

10. AMENDMENTS TO COMMUNITY PLANS

Deposited Community Plans must be amended by:

- Substituting a new manual plan in the A3 format for plans originally lodged in the Common Plan format.
- Substituting a new manual plan in the A3 format for plans originally lodged in the manual A3 format.
- Substituting a new EPL plan for plans originally lodged through EPL.

10.1 General Requirements

- 10.1.1 The amendments must agree with the new Development Assessment Commission (DAC) certificate.
- 10.1.2 Where a complex/multi sheet plan is drawn in the common plan format and only minor amendments are required, dispensation may be granted by the Registrar-General to allow the lodgement of a substitute sheet in the existing common plan format. For dispensation contact the Plans Client Advice Officer.
- 10.1.3 Where a Road / Reserve vests in a amendment to a Community plan they must not merge with existing Roads / Reserves.
- 10.1.4 When a Community Plan has been lodged through EPL, substitute or added sheet(s) can only be lodged through EPL.
- 10.1.5 Amendments to Community Plans must include a change within the bold black lines, (i.e. altering encroachments, adding balconies over an abutting road cannot be done without an amendment within the bold black lines).
- 10.1.6 Where an amendment to a Community Plan changes the boundaries of a Lot(s) the original Lot number must be retained.
- 10.1.7 Where an amendment to a Community Plan creates any additional Lots the next available Lot number must be used.
- 10.1.8 Amendments to a Community Plan that divides Development Lot(s) pursuant to the development contract must not be combined with any other amendment to the plan.

10.2 Amendments by Substituting a Plan or Sheets in the A3 Textual and Diagram Sheet Format

For general Textual Sheet requirements, refer to Section 1 General Requirements for Textual Sheets.

For general Diagram Sheet requirements, refer to Section 7 General Requirements for Diagram Sheets.

For Lot Entitlement Schedule requirements, see LTO Forms Online and Notice to Lodging Parties (NTLP) Number 158

For an example of a Substitute Sheet see Section 9.47 Community Plans – C23818 (*Staging of a plan of Community Division*)

- 10.2.1 The PLAN PURPOSE on the Textual Sheet must show either:
- PRIMARY, SECONDARY or TERTIARY COMMUNITY
 - PRIMARY, SECONDARY or TERTIARY COMMUNITY STRATA

- 10.2.2 The original Community Plan number must be shown on the Textual Sheet.
- 10.2.3 The label SUBSTITUTE SHEET must be shown below the plan number on the Textual Sheet.
- 10.2.4 The previous and new DAC number must be shown in the heading by Development No on the Textual Sheet.
- 10.2.5 Where all sheets are substituted, the next version number after the prior version number is shown.
- 10.2.6 The original title reference(s) and land description prior to deposit of the Community Plan must be shown in the Subject Title Details on the Textual Sheet.
- 10.2.7 Parcels affected by the amendment to a Community Plan must be shown in the Other Titles Affected column on the Textual Sheet (eg: the current Title References for Lots 1 and 3 are shown as the boundaries between them are being altered. The remaining Lots in the scheme are not shown).
- 10.2.8 Existing easement details must be carried forward exactly as shown on the existing plan.
For easements created, extinguished or varied as part of the amendment see Section 5.29.
- 10.2.9 The label SUBSTITUTE SHEET must be shown on the Diagram Sheets.

10.3 Surveyors Certification

There is only one certification for all Community Plans (including amendments). Refer to Community Plan/Amendment to Community Plan in Table 3.1 - Certification Decision Table Amendment to a Community Plan for the Surveyors Certificate.

10.4 Adding an additional sheet

If there is insufficient room to show the amendments, an “added sheet” can be included in the plan.

- 10.4.1 The label SUBSTITUTE SHEET must be shown on the added sheet

10.5 Amendments by substituting Sheets in the Common Plan Format

Unless stated otherwise in this section, the plan drafting requirements as set out in Community Plans (see Section 9 Community Plans), general requirements for Diagram Sheets (see Section 7 General Requirements for Diagram Sheets) and Lot Entitlement Schedule (see Notice to Lodging Parties (NTLP) Number 158) and LTO Forms Online.

Requirements for the Community Plans lodged in the Common Plan format are as follows:

- 10.5.1 The format size for sheets must be the same throughout the plan.
- 10.5.2 Sheet 1 of a Community Plan must be submitted in one of the following formats:
- B2 size, 500mm x 707mm (see [Figure 10.1](#))
 - B3 size, 353mm x 500mm (see [Figure 10.2](#))
- 10.5.3 Intermediate sheets (to be used for floor, Service Infrastructure or added sheets) of a Community Plan must be submitted in one of the following formats:
- B2 size, 500mm x 707mm (see [Figure 10.3](#))
 - B3 size, 353mm x 500mm (see [Figure 10.4](#))



	COMMUNITY PLAN NUMBER C																												
	PLAN TYPE THIS IS SHEET OF SHEETS DEPOSITED / /																												
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CERTIFICATE OF LICENSED SURVEYOR I, a licensed Surveyor under the Survey Act 1982, certify that this community plan has been correctly prepared in accordance with the Community Titles Act 1996 to a scale prescribed by regulation. Dated the 31st day of Licensed Surveyor																													

Figure 10.1

<div style="border: 1px solid black; width: 100%; height: 100%;"></div>	COMMUNITY PLAN NUMBER
	PLAN TYPE
	THIS IS SHEET OF SHEETS
	DEPOSITED / /
	PRO REGISTRAR-GENERAL
	CLOSURE CHECKED
	PLAN EXAMINED
	PLAN APPROVED
	P.M.S. APPROVED
	TITLE REFERENCE
	LAND DESCRIPTION
	IRRIGATION AREA DIVISION
	HUNDRED AREA
	COUNCIL
	MAP REF.
O.B. TOTAL AREA	
DEV. No.	
SCALE METRES	
ANNOTATIONS	
ALL DISTANCES ARE GROUND DISTANCES	
COMBINED SCALE FACTOR ZONE AMG	
BEARING DATUM DISTANCE	
DERIVED FROM	
LEGEND	
NETWORK PSM FD	
NETWORK STATION FD	
PERMANENT SURVEY MARK PLACED FOUND GONE FD GONE	
REFERENCE MARKS PLACED FOUND GONE MP OR RM SPK' FD BT GONE	
DRILL HOLE & WING	
DIRECTION CHANGE	
PART DISTANCES (20-32)	
CALCULATED DATA 20-85 CALC.	
COPIED DATA 100-85	
CERTIFICATE OF LICENSED SURVEYOR	
I,	
a licensed Surveyor under the Survey Act 1992, certify that this community plan has been correctly prepared in accordance with the Community Titles Act 1996 to a scale prescribed by regulation.	
Dated the day of	
Licensed Surveyor	

