



Industry Education Webinar

# Form AP Amendment to Community Plans

23<sup>rd</sup> June 2021

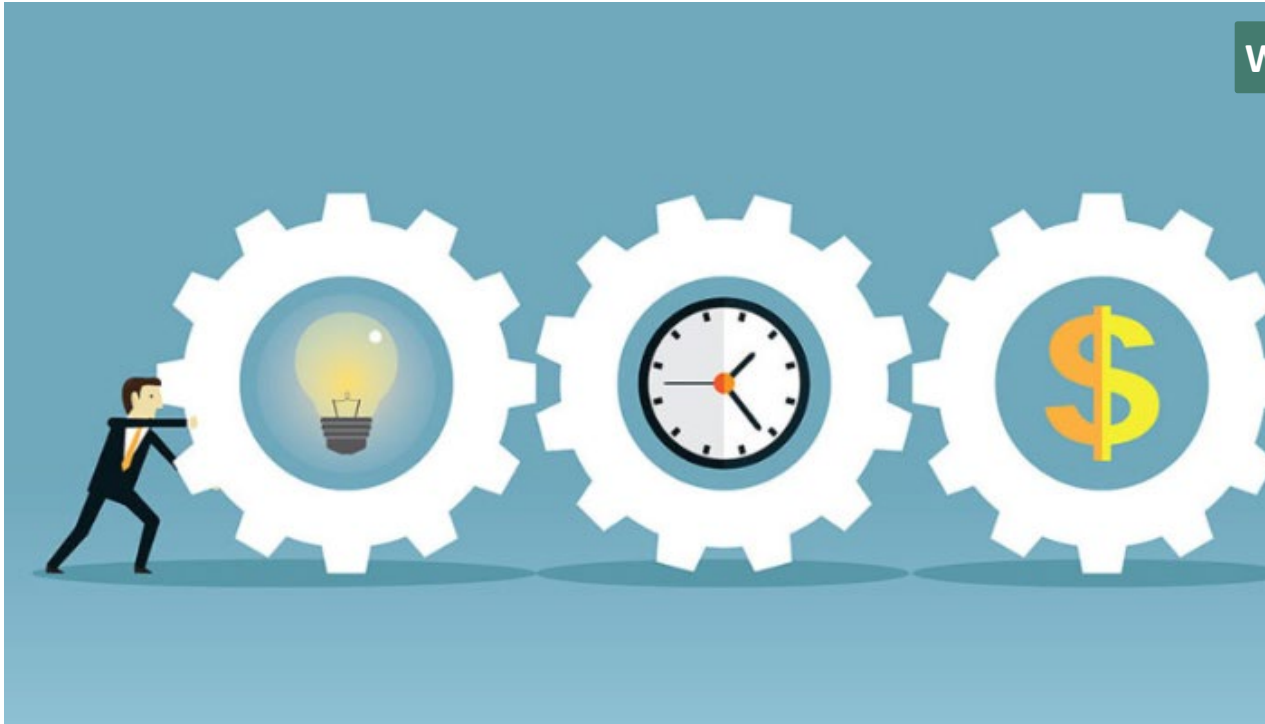
[landservices.com.au](https://landservices.com.au)





# Industry Education Program

Land Services SA is committed to providing an excellent Customer Experience



## Why are we doing this?

- ✓ Assist in educating the industry by providing regular training updates
- ✓ Assist in reducing withdrawals across your business, saving you time and money
- ✓ Supporting you to deliver excellent service to your clients



# About our Land Services Team

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**John Ikonomopoulos** is a Property Examiner within Land Services SA. He has over 24 years experience in numerous areas of Land Information Services and has work on various projects. Current area of focus are examining division applications and studying to become a Registered Conveyancer.



**Sandy Beaglehole** is a Property Examiner within Land Services SA. She has over 37 years experience in numerous positions within Land Services SA and has spent the last 6 years as a Property Examiner.

