

Subdivision (Procedures) Regulations 2000

S.R. No. 101/2000

TABLE OF PROVISIONS

<i>Regulation</i>	<i>Page</i>
PART 1—PRELIMINARY	1
1. Objectives	1
2. Authorising provisions	2
3. Revocation	2
4. Definitions	2
5. Form and layout of plans	2
PART 2—FORM AND CONTENT OF PLANS	4
6. Use of Office of Titles Plan Numbers	4
7. Numbering and signing of plans	4
8. Meaning of abbreviations on plans	5
9. Information which must be on plans for the Office of Titles	6
10. Use of cross sections and plans of elevation	6
11. Use of buildings to define boundaries	6
12. Method of showing boundaries on a plan	7
13. Plans for acquisition of land	8
14. Removal or variation of easements	8
15. Creation, removal or variation of restrictions	8
16. Information to be on plans involving bodies corporate— Section 27(3)	8
17. Staged subdivision—Section 37	9
18. Information to be on master plans—Section 37	9
19. Information to be on plans for subsequent stages—Section 37	10
20. Special information for Councils and referral authorities	10
21. Special information for Office of Titles	10
PART 3—CERTIFICATION PROCEDURES	12
22. Application for certification	12
23. Time for Council to send plan to referral authority—Section 8(1)	12
24. Form of referral—Section 8(1)	12
25. Time in which Council may require alterations to plan— Section 10(1)	12
26. Time for referral authority to reply—Section 9(1)	13
27. Form for requiring specified alterations—Section 9(1)	13

<i>Regulation</i>	<i>Page</i>
28. Form for refusal of consent by referral authority	13
29. Form for advising that altered plan received and times recommenced	13
30. Time for Council to certify plan—Section 6(1)	13
31. Form of certification without statement of compliance	14
32. Form of certification with statement of compliance without requirements	14
33. Form of certification for acquisition plans	14
34. Time for giving reasons for refusal to certify—Section 6(2)	15
35. Time to make a statement under section 36	15
36. Council to supply street numbers and lot location information	15
PART 4—APPLICATIONS TO THE REGISTRAR	16
37. Time for Registrar to consider boundary plans—Section 26(2)	16
38. Application for registration of subdivisions, consolidations, easements and restrictions	16
39. Applications to register alterations on a body corporate plan	17
40. Advice and application concerning vesting dates	17
41. Other applications	17
42. Advice concerning amendments to plan	18
43. Advising of vesting dates	18
PART 5—AMENDING CERTIFIED PLANS PRIOR TO REGISTRATION	19
44. Application to amend certified plan	19
45. Time for Council to send amended plan to referral authority—Section 11(2)	19
46. Form of referral of application for amendment—Section 11(2)	19
47. Time for referral authority to reply—Sections 11(3) and 11(4)	19
48. Form for requiring specified alterations—Section 11(3)	19
49. Form for refusal of consent to amend plan by referral authorities	20
50. Time for Council to certify or recertify amended plans—Section 11(7)	20
51. Form of re-certifying amended plans or certifying replacement plans	20
PART 6—WORKS AND OTHER REQUIREMENTS	22
52. Time to make decision on engineering plans—Section 15(2)	22
53. Notation when public open space requirement made—Section 18	22
54. Advice that land marked out or defined	22
55. Form of statement of compliance—Section 21	22
56. Registrar records statement of compliance	23

<i>Regulation</i>	<i>Page</i>
PART 7—MISCELLANEOUS	24
57. Name of body corporate	24
58. Council to keep records	24
59. Concurrent processing of planning and subdivision applications	25
60. Time limit to nominate an authority—Section 17(2A)	26
61. General form of refusal	26
PART 8—TRANSITIONAL PROVISIONS	27
62. Transitional	27
63. Making of applications etc.	27
 SCHEDULE	 28
FORMS	28
Form 1—Application for certification	28
Form 2—Requirement for alterations to plan	30
Form 3—Refusal of consent by referral authority	31
Form 4—Recommencement of referral time	32
Form 5—*Certification by council	33
Form 6—*Certification and statement of compliance	34
Form 7—*Certification of acquisition plans	35
Form 8—Allocation of street numbers and lot location information	36
Form 9—Application to register a plan related to acquisition by an acquiring authority	37
Form 10—Application to register a plan of *subdivision *consolidation not related to acquisition by an acquiring authority	38
Form 11—Application for the service of a notice by the registrar	39
Form 12—Application to register a plan of creation removal or variation of an easement or a plan of variation or removal of a condition in the nature of an easement in a crown grant not done as part of a plan of subdivision or plan of consolidation	40
Form 13—Application to register a plan of creation removal or variation of a restriction not done as part of a plan of subdivision or plan of consolidation	42
Form 14—Application to register a plan to *vest land in a council *remove a reservation from land *remove any restrictions on	

<i>Regulation</i>	<i>Page</i>
the use of land vested under section 18 of the Cluster Titles Act 1974	43
Form 15—Application to register a plan to create a body corporate	44
Form 16—Application to register a plan resulting from alterations of a subdivision containing a body corporate under section 32	45
Form 17—Advice to the registrar and application to the registrar for the registrar to record the vesting date of land acquired compulsorily	46
Form 18—Application to council to amend certified plan	47
Form 19—Notice of requirement of alterations to plan	49
Form 20—*Re-certifying existing plan	50
Form 21—*Certifying a new version of an existing plan	51
Form 22—*Certifying a new version of an existing plan with statement of compliance	52
Form 23—Advice by Licensed surveyor	54
Form 24—Statement of compliance for stage no. # of a staged plan	56
Form 25—Statement of compliance	58
Form 26—Refusal	59
ENDNOTES	62

STATUTORY RULES 2000

S.R. No. 101/2000

Subdivision Act 1988

Subdivision (Procedures) Regulations 2000

The Governor in Council makes the following Regulations:

Dated: 10 October 2000

Responsible Minister:

JOHN THWAITES
Minister for Planning

HELEN DOYE
Clerk of the Executive Council

PART 1—PRELIMINARY

1. Objectives

The objectives of these Regulations are to prescribe—

- (a) times for doing things required to be done by the **Subdivision Act 1988** or these Regulations; and
- (b) forms for the purposes of that Act and these Regulations; and
- (c) procedures to obtain certification and registration of plans under that Act; and
- (d) information to be included in any plans, statements and other documents prepared or given for the purposes of that Act; and
- (e) other matters necessary to carry out that Act.

2. Authorising provisions

These Regulations are made under section 43 of the **Subdivision Act 1988**.

3. Revocation

The following regulations are revoked—

- (a) the Subdivision (Procedures) Regulations 1989¹;
- (b) the Subdivision (Procedures) (Amendment) Regulations 1989²;
- (c) the Subdivision (Procedures) (Miscellaneous Amendments) Regulations 1996³.

4. Definitions

In these Regulations—

"**Act**" means the **Subdivision Act 1988**;

"**form**" means a form in the Schedule;

"**general plan**" means any plan other than a procedural plan;

"**procedural plan**" means—

- (a) any plan which does not require a planning permit; or
- (b) any plan which requires a planning permit but is exempt from the referral requirements of the planning scheme—

but does not include a plan referred to in section 8(1)(b);

"**public open space requirement**" means a requirement under section 18 to set aside public open space, pay money or do both;

"**section**" means a section of the **Subdivision Act 1988**.

5. Form and layout of plans

Subdivision (Procedures) Regulations 2000

S.R. No. 101/2000

In addition to the matters required by these Regulations, a plan to which the Act applies must be in the form and contain the information required by the Registrar.

