

Guidance Notes

Amendment to Scheme Description

These Guidance Notes are of a general nature and are not intended to, and cannot, replace the advice of a Legal Practitioner or Registered Conveyancer.

For additional information on the completion of this form and requirements see Land Services SA notes on Community Titles available at www.landservices.com.au/property-professionals/land-division

GENERAL INFORMATION

A request to file an amended scheme description with a community plan is to be lodged pursuant to a unanimous resolution of the Community Corporation and is lodged using a Form LF2

The request to file the amended scheme description is to be made by an officer of the Community Corporation.

The amended scheme description must:

- a. Be attached to the LF2.
- b. Be certified by the officer making the request. The required form of certification is set in Form No. 4 of the Community Titles Act Regulations 2011
- c. Be certified by the person preparing the amended scheme description or an officer of the Community Corporation in accordance with Form No. 10 of the Community Titles Act Regulations.
- d. Be endorsed by the relevant planning authority.
- e. Include the mandatory matters set out in section 30(1) of the Community Titles Act 1996 (CTA).
- f. Be prepared in accordance with the Registrar-General requirements:
 - Have a comprehensive index at the beginning of the instrument with clear reference to compulsory matters required by the Act.
 - All pages must be consecutively numbered in the format of 1 of 10, etc.
 - The top left-hand side of each page of the scheme description must have the following header-

TERMS OF INSTRUMENT NOT CHECKED BY LAND SERVICES SA
--

- The top right-hand side of each page of the scheme description must have the following header, with the development number inserted-

Scheme Description Development No.
--

All handwriting must be in permanent, dense, rapid drying black or blue ink.

Each page must be printed double-sided, where possible

EXPLANATION OF FORM

Heading

Delete the inapplicable.

Instrument number

Insert the number of the scheme description being amended.

Plan number

Insert the number of the plan the amended scheme description relates to.

Application to Registrar-General

Application in accordance with Form No. 4 of the Community Titles Act Regulations is to be completed by an officer of the Community Corporation.

Supporting documentation lodged with application

Insert reference to supporting documentation that is required to be lodged with the application. Amendment to scheme description must include

- * A copy of the scheme description certified by the officer making the request must be attached to the LF2. The form of certification is set out in Form No. 4 of the *Community Titles Act Regulations 2011*. The required form of certification is

This is the copy of the scheme description referred to in the attached certificate.

[Signature of officer]

- * A copy of the unanimous resolution or
- * Where the variation is pursuant to a court order a copy of the court order must be attached.

Consenting Parties

Consents to the amendment are required from those parties described in section 32 of the CTA. As there is no prescribed consent form, the consents are to be completed on a B1 Annexure form and attached to the LF2.

ANNEXURE

An annexure sheet to an instrument must:

- be in the format of Form B1 and identified therein as an annexure to the parent instrument;
- be referred to in the body of the instrument where there is insufficient space;
- be affixed securely and permanently to the top left-hand corner of the instrument. The annexure and instrument must not be bound;
- comply with requirements in Form B1 Guidance Notes.

When an additional or inserted sheet being a *certificate, statutory declaration or writing* of a similar nature is intended to form part of an instrument ensure:

- it is affixed securely and permanently to the top left-hand corner of the instrument; and
- the printing or handwriting thereon is clear and legible and in permanent form.

The Registrar-General may refuse to accept for registration any instrument, annexure sheet or additional or inserted sheet that does not comply with the provisions of these standards

VARIATION OF BY-LAWS

GENERAL INFORMATION

A request to file a Variation of the by-laws with a community plan is lodged using Form LF2.

The variation is to be made pursuant to:

- a. A unanimous resolution of the Community Corporation where the variation affects the value of voting.
- b. A special resolution of the corporation, where the variation does not affect the value of the voting.
- c. An order of court.

Variations pursuant to a resolution of the corporation must be lodged in the Land Services SA within **14 days** of the resolution being passed.

A variation made pursuant to a resolution of the Community Corporation is to be made by an officer of the corporation.

If the variation is pursuant to an order of court, a copy of the order is to be lodged with the LF2.

