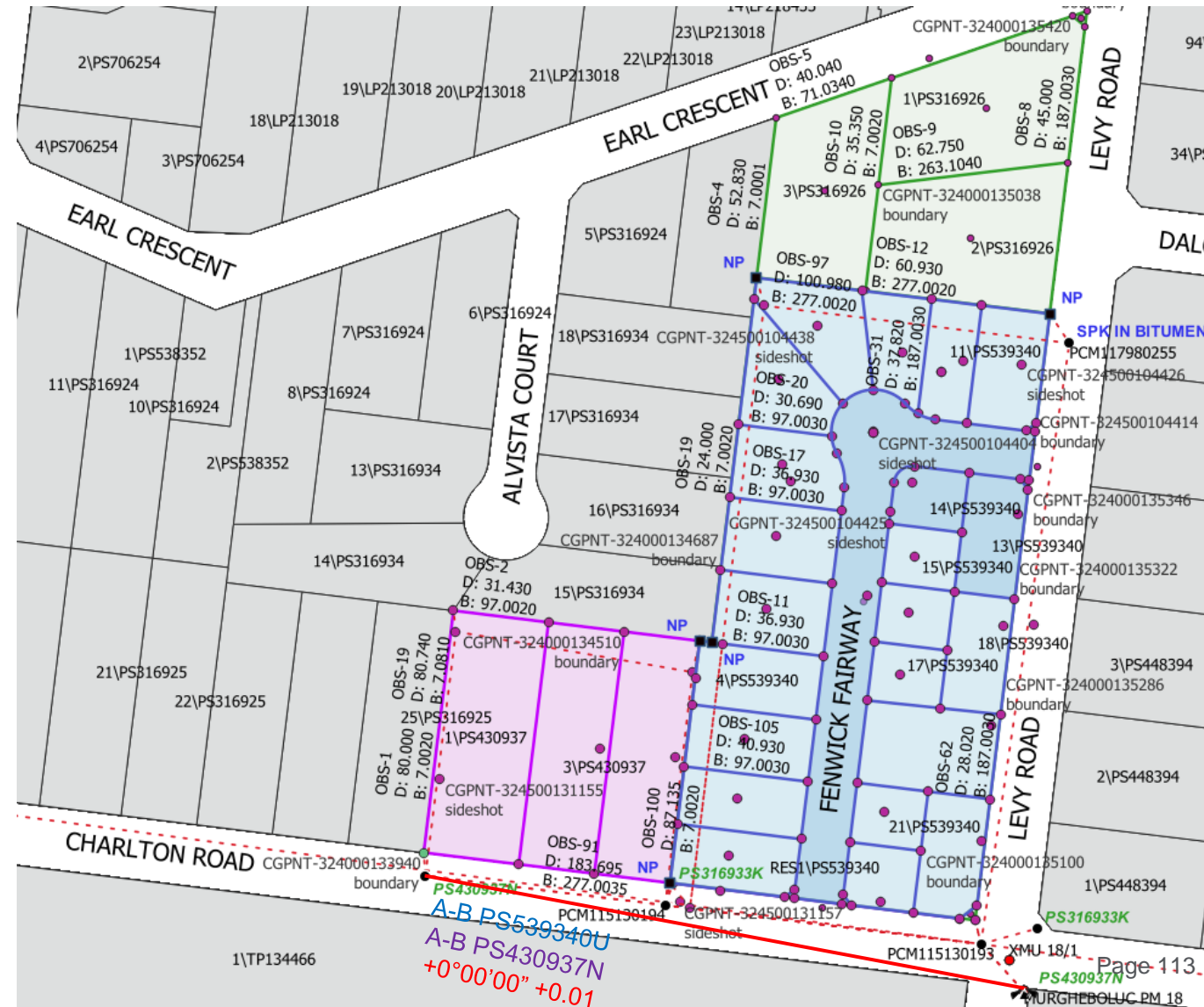


Digital Examination Concept: Building a Fabric

Multiple digital files can be imported and joined using common points:

