



Industry Education Webinar

Amendment to Strata Plans

Form AP7/AP6

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About our Land Services Team

Sandy Beaglehole is a Property Examiner within Land Services SA. She has over 42 years of experience in numerous positions within Land Services SA and has spent the last 12 years as a Property Examiner.



John Ikonomopoulos is a Property Examiner within Land Services SA. He has over 28 years of experience in numerous areas of Land Information Services and has worked on various projects. Current areas of focus are examining division applications and studying to become a Registered Conveyancer.



Brad Cortvriend is a Property Examiner within Land Services SA. He has 3 years of plan examination experience in the Division team and has spent the last 3 years as a Property Examiner focusing on examination of division documents.



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Strata Plans – Strata Titles Act 1988

Amendments to the Strata Plan are pursuant to

Unanimous resolution of the Strata Corporation (Section 12(2) of the Strata Titles Act 1988)

Or

Order of Court (Section 13 of the Strata Titles Act 1988)

Estates and interests are vested or discharged in accordance with Section 12 and 17B of the Strata Titles Act and Section 90B of the Real Property Act

The estates and interests affected include:

- Changing the unit boundaries (S 12(5) and S 12(5a) of the Strata Titles Act 1988)
- Adjustment of registered interests (S 12(5) and (5a) of the Strata Titles Act 1988)
- Creation of non-service easements (S 17B of the Strata Titles Act 1988)
- Variation or extinguishment of existing easements (S 90B of the Real Property Act)





Which Application to use for an Amendment to Strata plan

A7(AP) – Amendment of a deposited Strata Plan is to be used when there is a change in

- Boundaries of the Unit(s)
- Boundaries of the Unit Subsidiary(s)
- Common Property
- The addition of a full allotment to the strata site

AP6(AP:D) – Amendment of a deposited Strata Plan involving a Deposited plan (DP)

- Land being removed from the Strata Plan
- Portion of an Allotment being added to the Strata Plan
- The Deposited Plan is lodged to depict the land being removed from the Strata Plan or to depict the balance of an Allotment
- Boundaries of the Unit(s)
- Boundaries of the Unit Subsidiary(s)
- Common Property





A7 - Required to be produced with Application

This application must be accompanied by

- A certified copy of the Minutes to the meeting agreeing to the amendment

"This is a copy of the resolution of the corporation referred to in the attached application.

[Signature of officer of the Strata Corporation]

- Substitute Schedule of Unit entitlement certified by a Land Valuer, and the aggregate of the Unit entitlements must now be 10,000 or if no change to the Unit entitlements, then a letter with a certification

"Ibeing a land valuer within the meaning of the Land Valuers Act 1994 certify that the application [here identify the application] for the amendment of deposited Strata Plan No.does not affect the value of the units into which the plan as amended divides the strata site.

*.....
(Signature land Valuer)*

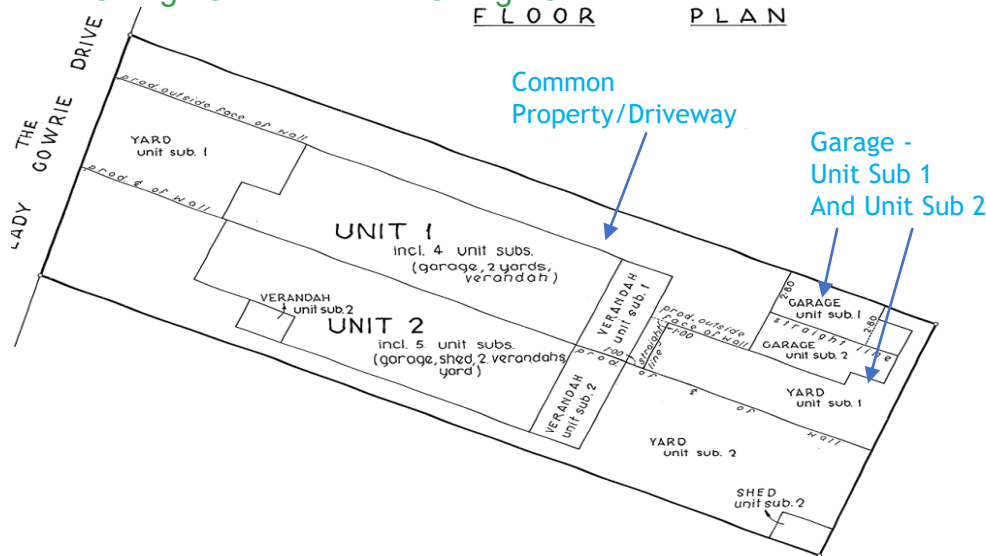




Example of Strata Plan amendment using A7(AP)

