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| Example – staged plans of subdivision |
| Plans under the *Subdivision Act 1988* |

This is a guide to preparing plans over staged subdivisions, including land affected by an owners corporation, under section 37 of the *Subdivision Act 1988*.

Upon registration, the plan (and the compiled plan, if applicable) becomes the title diagram of the folio of the register. For consistency and the interpretation of title diagrams, Land Use Victoria has prepared examples to help prepare these plans.

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

## Key elements for preparing staged plans under section 37

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 37 of the *Subdivision Act 1988* with appropriate references about it being a staged subdivision.
2. The stage 1 plan contains all the land that will be subject to development in stages. Note: the land in stage 1 forms the land in the master plan.
3. The first stage (the master plan) must show the new plan number only (do not show ‘/S1’). Second or subsequent stages show the master plan number followed by the suffix /S(no.)

e.g. Stage 1 – PS300002B

Stage 2 – PS3000002B/S2.

1. The stage 1 plan must create two or more parcels.
2. Stage lots are depicted on a plan by S(no.) for example S2 – as indicated by regulation 9(1).

All stage lots must be further developed pursuant to section 37 of the *Subdivision Act 1988*.

1. All lots, roads and reserves being created in the second or subsequent stage must have unique identifiers that have not been used in previous stages.
2. Stage lots may be removed from the staging process in a plan pursuant to section 37(8) of the *Subdivision Act 1988*. The S lot must be given a new unique lot number in these plans.
3. Each staged plan must be accompanied by a separate form 14 statement of compliance document at the time of lodgement at Land Use Victoria.
4. Subsequent staged plans (other than stage 1) do not need to be lodged in stage number order. For example, stage 4 may be lodged and registered before stage 2.
5. The stage number of a plan does not necessarily have to correspond to the S lot being subdivided, e.g. Stage 4 could develop lot S3.
6. Two or more staged plans may be lodged for registration simultaneously.
7. Subsequent staged plans cannot subdivide existing common property.
8. Subsequent staged plans may add to existing common property.
9. New lots in a second or subsequent stage plan may be added to the land affected by an existing owners corporation, whether or not the stage lot was originally included.
10. If a stage lot is a member of an owners corporation, not all the lots developed in that stage need to become members, but a least one new lot must.
11. The owners corporation schedule for subsequent stage plans should include existing entitlement and liability information. The totals should reflect the entire master plan.
12. Subsequent staged plans must have regard to sections 33(2) and 33(3) when altering existing entitlement and liability – as indicated by section 37(3)(c)(iv)(C).
13. When a second or subsequent stage creates new common property, a new owners corporation made up of lots being created in that stage must be created to manage it.

Lots from previous stages cannot be added to newly created owners corporations in the stage plan. A separate plan under section 32 of the Subdivision Act will be required if existing lots are to be added to a new owners corporation.

1. Easements created in the subsequent stage plan will be shown as ‘This Plan’ in the Origin column on the compiled plan.
2. The beneficiaries of easements created in stage plans need to be clear and unambiguous.

For clarity, beware of the use of ‘This Plan’ in the column ‘Land Benefitted/In Favour of’. ‘Lots on This Plan’, when used in a second or subsequent stage, will mean the lots being created in that stage.

1. Existing easements created over stage lots in previous stages should be shown separately to the newly created easements in subsequent stages, even though the compiled plan will show the one common easement. This will make historical searches on the easement clearer.
2. The surveyor should provide a compiled plan for each subsequent stage plan prior to registration.

The compiled plan may require one or more of the following:

* 1. a key sheet – complete parcel pattern up to and including current stage
  2. a composite diagram sheet – shows all dimensions and incorporates the whole of development to date
  3. an easement information table – showing complete and consistent information.

See ‘General tips for compiling subsequent stage plans’ below.

## General tips for compiling subsequent stage plans

* The first stage (section 37 *Subdivision Act 1988*) of a development will become the master plan, and should be set up to reflect the rest of the development. The size of the development (i.e. the final master plan) should be considered.
* A separate sheet for an easement table or vesting table may be required if numerous easements/road/reserves are planned. If there are only a few in the whole development, then the standard tables on sheet 1 will be sufficient.
* A lot index sheet may be helpful for cross referencing lots in large developments to the relevant sheet number.
* Key sheets should be supplied for larger developments. They will give an overview of the development as a whole and also provide a visual sheet number cross reference. A key sheet will help locate lots through the roads and structure of the development.
* When a lot index or key sheet is used, sheet cross referencing within the plan compilation is not required.
* Sheet cross referencing should be restricted to the lot index or key sheet to enable future compiled sheets to be smoothly integrated.
* If the first stage was set up in anticipation of this, only key sheets/lot indexes, where applicable, may need to be updated, and new sheets added to the end of master plan from the stage plan. If easement/vesting tables are to be updated and they are on sheet 1, Land Use Victoria will add to those tables, if appropriate.
* Upon the lodgement of the second or subsequent stages, compiled sheets should be supplied or they will be requisitioned per section 24(6) of the *Subdivision Act 1988* prior to registration of the stage plan.
* An up-to-date search of the master plan should be undertaken with Land Use Victoria prior to preparing compilation sheets. This will assist in sheet number referencing as there may have been further amendments to the plan.
* Attention must be given to notations and restrictions in master plans. For example, a notation about building boundaries or common property may be clear for an individual stage, but may be confusing or redundant in the master plan. Compiled notations/restriction sheets may also be requested.
* In smaller developments, it may be more appropriate to compile two or more lot diagrams into single sheets.
* Any compiled sheets supplied after the first stage cannot refer to individual stages. The master plan is a compiled overview of the whole development.
* Key sheets may be supplied covering individual stages; however, it would be ideal to have an up-to-date single key sheet covering the entire development. This would be updated after each stage with the latest lot structure. Some scenarios may require enlargement key sheets, which are to be referred to by sheet number referencing on the 'master' key sheet.

## Stage 1

Sheet 1 of the plan of subdivision for the first stage. This plan becomes the "master plan" of the development. 

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Sheet 2 contains diagram fro lots in the first stage, including lot S2 which will be subdivided in stage 2. The first stage also creates lots 1 to 3 common property 1 and road R1

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OOwners corporation no.1 for stage 1 includes lots and common proeprty 1

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## Stage 2

First page of stage 2 plan includes the plan number with /S2 suffix.

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Page 2 of stage 2 plan contains diagram for new lots and additional common property no.1, new common property no.2 and road R2

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18

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Owners corporation schedule contains new lots that are to be added to owners corporation no.1

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Stage 2 creates a second limited OC no.2 containing only two lots and common property no.2

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## Compiled Plan

Sheet 1 of the compiled plan which shows updated development after registration of stage 2 plan

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Sheet 2 of the compiled plan which shows updated development after registration of stage 2 plan

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