PART 2—FORM AND CONTENT OF PLANS**6. Use of Office of Titles Plan Numbers**

- (1) A plan under section 32B and all plans of subdivision or plans of consolidation (and related forms) must bear the plan number made available by the Registrar when submitted to a Council for certification, a referral authority for consent or lodged with the Registrar, except for a plan of subdivision or consolidation under section 32.
- (2) When requested and on payment of the prescribed fee the Registrar must make a plan number available for use on a plan under section 32B or a plan of subdivision or plan of consolidation⁴.
- (3) A plan number made available by the Registrar must be used for one plan only except for a staged subdivision. All plans that are part of a staged subdivision must bear the same plan number.

7. Numbering and signing of plans

- (1) A plan submitted for certification and intended for lodging at the Office of Titles may comprise one or more sheets.
- (2) Each sheet must be consecutively numbered as part of a series (eg. Sheet 1 of 3 Sheets).
- (3) Each sheet must contain the plan number made available by the Registrar.
- (4) Each sheet of a plan must be signed and dated by—
 - (a) a licensed surveyor if the plan—
 - (i) is prepared by the licensed surveyor; or
 - (ii) is based on survey; or
 - (iii) is a plan of subdivision; or

-
- (b) the applicant, if paragraph (a) does not apply.
- (5) By signing a plan a licensed surveyor certifies that the plan and any related survey is accurate and was undertaken by herself or himself or under his or her supervision.
- (6) A plan must contain a version number when the plan has been amended or altered since the plan number made available by the Registrar was first used.

8. *Meaning of abbreviations on plans*

- (1) In a plan—
- "**AMG**" means Australian Map Grid;
- "**A (no.)**" when accompanying a number, means appurtenant easement number;
- "**E (no.)**" when accompanying a number, means encumbering easement number, a condition in the nature of an easement in a Crown grant or any other encumbrance;
- "**R (no.)**" when accompanying a number, means land not being a lot which is part of a road;
- "**S (no.)**" when accompanying a number, means Stage number;
- "**POS**" means Public Open Space.
- (2) The Registrar may publish, from time to time, a list of meanings of abbreviations, being meanings which are to be used to interpret those abbreviations when the abbreviations are used on plans.
-

9. Information which must be on plans for the Office of Titles

A plan must include—

- (a) the certification or re-certification of the plan by the Council in the form required by these Regulations; and
- (b) Australian Map Grid co-ordinates of the approximate central point of the land in any plan prepared by a licensed surveyor.

10. Use of cross sections and plans of elevation

- (1) When lots, roads, reserves or common property are located above or below each other or above or below lots, roads, reserves or common property not in the plan then a cross section, plan of elevation or diagram must be shown on the plan.
- (2) The information in sub-regulation (1) need not include dimensions and may be only approximately to scale.

11. Use of buildings to define boundaries

- (1) Boundaries may be shown on the plan by reference to a building.
 - (2) Where a boundary on a plan is defined by reference to a building or part of a building, the plan must specify whether the boundary is—
 - (a) the interior face of the walls, ceilings and floors of the relevant part of the building; or
 - (b) the exterior face of the relevant part of the building; or
 - (c) in some other location.
 - (3) If a plan adopts any part of a building as a boundary and there is a discrepancy between any dimensions shown and the location of that part of the building, the boundary is that part of the
-

building. This does not apply to the external boundaries of the subdivision.

12. Method of showing boundaries on a plan

- (1) Subject to sub-regulation (3) a boundary must be shown by a continuous line.
- (2) A continuous line must not be used to show a building which does not constitute a boundary.
- (3) A broken line must be used where a boundary is a projection of a boundary defined by reference to a building shown on a cross-section.
- (4) Where the whole or part of a boundary is defined by a wall or other part of a building, a hatched line must be used.
- (5) Hatching need not be used if the plan specifies which boundaries or parts of boundaries are defined by a wall or other parts of a building.
- (6) Hatching need not be used if a notation on the plan indicates that all the boundaries of a lot or a separate part of a lot are defined by walls or other parts of a building.
- (7) Except in the case of a boundary defined by reference to a natural feature, a boundary defined in an earlier registered plan by reference to a building or a boundary defined by reference to a projection in a cross section, dimensions must be shown for—
 - (a) all the boundaries of the land the subject of the plan; and
 - (b) each other boundary or part of another boundary not defined by a wall or part of a building.
- (8) Despite sub-regulation (7) the Registrar may accept a plan as suitable for registration where dimensions are not shown for all of the boundaries

of the land the subject of the plan if the Registrar considers that—

- (a) a survey indicates that any of the dimensions of the relevant title boundaries may be inaccurate; or
- (b) the dimensions of any of the boundaries are not shown on the relevant folio of the register.

13. *Plans for acquisition of land*

A plan of subdivision to facilitate the acquisition of land must indicate the land acquired or to be acquired⁵.

14. *Removal or variation of easements*

A plan of subdivision or plan of consolidation which also varies or removes an easement must refer to the grounds for the removal or variation and include a statement indicating every easement which is to be removed or varied and clearly show on the plan the effect of the removal or variation of the easement.

15. *Creation, removal or variation of restrictions*

A plan of creation of restriction, plan of removal of restriction or plan of variation of restriction must—

- (a) indicate the restriction proposed to be created, removed or varied; and
- (b) describe the restriction by the use of a number or other notation.

16. *Information to be on plans involving bodies corporate—Section 27(3)*

The prescribed information under section 27(3) is—

Subdivision (Procedures) Regulations 2000

S.R. No. 101/2000

- (a) the postal address of the land; and
- (b) the postal address for the service of notices of each body corporate to be created; and
- (c) a schedule of lot entitlements and liabilities; and
- (d) a description of the land affected by the body corporate; and
- (e) whether any body corporate is a limited body corporate and details of the limitations; and
- (f) a statement of whether standard or special rules apply⁶; and
- (g) a statement, where appropriate, that the limited body corporate exists following a merger of bodies corporate and is the successor of an unlimited body corporate as referred to in section 32(2E)(b)(iv).

17. *Staged subdivision—Section 37*

A plan must indicate whether it is or is not a staged subdivision.

18. *Information to be on master plans—Section 37*

The prescribed information under section 37(3)(b) is—

- (a) the lots and any roads, reserves, common property, easements and restrictions in the first stage; and
 - (b) all residual land with the lot number or stage number, as appropriate; and
 - (c) any permit or planning scheme provision which will regulate the development of future stages; and
 - (d) an endorsement as required by regulation 53 (if the public open space requirement will be
-

satisfied on stage 1) or an endorsement that the public open space requirement will be met on a later stage.

**19. *Information to be on plans for subsequent stages—
Section 37***

A plan submitted for the second or any subsequent stage must—

- (a) be numbered with the master plan number made available by the Registrar; and
- (b) show the lots and any roads, reserves, common property, easements and restrictions in that stage and which land (if any) is the residual land; and
- (c) show any residual land with the lot number or stage number, as appropriate; and
- (d) show the lots for the second or subsequent stages using different lot numbers from those contained in previous stages.

20. *Special information for Councils and referral authorities*

- (1) A plan may be supported by additional documents or copies of documents containing additional information (such as levels) required by the Council or a referral authority but which are not part of the plan and are not to be lodged at the Office of Titles.
- (2) These additional documents must not be numbered as sheets of the plan but must include the plan number made available by the Registrar.

21. *Special information for Office of Titles*

- (1) Abstracts of field records, surveyors reports, transparencies of plans, or other supporting documents required by the Registrar need not be submitted to the Council for certification but must
-

Subdivision (Procedures) Regulations 2000

S.R. No. 101/2000

be submitted to the Registrar when the plan is lodged.