## CONTENTS

- Various Form AP that are available.
- Function of the Form AP3.
- Function of the Form AP4
- Amendment to Community Plan scenarios
  - Form AP3
  - Form AP4





# Form AP - Amendment to Community Plans

## Form AP that are available for the amendment to a deposited Community Plan:

Form Type	Function
AP2CP	Lodged when <b>only amending</b> the <b>Schedule of Lot Entitlements</b> for a deposited Community Plan.
AP3	Lodged when amending a deposited Community Plan where the amendment changes/alters: <ul style="list-style-type: none"><li>• The number of lots in the plan.</li><li>• The common property.</li><li>• The boundaries of the community parcel.</li><li>• The aggregate of the lot entitlements of the lots affected by the amendment.</li></ul>
AP4	Lodged when dividing a <b>Development Lot</b> in a deposited Community Plan pursuant to a <b>filed Development Contract</b> .
AP5	Lodged when the amendment to the deposited Community Plan affects the <b>boundary</b> of the <b>primary community parcel</b> by the <b>removal</b> or <b>inclusion of PART of an Allotment</b> .



# Form AP - Amendment to Community Plans

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## Form AP3 – Application for Amendment of a deposited Community Plan.

**Section 52 of the Community Titles Act 1996** allows for the amendment of a deposited Community Plan.

**Form AP3** is lodged for the purpose of amending a deposited community plan, where the amendment does **not involve**:

The division of a development lot pursuant to a, Development Contact  
or

The addition or removal of land from the community parcel.

Please note a Form AP3 is to be used when the amendment to the Community Plan involves the addition of a whole allotment into the Community Parcel.





# Form AP - Amendment to Community Plans

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## Form AP3 – Application for Amendment of a deposited Community Plan.

The application can be made by the Community Corporation pursuant to a **unanimous resolution** of the corporation

or

The lot owners where the amendment is an adjustment of boundaries between lots and the Community Corporation has been notified of the application, providing that there are **no** changes/alterations to:

- The number of lots in the plan.
- The common property.
- The boundaries of the community parcel.
- The aggregate of the lot entitlements of the lots affected by the amendment.

Section 59 of the Community Titles Act 1996 allows for the amendment of a deposited Community Plan pursuant to an Order of Court.



# Form AP - Amendment to Community Plans

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## Form AP3 – Application for Amendment of a deposited Community Plan.

**The Form AP3 is lodged for the amendment of a deposited Community Plan in accordance with the **substituted** or **added sheets** of the plan. The amendments to the plan may be in the form of:**

Amendment to lot boundaries (community or development) and the common property.

Creation of new lot(s) (including the creation of a development lot) and common property.

Amendment to the service infrastructure.

Amendment to buildings and structures shown on the plan.

Amendment to the community plan by the addition of a **whole** of an allotment, section or block.

Amendment to the Schedule of Lot Entitlements.





# Form AP - Amendment to Community Plans

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**Form AP3 – Application for Amendment of a deposited Community Plan.**

**The following may also form **part** of the amendment:**

Creation of additional new easements.

Extinguishment and variation of existing easements.

Creation of additional public roads or reserves.

Additional encroachments.



# Form AP - Amendment to Community Plans

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## Form AP3 – Application for Amendment of a deposited Community Plan.

### Consenting Parties.

#### Certificate of Consent forms are to be completed by:

Registered interests of the Lots being amended.

Registered proprietors of the Lots being amended and are **not** applicants.

Registered interests of the Common Property being amended.

Parties affected by changes to the relative value of a lot entitlement.

Registered proprietor(s) and Registered interest(s) being affected by the creation, extinguishment, variation of easements.

Registered proprietor(s) of privately owned land that is being encroached upon.

**Note:** Where the relative value of the lots entitlements has changed a certified copy of the resolution agreeing to the amendment is to be attached to the Form AP3.



# Form AP - Amendment to Community Plans

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**Form AP4 – Application for Amendment of a deposited Community Plan pursuant to a Development Contract.**

**Section 58 of the Community Titles Act 1996** allows for the amendment of a deposited Community Plan in pursuance of a filed Development Contract.



# Form AP - Amendment to Community Plans

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**Form AP4 – Application for Amendment of a deposited Community Plan pursuant to a Development Contract.**

**The Form AP4 is lodged for the amendment of a deposited Community Plan in accordance with the **substituted** or **added sheets** of the plan and the **Development Contract**. The amendments allow for:**

The creation of new Lot(s), (including a new development lot for future staged development).

Creation of additional Common Property.

New service infrastructure.

Building structures to be shown on the plan (this includes any item referred to in the scheme description, by-laws or development contract).



# Form AP - Amendment to Community Plans

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**Form AP4 – Application for Amendment of a deposited Community Plan pursuant to a Development Contract.**

**The following may also form **part** of the amendment:**

Creation of additional new easements.

