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Customer Information
Bulletin on email

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Property Transaction Alert Service

The Property Transaction Alert Service offers a simple, cheap and easy way to keep track of activity on a land title or progress of an unregistered plan.

For less than the cost of a title search you can simply sign-up as a subscriber to the Property Transaction Alert Service and you'll receive an email alert of any activity on the title or unregistered plan you are interested in for three months.

Subscribers can track activity on the title from the signing of the contract of sale through to settlement; find out if a property of interest has been sold; and check the progress of a subdivision.

The Property Transaction Alert Service is not the same as a purchaser's caveat but alerts you to any dealing activity on a title.

The low-cost Alert Service is already used by:

- solicitors and conveyancers to discover if a mortgage is registered against the title; if a caveat has

been lodged or if there is a transfer dealing on the property they are interested in

- developers and others buying property off-the-plan who no longer have to make frequent phone calls to track progress on their subdivision — you can also obtain new title numbers
- individuals with an interest in a property

Choose the title or plan you want to monitor for three, six or 12 months

To subscribe to a Property Transaction Alert Service:

- contact your LANDATA® title broker
- use your self-service search account at the Land Information Centre, Level 10, 570 Bourke Street, Melbourne, or
- log onto the Land Channel at www.land.vic.gov.au and select the 'Titles, Property Certificates and Crown Land Status' link. (title alert only)

Changes to Lodgement Fees from 1 July 2007

In accordance with the *Monetary Units Act 2004*, Land Victoria fees expressed in number of fee units will increase from 1 July 2007.

The increases are applicable to fees contained in the:

- Transfer of Land (Fees) Regulations 2004
- Instruments (Fees) Regulations 2004 and
- Property Law (Fees) Regulations 2004

Land Victoria lodgement fees expressed in number of fee units in Regulations administered by other departments will also increase on this day.

The new fees are determined by multiplying the number of fee units contained in the Regulations by the value of the fee unit being \$11.02, and then rounded to the nearest 10 cents.

Lodgement fees expressed as dollar amounts (such as the Safe Custody Fee and Correspondence Fee) will not change.

New fee guides will be available early June.

Note — Subdivision (Registrar's Fees) Regulations 2004 are currently being reviewed as part of a Regulatory Impact Statement. The results will be publicised at the end of the review process in a separate Customer Information Bulletin.

Section 173 Planning and Environment Act Agreements

New guidelines for preparing Section 173 agreements have been introduced following extensive consultation with the Law Institute of Victoria.

The new guidelines replace those presented in the Title Registration Services Customer Information Bulletin No. 90 (May 2005) in the article '*Guidelines for the preparation of Agreements under Section 173 of the Planning and Environment Act 1987*'.

The changes were made after it became apparent that Land Victoria's requirements in relation to these agreements, and the accompanying applications under Section 181, were unclear.

In order to clarify the situation, a draft set of clearer, easy-to-follow guidelines were prepared and then finetuned following wide-ranging consultation with the Law Institute of Victoria and its members.

Under the new guidelines, there are two base requirements that will always apply.

Firstly, the agreement, its accompanying application and all attached diagrams must be drawn on good quality paper.

Secondly, the entire document must be suitable for Land Victoria to image and provide as a search product.

An application will also be refused if the land description provided refers only to the parent title of a plan of subdivision already lodged (i.e. the Section 173 is to be a follower dealing to an unregistered plan). Amendment of the land description to identify affected lots or common property will be required.

Additional Land Victoria guidelines for the preparation of Agreements under Section 173 of the Planning and Environment Act 1987:

The following documentation applies to each of the following scenarios where an agreement under Section 173 of the *Planning and Environment Act 1987* (Section 173 agreement) applies to some but not all lots on a plan of subdivision:

1. Section 173 agreement relating to part of land, being a lot on a proposed plan of subdivision which is NOT lodged for registration when the Section 181 application is lodged —
 - a. Where the plan of subdivision is not yet lodged with Land Victoria, the plan to support the Section 173 agreement could either be included with the Section 181 application or be part of the Section 173 agreement itself.
 - b. The plan for the Section 173 agreement must clearly identify the land that is the subject of the agreement and fully fall within the title(s) shown in the land panel.
 - c. The plan is not to be labelled by the proposed PS number.
 - d. The land panel in the Section 181 application is to refer to the title(s) to the land in the Section 173 agreement.
For example: '*Lots 1 to 5 on the plan marked A attached [or, if the plan is attached to the agreement, add "to the annexed agreement" being part of the land in certificate of title volume 1234 folio 456.*'
2. Proposed plan of subdivision lodged for registration but unregistered when Section 181 application is lodged —
 - a. Where the plan of subdivision is lodged with Land Victoria but unregistered, the plan to support the Section 173 agreement could either be included with the Section 181 application or be part of the Section 173 agreement itself.
 - b. to d. same as 1 above.
3. Proposed plan of subdivision already registered when Section 181 application is lodged for registration —
 - a. This scenario applies where parcels affected by the agreement are whole parcels once the plan is registered
 - b. The land panel in the Section 181 application is to refer to the titles of the subject lots on the plan of subdivision.
For example where the

Section 173 agreement was to be recorded on the titles to lots 1 to 5 on PS123456 which, once registered, become volume 1234 folios 456 to 460 (both inclusive):

'certificates of title volume 1234 folio 456, volume 1234 folio 457, volume 1234 folio 458, volume 1234 folio 459, volume 1234 folio 460'; or

to enable the Section 181 application to be prepared in anticipation of registration:

'Lots 1 to 5 on PS123456 being the land in "certificates of title volume ... folios ... to ... (both inclusive)" with the volume number and folio numbers "456 to 460" inserted by the date of lodgement.'

- c. No plan should be included for lodgement of the Section 181 application but may be attached to the Section 173 agreement where it illustrates a requirement of that agreement or was not registered at the time that the agreement was prepared.

Suggested wording for Section 173 agreement to define the land which is subject to the agreement being part of the land in a plan of subdivision which falls within scenario 1 or 2 above when the agreement is being prepared:

- '*The land marked as lot ... on the Plan marked "A" attached to this agreement being part of the land in certificate of title volume ... folio ...*' (the volume and folio being those of the parent title or titles to the lot on the proposed plan); OR
- '*The land shown as lot ... on the Plan attached to annexure "A" # [or insert other relevant identifier of annexure] to this agreement being part of the land in certificate of title volume ... folio ...*' (the volume and folio being those of the parent title or titles to the lot on the proposed plan).