

The Land Victoria Lodging Book

A guide to dealings – Section 4 – Subdivision Act 1988

From 26 May 2017, approved forms on the [DELWP WEBSITE](#) must be used instead of forms in the lodging book.

The lodging book should be used as a reference only.

Information in the lodging book is being progressively replaced and included on the DELWP website.

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INTRODUCTION

This section contains information to assist with the lodgement of plans under the *Subdivision Act 1988* and the associated dealings related owner corporations under the *Owners Corporation Act 2006*.

Please note the following before presenting a plan for lodgement at Land Victoria:

All plans must comply with the relevant regulations;

Plans are required to be lodged with Plan Acceptance, Land Victoria, Level 9, 570 Bourke Street Melbourne, 3000;

A Plan Lodgement Checklist is to be completed and presented when lodging plans in person or by correspondence. The checklist details all of the requirements necessary to lodge a plan. A copy of the current Subdivision Act Plan Lodgement Checklist is available on line at www.dse.vic.gov.au/Property, Titles and Maps > Land Titles > Forms, guides and fees;

The relevant application form for each plan must be completed. These forms are available on line www.dse.vic.gov.au/Property, Titles and Maps > Land Titles > Forms, guides and fees. All forms must be dated and executed as directed;

The guides to lodging are also available on line at www.dse.vic.gov.au/Property, Titles and Maps > Land Titles > Forms, guides and fees

A Council authorised Statement of Compliance must accompany all plans lodged at Land Victoria;

Council Street Addressing must be completed and supplied to Land Victoria before plans can be accepted.

FEES

Land Victoria fees are set out in 'Your guide to Subdivision Act fees' available on line at www.dse.vic.gov.au/Property, Titles and Maps > Land Titles > Forms, guides and fees

DUTY

Not payable

SPEAR

Plans may have been processed in SPEAR (Streamlined Planning through Electronic Applications and Referrals). In this case the relevant application form, Certificate(s) of Title, Consents and Owners Corporation documentation will still need to be lodged with Plan Acceptance. The Licensed Surveyor should be contacted prior to lodgement, to determine what documentation (Certified Plan, Statement of Compliance, Surveyor's Report, Abstract of Field Records etc is available on SPEAR, and what additional documentation will be required for lodgement with Plan Acceptance.

PLAN OF SUBDIVISION

SECTION 22 SUBDIVISION ACT 1988

FOR DETAILED INFORMATION ON PLANS OF SUBDIVISION REFER TO
Your guide to lodging a plan of subdivision AVAILABLE ONLINE AT
[www.dse.vic.gov.au/Property, Titles and Maps > Land Titles > Forms,
guides and fees.](http://www.dse.vic.gov.au/Property, Titles and Maps > Land Titles > Forms, guides and fees.)

PLAN OF CONSOLIDATION

SECTION 22 SUBDIVISION ACT 1988

**FOR DETAILED INFORMATION ON PLANS OF CONSOLIDATION REFER TO
Your guide to lodging a plan of consolidation AVAILABLE ONLINE AT
[www.dse.vic.gov.au/Property, Titles and Maps > Land titles > Forms,
guides and fees](http://www.dse.vic.gov.au/Property, Titles and Maps > Land titles > Forms, guides and fees).**

SERVICE OF A NOTICE BY THE REGISTRAR
SECTION 22(1B) SUBDIVISION ACT 1988

LODGING REQUIREMENTS

Form SA22(1B) - Service of Notice by the Registrar

Statutory Declaration by applicant(s) stating process undertaken to obtain consents

NOTE:

- (a) The applicant of the Section 22(1B) must be the same applicant for the registration of the plan.
- (b) Separate applications to be made for each notice to be served.
- (c) See Section 22(1A) *Subdivision Act 1988* for a description of the person whose consent is required for registration.
- (d) Application must be referred to the Specialist Registration Warrants Officer before lodging.
- (e) Plan requiring consent must be lodged at the same time as the SA22(1B).
- (f) Certificate(s) of Title **not** required.

