

Legislative Impacts on Plans of Surveys

Introduction

When undertaking a survey, it is important to have an appreciation of the purpose and use to be made of the survey, and therefore the legislation under which the details recorded within the survey and its plan will be put into effect.

This paper is not intended to consider any legal precedents or legislative 'impacts' on the undertaking of surveys themselves. For example, matters of boundary retracement and re-establishment, or measurement precision, or marking of boundaries, are dealt with elsewhere and are not considered here.

However, depending on the legislation under which the survey will be dealt with as it supports a dealing associated with either private freehold or Crown land, differing presentations of the Plan of Survey resulting from a particular survey may be appropriate.

Status of Lot Boundaries and Other Details on Plans of Survey

More often than not, a new survey represents a further development of the network of surveys previously undertaken in the area. The common process requires the retracement of boundaries established by those earlier surveys, and the extension of the cadastral fabric using those earlier boundaries as a starting point.

However, it is important to recognise that this paradigm is always moderated via the consideration of one question: Do the boundaries from those earlier surveys have any status beyond simply representing a previously surveyed alignment on the ground?

The answer to this question is determined in every instance on the basis of whether or not the lot and/or the other details on a plan have been ascribed a legal status by virtue of those lots or details being referred to within a statutory dealing of some kind.

In the absence of a statutory dealing, the surveyed boundaries and other information shown on registered plans are of no account. If this is the case, it is simply a matter of choice whether or not the next surveyor on site uses the earlier surveyed boundaries for the current purpose.

The above applies to all Plans of Survey within both the Land Titles Office (LTO) and the Central Plan Office (CPO). However, for clarification, note that a Sealed Plan, when registered in the LTO and made effective by the Recorder of Titles, is itself a dealing, and all items on the plan and within the Schedule of Easements are formalised at the point in time when that plan is made effective. This means that a separate dealing or dealings calling upon the details on a Sealed Plan is not required.

Type of Plans

An understanding of the various types of plans, including the status of information shown on those plans, is necessary in order to appreciate the weight to be placed on that information during a current survey.

The plan types discussed below are the current survey plan series used within both the LTO and CPO. Note that a wide variety of plan-numbering series has historically existed within the LTO and CPO. The principles below can generally be appropriately applied to those earlier plans.

Sealed Plans

A Sealed Plan (SP) is a Plan of Survey prepared for purposes prescribed within Part 3 of the *Local Government (Building and Miscellaneous Provisions) Act 1993* (LGBMPA), and pursuant to the *Land Use Planning Approvals Act 1993* (LUPAA).

The term 'sealed' refers to the actual application of the formal seal of the Council to the plan, indicating Council's approval of the plan based upon the plan (and the actual development) meeting any conditions set by Council within the permit previously issued by Council for the development to proceed.

It should be assumed that before applying its seal, Council verifies the details included within the plan as being compliant with the permit conditions and with applicable planning-related legislation, including all relevant conditions prescribed within the Municipal Planning Scheme, for example, minimum lots sizes and road frontage widths.

A relevant Minister of the Crown is also empowered to, in effect, 'seal' a Plan of Survey. S.121 of the LGBMPA provides a power for a Minister to sign a Plan of Survey (in lieu of a Council sealing a Plan) on the basis that had that plan been submitted to Council it would reasonably have been approved (and sealed).

Note that an essential component of a sealed plan is the accompanying Schedule of Easements, including a 'nil' schedule if appropriate. The face plan together with the schedule comprises the dealing known as a 'sealed plan'. The key difference between a sealed plan and any other plan is that no other dealings are required to bring the information recorded on a sealed plan into effect – once signed by the Recorder as "Effective", all items are created (made effective).

Also note that it is the Survey Notes that are certified by the Registered Land Surveyor, not the Plan of Survey itself. While it is usually the surveyor who prepares and lodges the plan for registration in the LTO, unlike the Survey Notes the plan is not sacrosanct, and can be amended or added to almost with impunity by LTO staff.

However, in practice, changes to plans by the LTO generally occur only when there are differences between the plan and the note, or when information has not been brought forward onto the new plan. For example, an easement might have been missed, or abuttal information should be added etc. If the required plan amendments are extensive, the LTO might requisition the surveyor to correct the deficiencies simply on the basis that the effort required to correct the plan is excessive.

