

NOTICE TO LODGING PARTIES

LAND SERVICES GROUP

Colonel Light Centre
25 Pirie Street, ADELAIDE 5000

No.112

COMMUNITY TITLES ACT 1996 AND THE STATUTES AMENDMENT (COMMUNITY TITLES) ACT 1996

Commencement and Transitional Provisions

The Community Titles Act 1996 (the Act) and Regulations under the Act came into operation on 4 November 1996. Consequential amendments to other Acts made by the Statutes Amendment (Community Titles) Act 1996 also came into operation on that date. However, the operation of Section 41 of that Act is suspended until a day to be fixed by subsequent proclamation. Section 41 provides that the Registrar-General cannot accept for deposit a plan of strata division commenced under the Strata Titles Act 1988 where application for division approval was made to the Development Assessment Commission on or after 4 November 1996. Operation of this section has been delayed so as not to inconvenience any developer who may have applied for building approval under the Development Act 1993 without having made a concurrent application for approval to divide as a strata scheme under the Strata Titles Act. This means that an application for strata division under the Strata Titles Act may be made beyond 4 November until further notice.

The relevant proclamations of commencement and the Registrar-General's requirements as to Standards for Forms of Instruments and all formats for the various instruments required by the Act appeared in the Government Gazette of 31 October 1996. The various Panel Forms and Guidance Notes are available from the State Information Centre, Australis Centre, 77 Grenfell Street Adelaide.

A series of workshops will be held in the Lands Titles Office at a date to be determined. Details will be released in the near future.

The relevant forms are as follows:--

Form	Nature of Instrument
ACT	Application for deposit of a community plan pursuant to Section 14
AP3	Application for amendment of a deposited community plan pursuant to Section 52
AP4	Application for amendment of a deposited community plan pursuant to Section 58
AP5	Application for amendment of a deposited community plan pursuant to Section 52 and 57 and incorporating the provisions of Part 19AB of the Real Property Act 1886
Form 1	Certificate of consents to deposit a plan of community division to be attached to Forms ACT, AP3, AP4, and AP5
SM2	Application for amalgamation of a deposited community plan pursuant to Section 60
CS2	Application for amendment of a deposited community plan pursuant to Section 65

LR	Lodgement of a resolution that the Community titles Act and not the Strata Titles Act will apply to a scheme
TD	Termination of a Development Contract pursuant to Section 50
LF1	Filing with a community plan of a Scheme Description, Development Contract or By-laws Form
LF2	Filing of an amendment of a Scheme Description or the Variation of the By-laws or a Development Contract with a community plan
RDA (new version)	Application for the prior examination of a plan of division under section 144 of the Community Titles Act 1996 and section 223ld(4) of the Real Property Act 1886
The Third Schedule	Amendment of Lot Entitlements, include in panel form B2 or B3 with allocated prefix AP2

Fees prescribed under the Community Titles Act 1996 regulations are shown in *Appendix A* to this notice.

A separate Notice to Surveyors and Plan Drafters relating to plans is also available.

TRANSITIONAL PROVISIONS

Clause 2 PRE-EXISTING STRATA SCHEMES TO COMMUNITY TITLES SCHEMES

A strata corporation formed under the Strata Titles Act 1988 may resolve by a simple majority (ordinary resolution) that the Community Titles Act 1996 and not the Strata Titles Act 1988 will apply to the corporation and the strata scheme. The corporation is required to lodge a copy of the resolution with the Registrar-General certified in accordance with the regulations to be a true copy. The Registrar-General must file this copy with the strata plan. The resolution comes into effect at the time of filing with the strata plan. Once filed the general provisions of the Community Titles Act must be used for all future dealings, eg. to amend, amalgamate with another scheme (under the same Act), cancel a scheme, corporate issues, etc.

On conversion the Strata Corporation will become a Community Corporation under the Community Titles Act; the plan is taken to be a primary strata plan of community division and units are taken to be primary strata lots. This means the plan is not automatically altered by the resolution and does not take on the attributes of a community plan. An appropriate endorsement will be placed on the original certificate of title. Any subsequent amendment of the plan to take advantage of the Act, for example to include a development lot or extend ownership of the former unit to include the land and structure in unlimited height or depth etc, will require a unanimous resolution of the corporation and planning approval of the relevant development authority will be necessary.