EASEMENT – CREATION, REMOVAL OR VARIATION
SECTION 23 SUBDIVISION ACT 1988

LODGING REQUIREMENTS

Form SA23E - Easement – Creation, Removal or Variation

Plan Lodgement Checklist

Certificate(s) of Title of the servient/burdened land

Certified Plan

Statement of Compliance

NOTE:

- (a) The plan must be certified by council in the prescribed form.
- (b) A Statement of Compliance must either be included in the council certification on the plan or supplied separately. If the statement is supplied separately – see Form 15 Subdivision (Procedures) Regulations 2011.
- (c) Each sheet of the plan must be signed and dated by a licensed surveyor – see Regulation 8 Subdivision (Registrar's Requirements) Regulations 2011.
- (d) Form SA23E is to be used:
 - ♦ when a planning scheme or permit regulates or authorises the creation variation or removal of an easement; or
 - ♦ for the acquisition or removal of an easement following a VCAT order under Section 36 *Subdivision Act 1988*. The VCAT order under Section 36 must be produced to the Registrar; or
 - ♦ when a planning scheme or permit regulates or authorises the variation or removal of a condition in the nature of an easement in a Crown Grant.
- (e) Certificate(s) of Title **not** required for the benefited land.

RESTRICTION – CREATION, REMOVAL OR VARIATION
SECTION 23 SUBDIVISION ACT 1988

LODGING REQUIREMENTS

Form SA23R - Restriction – Creation, Removal or Variation

Plan Lodgement Checklist

Certificate(s) of Title of the servient/burdened land

Certified Plan

Statement of Compliance

NOTE:

- (a) The plan must be certified by council in the prescribed form.
- (b) A Statement of Compliance must either be included in the council certification on the plan or supplied separately. If the statement is supplied separately – see Form 15 Subdivision (Procedures) Regulations 2011.
- (c) Each sheet of the plan must be signed and dated by a licensed surveyor – see Regulation 8 Subdivision (Registrar's Requirements) Regulations 2011.
- (d) Form SA23R is to be used when a planning scheme or permit regulates or authorises the creation/variation or removal of a restriction.
- (e) Certificate(s) of Title **not** required for the benefited land.
- (f) Removal or Variation: Section 23 *Subdivision Act 1988* does not apply if the covenant was created in other than the *Subdivision Act 1988* or *Transfer of Land Act 1958* (see Section 4(4) *Subdivision Act 1988*).

**RESERVES – VEST LAND IN COUNCIL, REMOVE RESERVE
STATUS OR REMOVE RESTRICTION VESTED UNDER SECTION
18 CLUSTER TITLES ACT 1974**

SECTION 24A SUBDIVISION ACT 1988

LODGING REQUIREMENTS

Form SA24A - Reserves - Vest Land in Council, Remove Reserve Status or Remove Restriction Vested under Section 18 Cluster Titles Act 1974

Plan Lodgement Checklist

Certificate(s) of Title (required only if the applicant is also the registered proprietor)

Certified Plan

Statement of Compliance

Council street addressing information (must be completed and supplied to Land Victoria before plans can be accepted).

Consents of all mortgagees, annuitants, lessees, sub-lessees and Caveators as required by Section 22(1) *Subdivision Act 1988* must be endorsed on the application or produced with the application. If a consent is not produced then an application under Section 22(1B) *Subdivision Act 1988* must accompany this application.

NOTE:

- (a) The plan must be certified by council in the prescribed form.
- (b) A Statement of Compliance must either be included in the council certification on the plan or supplied separately. If statement is supplied separately – see Form 15 Subdivision (Procedures) Regulations 2011.
- (c) Each sheet of the plan must be signed and dated by a licensed surveyor – see Regulation 8 Subdivision (Registrar's Requirements) Regulations 2011.
- (d) If land is to vest in the council then council must be the applicant and the consents as described above are not required.

APPROVAL OF BOUNDARY PLAN

SECTION 26 SUBDIVISION ACT 1988

LODGING REQUIREMENTS

Form SA26 - Approval of Boundary Plan

A Boundary Plan must show outer boundaries and abutments of the land to be subdivided, and all encumbrances (or appropriate notations).

Surveyor's Report - The report is to include statements that:

- ♦ the survey has been made for a proposed subdivision – provide allocated PS number;
- ♦ the surveyor is of the opinion that it is not necessary for a formal amendment and/or vesting application to be made under the provisions of the *Transfer of Land Act 1958*;
- ♦ the plan and abstract of field records have been checked prior to certification, are in accord and are mathematically correct;
- ♦ detail the reasons for the adoptions made;
- ♦ identify the issues requiring resolution and acceptance.