Extinguishment and variation of existing easements.

Creation of additional public roads or reserves.

Additional encroachments.



# Form AP - Amendment to Community Plans

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**Form AP4 – Application for Amendment of a deposited Community Plan pursuant to a Development Contract.**

## **Consenting Parties.**

### **Certificate of Consent forms are to be completed by:**

Registered Proprietor of land **outside** of the **development lot** affected by the extinguishment, variation or creation of an easement.

Registered interests of land **outside** of the **development lot** affected by the extinguishment, variation or creation of an easement.

Registered Proprietor of privately owned land affected by an **additional** encroachment.

Registered interests of the development lot only where the interest is affected by the extinguishment, variation or creation of an easement.

In all other situations, consents are not required due to the upfront disclosure (via the Scheme Description and Development Contract) of the amendment.

# Form AP3 Example

## Existing Deposited Community Plan



**LOCATION PLAN**

**COMMUNITY PLAN NUMBER**  
CP 23935

**PLAN TYPE** PRIMARY

THIS IS SHEET 1 OF 2 SHEETS

**DEPOSITED** 24/3/2007 *Michael Jessop* PRO REGISTRAR GENERAL

<b>CLOSURE CHECKED</b> J.B.	<b>PLAN EXAMINED</b> R.E.C.	<b>PLAN APPROVED</b> 28/2/2007	<b>P.M.S. APPROVED</b> -
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**TITLE REFERENCE**  
C.T. 5484/605

**LAND DESCRIPTION**  
ALLOTMENT 56 IN DP 3209

**IRRIGATION AREA** — **DIVISION** —  
ADELAIDE

**HUNDRED** PLYMPTON

**AREA** CITY OF WEST TORRENS

**COUNCIL** CITY OF WEST TORRENS

**MAP REF.** 6828-50-1

**O.B.** FP 48996 **TOTAL AREA** 983m²

**DEV. No.** 211/C063/06

**SCALE** 0 5 10 15 20 METRES 25

**ANNOTATIONS**  
THE SERVICE INFRASTRUCTURE WAS NOT IN PLACE AS AT 10th. Jan 2007.

**ALL DISTANCES ARE GROUND DISTANCES**

**COMBINED SCALE FACTOR** — **ZONE** — **MGA** —  
BEARING DATUM  $\odot$ -V 139°35'30" **DISTANCE** —  
DERIVED FROM ADOPTED FROM FP 48996

**CERTIFICATE OF LICENSED SURVEYOR**

**Michael Jessop HOPKINS**

a licensed surveyor under the Survey Act 1992, certify that this community plan has been correctly prepared in accordance with the Community Titles Act 1995 to a scale prescribed by regulation.

Dated the 1st. day of October 2006

Licensed Surveyor *Michael Jessop*

**LEGEND**

NETWORK PSM	<input checked="" type="checkbox"/> FD
NETWORK STATION	<input checked="" type="checkbox"/> FD
PERMANENT SURVEY MARK	<input checked="" type="checkbox"/> PLACED <input checked="" type="checkbox"/> FOUND <input checked="" type="checkbox"/> GONE
REFERENCE MARKS	<input checked="" type="checkbox"/> MP OR RM <input checked="" type="checkbox"/> SPK FD <input checked="" type="checkbox"/> ST GONE
DRILL HOLE & WING	<input checked="" type="checkbox"/>
DIRECTION CHANGE	<input checked="" type="checkbox"/>
PART DISTANCES	(20.32)
CALCULATED DATA	20.85 CALC
COPIED DATA	100.85

**MJHopkins LICENSED SURVEYOR**  
16 FREDERICK ST. ADELAIDE  
SA 5000  
PH./FAX. 82116898  
MOB. 0419842011  
Ref. 0622 T C W





