

Land Victoria

Customer Information Bulletin

Plan requirements reminder

From 1 March 2009, plans will only be accepted for lodgement at Land Victoria if:

- accompanied by a Statement of Compliance (where the statement is required for registration); and
- street address information has been provided with the plan of subdivision or consolidation, either prior to lodging or at the same time as lodging the plan.

Street address information can be provided using either the Form 8 process of the Subdivision (Procedures) Regulations 2000, or the Vicmap update process known as M1, where details are forwarded to the Vicmap Property maintainer.

Accurate and timely street addressing is required for despatching emergency vehicles and effective title searching. Land Victoria is currently working with councils to achieve a high level of compliance and minimise issues at the time plans are lodged.

Lodging parties must also ensure that all plans are accompanied by a completed form – *Plan lodgement checklist* (see below).

Plan lodgement checklists

From 1 March 2009, all lodging parties must ensure that plans delivered to the plan acceptance area of Land Victoria are accompanied by a completed form – *Plan lodgement checklist* and, where applicable, an *Owners Corporation: accompanying documents lodgement checklist*. These checklists are available online at www.dse.vic.gov.au/property – go to Property, Titles and Maps>Land Titles>Forms, Guides and Fees. Examples of the checklists are on pages 3 and 4.

General reminders when preparing caveats

There can only be one claim per caveat.

A registered proprietor is only able to caveat in certain limited circumstances, most commonly when the (duplicate) Certificate of Title is lost or stolen, or when the registered proprietor fears that an improper or fraudulent dealing is about to take place or has taken place.

An administrator's or liquidator's appointment does not represent a caveatable interest. This is because an administrator or liquidator becomes an agent of the company that is already the registered proprietor of the estate or interest. The property does not vest in the administrator or liquidator. However, where appropriate, the administrator or liquidator may caveat in the name of the company in administration or liquidation on the basis that they have been appointed and, as they do not have control of the Certificate of Title, they wish to prevent any inappropriate dealings (see above).

A number of situations do not give rise to an estate or interest in land in their own right. Examples include:

- a debt, even a judgement debt
- a consent to caveat
- being a de facto partner of a registered proprietor.

In view of Sections 53, 54 and 55 of the *Property Law Act 1958*, a verbal agreement without something more does not give rise to a caveatable interest in land.

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Customer Information Bulletin on email

If you'd like to subscribe to the *Customer Information Bulletin* electronically or unsubscribe, send your request via email trs.enquiries@dse.vic.gov.au, telephone (03) 8636 2812, or fax (03) 8636 2250.

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A Victorian
Government
initiative



Changes to Register Search Statement

Minor changes to the Register Search Statement were implemented on 23 January 2009. They are highlighted in green below.

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REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

Words added

VOLUME 04204 FOLIO 794

Security no : 124025591526B
Produced 08/04/2008 08:07 pm

Right aligned

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LAND DESCRIPTION

Lot 8 on Plan of Subdivision 007053.
PARENT TITLE Volume 03963 Folio 548
Created by instrument 884648 24/04/1919

REGISTERED PROPRIETOR

Estate Fee Simple
Joint Proprietors
JOHN DOE
MARY DOE both of 420 DRYBURGH ST NORTH MELBOURNE 3051
S207164F 09/11/1992

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AC360718A 25/09/2003
BENDIGO BANK LTD

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan or imaged folio set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE TP477863P FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

Words added
and reformatted

-----END OF REGISTER SEARCH STATEMENT-----

Additional Information: (not part of the Register Search Statement)

Words changed
and reformatted

Street Address: 24 KINANE STREET BRIGHTON VIC 3186

DOCUMENT END

Word changed

Plan lodgement checklist

TICK WHERE APPLICABLE

Correct application

- Form 10 Subdivision (Procedures) Regulations 2000 for Sections 22, 32A, 35(8) and 37. Plan applicant's name/s to agree with current registered proprietors and must include current address.
- Form 16 Subdivision (Procedures) Regulations 2000 for Section 32 plans. If common property is affected or the plan alters the boundaries of any land affected by an owners corporation, the applicant must be the owners corporation.
- Form 9 Subdivision (Procedures) Regulations 2000 for section 35 plans. Applicant must be the acquiring authority.
- Form 12 Subdivision (Procedures) Regulations 2000 for Section 23 plans for easements and Form 13 Subdivision (Procedures) Regulations 2000 for Section 23 plans for restrictions. If common property is affected, applicant must be the owners corporation.
- Form 14 Subdivision (Procedures) Regulations 2000 for Section 24A plans. Council must be applicant if vesting land.

