

Part 18 – General Consent

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Part 18 – General Consent

General Law

[18-0000]

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

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

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

A Form 18C – Planning Body Community Management Statement Notation is exclusively used by the planning body to provide a community management statement notation.

The following paragraphs identify common examples where consent is required.

Lease

Mortgagee’s Consent

Grant of Lease

[18-0010]

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

Amendment

[18-0020]

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

Surrender

[18-0030]

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

Sublessee’s Consent

[18-0040]

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

Local Government’s Approval

¹Lease of Part of Land

[18-0050]

See part 7 – Lease [7-0050].

[18-0060] and [18-0070] deleted

Easement

¹Lessee’s/Mortgagee’s Consent

[18-0080]

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

¹Local Government’s Approval

[18-0090]

See part 9 – Easement [9-2080].

¹Lessee's Consent [18-0100]

See part 9 – Easement [9-2082].

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

Building Management Statement**¹Mortgagee's Consent** [18-0110]

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

[18-0120] and [18-0160] deleted

^{2, 3}Subdivision or Amalgamation of a Water Allocation**Mortgagee's Consent** [18-0170]

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

^{1, 2}High-density Development Easement**Lessee's Consent** [18-0180]

See part 39 – High-density Development Easement [39-2020].

^{1, 2}Surrender of High-density Development Easement**Lessee's/Mortgagee's Consent** [18-0190]

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

Legislation [18-1000]**^{2,3}Application of the *Land Title Act 1994* to the *Water Act 2000***

Under the provisions of the Water Act, an interest or dealing may be registered in a way mentioned in the Land Title Act, subject to some exceptions.

A relevant interest or dealing may be registered in a way mentioned in the Land Title Act:

- (a) as if a reference to the freehold land register is a reference to the water allocations register; and
- (b) as if a reference to freehold land or land is a reference to a water allocation; and
- (c) as if a reference to a lot is a reference to a water allocation; and
- (d) with any other necessary changes.

Reference to the registrar of titles in the *Land Title Act 1994* and *Land Act 1994* and reference to the registrar of water allocations in the *Water Act 2000*

Refer to [0-8100] and [0-8200] and [0-8300].

Practice

[18-2000]

Where a consent or approval is required pursuant to the *Land Title Act 1994* or another Act it must be given on a Form 18 – General Consent except where the form has appropriate provision or another practice is permitted.

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

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

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

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

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

^{1,2}Where a planning body community management statement notation is required for a community management statement, a Form 18C – Planning Body Community Management Statement Notation is the appropriate form (see [14-0120], [14-2600], [45-2200] and [45-2220]).

^{1,2}A Form 18C cannot be lodged on its own. It must be attached to, form part of and be deposited with a Form 14 – Request to record a community management statement (along with the community management statement).

[18-2010] to [18-2050] deleted

Forms

General Guide to Completion of Forms

[18-4000]

For general requirements for completion of forms see part 59 – Forms.

1. Lot on Plan Description

Title Reference

LOT 75 ON RP20478

16494203

2. Instrument/document being consented to

Instrument/document type SURRENDER OF EASEMENT

Dated 17/10/2007

Names of parties EVELYN ALICE WAUGH and ROBERT JOHN WAUGH

3. Instrument/document under which consent required

Instrument/document type MORTGAGE

Dealing No. 700000203

Name of consenting party SUNPAC FINANCE PTY LTD ACN 123 456 789

4. Execution by consenting party

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

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

.....signature

.....full name

.....qualification

20/10/2007

Execution Date

A P Lincoln

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

.....
Consenting Party's Signature

Witnessing Officer

(Witnessing officer must be in accordance with Schedule 1
of Land Title Act 1994 e.g. Legal Practitioner, JP, C Dec)

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REGISTERED OWNERS/LESSEES CONSENT TO SURVEY PLAN

QUEENSLAND TITLES REGISTRY
Land Title Act 1994 and Land Act 1994

FORM 18A Version 1
Page 1 of 1

1. Survey Plan being consented to

Survey Plan Number SP333333.....