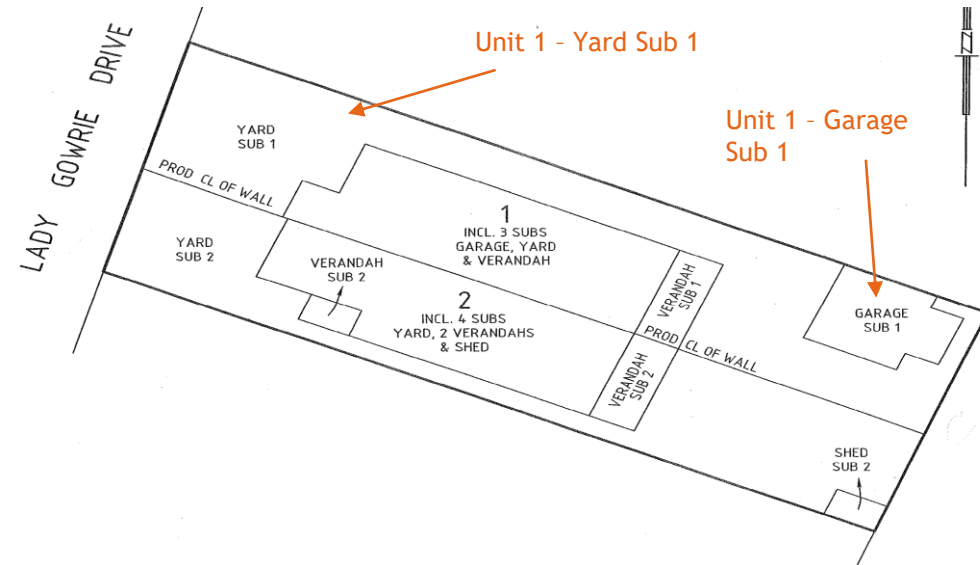
Original Strata Plan

- Common Property (driveway)
- Garage Unit Sub 1 and Garage Unit Sub 2



New Amended Strata Plan

- Yard Sub 1
- Garage Sub 1



Result of Amendment to Strata Plan

Common Property (Strata Corporation) transferred to Unit 1 (now Yard Sub 1)

Garage Unit sub 2 (Unit 2) transferred to Unit 1 (now Garage Sub 1)

Only Common Property remaining is now only the buildings

Affected by amendment is Unit 1, Unit 2 and Common Property





A7 – Application page

Certificate of Titles that are affected by the amendment.

LAND DESCRIPTION

TO THE REGISTRAR-GENERAL,

Strata Corporation No. Incorporated of

(1) ** applies to you to amend Strata Plan No. pursuant to section 12 of the Strata Titles Act 1988

(a)* In accordance with the amendments in red as shown on the print of the said plan lodged herewith;

(b)* By substituting the sheets numbered accompanying this application for those numbered

(c)* Adding additional sheet(s) numbered and request that you re-number all other sheets consequently

(d)* Substituting the existing plan for that accompanying this application

(2)** applies to you substitute the existing Schedule of Unit Entitlements for that accompanying this application.

(3)** affirms that this application is made in pursuance of a unanimous resolution duly passed at a properly convened meeting of the Strata Corporation.

(4)** applies to you to amend Strata Plan No. pursuant to section 13 of the Strata Titles Act 1988 and in accordance with Order of Court dated the day of 20..... and attached hereto

*Strike through the inapplicable ** Strike through if inapplicable



The applicant will always be the Strata Corporation.

Operative Clause - Strike through the inapplicable of point (1). and delete (3) or (4).



A7 - Execution By Strata Corporation

COMMON SEAL

- ▶ The name to be shown on the common seal is STRATA CORPORATION NO. (INSERT NUMBER) INC.
- ▶ If the seal does not show the correct name, then a new seal is required.
- ▶ The common seal should be affixed in accordance with a unanimous resolution.
- ▶ The common seal should be affixed by at least two of the officers of the corporation being Presiding Officer, Treasurer and Secretary. If one person holds all three positions, then this needs to be shown.

Executed by the Strata Corporation No. 7838 Inc.

by the affixing of the common seal in accordance with
an unanimous resolution.