Figure 10.2

COMMUNITY PLAN NUMBER	
C	
PLAN TYPE	
THIS IS SHEET	OF SHEETS
.....	
Licensed Surveyor	DEPOSITED
PLAN APPROVED	PRO REGISTRAR-GENERAL
SCALE	METRES
0	
ANNOTATIONS	

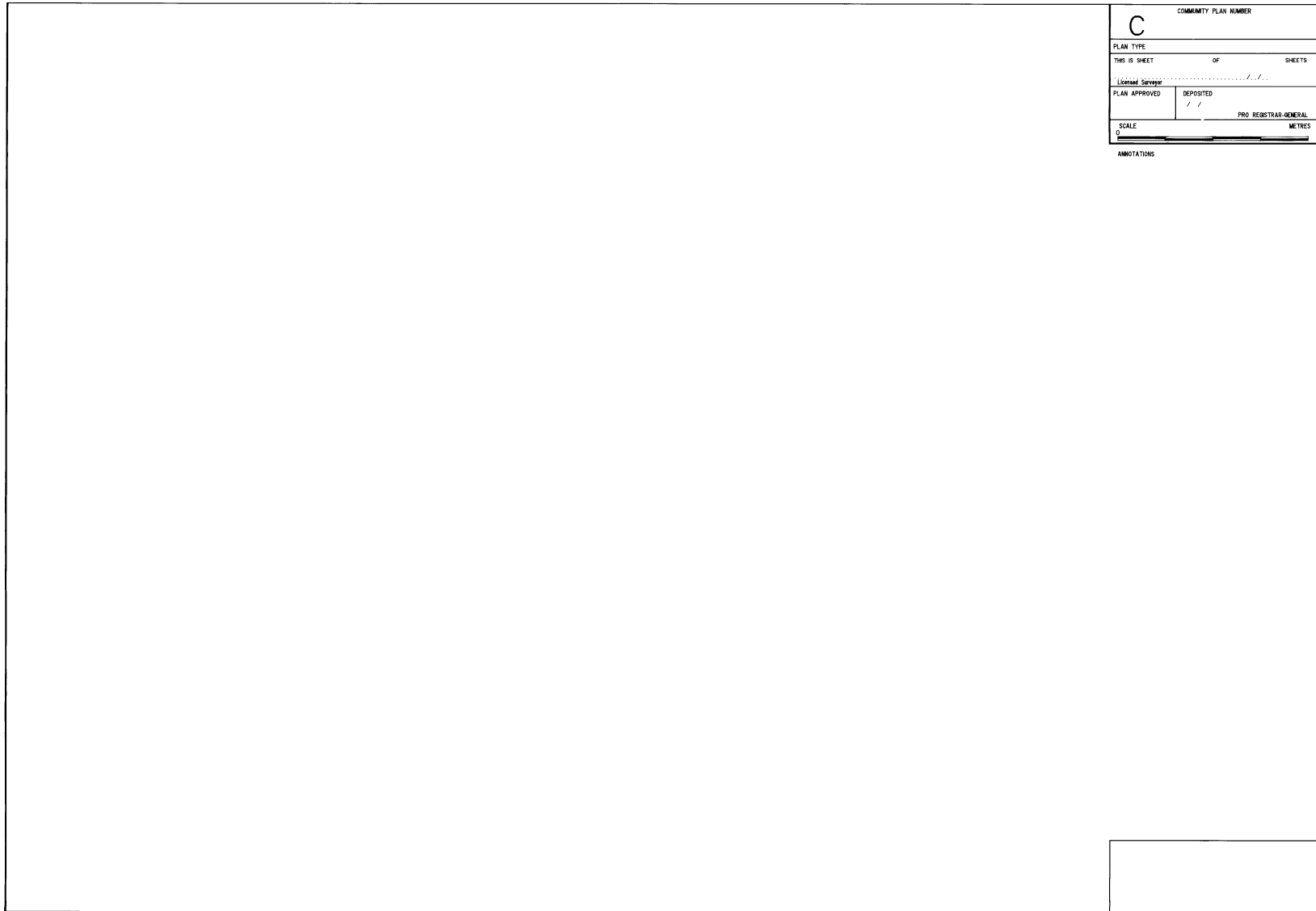



Figure 10.3

COMMUNITY PLAN NUMBER	
C	
PLAN TYPE	
THIS IS SHEET OF SHEETS	
Licensed Surveyor	
PLAN APPROVED	DEPOSITED / /
PRO. REGISTRAR-GENERAL	
SCALE	METRES
0	
	