The varied by-laws attached to the LF2, unless otherwise provided for in any court order:

- a. Must be certified by the officer making the request in accordance with Form No. 5 of the Community Titles Act Regulations.
- b. Must be certified by the party preparing the varied by-laws or by an officer of the Community Corporation in accordance with Form No. 10 of the Community Titles Act Regulations.
- c. Must be prepared in accordance with the Registrar-General requirements:
 - Have a comprehensive index at the beginning of the instrument with clear reference to compulsory matters required by the Act.
 - All pages must be consecutively numbered in the format of 1 of 10, etc.
 - The top left-hand side of each page of the by-laws must have the following header-

TERMS OF INSTRUMENT NOT CHECKED BY LAND SERVICES SA
--

- The top right-hand side of each page of the by-laws must have the following header, with the development number inserted-

By-laws Development No.

- d. Must include the mandatory matters as set out in section 34(2) of the Community Titles Act 1996 (CTA).
- e. May include those provisions set out in section 34(3) of the CTA

All handwriting must be in permanent, dense, rapid drying black or blue ink.

Each page must be printed double-sided, where possible.

EXPLANATION OF FORM

Heading

Strike through the inapplicable.

Instrument number

Insert the number of the by-laws being varied.

Plan number

Insert the number of the plan the varied by-laws relate to.

Application to Registrar-General

Application in accordance with Form No. 5 of the Community Titles Act Regulations is to be completed by an officer of the Community Corporation.

Supporting documentation lodged with application

Insert reference to supporting documentation that is required to be lodged with the application. Variation of by-laws must include

- * A copy of the varied by-laws certified by the officer making the request must be attached to the LF2. The form of certification is set out in Form No. 5 of the Community Titles Act Regulations. The required form of certification is:

This is the copy of the by-laws referred to in the attached certificate.

[Signature of officer]

- * A copy of the resolution certified by the officer making the request must be attached to the LF2. The form of certification is set out in Form No. 5 of the Community Titles Act Regulations. The required form of certification is:

This is the copy of the resolution of the corporation referred to in the attached certificate.

[Signature of officer]

- * Where the variation is pursuant to a court order a copy of the court order must be attached

The Registrar-General may refuse to accept for registration any instrument, annexure sheet or additional or inserted sheet that does not comply with the provisions of these standards

VARIATION TO DEVELOPMENT CONTRACT

GENERAL INFORMATION

A request to file a variation to development contract with a community plan is to be lodged on a LF2 Form pursuant to:

- a. an agreement between the Community Corporation and the developer¹, and
- b. the passing of a special resolution by the corporation authorising the agreement, to vary.

The request to file the variation is to be made by an officer of the Community Corporation and must be lodged in the Land Services SA (LSSA) within **14 days** of passing the resolution.

The varied development contract must:

- a. Be attached to the LF2
- b. Be certified by the officer making the request. The required form of certification is set in Form No. 6 of the Community Titles Act Regulations.
- c. Be certified by the person preparing the varied development contract or an officer of the Community Corporation in accordance with Form No. 10 of the Community Titles Act Regulations.
- d. Include the mandatory matters as set out in section 47 of the Community Titles Act 1996.
- e. Be prepared in accordance with the Registrar-General requirements:
 - Have a comprehensive index at the beginning of the instrument with clear reference to compulsory matters required by the Act.
 - All pages must be consecutively numbered in the format of 1 of 10, etc.
 - The top of left-hand side of each page of the development contract must have the following header-

TERMS OF INSTRUMENT NOT CHECKED BY LAND SERVICES SA
--

- The top right-hand side of each page of the development contract must have the following header, with the development number inserted -

Development Contract Development No.
--

All handwriting must be in permanent, dense, rapid drying black or blue ink.

Each page must be printed double-sided, where possible.

EXPLANATION OF FORM

Heading

Strike through the inapplicable.

Instrument number

¹ Definition of “developer” see section 46 of the *Community Titles Act 1996*

Insert the number of the development contract being varied.

Plan number

Insert the number of the plan the varied development contract relates to.

Application to Registrar-General

Application in accordance with Form No. 6 of the Community Titles Act Regulations is to be completed by an officer of the Community Corporation.

Supporting documentation lodged with application

Insert reference to supporting documentation that is required to be lodged with the application. Variation of a development contract must include

- * A copy of the development contract certified by the officer making the request must be attached to the LF2. The form of certification is set out in Form No. 6 of the Community Titles Act Regulations. The required form of certification is:
This is the copy of the development contract referred to in the attached certificate.

[Signature of officer]

- * A copy of the special resolution of the corporation

The Registrar-General may refuse to accept for registration any instrument, annexure sheet or additional or inserted sheet that does not comply with the provisions of these standards

FORM LF2 (Version 2)