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| Example – section 35 acquisition plans |
| Plans under the *Subdivision Act 1988* |

This is a guide to preparing a plan for the purposes of the acquisition of land by an acquiring authority under section 35 of the *Subdivision Act 1988.*

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

## Key elements for preparing an acquisition plan under section 35

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

1. The plan is to be prepared and lodged pursuant to section 35 of the *Subdivision Act 1988*.
2. The method of acquisition – by agreement, compulsorily, or both – must be stated in the notations panel on sheet 1 of the plan.
3. The plan must state which land is to be acquired by the authority – as indicated by section 35(3)(b).

This is achieved by including on the plan of the land to be acquired a table identifying the vesting dates and transfer registration dates.

1. The vesting table must include all roads and reserves in the plan that will vest to the relevant council/body/person.

The parcellation shown on the plan comes into effect when the plan is registered.

The status of the land acquired is formalised (vested) upon the registration of the subsequent transfer or gazettal.

Roads and reserves not subject to acquisition that will vest upon plan registration should be denoted by an appropriate symbol in the vesting table.

1. The plan must state whether the land is to be acquired free from, or subject to, existing encumbrances – as indicated by section 35 (3)(b).
2. The easement table must show all easements (existing and new) that remain after registration of the plan.
3. The land not the subject of the acquisition may also be subdivided. Anything done in the plan that affects this land will require the consents of all interested parties.

Note: the following example is an acquisition of Road R1 by agreement, and Lot A by compulsory acquisition.Sheet 1 of the section 35 plan of subdivision inlcudes location of land details and details of the land parcels which are to be acquired. Sheet 2 of the section 35 plan contains a diagram of the affected land and the parcels of land that are being created. Sheet 3 of the section 35 plan consist of the vesting table to record the vesting dates of the parcels that are subject to acquisition

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