# Form AP3 Example

PURPOSE: PRIMARY COMMUNITY		AREA NAME: PLYMPTON		APPROVED: <i>St</i> 23/8/2017	C23935					
MAP REF: 6628/50/F		COUNCIL: CITY OF WEST TORRENS		DEPOSITED/FILED: <i>St</i> 26/08/2017						
LAST PLAN: F48996		DEVELOPMENT NO: 211/C063/06, <b>211/C192/16/001/49446</b>		<b>SUBSTITUTE SHEET</b> SHEET 1 OF 2 V01						
AGENT DETAILS: RICHARD RETALLACK PO BOX 154 DAW PARK SA 5041 P (08) 8357 0428 M 0488 663360		SURVEYORS I, Richard Alan Retallack, a licensed surveyor under the Survey Act 1992, certify that CERTIFICATION: (a) I am uncertain of the location of that part of the service infrastructure shown between the points marked > and < on the plan; and (b) this community plan has been prepared in accordance with the Community Titles Act 1996 Dated the 2nd day of August 2017 <i>Retallack</i> Licensed Surveyor								
AGENT CODE: RIRE REFERENCE: R16126RAH										
SUBJECT TITLE DETAILS:										
PREFIX	VOLUME	FOLIO	OTHER	PARCEL	NUMBER	PLAN	NUMBER	HUNDRED / IA / DIVISION	TOWN	REFERENCE NUMBER
CT	5484	605		ALLOTMENT(S)	56	D	3209	ADELAIDE		
OTHER TITLES AFFECTED: <b>CT 5983/727, CT 5983/728</b>										
EASEMENT DETAILS:										
STATUS	LAND BURDENED	FORM	CATEGORY	IDENTIFIER	PURPOSE	IN FAVOUR OF			CREATION	
ANNOTATIONS: PORTION OF LOT(S) 3 AND 4 MARKED X EXIST ABOVE A LEVEL OF 15.25 METRES AHD PORTION OF COMMON PROPERTY MARKED X EXISTS BELOW A LEVEL OF 15.25 METRES AHD THE SERVICE INFRASTRUCTURE COULD NOT BE FOUND DUE TO THE AGE AND NATURE OF THE SCHEME THE COMMON PROPERTY IS DESIGNATED (C1) FOR LAND INFORMATION PURPOSES ONLY AND DOES NOT PROVIDE A LEGAL IDENTIFIER FOR THE COMMON PROPERTY										

Lodged Amendment to  
Deposited Community  
Plan

**Development No.**  
Development No. applicable to the  
amendment

**Certificates of Title**  
The current Certificates of Title  
affected by the amendment





# Form AP3 Example

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## Form AP3 – C23935.

### Amendment to Community Plan No. 23935.

- Land Description – The **current** Certificates of Title shown in the “OTHER TITLES AFFECTED” panel on the plan.
- Applicant – The Community Corporation is the applicant (the existing amount of lots will change and the common property is being affected).
- Certificate of Consent form required from the Registered Proprietor of amended Lot 3.
- Certificate of Consent form required from registered interest of amended Lot 3 i.e. Mortgagee.
- The creation of Lot 4 will require a schedule of Lot Entitlements to be lodged with the application.



# Form AP3 Example

Details of Transaction  
panel capturing vestings  
affecting the applicant

DETAILS OF TRANSACTION(S) (Applicants only)	CONSIDERATION / VALUE
Vesting of land from Community Corporation No. 23935 Inc. to John Citizen to form Lot 3.	\$500.00
Vesting of land from John Citizen to Community Corporation No. 23935 Inc. to form Common Property.	\$5 000.00
<b>SCHEDULE OF EASEMENTS CREATED BY AMENDMENT OF A DEPOSITED COMMUNITY PLAN</b>  * <b>Short form:</b> <del>The easement(s) expressed on the plan to which the provisions of Sections 89 and 89a of the Real Property Act 1886 apply.</del>  * <b>Long form:</b> <del>Easement(s) indicated on the plan to be set out in full in this application are as follows:</del>  * Strike through if inapplicable	

Transaction no. 1.

Transaction no. 2



# Form AP3 – Example

Certificate of Consent form  
for registered proprietor of  
amended Lot 3 showing  
vestings.

## STATEMENT OF EFFECT ON ESTATES OR INTERESTS OF CONSENTING PARTIES

ESTATE / INTEREST AFFECTED	EFFECT ON ESTATE OR INTEREST HELD OR CLAIMED	CONSIDERATION / VALUE
CT 5983/727	<p><del>*Adjusted to cover the parcels as set out on the accompanying plan / Mode of Issue</del></p> <p><del>*Extinguishment*/Variation*/Creation* of easements as set out on the accompanying plan</del></p> <p><del>**</del></p> <p>Vesting of land from Community Corporation No. 23935 Inc. to John Citizen to form Lot 3.</p> <p>Vesting of land from John Citizen to Community Corporation No. 23935 Inc. to form Common Property</p>	<p>\$500.00</p> <p>\$5 000.00</p>

Transaction no. 1.