Bradley Smith
Presiding Officer

John Beaglehole
Secretary





A7 form – Mode of issue

Only the Units and Common Property that are affected by the amendment. If there is no common property involved, then do not include this.

Unit 1 and Unit 2 and Common Property titles will need to re-issue using plan example.

The 3 certifications to be signed by the Conveyancer or Solicitor.



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

CERTIFICATION *Delete the inapplicable

Applicants(s)

*The Certifier has taken reasonable steps to verify the identity of the Applicant or his, her or its administrator or attorney.

*The Certifier has retained the evidence to support this Registry Instrument or Document.

*The Certifier has taken reasonable steps to ensure that the Registry Instrument or Document is correct and compliant with relevant legislation and any Prescribed Requirement.

Signed By:

<Name of certifying party>

<Capacity of certifying party>

for: <Company name>

on behalf of the Applicant





A7 – Consent form

No consent from Unit owners is required, as this AP7 is lodged pursuant to unanimous resolution and they were informed of the amendment and they didn't vote against the resolution

Registered Interests of the Unit owners affected, to consent to the Amendment of the Strata plan and the Unit Entitlement sheet if this has changed.

Registered Interests of the Unit owners not affected by the amendment **only consent if their Unit Entitlement has changed.**

Registered Proprietors and Registered Interests of any title affected by Variation or Extinguishment of Easement or Registered Proprietor of any title affected by an encroachment

CONSENT TO THE AMENDMENT OF A DEPOSITED STRATA PLAN

CONSENTING PARTY (Full Name and Address)

NATURE OF ESTATE OR INTEREST HELD

STATEMENT OF EFFECT ON ESTATES OR INTERESTS OF CONSENTING PARTIES

ESTATE / INTEREST AFFECTED	EFFECT ON ESTATE OR INTEREST HELD OR CLAIMED	CONSIDERATION / VALUE
	Adjusted in accordance with Section 12(5) & (5a) of the Strata Titles Act 1988*	