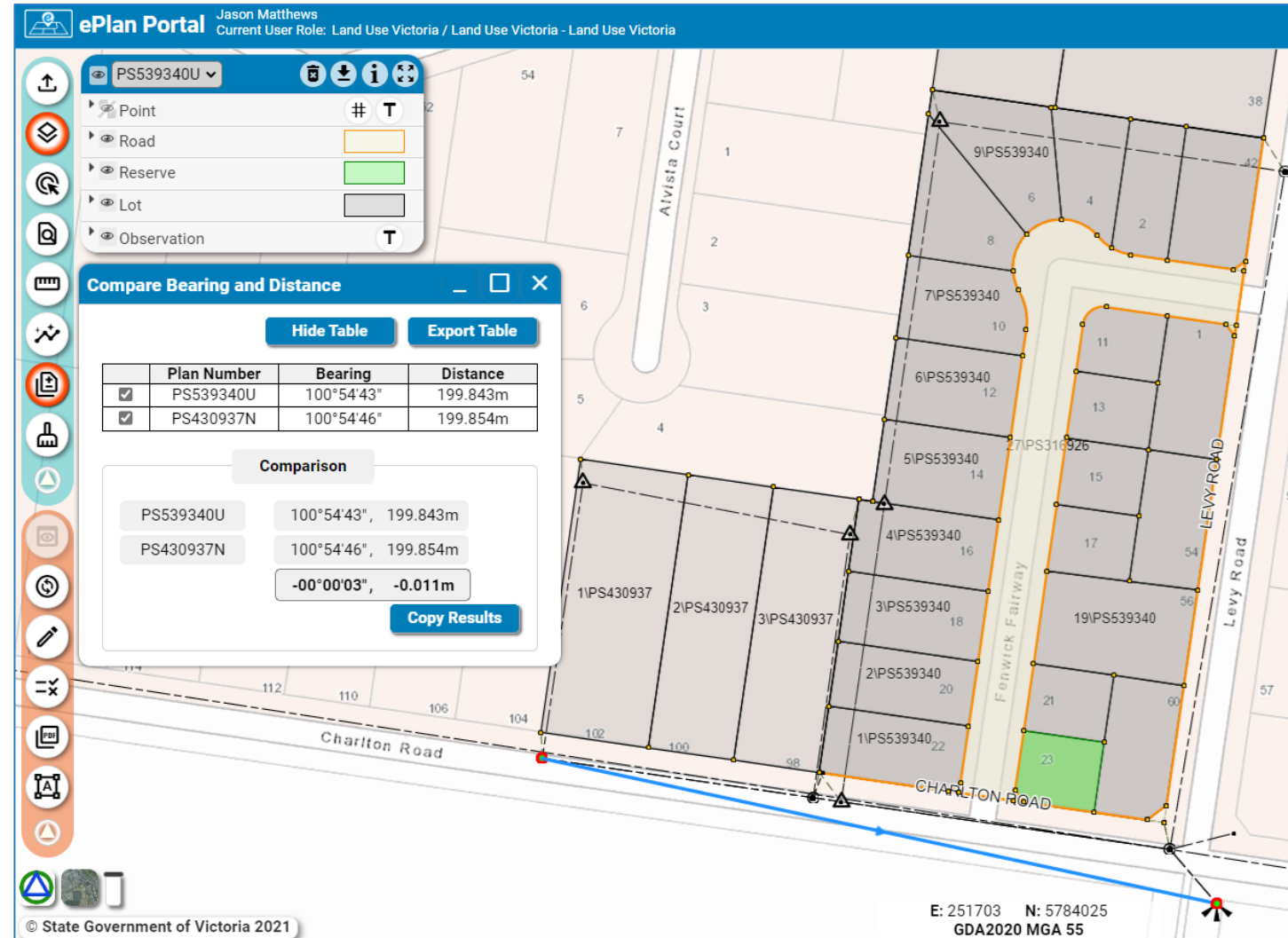
- Current plan
- Parent plan
- Abutting plan, source of datum

With raw data side by side, **comparisons** can be made between **common points** using **original measurements**.



Future Digital Examination Platform

- The examination platform will be attached to ePlan data viewer/'portal'
- Will enable digital examination implementation for all LRS plan examiners (Both PDF and ePlan).
- Improvements such display of monument information and datum labels are in the works
- Foundation work will ready portal for external users to access and manipulate back captured raw digital data.