ANNOTATIONS	

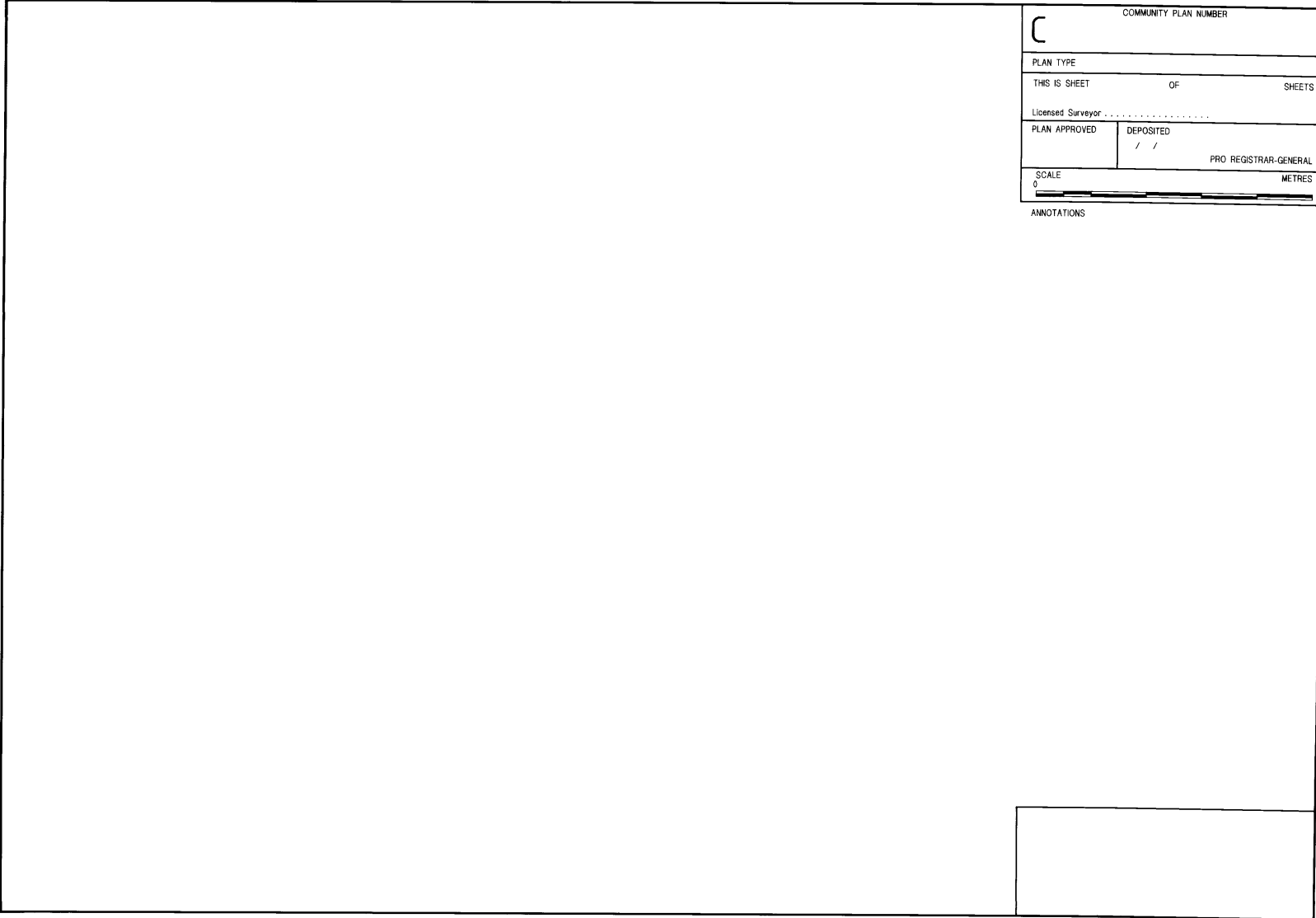


Figure 10.4

10.5.4 Character height for headings for each box within a panel must be 2mm.

10.5.5 Character height for information in a panel must be in the range 2.5mm to 3mm.

10.5.6 The information in the panel must not be underlined.

10.5.7 Panel layout must be as follows:

- Community Plan number. Character size of C plan number is 10mm.
- Type of plan eg. Primary, Primary Strata, Secondary, Secondary Strata, Tertiary or Tertiary Strata.
- Sheet number
- Deposited panel
- Closure checked/ Plan examined/ Plan approved/ PSM approved
- Title reference
- Current land description and historical identifier
- Irrigation Area/Division
- Hundred
- Area name
- Council name
- Map reference
- Outer Boundary reference/Total area
- Development number
- Bar scale must be 100mm

For an example see [Figure 10.5](#).


	110mm			
	COMMUNITY PLAN NUMBER			
17.5mm	C			
7.5mm	PLAN TYPE			
7.5mm	THIS IS SHEET		OF	SHEETS
12.5mm	DEPOSITED			
	/ /			
	PRO REGISTRAR-GENERAL			
17.5mm	CLOSURE CHECKED	PLAN EXAMINED	PLAN APPROVED	P.M.S. APPROVED
12.5mm	TITLE REFERENCE			
	LAND DESCRIPTION			
40mm				
25mm	IRRIGATION AREA.....DIVISION.....			
	HUNDRED.....			
	AREA.....			
	COUNCIL.....			
7.5mm	MAP REF.			
7.5mm	O.B.		TOTAL AREA	
7.5mm	DEV No.			
12.5mm	SCALE		METRES	
	0			
				
	ANNOTATIONS			

Figure 10.5

10.5.8 Panel layout for additional sheets must be as follows:

- Community Plan number
- Plan type
- Sheet number/Signature of surveyor and date
- Approved/Deposited Panel
- Bar Scale to be 100mm long

For an example see [Figure 10.6](#)

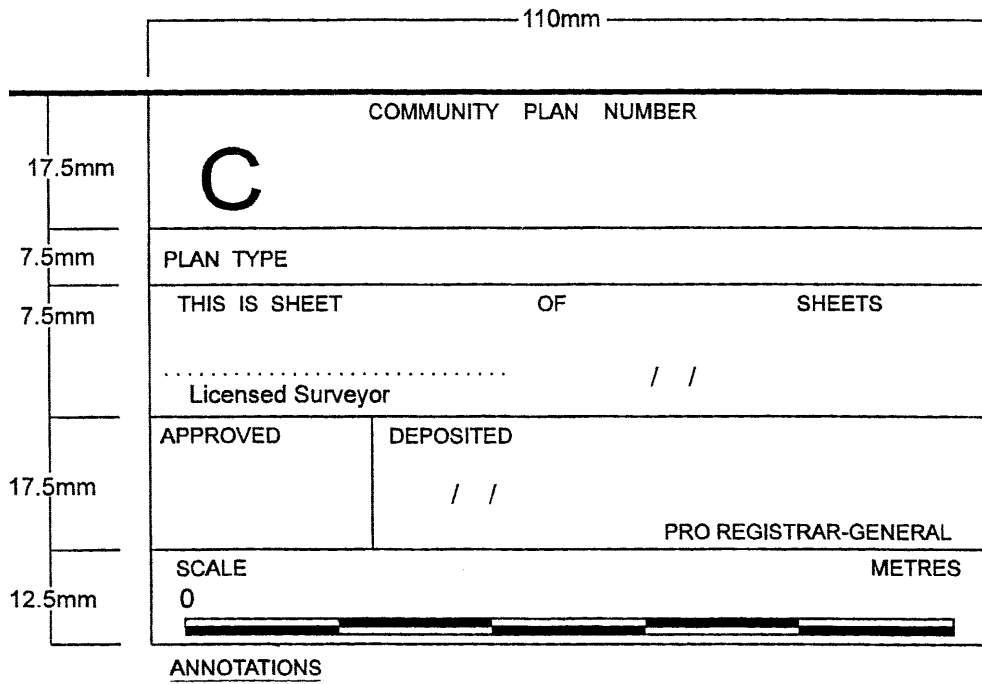


Figure 10.6

10.6 Sheet headings

The sheet heading is located at the top of the sheet near the panel.

The character height in the sheet heading must be 5mm.

- 10.6.1 The label LOCATION PLAN must be shown in the sheet heading on sheet 1 of a plan of Community Division.
- 10.6.2 The label SERVICE INFRASTRUCTURE PLAN must be shown in the sheet heading where the Service Infrastructure is shown on a separate sheet.
- 10.6.3 The label LOCATION AND SERVICE INFRASTRUCTURE PLAN must be shown in the sheet heading where the Service Infrastructure is combined with the Location plan.
- 10.6.4 The label SITE PLAN or SITE AND SERVICE INFRASTRUCTURE PLAN must be shown in the sheet heading on sheet 1 of a plan of Community Strata.
- 10.6.5 The label FLOOR PLANS (eg: GROUND FLOOR PLAN, FIRST FLOOR PLAN etc) must be shown in the sheet heading on floor plan sheet(s).