P Plans

A 'P' plan is simply a plan, not being a sealed plan, of a parcel(s) or interest(s) in land, registered within the LTO to support dealings under the *Land Titles Act 1980* (LTA). A P plan does not require an accompanying Schedule of Easements, although on rare occasions a schedule may be attached to a P plan.

Nothing on a P plan, or its schedule if it has one, comes into effect by virtue of the plan's registration in the LTO. Every individual item on the plan (and schedule) must be created via a separately lodged and executed dealing pursuant to a pertinent section of the LTA.

For example, a P plan of one lot burdened by an easement is lodged together with an application for a title to Lot 1 via s.27A CLA. This will result in title in the Crown to Lot 1, but the easement has not been created, and it remains, in effect, merely lines on a plan until a further dealing is lodged to bring the easement into effect, such as a transfer from the landowner (the Crown in the first instance) to a beneficiary.

Notwithstanding the previous paragraphs, the registration of a P plan does meet statutory requirements for the lodgement and official recording of the survey from which the plan was derived (*Survey Directions 3.3.1.1*).

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However, in practice, changes to plans by the LTO generally occur only when there are differences between the plan and the notes, or when other details are incorrect or have not been brought forward onto the new plan. For example, an easement might have been missed or abuttal information should be added, etc. If the required plan amendments are extensive, the LTO might requisition the surveyor to correct the deficiencies simply on the basis that the effort required to correct the plan is excessive.

Strata Plans

A Strata Plan (STR) is a plan prepared for the purposes of the *Strata Titles Act 1998* (STA), and in effect further subdivides a lot or lots previously included in the Register under the LTA. A strata subdivision can be horizontal and/or vertical in nature (s.4(4) STA).

This 'subdivision' is not subject to the control of Council in a subdivisional boundaries Planning Scheme sense, and it is the Corporate Body's responsibility to appropriately subdivide the lots. But the development does require a Certificate of Compliance from Council before the Recorder will issue Strata Titles to the lots on the plan. For example, plot ratios must be observed; buildings must be constructed in accordance with the relevant building code; fire separations between lots must be compliant with the fire code; there must be adequate space for car parking, etc.

Given the above, Councils do in effect control strata subdivisions in that it is Council that approves the construction aspects (and therefore the lots) within strata developments.

The cadastral surveyor's responsibility is primarily to certify that the whole of the buildings within the strata development are within the footprint of the parent title (s.5(4) STA). Recent amendments to the *Survey Directions* require the traditional survey of internal boundaries where fixed infrastructure does not clearly delineate those boundaries (*Survey Directions* 3.4.2).

Strata Title schemes differ from normal cadastral surveys and their resultant titles by virtue of the descriptive nature of strata lot boundaries and the routine definition of upper and lower limits to the height (and depth) of each strata lot. However, this is not a definitive point of difference, as natural boundaries can be described within 'normal' surveys, and it is not uncommon to limit (certainly) depth, nor is it unknown to limit height for a 'normal' title.

Survey Information Only

Survey Information Only (SIO) notes are lodged in the LTO in instances where a Plan of Survey is not required.

The most common purpose for lodgement of SIOs is for the recording of survey work associated with the retracement and remarking of property boundaries previously defined in earlier LTO surveys. These lodgements enable compliance with 3.3.1.1 of the *Survey Directions*.

Central Plan Register Plans

A Central Plan Register (CPR) plan is a plan prepared and registered under the provisions of the *Survey Coordination Act 1944* (SCA), and is a plan managed in the Central Plan Office (CPO) within the (statutory) administration of the Surveyor General.

The CPR is a statutory register created within the CPO through s.8 of the SCA, for the primary purpose of centrally registering plans that support land dealings pursuant to all Acts apart from the LTA.

A CPR plan may or may not have been prepared from a survey undertaken for the purpose of that plan. CPR plans are administrative plans for other than land titling purposes, and provided the boundaries depicted on a CPR plan are clearly described and unambiguously applicable on the ground if needs be, survey is not necessarily required.

Notwithstanding the previous paragraph, a plan lodged in the CPO and registered in the CPR is, effectively, endorsed by the Surveyor General (SG) with regards to the unequivocal nature of the boundaries depicted on that plan (s.6.4 SCA).

However, in the same way as for P plans in the LTO, nothing on a CPR plan comes into effect by virtue of the plan's registration in the CPR. Every item on a CPR plan must be created via an order or a proclamation pursuant to relevant legislation.