Q&A: Digital Examination Strategy Update

Q: Are roads / lanes going to be part of the DCMP? Also least squares adjustment of old TP's with warnings as to dimensions doesn't take into account road alignments and adopting Crown Boundaries. When will the DCMP consider this?

A: Roads and laneways will be captured if there is a parcel for them, but if there is no information there to capture (i.e. no parcel or crown land) existing data in Vicmap will be used. There may also be plans with errors, or old warning as to dimensions TPs can't be captured and again in that case the existing Vic map data will be substituted in its place.

It's important to remember the outcome of DCM, with back capture, least squares adjustment and the stitching together of all those things is an upgrade to the digital cadastral map base. This will be a visualization of cadastral data in a way that approaches a more realistic view of that data if you went out and did a survey.

Q: Will occupation to ePlan be added over time?

A: It's on the roadmap for the Digital Cadastre strategy to work out ways to show more and more survey information in the ePlan digital file. In ePlan we currently don't have a way of visualizing occupation with offsets, but it's entirely plausible that you can show a radiation to a fence in an ePlan and describe it as such.

Again, this is all in development and we understand the challenge of moving to a digital world when we want to keep all of the information that we got on our abstract of field records. We will find a way!

Q: If a later survey updates an alignment that was subject to an ePlan submission, is the earlier submission withdrawn or backward engineered to accord with the new alignment?

A: We will have some digital tools and will change the way we're delivering plans into the office (as ePlans) and way we search for info, but it's not going to change the current processes surveyors do in terms of re-establishment.

Newer surveys will continue to update the cadastre as they do now regardless of PDF/ePlan format. We're not at the stage where we do automatic surveys based on the map base. DCM automation will update and adjust the digital representation of the mapbase only.



Q&A: Digital Examination Strategy Update

Q: Are you able to provide us any information about the 'Vicmap Survey' email from Craig Sandy via email recently ?

A: An engagement workshop to determine what a Vicmap survey product is required from surveyors to complete that product has been organised. There is overlap with the digital examination work, as Vicmap survey functions will utilize back captured DCM landXML and ePlan files which will in turn form the Vicmap survey database. The digital examination concepts seen here today will be demonstrated at the workshop but are only foundational. Surveyors input will be sought after to take the functionality to the next level.

Q: When will NUA roads get a SPI number?

A: In the DCM capture, we found some parts of NUA that haven't been covered by the SPI project. Some of these parcels were fixed up as we found them, but some were discarded as there wasn't enough information available to capture.