10.7 Specific Plan Requirements

- 10.7.1 The PLAN TYPE on additional sheets must show either:
 - PRIMARY, SECONDARY or TERTIARY COMMUNITY
 - PRIMARY, SECONDARY or TERTIARY COMMUNITY STRATA
- 10.7.2 The original Community Plan number must be shown on additional sheets.
- 10.7.3 The label SUBSTITUTE SHEET must be shown on all amended sheets.
- 10.7.4 The title reference(s) and land description prior to deposit of the original Community Plan must be shown in the respective Title Reference and Land Description panels.
- 10.7.5 The Irrigation Area, Division, Hundred, Area, Council, Map Reference panels must be completed using current information.
- 10.7.6 The OB/Last Plan Reference, Total Area and Bearing Datum panels must be completed using information from the original Community Plan

- 10.7.7 The new Development Assessment Commission (DAC) number must be shown in the DEV No. panel with the prior DAC number.
- 10.7.8 All required notations (eg: Designation of Common Property (C1), height limitation, easements etc.) must be shown under Annotations.
- 10.7.9 The Surveyors Certificate (see Amendments to a Community Plan in the Table 3.1 – Certification Decision Table) must be shown only on sheet 1 of all Community Plans. The subsequent sheets is to be signed and dated.
- 10.7.10 Easement notations must be carried forward (exactly as shown on the existing plan) unless they are to be extinguished or varied.

10.8 Common Plan Format Easements

- 10.8.1 Easement notations can be shown on:
- The sheet(s) on which the easement is depicted or
 - On the first sheet. Where this method is adopted, the following annotation must be shown in the Annotations panel SEE SHEET 1 FOR DISPOSITION OF EASEMENTS.
- The term PORTIONS in an easement note must be shown only where a lot is comprised of two or more physically separated portions of the same easement.

10.9 Standard Easement Notation Requirements

- 10.9.1 Easements must be identified with an Alpha character
- 10.9.2 The easement notations must clearly indicate the rights that each lot or piece in a plan is subject to, or together with.
- 10.9.3 Where an easement is a service easement the term SERVICE EASEMENT must be used in the notation.
- 10.9.4 The term EXISTING must not be used
- 10.9.5 Free and unrestricted rights of way must be non specific as to the dominant tenement(s) (eg: The creation document(s) or dominant Certificates of Title must not be shown). This allows all the land in a plan subject to a single free and unrestricted right of way, to be given a single easement identifier and referred to in one easement notation regardless of the number of creation documents.
- 10.9.6 Where portion of the land in a plan is subject to a free and unrestricted right of way and another portion of land within the same plan is subject to free and unrestricted rights of way, separate easement identifiers and notations must be shown, eg:
- PORTION OF LOT 5 MARKED A IS SUBJECT TO A FREE AND UNRESTRICTED RIGHT OF WAY
- PORTION OF LOT 5 MARKED B IS SUBJECT TO FREE AND UNRESTRICTED RIGHTS OF WAY

10.10 Requirements for Notations to Create Private Easements in an Amendment to a Community Plan

- 10.10.1 The benefiting party or tenement must be identified by either:
- Showing the full name of the Crown, or Public Authority constituted by an Act. Where the benefiting party is a local government authority the term TO THE COUNCIL FOR THE AREA must be shown unless the benefiting party is an adjoining local government authority in which case the name of the local government authority must be shown in full.
 - Referring to a lot number within the plan or referring to an allotment number in a previous plan or some other uniquely identified land parcel (eg. a Section, Block, Town Acre number etc).

- Referring to a Certificate of Title (CT).

10.10.2 The lot or piece over which the easement is to exist must be referred to.

10.10.3 A separate note must be shown for each easement type.

10.10.4 The designation T/F after the alpha identifier must not be used.

10.11 Schedule Easements

Schedule easements may be listed under a header in the Annotation column (eg: SCHEDULE EASEMENTS).

10.11.1 The following prescribed short forms (as allowed for by Section 89 and Section 89A of the Real Property Act 1886) may be used on a plan to define an easement to be created.

- Fifth Schedule:

A free and unrestricted right of way

- Sixth Schedule:

An easement for water supply purposes

An easement for sewerage purposes

An easement for drainage purposes

An easement for gas supply purposes

An easement for the transmission of electricity by overhead cable

An easement for the transmission of electricity by underground cable

An easement for the transmission of television signals by underground cable

Party wall rights

An easement for eaves and gutters

An easement for the transmission of telecommunication signals by underground cable

An easement for the transmission of telecommunication signals by overhead cable

An easement for support

An easement to park a vehicle

A right of way on foot

10.11.2 The short form (when used) must be quoted word for word. Where the general purpose of the easement is shown in the notation (eg: FOR ELECTRICITY SUPPLY PURPOSES), the easement must be set out in the accompanying application using the long form clause.

10.11.3 Schedule easements can be limited in height (by fixing the lower and upper levels to the Australian Height Datum (AHD) or limited to time of use. These limitations do not alter the purpose of the easement and therefore the prescribed short form may be used in the notation on the plan or in the application to describe the type of easement with the limitation set out in full (eg: COMMENCING AT A HEIGHT OF 58.2 METRES AHD AND LIMITED TO A HEIGHT OF 60.6 METRES AHD).

10.11.4 Where a schedule easement is to be limited to time of use, the limitations must be set out in full in the document and the general statement LIMITED TO TIME OF USE AS SET FORTH IN THE ACCOMPANYING APPLICATION must be shown in the easement notation.

10.12 Notations for New Private Schedule Easements - Examples

- 10.12.1 Where the benefiting party is outside the plan and identified by a title reference:
PORTION OF LOT 3 MARKED B IS TO BE SUBJECT TO A FREE AND UNRESTRICTED RIGHT OF WAY APPURTENANT TO CT 5678/123.
- 10.12.2 Where the benefiting party identified as a Lot within the same plan:
PORTIONS OF LOT 1 MARKED C ARE TO BE SUBJECT TO AN EASEMENT FOR THE TRANSMISSION OF ELECTRICITY BY UNDERGROUND CABLE APPURTENANT TO LOT 2
or
LOT 2 IS TO BE TOGETHER WITH AN EASEMENT FOR THE TRANSMISSION OF ELECTRICITY BY UNDERGROUND CABLE OVER PORTIONS OF LOT 1 MARKED C.
- 10.12.3 Where the benefiting party is identified as an allotment in a previous plan:
PORTION OF LOT 100 MARKED C IS TO BE SUBJECT TO AN EASEMENT FOR EAVES AND GUTTERS APPURTENANT TO ALLOTMENT 1 IN D12345.
- 10.12.4 Private easement for electricity supply purposes to the Distribution Lessor Corporation when easement width exceeds 10 metres eg.
PORTION OF LOT 500 MARKED F IS TO BE SUBJECT TO AN EASEMENT FOR THE TRANSMISSION OF ELECTRICITY BY OVERHEAD CABLE TO THE DISTRIBUTION LESSOR CORPORATION (SUBJECT TO LEASE 8890000).
- 10.12.5 Where a height limitation applies to the whole of the easement:
PORTION OF LOT 7 MARKED G IS TO BE SUBJECT TO A FREE AND UNRESTRICTED RIGHT OF WAY LIMITED IN HEIGHT TO 20 METRES AHD APPURTENANT TO LOT 8
or
PORTION OF LOT 100 MARKED P IS TO BE SUBJECT TO AN EASEMENT FOR EAVES AND GUTTERS COMMENCING AT A HEIGHT OF 58.2 METRES AHD AND LIMITED IN HEIGHT TO 60.2 METRES AHD APPURTENANT TO LOT 101
- 10.12.6 Where the height limitation applies to portion of the easement:
PORTION OF LOT 10 MARKED A IS TO BE SUBJECT TO A FREE AND UNRESTRICTED RIGHT OF WAY APPURTENANT TO CT 5678/123 LIMITED IN HEIGHT TO 20 METRES AHD ONLY TO THE PORTION MARKED X
The portion of the free and unrestricted right of way which is limited in height is identified as A/X on the plan.
- 10.12.7 Limited in time as to use:
PORTION OF LOT 7 MARKED B IS TO BE SUBJECT TO A FREE AND UNRESTRICTED RIGHT OF WAY LIMITED IN TIME AS TO USE AS SET FORTH IN THE ACCOMPANYING APPLICATION APPURTENANT TO LOT 8