Field Books (Lands Office)

A survey lodged in the CPO, usually for the purpose of enabling the preparation of a CPR plan, is allocated its own Field Book (FB) number, and it is the Survey Notes within the FB that constitute the formal record of that survey pursuant to the *Survey Directions* 3.3.1.1.

Various Acts

Crown Lands Act 1976 (CLA)

The CLA provides powers for the Minister administering the CLA to manage Crown land, including the sale, lease and licence of the Crown estate (s.3 CLA).

The Act also defines and assigns responsibilities to 'portfolio' Ministers for the management of those subsets of the Crown estate that are within their portfolio, eg. the Minister for Education has portfolio responsibility for Crown land used and/or set aside for education purposes. This responsibility includes all aspects of management apart from sale – this aspect remains with the Minister for Crown Lands (eg. s.39A, s.42(5 & 5A) CLA).

While the CLA provides the enabling power for the Minister(s) to do certain things, those things may remain subject to the relevant provisions within other Acts that provide for the processes or 'machinery' necessary to implement the Minister's decision.

Subject to the provisions of the applicable Planning Scheme (and possibly other statutory restrictions), a private landowner is able to initiate development works on his/her land at his/her whim. The Crown, however, requires a statutory provision providing a head of power for virtually all activity on, and development of, Crown land.

Surveyors Act 2002 (SA)

All surveys of land undertaken for statutory purposes are subject to the provisions of the SA and the *Survey Directions*. This applies to surveys of both private freehold and Crown land.

Within the modern context, all Plans of Survey that are intended to result in the creation or amendment of title(s), and/or the creation or definition of rights or restrictions over parcels of land for registration on title, are prepared and lodged within the LTO; all other surveys are lodged in the CPO in Lands Office Survey Note format, from which CPR plans are prepared as required.

The provisions within the CLA enable the Minister(s) to approve various activities that require surveys of Crown land. Any survey required to support an action or dealing under any legislation is a survey governed by the provisions of s.3(1) SA, requiring full compliance with the *Survey Directions*.

Survey Co-ordination Act 1944 (SCA)

S.6 of the SCA requires that if there is a plan of an area or a boundary of land prepared for the purpose of any Act other than the LTA, that plan is to be lodged in the CPO in accordance with the requirements of the Surveyor General.

These requirements currently include the lodgement of the survey data in Lands Office Survey Note format, from which a CPR plan is usually prepared within the Office. However, plans prepared by others are also registered in the CPR, subject to acceptance by the Surveyor General of those plans as being adequate with regards to the veracity of the boundaries depicted on the plan.

A literal interpretation of s.6(4) SCA means that any and all plans or diagrams supporting statutory instruments should be prepared in accordance with the requirements of the Surveyor General and lodged within the CPO (if not registered in the CPR).

In practice, this does not occur in every instance. For example, Crown licences issued via the provisions of the CLA and supported by a diagram or plan should be subject to this provision, but it does not happen. Given the nature of a licence (being a right to do something somewhere), and that a licence does not create parcel boundaries defensible by the licensee, this provision may not be appropriate and the legislation could be reviewed accordingly.

However, in all other instances – leases, reserves, sundry orders and proclamations, vestings, etc – the boundaries of the subject parcels are of legal and defensible significance, and should (in my opinion) be defined on a plan registered within the CPR.

Land Titles Act 1980 (LTA)

The LTA is the Act that provides for the registration of land titles, and of registered interests (benefits and burdens) associated with registered land parcels. Many dealings supported by survey are based on provisions within the LTA itself. With the exception of plans prepared pursuant to LGBMPA, all Plans of Survey that support dealings under the LTA are prepared and lodged as P plans. [Note that SIOs are not ‘plans’ as such – they constitute a record of a survey that is re-establishing/remarking the boundaries of a lot or lots on an already registered plan.]

However, the LTA register can also be considered as the end point recipient of land-related processes that are driven by other legislation. That is to say, the head of power to approve a particular land transaction can be within one piece of legislation, where the implementation process is controlled by another piece of legislation, with the resultant amendments to the register recorded under the provisions of the LTA.

