



Policy Title	Partial Property Transfer
Related Documentation	Nil
Relevant Legislation/ Corporate Plan	<i>Local Government Act 1993</i> <i>Strata Schemes (Freehold Development) Act 1973</i> <i>Strata Schemes (Leasehold Development) Act 1986</i> <i>Strata Schemes Management Act 1996</i> <i>Real Property Act 1900</i>
Responsible Officer	Executive Manager Corporate Services and Governance

Policy details may change prior to review date due to legislative changes, therefore this document is uncontrolled when printed.

Objectives

To maintain accurate records of transfers of the title in land to expedite notification of Council's business and activities to new property owners.

Policy Statement

This policy is designed to maintain accurate records of land titles. This includes adjustment of records upon receipt of written notification from solicitors or conveyancers regarding transfer of title prior to official notification from the Land Registry Services.

This policy is designed to be used in support of relevant legislation.

Letters received from the solicitor or conveyancer acting on behalf of the purchasers must include the following details to comply.

1. Statement requesting Council records be changed due to a sale or transfer of land.
2. New owner/s full name(s).
3. Full property description, including all Lot and Deposited Plan (DP) numbers.
4. Full mailing address for the service of notices.
5. Date of sale.

If the content of the written notification appears accurate and reliable the transfer will be flagged "PARTIAL". All partial transfers will be subject to a monthly review process and altered to "SALE" when and only when Council receives official notification from the Land Registry Services.

DATA AND DOCUMENT CONTROL		
Division: City Governance Section: Financial Services Record No: CDO-23/52	Adopted Date: 02/09/2008 Revised Date: 14/03/2023 Minute Number: 044 Review Date: 30/06/2028	Page: 1 of 2

Transfers that are not completed within a three-month period are to be followed up with the purchaser's solicitor or conveyancer until the matter is completed to the satisfaction of Council.

Scope

This policy applies to all property land transfer requests made upon settlement where Council receives appropriate notification from a solicitor or conveyancer acting on behalf of the purchaser.

Definitions

Notification provides a means of delivery of a written message in regards to statutory requirements and providing accurate up to date information.

Owner In relation to land other than Crown land includes;

- (i) every person who jointly or severally, whether at law or in equity, is entitled to the land for any estate of freehold in possession, and
- (ii) every such person who is entitled to receive, or is in receipt of, or if the land were let to a tenant would be entitled to receive, the rents and profits of the land, whether as beneficial owner, trustee, mortgagee in possession, or otherwise, and
- (iii) in the case of land that is the subject of a strata scheme under the Strata Schemes (Freehold Development) Act 1973 or the Strata Schemes (Leasehold Development) Act 1986, the owners corporation for that scheme constituted under the Strata Schemes Management Act 1996, and
- (iv) in the case of land that is a community, precinct or neighbourhood parcel within the meaning of the Community Land Development Act 1989, the association for the parcel, and
- (v) every person who by this Act is taken to be the owner..."

as defined by the *Local Government Act 1993*.

Property Land that is within the Campbelltown local government area and subject to the *Real Property Act 1900*.

Legislative Context

Local Government Act 1993

Strata Schemes (Freehold Development) Act 1973

Strata Schemes (Leasehold Development) Act 1986

Strata Schemes Management Act 1996

Real Property Act 1900

Principles

The Executive Manager Corporate Services and Governance will be responsible for administering the principles and that appropriate steps are taken to maintain the integrity of data used in changing Council's records.

Responsibility

The Executive Manager Corporate Services and Governance may delegate their responsibility to the Senior Revenue Accountant to ensure proper procedural documentation is maintained at a level satisfactory to Council and relevant legislation.

Effectiveness of this Policy

Key performance Indicators

1. maintain a one-month review of all "pending" transfers.
2. ensure any transfers incomplete (subject to the elapsing of a three-month period) are successfully followed up and completed.

END OF POLICY STATEMENT

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