

Notice

To Lodging Parties

21 December 2016 No 195

1. **LTO Form Update & Division Forms**
2. **Community Plan Amendments**
3. **Redefinition & Outer Boundary Plans**
4. **LTO Fee Calculator**
5. **Retention of Evidence**

LTO Forms Update

As part of our ongoing review of the LTO Forms, the forms below (and associated guidance notes) have been revised and published on the sa.gov.au website.

New LTO Forms	
S2 – Surrender of Underlease	
E3 – Extension of Underlease	
Coversheet Amended	
A1 – Transmission Application	P1 – Power of Attorney
A2 – Application to Register Death by Survivor	P2 – Enduring Power of Attorney
Editable Features Amended – No Content Change	
A3 - Application	M1 - Mortgage
B2 – Blank Application	M1A – Mortgage (hybrid)
M4 – Standard Terms and Conditions of Encumbrance	

Easement Descriptions in Dealings

Easement descriptions must be included in the Land Description of dealings which are lodged before the issue of new Title(s) due to the creation, variation or extinguishment of easements. It is no longer necessary for these descriptions to refer to the parties, date and type of prior dealing(s) - as such new example descriptions are provided in Appendix A for your convenience. These examples can be amended where necessary (for example where the land is subject to and together with rights and liberties).

Division Forms

To further assist clients, the below addresses some of the frequently asked questions in regards to the recent amendments to the LTO division forms.

Mode of Issue

Easements no longer need to be referred to against each parcel, as the statement below has been included in the mode of issue:

“Easement(s)/Right(s) of Way as per accompanying plan and other titles affected”

As titles are issued as reflected in the mode of issue, it is imperative that the mode of issue is correct, particularly in relation to registered interests. For example if a practitioner

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inadvertently omits a Mortgage against a parcel in the mode of issue, the new Title will issue without the Mortgage and as a consequence a new Mortgage will need to be lodged.

Consent Form Statements

Generic statements relating to the effect on estate and interest have been inserted on the consent forms for RTC, ACT and some amendment to community plan forms. The statements will not be relevant in all circumstances (for example vesting of land in a Crown authority), and as such, where appropriate practitioners will need to show the specific effect on the interest rather than using the generic statements.

Amendment of Community Plan Subject to a Scheme Description

Where an amendment of a Community Plan does not make the filed Scheme Description inaccurate, the *Community Titles Act 1996* requires a copy of the filed Scheme Description, re-endorsed by the relevant development authority, to accompany the lodged amendment application.

The re-endorsed copy of the Scheme Description will not attract any additional fees. Once the amendment application has been registered the additional development authority endorsement will be attached to the filed Scheme Description.

Redefinition and Outer Boundary Plans

Where an outer boundary plan or plan of redefinition is lodged and appears to have a detrimental effect on abutting land boundaries, the Registrar-General has the discretion to write to the abutting land owners to ensure there is no objection to the acceptance of the plan for filing. Twenty eight (28) days will be given for any responses to be made. If the surveyor is aware prior to lodging the survey that the plan will affect any abutting land the surveyor has the option of obtaining written consent from the affected land owners and lodging it with the plan.

LTO Fee Calculator

Clients are encouraged to make use of the [LTO Fee Calculator](#) to ensure the correct fees are paid for all documents. The LTO Fee Calculator is particularly helpful when calculating fees as they relate to division dealings and new Title fees.

Retention of Evidence

Please note that Probate and Registrar's Certificate of Disclosure must be produced to the Lands Titles Office when lodging a Transmission Application. [Notice to Lodging Parties #189](#) inadvertently listed these as evidence not required for production, this Notice has now been updated to reflect this fact.



Brenton Pike
REGISTRAR-GENERAL
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Appendix A

Wording in the land description panel where easement(s) granted

Servient land

The whole of the land in [CT..../...](#) subject to the rights & liberties created in prior lodged dealing(s)

Dominant land

The whole of the land in [CT..../...](#) together with the rights & liberties created in prior lodged dealing(s)

Wording in land description panel where easement(s) varied (VE)

The whole of the land in [CT..../...](#) after registration of the variation of rights & liberties by prior lodged dealing(s)

Wording in land description panel where easement(s) extinguished (VE)

The whole of the land in [CT..../...](#) after registration of the extinguishment of rights & liberties by prior lodged dealing(s)

Wording in land description panel for dealings which are required to be lodged prior to creation of easements such as a partial surrender of a lease or a rescission of a land management agreement

The rights and liberties to be created in the subsequent dealing(s) in series and being portion of the land in [CT..../...](#)

Wording in land description panel for a collateral mortgage lodged after the creation of easement. Note the appurtenant title reference is inserted not the servient title reference

The rights and liberties created in prior lodged dealing(s) appurtenant to [CT..../...](#)

Note: 'prior lodged dealing(s) include unregistered and registered dealings.

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