- (2) These additional documents are not part of the plan and must not be numbered as sheets of the plan but must include the plan number made available by the Registrar.
 - (3) The following documents must be lodged with the plan—
 - (a) any document proving the creation, variation or removal of any interest in the land on which the plan depends or which the plan brings about; and
 - (b) any other document specified by the Registrar.
-

PART 3—CERTIFICATION PROCEDURES

22. *Application for certification*

For the purposes of section 5(3)(c) the prescribed form for the application is the form in Form 1.

23. *Time for Council to send plan to referral authority—Section 8(1)*

Subject to regulation 59, the prescribed time under section 8(1) is 7 days from the date on which the plan is received by the Council⁷.

24. *Form of referral—Section 8(1)*

If a Council refers a plan under section 8(1), the Council must—

- (a) attach a copy of the application form to the plan and must indicate on the form—
 - (i) the date on which the plan was received by the Council; and
 - (ii) the name of any authority to whom the plan has been referred; and
- (b) forward a copy of the application form to the applicant with the information required under sub-paragraphs (i) and (ii) set out in it.

25. *Time in which Council may require alterations to plan—Section 10(1)*

The prescribed time under section 10(1) is—

- (a) for procedural plans, 7 days from the receipt of the plan by the Council; or
 - (b) for general plans that do not have to be referred, 14 days from the receipt of the plan by the Council; or
 - (c) for plans that are referred, 7 days from the date the referral authority notifies the
-

Council under section 9(1) or 42 days from the date the Council received the application whichever is the earlier day.

26. *Time for referral authority to reply—Section 9(1)*

Subject to regulation 59, the prescribed time under section 9(1) and (3) is 35 days from the date the plan was received by the Council.

27. *Form for requiring specified alterations—Section 9(1)*

The prescribed form for a requirement for specified alterations under section 9(1) is the form in Form 2.

28. *Form for refusal of consent by referral authority*

The prescribed form for a refusal under section 9(1) is the form in Form 3.

29. *Form for advising that altered plan received and times recommenced*

- (1) When a Council sends an altered plan to a referral authority under section 10(5) after it has referred a plan under section 8(1), it must also send a notice setting out the revised times for consideration of the plan. The prescribed form for the notice is the form in Form 4.
- (2) The Council must send the applicant a copy of the notice sent under sub-regulation (1) at the same time that the altered plan is sent to any referral authority.

30. *Time for Council to certify plan—Section 6(1)*

Subject to regulation 59, the prescribed time under section 6(1) is—

- (a) for general plans referred to a referral authority, 49 days from the date on which the plan was received by the Council; or
- (b) for general plans if no referral is necessary, 21 days from the receipt of the plan by the Council; or
- (c) for procedural plans, 14 days from the receipt of the plan by the Council.

31. *Form of certification without statement of compliance*

The prescribed form for the certification under section 6(1) of a plan when the Council is not satisfied that section 21(1)(b)(i) or (ii) has been complied with is the form in Form 5. This does not apply to plans referred to in regulation 33.

32. *Form of certification with statement of compliance without requirements*

The prescribed form for the certification under section 6(1) of a plan concurrently with the issue of a statement of compliance under section 21 is the form in Form 6. This does not apply to plans referred to in regulation 33.

33. *Form of certification for acquisition plans*

The prescribed form for the certification of a plan submitted by an acquiring authority under section 35 is—

- (a) the form in items A, B and D of Form 7 when no additional lots are created⁸; or
- (b) the form in items C and D of Form 7 when additional lots are created and a statement of

compliance is not being issued concurrently with the certification of the plan; or

- (c) the form in items C, D and G of Form 7 when additional lots are created and the plan is to be certified concurrently with the issue of a statement of compliance.

**34. *Time for giving reasons for refusal to certify—
Section 6(2)***

The prescribed time under section 6(2) is 49 days from the date the plan was received by the Council.

35. *Time to make a statement under section 36*

The prescribed time under section 40(1A) is 49 days from the date a written request is received by the Council or a referral authority.

36. *Council to supply street numbers and lot location information*

Within one month of certification of a plan, the Council must give to the Registrar information in the form of Form 8 about street numbers and lot location of each lot on the plan.

PART 4—APPLICATIONS TO THE REGISTRAR**37. *Time for Registrar to consider boundary plans—
Section 26(2)***

The prescribed time under section 26(2) is 45 days from the date on which the boundary plan is lodged with the Registrar.

38. *Application for registration of subdivisions, consolidations, easements and restrictions*

- (1) The prescribed form for an application to the Registrar for the registration of a certified plan of consolidation or certified plan of subdivision is the form in—
 - (a) Form 9 when made by an acquiring authority; or
 - (b) Form 10 in all other cases except for a plan referred to in regulation 39⁹.
 - (2) An application under section 22(1B) for the Registrar to serve a notice under section 22(1C) must be in the form of Form 11.
 - (3) The prescribed form for an application to the Registrar for the registration of a certified plan of creation, removal or variation of an easement or restriction lodged under section 23 is the form in Form 12.
 - (4) The prescribed form for an application to the Registrar for the removal of an easement under section 36 which is not part of a plan of subdivision or plan of consolidation is the form in Form 12.
 - (5) The prescribed form for an application to the Registrar for the registration of a certified plan of removal or variation of a condition in the nature of an easement in a Crown Grant lodged under
-

section 23 which is not part of a plan of subdivision or plan of consolidation is the form of Form 12.

- (6) The prescribed form for an application to the Registrar under section 22 for the registration of a certified plan of creation removal or variation of a restriction under section 23 which is not part of a plan of subdivision or plan of consolidation, is the form of Form 13.
- (7) If a plan relates to the removal or variation of an easement by consent copies of each consent which supported the application for certification must accompany the application for registration of the plan.
- (8) The prescribed form for an application to the Registrar for the registration of a certified plan to vest land in a Council or remove a reservation or remove a restriction on the use of land vested under section 18 of the **Cluster Titles Act 1974** lodged under section 24A is in the form of Form 14.
- (9) The prescribed form for an application to the Registrar for the registration of a certified plan to create a body corporate under section 32B is in the form of Form 15.

39. *Applications to register alterations on a body corporate plan*

The prescribed form for an application to the Registrar to register a plan lodged under section 32(2) is the form in Form 16.

40. *Advice and application concerning vesting dates*

The prescribed form of advice to the Registrar and application to the Registrar to record a vesting date under section 35(6) is the form of Form 17.

41. *Other applications*

Subdivision (Procedures) Regulations 2000

S.R. No. 101/2000

Where no form of application is prescribed by these Regulations, the applicant must in the application state the applicant's name and address and also—

- (a) state what is required to be done and the relevant section of the Act; and
- (b) describe the relevant land by reference to the folio of the Register or by any other description which is sufficient to satisfy the Registrar.

42. *Advice concerning amendments to plan*

- (1) The Registrar must advise the Council as soon as possible of any amendments that are made under section 22(2)(a) to any certified plan.
- (2) A plan submitted under section 32 must refer to the number of the plan it is intended to amend.

43. *Advising of vesting dates*

When advising the Registrar of a vesting date under section 35 the person giving the advice must produce a copy of the relevant part of the Government Gazette in which any relevant notice of acquisition is published.

**PART 5—AMENDING CERTIFIED PLANS PRIOR TO
REGISTRATION**

44. *Application to amend certified plan*

The prescribed form for an application to amend a certified plan under section 11(1) is the form in Form 18.