An example of this is:

- The Minister is empowered via the provisions of the CLA to approve the subdivisional development of a parcel of Crown land.
- The subdivision must occur in accordance with the provisions of LUPAA and LGBMPA.
- The resultant parcels and associated benefits and burdens are registered under the LTA.

Another example is:

- The Minister is empowered via the provisions of the Nature Conservation Act 2002 (NCA) to acquire land for reserve purposes.
- The acquisition proceeds in accordance with the Land Acquisition Act 1993.
- The resultant parcels are registered under the LTA.

Land Acquisition Act 1993 (LAA)

The LAA prescribes that land can only be acquired by government (State, Local and Authorities) from private ownership in accordance with the provisions of that Act and for statutory purposes (s.4 LAA).

Plans of Survey prepared for the purposes of acquisition of land by government are exempt from the sealed plan provisions within LGBMPA (s.102 LGBMPA). This means that acquired land can result, effectively, in the subdivision of existing titled parcels but is not required to be dealt with as a SP, and instead only requires a P plan.

Note that all burdening interests relating to the acquired land are expunged on acquisition (s.19(1) LAA), and the land is set aside for the statutory purpose for which it was acquired. This means that unless burdens are to be recreated within or following the acquisition process, the lot(s) on a Plan of Survey for acquisition purposes do not show burdening easements or other interests that may have existed whilst the subject land was in private ownership. The words in s.19(1) LAA are the acquired land is "...freed and discharged from..."

Also note that a plan of the balance of the parent titles affected by an acquisition is routinely required by the LTO together with the plan showing the lot(s) to be acquired.

Highways Act 1951

This Act will normally only impact on a survey/Plan of Survey if the survey requires the definition of a previously undefined highway corridor. S.9 of the Act specifies an offset of the corridor boundary from the highway pavement, plus all associated earthworks, of 2.5 metres.

Mineral Resources Development Act 1995

This Act is mentioned in this context because it, and its predecessor (the *Mining Act 1929*) require(d) the survey of mining leases in some instances. There is a substantial series of mineral lease plans and surveys maintained within Mineral Resources Tasmania, a division of the Department of Infrastructure, Energy and Resources.

These surveys are not subject to the SA or the *Survey Directions*. However, they can on occasions be of assistance for general cadastral surveying purposes, given that it was and is not uncommon for surveys for mining lease purposes to connect to cadastral boundaries of nearby ownership parcels.

It is unclear why Plans of Survey supporting mineral leases are not registered in the CPR, because they fall within the provisions of s.6(4) SCA. However, this has historically never occurred.

Local Government (Building & Miscellaneous Provisions) Act 1993 (LGBMPA); Land Use Planning & Approvals Act 1993 (LUPAA)

These two Acts control the further development of registered land (land parcels with LTA titles), and the same provisions also generally apply to untitled Crown owned land. Note, however, that land owned by the Crown but not included in the Register can be dealt with by other means, as discussed below.

Provisions for the Subdivisional Development of Land

Virtually all **subdivisional developments of private freehold** land occur in accordance with the provisions of LUPAA and LGBMPA. In essence this means that:

- those developments are constrained by the provisions of the local planning scheme
- a development application to the local planning authority (Council) is required
- a development can only proceed in accordance with the conditions within a permit issued (if issued) by the planning authority in response to the receipt of a development application as above
- the Plan of Survey for the development is sealed by Council when Council determines that the permit conditions plus any other applicable planning law have been satisfied and appropriately included on the plan.

For the **development of titled parcels of Crown land**, the Crown is bound as for a private person in accordance with the above. From a practical perspective however, there is one notable provision available to the Crown:

- the Minister responsible for the administration of the CLA is empowered to effectively deem himself/herself to be a planning authority in lieu of Council (s.121 of LGBMPA), and to exempt a particular plan from the processes implicit within the provisions of LUPAA and LGBMPA, based on his/her assessment that had the plan gone through the full process it “...ought reasonably to be approved”.
- This provision is also available to a Portfolio Minister, limited only by his/her incapacity to sell Crown land.

For the **development of untitled parcels of Crown land**, the Crown is not necessarily bound by LUPAA and LGBMPA, and has the flexibility to manage the Crown estate as approved by the Minister. This includes, for example, the power to create titles over parcels of land as it determines appropriate (s.27A LTA) and notwithstanding non-compliance with planning scheme provisions that may otherwise have limited a particular development.

