

# Local Government (Land Information) Regulations

## Exposure Draft

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**Victoria**

## **Local Government (Land Information) Regulations**

### **Exposure Draft**

#### **1 Objective**

The objective of these Regulations is to prescribe for the purposes of the **Local Government Act 2020**—

- (a) information to be specified in a land information certificate; and
- (b) the fee for the issue of a land information certificate; and
- (c) the form of and particulars required in an acquisition notice; and
- (d) the period of time for giving an acquisition notice to the Chief Executive Officer of the Council.

#### **2 Authorising provision**

These Regulations are made under section 325 of the **Local Government Act 2020**.

### 3 Commencement

These Regulations come into operation on 1 July 2021.

### 4 Definitions

In these Regulations—

*GST* has the same meaning as it has in the A New Tax System (Goods and Services Tax) Act 1999 of the Commonwealth;

*licensed conveyancer* means a person who holds a licence under the **Conveyancers Act 2006**;

*the Act* means the **Local Government Act 2020**.

### 5 Land information certificate

(1) For the purposes of section 121(1) of the Act, the following is prescribed information for a land information certificate—

(a) a statement containing the following—

"This certificate provides information regarding valuation, rates, charges, other moneys owing and any orders and notices made under the **Local Government Act 2020**, the **Local Government Act 1989**, the **Local Government Act 1958** or under a local law of the Council.

This certificate is not required to include information regarding planning, building, health, land fill, land slip, flooding information or service easements.

Information regarding these matters may be available from Council or the relevant authority. A fee may be charged for such information.";

(b) the date of issue of the land information certificate;

- (c) valuation information consisting of—
    - (i) the Council valuation of the land using the net annual value, site value and capital improved value systems of valuation; and
    - (ii) the current level of value date;
  - (d) information in relation to rates and charges and other money consisting of—
    - (i) the amount and type of all rates and charges levied on the land (including when the rates and charges are due); and
    - (ii) any rates and charges levied on the land that are paid or unpaid; and
    - (iii) the amount of arrears in relation to rates and charges levied on the land (if any); and
    - (iv) the period for which all rates and charges apply; and
    - (v) any money owed for works under the Act, **Local Government Act 1989**, the **Local Government Act 1958** and, if so, the amount; and
    - (vi) the potential liability for rates in relation to the land under the **Cultural and Recreational Lands Act 1963**; and
    - (vii) the potential liability for the land to become rateable under sections 173 or 174A of the **Local Government Act 1989**; and
    - (viii) any money owed in relation to the land under section 94(5) of the **Electricity Industry Act 2000**; and
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- (ix) any outstanding amount required to be paid for recreational purposes or any transfer of land to the Council for recreational purposes under section 18 of the **Subdivision Act 1988** or the **Local Government Act 1958**; and
  - (x) any money owed under section 119 of the Act; and
  - (xi) any environmental upgrade charge in relation to the land which is owed under section 181C of the **Local Government Act 1989**; and
  - (xii) any levy amount specified as being due in an assessment notice in relation to the land under section 25 of the **Fire Services Property Levy Act 2012**;
- (e) whether at the date of the land information certificate, any notice or order on the land has continuing application under the **Local Government Act 2020**, the **Local Government Act 1989**, the **Local Government Act 1958** or under a local law of the Council and, if so, the details of the notice or order.
- (2) A land information certificate must be signed by—
- (a) a member of staff of the Council to whom the power to sign a land information certificate has been delegated; or
  - (b) a person appointed to be an authorised officer under section 224 of the **Local Government Act 1989**.

## **6 Fee for the issue of a land information certificate**

For the purposes of section 121(3) of the **Local Government Act 2020**, the prescribed fee is 1.82 fee units.

## **7 Notice of acquisition**

- (1) For the purpose of section 122(1)(a) of the Act, the acquisition notice is in the prescribed form if it contains the following prescribed particulars—
  - (a) personal details consisting of—
    - (i) the full name of the transferor (and if applicable, the full name of the trust and trustee or, in the case of a company, the transferor's ACN); and
    - (ii) the full name of the transferee (and if applicable, the full name of the trust and trustee or, in the case of a company, the transferee's ACN); and
    - (iii) the address and email address of the transferee at the time of transfer; and
    - (iv) the address and email address of the transferor at the time of transfer; and
    - (v) whether the land will be the transferee's principal place of residence; and
    - (vi) if the land will not be the principal place of residence under paragraph (v), the address of the transferee's principal place of residence (for the purpose of preparing voters' rolls); and
    - (vii) the addresses for correspondence to, or service on, the transferee (if different from the land being acquired) and of the transferor; and