45. *Time for Council to send amended plan to referral authority—Section 11(2)*

The prescribed time under section 11(2) is 7 days from the date on which the amended plan is received by the Council.

46. *Form of referral of application for amendment—Section 11(2)*

- (1) An application for amendment referred by a Council under section 11(2) must be accompanied by a copy of Form 18 indicating the date the application was received by the Council and the name of the authorities to which the application is referred.
- (2) A copy of Form 18 including the information in sub-regulation (1) must be forwarded by the Council to the applicant at the same time as the plan is sent to the referral authority.

47. *Time for referral authority to reply—Sections 11(3) and 11(4)*

The prescribed time under section 11(3) and (4) is 21 days from the date on which the application was received by the Council.

48. *Form for requiring specified alterations—Section 11(3)*

The prescribed form for a requirement under section 11(3) is the form in Form 19.

49. *Form for refusal of consent to amend plan by referral authorities*

The prescribed form for a refusal under section 11(3) is the form in Form 3.

50. *Time for Council to certify or recertify amended plans—Section 11(7)*

The prescribed time under section 11(7) is—

- (a) for general plans referred to a referral authority, 28 days from the date on which the application was received by the Council; or
- (b) for general plans if no referral is made, 14 days from the date on which the application was received by the Council; or
- (c) for procedural plans, 7 days from the date on which the application was received by the Council.

51. *Form of re-certifying amended plans or certifying replacement plans*

- (1) The prescribed form for the re-certification under section 11(7) of an amended plan, is the form in Form 20.
 - (2) The prescribed form for the certification under section 11(7) of a new plan which is subject to requirements under section 15, is the form in Form 21. This does not apply to plans referred to in sub-regulation (3) or (5).
 - (3) The prescribed form for the certification under section 11(7) of a new plan submitted under section 35 which creates additional lots and is subject to requirements under section 15, is the form in items C, E and F of Form 7. This does not apply to plans referred to in sub-regulation (6).
-

-
- (4) The prescribed form for the certification under section 11(7) of a new plan submitted under section 35 which does not create additional lots and is exempt from Part 3 of the Act is the form in items A, B, E and F of Form 7.
 - (5) The prescribed form for the certification under section 11(7) of a new plan concurrently with the issue of a statement of compliance under section 21, is the form in Form 22. This does not apply to plans referred to in sub-regulation (6).
 - (6) The prescribed form for the certification under section 11(7) of a new plan submitted under section 35 which creates additional lots and which is to be certified concurrently with the issue of a statement of compliance is the form in items C, E, F and G of Form 7.
-

PART 6—WORKS AND OTHER REQUIREMENTS**52. *Time to make decision on engineering plans—
Section 15(2)***

The prescribed time under section 15(2) is 30 days from the date on which the engineering plan is received by the Council or the referral authority.

53. *Notation when public open space requirement made—Section 18*

When a public open space requirement has been made in accordance with section 18 the Council must endorse on the plan whether the requirement is to be satisfied on the plan or on a later stage.

54. *Advice that land marked out or defined*

The prescribed form for written advice by a licensed surveyor under sections 20A(1) or 20A(2) is the form in Form 23.

55. *Form of statement of compliance—Section 21*

The prescribed form for a statement of compliance under section 21 is—

- (a) the form in Form 6 if the statement is issued concurrently with the certification under section 6 of the plan, except for plans referred to in paragraph (b); or
 - (b) the form in items C, D and G of Form 7 if the statement is issued concurrently with the certification under section 6 of a plan submitted under section 35 which creates additional lots; or
 - (c) the form in Form 22 if the statement is issued concurrently with the certification of a new plan under section 11(7), except for plans referred to in paragraph (d); or
-

-
- (d) the form in items C, E, F and G of Form 7 if the statement is issued concurrently with the certification under section 11(7) of a new plan submitted under section 35 which creates additional lots; or
 - (e) the form of Form 24 for a staged subdivision for all stages including the master plan; or
 - (f) in all other cases, the form in Form 25.

56. *Registrar records statement of compliance*

The Registrar must record the receipt of a statement of compliance if the statement is in the form of Form 24 or Form 25.

PART 7—MISCELLANEOUS**57. *Name of body corporate***

- (1) The name of a body corporate when only one body corporate is created on a plan must be "Body Corporate 1—Plan No. (insert the plan number made available by the Registrar.)"
- (2) The name of a body corporate when more than one body corporate is created on a plan must be "Body Corporate—(insert 1, 2, 3 etc. to identify different bodies corporate on the same plan) Plan No. (insert the plan number made available by the Registrar.)"
- (3) The name of a body corporate created on the merger of bodies corporate must be Body Corporate—(insert 1, 2, 3 etc. to identify that it is a new body corporate) Plan No. (insert a plan number made available by the Registrar to one of the prior bodies corporate).

58. *Council to keep records*

- (1) The Council must maintain a register of applications to it under the Act.
 - (2) The register may be kept in conjunction with the register of permit applications required to be kept under section 49(1) of the **Planning and Environment Act 1987**.
 - (3) The register must include the following—
 - (a) the date an application is received;
 - (b) the plan number made available by the Registrar;
 - (c) the name of each referral authority to which the application is referred;
-

-
- (d) whether the application is exempt from referral and the reason;
 - (e) whether an open space requirement has been made and its nature;
 - (f) whether the application is exempt from an open space requirement and the reason (eg. requirement made previously (date));
 - (g) the date of any certification or refusal;
 - (h) the date of any re-certification or refusal;
 - (i) the date a statement of compliance is issued;
 - (j) details of any appeals;
 - (k) the date an advice under section 20A is received and its contents.
- (4) The Council must make the register available during office hours for any person to inspect free of charge.

59. *Concurrent processing of planning and subdivision applications*

- (1) This regulation applies when a person makes an application for a permit at the same time as applying to have a plan certified or applies for a permit at the same time as applying to certify or recertify a plan.
 - (2) For cases to which this regulation applies, the following times are prescribed—
 - (a) sections 8(1) and 11(2)—the time at which the application for the permit is referred under section 55(1) of the **Planning and Environment Act 1987**;
 - (b) sections 9(1) and 9(3) and 11(3)—the period or periods prescribed under section 59(2)(a) of the **Planning and Environment Act 1987**
-

or, if the Minister extends a period under section 56, the extended period;

- (c) sections 6(1) and (2) and 11(7)—the time at which the responsible authority makes its decision in accordance with section 59 of the **Planning and Environment Act 1987**.

60. Time limit to nominate an authority—Section 17(2A)

The prescribed time under section 17(2A) is 21 days from the date the request is received by the Minister.

61. General form of refusal

The prescribed form for a refusal—

- (a) to certify a plan under section 6(2); or
- (b) to certify or recertify a plan under section 11(7)(b); or
- (c) to approve an engineering plan under section 15(2); or
- (d) to issue a statement of compliance under section 21(1)—

is the form in Form 26.

PART 8—TRANSITIONAL PROVISIONS

62. *Transitional*

An application for certification or registration of a subdivision that was made under the Subdivision (Procedures) Regulations 1989 as in force immediately before the commencement of these Regulations is deemed to be an application under these Regulations.

63. *Making of applications etc.*

- (1) An application, certification or notification under the **Subdivision Act 1988** made before the expiration of 6 months after the commencement of these Regulations in accordance with the Subdivision (Procedures) Regulations 1989 as in force immediately before the commencement of these Regulations, is deemed to be sufficient compliance with these Regulations.
 - (2) A statement of compliance issued under the Subdivision (Procedures) Regulations 1989 as in force immediately before the commencement of these Regulations is deemed to be a statement of compliance in the prescribed form.
-

Subdivision (Procedures) Regulations 2000
S.R. No. 101/2000

SCHEDULE

FORMS

FORM 1

Reg. 22 Subdivision (Procedures) Regulations 2000

Subdivision Act 1988

APPLICATION FOR CERTIFICATION

PART A. All Applicants complete this Section

Plan No.