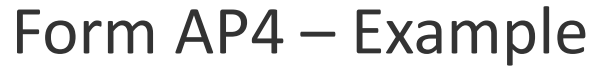
Transaction no. 2



# Form AP3 – Example

Schedule of Mode of Issue showing outcome of amendment and the new Certificates of Title to issue.

SCHEDULE OF MODE OF ISSUE		
Easement(s) / Right(s) of Way as per accompanying plan and other titles affected		
PARCEL IDENTIFIER / CT REFERENCE	FULL NAME, ADDRESS AND MODE OF HOLDING	ESTATES OR INTERESTS
Lot 3	John Citizen of 101 Grenfell Street Adelaide SA 5000	M 12345678
Lot 4	John Citizen of 101 Grenfell Street Adelaide SA 5000	M 12345678
Common Property	Community Corporation No. 23935 Inc. of 101 Williams Avenue Plympton SA 5038	Nil



C41116

SHEET 2 OF 3

52515\_pland\_1\_V02\_Version\_4

BEARING DATUM: ①-② 176°21'20"  
DERIVATION: F250680 ADOPTED

TOTAL AREA: 6375m<sup>2</sup>

LOCATION PLAN

SCALE  
0 7.5 15 22.5 30 37.5 METRES


ENLARGEMENT A2  
NOT TO SCALE

**FYFE PTY LTD**  
SURVEYORS and ENGINEERS  
Level 1, 124 SOUTH TERRACE, ADELAIDE SA 5000  
PHONE (08) 8201 0600 EMAIL [info.correspondence@fyfe.com.au](mailto:info.correspondence@fyfe.com.au)  
[www.fyfe.com.au](http://www.fyfe.com.au) AEN 57 008 115 130  
Reference: 20280/17/3 Dwg No. 20280SC2-2  
REV 2 DATE 20/09/2017 DR K41 SVY RK





# Form AP4 – Example

PURPOSE:	SECONDARY COMMUNITY	AREA NAME:	ALLENBY GARDENS	APPROVED:	13/05/2020	 <b>C41116</b> SUBSTITUTE SHEET SHEET 1 OF 3 71175_text_01_v07_Version_7				
MAP REF:	6628/41/C	COUNCIL:	CITY OF CHARLES STURT	DEPOSITED:	07/02/2018					
LAST PLAN:	C41113	DEVELOPMENT NO:	252/C291/15/001/49912, 52/C291/15/002/58686							
AGENT DETAILS:	FYFE PTY LTD LEVEL 1, 124 SOUTH TERRACE ADELAIDE SA 5000 PH: 82019600 FAX: AGENT CODE: ALRF REFERENCE: 20260/17/7SC2-R5		SURVEYORS CERTIFICATION:	I CHRISTOPHER JOHN MILLETT, a licensed surveyor under the Survey Act 1992, certify that (a) I am uncertain about the location of that part of the service infrastructure shown between the points marked > and < on the plan; and (b) This community plan has been correctly prepared in accordance with the Community Titles Act 1996 12th day of May 2020 Christopher Millett Licensed Surveyor						
SUBJECT TITLE DETAILS:										
PREFIX	VOLUME	FOLIO	OTHER	PARCEL	NUMBER	PLAN	NUMBER	HUNDRED / IA / DIVISION	TOWN	REFERENCE NUMBER
PT CT	5124	65		LOT(S)	202	C	41113	YATALA		
OTHER TITLES AFFECTED				CT 6209/979						
EASEMENT DETAILS:										
STATUS	LAND BURDENED	FORM	CATEGORY	IDENTIFIER	PURPOSE	IN FAVOUR OF				CREATION
ANNOTATIONS: THE COMMON PROPERTY IS DESIGNATED (C1) FOR LAND INFORMATION PURPOSES ONLY AND DOES NOT PROVIDE A LEGAL IDENTIFIER FOR THE COMMON PROPERTY THE POSITION OF THE PROPOSED SERVICE INFRASTRUCTURE HAS BEEN PLOTTED FROM ENGINEERING PLANS PRIMARY PLAN IS C41113										

Lodged Amendment to  
Deposited Community  
Plan

Amendment to Community  
Plan in accordance with the  
Development Contract

Development No.