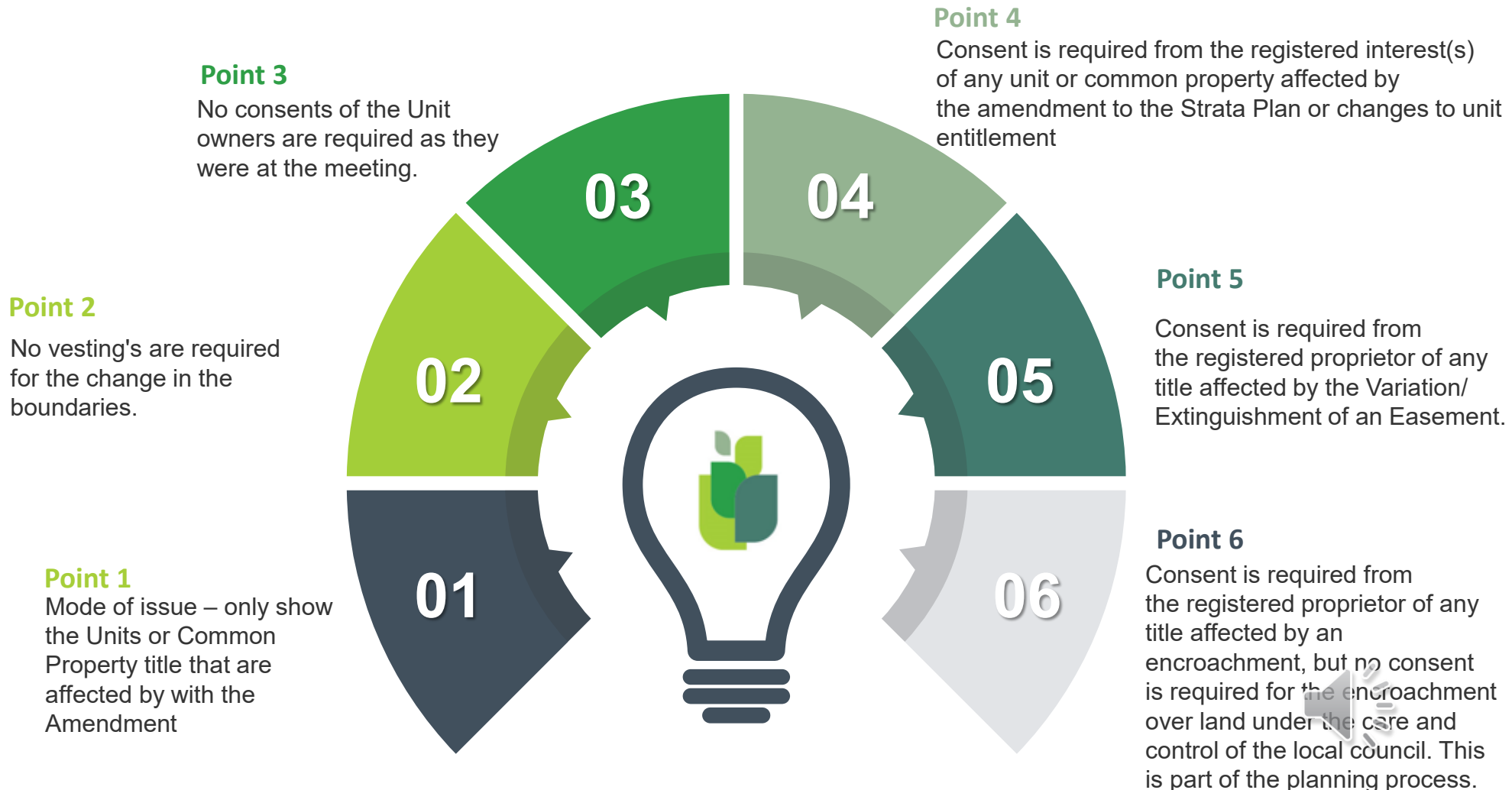
I/We the consenting party

- (1) consent to the
 - (a) amendment of Strata Plan No.
 - (b)* substitution of the existing Schedule of Unit Entitlements for that accompanying this application.
- (2) acknowledge that the amendment of the plan will affect my/our estate or interest to the extent set out in the above Statement of Effect panel and/or in accordance with section 12(5) and (5a) of the Strata Titles Act 1988.

EXECUTION BY CONSENTING PARTY



Summary of Key Points for A7(AP)





AP6/AP-D – Amendment to a Strata plan and a new Deposited Plan

Form AP6 is lodged pursuant to Section 12(8) of the Strata Titles Act and Part 19AB of the Real Property Act 1886 for the purpose of amending a deposited Strata Plan by

- The addition of portion of an allotment or
- The removal of land from the strata site

A **new amended Strata plan** will be lodged for the amendment to the existing Strata plan **and**

A **new Deposited plan** will be lodged, to depict the new allotment that has been removed from the Strata Scheme or if portion of an allotment has been added to the Strata Scheme, then a Deposited plan needs to depict the balance of the allotment.

Form AP6 is assigned the prefix of AP-D. The AP-D is linked to the number of the Strata plan being amended and to the applicable Deposited plan.