To: (insert name and address of Council)

I/We

of

Telephone

apply to have the attached

* PLAN OF SUBDIVISION

* PLAN OF CONSOLIDATION

* PLAN OF CREATION/REMOVAL/VARIATION OF
EASEMENT/ RESTRICTION

certified under the **Subdivision Act 1988**

and to have advice of street numbers allocated

1. Situation of land

2. Name and address of registered proprietor of land or owner

3. Name and address of applicant

Signed

(owner or applicant)

Signed

(owners consent section 5(5) of
the **Subdivision Act 1988**)

Subdivision (Procedures) Regulations 2000

S.R. No. 101/2000

Form 1

PART B. Only applicants having "old law" land complete this Section. (not required by acquiring authorities—See section 35(6)(g).)

I certify that steps have been taken to bring this land under the **Transfer of Land Act 1958**.

Signed.

PART C. ONLY ACQUIRING AUTHORITIES COMPLETE THIS SECTION THIS APPLICATION RELATES TO THE ACQUISITION OF LAND BY PART D. TO BE COMPLETED BY COUNCIL ON COPY APPLICATION

Date received by Council

Fee Paid \$

Authority Referred to:

Date Referred:

Response Received:

This application is referred under section 8(1) of the **Subdivision Act 1988**.

Note: The following should be attached to this application:

- (a) A COPY OF ANY PLANNING PERMIT APPLICABLE TO THE LAND OR AN APPLICATION FOR A PLANNING PERMIT IF MADE CONCURRENTLY
 - (b) AN EXTRACT OF THE PLANNING SCHEME INDICATING ANY CONDITIONS OR EXEMPTIONS WHICH MAY SUPPORT YOUR APPLICATION
 - (c) EVIDENCE OF REFERRAL AUTHORITIES' CONSENT WITHIN THE PREVIOUS 3 MONTHS (See section 8 of the **Subdivision Act 1988**)
-

FORM 2

Reg. 27 Subdivision (Procedures) Regulations 2000

Subdivision Act 1988

REQUIREMENT FOR ALTERATIONS TO PLAN

To: (insert name of Council)

and

To: (insert name of Applicant)

* Plan of Subdivision (insert plan number made available by the Registrar)

* Plan of Consolidation (insert plan number made available by the Registrar)

* (other) plan (insert plan number made available by the Registrar, if available)

The (insert name of referral authority) requires the following specified alterations to the above plan under section 9(1) of the **Subdivision Act 1988**

(insert details)

Reasons:

(insert reasons for purpose of section 9(2))

*(Signed for the referral authority) *(Sealed by the referral authority) (date)

* Delete if inapplicable

Note: Suspension of time:

Under section 9(4) of the **Subdivision Act 1988** the time for consideration of the plan is suspended as from the date of this notice and will resume when the altered plan is submitted to the Council.

Subdivision (Procedures) Regulations 2000
S.R. No. 101/2000

Form 3

FORM 3

Regs 28 and 49 Subdivision (Procedures) Regulations 2000

Subdivision Act 1988

REFUSAL OF CONSENT BY REFERRAL AUTHORITY

To: (insert name of Council)

and

To: (insert name of Applicant)

* Plan of Subdivision (insert plan number made available by the Registrar)

* Plan of Consolidation (insert plan number made available by the Registrar)

* (other) plan (insert plan number made available by the Registrar, if available)

The (insert name of referral authority) refuses to consent to the above plan under section *9(1) *11(3) of the **Subdivision Act 1988**

(insert details)

Reasons:

(insert reasons for purpose of section 9(2) or 11(3) as appropriate)

* (Signed for the referral authority)

* (Sealed by the referral authority) (date)

* Delete if inapplicable

FORM 4

Reg. 29 Subdivision (Procedures) Regulations 2000

Subdivision Act 1988

RECOMMENCEMENT OF REFERRAL TIME

* To: (insert name of Referral Authority)

* Plan of Subdivision (insert plan number made available by the Registrar)

* Plan of Consolidation (insert plan number made available by the Registrar)

* (other) plan

On the (insert date altered plan received) the (insert name of Council)
received the altered plan requested by (insert name of referral authority) on
(insert date application was suspended)

Revised Closing Date

The revised date on which the Council may make a decision is (insert date)

* (Council delegate)

(Council seal)

(date)

* Delete if inapplicable

Note: A copy of this form must also be forwarded to the applicant.

Subdivision (Procedures) Regulations 2000
S.R. No. 101/2000

Form 5

FORM 5

Reg. 31 Subdivision (Procedures) Regulations 2000

***CERTIFICATION BY COUNCIL**

This plan is certified under section 6 of the **Subdivision Act 1988**.

* (Council delegate)

* (Council seal)

(Date of certification)

* Delete if inapplicable

Note: This form is for use on a plan where the Council is not yet satisfied that section 21(1)(b)(i) or (ii) of the **Subdivision Act 1988** has been complied with.

FORM 6

Regs 32 and 55(a) Subdivision (Procedures) Regulations 2000

***CERTIFICATION AND STATEMENT OF COMPLIANCE**

1. This plan is certified under section 6 of the **Subdivision Act 1988**.
2. This is a Statement of Compliance issued under section 21 of the **Subdivision Act 1988**.

* (Council delegate)

* (Council seal)

(Date)

* Delete if inapplicable

Note: This form will be used on subdivisions where no works requirement has been served as well as on Plans of Consolidation, Plans of Creation/Removal/Variation of Easements/Restrictions.

FORM 7

Regs 33, 51(3), 51(4), 51(6), 55(b), 55(d) Subdivision (Procedures)
Regulation 2000

***CERTIFICATION OF ACQUISITION PLANS**

- *A * This is a plan under section 35 of the **Subdivision Act 1988** which does not create any additional lots.
- *B * This plan is exempt from Part 3 of the **Subdivision Act 1988**.
- *C * This is a plan under section 35 of the **Subdivision Act 1988** which creates (an) *additional lot (s).*
- *D * It is certified under section 6 of the **Subdivision Act 1988**.
- *E * It is certified under section 11(7) of the **Subdivision Act 1988**.
- *F * Date of original certification under section 6 / / .
- *G * This is a Statement of Compliance under section 21 of the **Subdivision Act 1988**.
- * (Council delegate)
- * (Council seal)
- (Date of certification)
- * Delete if inapplicable
- Note 1: An acquisition plan which does not create additional lots is exempt from the requirement for a Statement of Compliance by section 14 of the **Subdivision Act 1988**.
- Note 2: An acquisition plan creating additional lots is still subject to the requirement for a Statement of Compliance under section 21 of the **Subdivision Act 1988**.
-

FORM 8

Reg. 36 Subdivision (Procedures) Regulations 2000

**ALLOCATION OF STREET NUMBERS AND LOT LOCATION
INFORMATION**

Registrar of Titles

Advice of street numbers allocated for each lot and other lot location
information on a plan

Plan No. *PS (insert appropriate number)

*PC (insert appropriate number).

COUNCIL NAME:

COUNCIL REFERENCE NO.

Lot Floor Flat or Street Street Suburb

No. level Unit No. Name

(insert details as appropriate).

* (Council Delegate)

* (Council Seal)

(Date)

*Delete if inapplicable

Note: Regulation 36 requires the Council to give to the Registrar the
information on this form within one month of certification of the plan.

