

Subdivision (Procedures) (Amendment) Regulations 2004

S.R. No. 98/2004

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STATUTORY RULES 2004

S.R. No. 98/2004

Subdivision Act 1988

**Subdivision (Procedures) (Amendment) Regulations
2004**

The Lieutenant-Governor as the Governor's Deputy with the advice of the Executive Council makes the following Regulations:

Dated: 27 July 2004

Responsible Minister:

MARY DELAHUNTY
Minister for Planning

DIANE CASEY
Clerk of the Executive Council

1. Objective

The objective of these Regulations is to amend the Subdivision (Procedures) Regulations 2000 to facilitate electronic transactions.

2. Authorising provision

These Regulations are made under section 43 of the **Subdivision Act 1988**.

3. Commencement

These Regulations come into operation on 1 August 2004.

4. Principal Regulations

In these Regulations, the Subdivision (Procedures) Regulations 2000¹ are called the Principal Regulations.

5. Plans

- (1) For regulation 7(2) of the Principal Regulations **substitute**—
 - "(2) Each sheet must be consecutively numbered.
- (2A) The first sheet of a plan must be annotated with the following statement "Sheet 1 of [total number of sheets] sheets".
- (2) In regulation 7(4) of the Principal Regulations for "sheet of a plan" **substitute** "sheet of a paper plan".
- (3) After regulation 7(4) of the Principal Regulations **insert**—
 - "(4A) A plan in a form other than paper must be signed and dated by a licensed surveyor."

6. Master plans

In regulation 18(d) of the Principal Regulations after "endorsement" (where twice occurring) **insert** "or statement".

7. New regulation 24 substituted

For regulation 24 of the Principal Regulations **substitute**—

"24. Form of referral—Section 8(1)

If a Council refers a plan under section 8(1), the Council must also—

- (a) provide the referral authority with a copy of the application form and the following details—
 - (i) the date on which the plan was received by the Council; and
 - (ii) the name of any other referral authority to which the plan has been referred; and

- (b) provide the applicant with a copy of the application form and the following details—
 - (i) the date on which the plan was received by the Council; and
 - (ii) the name of any referral authority to which the plan has been referred."

8. New regulation 46 substituted

For regulation 46 of the Principal Regulations substitute—

"46. Form of referral of application for amendment—Section 11(2)

If a Council refers an application for amendment under section 11(2), the Council must also—

- (a) provide the referral authority with a copy of the plan and the following details—
 - (i) the date on which the application was received by the Council; and
 - (ii) the name of any other referral authority to which the plan has been referred; and
- (b) provide the applicant with a copy of the application form and the following details—
 - (i) the date on which the application was received by the Council; and
 - (ii) the name of any referral authority to which the application has been referred."

9. New regulation 53 substituted

For regulation 53 of the Principal Regulations
substitute—

"53. Public open space requirement

When a public open space requirement has been made in accordance with section 18, the Council must by endorsing the plan or in the Certification Statement for the plan state whether the requirement is to be satisfied on the plan or at a later stage."

10. Form 1 substituted

For Form 1 in the Schedule to the Principal Regulations **substitute—**

'FORM 1

Reg. 22 Subdivision (Procedures) Regulations 2000

Subdivision Act 1988**APPLICATION FOR CERTIFICATION**

PART A. All Applicants complete this Section

Plan No.

To: *(insert name and address of Council)*

I/We

of

Telephone

apply to have the attached

- * PLAN OF SUBDIVISION
- * PLAN OF CONSOLIDATION
- * PLAN OF CREATION/REMOVAL/VARIATION
OF EASEMENT/ RESTRICTION

certified under the **Subdivision Act 1988**

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and to have advice of street numbers allocated

1. Situation of land
2. Name and address of registered proprietor of land or owner
3. Name and address of applicant

Signed

(*Owner or *Applicant)

** Delete whichever is not applicable.*

IF THE APPLICANT IS NOT THE OWNER, the owner must provide written consent pursuant to section 5(5) of the **Subdivision Act 1988**—

- (a) if the application is made in paper form by signing the following—

I consent to the applicant submitting this plan to the Council for certification.

Signed

(Owner)

- (b) if the application is made in a form other than paper the owner's written consent (in the form set out under paragraph (a)) must be provided in a separate document.

Note 1: The applicant must sign this application whether or not the applicant is the owner.

Note 2: Where the applicant is not the owner, the owner must either—

- (a) if the application is to be lodged in paper, co-sign this application; or
- (b) if the application is to be lodged in a form other than paper, give the applicant the written consent required under section 5(5) of the **Subdivision Act 1988** in a separate document.

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PART B. *Only applicants having "old law" land complete this Section. (not required by acquiring authorities—See section 35(6)(g)).*

I certify that steps have been taken to bring this land under the **Transfer of Land Act 1958**.

Signed.