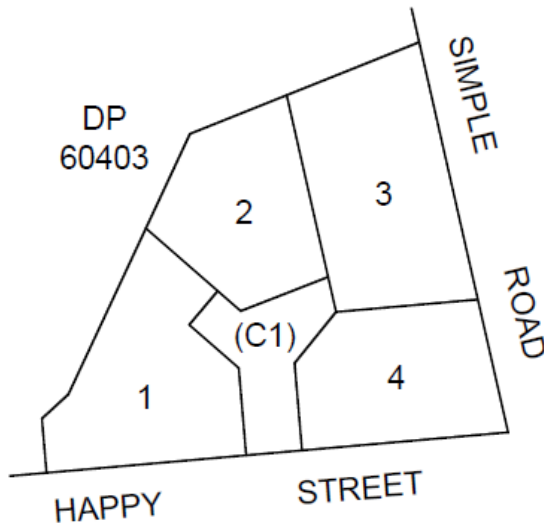


Example using AP6

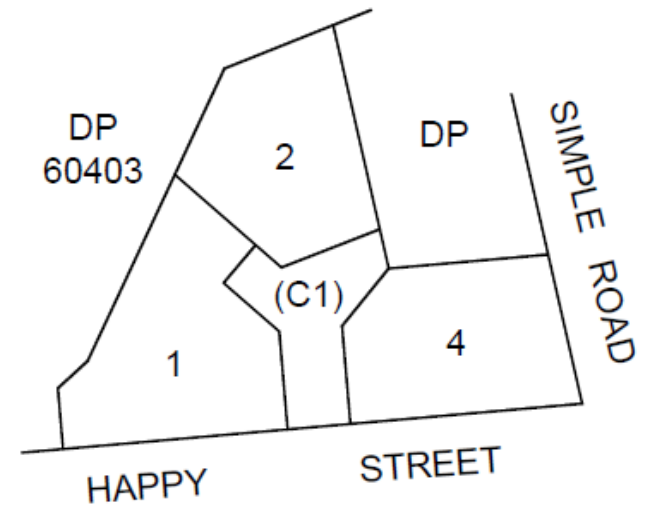
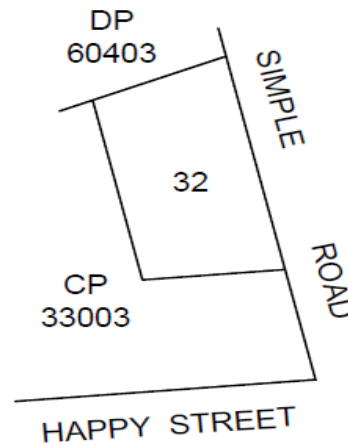
Simple Strata Plan with 4 units – The owner of unit 3 wishes to be removed from the Strata Scheme

A new Deposited plan is lodged show the new Allotment 32 in the Deposited Plan, which was previously Unit 3

An Amended Strata plan with Unit 3 no longer being part of the Strata Scheme.



DP BEING LODGED





AP6 - Required to be produced with Application

This application must be accompanied by

- A certified copy of the Minutes to the meeting agreeing to the amendment

"This is a copy of the resolution of the corporation referred to in the attached application.

[Signature of officer of the Strata Corporation]

- Substitute Schedule of Unit entitlement certified by a Land Valuer, and the aggregate of the Unit entitlements must now be 10,000 or if no change to the Unit entitlements, then a letter with a certification

"Ibeing a land valuer within the meaning of the Land Valuers Act 1994 certify that the application [here identify the application] for the amendment of deposited Strata Plan No.does not affect the value of the units into which the plan as amended divides the strata site.

*.....
(Signature land Valuer)*





AP6 – Application Page

Strata Plan and Deposited Plan numbers to be inserted.



APPLICATION FOR AMENDMENT OF A DEPOSITED STRATA PLAN

(Pursuant to Section 12(8) of the Strata Titles Act 1988 and Part 19AB of the Real Property Act 1886)

PRIVACY COLLECTION STATEMENT: The information in this form is collected under statutory authority and is used for the purpose of maintaining publicly searchable registers and indexes. It may also be used for other authorised purposes in accordance with Government legislation and policy requirements.

S.

Development No::

D.

Development No::

LAND DESCRIPTION

Certificate of Titles that are affected by the amendment. Only include the common property title if this is affected by the Amendment.



Applicants – The Strata Corporation No.... Inc. on behalf of the Unit owners and the Registered proprietor of the land outside the Strata plan that is merging with the Strata plan.



APPLICANT(S) (Full name and address of all Registered Proprietors of land divided)





AP6 – Details of Transaction and Easement Schedule

Vesting's between the Applicant(s) to be shown. Any vesting's between parties who are not an applicant, need to be shown on their consent forms.

Easements – any new, varied or extinguishment of Easements to be shown

DETAILS OF TRANSACTION(S) (Applicants only)	CONSIDERATION / VALUE
Vesting of the land from Strata Corporation No. 7938 Inc. To Susan Smith of Allotment 10 in D103692	\$10,000
Vesting of the land from Susan Smith to Strata Corporation No. 7938 Inc. To form common property	\$2,000.
SCHEDULE OF EASEMENTS CREATED BY AMENDMENT OF THE PLAN OF STRATA DIVISION AND THE DEPOSIT OF THE PLAN OF DIVISION	
* Short form: The easement(s) expressed on the plan to which the provisions of Sections 89 and 89a of the Real Property Act 1886 apply. * Long form: Easement(s) indicated on the plan to be set out in full in this application are as follows: * Strike through if inapplicable	



AP6 : Consent forms

- Persons who must consent include:
- Registered Proprietor of the unit for the land being added to or removed from.
- Registered interest(s) of the units affected by the amendment and the land in the Deposited plan.
- Registered proprietor(s) and registered interest(s) for any affected land outside of the strata scheme and the Deposited plan eg Existing easement's position being varied.
- Registered proprietor(s) of the land affected by a new encroachment as a result of the amendment.
- Registered proprietor(s) and registered interest(s) of any existing unit where their unit entitlement has changed.