FORM 9

Reg. 38(1)(a) Subdivision (Procedures) Regulations 2000

Subdivision Act 1988

**APPLICATION TO REGISTER A PLAN RELATED TO
ACQUISITION BY AN ACQUIRING AUTHORITY**

To the Registrar

Plan No.

This is an application by an acquiring authority for registration of the Plan.

1. Applicant (insert name and address).
2. Land in the Plan (insert Volume and Folio references or other land description as necessary of all the land in the plan).
3. Municipal district in which land is located (insert name of Council and address of municipal offices).

Signature or seal of applicant, solicitor or agent.

*Delete if inapplicable

Note 1: Consents under section 22 may not be necessary. See section 35(4) of the **Subdivision Act 1988**.

Note 2: Statement of exemption under section 22(1)(b) must be supplied to the Registrar if applicable if it is not otherwise included in the plan.

FORM 10

Reg. 38(1)(b) Subdivision (Procedures) Regulations 2000

Subdivision Act 1988

**APPLICATION TO REGISTER A PLAN OF *SUBDIVISION
*CONSOLIDATION NOT RELATED TO ACQUISITION BY
AN ACQUIRING AUTHORITY**

To the Registrar

Plan No. *Stage No.

This is an application by the *registered proprietor *owner of the land in the plan (insert number) for registration of the plan

1. Applicant: (insert name and address)
2. Land: (insert Volume and Folio references or other land description as necessary of all land in the plan)
3. Municipal district in which land is located: (insert name of Council and address of municipal office)

Signature or seal of applicant, solicitor or agent.

(Date)

*Delete if inapplicable

Note 1: Consents of all mortgagees annuitants lessees sub-lessees and caveators as required by section 22(1) of the **Subdivision Act 1988** must be endorsed on this application or produced with this application. If every consent is not endorsed or produced then an application under section 22(1B) of the **Subdivision Act 1988** must accompany this application (see Form 11).

Note 2: If easements or restrictions are created varied or removed by this plan the supporting documents referred to in section 6(1)(j) or (k) of the **Subdivision Act 1988** or regulation 39(3) of the Subdivision (Procedures) Regulations 2000 must be produced to the Registrar.

Note 3: This form is also to be used by the applicants acting under section 32A of the **Subdivision Act 1988**. Any applications under section 32 of the **Subdivision Act 1988** must be made on Form 16.

FORM 11

Reg. 38(2) Subdivision (Procedures) Regulations 2000

Subdivision Act 1988

APPLICATION FOR THE SERVICE OF A NOTICE BY THE REGISTRAR

To the Registrar

Plan No.

This is an application for the service of a notice under section 22(1C) of the **Subdivision Act 1988**.

1. Applicant: (Insert Name and Address)
2. The person/body listed in the schedule below has not consented to the registration of the plan and their consent is required for registration.

(Date)

Signature or Seal of Applicant, Solicitor or Agent.

Schedule

Person/Body

Instrument No.

(Full names)

(Lodging No.)

Note 1: The applicant must be the applicant for the registration of the plan.

Note 2: See Section 22(1A) of the **Subdivision Act 1988** for a description of the person whose consent is required for registration.

FORM 12

Regs 38(3), 38(4), 38(5) Subdivision (Procedures) Regulations 2000

Subdivision Act 1988

**APPLICATION TO REGISTER A PLAN OF CREATION
REMOVAL OR VARIATION OF AN EASEMENT OR A PLAN
OF VARIATION OR REMOVAL OF A CONDITION IN THE
NATURE OF AN EASEMENT IN A CROWN GRANT NOT
DONE AS PART OF A PLAN OF SUBDIVISION OR PLAN OF
CONSOLIDATION**

To the Registrar

This is an application for the registration under section 22 of the **Subdivision Act 1988** of a plan of *creation *removal *variation of an easement
*condition in the nature of an easement in a Crown Grant.

1. Applicant : (insert name and address)

2. Land In Plan: Benefited Land Burdened Land

(insert Volume and Folio references or other land descriptions as necessary)

3. Municipal district in which the land is located: (insert name of council
and address of municipal offices).

Signature or Seal of Applicant, Solicitor or Agent

(Date)

* Delete if inapplicable

Note 1: This form is to be used—

- (a) when a planning scheme or permit regulates or authorises the
creation variation or removal of an easement; or
- (b) for removal of an easement following an order under section 36
of the **Subdivision Act 1988**; or
- (c) 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.

Subdivision (Procedures) Regulations 2000

S.R. No. 101/2000

Form 12

Note 2: The planning permit, the order under section 36 or the amendment to the planning scheme must be produced to the Registrar.

FORM 13

Reg. 38(6) Subdivision (Procedures) Regulations 2000

Subdivision Act 1988

**APPLICATION TO REGISTER A PLAN OF CREATION
REMOVAL OR VARIATION OF A RESTRICTION NOT
DONE AS PART OF A PLAN OF SUBDIVISION OR PLAN OF
CONSOLIDATION**

To the Registrar:

This is an application for the registration under section 22 of the **Subdivision Act 1988** of a plan of *creation *removal *variation of a restriction.

1. Applicant: (insert name and address)

2. Land in Plan:

(insert Volume and Folio reference or other land description as necessary of burdened land. Insert Volume and Folio references or other land description of benefited land only if the plan creates a restriction.)

3. Municipal district in which land is located: (insert name of council and address of municipal offices)

Signature or Seal of Applicant, Solicitor or Agent

(Date)

* Delete if inapplicable

Note 1: This form is to be used when a planning scheme or permit regulates or authorises the creation variation or removal of a restriction.

Note 2: The planning permit or the amendment to the planning scheme must be produced to the Registrar.

Note 3: Certificates of title of benefited land need not be produced to the Office of Titles.

FORM 14

Reg. 38(8) Subdivision (Procedures) Regulations 2000

Subdivision Act 1988

**APPLICATION TO REGISTER A PLAN TO *VEST LAND IN
A COUNCIL *REMOVE A RESERVATION FROM LAND
*REMOVE ANY RESTRICTIONS ON THE USE OF LAND
VESTED UNDER SECTION 18 OF THE CLUSTER TITLES
ACT 1974**

1. Applicant: (Insert name and address)
2. Land: (Insert Volume and Folio reference and other land description as necessary of all land in this plan).
3. Municipal district in which land is located (insert name of council and address of municipal office).

Signature or Seal of Applicant, Solicitor or Agent

(Date)

* Delete if inapplicable

Note 1: Consents of all mortgagees annuitants lessees sub-lessees and caveators as required by section 22(1) of the **Subdivision Act 1988** must be endorsed on this application or produced with this application. If that consent is not endorsed or produced then an application under section 22(1B) of the **Subdivision Act 1988** must accompany this application. (see Form 11).

Note 2: If any land is to be vested by the plan then the Council must be the applicant.

FORM 15

Reg. 38(9) Subdivision (Procedures) Regulations 2000

Subdivision Act 1988

**APPLICATION TO REGISTER A PLAN TO CREATE A BODY
CORPORATE**

To the Registrar:

Plan No.

1. Applicant: (insert name and address)
2. Land: (Insert Volume and Folio reference or other land description as necessary of all land in the plan).
3. Municipal district in which land is located (insert name of council and address of municipal office).

Signature or Seal of Applicant, Solicitor or Agent.

(Date)

Note: Consents of all mortgagees annuitants lessees sub-lessees and caveators as required by section 22(1) of the **Subdivision Act 1988** must be endorsed on this application or produced with this application. If that consent is not endorsed or produced then an application under section 22(1B) of the **Subdivision Act 1988** must accompany this application (see Form 11).