10.13 Non Schedule Easements

Where the purpose of an easement is other than that stated in the Fifth and Sixth schedules of the Real Property Act 1886 or where it is intended to attach special conditions to the terms of a schedule easement, these easements are called "non schedule easements" or long form and must be set out in full in the accompanying application. "AS SET FORTH IN THE ACCOMPANYING APPLICATION" must be shown at the end of the easement notation. The purpose of the easement must still be shown in the easement clause in the panel

10.14 Notations for New Private Non Schedule Easements – Examples

10.14.1 Where no height limitation applies to the easement:

PORTION OF LOT 1 MARKED A IS TO BE SUBJECT TO AN EASEMENT FOR LIGHT AND AIR APPURTENANT TO CT 5678/123 AS SET FORTH IN THE ACCOMPANYING APPLICATION

PORTION OF LOT 6 MARKED B IS TO BE SUBJECT TO A RIGHT OF WAY ON FOOT ONLY APPURTENANT TO LOT 10 AS SET OUT IN THE ACCOMPANYING APPLICATION

10.14.2 Where a height limitation applies to the whole of the easement:

PORTION OF LOT 9 MARKED G IS TO BE SUBJECT TO A RIGHT OF WAY AS SET FORTH IN THE ACCOMPANYING APPLICATION LIMITED IN HEIGHT TO 20 METRES AHD APPURTENANT TO LOT 8

PORTION OF LOT 100 MARKED P IS TO BE SUBJECT TO AN EASEMENT FOR RIGHT OF SUPPORT AS SET FORTH IN THE ACCOMPANYING APPLICATION COMMENCING AT A HEIGHT OF 58.2 METRES AHD AND LIMITED IN HEIGHT TO 60.2 METRES AHD APPURTENANT TO CT 5678/123

10.14.3 Where the height limitation applies to portion of the easement:

PORTION OF LOT 10 MARKED A IS TO BE SUBJECT TO A RIGHT OF WAY AS SET FORTH IN THE ACCOMPANYING APPLICATION APPURTENANT TO CT 5678/123 AND LIMITED IN HEIGHT TO 20 METRES AHD ONLY TO THE PORTION MARKED X

The portion of the free and unrestricted right of way which is limited in height is identified as A/X on the plan.

10.14.4 Limited in time as to use:

PORTION OF LOT 7 MARKED B IS TO BE SUBJECT TO A RIGHT OF WAY LIMITED IN TIME AS TO USE AS SET FORTH IN THE ACCOMPANYING APPLICATION APPURTENANT TO LOT 8

10.15 Requirements for Notations to Create Service Easements in an Amendment to a Community Plan

10.15.1 The full name of the Crown, public or Local Authority must be shown in the easement notation unless it is the local government authority for the subject land of the plan, in which case the term TO THE COUNCIL FOR THE AREA must be shown.

10.15.2 Separate notations must be shown for each easement type when each easement is over different land.

10.15.3 The purpose of the easement must be shown.

10.15.4 Easements must refer to the lot or piece over which the easement is to exist.

10.15.5 The term SERVICE must be included in the easement notation.

10.15.6 Where limited in height, the height limitation must be fixed by reference to the Australian Height Datum.

10.16 Notations for New Service Easements - Examples

10.16.1 Easement for Sewerage purposes:

PORTION OF LOT 101 MARKED C IS TO BE SUBJECT TO A SERVICE EASEMENT TO THE SOUTH AUSTRALIAN WATER CORPORATION FOR SEWERAGE PURPOSES.

10.16.2 Easement for Water Supply purposes:

PORTION OF LOTS 3, 4, 5 AND 6 MARKED G IS TO BE SUBJECT TO A SERVICE EASEMENT TO THE SOUTH AUSTRALIAN WATER CORPORATION FOR WATER SUPPLY PURPOSES.

10.16.3 Easement for Drainage purposes:

PORTION OF LOTS 6 AND 7 MARKED A IS TO BE SUBJECT TO A SERVICE EASEMENT TO THE SOUTH AUSTRALIAN WATER CORPORATION FOR DRAINAGE PURPOSES.

10.16.4 Where the authority is the South Australian Water Corporation (with height limitation):

PORTION OF LOT 10 MARKED B IS TO BE SUBJECT TO A SERVICE EASEMENT TO THE SOUTH AUSTRALIAN WATER CORPORATION FOR SEWERAGE PURPOSES LIMITED IN HEIGHT TO 42.5 METRES AHD.

10.16.5 Where the easement is for electricity supply purposes:

PORTION OF LOTS 1, 2, 3, 4 AND 5 AND PORTIONS OF LOT 10 MARKED E ARE TO BE SUBJECT TO A SERVICE EASEMENT TO DISTRIBUTION LESSOR CORPORATION (SUBJECT TO LEASE 8890000) FOR ELECTRICITY SUPPLY PURPOSES.

PORTION OF LOT 1 MARKED A (T/F) IS TO BE SUBJECT TO A SERVICE EASEMENT TO TRANSMISSION LESSOR CORPORATION OF 1 UNDIVIDED 2ND PART (SUBJECT TO LEASE 9061500) AND ELECTRANET PTY. LTD. OF 1 UNDIVIDED 2ND PART FOR ELECTRICITY SUPPLY PURPOSES.

10.16.6 Where both easements are over exactly the same land in a plan:

PORTION OF LOTS 4, 5 AND 6 MARKED F IS TO BE SUBJECT TO THE FOLLOWING SERVICE EASEMENTS

TO THE SOUTH AUSTRALIAN WATER CORPORATION FOR WATER SUPPLY PURPOSES; AND

TO THE COUNCIL FOR THE AREA FOR DRAINAGE PURPOSES.