Summary of Key Points for AP6(AP:D)

Point 3

Mode of issue – only show the Units or Common Property title that are affected by with the Amendment and the new allotment created by the deposited plan.

Point 4

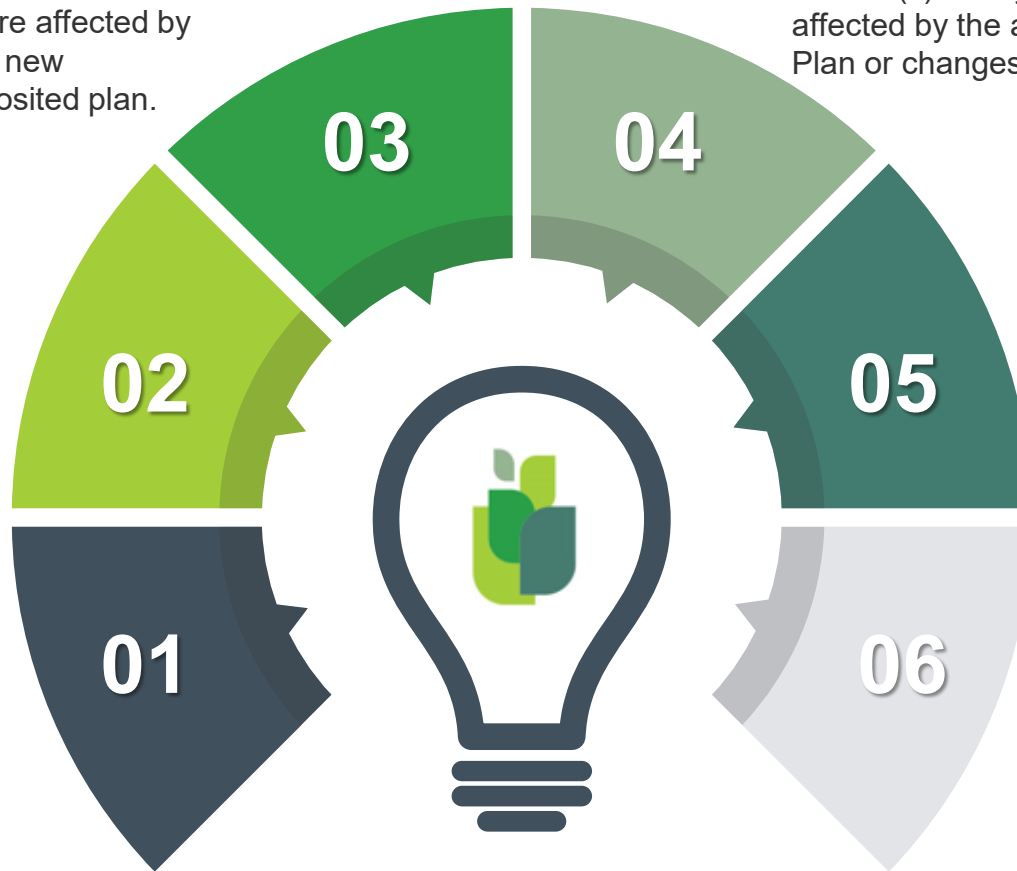
Consent is required from the registered interest(s) of any unit or common property affected by the amendment to the Strata Plan or changes to unit entitlement

Point 2

Applicants – The Strata Corporation No.... Inc. on behalf of the Unit owners and the Registered proprietor of the land outside the Strata plan that is merging with the Strata plan.

Point 1

There is always an Amended Strata plan and new Deposited plan lodged.



Point 5

Consent is required from the registered proprietor of any title affected by the Variation/ Extinguishment of an Easement.

Point 6

Consent is required from the registered proprietor of any title affected by an encroachment, but no consent is required for the encroachment over land under the care and control of the local council. This is part of the planning process.

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Q&A Session

Does the new Certifications rules - Client Authorisation - apply to the Form A7

- *Yes, provided you have a Client Authorisation from the Strata Corporation; the seal of the Strata Corporation should not be affixed. If the Strata Corporation seal has been affixed, the second listed certification as regards Client Authorisation should be struck through – see Notice to Lodging Parties no. 279.*

Can the consent form be executed under Client Authorisation?

- *Yes, the certificate of consent form can also be executed under Client Authorisation.*