

Notice

To Lodging Parties

23 December 2004

No 140

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1. PANEL FORMS

New panel forms AP2 (CTA), AP2 (STA) and RDA/RTF are now available for use by clients.

1.1 Panel form AP2 (CTA) (Amendment to Schedule of Lot Entitlements)

This form is only to be used for the purpose of amending the schedule of lot entitlements for a deposited community plan under sections 21 or 59 of the Community Titles Act 1996.

Where the changes to the schedule of lot entitlements occur as part of an alteration to boundaries in a deposited community plan panel forms AP3, AP4 or AP5 must be used.

Panel form AP2 (STA) (Amendment to Schedule of Unit Entitlements)

This form is only to be used for the purpose of amending the schedule of unit entitlements for a deposited strata plan under sections 12 or 13 of the Strata Titles Act 1988.

Where the changes to the schedule of unit entitlements occur as part of an alteration to boundaries in a deposited strata plan panel forms A7 or AP6 must be used.

1.2. Plan form RDA/RTF (Request for Plan Approval / Filing)

The Request for Approval of a Plan (RDA) and Plan Lodgement Form (RTF) have been combined and simplified. The new RDA/RTF is a single sided one-page form.

The form is to be used when lodging a:

- plan of division under Part 19AB of the Real Property Act 1886 (RPA) for examination and approval of data
- community plan or an amendment to a community plan for examination and approval of data
- filed plan for examination and filing.

The new panel forms AP2 (CTA), AP2 (STA) and RDA/RTF, standards and relevant guidance notes are available from Services SA or can be downloaded from:

http://www.landservices.sa.gov.au/1Professional_Access/LTO_Panel_Forms/

Panel forms that are not in the new format lodged after 1 March 2005 may be rejected.

1.3. Use of panel forms AP6 and A7

Since the introduction of panel forms A7 and AP6 to amend a strata plan there have been a number of instances where the incorrect panel form has been used.

For clarification:

Form AP6 is to be lodged where a strata plan is to be amended by the:

- inclusion of portion of an allotment within the strata site, or
- removal of land from the site.

Form AP6 **must** be accompanied by:

- an amended strata plan, and
- a plan of division.

(See also Notice to Lodging Parties No. 125)

Form A7 is to be lodged where a strata plan is to be amended by the:

- inclusion of a full allotment within the strata site, or
- adjustment of boundaries between unit(s) and/or common property.

Form A7 **must** be accompanied by an amended strata plan.

2. WAIVING OF CONSENTS UNDER SECTION 90B OF THE REAL PROPERTY ACT

Notice to Lodging Parties 103 deals with the waiving of consents under section 90B of the RPA. Clients need to be aware of the following requirements for an application to waive consents:

- an attempt must be made to obtain consents prior to making the application
- evidence of the attempt(s) made should accompany the application. This could be a letter setting out attempts, a copy of the letter requesting consents, evidence that requests were sent by registered post, etc
- notices referred to in section 90B(3d) of the RPA must be sent out by the Registrar-General and not by any other party.

3. STAMP DUTY ON LEASES

The Statutes Amendment (Budget 2004) Act 2004 abolished the requirement to pay duty on leases entered into on or after 1 July 2004. The definition of lease includes an agreement for a lease or any other document for the tenancy or occupancy of land or a tenement. Revenue SA allows for clients to stamp these leases as exempt.

A lease, underlease or extension of lease dated on or after 1 July 2004 does not need to be stamped for it to be registrable. You may, however, wish to consider stamping them exempt as guarantees or other items that do require stamping may be contained within the instrument.

Stamp Duty is still payable on a surrender of lease.

4. FILED PLANS – ‘NO NEW IDENTIFIERS’ STAMP

Following consultation with clients the words “NO NEW IDENTIFIERS” will no longer appear on Filed Plans with a prefix of FPX.

These words have been placed on Filed Plans to indicate that the previous plan parcel identifier is still the current land description. Designating an ‘X’ at the end of the Filed Plan prefix and showing the same allotment numbers on the plan diagram as in the plan heading is sufficient evidence that the plan is not creating any new identifiers.

Simon Libbis
REGISTRAR-GENERAL