10.17 Requirements for Notations for the Variation of Easements in an Amendment to a Community Plan

10.17.1 Any easement regardless of its method of creation may be varied as to its size, shape or position, but not purpose.

10.17.2 The plan must show the new position, size or shape of the easement.

10.17.3 The old position, size or shape must not be shown on the plan. The notation must refer to a previous plan that delineated the easement to be varied. Where an easement is to be varied within an Allotment (Lot) shown in the previous plan but is to remain unchanged through the other Allotments (Lots), reference to the Allotment (Lot) number in the previous plan must be made in the notation.

10.17.4 A different easement identifier to the original must be used.

10.17.5 Where the easement is a private easement, the creation document must be shown. Where the easement is a service easement, the fabricated document number must be referred to in the notation on the plan. The original creation document or fabricated document number must be retained when an easement is varied.

10.17.6 Where an easement is to be varied in position, size or shape in one Lot but is shown unchanged over other land in the plan, a second notation must be shown to indicate the disposition of the easement as regards the other lots.

10.17.7 The purpose of the easement must be shown in the notation if it is shown in the recital of the CT or in the endorsement of a CL or CR.

- 10.17.8 Where an easement created in the same document is to be extended or reduced in length or width through one Lot but is to remain unchanged in width or length through other Lots in the same plan, a second notation must be shown to indicate the disposition of the easement(s) as regards those Lots.
- 10.17.9 Where an appurtenance is to be extended, only the result of that extension must be defined on the plan.

10.18 Notations for Varying Private Easements - Examples

- 10.18.1 Where an easement is to be varied as regards a particular Lot but is to remain unchanged through other Lots in the previous plan:
THE RIGHT OF WAY ON FOOT (RE-7689453) OVER PORTION OF LOT 17 MARKED B ON C31501 IS TO BE VARIED TO THE POSITION MARKED C.
- 10.18.2 Where the full extent of an easement depicted on the previous plan is to be varied:
THE EASEMENT FOR DRAINAGE PURPOSES (T3452391) OVER THE LAND MARKED A ON C73456 IS TO BE VARIED TO THE POSITION MARKED B.
- 10.18.3 Where there is no creation document shown in the recital of the CT for the servient land, reference to the dominant land must be made in the variation notation in the Annotation panel of the plan. In the following example the dominant land is Lot 2 in the same plan:
THE FREE AND UNRESTRICTED RIGHT OF WAY OVER PORTION OF ALLOTMENT 1 MARKED A IN D124569 APPURTENANT TO LOT 2 IS TO BE VARIED TO THE POSITION MARKED B.
Where the dominant tenement is outside the plan it must be identified by a CT reference or by referring to an allotment or lot number in a previous plan or some other uniquely identified land parcel eg. Section, Block, TA number etc.
- 10.18.4 The purpose of the easement must be shown if other easements for similar or different purposes were created by the same instrument (eg. RE-7654321) over the subject land in the plan:
THE EASEMENT FOR LIGHT AND AIR (RE7654321) OVER THE LAND MARKED A ON D124568 IS TO BE VARIED TO THE POSITION MARKED B".
- 10.18.5 Where land is being consolidated with other land that does not have a dominant easement and the appurtenance is to be extended to the new lot formed:
THE EASEMENT (RE6981231) APPURTENANT TO CT 5234/125 OVER A IS TO BE EXTENDED TO INCLUDE THE WHOLE OF LOT 121.

10.19 Notations for Varying Service Easement - Examples

- 10.19.1 Where a service easement is to be varied in any way, an appropriate notation must be placed on the plan.
EASEMENT FOR DRAINAGE PURPOSES (SEC29903C) OVER PORTION OF LOT 25 IN C29903 IS TO BE VARIED TO THE POSITION MARKED E.

10.20 Requirements for Notations for the Extinguishment of Easements in the Common Plan Format

Every opportunity should be taken to extinguish unnecessary easements.

- 10.20.1 Extinguishment of an easement can be either:
- A full extinguishment (eg: where rights are transferred from the dominant tenement(s) to the servient tenement(s), the full extent of the easement as set out in the creation document are extinguished) or

- A partial extinguishment (eg. where there are numerous dominant rights and only one or two but not all of the dominant tenements are to extinguish their right). Note: This is considered a full extinguishment as regards to the dominant land and a partial extinguishment as regards the servient land.

- 10.20.2 Pursuant to Section 23(3) of the Community Titles Act 1996 the easement must be extinguished by mutual consent of owners of both the dominant and servient tenements.
- 10.20.3 Pursuant to Section 90C of the Real Property Act 1886 where as a result of the consolidation of a dominant and servient tenements (by division), the easement is extinguished by operation of the Act to the extent of the consolidation only.
- 10.20.4 Pursuant to Section 90E of the Real Property Act 1886, rights of way including a free and unrestricted right of way over public road cannot exist over public road (with the possible exception of those created by a Commonwealth Act).
- 10.20.5 Pursuant to Section 223LF 2(b) and (c) of the Real Property Act 1886 when roads, reserves etc. vest in a council, prescribed authority or reverts to the Crown, they vest free of all estates and interests except pre-existing easements indicated on the plan of division excluding rights of way in the case of a street, road or thoroughfare.

10.21 Plan and Notation Requirements where an Easement is to be Extinguished in an Amendment to a Community Plan

- 10.21.1 Where an easement is to be extinguished in its entirety, a plan is not required unless the extinguishment is a planning condition of an amendment to a Community Plan.
- 10.21.2 Where an easement is to be extinguished as a planning condition on an amendment to a Community Plan, the easement to be extinguished must not be delineated on the plan.
- 10.21.3 When the subject land of a plan is a servient tenement, the general term OVER THE WITHIN LAND must be used to specify that the easement is to be extinguished only as regards the subject land. The easement as set out in the creation document may extend beyond the subject land.
- 10.21.4 When the subject land of a plan is a dominant tenement, the general term APPURTENANT TO CT (FOR THE SUBJECT LAND) must be shown as other Certificates of Title may have easement rights over the same servient land.
- 10.21.5 When both the servient and dominant tenements are contained in the same lot, the easement is automatically extinguished by virtue of Section 90C of the Real Property Act 1886 and reference to the lot in question must be shown in the notation.
- 10.21.6 The purpose of the easement must be shown in the notation where the purpose is shown in the recital of the CT.
- 10.21.7 Only reference to Section 90E of the Real Property Act 1886 must be shown for an extinguishment of right(s) of way.

10.22 Notations when an Easement is to be Extinguished by Section 23 of the Community Titles Act 1996

- 10.22.1 Where the subject land (or portion of the subject land) of a plan is a dominant tenement:
- EASEMENT FOR DRAINAGE PURPOSES (T234589) APPURTENANT TO THE WITHIN LAND IS TO BE EXTINGUISHED.
- (In the above example, CT 5678/123 (the subject land of a plan) is together with an easement over adjoining land. This easement created by T234589 is to be extinguished as a planning condition on the Community Plan.)