However, the Crown should exercise some discretion when applying this flexibility, particularly if the development is intended to be on-sold to a private owner. Any further development of the land after it is transferred into private ownership is immediately constrained as outlined above, and if a parcel of land is non-compliant such that the private person cannot further develop as he/she may have expected to have been able to do, he/she may have a claim against the Crown for creating and selling the non-compliant parcel.

Surveys for the Bringing Crown Land under the LTA

Plans supporting the creation of title:

- A plan to create a title to a single parcel of previously untitled Crown land can be prepared as a one-lot P plan to support an application for title (s.27A LTA), or as a one-lot SP (s.81(1) LGBMPA).
 - An application for title via s.27A LTA supported by a P plan is the normal process used to create an initial title to a previously untitled portion of Crown land.
 - For sales of Crown land, s.27A LTA is the modern process to create a title to a parcel for subsequent transfer to an applicant. This process is used in lieu of the previous Grant by Way of Transfer process per secs 13 and 16 CLA.
 - Note that a s.27A LTA dealing results in a title in the Crown (not in the applicant).
 - An SP including one or a number of lots of previously untitled Crown land results in title(s) to those lots in the Crown.
 - This method of obtaining title might be used instead of using s.27A in order to create rights or restrictions between those lots, as the Schedule of Easements takes no account of ownership issues, it simply refers to lots. Given that legally the Crown cannot deal with the Crown, it is not possible to create a right by transfer from the Crown to the Crown – hence to do so cannot be facilitated using a P plan and transfer dealings when the Crown owns all of the subject parcels.

- A plan showing two or more adjoining lots to support the creation of original titles to those parcels of Crown land cannot be made effective via s.27A LTA.
 - Note that there is no statutory basis for this restriction. However long-standing policy and practice within the LTO has barred the application for title via s.27A to multiple adjoining lots on a single plan.
 - There are two alternative options in this circumstance:
 - a sealed plan via the provisions of LGBMP or
 - multiple one-lot plans to support individual s.27A applications.
- A SP plan supporting the “sale of Crown land by ‘adhesion’ ” to an adjoining land owner can include one or a multiple of lots, each with their own consolidated portions.
 - Note that clients usually request a survey to support a sale by ‘adhesion’ when what they really mean is ‘consolidation’. The joining together of two titles by sealed plan is NOT an adhesion, it is a consolidation by sealed plan.
 - An ‘adhesion’ is a specific dealing executable only by Council to adhere two or more existing titles together (s.110 LGBMPA).
 - Consolidation as above is achieved via the specific preparation of the plan and a sequence of dealings based on the SP, as follows:
 - The Plan of Survey shows the lot or lots (delineating the intended end result) depicting the Crown and freehold portions within each lot separated by a light line, ie at the point of lodgement, each lot on the plan includes land owned by two parties (the Crown and the freehold owner).
 - The Minister ‘seals’ the plan and schedule per s.121 LGBMPA.
 - The Crown portion within each lot (generally depicted as Lot 1000 etc on an attached copy of the face plan) is the subject of application for title via s.27A LTA.
 - The new s.27A (Crown) title(s) is/are transferred to the freehold owner(s), resulting in all of the land within each lot on the plan being in two titles but one ownership.
 - The SP is then made effective, thereby consolidating the two titles within each lot into one new title.

Notations on Sealed Plans

Given that an SP is a dealing in its own right, and that when an SP is made effective all notations on that SP are executed as if they were separately subject to specific dealings, it is important to ensure that those notations are correct.

Before discussing those notations, it is important to appreciate that all items on an SP come into effect at the same time, with the alternative being that none of them come into effect. This means that if one item on an SP is not in order, all of the items on the SP will be held up until the one is rectified.

For example, if one lot on an SP comprises land in two ownerships, the SP cannot be made effective until a transfer is lodged to rectify that situation. No titles will issue, nor rights/restrictions will be created in accordance with the remaining items on the plan until that lot’s ownership is resolved.