Abstract of Field Records

Survey Information – copies of any relevant survey information not filed in Land Victoria.

NOTE:

- (a) The plan, abstract and report are to be in accordance with current requirements for plans of survey in the Surveyors (Cadastral Surveys) Regulations.
- (b) If the applicant is not the registered proprietor, the Registrar may require sufficient evidence of the purchase of land or the applicant's entitlement to be registered to be supplied.
- (c) If a surveyor signs the application for the applicant, the following should appear adjacent to the surveyor's signature – 'Licensed Surveyor for the applicant'.
- (d) A Boundary Plan can be lodged electronically through SPEAR. For non SPEAR users the plan must be clear, legible and prepared on good quality A3 paper.
- (e) For non SPEAR users the surveyor's report is to be prepared on good quality A4 size paper.
- (f) Abstract of Field Records can be lodged electronically through SPEAR. For non SPEAR users the abstract must be clear, legible and prepared on good quality A3 size paper.
- (g) Certificate(s) of Title **not** required.

**OWNERS CORPORATION ADDITIONAL INFORMATION
(UNLIMITED OWNERS CORPORATION)**

FOR DETAILED INFORMATION ON OWNERS CORPORATION ADDITIONAL INFORMATION (UNLIMITED OWNERS CORPORATION) REFER TO *Your guide to lodging an accompanying document for an Unlimited Owners Corporation* , AVAILABLE ONLINE AT [www.dse.vic.gov.au/Property, Titles and Maps > Land Titles > Forms, guides and fees.](http://www.dse.vic.gov.au/PropertyTitlesandMaps>LandTitles>Forms,guidesandfees)

**OWNERS CORPORATION ADDITIONAL INFORMATION
(LIMITED OWNERS CORPORATION)**

FOR DETAILED INFORMATION ON OWNERS CORPORATION ADDITIONAL INFORMATION (LIMITED OWNERS CORPORATION) REFER TO AVAILABLE ONLINE AT www.dse.vic.gov.au/Property,Titles and Maps > Land Titles > Forms, guides and fees

OWNERS CORPORATION - NOTIFICATION OF CHANGE OF ADDRESS

SECTION 34(2) SUBDIVISION ACT 1988

LODGING REQUIREMENTS

OC3 form - Owners Corporation Notification of Change of Address

ADDRESS OF OWNERS CORPORATION

Insert address for the service of notice. It is not acceptable to use a *care of* address or a *post office box* number.

OWNERS CORPORATION NO.

Insert the Owners Corporation number as shown on the current Owners Corporation Search Report available from Land Victoria, e.g. Owners Corporation No. 1.

PLAN NO.

Insert the certified Plan number i.e. PS#####, RP#####, SP##### or CS####, including the alpha check digit where applicable.

NOTE:

Certificate(s) of Title **not** required

OWNERS CORPORATION - NOTIFICATION OF ALTERATION

SECTION 27H SUBDIVISION ACT 1988

LODGING REQUIREMENTS

OC4 form - Owners Corporation Notification of Alteration

OWNERS CORPORATION NO.

Insert the Owners Corporation number as shown on the current Owners Corporation Search Report available from Land Victoria, e.g. Owners Corporation No. 1.

PLAN NO.

Insert the certified Plan number i.e. PS#####, RP#####, SP##### or CS####, including the alpha check digit where applicable.

THE PURPOSES OF THE OWNERS CORPORATION

The purpose for which an Owners Corporation exists will vary but the following suggested wording may be suitable:

For Unlimited:

'To manage the land affected by Owners Corporation No.#'

For Limited:

'To manage the common services relating to sewerage and drainage etc.'

For Limited to Common Property:

'To manage the common property No.# within the land affected by Owners Corporation No.#.'

FUNCTIONS AND OBLIGATIONS THAT ARE TO BE CARRIED OUT OR COMPLIED WITH BY THE UNLIMITED OWNERS CORPORATION

For an Unlimited:

'Additional functions and obligations to be carried out or complied with on behalf of the Limited Owners Corporation No.# are...'

For a Limited:

'Functions and obligations to be carried out or complied with on behalf of the Unlimited Owners Corporation No.# are...'