- 10.22.2 Where the subject land (or portion of the subject land) is a servient tenement and there is only one dominant tenement:

THE RIGHT OF WAY (TG4563409) OVER THE WITHIN LAND IS TO BE EXTINGUISHED.

(In the above example, the CT for the subject land states that portion of the land in the CT is subject to a right of way created by TG4563409. The right of way is to be extinguished on the Community Plan as a planning condition).

- 10.22.3 Where there is more than one dominant tenement and the easement is only to be extinguished appurtenant to one of the dominant tenements:

THE EASEMENT FOR DRAINAGE PURPOSES (RE6453210) APPURTENANT TO CT 5218/89 IS TO BE EXTINGUISHED.

An additional notation to identify land in the plan that continues to be a servient tenement is required eg:

PORTION OF LOTS 10 AND 11 MARKED C IS SUBJECT TO AN EASEMENT FOR DRAINAGE PURPOSES (RE6453210).

- 10.22.4 Where portion of the land within the bold black lines is to be expressly excluded from the right, two notations are required:

THE RIGHT OF WAY (T5421175) APPURTENANT TO LOT 4 IS TO BE EXTINGUISHED

and

LOTS 1, 2 AND 3 ARE TOGETHER WITH A RIGHT OF WAY OVER THE LAND MARKED B (T5421175)

- 10.22.5 Where portion of the land within the bold black lines is to be expressly excluded from an easement due to an obstruction, two notations are required:

THE EASEMENT FOR GAS SUPPLY PURPOSES (RE 6014451) APPURTENANT TO YARD SUB 1 IS TO BE EXTINGUISHED

and

THE COMMON PROPERTY AND YARD SUB 2 ARE TOGETHER WITH AN EASEMENT FOR GAS SUPPLY PURPOSES (RE 6014451) OVER THE LAND MARKED A.

10.23 Notations when an Easement is to be Extinguished by Section 90C of the Real Property Act 1886

- 10.23.1 Where other easements exist:

EASEMENT FOR WATER SUPPLY PURPOSES (TG7654567) APPURTENANT TO CT 5678/123 OVER LOT 2 IS TO BE EXTINGUISHED.

In the above situation, where other easements exist (eg: Lot 2 may be either the servient tenement or dominant tenement for other easements), notation(s) indicating the disposition of the other easements must be shown on the plan eg:

PORTION OF LOT 2 MARKED A IS SUBJECT TO AN EASEMENT FOR WATER SUPPLY PURPOSES (RE6754290).

10.24 Notations when a right of way is to be Extinguished by Section 90E of the Real Property Act 1886

Section 90E of the Real Property Act 1886 does not apply to:

- Other easements over public road, or
- A right of way created pursuant to a Commonwealth Act.

- 10.24.1 The rights of way to be extinguished pursuant to Section 90E must not be shown on the plan:

THE RIGHT OF WAY (T719176) OVER SMITH ST (PUBLIC ROAD) IS EXTINGUISHED BY SEC 90E OF THE RPA 1886.

THE FREE AND UNRESTRICTED RIGHT OF WAY APPURTENANT TO CT 5161/97 OVER JOHN ST (PUBLIC ROAD) IS EXTINGUISHED BY SEC 90E OF THE RPA 1886.

- 10.24.2 All existing rights of way over lots to vest as public road are automatically extinguished by Section 90E of the Real Property Act 1886 upon the acceptance of the amended Community Plan for deposit. In this situation a notation must be shown on the plan eg:

THE FREE AND UNRESTRICTED RIGHT OF WAY OVER LOTS 100, 101 AND 102 (PUBLIC ROADS) IS EXTINGUISHED BY SEC 90E OF THE RPA 1886.

10.25 Notations when an Easement is to be Extinguished by Section 223LF(2)(b) of the Real Property Act 1886)

- 10.25.1 Where portion of an easement is to be extinguished over Allotment(s) to vest as a road or a Reserve in a Community Plan, separate notations must be shown for the portion of the easement to be retained and for the portion to be extinguished eg:

PORTION OF LOTS 1 TO 5 INCL. MARKED A ARE SUBJECT TO AN EASEMENT FOR WATER SUPPLY PURPOSES (T1987671)

and

EASEMENT FOR WATER SUPPLY PURPOSES (T1987671) OVER PORTION OF ALLOTMENTS 6 (PUBLIC ROAD) AND 7 (RESERVE) IS TO BE EXTINGUISHED

- 10.25.2 Where the whole of an easement is not to be carried forward over Allotment(s) to vest as road or a Reserve in a Community Plan:

EASEMENT FOR LIGHT AND AIR (T123456) IS TO BE EXTINGUISHED.

10.26 Amending the external boundaries of a Community Plan

Methods of amending the external boundaries of a Community Plan:

- Where the whole of an Allotment is added to a Community Plan
- Where portion of an Allotment is added to a Community Plan
- Where land is truncated from a Community Plan and added to an Allotment
- Where land is truncated from a Community Plan to form an Allotment
- Where land is both truncated and added to a Community Plan to form an Allotment

10.27 Amendments where the whole of an Allotment is added to a Community Plan

An outer boundary plan in conjunction with a substituted amended Community plan will be required. Exemption to lodge an Outer Boundary Plan may be given if the land being added to the Community Plan is in accordance with Section 4.28.5. DAC approval is required for the amended Community Plan.

The amended Community Plan must show:

- The original and new Outer Boundary Plan numbers in the LAST PLAN reference.
- The former identity of the land in the Community Plan and the Allotment being added in the SUBJECT TITLE DETAILS.
- All current title references of the Community Plan affected by the amendment in the OTHER TITLES AFFECTED.

This section is to be read in conjunction with the other requirements as set out in section 10.

10.28 Amendments where portion of an Allotment is added to a Community Plan

A certified plan of division must be lodged in conjunction with a substituted amendment to the Community Plan. DAC approval is required for both plans.

The Division Plan must show:

- The balance of the Community Plan as open .The full extent must not be shown.
- All the land being divided in the SUBJECT TITLE DETAILS eg former Allotment and where applicable the Common Property and Lot titles as parties to the division.

The amended Community Plan must show:

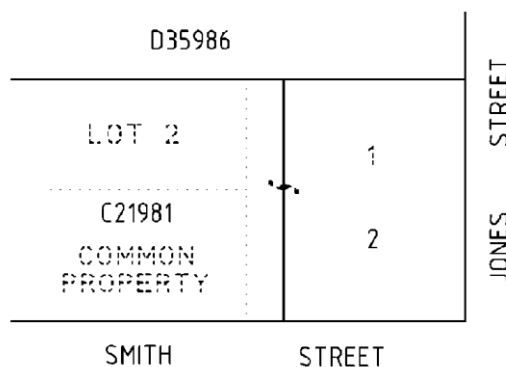
- The Outer Boundary Plan and the new Division Plan numbers in the LAST PLAN reference.
- The former identity of the land in the Community Plan and the portion of the land being added in the SUBJECT TITLE DETAILS.
- All current title references of the Community Plan affected by the amendment in the OTHER TITLES AFFECTED.