Correct consents and orders to register

- Supply order to register and issuing instructions (if applicable).
- Supply consent of mortgagees, caveators, etc. (if applicable).

Certificate of Title

- Supplied Made available
- In a leader dealing Not required/not applicable

Certified plan

- Certified by council.
- Signed and dated by the surveyor and council delegate on each sheet (Plan of Consolidation on non-survey basis – the applicant or a surveyor may sign).
- Correct Statement of Compliance (Form 25 for Plans of Subdivision and Consolidations, Form 24 for Stage Subdivisions).

NOTE: ALL OF THE ABOVE ARE MANDATORY.

Street addressing of lots

- Form 8 Subdivision (Procedures) Regulations 2000 lodged with Registrar of Titles (copy attached).
- M1 forwarded to the VICMAP Property maintainer.

Surveyor's report

- Supplied (mandatory for all PS) (not required for PC on non-survey basis).
- Non-survey plans – surveyor's report has specified how non-survey guidelines have been met.

Field records

- Field records supplied (if based on survey).
- Each sheet signed and dated by the surveyor.
- Field records are in a survey-based leader plan (survey no more than five years old) e.g. (BP, PS etc) No _____.

Victoria Government Gazette

- Acquisition plan (if land is to be acquired by compulsory acquisition, a copy of the gazette is required in Section 35 plans).

Fees

- Correct fee as set out in *Your guide to Subdivision Act fees*.

Owners Corporation

- Refer to the form: Owners Corporation: accompanying documents lodgement checklist.

LODGEMENT OF THIS FORM

Land Victoria Plan Acceptance
Level 9, 570 Bourke Street, Melbourne VIC 3000

LAND VICTORIA CONTACT

Phone: (03) 8636 2010
Web: www.dse.vic.gov.au, go to Property, Titles and Maps

PS/PC

Department of
Sustainability and
Environment

Owners Corporation: accompanying documents lodgement checklist

TICK WHERE APPLICABLE

Correct application

- Form OC1 (for an unlimited owners corporation)
 Form OC2 (for a limited owners corporation)

NOTE: ALL APPLICATIONS MUST BE SIGNED AND DATED, AND MUST INCLUDE LODGING PARTY DETAILS AND CUSTOMER CODE. NO LODGING FEE IS REQUIRED.

Postal address for service of notices

- Mandatory

The purposes of the owners corporation

- Mandatory

The basis for the allocation of lot entitlement and liability

- Mandatory

Details of the limitations where the owners corporation is limited other than as to common property

- Mandatory for a limited owners corporation, which is not limited to common property.

Additional functions and obligations of the unlimited owners corporation

- Optional

Referred functions and obligation of the limited owners corporation(s).

- Optional

NOTE: IF UTILISED, THIS INFORMATION MUST BE PROVIDED FOR BOTH THE UNLIMITED OWNERS CORPORATION AND THE AFFECTED LIMITED OWNERS CORPORATION(S).

Owners corporation rules

- Form OC-Rules (optional)

NOTE: COPY OF RULES TO BE SUPPLIED.

OC RULES MUST NOT BE DISCRIMINATORY.

OC RULES MUST BE CONSISTENT WITH SCHEDULE 1 *OWNERS CORPORATION ACT 2006*.

OC RULES MUST NOT RESTRICT USE OF COMMON PROPERTY TO PARTICULAR LOTS.

OC RULES MUST NOT INCLUDE THE CREATION OF A LEASE OR LICENCE.

Correct fees

- OC correct fees as set out in *Your guide to Subdivision Act fees*.

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