Common notations on sealed plans are prescribed within LGBMPA as follows:

s.95. Dedication of land (1) Any land which is shown on a sealed plan as a road, street, alley, lane, court, terrace, footpath or other kind of way is taken to be dedicated to, and accepted by, the public unless called "private" on the plan.

s.96. Dedication as highway (1) If a sealed plan shows provision for widening or deviating a way on, or adjoining, land comprised in the plan, an obligation runs with that land to dedicate it as a highway if required to do so by the highway authority.

s.97. Acquisition of way by council (1) The owner of a subdivision is to convey or transfer a way shown on a sealed plan as "to be acquired by the highway authority" to the highway authority in fee simple when required in writing to do so by the highway authority.

s.98. Surrender of reserves to Crown Any land comprised in a sealed plan which is described as a reserve is taken to be –

(a) surrendered to, and accepted by, the Crown; and

(b) subject to the *Crown Lands Act 1976* as if reserved to the Crown under s.8 of that Act for any purpose.

Common easements are defined within Schedule 8 of the *Conveyancing and Law of Property Act 1884* (CLPA). The effect of these statutory definitions is that when an easement is noted on a SP using the short form on the left, it infers the full form on the right, and no further definition is required on the plan or schedule beyond the short form.

If an easement is to be created other than as listed within CLPA, it is imperative that the short descriptive notation on the plan is expanded within the SP Schedule of Easements to include the full intended meaning.

Schedule 8 of the CLPA lists easements as follows:

Right of carriage way	Full and free right for every person who is at any time entitled to an estate or interest in possession in the land herein indicated as the dominant tenement or any part thereof with which the right shall be capable of enjoyment, and every person authorized by him, to go, pass, and reposs at all times and for all purposes with or without animals or vehicles or both to and from the said dominant tenement or any such part thereof.
Right of foot way	Full and free right for every person who is at any time entitled to an estate or interest in possession in the land herein indicated as the dominant tenement or any part thereof with which the right shall be capable of enjoyment, and every person authorized by him, to go, pass, and reposs on foot at all times and for all purposes without riding, draught, or pack animals, oxen, sheep, pigs, geese, or other livestock, or vehicles (other than bicycles, wheelbarrows, and baby-carriages) to and from the said dominant tenement or any such part thereof.
Right of drainage	A right of drainage (including the right of construction of drains) for every person who is at any time entitled to an estate or interest in possession in the land herein indicated as the dominant tenement or any part thereof with which the right shall be capable of enjoyment for the purpose of carrying away stormwater and other surplus water from the dominant tenement or any such part thereof over or under the land herein indicated as the land over which the right is to subsist, and through all sewers and drains which may hereafter be made or passing under, through, and

	along the last-mentioned land and the right for every such person and his surveyors and workmen from time to time and at all times hereafter if he or they should think fit to enter into and upon the last-mentioned land and to inspect, repair, cleanse, and amend any such sewer or drain without doing unnecessary damage to the said land.
Bus parking easement	The right to park a bus for carrying passengers who are employees, customers or other invitees of the proprietor of the easement in the parking bay shown on the relevant easement plan (whether or not the bus is also taking passengers to other destinations).
Customer parking easement	The right for the proprietor of the easement to permit customers, clients, visitors or other invitees to park their motor vehicles in the parking bays shown on the relevant easement plan.
Disabled parking easement	The right for the proprietor of the easement to permit invitees of any class who are entitled under the Traffic Act 1925 to use parking facilities provided for disabled persons to park motor vehicles in the parking bay shown on the relevant easement plan.
Employee parking easement	The right of the proprietor of the easement to permit employees or contractors to park their motor vehicles in the parking bays shown on the relevant easement plan.
Occupier parking easement	The right of the occupier of the dominant tenement to park a motor vehicle, or to permit another to park a motor vehicle, in the parking bay shown on the relevant easement plan.
General parking easement	The right of any occupier of the dominant tenement, or any person authorised by such an occupier, to park in the parking bays shown on the relevant easement plan.
Service parking easement	The right of the proprietor of the easement to permit persons delivering goods, or providing services to the proprietor, to park in the parking bay shown on the relevant easement plan.
Vehicular access way	The right of the proprietor of a parking easement to use, or to permit others to use, the means of vehicular access delineated or described in the relevant easement plan for access to, and egress from, the parking bay shown on the plan.
Pedestrian access way	The right of the proprietor of a parking easement to use, or to permit others to use, the means of pedestrian access delineated or described in the relevant easement plan for access to, and egress from, the parking bay shown on the plan.
Combined access way	The right of the proprietor of a parking easement to use, or to permit others to use, the means of access delineated or described in the relevant easement plan for vehicular and pedestrian access to, and egress from, the parking bay shown on the plan.

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