- (viii) in the case of an individual, the date of birth of the transferee (for the purpose of preparing voters' rolls);
  - (b) property details in relation to the land consisting of—
    - (i) the flat or unit number, street number, name of street or road, suburb, town or district and postcode; and
    - (ii) Lot number and Plan number; and
    - (iii) Volume and Folio; and
    - (iv) the name of the municipal district; and
    - (v) Crown Allotment Number; and
    - (vi) Section or Portion, Parish; and
    - (vii) Municipal Property Number (if known); and
    - (viii) area of the land (including any accessory units) and unit of entitlement;
  - (c) transfer details in relation to the land consisting of—
    - (i) the date of contract, the GST amount, the total sale price (including GST), deposit and date of possession or transfer; and
    - (ii) whether or not the purchase is a terms sale;
  - (d) whether or not the property is a residential property and if so, the number of bedrooms;
  - (e) contact details and certification, including—
    - (i) the name, telephone number and email address of the transferee's Australian legal practitioner, licensed conveyancer or agent (if any); and
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- (ii) the name, telephone number and email address of the transferor's Australian legal practitioner, licensed conveyancer or agent (if any); and
  - (iii) provision for the certification by the transferee or Australian legal practitioner, licensed conveyancer or agent of the accuracy of the information provided;
- (f) the relevant property code, being one of the following—

**Residential Land**

- 100 Vacant site
- 101 Development site
- 102 Subdivisional land
- 103 Rural lifestyle site

**Single Residential**

- 110 Dwelling
- 112 Row house/terrace
- 117 Rural lifestyle

**Multiple Occupation**

- 120 Unit
- 125 Flat
- 126 Car park

**Retirement/Aged Care**

- 140 Retirement unit
- 141 Retirement complex
- 142 Aged Care complex

**Commercial**

- 200 Commercial site
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**Retail**

- 210 Single retail
- 211 Multi retail
- 212 Mixed use
- 213 Shopping centre
- 214 National retail
- 215 Service station
- 216 Multi-service station

**Office**

- 220 Office premises

**Tourist accommodation**

- 230 Hotel/motel
- 234 Caravan park

**Hospitality**

- 240 Licensed premises/restaurant

**Entertainment**

- 250 Entertainment complex
- 251 Cinema complex

**Personal Services**

- 270 Health surgery
- 271 Health clinic
- 275 Veterinary clinic

**Vehicle Parking/sales**

- 280 Ground parking
  - 281 Multi-level parking
  - 284 Car yard
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**Industrial**

300 Industrial site

**Manufacturing**

310 Factory

311 Processing factory

**Warehouse**

320 General warehouse

321 Open storage

325 Coolstore/coldstore

331 Abattoirs

**Extractive industries**

**Quarry**

410 Sand

411 Gravel/stone

412 Manufacturing materials

413 Soil

**Primary production**

**Native Vegetation**

500 Bush

**Agriculture**

510 Cropping

**Livestock Grazing**

520 Domestic grazing

521 Non-native animals

522 Native animals

523 Sheep

524 Beef cattle

525 Dairy cattle

**Livestock—special purpose**

540 Feed lot

541 Poultry

544 Horse stud/stables

545 Piggery

546 Kennel/cattery

**Horticulture**

550 Market garden

551 Orchard/groves

561 Vineyard

562 Plant/nursery

**Infrastructure**

600 Vacant land

**Gas or Fuel**

610 Wells

**Electricity**

620 Power Station

**Community Services**

**Health**

710 Public hospital

711 Private hospital

**Education**

720 Kindergarten

721 Government school

722 School camps

723 Private school

725 University

726 TAFE

**Religious**

740 Place of worship

**Community**

750 Hall

**Sport**

800 Sport vacant

820 Indoor sports

821 Outdoor sports

- (2) For the purpose of section 122(1)(b) of the Act the prescribed period is one month after acquisition of the land.

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## Endnotes

### Fee Units

These Regulations provide for fees by reference to fee units within the meaning of the **Monetary Units Act 2004**.

The amount of the fee is to be calculated, in accordance with section 7 of that Act, by multiplying the number of fee units applicable by the value of a fee unit.

The value of a fee unit for the financial year commencing 1 July 2020 is \$14.81. The amount of the calculated fee may be rounded to the nearest 10 cents.

The value of a fee unit for future financial years is to be fixed by the Treasurer under section 5 of the **Monetary Units Act 2004**. The value of a fee unit for a financial year must be published in the Government Gazette and a Victorian newspaper before 1 June in the preceding financial year.