FORM 16

Reg. 39 Subdivision (Procedures) Regulations 2000

Section 32

Subdivision Act 1988

**APPLICATION TO REGISTER A PLAN RESULTING FROM
ALTERATIONS OF A SUBDIVISION CONTAINING A BODY
CORPORATE UNDER SECTION 32**

To the Registrar:

Plan No.:

1. Applicant: (insert name and address of body corporate)
2. This is an application for registration of a plan resulting from alteration of a subdivision containing a body corporate.
3. Land in the Plan (insert Volume and Folio references or other land description of all the land in the plan).
4. Municipal district in which land is located (insert name of Council and address of municipal offices).

Signature or seal of applicant, solicitor or agent.

(Date)

FORM 17

Reg. 40 Subdivision (Procedures) Regulations 2000

Section 35

Subdivision Act 1988

**ADVICE TO THE REGISTRAR AND APPLICATION TO THE
REGISTRAR FOR THE REGISTRAR TO RECORD THE
VESTING DATE OF LAND ACQUIRED COMPULSORILY**

1. Plan No. (Insert section 35 Plan number made available by the Registrar).

Applicant:

2. Land: (Insert Volume and folio reference and the land identifier shown in the plan and other land description as necessary of land acquired).

3. Encumbrances: *Free from

*Subject to the encumbrance listed below.

4. Government Gazette Reference: (Insert page number and date of Government Gazette)

Signature or Seal of Applicant, Solicitor or Agent

Date:

* Delete if inapplicable

Note 1: Regulation 43 requires that a copy of the page of the Government Gazette containing the Notice of Acquisition must be produced with this application.

Note 2: Do not list encumbrances if the land acquired is to be a road or reserve.

Subdivision (Procedures) Regulations 2000
S.R. No. 101/2000

Form 18

FORM 18

Regs 44 and 46 Subdivision (Procedures) Regulations 2000

Plan No.

Subdivision Act 1988

APPLICATION TO COUNCIL TO AMEND CERTIFIED PLAN

Application is made to amend the plan certified by (insert name of Council)
Council on / / which has not yet been registered by the Registrar.

The amendments are proposed to be made by:

*endorsement on the plan

*substitution of a new plan incorporating the amendments

The reason for the application is:

*the Registrar considered that alterations of a material nature were required
to the plan before it could be registered

*a referral authority requires an easement or boundary change to secure
compliance with its requirements

*(other)

Signed

Signed

(owner or applicant)

(owner, where owner has consented to an
application being made under section
11(1) of the **Subdivision Act 1988** by
another person)

*Delete if inapplicable

OFFICE USE ONLY

Date received by Council

Fee Paid \$

Authority Referred to: Date Referred: Response Received:

This application is referred under section 11(2) of the **Subdivision Act 1988**

Note 1: A plan cannot be amended once it has been registered by
the Registrar.

Note 2: The original certified plan must be submitted with the application.

Note 3: If the original plan has been lost or destroyed a declaration to that effect together with confirmation that the plan is not in the Office of Titles should be included.

Note 4: Amendments involving correcting incorrect items of the plan should be made in black by crossing out the error and then writing the correct item as near as practical.

Note 5: Where the correction is an addition of new information a short description should be added in the margin eg. easement lot 6 added.

Note 6: Amendments should be initialled and dated by the person who prepared the plan.

FORM 19

Reg. 48 Subdivision (Procedures) Regulations 2000

Subdivision Act 1988

NOTICE OF REQUIREMENT OF ALTERATIONS TO PLAN

(Amended plans)

To: (insert name of Council)

and

To: (insert name of Applicant)

*Plan of Subdivision (insert plan number made available by the Registrar)

*Plan of Consolidation (insert plan number made available by the Registrar)

*(other) plan (insert plan number made available by the Registrar if available)

The (insert name of referral authority) requires the following alterations to the above plan under section 11(3) of the **Subdivision Act 1988** to ensure that the plan conforms with requirements made when consenting to the plan

(insert details)

Reasons:

(insert reasons for purpose of section 11(3))

*(Signed for the referral authority)

*(Sealed by the referral authority)

(Date)

*Delete if inapplicable

Note: Suspension of time:

Under section 11(5) of the **Subdivision Act 1988** the time for consideration of the altered plan is suspended as from the date of this notice and will resume when the altered plan is submitted to the Council.

Subdivision (Procedures) Regulations 2000
S.R. No. 101/2000

FORM 20

Reg. 51(1) Subdivision (Procedures) Regulations 2000

***RE-CERTIFYING EXISTING PLAN**

This plan is re-certified under section 11(7) of the **Subdivision Act 1988**

*(Council delegate)

*(Council seal)

(Date of re-certification)

*Delete if inapplicable

Note: Where the plan includes more than one sheet each sheet not including the above form must be initialled by the delegate or one of the persons affixing the seal.

Subdivision (Procedures) Regulations 2000
S.R. No. 101/2000

Form 21

FORM 21

Reg. 51(2) Subdivision (Procedures) Regulations 2000

***CERTIFYING A NEW VERSION OF AN EXISTING PLAN**

This plan is certified under section 11(7) of the **Subdivision Act 1988**

Date of original certification under section 6 / /

*(Council delegate)

*(Council seal)

(Date of certification under section 11(7))

*Delete if inapplicable

Note: This form is for use on a plan where the Council is not yet satisfied
that section 21(1)(b)(i) or (ii) has been complied with.

Subdivision (Procedures) Regulations 2000
S.R. No. 101/2000

FORM 22

Regs 51(5) and 55(c) Subdivision (Procedures) Regulations 2000

***CERTIFYING A NEW VERSION OF AN EXISTING PLAN
WITH STATEMENT OF COMPLIANCE**

PART A

1. This plan is certified under section 11(7) of the **Subdivision Act 1988**.

Date of original certification under section 6 / /

*(Council delegate)

*(Council seal)

(Date of certification under section 11(7))

*Delete if inapplicable

PART B

2. This is a Statement of Compliance issued under section 21 of the
Subdivision Act 1988.

COUNCIL REF NO.

OFFICE OF TITLES PLAN NO.

DATE CERTIFIED BY COUNCIL

This is a Statement of Compliance issued under section 21 for the whole of
the above plan.

Requirements under Parts 2 and 3 of the **Subdivision Act 1988** have now
been satisfied.

You should now lodge this Statement in the Office of Titles.

In the event that you have not yet lodged the certified plan then this
Statement should be attached to it for lodging.

*(Council delegate)

*(Council seal)

(Date)

* Delete if inapplicable

Subdivision (Procedures) Regulations 2000

S.R. No. 101/2000

Form 22

Note 1: This form should be used on subdivisions where no works requirement has been served as well as on Plans of Consolidation, Plans of Creation/Removal/Variation of Easements/Restrictions. It may also be used where a new version of an existing plan is being certified at the completion of the works requirement to incorporate plan amendments concurrently with the issue of a Statement of Compliance.

Subdivision (Procedures) Regulations 2000
S.R. No. 101/2000

FORM 23

Reg. 54 Subdivision (Procedures) Regulations 2000

Section 20A

Subdivision Act 1988

ADVICE BY LICENSED SURVEYOR

This is the written advice by a licensed surveyor required by section 20A of the **Subdivision Act 1988**. It relates to

Plan Number (insert plan number made available by the Registrar.)

