

GUIDELINE No.5 - Interim¹

COMMUNITY TITLE SURVEYS IN THE ACT

1.0 INTRODUCTION

The administration of the community titles within the ACT is regulated via the Community Title Act 2001. Unlike New South Wales, the ACT Community Title Act is not an instrument for sub-division of land. This guideline provides instructions to surveyors requested to survey land intended to be developed for community title.

2.0 Community Title

The Community Title Act 2001 makes provision for the establishment and administration of community title schemes. The Act provides for considerable flexibility in the size and nature of community titles however they must be comprised of at least one 'lot' of common property and two 'lots' that are not common property. It is potentially possible for a community title to be comprised of a mixture of single dwellings, class A and/or class B units.

The common property may include areas for access (roads), ovals, parks or other common purposes including utility services administered by the body corporate.

3.0 Lots and Blocks

Land within the ACT may be divided only as follows:

- Districts and blocks (rural areas) – in accordance with the Districts Act 2002
- Districts, divisions, sections and blocks – in accordance with the Districts Act 2002
- Blocks may be divided into Class A and B units – in accordance with the Units Titles Act 2001

The Community Titles Act is not an instrument for sub-division of land. Therefore land can only be divided (or consolidated) under the Districts or Unit Title Acts.

The Community Titles Act refers to lots as opposed to blocks. The Act defines a lot as '*a parcel of land for which a certificate of title has been issued under the Land Titles Act*'.

A lot therefore may be comprised of:

- a single block (the usual case),
- a combination of a number of blocks, or:
- part of a block (where a unit title has been used to subdivide a block within the community title).

3.0 Roads within Community Titles

¹ This guideline is an interim guideline pending formation of the Survey Practice Advisory Committee as required by the Surveyors Act 2007.

The Community Titles Act does not provide any guidance as to how roads should be administered. A road within a community title may therefore be a gazetted public road, or an easement for 'pedestrian and vehicular access'. The latter has the advantage of providing the Body Corporate with the right to administer the land within the road (easement) reserve. Gazetted public roads may divide and restrict the community area in a manner which is inconsistent with the concept of community areas.

It is therefore recommended that access roads within community titles be established via easements for 'pedestrian and vehicular access'.

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