PART C. *Only Acquiring Authorities complete this section.*

This Part relates to the acquisition of land by—

(insert name of Authority)

Note: The following should be attached to this application—

- (a) a copy of any planning permit applicable to the land or an application for a planning permit if made concurrently;
- (b) an extract of the planning scheme indicating any conditions or exemptions which may support your application;
- (c) evidence of referral authorities' consent within the previous 3 months (See section 8 of the **Subdivision Act 1988**).

_____!

11. Forms 5 and 6 substituted

For Forms 5 and 6 in the Schedule to the Principal Regulations **substitute**—

"FORM 5

Reg. 31 Subdivision (Procedures) Regulations 2000

*CERTIFICATION BY COUNCIL

This plan is certified under section 6 of the **Subdivision Act 1988**.

* (Council delegate)

* (Council seal)

* (Surveyor's Plan Version [insert version number])

(Date of certification)

* *Delete if inapplicable.*

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- Note 1: This form is for use where the Council is not yet satisfied that section 21(1)(b)(i) or (ii) of the **Subdivision Act 1988** has been complied with.
- Note 2: For a paper plan the Surveyor's Plan Version Number is not required.

FORM 6

Regs 32 and 55(a) Subdivision (Procedures)
 Regulations 2000

***CERTIFICATION AND STATEMENT OF COMPLIANCE**

1. This plan is certified under section 6 of the **Subdivision Act 1988**.
 2. This is a Statement of Compliance issued under section 21 of the **Subdivision Act 1988**.
- * (Council delegate)
 - * (Council seal)
 - * (Surveyor's Plan Version [insert version number])
- (Date)
- * *Delete if inapplicable.*

- Note 1: This form will be used on subdivisions where no works requirement has been served as well as on Plans of Consolidation, Plans of Creation/Removal/Variation of Easements/Restrictions.
- Note 2: For a paper plan the Surveyor's Plan Version Number is not required.

"

12. Form 18 substituted

For Form 18 in the Schedule to the Principal Regulations **substitute**—

"FORM 18

Regs 44 and 46 Subdivision (Procedures) Regulations 2000

Plan No.

Subdivision Act 1988

APPLICATION TO COUNCIL TO AMEND CERTIFIED PLAN

Application is made to amend the plan certified by (insert name of Council) Council on / / which has not yet been registered by the Registrar.

The amendments are proposed to be made by—

- * endorsement on the plan
- * substitution of a new plan incorporating the amendments

The reason for the application is—

- * the Registrar considered that alterations of a material nature were required to the plan before it could be registered
- * a referral authority requires an easement or boundary change to secure compliance with its requirements
- * (other)

Signed

(*owner or *applicant)

* *Delete whichever is not applicable.*

If the applicant is not the owner, the owner must provide written consent pursuant to section 11(1) of the **Subdivision Act 1988**—

- (a) if the application is made in paper form—

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I consent to the applicant submitting this plan to the Council for certification.

Signed

(Owner)

- (b) if the application is made in a form other than paper, the owner's written consent (in the form set out under paragraph (a)) must be provided in a separate document.

Note 1: The applicant must sign this application whether or not the applicant is the owner.

Note 2: If the applicant is not the owner, the owner must either—

- (a) if the application is to be lodged in paper form, co-sign this application; or
- (b) if the application is to be lodged in a form other than paper, give the applicant the consent required by section 11(1) of the **Subdivision Act 1988** in a separate document.

Note 3: A plan cannot be amended once it has been registered by the Registrar.

Note 4: The original certified paper plan must be submitted with a paper application. Certified plans submitted in a form other than paper must be made available with the application.

Note 5: If the original paper plan has been lost or destroyed a declaration to that effect together with confirmation that the paper plan is not in the Office of Titles should be included.

Note 6: Amendments involving correcting incorrect items on a paper plan should be made in black by crossing out the error and then writing the correct item as near as practical.

Note 7: If the correction to a paper plan is an addition of new information a short description should be added in the margin e.g. easement lot 6 added.

Note 8: Amendments to a paper plan should be initialled and dated by the person who prepared the plan.

_____".

13. Forms 20, 21 and 22 substituted

For Forms 20, 21 and 22 in the Schedule to the Principal Regulations **substitute**—

"FORM 20

Reg. 51(1) Subdivision (Procedures) Regulations 2000

***RE-CERTIFYING EXISTING PLAN**

This plan is re-certified under section 11(7) of the **Subdivision Act 1988**.

* (Council delegate)

* (Council seal)

* (Surveyor's Plan Version [insert version number])

(Date of re-certification)

* *Delete if inapplicable.*

Note 1: If the plan includes more than one sheet, each sheet not including the above form must be initialled by the delegate or one of the persons affixing the seal.

Note 2: For a paper plan the Surveyor's Plan Version Number is not required.

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FORM 21

Reg. 51(2) Subdivision (Procedures) Regulations 2000

***CERTIFYING A NEW VERSION OF AN
EXISTING PLAN**

This plan is certified under section 11(7) of the **Subdivision Act 1988**.