Development No. applicable to the  
amendment

Certificate of Title

The current Certificate of Title  
affected by the amendment



# Form AP4 – Example

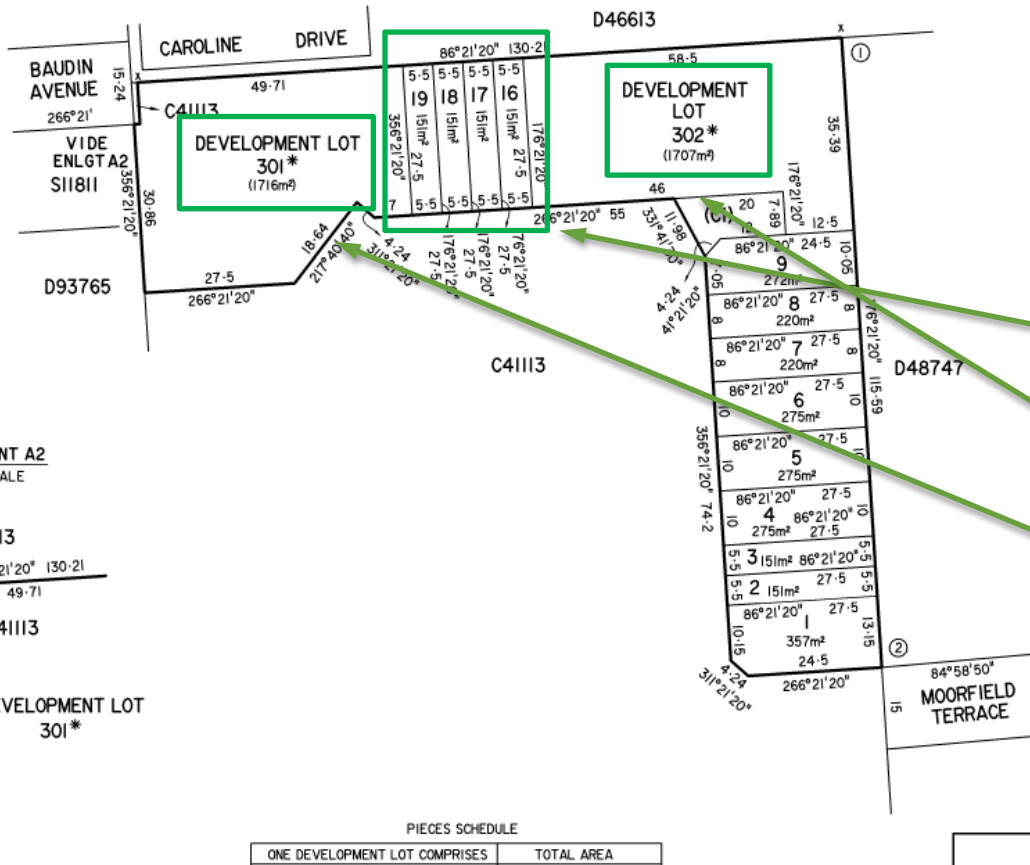
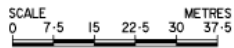
Lodged Amendment to  
Deposited Community  
Plan

Amendment to Community  
Plan in accordance with the  
Development Contract

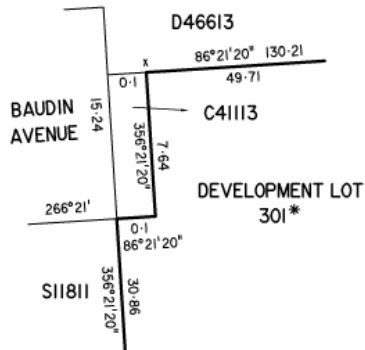
Creation of Lots 16, 17, 18 and  
19.

Balance of Development Lot  
Comprising Pieces 301 and  
302

## LOCATION PLAN



## ENLARGEMENT A2 NOT TO SCALE



## PIECES SCHEDULE

ONE DEVELOPMENT LOT COMPRISES	TOTAL AREA
301*, 302*	3423m²

\* ASTERISK DENOTES PIECE IDENTIFIER ONLY

# C41116

SHEET 2 OF 3

71175\_pland\_1\_V03\_Version\_7

BEARING DATUM: 176°21'20"

DERIVATION: F250680 ADOPTED

TOTAL AREA: 6375m²

SUBSTITUTE SHEET

## FYFE PTY LTD

Level 1, 124 SOUTH TERRACE, ADELAIDE SA 5000  
PHONE (08) 8201 9600 FAX: (08) 8201 9660  
www.fyfe.com.au ABN 57 008 116 130

Reference 20260/17/3 Dwg No. 20260SC2-r5  
QA REV 5 DATE 05/03/2020 DR KAJ SVY RK



# Form AP4 – Example

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## Form AP4 – C23935.