NOTE:

(a) On the OC4 form, both items (1) the purpose and (2) the function should be completed. If existing purpose or function has not been changed NA (not applicable) should be recorded.

(b) Certificate(s) of Title **not** required

**OWNERS CORPORATION - NOTIFICATION OF MAKING RULES
(WHEN LODGED WITH PLAN)**

SECTION 27E(1) SUBDIVISION ACT 1988

LODGING REQUIREMENTS

Form OC5 - Owners Corporation Notification of Making Rules
Copy of the Owners Corporation Rules

OWNERS CORPORATION NO.

Insert the Owners Corporation number as shown on the Owners Corporation Schedule.

PLAN NO.

Insert the certified Plan number i.e. PS#####, RP#####, SP##### or CS#####, including the alpha check digit where applicable.

NOTE:

Certificate(s) of Title **not** required

OWNERS CORPORATION - NOTICE OF INTENTION TO WIND UP
SECTION 34G(4) SUBDIVISION ACT 1988

LODGING REQUIREMENTS

Form SA34G(4) - Owners Corporation Notice of Intention to Wind Up

NOTE:

(a) Applicant –Section 34G(4) *Subdivision Act 1988* states that a notice of application to wind up an OC must be served on the Registrar of Titles who must record the notice in the prescribed manner.

(b) Certificate(s) of Title **not** required

OWNERS CORPORATION - CANCEL OR AMEND A PLAN ON WINDING UP

SECTION 34H SUBDIVISION ACT 1988

LODGING REQUIREMENTS

Form 34H - Owners Corporation Cancel or Amend a Plan on Winding Up

Certificate(s) of Title

VCAT order

Consents and other documents included in schedule to VCAT order.

NOTE:

- (a) Applicant – see Section 34H *Subdivision Act 1988*.
- (b) All documents should be taken to Specialist Registration Advice for checking prior to lodging.

OWNERS CORPORATION - SUBDIVISION
SECTION 32 OR 32AI SUBDIVISION ACT 1988

LODGING REQUIREMENTS

Form SA32 - Owners Corporation Subdivision

Plan of Subdivision

Plan lodgement checklist

Statement of Compliance

Surveyor's Report

Abstract of Field Records

Street Addressing Information

Certificate(s) of Title

OC1 form (if applicable) for each Unlimited Owners Corporation created

OC2 form (if applicable) for each Limited Owners Corporation created

Notification from municipal council of street addressing

Consents of all mortgagees, annuitants, lessees, sub-lessees and Caveators as required by Section 22(1) *Subdivision Act 1988* must be endorsed on the application or produced with the application. If a consent is not produced then an application under Section 22(1B) *Subdivision Act 1988* must accompany this application.

NOTE:

- (a) The plan must be certified by council in the prescribed form.
- (b) A Statement of Compliance must either be included in the council certification on the plan or supplied separately. If statement is supplied separately – see Form 15 Subdivision (Procedures) Regulations 2011.
- (c) Each sheet of the plan must be signed and dated by a licensed surveyor – see Regulation 8 Subdivision (Registrar's Requirements) Regulations 2011.
- (d) Additional sheets may be required for compiled plan purposes, see Section 24(6) *Subdivision Act 1988*.
- (e) Applicant may be either Owners Corporation or the Registered Proprietor – see Section 32 and Section 32AI *Subdivision Act 1988* respectively.
- (f) An unanimous resolution is required and must be sighted by council if the applicant is the Owners Corporation.

OWNERS CORPORATION - CREATION
SECTION 32B SUBDIVISION ACT 1988

LODGING REQUIREMENTS

Form SA32B - Owners Corporation Creation

Certified Plan

Certificate(s) of Title

Statement of Compliance

OC1 form (if applicable) for each Unlimited Owners Corporation created

OC2 form (if applicable) for each Limited Owners Corporation created

Consents of all mortgagees, annuitants, lessees, sub-lessees and Caveators as required by Section 22(1) *Subdivision Act 1988* must be endorsed on the application or produced with the application. If a consent is not produced then an application under Section 22(1B) *Subdivision Act 1988* must accompany this application.