Date of original certification under section 6 / /

* (Council delegate)

* (Council seal)

* (Surveyor's Plan Version [insert version number])

(Date of certification under section 11(7))

* *Delete if inapplicable.*

Note 1: This form is for use where the Council is not yet satisfied that section 21(1)(b)(i) or (ii) of the **Subdivision Act 1988** has been complied with.

Note 2: For a paper plan the Surveyor's Plan Version Number is not required.

FORM 22

Regs 51(5) and 55(c) Subdivision (Procedures)
Regulations 2000

***CERTIFYING A NEW VERSION OF AN EXISTING
PLAN WITH STATEMENT OF COMPLIANCE**

PART A

1. This plan is certified under section 11(7) of the **Subdivision Act 1988**.

Date of original certification under section 6 / /

* (Council delegate)

* (Council seal)

* (Surveyor's Plan Version [insert version number])

(Date of certification under section 11(7))

* *Delete if inapplicable.*

PART B

2. This is a Statement of Compliance issued under section 21 of the **Subdivision Act 1988**.

COUNCIL REF. NO.

OFFICE OF TITLES PLAN NO.

DATE CERTIFIED BY COUNCIL

This is a Statement of Compliance issued under section 21 for the whole of the above plan.

Requirements under Parts 2 and 3 of the **Subdivision Act 1988** have now been satisfied.

You should now lodge this Statement in the Office of Titles.

In the event that you have not yet lodged the certified plan then this Statement should be attached to it for lodging.

* (Council delegate)

* (Council seal)

(Date)

* *Delete if inapplicable.*

Note 1: This form should be used on subdivisions where no works requirement has been served as well as on Plans of Consolidation, Plans of Creation/Removal/Variation of Easements/Restrictions. It may also be used where a new version of an existing plan is being certified at the completion of the works requirement to incorporate plan amendments concurrently with the issue of a Statement of Compliance.

Note 2: For a paper plan the Surveyor's Plan Version Number is not required.

_____".

14. Forms 24 and 25 substituted

For Forms 24 and 25 in the Schedule to the
 Principal Regulations **substitute**—

FORM 24

Regs 55(e) and 56 Subdivision (Procedures)
 Regulations 2000

Section 21

Subdivision Act 1988

To: (Owner or applicant)
 (Address)

STATEMENT OF COMPLIANCE FOR STAGE NO. # OF A STAGED PLAN

Council Ref. No.

Office of Titles Plan No.

Surveyor's Plan Version [insert version number]

Date certified by Council—

1. This is a Statement of Compliance issued under section 21 of the **Subdivision Act 1988** for stage No. # of a staged subdivision (being lots (insert lot number(s) if applicable)).
2. The following stage lots on this plan are NOT released from the original requirements and will require a further statement (insert lot numbers e.g. S2, S3 etc.—or insert "inapplicable" if this is a statement of compliance for the last stage).

In the case of a paper plan, you should now lodge this statement in the Office of Titles. If you have not yet lodged the certified plan then this statement should be attached to it for lodging.

In the case of a plan in a form other than paper, you should now make available this statement to the Office of Titles. If you have not yet lodged the certified plan, then this statement should be made available with this plan.

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A summary/copy of the outstanding requirements of the Council and the referral authorities is included but should not be lodged in the Office of Titles.

* (Council delegate)

* (Council seal)

(Date)

* *Delete if inapplicable.*

Insert one stage number.

Note: Section 21(4) enables a statement of compliance to provide that an agreement under the **Planning and Environment Act 1987** no longer applies to specified land in a stage. If this is done then the agreement should be identified by reference to its registration number at the Office of Titles (if any). The land to be no longer subject to the agreement should be identified by reference to lot and plan number made available by the Registrar.

FORM 25

Regs 55(f) and 56 Subdivision (Procedures)
 Regulations 2000

To: (owner or applicant)
 (address)

STATEMENT OF COMPLIANCE

Section 21

Subdivision Act 1988

COUNCIL REF. NO.

OFFICE OF TITLES PLAN NO.

SURVEYOR'S PLAN VERSION [insert version number]

DATE CERTIFIED BY COUNCIL

This is a Statement of Compliance issued under section 21 of the **Subdivision Act 1988** for the whole of the above plan.

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Requirements under Parts 2 and 3 of the **Subdivision Act 1988** have now been satisfied.

In the case of a paper plan, you should now lodge this statement in the Office of Titles. If you have not yet lodged the certified plan then this statement should be attached to it for lodging.

In the case of a plan in a form other than paper, you should now make available this statement to the Office of Titles. If you have not yet lodged the certified plan, then this statement should be made available with that plan.

* (Council delegate)

* (Council seal)

(Date)

* *Delete if inapplicable.*

_____ !

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ENDNOTES

¹ Reg. 4: S.R. No. 101/2000.