### **Amendment to Community Plan No. 41116 in accordance with a filed Development Contract.**

- Land Description – The **current** Certificate of Title shown in the “OTHER TITLES AFFECTED” panel on the plan - The Certificate of Title for Development Lot 300.
- Applicant – Is the registered proprietor of the Certificate of Title for Development Lot 300.
- In this instance the consents of any registered interests on the Certificate of Title for the Development Lot are not required due to the upfront disclosure (via the Scheme Description and Development Contract) of the amendment.

**Note:** The Amendment provisions under section 58 of the CTA does not allow for:

- The vesting of a Lot in an acquiring authority (unless the authority is the applicant)
- Partitioning
- Vesting of a lot in a third party.



# Form AP4 – Example

Page 1 of the Form AP4  
with the clauses being  
completed as per the  
amended plan

To the Registrar-General,

I/We the Applicant(s)

(1) apply to you for the

(a) division of Development Lot 300 .....in accordance with  
Development Contract 13355555.....

(b) consequential amendment of Community Plan No. 41116 .....by,

(i)\* substituting the existing plan for that accompanying this application

(ii)\* ~~substituting sheets numbered .....accompanying this application~~  
~~for those numbered .....~~

(iii)\* ~~adding additional sheet(s) numbered .....and request that you re-number all~~  
~~other sheets consequently~~

(c) substitution of the existing Schedule of Lot Entitlements for that accompanying this application

(d) issue of certificates of title in accordance with the Schedule of Mode of Issue

(2) certify that amendment of the plan will affect my / our estate or interest in the said land to the extent indicated in  
the Details of Transaction(s) panel

*Development Lot being divided*

*Development Contract number*

*In applicable statements has  
been struck through as per  
the amended Community Plan*

\* Strike through the inapplicable



# Form AP4 – Example

SCHEDULE OF MODE OF ISSUE		
Easement(s) / Right(s) of Way as per accompanying plan and other titles affected		
PARCEL IDENTIFIER / CT REFERENCE	FULL NAME, ADDRESS AND MODE OF HOLDING	ESTATES OR INTERESTS
Lots 16 – 19 (inclusive)	John Citizen of 101 Grenfell Street Adelaide SA 5000	M 12567888
Development Lot Comprising Pieces 301 and 302	John Citizen of 101 Grenfell Street Adelaide SA 5000	M 12567888

Schedule of Mode of Issue showing outcome of amendment and the new Certificates of Title to issue.



# Points to Remember

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## Points to Remember

- The application for a Form AP3 is to be made by the Community Corporation pursuant to a **unanimous resolution** of the corporation when the amendment changes/alters:
  - The number of lots in the plan.
  - The common property.
  - The boundaries of the community parcel.
  - The aggregate of the lot entitlements of the lots affected by the amendment.



# Points to Remember

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## Points to Remember

- If the relative value of the lot entitlements has changed by + or – 10% a schedule of Lot Entitlements will need to be lodged and a certified copy of the resolution agreeing to the amendment is to be attached to the Form AP3.
- If the relative value of the lot entitlements has not changed, a Certificate set out in Form No. 3 of the Community Titles Regulations 1996, from a Land Valuer will need to be attached to the Form AP3.
- If the lodged Form AP4 amendment is not in accordance with the filed Development Contract a Variation to Development Contract will need to be lodged before the application.
- Suggest use the **Panel Forms** that are available on the Land Services SA website.





# Industry Education Hub



## Industry Education Hub

Land Services SA partner with the SA Government and relevant Industry Bodies to deliver a range of Educational Materials to support property industry professionals. This webpage is dedicated to the publication of Industry Education Materials to assist conveyancing and survey professionals.

eConveyancing	+
Digital Plan Lodgement	+
Industry Education Series	+

**Hot Tip: Keep updated on LSSA's webinars and video's**



An aerial photograph of a suburban neighborhood, showing numerous houses with varying rooflines and colors, interspersed with lush green trees. The entire image is covered with a semi-transparent green overlay. The word "Questions" is written in white, bold, sans-serif font, positioned on the left side of the image. A thin white vertical line is located to the left of the text.

# Questions