NOTE:

- (a) The plan must be certified by council in the prescribed form.
- (b) A Statement of Compliance must either be included in the council certification on the plan or supplied separately. If statement is supplied separately – see Form 15 Subdivision (Procedures) Regulations 2011.
- (c) Each sheet of the plan must be signed and dated by a licensed surveyor – see Regulation 8 Subdivision (Registrar's Requirements) Regulations 2011.
- (d) If plan affects more than one existing plan then a new plan number will be required and all Certificate(s) of Title must be produced.

ALTERATION OF LOT ENTITLEMENT AND LIABILITY
SECTION 33(1) OR 34D SUBDIVISION ACT 1988

LODGING REQUIREMENTS

Form SA33(1) - Alteration of Lot Entitlement and Liability

A copy of the new schedule of entitlement and liability must be attached. This schedule will be substituted for the present registered schedule. If amendment is by VCAT order Section 34(D) *Subdivision Act 1988*, a certified copy of the order should accompany the application.

NOTE:

- (a) All documents should be taken to Specialist Registration Advice for checking prior to lodging.
- (b) Certificate(s) of Title **not** required

ACQUIRING AUTHORITY - SUBDIVISION

SECTION 35 SUBDIVISION ACT 1988

LODGING REQUIREMENTS

Form SA35 - Acquiring Authority Subdivision

Plan of Subdivision

Plan lodgement checklist

Statement of Exemption under Section 22(1)(b) *Subdivision Act 1988*, that the plan is exempt from Part 3 *Subdivision Act 1988*, or the relevant Statement of Compliance must be supplied. See Section 14 *Subdivision Act 1988*

Surveyor's Report

Abstract of Field Records

Street Addressing Information

Certificate(s) of Title. (Note the plan will not be accepted at Land Victoria unless accompanied by the relevant vesting documentation – see Regulation 22

Subdivision (Registrar's Requirements) Regulations 2011)

Consents under Section 22 may not be necessary, see Section 35(4) *Subdivision Act 1988*

NOTE:

- (a) The plan must be certified by council in the prescribed form.
- (b) Each sheet of the plan must be signed and dated by a licensed surveyor – see Regulation 8 Subdivision (Registrar's Requirements) Regulations 2011.

**ACQUIRING AUTHORITY - RECORD THE VESTING DATE OF
LAND ACQUIRED COMPULSORILY**

SECTION 35(6) SUBDIVISION ACT 1988

LODGING REQUIREMENTS

Form SA 35(6) - Acquiring Authority Record the Vesting Date of Land Acquired Compulsorily

Copy of the page of the *Victoria Government Gazette* containing the Notice of Acquisition

NOTE:

- (a) Applicant is Acquiring Authority – see Section 35(6) *Subdivision Act 1988*.
- (b) Certificate(s) of Title **not** required.

ACCESSORY LOT – AMEND PLAN
SECTION 44(4A) SUBDIVISION ACT 1988

LODGING REQUIREMENTS

SA44(4A) - Accessory Lot Form
Certificate(s) of Title
Consent of council

NOTE:

Documents should be taken to Specialist Registration Advice for checking prior to lodging.

REMOVAL OF RESTRICTED LOT STATUS
SECTIONS 44(5) SUBDIVISION ACT 1988

LODGING REQUIREMENTS

Form SA44(5) - Removal of Restricted Lot Status
Certificate(s) of Title
Consent of council

NOTE:

Documents should be taken to Specialist Registration Advice for checking prior to lodging.

**ALTERATION OR CANCELLATION OF SCHEME OF
DEVELOPMENT BY OWNERS CORPORATION**

SECTION 44(5A) SUBDIVISION ACT 1988

LODGING REQUIREMENTS

Form 44(5A) - Alteration or Cancellation of Scheme of Development by Owners Corporation

Consent of council

NOTE:

- (a) Documents should be taken to Specialist Registration Advice for checking prior to lodging.
- (b) Certificate(s) of Title **not** required.

**ALTERATION OR CANCELLATION OF SCHEME OF DEVELOPMENT BY
REGISTERED PROPRIETOR**

SECTION 44(5B) SUBDIVISION ACT 1988

LODGING REQUIREMENTS

Form 44(5B) - Alteration or Cancellation of Scheme of Development by Registered Proprietor
Consent of council

NOTE:

- (a) All documents must be checked prior to lodgement by Specialist Registration Advice.
- (b) Certificate(s) of Title **not** required.