This section is to be read in conjunction with the other requirements as set out in section 10.

In the example below portion of Allotment 1 in D15678 is being added to the Common Property and Lot 2 in C21981.

The SUBJECT TITLE DETAILS for the plan of division must include the land that is being affected eg. Allotment 1 in D15678, Common Property and Lot 2 in C21981.

The SUBJECT TITLE DETAILS of the amended Community Plan must be the same as the original community plan and include the former identity of the land added to the Community Plan eg: if portion Allotment 1 in D15678 is added to the Common Property and Lot 2 in the Community Plan, then portion of Allotment 1 in D15678 must be added to the SUBJECT TITLE DETAILS in the amended Community Plan. The OTHER TITLES AFFECTED must show the current title references for Lot 2 and Common Property in C21981.



10.29 Amendments where land is truncated from a Community Plan and added to an Allotment

A certified plan of division must be lodged in conjunction with a substituted amendment to the Community Plan. DAC approval is required for both plans.

The Division Plan must show:

- The balance of the Community Plan as open. The full extent must not be shown.
- All the land being divided in the SUBJECT TITLE DETAILS eg former Allotment and where applicable the Common Property and Lot titles as parties to the division.

The amended Community Plan must show:

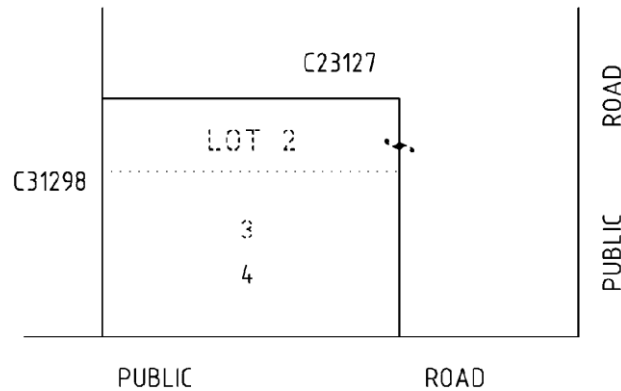
- The Outer Boundary Plan and the new Division Plan Number in the LAST PLAN reference.
- Portion of the original title in the Community Plan in the SUBJECT TITLE DETAILS.
- All current title references of the Community Plan affected by the amendment in the OTHER TITLES AFFECTED.

This section is to be read in conjunction with the other requirements as set out in section 10.

In the example below Allotment 3 and portion of Lot 2 in C23127 is merging to form Allotment 4 in the new division plan. The SUBJECT TITLE DETAILS of the original Community Plan of C23127 is Allotment 1 in D 123.

The SUBJECT TITLE DETAILS for the plan of division must include all the land that is being affected eg. Allotment 3 in D15678 and portion of the Lot 2 in C23127.

The SUBJECT TITLE DETAILS of the amended Community Plan must be portion of the original title in the Community Plan eg. PT Allotment 1 in D123. The OTHER TITLES AFFECTED must show the current title for Lot 2.



10.30 Amendments where land is truncated from a Community Plan to form an Allotment

A certified plan of division must be lodged in conjunction with a substituted amendment to the Community Plan. DAC approval is required for both plans.

The Division Plan must show:

- The balance of the Community Plan as open. The full extent must not be shown.
- All the land being divided in the SUBJECT TITLE DETAILS eg former Allotment and where applicable the Common Property and Lot titles as parties to the division.

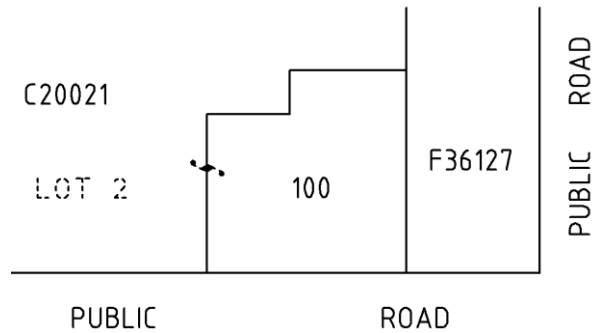
The amended Community Plan must show:

- The Outer Boundary Plan and the new Division Plan Number in the LAST PLAN reference.
- Portion of the original title in the Community Plan in the SUBJECT TITLE DETAILS.
- All current title references of the Community Plan affected by the amendment in the OTHER TITLES AFFECTED.

This section is to be read in conjunction with the other requirements as set out in section 10.

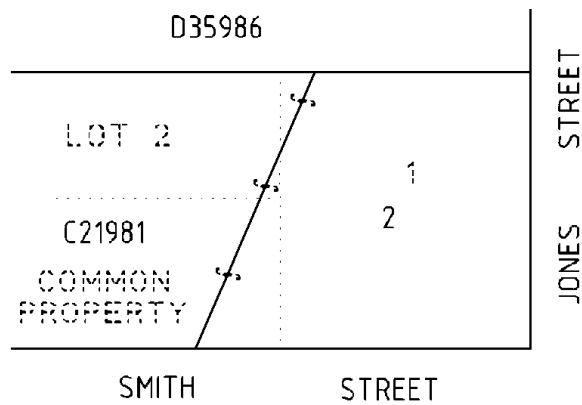
In the example below portion of Lot 2 in C20021 is being divided to form Allotment 100. The original Community Plan land description of C20021 being Allotment 1 in D 234. The SUBJECT TITLE DETAILS for the plan of division is portion of Lot 2 in C20021.

The SUBJECT TITLE DETAILS for the amended Community Plan must be portion of the land in the original Community Plan eg portion of the original title in the Community Plan eg. PT Allotment 1 in D234. The OTHER TITLES AFFECTED must show the current title for Lot 2 in C20021.



10.31 Amendments where land is both truncated from and added to a Community Plan to form an Allotment

In the example below portion of Lot 2 and Common Property in C21981 and Allotment 1 is being divided to form Allotment 2.



10.32 Amalgamation of Community Plans

Two or more Community Plans may be amalgamated to form a single Community Plan provided they are within the same Tier and Scheme Type.

- 10.32.1 A primary plan can be amalgamated with another primary plan if the primary parcels are contiguous.
- 10.32.2 A secondary plan can be amalgamated with another secondary plan if both the secondary parcels form part of the same primary scheme.
- 10.32.3 A tertiary plan can be amalgamated with another tertiary plan only if both the tertiary parcels form part of the same secondary scheme.

To amalgamate plans the following heading must be used:

AMALGAMATION OF COMMUNITY PLANS