Registered Owners/Lesseees Roger John Taylor and Robyn Joy Taylor.....
(names in full)

2. Consent by Registered Owner/Lessee

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

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

*(rule through or delete whichever is not applicable)

Roger Taylor
Robyn Taylor

.....
Registered Owner/Lessee Signature/s

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PLANNING BODY APPROVAL OF SURVEY PLAN

QUEENSLAND TITLES REGISTRY
Land Title Act 1994 and Land Act 1994

FORM 18B Version 1
Page 1 of 1

1. Survey Plan being approved

Survey Plan Number SP333333

Name of Planning Body BIG CITY COUNCIL

2. Approval by Planning Body

BIG CITY COUNCIL approves this plan in accordance with the:
[insert name of Planning Body]

PLANNING ACT 2016
[insert applicable approving legislation]

PETER JONES
MAYOR
BIG CITY COUNCIL
Peter Jones

01 / 05 / 2020
Approval Date

.....
Planning Body Authority
(including designations of signatories)

Planning Body Reference Number : 123XYZ

3. Planning Body Approval exemption

Insert appropriate exemption clause and authorisation.

N/A

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PLANNING BODY COMMUNITY MANAGEMENT STATEMENT NOTATION

QUEENSLAND TITLES REGISTRY
Body Corporate and Community Management Act 1997

FORM 18C Version 1
Page 1 of 1

1. Name of community titles scheme

BRIGHTON VILLA COMMUNITY TITLES SCHEME

2. Reference to survey plan to be lodged with statement (if applicable)

SP444444

3. Planning body community management statement notation

I Hope

signed

IAN HOPE – CHIEF EXECUTIVE OFFICER

name and designation

BRISBANE CITY COUNCIL

name of planning body

Planning Body Reference Number: 123ZYX

Guide to Completion of Form 18

Item 1

[18-4010]

^{1, 2}Freehold Description

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

e.g.	Lot on Plan Description	Title reference
	Lot 27 on RP 204939	11223078

^{2, 3}Water Allocation Description

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

e.g.	Lot on Plan Description	Title reference
	WA 27 on AP 7900	46012345

^{1, 3}State Tenure Description

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

e.g.	Lot on Plan Description	Title reference
	Lot 27 on CP LIV1234	40567123

Item 2

[18-4020]

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

Item 3

[18-4030]

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

Item 4

[18-4040]

Execute as required.

Duty

[18-4050]

A duty notation is not required

[18-6000] deleted

¹Guide to Completion of Form 18A

Item 1

[18-4060]

Survey Plan being consented to

Survey Plan Number

Insert the number of the survey plan being consented to.

Registered Owners/Lesseees

Insert the full name and trust capacity (if applicable) of each registered owner/lessee. For a corporation the name and ACN or ARBN must be shown (see [21-2220]).

Item 2

[18-4070]

Consent by Registered Owner/Lessee

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

All registered owners/lessees must execute as required. An electronic signature is acceptable provided the signature is an electronic representation of the signatory's actual signature.

Where the body corporate for a community titles scheme is required to execute a Form 18A, the execution must be done in accordance with the relevant regulation module for the scheme. For further information see [45-2060].

¹Guide to Completion of Form 18B

Item 1

[18-4080]

Survey Plan being approved

Survey Plan Number

Insert the number of the survey plan being approved.

Name of Planning Body

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

Item 2

[18-4090]

Approval by Planning Body

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

- Stating the name of the relevant planning body and the legislative authority relevant to the approval; and
- Being signed and dated by an appropriately authorised person with their authority stated. An electronic signature by the planning body is acceptable, provided the signature is an electronic representation of the signatory's actual signature.

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

Item 3 [18-4100]**Planning Body Approval Exemption**

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

^{1, 2}Guide to Completion of Form 18C**Item 1** [18-4200]

Insert the name of the community titles scheme for the CMS being noted.

Item 2 [18-4210]

If there is a related survey plan to be lodged with the CMS – insert the survey plan number.

Alternatively, insert ‘N/A’ or ‘not applicable’.

Item 3 [18-4220]

This item must be signed by an authorised officer/delegate of the planning body. An electronic signature by the planning body is acceptable, provided the signature is an electronic representation of the signatory’s actual signature.

The officer’s/delegate’s full name and designation must be included.

Insert the name of the planning body where indicated.

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

Case Law

Nil

[18-7000] to [18-7020] deleted

Fees [18-8000]

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

Cross References and Further Reading [18-9000]

Part 2 – Mortgage (National Mortgage Form)

Part 7 – Lease

Part 9 – Easement

Part 13 – Amendment of Lease, Easement, Mortgage, Covenant, Profit a prendre or Building Management Statement

Part 21 – Plans and Associated Documents

Part 49 – Water Allocations

Notes in text**[18-9050]**

Note¹ – This numbered section, paragraph or statement does not apply to water allocations.

Note² – This numbered section, paragraph or statement does not apply to State land

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