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| Example – multiple owners corporations |
| Plan under the *Subdivision Act 1988* |

This is a guide to preparing a plan that contains multiple overlapping owners corporations, under 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 a plan containing multiple owners corporations

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

1. A plan of subdivision may create one or more owners corporations, which may be unlimited or limited. Limited owners corporations may also be denoted as ‘limited to common property’, which means certain sections of the *Owners Corporation Act* *2006* do not apply to that owners corporation.

For further information on owners corporations go to: www.propertyandlandtitles.vic.gov.au/land-titles/owners-corporations.

1. Multiple (or overlapping) owners corporations occur when one or more lots are members of two or more owners corporations.
2. Multiple owners corporations are most commonly used when only some lots are entitled to use a specified common property.
3. When multiple owners corporations are created, they must adhere to the restrictions of section 27D of the *Subdivision Act 1988*.
   1. There can only be one unlimited owners corporation affecting any lot or common property.
   2. When a lot is affected by multiple owners corporations, at least one of those owners corporations must be unlimited.
4. A lot that is not a member of an unlimited owners corporation can only be a member of one limited owners corporation.
5. When multiple owners corporations affect common property, the plan must satisfy conditions for ownership and use of the common property.
6. Any member of a limited owners corporation that includes common property is entitled to use that common property (see section 27(c)(3) *Subdivision Act 1988*).
7. Common property vests in the name of the unlimited owners corporation that affects the lots and common property (see section 30 *Subdivision Act 1988*).
8. A lot in a limited owners corporation with common property vested in an unlimited owners corporation must also be a member of that unlimited owners corporation.
9. Any common property in a limited owners corporation that includes lots that are also members of an unlimited owners corporation must be included in the relevant unlimited owners corporation.
10. Notations regarding the use of the common property must be placed on the schedule for the unlimited owners corporation.
11. Notations regarding ownership of the common property must be placed on the schedule for the limited owners corporation.
12. Additional notations may be present on the schedule regarding purposes or limitations (if applicable).

Additional owners corporation rules must be supplied as a separate document.

Note: The following example is a four-unit development, where Lot 1 does not require use of common property no.1.

Sheet 1 of the plan contains location of land details and notations regarding boundaries defined by buildings and lots beinf affected by  one or more owners corporations

Sheet 2 of the plan shows diagram for lots 1 to 4 and common property no.1

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The third sheet in the plan is the first owners corporation sheet. Contains table of Lots 1 to 4 and common property no.1 in unlimited owners corporation no.1 and includes relevant notations and entitlement and liability values. This OC owns common property no.1

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The fourth sheet in the plan is the second owners corporation sheet. Contains table of Lots 2 to 4 and common property no.1 in limited owners corporation no.2 and includes relevant notations and entitlement and liability values. Only this OC can use common property no.1

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