

South Australia

Real Property (Amalgamation Units) Regulations 1992

under the *Real Property Act 1886*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Real Property (Amalgamation Units) Regulations 1992*.

2—Interpretation

In these regulations, unless the contrary intention appears—

the Act means the *Real Property Act 1886*;

rural residential allotment means an allotment that is one half of a hectare or more in area but does not exceed three hectares in area and which is used, or intended to be used, primarily for residential purposes.

3—Crown to be bound

These regulations bind the Crown.

Part 2—Amalgamation units required for division

4—Amalgamation units required for division

- (1) The Registrar-General must not deposit a plan of division or a strata plan in the Lands Titles Registration Office in respect of division of land in any part of the Mount Lofty Ranges described in Schedule 1 unless the required number of amalgamation units has been allocated to the division.
- (2) Subject to subregulation (3) and regulation 5A the number of amalgamation units that must be allocated to a division of land referred to in subregulation (1) is obtained by subtracting the number of allotments existing before the division from the number of allotments that will exist after the division.
- (3) For the purposes of the calculation referred to in subregulation (2) the following allotments should be disregarded:
 - (a) allotments comprising roads, streets or thoroughfares;
 - (b) allotments comprising reserves or other similar open spaces dedicated for public purposes.

5—Amalgamation units required for division creating rural residential allotments

Subject to regulation 5A, the Registrar-General must not deposit a plan of division in the Lands Titles Registration Office that creates rural residential allotments in any part of the Mount Lofty Ranges described in Schedule 2 unless a number of amalgamation units equal to the number of rural residential allotments created by the division has been allocated to the division.

5A—Exemptions in relation to existing dual occupations etc

- (1) Where—
 - (a) an allotment is to be divided under Part 19AB of the Act; and
 - (b) two or more dwellings situated on the allotment were occupied for residential purposes immediately before 29 January 1992; and
 - (c) two or more of those dwellings will be situated on separate allotments after the division,

only one of the allotments on which one or more of those dwellings will be situated after the division will be counted for the purposes of regulation 4(2) when determining the number of allotments that will exist after the division and none of them will be counted for the purposes of regulation 5 when determining the number of rural residential allotments created by the division.

- (2) Where—
 - (a) an allotment is to be divided by strata plan; and
 - (b) a building situated on the allotment was, immediately before 29 January 1992, divided into two or more areas designed for separate occupation,

the land to be divided will be taken for the purposes of determining the number of allotments existing before the division under regulation 4(2) to comprise a number of allotments equal to the number of areas of the building separately occupied immediately before 29 January 1992 plus one.

Part 3—Amalgamation of allotments

6—Creation of amalgamation units

The amalgamation of allotments in those parts of the Mount Lofty Ranges described in Schedule 2 results in the creation of amalgamation units in accordance with section 223LLC of the Act.

Schedule 1—Description of land for purposes of regulation 4

Those parts of the Mount Lofty Ranges described as Urban Water Protection Area in tables MA/2 and OM/2 of the Development Plan (but excluding land shown as Woodside North area and Woodside Extension area on Map ON-16 and excluding Lot 505 in DP 32413).

Note—

The land excluded is the subject of an agreement between the State Government and the District Council of Onkaparinga in respect of stormwater management schemes and piping of effluent.

Schedule 2—Description of land for purposes of regulation 5

Those parts of the Mount Lofty Ranges described as Rural Water Protection Area in tables MA/3 and OM/3 of the Development Plan.

Schedule 3—Fees

The following fees are prescribed:

Fee for issue of certificate in respect of right to allocate amalgamation unit	\$5.00
Fee for registration of transfer of right to allocate amalgamation unit	\$60.00
Fee for registration of charge of right to allocate amalgamation unit	\$60.00
Fee for registration of discharge of charge of right to allocate amalgamation unit	\$60.00
Fee for application to be registered as the holder of right to allocate amalgamation unit	\$60.00
Fee for application to issue certificate to replace a certificate that has been lost, mislaid or destroyed	\$60.00

Legislative history

Notes

- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes.

Revocation of regulations

The *Real Property (Amalgamation Units) Regulations 1992* were revoked by Sch 2 of the *Subordinate Legislation (Postponement of Expiry) Regulations 2004* on 1.9.2004.

Principal regulations and variations

Year	No	Reference	Commencement
1992	55	<i>Gazette 21.5.1992 p1475</i>	21.5.1992
1993	189	<i>Gazette 19.8.1993 p886</i>	19.8.1993: r 2
2003	147	<i>Gazette 12.6.2003 p2500</i>	12.6.2003: r 2

Provisions varied

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
Pt 2		
r 4		
r 4(2)	varied by 189/1993 r 3	19.8.1993
r 4(3)	varied by 147/2003 Sch 1	12.6.2003
r 5	varied by 189/1993 r 4	19.8.1993
r 5A	inserted by 189/1993 r 5	19.8.1993
Pt 4 see Sch 3		
<i>r 7 number</i>	<i>deleted by 147/2003 Sch 1</i>	<i>12.6.2003</i>
Schs 1 and 2	headings substituted by 147/2003 Sch 1	12.6.2003
Sch 3	Pt 4 redesignated as Sch 3 and relocated to follow Sch 2 by 147/2003 Sch 1	12.6.2003