Clause 3 BUILDING UNIT SCHEMES

The system of converting building unit schemes to strata titles under the Strata Titles Act 1988 (Existing Schemes) is continued in this Act. However, a building unit scheme where at least one unit does not exist one above another will not become a strata scheme under the Community Titles Act. It will create community lots of unlimited height and depth defined by full survey data (in the same manner as allotments in conventional land division). In this case enquiries should be made to the Development Assessment Commission regarding the requirement to pay the fee to the Planning and Development Fund which is waived in the case of conversion to a strata plan.

Other building unit schemes where at least one unit exists above another will become a community strata scheme forming community strata lots.

In either case the application to the Registrar-General for deposit of the community plan will work in exactly the same way as an application for deposit of a strata plan under the Strata Titles Act 1988.

INFORMATION BOOKLET

An information booklet will be produced in the near future explaining how Community Titles works. This booklet will explain the basic principles of the system and its advantages over strata schemes under the Strata Titles Act 1988.

A handwritten signature in black ink, appearing to read 'Alan J. Sharman', with a long horizontal flourish extending to the right.

ALAN J. SHARMAN
REGISTRAR-GENERAL
7 November, 1996

Appendix A

Fees

Application to deposit plan of community division (excluding the fee for issue of certificates of title) (s. 14)	\$200
Fee for the issue of a certificate of title for each lot generated (including a development lot but not including a certificate of title generated for any road, street, reserve vesting in a council or other authority) by the deposit of a community plan or the amalgamation of two or more adjacent community plans or the cancellation of a community plan	\$ 42
Fee for the issue of each certificate of title for each lot (including a development lot) and the common property on amendment of a community plan	\$ 42
Fee for the examination of a plan of community division or amendment of a community plan pursuant to s. 58 (unless paid on pre-examination)	
where there are 5 lots or less	\$185
where there are more than 5 lots	\$375
Fee for the deposit of a plan of community division	\$ 75
Fee for the examination of an outer boundary survey plan	\$375
Fee for filing an outer boundary survey plan	\$ 75
Fee for the Registrar-General to examine a plan to be lodged with an application under this Act before the application is lodged, to determine whether the plan is in an appropriate form. (s. 143)	
where there are 5 lots or less	\$185
where there are more than 5 lots	\$375
Fee for re-examination of plan when amended after approval for deposit is given	\$ 75
Fee for the examination of a plan to amend a plan of community division (s. 52)	\$185
Fee for the examination of a filed plan delineating the outer boundaries of a primary parcel for cancellation of a plan (s. 65)	\$185
Fee for filing plan for the cancellation of a community plan	\$ 75
Fee for the examination of a plan of amalgamation	\$185
Fee for the deposit of a plan of amalgamation	\$ 75
Lodgement of Scheme Description	\$ 75
Lodgement of By-Laws	\$ 75
Lodgement of Development Contract	\$ 75
Lodgement of resolution to elect to use the <i>Community Titles Act 1996</i>	\$ 75
Lodgement of application to amend schedule of lot entitlements (s. 21)	\$ 75
Lodgement to amend a scheme description (s. 30)	\$ 75
Lodgement to vary by-laws (s. 39)	\$ 75
Lodgement of agreement to vary or terminate a development contract (s. 50)	\$ 75
Maximum Fee for the purchase from a corporation of Scheme Description	\$ 25

Fee to be charged by Registrar-General for the purchase of Scheme Description by the public from the Lands Titles Office	\$ 5
Maximum Fee for the purchase from a corporation of by-laws (The inspection of by-laws must be free of charge.) (s. 44)	\$ 25
Fee to be charged by Registrar-General for the purchase by the public of by-laws (s. 44)	\$ 5
Maximum Fee charged by corporation for the purchase of a development contract that is in force (inspection must be free of charge) (s. 51)	\$ 25
Fee charged by the Registrar-General for the purchase by the public of a copy of a development contract (s. 51)	\$ 5
Fee for an application for the amendment of a community plan (excluding issue of certificates of title) (s. 52)	\$150
Fee for an application for the amendment of a plan pursuant to a development contract (excluding issue of certificates of title) (s. 58)	\$150
Fee for an application for amalgamation of community plans (excluding fee for the issue of certificates of title) (s. 60)	\$150
Fee for Application to the Registrar-General for the cancellation of a community plan (excluding fee for issue of certificate of title) (s. 65)	\$150
Fee for Application to the Registrar-General for the cancellation of a community plan pursuant to order of court (excluding fee for issue of certificate of title) (s. 67)	\$150
Notice of appointment of administrator	\$ 75
Notice of removal or replacement of administrator	\$ 75
Lodgement of any other document required by the Act	\$ 75