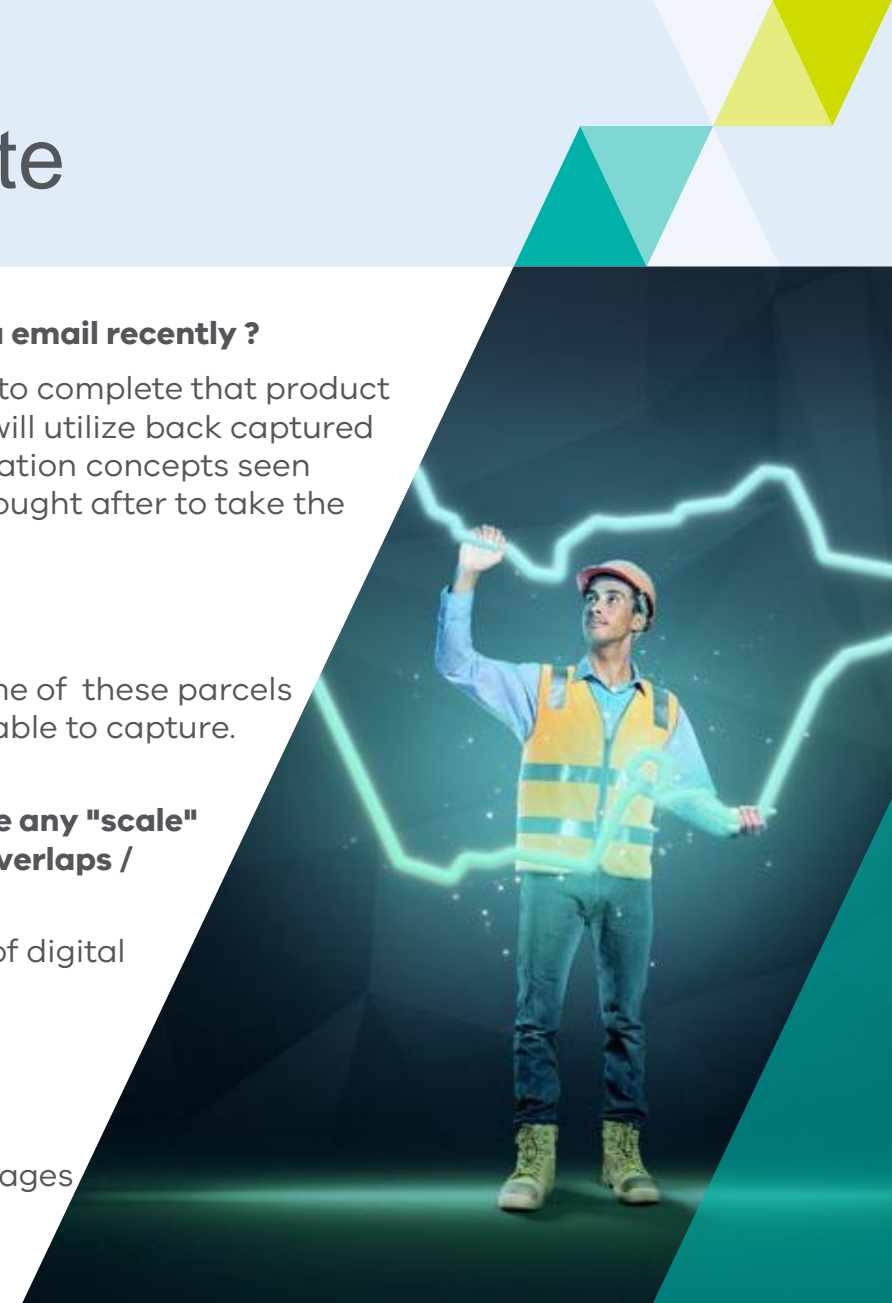
Q: With the imminent move to widespread ePlan lodgment and digital examination of plans are there any "scale" issues we will need to consider when computing and submitting PS' and AFR on MGA2020, to avoid overlaps / clashes with other abutting/ close by titles.

A: There have been questions raised in relation to these requirements but it's not in the initial range of digital exam tools. It is on the radar for improvements.. Everything at the moment is a 2D representation as shown/captured on Plans and AFRs.

Q: Will the DCMP continue to complete the catch up capture or will this be dependent on the project.

A: The ultimate goal is to have 100% cadastral system including 3D plans/digital format (very early stages of this now). Until we get to that point we're going to still have PDF plans in some form.

We are not capturing building boundaries or 3D plans. Only capturing outer site boundaries. Until we're 100% digital there will have to be some form of capture.



Thank You!

At LRS we are dedicated to improving our work processes and strengthening our connection to the surveying industry

Please send through any enquiries through to subdivision.branch@delwp.vic.gov.au

After reviewing the content of your query, we will allocate it to the most suitable officer for a response.
If your query is complex and you require a telephone call please set out all necessary details in the web form.
Thank you.

© The State of Victoria Department of Environment, Land, Water and Planning 2023

This work is licensed under a Creative Commons Attribution 4.0 International licence. You are free to re-use the work under that licence, on the condition that you credit the State of Victoria as author. The licence does not apply to any images, photographs or branding, including the Victorian Coat of Arms, the Victorian Government logo and the Department of Environment, Land, Water and Planning (DELWP) logo. To view a copy of this licence, visit <http://creativecommons.org/licenses/by/4.0/>

Disclaimer

This publication may be of assistance to you but the State of Victoria and its employees do not guarantee that the publication is without flaw of any kind or is wholly appropriate for your particular purposes and therefore disclaims all liability for any error, loss or other consequence which may arise from you relying on any information in this publication.