

Notice

To Lodging Parties

2 September 2009

No 161

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1. Certification of LF documents

Notice to Lodging Parties No. 158 advised clients on changes to documentation to be lodged in the Lands Titles Office as a result of the commencement of the *Statutes Amendment (Real Property) Act 2008*.

To clarify the information set out at number 5 "Certification for Scheme Descriptions, By-laws and Development Contracts", all documents prefixed as LF (being scheme description, by-laws, development contract, amendment of scheme description, variation of by-laws and variation of development contract) lodged after 31 May 2009 must be certified in accordance with Form No. 10 of the *Community Titles Regulations 1996*.

Clients are advised that the certification must be endorsed on the relevant documentation, preferably shown on the first page and not on the LF1/LF2 backing sheet.

2. Plan Presentation Guidelines Version 3.0

The Plan Presentation Guidelines (PPG) has been updated as a result of the *Statutes Amendment (Real Property) Act 2008*, *Real Property Regulations 2009* including outer boundary requirements for divisions (including subdivision) and for other minor changes.

Changes made to the PPG in accordance with the Act and Regulations include:

- Requirements for outer boundaries (Section 2.27.1, 2.27.9 and 7.36.4)
- Lodgement of Lot entitlement (Sections 9.27, 9.43 - 9.55)
- Lodgement of Unit entitlement (Sections 11, 11.12)
- Addition to 6th Schedule easements (5.7.2, 5.7.3, 10.11.1)

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Other sections have been amended to clarify guidelines and include:

- Bearing Datum's (Sections 7.69.3,7.69.7)
- Cessation of easements by s223LF(6) of the *Real Property Act 1886* (RPA) (Sections 5.22, 5.23)
- Scales (Sections 7.18.1, 7.19.1)
- Identifying different uses of Common Property (Section 9.2.2)
- Survey requirements for leases (Section 12.5.1)

Should you have any queries on Plan Presentation Guidelines or the full list of changes, please contact Glenn Westthorp on 8226 3942 or via e-mail glenn.westthorp@sa.gov.au

3. Endorsement Changes

Amendments to the RPA by the *Statutes Amendment (Real Property) Act 2008* removed the requirement to produce duplicate instruments when dealing with that interest. As a consequence of this, I will no longer be adding (Single Copy Only) or (Lessees Copy Lost) to any new endorsements.

4. Variation of Statutory Encumbrances

Statutory encumbrances can be varied or terminated within an application to deposit a plan of division under Part 19AB of the RPA. As a consequence of Industry feedback, I have reviewed the policy set out in Notice to Lodging Parties No. 111 and determined that provided there are no other transactions, Form RTU can be used to vary or terminate the statutory encumbrance.

The consent form must contain reference to the variation or termination in the Statement of Effect panel. The required certification from the holder of the statutory encumbrance can be incorporated as part of the holder's consent or on a B1 Annexure form.



Brenton Pike
A/ Registrar-General
Land Services Group