1. Where appropriate, boundaries of the land in the plan, the lots, common property, roads and reserves have been marked out or defined and supporting survey monumentation is in place on the Plan of Subdivision referred to above as is required under the **Surveyors Act 1978**, the **Survey Co-ordination Act 1958**, and regulations under those Acts.
2. The accuracy of the plan and the boundary determination is in accord with the accuracy requirements of regulations under the **Surveyors Act 1978** and the **Survey Co-ordination Act 1958**.
3. *A. The plan represents the adopted boundaries and no substantial discrepancy exists between the boundaries and the boundaries as shown on the plan.

or

*B. A substantial discrepancy exists between a boundary and the boundary as shown on the plan. Details of these discrepancies are provided on the attached plan.
4. *The relationships between supporting survey monumentation and lot boundaries (including any requirements to tie to monuments placed under the **Survey Co-ordination Act 1958** and regulations under that Act) are shown on the attached supplementary abstract of field records.

* Delete if inapplicable.

Subdivision (Procedures) Regulations 2000

S.R. No. 101/2000

Form 23

Note: Item 3 must be completed if the plan is based on survey.

Licensed Surveyor (Signature)

Name (Print) (date)

Firm Name (If Applicable)

FORM 24

Regs 55(e) and 56 Subdivision (Procedures) Regulation 2000

Section 21

Subdivision Act 1988

To: (Owner or applicant)

(Address)

**STATEMENT OF COMPLIANCE FOR STAGE NO. # OF A
STAGED PLAN**

Council Ref. No.

Office of Titles Plan No.

Date certified by Council:

1. This is a Statement of Compliance issued under section 21 for stage No. # of a staged subdivision (being lots (insert lot number(s) if applicable)).
2. The following stage lots on this plan are NOT released from the original requirements and will require a further statement (insert lot numbers e.g. S2, S3 etc.—or insert inapplicable if this is a statement of compliance for the last stage).

You should now lodge this statement in the Office of Titles. If you have not yet lodged the certified plan then this statement should be attached to it for lodging.

A summary/copy of the outstanding requirements of the Council and the referral authorities is included but should not be lodged in the Office of Titles.

* (Council delegate)

* (Council seal)

(Date)

* Delete if inapplicable.

Insert one stage number.

Note: Section 21(4) enables a statement of compliance to provide that an agreement under the **Planning and Environment Act 1987** no longer

Subdivision (Procedures) Regulations 2000

S.R. No. 101/2000

Form 24

applies to specified land in a stage. If this is done then the agreement should be identified by reference to its registration number at the Land Titles Office (if any). The land to be no longer subject to the agreement should be identified by reference to lot and plan number made available by the Registrar.

Subdivision (Procedures) Regulations 2000
S.R. No. 101/2000

FORM 25

Regs. 55(f) and 56 Subdivision (Procedures) Regulations 2000

To: (owner or applicant) (address)

STATEMENT OF COMPLIANCE

Section 21

Subdivision Act 1988

COUNCIL REF NO.

OFFICE OF TITLES PLAN NO.

DATE CERTIFIED BY COUNCIL

This is a Statement of Compliance issued under section 21 for the whole of the above plan.

Requirements under Parts 2 and 3 of the **Subdivision Act 1988** have now been satisfied.

You should now lodge this Statement in the Office of Titles.

In the event that you have not yet lodged the certified plan then this Statement should be attached to it for lodging.

* (Council delegate)

* (Council seal)

(Date)

* Delete if inapplicable.

FORM 26

Reg. 61 Subdivision (Procedures) Regulations 2000

Subdivision Act 1988

REFUSAL

REFUSAL

Plan No. _____

Application No. _____

Council _____

This is a refusal under section (insert either sections 6(2), 11(7)(b), 15(2) or 21(1)) of the **Subdivision Act 1988**.

Type of Refusal

The (insert Council or referral authority) refuses—

- * to certify the plan under section 6(2)
- * to certify a new plan under section 11(7)(b)
- * to recertify an amended plan under section 11(7)(b)
- * to approve an engineering plan under section 15(2)
- * to issue a statement of compliance under section 21(1)

What are the reasons for refusal?

- * a referral authority has refused to consent to the plan (attach a copy of referral authority refusal in the form of Form 3 of the Subdivision (Procedures) Regulation 2000).
- * (include details of relevant provisions of section 6(1) which have not been complied with)
- * (include other details of grounds of refusal)
- * the following requirements under the **Planning and Environment Act 1987** or Part 3 of the **Subdivision Act 1988** have not been met or secured by an agreement (applicable only in regard to statement of compliance) (include details of which requirements).
- * Council *delegate/*seal
- * Referral Authority *delegate/*seal
- * (Date)

Note: An applicant may apply to have certain decisions reviewed, as provided under section 40 of the **Subdivision Act 1988** (set out overleaf). Appeals are to the Victorian Civil and Administrative Tribunal.

Time limits apply on appeals.

Applicants intending to make an appeal should contact the Victorian Civil and Administrative Tribunal for information on the appropriate procedures to follow.

Section 40, Subdivision Act 1988.

Review of refusal or failure to decide

- (1) An applicant may apply to the Victorian Civil and Administrative Tribunal for review of—
 - (a) a decision of a Council to refuse to—
 - (i) certify or re-certify a plan; or
 - (ii) approve an engineering plan; or
 - (iii) issue a statement of compliance; or
 - (b) a decision of a referral authority to—
 - (i) refuse to consent to the certification or amendment of a plan; or
 - (ii) refuse to approve an engineering plan; or
 - (iii) make a requirement under section 44(3F); or
 - (c) a decision of a Council or referral authority to require alterations to a plan; or
 - (d) a decision of a Council or referral authority to require the applicant to enter into an agreement under sections 17(2)(c) or 21(1)(b)(ii).
 - (2) An owner who requests the Council or a referral authority to make a statement under section 36 or has applied for a permit or requested a permit to be amended may apply to the Victorian Civil and Administrative Tribunal for review of a decision of the Council or referral authority to refuse to make the statement.
 - (3) A reference in sub-section (2) to a decision to refuse to make a statement includes a reference to a failure to make the statement within the prescribed time.
 - (4) A reference in sub-section (1) or (2) to a decision to refuse to do a thing includes a reference to a failure to do that thing.
-

Subdivision (Procedures) Regulations 2000

S.R. No. 101/2000

Form 26

-
- (5) An applicant under section 44(4A), (5), (5A) or (5B) may apply to the Victorian Civil and Administrative Tribunal for review of a refusal of the Council to consent to the application.
- (6) Without limiting its powers on review, if the Tribunal finds that a Council or referral authority has unreasonably refused or failed to take any action, the Tribunal may order that the action be carried out by another person, wholly or partly, at the cost of the Council or referral authority.
-

ENDNOTES

- ¹ Reg. 3(a): S.R. No. 250/1989.
- ² Reg. 3(b): S.R. No. 384/1989.
- ³ Reg. 3(c): S.R. No. 65/1996.
- ⁴ Reg. 6(2): Regulation 8 of the Subdivision (Registrar's Fees) Regulations 1993 prescribes a fee for the supply of plan numbers.
- ⁵ Reg. 13: Under section 18(3) of the **Land Acquisition and Compensation Act 1986** land acquired by agreement is treated as if it has been compulsorily acquired.
- ⁶ Reg. 16(f): Special rules may be made and recorded on the plan at any time after it is registered.
- ⁷ Reg. 23: The Council must send a copy of the altered plan to the referral authority.
- ⁸ Reg. 33(a): Roads, reserves and common property should not be counted as lots when determining if additional lots are created. (See definition of Lot—**Subdivision Act 1988**.)
- ⁹ Reg. 38(1)(b): See regulation 6 of the Transfer of Land (General) Regulations 1994 for the standard of preparation of applications.