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| Example – subdividing land affected by an owners corporation (without unanimous resolution) |
| Plan under the *Subdivision Act 1988* |

This is a guide to preparing a plan under section 32 of the *Subdivision Act 1988* that does not require the unanimous resolution of the owners corporation.

This example incorporates the Subdivision (Registrar’s Requirements) Regulations 2011 and includes items covered in other published examples.

## Key elements for preparing a plan under section 32 of the *Subdivision Act 1988*

Note: some of the points below are referenced on the pages that follow.

1. If a proposed plan affects land that is a member of an owners corporation, the plan must be prepared pursuant to section 32 of the *Subdivision Act 1988.*
2. While plans under section 32 require unanimous resolution of the owners corporation, section 32AI of the *Subdivision Act 1988* allows for certain actions in which the registered proprietor of lots affected by an owners corporation can proceed without the need for unanimous resolution of the owners corporation. These actions may include:
   1. subdividing a lot or lots into multiple new lots
   2. consolidating two or more lots into a single lot
   3. adding small portions of land outside the owners corporation into a lot or lots
   4. creating a new common property and new limited owners corporation to manage that common property.
3. A section 32 plan that satisfies section 32AI cannot:
   1. alter the boundaries or area of the common property, or affect existing common property in any way
   2. alter the lot entitlement or liabilities of lots not included in the new plan
   3. alter the total entitlement and liability of the owners corporation
   4. add an area of land outside the owners corporation which is more than 10 per cent of the area of the existing lot or lots affected by the new plan.
4. New common property may be created, provided that:
   1. the new common property has a unique number
   2. a new limited owners corporation is created in respect of that new common property
   3. the new limited owners corporation is comprised solely of the lots in the new plan.
5. The registered proprietor of the lots affected by the plan is the applicant for plans under section 32, when section 32AI is satisfied.
6. Any new lots in a section 32 plan must have a new lot identifier, (one that hasn’t been used in the plan before).
7. Each plan under section 32 must have a ‘purpose of plan’ notation. Each action or step that the plan is taking must be detailed and set out in order.
8. An owners corporation schedule indicating the entitlement and liability of lots affected by the plan must be included in the plan.
9. The total value of the entitlement and liability of lots affected by plans under section 32, which satisfy section 32AI must not change when:
   1. subdividing a lot or lots – the total entitlement and liability of the new lots must add up to the previous total entitlement and liability of the lots affected
   2. consolidating lots – the new parcel’s entitlement and liability must add up to the previous total entitlement and liability of the lots affected.
10. When dealing with a plan that includes boundaries defined by buildings, consideration must be given to the existing plan boundary definitions. The boundaries defined by the section 32 plan must be consistent with the original plan or completely re-define the existing plan through compilation.
11. Compiled plan sheets should be prepared and supplied with the section 32 plan, if appropriate. Land Use Victoria may request the relevant compiled sheets per section 24(6) of the *Subdivision Act 1988* prior to registration of the section 32 plan.
12. If redeveloping parcels on a plan registered under either the Subdivision (Procedures) Regulations 2000 or the Subdivision (Procedures) Regulations 1989, any conflict about definition of a boundary between the registered plan and the new plan must be reconciled by either:
    1. notation on the new plan
    2. lodging with the Registrar new compiled sheets for the entire plan.
13. Plans under the *Subdivision Act 1988* that affect land in a *Strata Titles Act 1967* plan (an RP or SP) or *Cluster Titles Act 1974* plan (a CS) should be drawn in accordance with current practices. (Note: when *Strata Titles Act 1967* plans include boundaries defined by buildings, but do not define a boundary location, the default location for that boundary is the median of the structure.)
14. Plans under section 32 that satisfy section 32AI cannot affect the common property above and below parcels in *Strata Titles Act 1967* plans. However, cross-sections should be shown in the new plan to show the new parcels and their full extent, including existing upper and lower boundaries. Note: The following example is a three-lot owners corporation. The owner of Lot 2 is subdividing their lot into two lots. Unanimous resolution of the owners corporation is not required.

## Existing plan

Sheet 1 of the existing plan affected by an owners corporation contains location of land details and notations regarding boundaries defined by buildings

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Sheet 2 of existing plan of subdivision showing lots 1 to 3 and common property no.1 with boundaries defined by buildings. The third sheet in the existing plan is the owners corporation schedule. Contains table of Lots 1 to 3 and common property no.1 in unlimited owners corporation no.1 and includes relevant notations and entitlement and liability values. 

## Section 32 plan

Sheet 1 of the section 32 plan includes notation regarding the purpose of the plan to resubdivide lot 2 3 to create new lots 2A and 2B

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Sheet 2 includes the resubdivided Lot 3 and neighbouring land as new lots 3A and 4The third sheet in the plan is the owners corporation schedule. Contains table of existing Lots 1 and 3 as well as new lot 2A and 2B and common property no.1 and includes relevant notations and entitlement and liability values. 

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## Compiled Plan

Compiled plan sheet showing full diagram of lots 1,2,3A,4 and common property no.1 in the plan after re-subdivision.

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